

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
MAY 6, 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 1-34) Commissioner Putnal made a **motion to approve the minutes of the meetings held on April 15, 2003 and April 17, 2003.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-40) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS**

(Tape 1-46) Mr. Chipman said he didn't have anything to report to the Board this morning. He asked the Commissioners if they had anything they would like to discuss with him.

(Tape 1-50) Commissioner Putnal said he would like to remind Mr. Chipman and Mr. Johnson the School Board had two vans they are trying to dispose of. He stated they put the vehicles out for bids and no one bid on them. He said one of the vans "runs" and the other one doesn't, but the one that doesn't "run" might be useable for parts for the other van. He said if any department in the County is interested in these vans then they need to contact the School Board since they are willing to give them to the County.

(Tape 1-74) The Clerk reminded Mr. Chipman he should stay at the Board Meeting this morning due to the bid opening for the Road Department's Above Ground Four Post Lift.

(Tape 1-76) Chairman Sanders said she wanted to know the status of the water and sewer projects in Apalachicola and Carrabelle and how close the County was to paving these streets. Commissioner Mosconis said the City of Apalachicola was still a long way away from being ready to pave the streets. Commissioner Putnal stated they are still cutting roads in Carrabelle. Commissioner Williams said they are still cutting them in Apalachicola too. Commissioner Mosconis said he thought it would be at least another ninety-days or more before any paving could begin. Chairman Sanders said she thought it would be a lot longer than ninety-days before Carrabelle was through with their project so the roads could be paved.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-105) Mr. Johnson said he had attached to his report for the Commissioners this morning an application for a position within the Solid Waste Department, which exempts the new employee from obtaining a certificate from the DOC to supervise State Inmates.

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He said he would like for the Board to review the application and render a decision at the May 20, 2003 Board Meeting.

(Tape 1-123) He informed the Board a representative, Chad Gunter, from Advanced Environmental Technologies, Inc. was at the Board Meeting today. He said AET is a subsidiary of TRG the company that presently has a lease with the County to stage roll-off containers at the Apalachicola Airport. He said the company has proposed to provide to the County sampling and laboratory analysis of groundwater, surface water and leachate as required under the Landfill Permit. He explained TRG proposes to provide this service at no cost to the County in exchange for the waiving of the Landfill Tipping Fee. He said they also propose to provide other services such as engineering, geological, and health and safety services on a time and material's basis that will not exceed a 10% markup. He informed the Board he is discussing this issue at this time because he is going to begin his budget request for the next Fiscal Year and if the Board is so inclined to explore and possibly accept this proposal, then he could trim his budget request by at least \$40,000.00. He stated Mr. Gunter would like to address the Board and see if the Board has any questions or wants to discuss these proposals with him. Mr. Gunter thanked the Board for the opportunity to speak with them this morning. He said he had met with Mr. Johnson last week regarding this matter. He stated he has moved to SGI and anything he could do to help the County he would be willing to do it. He said Franklin County has been wonderful to his company and he would try to assist the County any way his company could. He stated they have also opened an office in Apalachicola and currently employ two people full time and one part time person. He explained AET is a wholly owned subsidiary of TRG and currently has about ninety employees. He said they have offices all around Florida and this type of work is what they specialize in. He stated they are on the State contract list and they do a lot of work within the Water Management Districts in Florida as far as their DEP testing is concerned. He said he is a former employee of DEP in their Solid Waste Department. He stated he is very familiar with DEP rules and provisions. He said he thought this was a good proposal especially since the Legislature is considering a lot of cut backs in the Solid Waste Department Grants, etc. He stated he has reviewed the Landfill Permit. He said he is familiar with the monitoring wells and the surface water points at the Landfill. He asked the Board to consider these options or proposals he has talked to Mr. Johnson about. Commissioner Mosconis asked Mr. Johnson to call DEP and to check into this matter further before any decision is made. Mr. Johnson replied he knew this company was a DEP Certified Lab, so the decision would be whether the Board wanted to continue with the contract currently in effect with Savannah Labs to pay for these tests TRG is willing to conduct for the County. He said in 1998 the County opened bids for the testing at the Landfill, but he could nor the Board Secretary could located an actual signed contract between the County and Savannah Labs who was awarded the contract through their bid. He stated he would continue to check into this matter and report back to the Board with his findings.

