

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MARCH 18, 2003**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman; Bevin Putnal, Eddie Creamer, Clarence Williams and Jimmy Mosconis, 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 1-7) Commissioner Putnal made a **motion approving the minutes of the meeting held on March 4, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-13) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-23) Chairman Sanders said she would like to address a situation this morning. She stated the Board had received criticism from the public and in the press about the way voting on motions was done. She asked the Board if they would vote on each motion by stating "yea" or "nay" when making the final vote on a motion. She said this would only need to be done during votes on matters such as re-zonings, land-use changes, etc. She said this would make the record very clear as to how each Commissioner voted on an issue. She stated the Board members, at this time, just voice if they are voting against a motion. The Commissioners agreed this would be all right with them to voice their individual votes on motions.

DEWITT POLOUS-MOSQUITO CONTROL DIRECTOR

(Tape 1-30) Mr. Polous asked the Board to authorize the hiring of an additional mosquito spraying truck operator for approximately twenty-six weeks. He stated he mentioned this during the budget workshops last summer. He said the Board approved the hiring of a part-time person to spray for mosquitoes during the summer months. He stated he would also have to replace the current part-time employee since he has transferred to the Road Department to fill the vacancy there. He said both of these employees were considered part-time employees. He asked if he could use the applications he received when he originally advertised for the part-time position and just select two employees from this application pool instead of one. He said he has numerous applications for this position. Commissioner Creamer asked the County Attorney, Mr. Shuler, if the Board needed to advertise at least for the second position since the original advertisement was for one part-time employee. Mr. Shuler recommended the Board re-advertise for the newly approved part-time employee. Commissioner Creamer made a **motion to authorize Mr. Polous to advertise for the second part-time opening in the Mosquito Control Department.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Polous also asked the Board to increase the hourly pay rate for these employees from \$7.00 an hour to \$8.00 an hour. He stated he has checked with the Finance Office and he does have the funds to pay \$8.00 an hour instead of just \$7.00 an

hour. He explained it is very difficult to hire someone for just \$7.00 an hour. He said it was difficult to find responsible people to drive a truck most of the night. Commissioner Creamer made a **motion authorizing Mr. Polous to increase the hourly rate from \$7.00 an hour to \$8.00 an hour for part-time employees of the Mosquito Control Department.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-90) Mr. Chipman said he didn't really like to discuss the type of matter he was going to have to discuss next with the Board this morning. He stated he had an employee that has filed a grievance on one of his Supervisors. He said he would like the Board to help him solve this problem. He stated he would leave it up to the Board to solve it. Kendall Wade, the Clerk, said he has talked to Mr. Chipman and to the other two individuals involved in this situation. He stated he has also talked to the Lucy Turner, with the County's labor attorneys, Carson and Adkins, in Tallahassee. He said the employee procedure is for the grievance to be submitted to the Clerk, if the grievance can not be solve internally at the Road Department, and then the Clerk is supposed to present the information to the Board of County Commissioners. He submitted a package of information including copies of the grievances, incident reports, etc. to each Commissioner for their review. He said he thought, at this point, the Commissioners would need to take some kind of action as to where this matter could be referred to for a solution. He stated he was instructed by the labor attorney not to mention any specific names involved in this situation. Commissioner Putnal stated the Board, as a whole, didn't know all of the facts regarding this situation. He said the Board had not had a chance to review this information since they just received it. He stated he doesn't like to go by "hear say". He said he like to know the information and know what is going on. He suggested the Board ask the labor attorney's to send someone down to Franklin County as a mediator to meet with these employees. He said then they could furnish the Board with the facts and with a possible recommendation for solving this problem. He stated then there wouldn't be any mistakes or lawsuits. Mr. Wade said he had already talked to them and they recommended the Board follow their own personnel rules. He stated the rules state the Board has to conduct a public hearing and hear all sides in the disagreement. Mr. Wade said his recommendation would be that the County Attorney be directed to review the grievances, etc. and then make a recommendation to the Board as to what exactly should be done. He said the personnel rules are very clear and reflects the Board of County Commissioners should schedule a public hearing to hear all sides of the matter. He stated Mr. Shuler could review the rules and provide a recommendation as to where the Board needed to go with this matter to have it solved once and for all. He said he had attached this pertinent information from the personnel rules to the grievances and other paperwork in the information package he presented to them this morning. He said Mr. Shuler could contact the Labor Attorney to see what process needs to be followed if the Board has a question or problem with following the personnel rules. He stated when the problem can't be resolved by the Department Head then the Board has to step in and hold a public hearing. Commissioner Mosconis asked Mr. Shuler if he hadn't talked to the labor attorney yesterday. Mr. Shuler replied he had talked to Ms. Turner yesterday and was informed by her the Board had two options, both of which would

result in the Board having to conduct a public hearing on the matter. He informed the Board the first option is to have the labor attorney's Office come to Franklin County and investigate the allegations and then make a recommendation to the Board and the second option is for the Board to conduct the public hearing and inquiry. He stated either way the Board would have the final decision. He said he thought it might be prudent, at this point, to ask the labor attorney to investigate the matter and then report back to the Board with a recommendation or a direction for the Board to take. Commissioner Putnal said this is exactly what he wants done. Commissioner Mosconis asked who would actually do the investigation. Mr. Shuler stated he would coordinate the schedule of the interviews of the affected parties. He said either Lucy Turner or Leonard Carson would actually conduct the interviews or investigation. Commissioner Mosconis said he thought these charges are pretty serious. He stated, in his interpretation, the actions reflected in the grievances constitute "Violence in the Work Place". He said this was not anything to be taken lightly and definitely needed to be addressed. He stated he agreed with what Commissioner Putnal suggested the Board have an outside, independent evaluation of the situation. He said then the Board is, by doing this, going to totally agree and act on their recommendation. He stated if the Board did go this "route" and ask the labor attorney to investigate this matter then they would provide a recommendation to the Board. He stated in any case the Board of County Commissioners would have to take the final authoritative action on the matter. Mr. Chipman interjected he didn't want anybody to be convicted of anything if he could help it. He stated both of these employees involved are good employees and he likes both of them. He said the grievances have to be addressed. Commissioner Mosconis asked Mr. Chipman if he knew one of these grievances was filed against him as well. Mr. Chipman replied he couldn't help this. Commissioner Creamer said this investigation was going to cost the taxpayers "big bucks" and asked if when they do decided on what needed to be done was the Board going to take their recommendation. He said, in his opinion, the Board should follow their recommendation no matter how hard or difficult it is. He stated the Board could not "crawfish" and get out of making a difficult decision. Commissioner Putnal said he would definitely take their recommendation. Commissioner Creamer stated if the attorney's recommend firing all of the employees involved then so be it. He said he was going to do what the attorney's recommend since they are going to be gathering the facts. He stated he wanted to make sure this was perfectly clear that if the County was going to spend the money and the time to have the matter professionally investigated then the Board was going to follow the recommendation to the fullest degree. Commissioner Putnal stated he totally agreed and would follow their recommendation. Chairman Sanders asked what the Board would like to do this morning. Commissioner Putnal said he would make a **motion directing Mr. Shuler to coordinate with the labor attorney's about investigating this matter that occurred at the Franklin County Road Department.** Commissioner Mosconis said he wanted to say that since the Board was "going this route" that whatever action is recommended by the labor attorney's is followed by the Board no matter how hard it is. Commissioner Putnal said he "knew this was exactly right". He stated he thought the labor attorney's would steer the Board in the right direction. Commissioner Mosconis stated this is one of those situations where the Board must act on. He said this is going to costs the taxpayers a lot of money. He stated when the labor attorney's present their findings and recommendations to the Board then