(Tape 1-265) Commissioner Mosconis said the Board needed to talk about the Oscar Sanders' situation. He said Van is here and Hubert is here. He stated he talked to the labor attorney since the April 17<sup>th</sup> meeting. He said the Board voted to take the action the

labor attorney recommended to give Mr. Sanders a 90-day disciplinary probation and dock his pay for two-days. He said he understood this action has not been carried out yet. Mr. Chipman interjected the action has not been initiated as of today. Commissioner Mosconis said he understood an appeal has been filed. Mr. Chipman said one had been filed. Commissioner Mosconis said he was just wondering about, "we need to talk about this". Mr. Wade, the Clerk, said he talked to the labor attorney, Leonard Carson, last week and was informed by him he would be sending the Disciplinary Action Form as well as the necessary information the Board needed for the official Board File. He said then Mr. Carson called a day or so later and instructed him to "hold off on anything until he called back". Mr. Wade stated he has not heard anything as of today. Commissioner Mosconis said he had a "lengthy conversation with him last week too". He said his feeling was, and he would share it with everybody now, is to transfer Oscar over to the Solid Waste Department. He stated he talked to Van and this is the reason he asked Van to wait a minute before he left the meeting. He said "Van is shorthanded with his trucking, knock off the ninety-day probationary period, the man's been working with the County twenty-seven years, and we either keep him or we fire him, it's a up or down deal, knock off the ninety-day deal and maybe let him take the two days without pay deal for punishment". He said "Let's move forward, there is no one or two people sitting on this Board that's bigger than this County, there is no elected official in this County as far as he is concerned bigger than Franklin County, this is an institution, we need to put this behind us, we need to move forward, we need to show some leadership here with in our ranks". Commissioner Creamer asked "Has anyone discussed this with Mr. Sanders at all?" Commissioner Mosconis replied "Actually, I did talk to his attorney about it, Eddie, and I am just throwing it out on the table, we don't need to let this fester any longer, this has been festering since March the third, this deal happened". He asked Mr. Chipman "What day in March was it?" Mr. Chipman replied "the third or fourth of March". Commissioner Mosconis stated, "We are going into three months, we need to do something to move forward and I know our attorney hasn't been, you haven't talked to Leonard Carson have you Mr. Shuler?" Mr. Shuler replied "No sir, I have not been representing the Board on this particular issue so he has not spoken with me, I would recommend though if the Board is considering some action that you first talk with Mr. Carson and receive his advice before proceeding forward with anything at this point, because there, I heard some mention of an appeal being filed, so I think the most prudent way to handle this is to wait until Mr. Carson can be consulted". Commissioner Mosconis said, "This needs to be settled". Mr. Shuler said, "I don't want the Board to misstep, though and in a matter of procedure I am not aware of". Commissioner Creamer asked "Van, have you talked to Mr. Sanders?" Mr. Johnson replied, "No, I haven't". Commissioner Creamer asked, "Has anyone? Ms. Sanders do you know anything as far as...?" Chairman Sanders said, "I couldn't comment one way or the other Mr. Creamer". Commissioner Mosconis said "I think the morale over there is pretty pathetic from my discussions with the people over there. When I deal with the Road Department I deal with Hubert Chipman. When I deal with the Solid Waste Department I deal with Van Johnson. But, when there are people coming to me, almost on a daily basis, you know the morale over there is in terrible shape. He said, "It is up to this Board to solve this problem. What was recommended to us was just a recommendation and yeah we voted on it unanimously, nothing has been done yet. What I am suggesting here is that we be a