FCBCC MINUTES-MARCH 18, 2003

the Commissioners cannot "pick at" what they recommend. Commissioner Putnal agreed. Commissioner Mosconis said the Board would have to take what the labor attorney's recommend as "the Gospel". Mr. Shuler stated the Board, just for information purposes, was not legally bound to follow their recommendation. He said the Board could accept the recommendation, but the Board was not legally obligated to follow their recommendation. He stated the final decision would have to be made by the Board. Commissioner Putnal said the Board could really wind up in a huge lawsuit that could cost the County twice as much as having the matter professionally investigated. Commissioner Mosconis said he wanted to be sure everyone was "clear on the road the Board was taking this morning". He stated he wanted to be sure everyone knew what was going to be "at the end of this road". He said Commissioner Creamer informed the Board this morning that he wanted to do whatever the attorney's recommend. He stated this is his thinking as well. Commissioner Putnal said he was going to agree with Commissioner Mosconis and Commissioner Creamer that whatever the attorney's recommend is what the Board is going to do. He stated the whole Board, he thought, has come to this agreement. Commissioner Creamer said this is the whole purpose for getting these people here to investigate this problem. He stated he knew the Board has the power to either follow their recommendation or not. He said the purpose is to have an independent person conduct the investigation and assist the Board with the decisions that need to be made. Commissioner Williams said there were two men involved in this situation that had long time careers with the County. He asked the Board and Mr. Chipman if the Board and Mr. Chipman couldn't sit down and "iron this thing out". He asked if this had gone beyond that. Commissioner Putnal said, "Maybe the investigator could iron this out". Commissioner Creamer asked if Commissioner Williams was asking if this couldn't be handled "in house". Commissioner Williams answered yes he was. Commissioner Mosconis said when he first heard about this situation; he has worked people for almost twenty-nine years in a supervisory or leadership position, he couldn't understand how it happened. He said you have to be there to run a business whether you liked it or not. He stated he has had incidents before as well, but he has been able to work them out with the individuals. He said this incident at the Road Department has not been the first incident like this. He stated they have had other incidents like this before, but they have all been worked out one-way or another. He said he thought this situation had just gotten too far out of hand. He stated he didn't understand why the matter wasn't resolved before anyone went home from work that day. He said he wasn't there and he wasn't involved so he really didn't know. He stated now it has been thrown into the Commissioners lap to rectify. Commissioner Mosconis said if this is determined to be a case of "Violence in the Work Place" "before I would vote for that I would turn in my resignation in to the Governor, I'll tell you that". He said "if this is what the investigation shows because I am not going to be a party to that, but I want to make sure the Board is clear when this investigation is given to us we won't, and I think what we are asking is we want a clear direction to take from that incident that happened over there". He said, "we don't want to spend seven-hundred or eight-hundred dollars or two-thousand dollars on an investigation and they come in here and say well if you want to do this or you want to do that". He stated he wanted something "decisive" for them to give to the Board and then the Board can move forward. Commissioner Mosconis said he would now second Commissioner Putnal's motion. Chairman Sanders informed the

Board she would be filing a Form 8B since, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, since the incident involved her husband, Oscar Sanders, an employee of the Road Department and could not vote on the motion. Commissioner Putnal, Commissioner Mosconis, Commissioner Creamer and Commissioner Williams voted for the motion. **MOTION CARRIED.**

(Tape 1-410) Mr. Chipman continued his report at this time. He said he had hired the part-time employee for his department. He informed the Board Matthew Roberts had transferred from the Mosquito Control Department.

(Tape 1-431) He said he has talked to the Board at the last few meetings about the lift system at the Road Department Repair Shop. He stated even after the Board agreed to pay the extra money for the system, the owner of the business informed Rusty Putnal, the mechanic at the Road Department, he was no longer selling lift systems. He explained to the Board they needed a lift system very badly. He said they had decided to purchase a new above ground system since the old below ground system was out-of-date and no longer manufactured. He stated he and Mr. Putnal were trying to get some information on an above ground lift system. He said hopefully he would have more information for the Board at the next meeting.

(Tape 1-454) Commissioner Mosconis said he wanted to ask Mr. Chipman if he had a vehicle of any kind for the new County Engineering Technician, Chris Clark, to use in his job. He stated Mr. Clark needed some transportation. Commissioner Putnal said the School Board had two vans they were going to auction off. He stated he thought they were worth looking at anyway. Alan Pierce, Director of Administrative Services, said he didn't think a van would work for Mr. Clark. He stated he hadn't looked at the vans, but he was sure a van wouldn't work. He said he knew Mr. Clark needed a pick-up truck. Mr. Chipman stated he had the old Ford Bronco they had gotten from the Sheriff's Department. He said it didn't have four-wheel drive, but he thought it would work for Mr. Clark. He stated the mechanic did use it, but he thought Mr. Putnal would agree to let Mr. Clark have the Bronco. He said he would check into this matter and see what he could do.

(Tape 1-560) Commissioner Putnal said over on the road on Carrabelle Beach, Herndon Road, somebody has bought the property and is attempting to block the road off. He stated the new property owner gave the people living on the road a certain length of time to stop traveling up and down the road. He asked if Mr. Chipman would check into this matter. Mr. Pierce said the County has Herndon Road, which goes in and dead ends. He stated Quail Run that goes in as well and dead ends. He said the two roads do not connect so this would be a private property dispute. He stated the public has driven over the private property so everyone thinks the roads are connected, but they are not. He said they are not connected by legal description or by public maintenance. He stated it is definitely private property. Commissioner Putnal said then Mr. Pierce is recommending the parties get lawyers and go to Court. Mr. Pierce replied they would have to because the County has no interest in this matter. Mr. Shuler informed Commissioner Putnal that

if it isn't a public road, either by dedication or maintenance, it would not involve the County.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-636) Mr. Johnson asked the Board for approval to pay for the recent repair work on the Landfill's Komatsu Trash Compactor from the Tipping Fee Budget. He explained repairs on the machine consisted of fixing several hydraulic leaks, replacement of the rear u-joints and pinion seals, removing and replacing the transmission, removing and replacing all four wheels seals and rebuilding the wheel hubs. He informed the Board the cost of repairs totaled \$21,742.44. He said such an expense from the Solid Waste Repair and Maintenance Budget would leave the fund extremely short with six months remaining in the Fiscal Year. Commissioner Putnal made a **motion authorizing the payment for the recent repair work, totaling \$21,742.44, on the Landfill's Komatsu Trash Compactor be paid from the Tipping Fee Budget as well as authorization to move the money from the Tipping Fee Budget into the Solid Waste Repair and Maintenance Budget.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-697) He said the Board has already approved the request for providing Dog Island Conservation District with the financial assistance in purchasing needed Solid Waste Equipment for Dog Island. He said to make sure the record is clear a motion is needed approving the transfer of funds to the Dog Island Conservation District from the Sale of Recovered Material (Recycling Fund) Budget. He stated the amount that needs to be transferred is \$20,778.50. Commissioner Putnal made a **motion approving the transfer of \$20,778.50 from the Sale of Recovered Material (Recycling Fund) Budget to the Dog Island Conservation District.** Commissioner Williams seconded the budget. All for. **MOTION CARRIED.**

(Tape 1-720) He informed the Board and the audience the Landfill would begin the Summer Operating Hours on April 1st. He reminded the Board and audience the hours the Landfill would be open would be from 7:00 a.m. until 5:00 p.m. Monday through Friday and from 9:00 a.m. until 1:00 p.m. on Saturdays. He said the Summer Operating Hours are in effect through September 30th.

(Tape 1-734) Commissioner Putnal said he knew Mr. Johnson's employees would have to accrue some comp time because of these hours. He stated that is why he mentioned it to the Board this morning because the Landfill cannot provide these services without employees. He said this is something that cannot be helped. He said he had attached a comp time report to his report for the Board this morning. He stated his department has utilized approximately 600 hours since the first of the year.

(Tape 1-785) Chairman Sanders said there had been a "Carrabelle Clean-Up" Project on March 5, 2003. She asked Mr. Johnson how many loads of trash were actually picked up. Mr. Johnson stated his crew cleaned the City of Carrabelle thoroughly, but he didn't have the exact weight amount. Chairman Sanders stated she would like to know how much the

FCBCC MINUTES-MARCH 18, 2003

trash weighed or what the exact amount of trash hauled to the Landfill totaled. Mr. Johnson assured Chairman Sanders he would compile some totals for her.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-803) Mr. Mahan said he wanted to inform the Board this year's National Shellfish Association's Annual Meeting was scheduled for April 13th through April 17th in New Orleans, Louisiana. He said the NSA is an international organization of scientists, management officials and members of industry, all deeply concerned with the biology, ecology, production, economics and management of shellfish resources.

(Tape 1-816) He stated the Gulf and South Atlantic States Shellfish Sanitation Conference is currently scheduled for June 16th through June 19th in Key West, Florida.

(Tape 1-835) He informed the Board he has attached a copy of a Memorandum, which he received last week from Ken Moore, ISSC, changing the date of the ISSC Biennial Meeting in Portland, Oregon from August 9th through August 15th to August 2nd through August 8th. He said the site of the meeting, the Portland Marriott Downtown, has not been changed.

(Tape 1-853) He said the ISSC's Vv Subcommittee and the Vv Management Committee met in Portland, Oregon on March 5th and 6th to discuss issues related to Vv. He stated a major topic of discussion was to increase the current acceptable PHT-oyster Vv level from a non-detectable to a level more typical of a "wintertime" oyster. He explained the exact number of Vv that would be acceptable was not determined during the meeting. He said a small workgroup was appointed to see if they could draft out a proposal based on scientific data to support the idea of increasing the number of allowable Vv.

(Tape 1-906) He said he and Leslie Sturmer, UF IFAS, received eleven responses from the Clam Farming Workshop Questionnaire, which was sent to each of the clam farmers in Franklin County. He explained the workshops the farmers were most interested in were as follows: "How to Handle and Harvest Clams", "CLAM Software", Marketing Farm-Raised Clams", "How Clam Seed are Produced", and "How to Sieve, Estimate, Stock and Plant Clams". He stated he and Ms. Sturmer were currently working on the schedule for this year's series of workshops.

(Tape 1-926) Mr. Mahan informed the Board he was recently appointed to the Department of Agriculture and Consumer Services Clam Liaison Committee, which makes recommendations to the Bureau of Seafood Marketing on ways the agency could help promote Florida farm-raised clams. He said the committee is currently working with the Bureau on several projects to promote Florida farm-raised clams.

(Tape 1-1019) He explained he had attached a copy of a legal description, plat and marina improvement plan for the marina Bob Allen owns in the Two-Mile area outside of Apalachicola along U. S. Highway 98.

ELLIE TULLIS, HEALTHY FAMILIES PROGRAM MANAGER

(Tape 1-1094) Ms. Tullis, FCPHU, said she was requesting the Board adopt a Resolution designating March 20, 2003 as "Children's Day in Franklin County". She said this celebration would be in conjunction with the Florida State Legislature's celebration of Children's Days during the month of March throughout the State of Florida. She stated the Resolution urges all citizens of Franklin County to support quality health care, early education and care for all children. Ms. Tullis said there would be a celebration at the FCPHU on March 20th beginning at 2:00 p.m. and ending at 4:00 p.m. She invited all of the Commissioners and the members of the audience to the celebration. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Resolution designating March 20, 2003 as "Children's Day in Franklin County" in conjunction with the Florida State Legislature.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

SHAKRA JUNEJO, MD, EXECUTIVE DIRECTOR-FCPHU

(Tape 1-1133) Commissioner Mosconis said Dr. Junejo would like to address the Board this morning. Dr. Junejo thanked the Board for adopting the Resolution designating March 20, 2003 as "Children's Day in Franklin County" and invited the Commissioners to the celebration. Dr. Junejo informed the Board she would be leaving Franklin County and the Franklin County Health Department effective June 2nd. She said she had been in Franklin County and with the Health Department the last six years. She stated she would be accepting a position in the State of Florida Health Office. She said she had accumulated a lot of leave time and her new job actually started June 2nd. She stated she would be in and out of the Health Department to see the Health Department through the Quality Assurance Review Process conducted by the State Health Office. She informed the Board she would be leaving behind a staff, which is fully empowered and capable of running the Health Department without her presence. She said Dr. Sorenson, the Deputy State Health Officer, would be here on April 11th and would like to meet with any of the Commissioners who could come to the Health Department to visit her that day. She stated Dr. Sorenson would develop a plan to fill the vacancy created by her leaving the Health Department. Dr. Junejo thanked the Board for all of the support they had given her over the past six years. She said, with the Board's assistance, she and her staff had been able to complete a lot of projects. She stated the health care access has been greatly improved in Franklin County. She said there the new Health Department buildings in Carrabelle and Apalachicola have been completed and opened during her six years here in Franklin County. Commissioner Mosconis and Commissioner Creamer both said it had been a pleasure working with Dr. Junejo. Chairman Sanders said she really hated to see Dr. Junejo leave Franklin County. Commissioner Putnal asked if Mr. Pierce should go ahead and advertise for this position. Mr. Wade informed Commissioner Putnal this was a State position not a County position. Dr. Junejo informed the Board the State of Florida was following the procedures for hiring a new physician for the Health Department. Chairman Sanders said she would like to personally thank Dr. Junejo for all the help she has given the "Healthy Kids Program" as well as the other programs in Franklin County. She said a lot of funds for Franklin County programs had been acquired by Dr. Junejo pursuing them at the State level. Commissioner Mosconis said he wanted to make a motion **adopting a Resolution of Appreciation for Dr. Junejo and**

all of her service to Franklin County for the past six years. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Dr. Junejo thanked the Board for their "kind words" this morning and informed the Board she would only be a telephone call away.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-1286) Mr. Pierce informed the Board Congressman Alan Boyd's office called him Friday to inform him \$1.5 million dollars is in the Federal Budget for the dredging of the Eastpoint Channel. He said the County had originally requested \$2.5 million. He stated it was not clear as to when the USCOE would receive the funds. He said he has called Terry Jangula, USCOE Panama City Office, and informed him of this good news. He said he would need the Board to authorize him to send a letter to FDEP telling them the County is going to receive this money and asking them to go ahead and decide on a disposal site now the funds have been appropriated. Commissioner Putnal made a **motion authorizing Mr. Pierce to send a letter to FDEP informing them Federal Funds, approximately \$1.5 million dollars, has been appropriated to dredge the Eastpoint Channel and requesting them to approve a disposal site for the dredge material.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer said he had talked about this situation with Mr. Pierce. He informed the Board he and Mr. Pierce might have to go to Tallahassee and actually walk the permit through so the dredging will not be held up.

(Tape 1-1328) Mr. Pierce presented a letter dated March 12, 2003 from DCA informing the Board the Comprehensive Plan Amendment regarding "Summer Camp" had been determined to meet the requirements of DCA and the other State of Florida agencies involved in this project. He said the letter states the Department would now issue a "Notice of Intent" to find the plan amendment in compliance. He said the "Notice of Intent" has been sent to the Apalachicola Times for publication on March 13, 2003.

(Tape 1-1339) He said the Board authorized the Chairman to sign the Preble-Rish contract for the re-design of the Apalachicola Airport Road, but he had not asked the Chairman to sign the contract until he was sure the project was going to move forward using the new design, and until Preble-Rish deleted a section regarding inspection services he wasn't going to have it signed. He stated the project is going to move forward now and Preble-Rish has deleted the section he asked them to. He said Preble-Rish is still negotiating with URS Engineering, the previous engineers of the project, over the separation of items that URS should pay for and what Preble-Rish should pay for. He explained he did not need any Board action this morning, but the Chairman could now sign the contract. He informed the Board he did have a letter from URS releasing the County from the design portion of the project. He said he would send a letter to Larry Park, URS Corporation, acknowledging an agreement between the Board and URS for the termination of Task Order #4, Aviation Services Agreement, for the design of the Apalachicola Airport Road to access the proposed Industrial Park at the airport.

(Tape 1-1364) He informed the Board there are continuing complaints about the flooding created by the St. James Development in the Eastern end of the County. He said the

FCBCC MINUTES-MARCH 18, 2003

flooding has mostly been caused by the St. James Bay Golf Course storm water system on lots below St. James Bay. He said he has talked to Bob Klein, a representative of the St. James development, and Mr. Klein told him there have been unprecedented torrents of rain, which keep washing out part of the system. He said they have to stop the flooding by the end of this week. He stated he has already contacted FDEP about this situation. He explained the storm water system was approved by FDEP and was designed to withstand the one hundred year flood, but they just haven't been able to complete the system because of all of the rain in the area.