little more lenient with that recommendation and ask him to transfer over to the other department, that's all I am saying". Mr. Shuler stated, "I can't give the Board legal advice on labor matters since Mr. Carson has always done that". He said, "I do think the Board, with concerns with due process and opportunity to be heard, I would recommend that the Board delay this matter, because I don't want the Board to misstep procedurally". Commissioner Creamer said, "Well, if we are going to be lenient on the punishment, he may drop his appeal and just transfer on to the Landfill". Mr. Shuler said, "That's potentially true". Commissioner Creamer asked, "So, who is going to talk to him?" Commissioner Mosconis said, "I don't see his attorney's here. His wife is here, she can talk to him". Chairman Sanders replied, "No, I can't. I am not going to get myself in the middle of that". Commissioner Mosconis stated, "The situation here ya'll, we have one or two individuals that is holding the County from moving forward in one area, in my observation and in my opinion. I am trying to set the groundwork here for one of those individuals to, okay, let's drop all of this lawsuit business, let's move forward. We are dealing, we got a job to do here, for the people of this County". Commissioner Creamer asked Commissioner Mosconis, "Okay, you want to go ahead and talk to Mr. Sanders?" Commissioner Williams said, "You go ahead and intervene with him and then come back to the Board". Commissioner Creamer said, "I made a **motion that we let Mr. Mosconis go ahead and talk to Mr. Sanders, discuss the transfer and get a hold of Mr. Carson and see what he thinks about it**". Commissioner Mosconis said, "That will be a good step". Commissioner Williams said, "I second the motion". Mr. Shuler said, "Before the Board does anything". Mr. Wade interrupted and said, "Please call Mr. Carson before you do anything". Mr. Shuler said, "When you hire a lawyer to represent you, you need to consult him". Commissioner Mosconis said, "But, by the same token, you lawyers like controversy so you can keep, that's how you make your living. I understand that, what I am trying to do say is this has gone far enough. It's time to put this behind us, not spend any more money on it and move forward. We got people out here to serve and it's not a bunch of lawyers I can tell you. I'm trying to get a message out here to ya'll. I think the public wants to here. This is ridiculous, enough is enough, there is a way to solve the problem, By God, let's do it and I'll be glad to talk to Oscar about this. I'll do it today as a matter of fact". Chairman Sanders said, "We have a motion by Mr. Creamer, second by Mr. Williams. All in favor say "Aye", Commissioner Creamer, Mosconis, Williams, and Putnal said "Aye". Chairman Sanders said, "I will be abstaining from voting because of a voting conflict". **MOTION CARRIED.** Commissioner Mosconis said, "Before you leave Van you and I had a discussion about it. You need another person at the Landfill". Mr. Johnson replied, "Right, that was an item I was going to insert in my budget". Commissioner Mosconis said, "We got a doable plan. We just got to get this doable plan together and get everybody to sign off on it so to speak. Okay, appreciate it".

#### **BILL MAHAN-COUNTY EXTENSION DIRECTOR**

(Tape 1-514) Mr. Mahan presented his report to the Board. He updated the Board on the Family Nutrition Grant Proposal request for \$42,092.00 for Franklin County and \$15,608.00 for Wakulla County; the Ninth Annual 4-H/Tropicana Public Speaking Program; the Fourth Annual 4-H Butterfly Development Program; the summer 4-H Camp Recruitment; the Vibrio vulnificus Consumer Education Programs 2002, and the California Department of Health's Emergency Oyster Regulations.

(Tape 1-665) Chairman Sanders asked if the Board wanted to send someone to represent Franklin County at the ISSC Meeting this year. She said in the past few years she and Commissioner Creamer have attended these very important meetings. Commissioner Putnal stated he thought somebody needed to go since it has benefited the County with all these rules and regulations. Commissioner Creamer said it was up to the Board. Commissioner Mosconis said he wanted to hear from the ISSC group first.

(Tape 1-690) Commissioner Mosconis said the local shrimping industry is "up in arms" about this new skimmer nets the Marine Fisheries Commission authorized them to use in this Bay. He stated what they are really concerned about is that they are so effective that they will just collapse out White Shrimp population here. He explained the Apalachicola Bay is a big nursery for the White Shrimp up and down this part of the Gulf Coast. He said this has been scientifically proven. He stated he has heard all of the experts for the last thirty-years say this. He made a **motion instructing Mr. Mahan to write a letter to be signed by Chairman Sanders and also a telephone call requesting the Marine Fisheries Commission conduct a public meeting down here about this issue and also instructing Mr. Mahan to coordinate and set up the meeting.** He stated he wanted Mr. Mahan to notify the local shrimpers about it. He said there are only about three skimmer boats over here. Commissioner Putnal stated they come from everywhere. Commissioner Mosconis said once the word gets around "that Louisiana bunch will come down here and just clean us out". Commissioner Putnal said he has talked about this before and didn't know what to do about it, but there are a lot of people really concerned about this matter. He said the first of July this becomes effective and he thought the County could separate itself from the State body if they feel it is necessary. He stated he agreed with Commissioner Mosconis and seconded his motion. Commissioner Mosconis said the oyster regulations are geared for this Bay because we produce ninety percent of the oysters in the State of Florida. He stated they have done some other special regulations for us because of the uniqueness of this area. He said this should be not exception. He instructed Mr. Mahan to use this as an argument when he talks to them since they might try to give him some run around. He said Mr. Mahan should tell them this is a different situation because of all of the scientific work done on the Apalachicola Bay. Mr. Mahan informed the Board they have actually held workshops here the past three years about this very proposal. He said the first one held here there were only twenty-five or thirty shrimpers came to the meeting. He stated most of them didn't like the idea of skimmer trawls. He said another workshop was held within the last year and at this point the shrimpers didn't show up at the meeting since they felt it really didn't matter what they thought. Commissioner Mosconis said they probably thought, "What's the use", but oftentimes you have to ring the Governments bell a little bit to get their attention. Commissioner Putnal said he thought the County could adopt an ordinance banning skimmers in our County. Commissioner Mosconis said the County Attorney needed to look into that. Mr. Shuler asked the Commissioners to let him check into this matter and report back to the Board. Chairman Sanders called for a vote on the motion. The Secretary asked Commissioner Mosconis if this was part of his motion, directing the County Attorney to check into the possibility of an ordinance banning skimmers in Franklin County. Commissioner Mosconis said he would like to add this to his motion.