(Tape 1-1392) He said he received a letter, by fax, from the City of Carrabelle asking the County to pave the area in front of the Carrabelle U. S. Post Office on Tallahassee Street. He said the letter states the County created pockets where water collects and stands making navigation difficult for pedestrian traffic when the County paved in front of the Post Office. He said the City is requesting the County to help in correcting this problem. He said the County did resurface Highway 67 in front of the Post Office, but did not pave, because it is not part of the driving lane, this area. Mr. Pierce stated he called the City of Carrabelle City Clerk, Becky Jackson, and told her the County paved what they could with the funds available. He said he told her if and when the County has a paving program this area might be paved, however the County was not going to do any paving in the near future. He suggested to the Board the City of Carrabelle use some of the Gas Tax Revenues to pave this area. Chairman Sanders said she talked to Mr. Pierce about this matter a month or so ago and was informed by him he would talk to a company, BMI, to see if they would at least give the County an estimate of the costs of paving this area. Mr. Pierce replied he did get a cost estimate and sent it to the City of Carrabelle since he felt this was their responsibility. Chairman Sanders asked if he had received any response from them. Mr. Pierce replied no he hadn't. Chairman Sanders said she wanted some kind of response from them. She asked Mr. Pierce to send them a letter suggesting they use their share of the Gas Tax Revenue to pave the area in front of the Post Office. Mr. Pierce said the estimate, he thought, was approximately \$4,000.00 or less. He stated he would send a letter to the City of Carrabelle informing of this information and encouraging the City to use their Gas Tax Revenue to pave this area they want paved.

(Tape 1-1484) He informed the Board he received a package of information requesting a change to the SGI DO for the creation of a multi-slip dock on the East End of the Island. He said the Board charges a fee of \$2,500.00 for reviewing any DRI amendments. He said the fee was not submitted by the group requesting the change. He explained the Planning Office would contact DCA about this request, because there has never been such a request submitted before. He said the Planning Office would also inform the applicant of the need for payment if this amendment needs to be reviewed.

(Tape 1-1511) He said he was requesting the Board approve a modification of an existing public easement, recorded August 14, 2001, between the City of Apalachicola and Franklin County. He explained the modification would allow Progress Energy, formerly Florida Power, to provide power down the existing easement, which is necessary for the water pumps being installed in the City. He said currently the easement only allows for access and maintenance of the water distribution system, and does not mention power supply. He said the title of the easement agreement would change from

FCBCC MINUTES-MARCH 18, 2003

“Public Easement Agreement” to “Public Utility Easement Agreement”. He stated Progress Energy has requested this modification. He said one of the easement lines, Line “C”, is being shifted to allow easier access to Bluff Road as well. He asked the Board to approve the Chairman’s signature on this modification contingent on the County Attorney reviewing the document. Commissioner Mosconis made a **motion authorizing the Chairman to sign a “Public Utility Easement Agreement” as requested by Progress Energy, formerly Florida Power, to allow access and maintenance of the water distribution system, the City of Apalachicola is currently installing.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1545) He presented a Resolution designating March 24th through March 28th as Juvenile Justice Week. He said the request was submitted by the Library Director, Eileen Annie. Commissioner Putnal made a **motion adopting and authorizing the Chairman’s signature on a Resolution designating March 24th through March 28th as Juvenile Justice Week.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1565) He informed the Board he would like to discuss the request, he made at several meeting ago, to change the Building Department fees to address: 1. The request submitted by the Construction Licensing Board to begin issuing permits for separate inspections of electrical, plumbing, mechanical and roofing jobs. 2. Proposal from the Planning Office to increase site prep fees from \$25.00 to \$50.00 and requiring a site visiting by County personnel and the property owner or his agent before site prep begins so the County can determine if wetlands are on site, or if any proposed fill is going to impact adjoining lots or County roads. He said he knew the Board had a lot of things on their mind this morning, but these things needed to be addressed. Commissioner Mosconis asked Mr. Pierce if this wouldn’t become burdensome to the Inspectors in the County. Mr. Pierce replied it was, but it was a matter that needed to be addressed. Commissioner Mosconis said the County had been “rocking along” forever and the County hasn’t taken any action regarding these type of issues. He stated the Board and the Planning Office had to assume the public had some “sense” about these things. Mr. Pierce replied the main issue is with licensed contractors who are having to compete for jobs with non-licensed contractors. He said a property owner can now have a permit issued to him because the property owner states they are going to build an “owner built” house and then hires subcontractors to do the different jobs entailed in building a house. He said sometimes the property owner hires licensed contractors, but most of the time they hire unlicensed contractors. He stated the current system allows a person who is issued a building permit to just use unlicensed contractors. He said the homeowner will then call for an inspection when the particular portions of the job, such as the electrical portion are completed, for an inspection by the County. He stated the inspectors do not know if the job was completed by a licensed electrician or not. Commissioner Mosconis asked Mr. Pierce if the inspector can’t just look at the work and see if it meets the Code. Mr. Pierce replied they could, but there is still the question if there is an accident on the job and an unlicensed contractor has been hired to do the project then the homeowner’s insurance would have to pave for any accidents. He said the County is trying to protect the homeowner of this fact so they would be protected. Commissioner Mosconis said

FCBCC MINUTES-MARCH 18, 2003

then the property owner should be informed of this fact before the permit was issued to them. Mr. Pierce said they do inform them of this fact, but the property owner doesn't really seem to care until something happens. He stated this would also protect the property owner who doesn't realize the ramifications of hiring an unlicensed contractor. Commissioner Mosconis asked what if the homeowner does the electrical himself. Mr. Pierce replied this would be fine if they actually do their own work, but he would have to notify the inspectors they did the work themselves. Mr. Shuler said the actual Building Code Ordinance would have to be amended to reflect these changes. He stated adopting a Resolution to change the fees is not the only thing that needs to be changed to reflect this new charges, etc. Mr. Shuler stated he was going to look into this matter a little further before he would make a recommendation to the Board. Mr. Pierce said this was really just a discussion this morning and no action needed to be taken yet. He said he would have the Chairman of the Construction Licensing Board to attend one of the next scheduled Board meetings to discuss this matter further. Mr. Shuler stated he would also review this ordinance and resolution. Mr. Pierce said the next issue was whether the Board would authorize the Planning Office to increase site prep fees from \$25.00 to \$50.00. He said he felt like he explained earlier this would assist the County in causing problems for adjacent property owners or County Roads. He stated this would probably alleviate a lot of complaints the Commissioners receive about flooding on lots adjacent to property being filled in or changed. Mr. Pierce said Chris Clark the new County Engineering Technician would conduct the inspections. He stated there were a number of his employees that could do the site prep inspections. Mr. Pierce informed the Board these situations seem to be getting worse. He said the County doesn't, at this time, actually go out to the property site to see if there are wetlands and/ or the property owner has filled in areas that would cause flooding to adjacent property owners. Commissioner Putnal said this has been a real problem for him. He said nobody really knows what is being filled in throughout the County. Mr. Pierce stated this would also create a revenue stream for funding the newly created position for Mr. Clark. Commissioner Creamer made a **motion authorizing the Planning Office to increase site prep fees from \$25.00 to \$50.00 by Resolution and authorizing the Chairman's signature on the Resolution.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1854) He informed the Board the Planning Office is preparing information for the Board to consider in the future regarding the establishment of a Code Enforcement Board to deal with non-building code violations, such as illegal fill, and other zoning code violations. He said this might eventually develop into the issuance of Occupational License by the County. He said he was just telling the Board about this so they could think about the matter.

(Tape 1-1876) Chairman Sanders informed Mr. Pierce she needed to go ahead and proceed with the scheduled Public Hearing at this time.

PUBLIC HEARING

(Tape 1-1881) Mr. Pierce said this first public hearing was to discuss the adoption of "An Ordinance Prohibiting Glass Containers in or on all Public Beaches, Public Parks, or