All for. **MOTION CARRIED.** Commissioner Mosconis said the County could exercise the power to override the State Government.

(Tape 1-820) Commissioner Mosconis asked Mr. Mahan if he had anything new to report on the Boat Ramp Project. Mr. Mahan replied the only thing new is that there is going to be a meeting on May 20<sup>th</sup> on the East End of the County coordinated by Ken Osborne, Alligator Point, to discuss the availability of water access in that area.

(Tape 1-845) Commissioner Putnal said he went to the Timber Island Boat Ramp on Saturday. He informed the Board there were boats lined up, before daylight, to put over and go fishing. He stated there were a bunch of them. He said this continued on until late in the day, steadily loading and unloading their boats. He stated he would like for Mr. Mahan to check and see if on the other side of the "little dock we built" a boat ramp for smaller boats could be constructed there. He said there were a bunch of small boats waiting to unload, which could have probably unloaded at a smaller boat ramp. He stated the County owned the property he is talking about. He said maybe just a few shells in the area he is talking about would allow smaller boats to launch. He asked Mr. Mahan to check and see if the County owns the land and if so how much land is there. Chairman Sanders asked Mr. Mahan to report back to the Board at the next meeting.

**BIDS-ONE (1) ABOVE GROUND FOUR POST LIFT**

(Tape 1-886) Chairman Sanders announced the opening of bids for "One (1) Above Ground Four Post Lift" as requested by Hubert Chipman, Superintendent of Public Works-Road Department Garage. The Clerk read the following bids into the record as they were opened: Coastal Equipment Supply \$26,200.00; Certified Hydraulics, Inc. \$23,433.00; and Gander Auto Parts Inc., \$35,000.00. He suggested the Board make a motion to submit the bids to Mr. Chipman for review and his recommendation for award of the bid. Commissioner Putnal made a **motion authorizing Mr. Chipman to review and recommend to the Board which company should be awarded the bid for the Above Ground Four-Post Lift.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

**COMMISSIONER JIMMY MOSCONIS**

(Tape 1-946) Commissioner Mosconis asked Chairman Sanders to allow him to interrupt her to speak to someone who had just come into the meeting. He said, "Ralph, I think ya'll just missed the discussion about the shrimp. What we did was Bill Mahan, our Extension Agent, is going to contact the Marine Fisheries Commission and ask them to come down here and have a public meeting regarding the skimmers. Our Attorney is going to research the law and see if we can supersede or if we can ban them in this County". Mr. Richards replied, "I sure appreciate it Jimmy". Commissioner Mosconis said "We'll keep ya'll...and I told him any meetings...to be sure and contact all ya'll. We'll make sure ya'll get contacted".

**MARK CURENTON-ASSISTANT COUNTY PLANNER**

(Tape 1-971) Mr. Curenton reminded the Board Mr. Pierce was out of town this week.

(Tape 1-972) He said he needed Board action to authorize the Chairman's signature on a Resolution of Appreciation for Florida's State Park System, especially for the parks in Franklin County-the SGI State Park, Bald Point State Park, the Orman House, and the John Gorrie Museum. He explained the Resolution recognizes May as Florida State Parks Month. He said the Governor and various park employees have requested the Board adopt this Resolution. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Resolution of Appreciation for Florida's State Park System recognizing the month of May as Florida State Parks Month.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1004) He said he was submitting a copy of a letter requested by Bonnie Segree, Franklin County Library Services, supporting a grant she has applied for. He stated the letter is addressed to Patricia W. McGill, PhD, Florida A&M University. He said the application is for a 21<sup>st</sup> Century Learning Center Program for Franklin County.