Public Recreational Areas in Franklin County, Florida; Providing Penalties for Violation; and Providing an Effective Date.” He stated he was asked about a year or so ago to prepare such an ordinance. He said he didn’t do it at that time, but he has it ready for the Board this morning. He stated the main problem is on SGI. He said there was a problem in Franklin County with people stepping on broken glass and cutting their feet. Mr. Pierce read the following proposed ordinance into the record: Be it ordained by the Board of County Commissioners of Franklin County, Florida. Section 1. Possession or use of Glass Containers: No person shall possess or use any glass container in or on any public beach, public park, or public recreational area in Franklin County, Florida. Section 2. Penalty: Any persons violating the provision of this ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided in Florida Statutes. Section 3. Effective Date: This Ordinance shall take effect the 18th day of March 2003, and does not repeal hereby any and all ordinances or provisions of ordinances in conflict herewith. Duly passed and adopted in regular session this 18th day of March 2003. Commissioner Creamer said he had a problem with the penalty of the ordinance being a second-degree misdemeanor since this would cause a person to have a criminal history. He stated this needed to be a civil infraction whereby the person violating the ordinance would just pay a fine. He said someone who violates the ordinance shouldn’t have a criminal history to follow them the rest of their life just because they carried glass onto a beach, etc. Mr. Shuler stated he thought this would be acceptable. Commissioner Putnal said he wanted all of the law enforcement agencies to be made aware that if there is a “little old lady” on the beaches, etc. with a glass of iced tea she had better not be put in jail. He stated he thought this was a good ordinance for beer bottles and “stuff” like that, but he couldn’t see the problem with glass containers of soda pop or iced tea. Major Ronald Crum, FCSO, stated he was representing the Sheriff’s Office this morning. He stated they had reviewed the ordinance and agreed with Commissioner Creamer the penalty for violating this ordinance shouldn’t be so severe as to charge a person with a second-degree misdemeanor. He said the best idea would be to charge a violator of this ordinance a fine or fee for the first offense and then increase the penalties if necessary for the second and third offense. He asked what would happen if someone who has a small child and uses glass milk bottles goes onto the beach or to the park in Franklin County. He stated he didn’t think they should be charged a fine or fee. He said there should be exceptions to this ordinance for examples he and Commissioner Putnal has mentioned. He stated not only would the Sheriff’s Department being enforcing this ordinance, but the Fish and Wildlife Commission Officers, the Marine Patrol Officers, and any other law enforcement agency in Franklin County would be responsible for enforcing or writing citations for this ordinance. He said the Board needed to be very clear when adopting any ordinance with penalties involved. He stated a lot of the Sheriff Department employees are local, but many of the other agencies have people that are not from Franklin County and might severely enforce the penalty phase of this ordinance. He said a second-degree misdemeanor, he thought, would be over enforcement. He said the Sheriff’s Department would recommend the penalty for violation of this ordinance should be a civil penalty so the officer could use some discretion when enforcing this ordinance. He stated a civil penalty would allow the officer to simply issue a citation so the violator could pay a fine instead of having a criminal history. Mr. Shuler suggested the Board change the penalty portion of the ordinance to the following: 1st violation a \$50.00 fine,

FCBCC MINUTES-MARCH 18, 2003

2nd violation a \$100.00 fine, and the 3rd violation could be a second-degree misdemeanor. Commissioner Putnal said he did not agree with this ordinance at all. He stated if anything, alcoholic beverages should be totally banned from the beaches and parks in Franklin County. Commissioner Mosconis said he didn't think this ordinance was going to cause an undue hardship on anybody. Mary Lou Short, a resident of SGI and a first responder on the Island, informed the Board she had seen many, many cut feet on the Island from broken glass bottles on the beach. She encouraged the Board to adopt the ordinance with the penalty phase changed. Lucretia Bloodworth, Carrabelle, asked what would happen if somebody went to the beach to eat raw oysters and carried a glass bottle of hot sauce with them to eat on the oysters. She stated she wouldn't want to have to pay a fine for this. Commissioner Putnal agreed and said there were all kinds of things that came in glass containers. He said he would hope the officers would use some discretion and issue warnings first. After discussion Commissioner Creamer said he would make a **motion to adopt and authorize the Chairman's signature on "An Ordinance Prohibiting Glass Containers in or on all Public Beaches, Public Parks, or Public Recreational Areas in Franklin County, Florida; Providing Penalties for Violation; and Providing an Effective Date" contingent on the County Attorney making the changes in the Penalty Section of the ordinance reflecting the violation of the ordinance being a civil penalty with a \$50.00 fine for the first offense; \$100.00 for the second offense; and the third offense would be considered a second-degree misdemeanor.** Commissioner Mosconis seconded the motion. Commissioners Mosconis, Creamer and Williams for. Chairman Sanders and Commissioner Putnal against. 3-2 MOTION CARRIED. Mr. Pierce said the Board could certainly rescind this ordinance if there are multiple problems with it.

PUBLIC HEARING-REZONING LOTS 42, 43, 44, 45 AND 45 SGI

(Tape 1-2517 Continued on Tape 2) Mr. Pierce said this public hearing was scheduled to consider rezoning Lots 42, 43, 44, 45 and 46, Block 10, Unit 1 West, SGI, located on West Gorrie Drive, from C-2 Commercial Business District to C-4 Mixed Use Commercial/Residential. He informed the Board this was the current location of "Finni's Restaurant" on SGI. He said the restaurant would be torn down and five "shot-gun" or "skinny minnie" houses would be built there. He said the owner had asked Steve Watkins, his attorney, to address the Board this morning regarding this rezoning request. Mr. Pierce presented a "stack" of petitions and letters from residents on SGI and tourist who are adamantly opposed to the rezoning to the Board for the record. He stated the adjoining property owner Steve Rash, The Blue Parrot Restaurant, had sent a letter, he was submitting to the Board this morning, supporting the rezoning. Mr. Pierce said this is the second time the Planning and Zoning Commission has reviewed this rezoning request. He stated a couple of years ago the Board held a public hearing and determined to deny this request. He said the request was submitted again to the Planning and Zoning Commission and they again recommended the Board approve the rezoning. He stated one of the issues Planning and Zoning used to determine the recommended approval of this rezoning was that the current operator of "Finni's" was the impact of sea turtle nesting on the beach area, the commercial establishments tend to have more lighting, etc., and the other thing was the generality of the County's Zoning Code at this time. He stated the C-2 zoning in existence now allows a restaurant with no limitations on the size

of the restaurant. He said this restaurant is adjoining the SGI County Park, which is family oriented. He said this property could be changed from a restaurant to a bar, which would not be conducive to the community and it's family oriented residents. Mr. Pierce said the rezoning would allow residential uses on a commercial property, but it might be the best thing to do since there is no assurance this restaurant will not be converted to a "night spot" for the Island. He said he didn't think this is what the residents wanted. Steve Watkins, representing the owners, the Johnsons, said he was here to propose the Board approve this rezoning. He said the C-4 zoning would add single-family residential in combination with commercial ventures. He stated the zoning should provide for compatible residential and commercial uses in areas where such development already exists or has historically occurred. He said this is the case with this property. Mr. Watkins continued his presentation and when he was finished he asked Jim Waddell, L & W Engineer, Inc., Tallahassee, Florida, also representing the property owners, to present his proposal for the five houses to the Board and the audience. Mr. Waddell presented a color rendition of the proposed houses on the property. He said the houses would have parking underneath the houses. He stated he knew the parking issue was an issue in the last rezoning process. He said these houses would be different than the other "skinny minnies" on the Island in that the houses would be elevated to allow parking, etc. underneath the houses. He stated the public would still be able to see the water from the street and the park. Mr. Waddell finished his presentation. Mr. Watkins informed the Board the current lease for the restaurant expired on September 15th. He said the owners were not interested in keeping the restaurant open because economically they couldn't afford to operate a restaurant and pay the costs to lease this type of space due to the increase of property values on the Island. He stated the owners were trying to determine the highest and best use, which would be the least impact or stress on the Island as a whole. Kent McCoy, SGI Growth Group, a working committee of the SGI Civic Club, which deals with growth issue concerning SGI. He presented a petition with approximately one hundred signatures on it opposing the rezoning. He said the Civic Club was definitely opposed to the rezoning. Mary Lou Short, a resident and business owner on SGI, said she was not opposed to the rezoning for many reasons. She stated she felt this was the best thing to do with this property at this time. Tom Adams, Harry Buzzett, Peter Bryant, Joanne Ellingson, and Glen Siler all spoke in opposition of the rezoning. Vicki Barnett, a member of Planning and Zoning, said she was mainly concerned about the sea turtle nesting and how it would be affected by the rezoning. Mr. Watkins assured her, on the behalf of his clients, that they would do everything possible to assist the sea turtle group and that they would be conscience about the lighting on the houses. Ms. Barnett asked Mr. Watkins to work with Bruce Hall, ABARK, since she is the coordinator of the sea turtle project in the SGI area. Mr. Watkins assured Ms. Barnett and Ms. Hall they would cooperate with them regarding the sea turtle and their nesting process. After a lengthy discussion and input from the audience Commissioner Creamer made a **motion authorizing the Chairman's signature on "An Ordinance Rezoning Lots 42, 43, 44, 45 and 46, Block 10, Unit 1 West, St. George Island, Located on West Gorrie Drive, From C-2 Commercial Business District to C-4 Mixed Use Commercial/ Residential."** Commissioner Mosconis seconded the motion. Chairman Sanders, Commissioners Mosconis, Creamer and Williams for. Commissioner Putnal against. 4-1 **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 2-760) Mr. Pierce continued his report. He said Chris Clark, the new Engineering Technician, was making a lot of progress on the drainage problems in Franklin County. He stated Mr. Clark has, in his first week, supervised the installation of 300-feet of culvert pipe in Apalachicola in the Highland Park area, identified two "bottlenecks" causing drainage problems in Eastpoint and evaluated the flooding problem at the end of River Road in Carrabelle. He reminded the Board Mr. Clark still does not have a vehicle and is being paid mileage. He said Mr. Chipman reported to the Board this morning he might be able to provide a vehicle for Mr. Clark. He stated he would be in contact with Mr. Chipman regarding this vehicle. Mr. Pierce discussed the drainage problem at the end of River Road that involved several private property owners. He said he and Mr. Clark would continue to work on this situation.