(Tape 1-1017) He presented a package of information from a firm, Gannett Fleming, specializing in cell tower locations. He said the firm is interested in assisting the County in regulating the location of cell towers within the County. He informed the Board their proposal is for the County to pass an ordinance, which would adopt standards for the location of cell towers and then contract with this firm to implement the standards. He said he was just presenting this information to the Board this morning for their Board file.

(Tape 1-1046) Commissioner Mosconis asked Mr. Curenton if the Board could postpone item number four on his report regarding the appointments on the Planning and Zoning Commission. He said Commissioner Creamer had to leave the meeting early today. Commissioner Creamer explained this discussion about appointing members to the Planning and Zoning Commission might require a lengthy discussion and he informed the Board he had really rather wait until Mr. Pierce gets back as well. Mr. Curenton stated this would be fine and he would inform Mr. Pierce about having this matter revisited at the next meeting.

(Tape 1-1059) He said he had an item not listed on his report he needed to mention to the Board. He stated yesterday the BOA did not have a meeting because there was not a quorum. He informed the Board the meeting had been rescheduled for tomorrow at 9:00 a.m. here at the Courthouse Annex. He said there is a verbal commitment for a quorum, but there are two vacancies on the BOA, which need to be filled. Commissioner Mosconis said the Board would do that at the next meeting too.

(Tape 1-1087) Mr. Curenton said he would interrupt his report at this time to allow Mr. Chipman to make his recommendation to the Board as to the bid award for the Above Ground Four Post Lift.

**HUBERT CHIPMAN-BID AWARD-ABOVE GROUND FOUR POST LIFT**

(Tape 1-1088) Mr. Chipman reported to the Board he was requesting and recommending the Board award the bid for the lift to Certified Hydraulics, Inc. He stated they were the lowers bidder and met all of the specifications. Commissioner Putnal made a **motion**

**accepting Mr. Chipman's recommendation and formally awarding the bid for an Above Ground Four-Post Lift to Certified Hydraulics, Inc.-\$23,433.00.**

Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

**MARK CURENTON-ASSISTANT COUNTY PLANNER-CONTINUED**

(Tape 1110) He informed the Board the grant the County submitted for the Old Franklin County Jail Renovation had not been selected for grant-in-aid assistance. He presented a letter dated April 25, 2003 from the Florida Department of State informing the County of this.

(Tape 1-1124) He asked the Board for direction in requesting the owner of Jeanni's Journey on SGI to remove the fence she erected across 3<sup>rd</sup> Street on SGI. He explained she is using it for a staging and storage area for her business. He stated an adjoining property owner has requested access to 3<sup>rd</sup> Street and can't because of the fence, etc. He said, at this time, the business has failed to remove signs on Gulf Beach Drive as requested by the Planning Department several weeks ago. Chairman Sanders asked Mr. Curenton if the Planning Department had tried to rectify this matter. Mr. Curenton replied they had. Commissioner Creamer said he was going to make a **motion directing the County Attorney to send the owner of Jeannie's Journey a letter requiring the fence and the other items on the County's right-of-way be removed immediately.** He said the owner is actually operating a business in a residential area. Mr. Curenton replied he thought the business was in a Commercial District. He said the building is actually on Commercial property on SGI. He reported the owner has a lot of business items on the County right-of-way. Commissioner Creamer said he wanted the items removed. Chairman Sanders called for a second on the motion. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1179) He said, at the last meeting, the Board tabled any decision on scheduling a public hearing as requested by Walter Armistead. He stated Mr. Armistead had requested a land-use and zoning change for his property on Highway 65 around Fort Gadsden Creek. He explained the question was posed as to if the parcel was in two separate parcels therefore they were not continuous. He said Mr. Armistead has agreed to delete the parcel in question and only ask for a land use and zoning change on the one parcel. He stated the property would consist of 7.2 acres. Commissioner Creamer made a **motion authorizing Mr. Curenton to schedule a public hearing to consider a land use and rezoning change for 7.2 acres of property on Highway 65 near Fort Gadsden Creek as requested by the property owner Walter Armistead.** Mr. Curenton explained the change would be from R-6 Rural Residential, one unit per ten acres, to R-1, which would allow one unit per acre. Commissioner Mosconis said he would second the motion. All for. **MOTION CARRIED.**

(Tape 1-1242) He said he would like to address the remaining items on his report, which all relate to the Apalachicola Airport. He read the following into the record: A. The Board needs to assign a new name to the new airport road. The Sheriff's Department has had some calls out on the new road, even though it is not fully complete, and they do not have a name for the road. Commissioner Mosconis instructed Mr. Curenton to call the



road "New Airport Road". B. Inform the Board the National Weather Service would like to remove the fiberglass dome over the building, which was used to inflate and hold the large weather balloons and take the dome somewhere. Since the current Emergency Management Operations is using the building for storage, the National Weather Service has agreed to place a storage building behind the EOC as a new storage area. Tim Turner, EOC Director, recommends this dome be removed. The Airport Advisory Committee is also aware of this change. Board Action to allow the National Weather Service to remove the fiberglass balloon dome at their expense and provide the County with a new storage building for the EOC to use. Commissioner Mosconis made a **motion authorizing the National Weather Service to remove the fiberglass dome over the building at the Apalachicola Airport used to inflate and hold the large weather balloons and move the dome away from the Airport.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** C. The Airport Road Project is getting geared up again, but URS and Preble-Rish have not yet resolved an old issue relating to the billing for inspections services when Preble-Rish was a sub on the project. Now that Preble-Rish is the lead engineer, inspections need to be made as construction proceeds. URS has submitted two invoices for inspection services that the County Finance Office has not paid because of this confusion. Alan has spoken to Larry Parker with URS and he acknowledges a problem with these two invoices. At the request of the Finance Office, the Board needs to take action to authorize the expenditure of \$9,000.00 of Airport Funds for inspection services on the Airport Road. There are funds available in the Airport Grant, because the County has been reimbursed by FDOT for the previous in-kind work completed by the Road Department. At some point the two companies will get their bills straight, and the \$9,000.00 will be reimbursed by the grant. Commissioner Mosconis said he was going to suggest the Board didn't do anything on this issue until the next Board Meeting to see if we can find out what is really going on with these two bills. D. Board action to approve the URS Engineering Contract for engineering services for the Airport contingent on the County Attorney reviewing the contract. This contract does not involve any compensation, as all fees are related to specific projects and this contract does not include services for any particular contract. Commissioner Mosconis made a **motion to approve the URS Engineering Contract for engineering services for the Airport contingent on the County Attorney reviewing the contract.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** E. Last week Alan met with Larry Parker, URS, Ted Mosteller, Airport Advisory Chairman, and a URS Senior Vice-Chairman, and went over a few things related to the airport. Several things of interest are: once the general engineering services contract is signed, URS will prepare supplemental agreements for two projects that need to move forward-the Airport Master Plan Update and the Security Fencing Project. Both of these will be funded by State FDOT, which has funds available. A third project, the striping and marking of one of the runways will be presented soon, but this project is mainly being funded with Federal funds, and those are not currently available. However, URS wants the Board to know that when the County begins to receive Federal dollars it will be obligated to follow some FAA guidelines regarding non-airport uses at airport. The FAA wants such non-airport uses to pay reasonable fees to the airport. Now it is possible instead of true cash payments, in-kind contributions can be recognized, but URS recommends the Board get some sort of clearance from the FAA. Currently, there are several non-airport uses at the

airport-the EOC, the County Extension Office, and The Wasmund's Old Garage still stands on airport property, and the new City of Apalachicola water wells. Board action to direct Alan to notify Dean Stringer, FAA Manager in Orlando, for direction on how to settle these issues for an in-kind value, unless the Board does want to allocate actual dollars to the airport to pay for these things. Commissioner Mosconis made a **motion instructing Alan Pierce to do this.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1476) Commissioner Mosconis said this is probably going to be a "sore" issue, but he is going to bring it up anyway. He stated on SGI there is a sign problem. He said the real estate people over there have got a sign, sometimes three signs on each corner. He stated they have one for each house for sale and one for each house they try to rent. He informed the Board he thought the Planning Department needed to seriously look at some kind of sign ordinance for SGI. He said a lot of these signs need to be removed or at least the signs need to be smaller. He stated if you ride over there or just ride around the Island you see too many signs. He said SGI is producing a generous amount of tax revenue for this County. He stated one of his good friends from Georgia was riding around with him on the Island a couple of weeks ago. He said his friend said, "Man, look at all of these signs". He stated he got to looking at them and his friend was right, you go through the gate at The Plantation and you don't see them. He said all of those signs are really taking away from what is really there. He stated he thought he would put that in the form of a **motion directing the Planning Department to check into a sign ordinance for Franklin County.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1525) Chairman Sanders said she would like to have a letter sent to Edward Prescott, FDOT, in Chipley, Florida. She stated she wanted to request FDOT come to Franklin County to do a traffic study on Highway 98 in the St. Teresa area. She explained she is concerned about the speed limit in this area and see if the speed limit needs to be lowered. She stated she also wants them to check into the possibility of establishing a "No Passing" zone in this area. She said there are a number of private drives in this area, which emerge from the woods onto the highway. She stated vehicles entering and exiting these driveways could create a dangerous situation on the State Road. Commissioner Creamer made a **motion directing Mr. Curenton to send a letter to the FDOT District Office, Edward Prescott, in Chipley, Florida requesting they conduct a traffic study on Highway 98 in the St. Teresa area regarding lowering the speed limit and establishing a "No Passing" zone there as well.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**PH-LU & ZONING CHANGE FOR 9.9 ACRES-CARRABELLE A- 2 TO I-1**