(Tape 2-1026) He provided the Board with a letter from the Small County Technical Assistance Services informing the Board they do not have any funds to assist the County with their redistricting process this year. He said the letter was dated March 13, 2003 and was in reply to the letter, dated March 3, 2003, the County sent SCTAS asking for financial assistance in the redistricting process. He said the letter states all of the SCTAS funds have been allocated this year.

(Tape 2-1039) He said he also was going to submit a letter from Nick Yonclas, attorney, requesting the Board consider holding a public hearing for the vacation of a portion of the Plat of St. George, Recorded in Plat Book 1, Page 1, Public Records of Franklin County, Florida. He said the purpose of this is to re-plat the property consistent with County standards. He said the plat of St. George was recorded in 1926, and is land surrounding the plat known as the City of St. George, which is located between Eastpoint and Carrabelle, in the "Yellow Hill" area. He explained the intent of the abandonment would be to delete the underlying lot configuration and then create a new plat of one-acre lots. He said the State of Florida purchased part of the City of St. George and Barbara Sanders, a resident of SGI and local attorney, completed, with the Commissioners assistance, a partial abandonment about eight years ago. He said the proposed abandonment is in the same general area. He asked the Board if they wanted him to go ahead and schedule a public hearing to address this proposed abandonment contingent on review by the County Attorney. Commissioner Creamer made a **motion authorizing the scheduling of a public hearing to consider a partial abandonment of the plat of St. George for the purpose of re-platting the property consistent with County standards contingent on review by the County Attorney.** Commissioner Williams seconded the motion. All for **MOTION CARRIED.**

(Tape 2-1120) Mr. Pierce said the Planning and Zoning Commission met in regular session on March 11, 2003 and recommends the following: Approval for development within the Critical Shoreline District the construction of a boatlift on an existing dock at 437 River Road in Carrabelle submitted by Richard Hull. **Chairman Sanders left the meeting at this time.** Commissioner Creamer made a **motion approving the construction of a boatlift on an existing dock for Richard Hull in Carrabelle.**

Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval for Chad Gunter to construct a 500-square foot single-family dock on Lot 2, Block 59, Unit 5, SGI. Commissioner Creamer made a **motion approving the construction of a single-family dock for Chad Gunter on SGI.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** On the issue of the Jimmy Meeks request to change the land use and zoning on a parcel of land and to consider a sketch plat for the same parcel, the Commission voted on both in one motion. A split vote, 4-3, recommends that 9.88 acres of property located in Section 8, T7S, R4W, be changed from A-2 to R-1 and the sketch plat for an 8-lot subdivision known as "Crooked River Plantation" be approved. The sketch plat cannot be addressed until the rezoning and land use change has been approved. Commissioner Creamer made a **motion authorizing the scheduling of a public hearing to consider a land use and zoning change for 9.88 acres of property located in Section 8, T7S, R4W from A-2 to R-1 as submitted by Jimmy Meeks.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval for the scheduling of a public hearing to consider rezoning Lots 5, 6 and 7, Block 4 West, Unit 1, SGI from C-2 to C-4 to allow three apartments to be built on the second floor of an existing commercial building known as the old medical plaza submitted by Richard Starke, owner of the property. Commissioner Creamer made a **motion authorizing the scheduling of a public hearing to consider a rezoning of Lots 5, 6 and 7, Block 4 West, Unit 1, SGI from C-2 to C-4 as submitted by Richard Starke, property owner.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders returned to the meeting at this time. The Commission tabled a request for another rezoning on SGI until further information is presented to the them. Recommends denial of a request for a land use and rezoning from R-2 to C-4 on property described as Lots 11, 12 and 13, Ingram Acres, Eastpoint. Brandt Rudzinski, Magnolia Ridge, LLC submitted the request. Commissioner Putnal made a **motion denying a request for a land use and rezoning from R-2 to C-4 on property described as Lots 11, 12 and 13, Ingram Acres, Eastpoint.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval for the scheduling of a public hearing to consider a land use and rezoning change from C-4 to R-7, Multi-Family High Density on 1.6 acres known as "Hollenbach's Trailer Park" in Eastpoint and also known as being located at the corner of 4th Street and U. S. 98 in Eastpoint requested by Brandt Rudzinski, agent for Magnolia Ridge, LLC. Commissioner Creamer made a **motion authorizing the scheduling of a public hearing to consider a rezoning and land use change from C-4 to R-7, Multi-Family High Density on 1.6 acres known as "Hollenbach's Trailer Park" as submitted by Brandt Ruzinski, agent for Magnolia Ridge, LLC.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval of a land use change and a rezoning from A-2 to I-1 Industrial on a 9.9 acre parcel of land located in Section 25, T7S, R5W as submitted by Gene Langston, agent for "A Material Group, Inc." This parcel is on Airport Road in Carrabelle and the proposed use is a concrete batch plant. Commissioner Putnal made a **motion authorizing the scheduling of a public hearing to consider a land use and rezoning change from A-2 to I-1 Industrial on a 9.9 acre parcel of land located on Airport Road in Carrabelle as submitted by Gene Langston, agent for "A Material Group, Inc." for a concrete batch plant.** Commissioner Williams seconded the motion. All for. **MOTION**

CARRIED. Approval of one commercial site plan for a proposed mini-storage building in Section 36, T8S, R7W, Eastpoint as submitted by Tim Baroody, owner.

Commissioner Creamer made a **motion approving a commercial site plan for a proposed mini-storage building in Section 36, T8S, R7W, Eastpoint as submitted by Tim Baroody.** Commissioner Putnal seconded the motion. All for. **MOTION**

CARRIED. Approval of a final plat for a 4-lot subdivision, "Hidden Cove", off of Patton Drive in Eastpoint as submitted by R. T. Spohrer, owner. Commissioner Creamer made a **motion approving a final plat of "Hidden Cove" subdivision, a 4-lot subdivision off Patton Drive in Eastpoint as submitted by R. T. Spohrer, owner.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Rachel Ward, Zoning Administrator, discussed the need for a Code Enforcement Board with the Planning and Zoning Commission. The Commissioner supports the development of a Code Enforcement Board. Mr. Pierce said this was the final item on his Planning and Zoning Commission report.

(Tape 2-1636) He said the Planning Office Staff has failed to remind the Planning and Zoning Commission members in a timely fashion of the need to have regular elections to elect a Chair and a Vice-Chair for the Commission. He said it has been at least a year or two since there was an election to select a Chair and Vice-Chair to conduct the P&Z Commission Meetings. He stated no one has kept up with information regarding when a person is appointed to the Planning and Zoning Commission; the date of appointments; and when the appointment date is supposed to expire. He said so the members have not been either reappointed or new appointments made in a timely manner. He said this matter would be discussed further at the next Planning and Zoning Commission meeting. He said he also wanted to inform the Board he has received two written complaints and two verbal complaints regarding comments, procedures and attitudes of at least one of the commission members. He stated he was going to work with the Commission in correcting these problems and complaints. Commissioner Creamer said he had discussed this same matter with Mr. Pierce. He stated some of this is very confusing to Planning and Zoning Commission members and he wanted this Board reappoint each member. He said this would give the Commission somewhat of a new beginning. He stated then they could elect a Chair and Vice-Chair for the Commission. Commissioner Creamer said each Commissioner needed to be thinking on who they want to appoint or reappoint to the Planning and Zoning Commission. Chairman Sanders reminded the Board Commissioner Williams didn't even have anybody to represent his District on the Commission. Mr. Pierce said he would try to implement these ideas. Chairman Sanders asked Mr. Pierce to work diligently on correcting these problems on the Planning and Zoning Commission. Mr. Pierce replied he would try to resolve them. He stated he wanted to inform the Board Ruth Schoelles, a local realtor, announced her resignation from the Planning and Zoning Commission. He said she has asked to be replaced on the Commission as soon as possible. Myrtice Corley, Carrabelle, asked Mr. Pierce how many people on the P&Z Commission were realtors. Mr. Pierce replied approximately at least two. He said there might be other members who work in real estate part time. Harriet Beech, Lanark Village and a member of the Commission, asked how many were just "associated" with realtors. She stated one of the members has a developer in their family. She said real estate and developers had to be considered. Mr. Pierce replied the

FCBCC MINUTES-MARCH 18, 2003

seats on the P&Z Commission were either for a real estate representative or a developer. He again assured the Board he would try to get these matters resolved as soon as he could.