(Tape 1-1555) Chairman Sanders announced the opening Public Hearing to consider a land use and zoning change for 9.9 acres in Section 25, Township 7 South, Range 5 West, located in Carrabelle from A-2 Forestry Agriculture to I-1 Industrial. She asked Mr. Curenton if he was ready to conduct the public hearing. Mr. Curenton replied he was ready. He said this is the public hearing that was tabled from the last meeting for the concrete plant in Carrabelle. He stated there was a potential problem with the dates as

advertised for the public hearing on April 15, 2003. He said the hearing has been properly advertised and all of the legal requirements have been met for this public hearing today. He stated the property is located on Airport Road in Carrabelle. He said the Chairman could begin public comment if she wanted to at this time. The following people approved of the project and urged the Commissioners to adopt the land use and zoning change: Jim Maples, A Materials Group, Tallahassee; Scott Cleveland, Engineer with A Materials Group, Lake City; Elva Peppers, Environmental Specialist with A Materials Group, Tallahassee and Gene Langston, owner of the property and realtor, Carrabelle. They gave lengthy reasons for the Board to approve the request. The following people requested the Board deny the land use and rezoning change request: Spessard Holland, III, Havana; Namon Nasse, Pensacola; Ace Haddock, Carrabelle; Bud Ammons, Carrabelle; A. D. Folks, Carrabelle and Attorney Charles Curran, Carrabelle. Mr. Curran submitted a package of information regarding the Comprehensive Plan and various Statutes applicable to the land use and rezoning request. Commissioner Creamer expressed his displeasure at the dust, traffic, etc. at the concrete plant in Eastpoint. He said he received numerous complaints about these type problems almost on a daily basis. Commissioner Creamer explained he was going to have to leave the meeting soon asked the Chairman to interrupt this public hearing and conduct the next scheduled public hearing regarding the zoning change request on SGI for Lots 5, 6 and 7, Block 4 West, Unit 1, the Old Medical Plaza on SGI from C-2 Commercial Business District to C-4 Mixed Use Commercial/Residential. Chairman Sanders agreed to conduct the rezoning public hearing at this time. Commissioner Creamer thanked Chairman Sanders for interrupting this public hearing.

**PH-ZONING CHANGE FOR LOTS 5-7, BLK 4 WEST, UNIT 1-SGI**

(Tape 1-3424) Mr. Curenton said this was another hearing that had been tabled from the last Board Meeting. He stated the reason for tabling this request was because the Commissioners wanted to wait until Commissioner Creamer could be at this meeting. Commissioner Creamer reminded the Board he did not attend the last meeting. Mr. Curenton said this is a rezoning request and does not include or necessitate a land use change. He explained the building had been used for medical offices and a land title company. He said the owners want to use the bottom floor for commercial uses and use the top floor for apartments or a residence. He stated the C-4 Zoning would allow this type of use. After no public comment or opposition to the request Commissioner Creamer made a **motion adopting and authorizing the Chairman's signature on "An Ordinance Rezoning Lots 5, 6 and 7, Block 4 West, Unit 1, SGI from C-2 Commercial Business District to C-4 Mixed Use Commercial/Residential"**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**PUBLIC HEARING-9.9 ACRES IN CARRABELLE-LU AND REZONING**

(Tape 1-3487 Continued on Tape 2) Chairman Sanders said she would now allow the public hearing to consider the land use and zoning change for 9.9 acres in Section 25, T7S, R5W, located in Carrabelle from A-2 Forestry Agriculture to I-1 Industrial to resume at this time. After informing the Board of the problems he has had with the concrete plant in Eastpoint, Commissioner left the meeting at 10:35 a.m. At the end of public comment by the public and a lengthy public hearing Chairman Sanders called for a

motion either approving or disapproving the request two or three times. Commissioner Putnal said he was concerned about the traffic situation on Highway 98 at the road beside the "Hog Wild" bar-b-que restaurant. The Commissioners did not make a motion so Chairman Sanders announced she was relinquishing the Chairmanship to Vice-Chairman Putnal. She passed Chairman Putnal the gavel and informed everyone he was the Chairman at the present time. She said she would make a **motion adopting "An Ordinance Amending the Franklin County Comprehensive Plan to Change the Permitted Land Use of a 9.9 Acre Parcel in Section 25, Township 7 South, Range 5 West Located in Carrabelle from Agriculture to Industrial"**. Commissioner Mosconis seconded the motion. Commissioners Sanders, Mosconis and Williams for. Commissioner Putnal opposed. 3-1 **MOTION CARRIED**. Commissioner Sanders made a **motion adopting "An Ordinance Rezoning Approximately 9.9 Acres in Section 25, Township 7 South, Range 5 West located in Carrabelle from A-2 Forestry Agriculture to I-1 Industrial"**. Commissioner Mosconis seconded the motion. Commissioners Sanders, Mosconis and Williams for. Commissioner Putnal opposed. 3-1 **MOTION CARRIED**. At this time Commissioner Putnal relinquished the gavel and the Chair back to Commissioner Sanders.

(Tape 2-697) Chairman Sanders announced she was going to take the next agendaed item at this time.

**SCOTT VASCAVAGE-ORGANIZATION ARTIFICIAL REEFS-COORDINATOR**

(Tape 2-715) Mr. Vascavage said he was present this morning to seek the Board's approval to have the Chairman sign a USCOE Permit Application for the proposed SGI Bridge Artificial Reef Project. He reminded the Board his organization, OAR, has been following the new bridge project every since it began. Chairman Sanders asked him if he was aware of the new effort to save that part of the bridge, the Eastpoint side to the causeway, as requested by Harry Buzzett, SGI. Mr. Vascavage replied he was here at that meeting Mr. Buzzett made his presentation. He said he understands part of the contract awarded to Boh Brothers, Inc., the contractor for the new bridge, is for portions of the old bridge are to be barged offshore to create artificial reefs. He stated this was all a part of the contract awarded to Boh Brothers by FDOT. He said OAR has already agreed to handle all of problems and expenses involved in barging the material offshore and dumping it to form an artificial reef. He stated OAR is now ready to seek the necessary permits from USCOE and other entities, if necessary to cover this project. He informed the Board the proposed site is roughly nine and one-half nautical miles due south of Bob Sikes Cut. He explained they have researched the amount of material, which the old bridge will generate and have decided on this site. He said the site they are proposing a nautical mile long by two-tenths of a nautical mile wide. He stated the reef would be around fifteen to twenty-five feet from the natural bottom of the Gulf of Mexico. He explained there was a public meeting held here in Franklin County, Apalachicola, in March to gain insight on the proposed sites for the reef project. He said there was no opposition whatsoever to this site. Commissioner Mosconis asked if any shrimpers were at the meeting. Mr. Vascavage replied he had talked to most of them personally about the matter down at the docks. Commissioner Mosconis asked him if they were little shrimp boats or big shrimp boats. Mr. Vascavage replied they were big

shrimp boats. He said the majority of the shrimpers he spoke to express their concern about knowing where the reef(s) are so they can avoid them when they are shrimping or going in and out of the Cut. Mr. Vascavage presented a map of the reefs located in Franklin County. Commissioner Putnal made a **motion authorizing the Chairman's signature on the USCOE Permit Application for the proposed SGI Bridge Artificial Reef Project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Vascavage again assured the Board that his organization, OAR, was going to take care of the permit application, the fees, etc. He thanked the Board for this assistance this morning. Mr. Shuler asked him about the County's liability during the loading and transporting the material. Mr. Vascavage assured the Board he would take care of this matter too. He said he would make sure the County Attorney was kept updated about the liability issue and review of the permit application.

#### **CHAIRMAN SANDERS**

(Tape 2-1021) Chairman Sanders said the old Forestry Work Camp at the east end of Carrabelle is now empty since they relocated to their new site on Airport Road in Carrabelle. She stated she would like for Mr. Curenton to send a letter to the DACS Commissioner Charles Bronson and request the County be allowed to sublease the property. She explained the Franklin County Courthouse Annex is located directly next door and the building might be used in the future by the County to provided services to the east end of the County. She said she would also like a copy of