(Tape 2-1910) He informed the Board the P&Z Commission was going to appoint a sub-committee to draft some proposed rules regarding docks for the Board to consider. He said if the rules were adopted they would be enforceable by the County. He explained the draft proposal should be available in a couple of months.

(Tape 2-1930) Kurt Spangler, SGI, said he would like to address a question to the County Attorney. He asked if the Planning and Zoning Commission Meetings were subject to the "Sunshine" Law the same as the County Commission Meetings. Mr. Shuler said he would say "yes". Mr. Spangler thanked Mr. Shuler for answering his question.

KENDALL WADE-CLERK

(Tape 2-1962) Mr. Wade said the following budget amendment is needed to adjust for the new Engineering Technician salary and fringe benefits for the remainder of this Fiscal Year, March 2003 through September 2003: Increase 001.25.515.1200 Salary \$15,167.00; Increase 001.25.515.2100 FICA \$1,161.00; Increase 001.25.515.2200 Retirement \$874.00; Increase 001.20.511.2300 Life and Health Insurance \$2,033.00; Decrease 001.20.511.3101 Engineering Services \$19,235.00. Commissioner Putnal made a **motion approving this budget amendment adjusting for the new Engineering Technician salary and fringe benefits for the remainder of this Fiscal Year, March 2003 through September 2003.** Commissioner Williams seconded the motion. All for **MOTION CARRIED.**

(Tape 2-1995) He presented a Resolution of Unanticipated Revenues to the Board for approval. He read the Resolution into the record: Whereas, Franklin County is a political subdivision of the State of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets, and Whereas, FS 129.06 provides for budget amendments for unanticipated revenues, and Whereas, Franklin County has received unanticipated revenues in the amount of \$9,631.00 from the State of Florida Department of Law Enforcement, for Law Enforcement Grant 03-CJ-2Q-02-29-01-059, and Whereas, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2002-2003, and Whereas, FS 129.06(2)(d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and Whereas, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of: 120.80.581.9100 Budget Transfer Sheriff \$9,631.00 Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$9,631.00 in the Fine and Forfeiture Fund in order to comply with FS 129.06(2)(d). This Resolution adopted by the Franklin County Board of County Commissioners this 18th day of March 2003. Cheryl Sanders, Chairman; Kendall Wade, Clerk. Commissioner Putnal made a **motion adopting and authorizing the Chairman's signature on this Resolution of Unanticipated Revenues in the amount**

of \$9,631.00 received from the FDLE Law Enforcement Grant 03-CJ-2Q-02-29-01-059. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2063) He said the Commissioners asked him to check and see how much money was left in the Reserve for Contingency Budget for this Fiscal Year. He stated the Commissioners had used the Reserve for Contingency-General Fund quite a bit. He said there have been a lot of expenditures involving the moving of the County Judge and other moving projects. He stated the Commissioners had to use the budget for the Worker's Compensation Audit, which required additional funds due to the increase in Worker's Compensation Insurance for the County. He said he said Ruth Williams, Finance Officer, informed him the audit might reflect another increase. He stated there is a very limited amount of funds left in this budget. He said if there is any substantial increase in the Worker's Compensation Insurance, then there might be problems since the Reserve for Contingency-General Fund Budget is almost exhausted. He cautioned the Board to remember this when the Commissioners want to pay for things using these funds from this budget.

(Tape 2-2100) He reminded the Commissioners about the brief workshop scheduled for this afternoon at 1:00 p.m. to hear a presentation by Van Johnson and Hubert Chipman regarding County Employee raises for the next Fiscal Year.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-2106) Mr. Shuler said he was following up with the Board this morning on the reapportionment issue. He stated the reapportionment issue was different from the District Wide voting question. He said the Board must deal with the reapportionment issue this year. He stated the Districts have to be reapportioned this year. He said the Supervisor of Elections has mentioned this to the Board too. He asked the Board if they wanted him to take any further action on the reapportionment issue. He reminded the Board this must be done before the end of this year. He said time is passing by and the Board needed to really think about moving forward with this project. He stated the County is required by Florida Statutes to have the reapportionment issue resolved by the end of this year. Commissioner Mosconis said he was trying to get Mr. Zimmerman, Bay County, to come to a meeting in the near future. He stated he would continue to work on having Mr. Zimmerman schedule a date to address the Board. Commissioner Creamer said he would go ahead and make a **motion directing the County Attorney to pursue the reapportionment issue as required by the Florida Statutes.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2177) He presented a Special Warranty Deed conveying the property the County original deeded the Harris Brothers for the work they did on the Eastpoint Boat Ramp. He said the property is located in Apalachicola and consist of two acres more or less. He it has been thirty days since he was instructed to send a certified letter to the adjoining property owner Curt Allen informing him the County would be conveying this property to the Harris Brothers. He informed the Board Mr. Allen did not sign for his certified letter informing him of the Boards decision. He said he gave the returned certified letter to the Board's Secretary for the Board file. He asked the Board if they were ready to

FCBCC MINUTES-MARCH 18, 2003

authorize the Chairman's signature on the Deed. He said he would suggest the Chairman go ahead and sign the Deed and he would retain the Deed. He stated he would make arrangements with the Harris Brothers to return the money they received, \$20,000.00, from the County for their work on the Boat Ramp. Commissioner Creamer made a **motion authorizing the Chairman's signature on the Special Warranty Deed conveying approximately two acres in Apalachicola to the Harris Brothers for the Eastpoint Boat Ramp Project contingent on their returning the funds, \$20,000.00, they received for the project to the County Finance Office.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2212) Chairman Sanders asked Mr. Shuler the status of the Sumatra Cemetery issue. Mr. Shuler replied he had talked to the new attorney for Drew Branch, Jr. He said the attorney has informed him Mr. Branch is going to litigate the issue. He stated they are considering making an offer for the County to purchase the property. He said he told Mr. Branch's attorney to submit their offer or offers to him, in writing, so he can review them and present them to the Board for consideration. He stated he has asked Mr. Branch's attorney if he is authorized to accept service of process for the lawsuit he is going to draft since the deadline the Board gave them to accept the County's proposal expired yesterday. He said Mr. Branch so far has not accepted the proposal. He stated, unless the Board wanted him to wait until he receives a written settlement offer, he would prepare the lawsuit and move forward with the process. Commissioner Mosconis said there was no use in incurring legal fees. Mr. Shuler said the estate of Drew Branch, Sr. originally owned the property, but since Mr. Branch, Sr.'s death the estate has deeded the property to his son Drew Branch, Jr. Commissioner Mosconis said he did not want to keep incurring legal fees when the Branch Estate was going to offer to sell us the property. He said the money would be better spent purchasing the property. Mr. Shuler said he would advise the Board to put a time limit on waiting for them to submit a written proposal to sell the property to the County. He stated the proposal should be sent at least within the next seven to ten days. He said the County wouldn't want to put the litigation off indefinitely. He stated the offer might never really come. He said he would send a letter, if so directed, to Mr. Branch's attorney informing him if they were going to send a proposal for selling the property to the County then he needed to do it within the next week or so. The Board agreed to direct Mr. Shuler to send a letter to Mr. Branch's attorney asking him to submit a proposal, in writing, for the purchase of the Sumatra Cemetery property or any other offer they might want to make to Franklin County regarding this property within the next seven to ten days.

(Tape 2-2503) Commissioner Mosconis informed the Commissioners he had a dental appointment at 1:00 p.m. today and would not be able to attend the Workshop this afternoon.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD
THE MEETING WAS ADJOURNED UNTIL 1:00 P.M. WHEN THE MEETING
WOULD BE RECONVENED FOR THE WORKSHOP.**

WORKSHOP-COUNTY EMPLOYEE RAISE SCHEDULE FOR FY 2003-2004


(Tape 2-2542) Chairman Sanders called the workshop to order. Those in attendance at the workshop were as follows: Commissioners Putnal, Williams, and Creamer; Chairman Cheryl Sanders; Kendall Wade, Clerk; Amelia Varnes, Deputy Clerk; Ruth Williams and Ethel Jenkins, Finance Office; Dewitt Polous, Mosquito Control Director; Hubert Chipman, Superintendent of Public Works; and Van Johnson, Solid Waste Director. Mr. Johnson began the meeting by presenting each person in attendance a proposal entitled "Franklin County Public Works-Job Classifications for Non-Supervisory Positions". Mr. Johnson said he said the proposal was similar to what the County has already in place. He stated the first page of the package listed the "Job Classifications for Public Works Department for Non-Supervisory Positions-Effective October 1, 2003". He said the Position Description and the Starting Salary were just suggestions. He stated he realized the Board couldn't make any decisions today, but this was just for the Commissioners to think about before the budget process begins in July or August. He stated most of the salaries were increased an average of fifty-cents an hour, which in all likelihood would only affect two or three, maybe four employees currently employed by the County. He said these salaries would bring these employees "more in line" with other Counties. He stated at the bottom of the first page there was a request "The Road Department, Mosquito Control and Solid Waste Department are requesting an additional allocation of \$5,000.00 per department for merit increases for the rank-in-file employees that merit such an increase. The merit increase will be at the discretion of the department head and may be an addition to any across the board increase that the Board might give." He said he was encouraging the Board to really think about this request. He said the second page of the package listed the current Position Descriptions and Starting Salaries for these positions. He stated page three listed the old classifications for non-supervisory positions. He said the last page listed the Franklin County Board of County Commissioners Public Works Employee's Salaries for the fiscal year 2002-2003. He said the additional \$5,000.00 requested for merit increases would require each department to conduct employee evaluations, which is needed in Franklin County. He stated this would also give an employee the incentive to do a good job and come to work every day. Commissioner Creamer said there were many things the Commissioners were going to have to address regarding salaries in Franklin County during the upcoming budget workshops. He stated a Deputy Sheriff in Franklin County has a starting salary of approximately \$20,000.00 when a Correctional Officer for the State of Florida's beginning salary is approximately \$29,300.00. He said it is hard to recruit deputies for Franklin County when they can make more money as a Correctional Officer with DOC. Chairman Sanders said she looks at these salaries and can remember back twenty years ago when most County employees made \$75.00 or so a week. Mr. Johnson said he wasn't complaining this morning. He stated those guys on the low end of the salary scale needed to be adjusted slightly and then give the department heads the opportunity to use the \$5,000.00 as merit increases. He said those employees who receive an increase would be deserving of a merit increase. He reiterated the employee evaluations would be important in determining these merit increases, but would also give an employee a chance to correct anything he might not be doing to get the merit increase. Commissioner Putnal asked Mr. Johnson if he had a total number of employees who would be affected by this fifty-cents. Mr. Johnson replied approximately four. Commissioner Putnal asked how

FCBCC MINUTES-MARCH 18, 2003

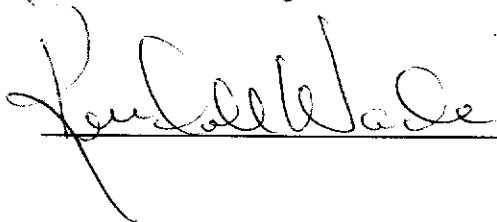
much money would this require. Mr. Johnson stated he really didn't know, but he would prepare some figures for the Board to review. Mr. Wade stated then the Constitutional Officers would request \$5,000.00 to use for merit increases, at their individual discretion. Commissioner Creamer said he knew a lot of the Constitutional Officers give their employees a raise without consulting the Board. He stated so the Constitutional Officers have discretionary funds somewhere. He said what most of them do is cut back in one area to give their employees more money during the budget process. Mr. Wade said if a long time employee, of a Constitutional Officer, who has received all of the County raises over a period of time resigns or leaves then there might be some additional funds left over after hiring a new employee at a lower hourly rate. He said this is not a "set in stone" thing since most of the Constitutional Officer's employees are long-term employees. He stated most of them work for a long time. He stated if one department of the County gets \$5,000.00 to use as merit increases then every other employee of the County should get the same consideration. He said the Board would have to give the same amount to each Constitutional Officer. Ms. Williams said she thought Mr. Johnson had only addressed the Public Works Department, which included the Mosquito Control Department, the Road Department and Solid Waste. She said the Solid Waste Department included the Animal Control Department. She reminded the Board the other County Employees at the Planning and Zoning Department, Emergency Management, Building Department, Library, Courthouse Maintenance, and the County Extension Office would expect the same \$5,000.00 for merit increases. Commissioner Putnal asked how many people were they talking about. Ms. Williams replied about ten or twelve people. Commissioner Creamer said this Department was being discussed because they were the ones who instituted this workshop and discussion. Chairman Sanders said Mr. Johnson was told during the previous budget process to prepare such a report and request. Mr. Johnson said he just didn't want the Board to wait until the last minute to address the salary problem in the County at the very last day of the budget workshops. Chairman Sanders said she was really concerned about the cutbacks the Legislature was going to approve this year. She stated she knew the State of Florida was going to shift a lot of costs back to the local governments instead of the State having to budget them. She said anything in the proposed budget would have to depend on what the State does during their Legislative Meetings, which should be over by the end of May. Commissioner Putnal said they were talking about \$50,000.00 or \$60,000.00. He stated he knew there was going to be a big budget "crunch" during this budget year. Commissioner Creamer said the Sheriff's Department budget and the current beginning salaries for deputies had to be addressed. He stated when the new prison is built there is really going to be a problem keeping qualified people to work as law enforcement officers when they can make more money with the State of Florida DOC. Chairman Sanders said the roof at the Franklin County Jail on SR 65 was going to have to be replaced. She stated this was a must too. Ms. Williams reminded the Board the census cost the County approximately \$25,000.00 due to the low census count. She said the budget would be decreased automatically by this amount. She stated most funding is based on population. Mr. Johnson said they are not asking for a commitment today, they just want the Board to have the information needed to consider approving this salary schedule. Ms. Williams asked the Board if they wanted to change the initial letter she always sends out to the Constitutional Officers and the Department Heads when they submit their budget instructing them to add these salary

FCBCC MINUTES-MARCH 18, 2003

increases into their initial budget request. Mr. Johnson said the instructions in the previous years have been to not include any salary increases for the employees and then at the very end of the meeting the increases are given. Ms. Williams said this would certainly help her to have the salary increases first so she could prepare a more accurate budget package. Commissioner Williams said he wasn't going to make any type of commitment or make any final decisions until the Legislative Session is over to see how many budget cuts the County is going to have to incur. Mr. Wade said May 1st would be the final date of the Legislative Session. Mr. Johnson said the budget packages aren't due in the Finance Office until the first of June or so. Commissioner Putnal said time was passing fast and it would be here before anyone realized it. Mr. Putnal stated he would like to ask each Constitutional Officer and Department Head try not to increase their budget this year. Mr. Wade stated he didn't feel this would be a problem since the money was simply not available. Mr. Johnson said he would furnish the Board, at one of the future meetings, the amount needed to implement these salary changes and the number of employees affected by the changes. Ms. Williams said she would like to make a comment. She stated the Property Appraiser's Budget has to be submitted to the State of Florida Department of Revenue. She said there is a "window of opportunity" there that the Property Appraiser can request DOR increase or decrease her budget. She said normally the budget process in Franklin County is completed prior to the deadline set by DOR for increases or decreases. She stated she thought if somebody wanted to talk to the Property Appraiser and try to convince her not to put any salary increases in her DOR budget to begin with. She stated the County finishes the budget process in sufficient time for her to request, based on what salary increases the Board approves, a change from DOR. Ms. Williams said traditionally every year, since she has been here, every year the salary increase has been in the original DOR budget. Mr. Wade said this causes other employees to see the Property Appraiser's employees are getting a salary increase then they want one as well. He stated if the Board instructs everyone to not include a salary increase in their budget then this should mean everybody. He said this was something the Board would just have to work on. Chairman Sanders asked if the Board members or any one else had anything further to request or discuss regarding this matter. After no further comments the workshop was adjourned.



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK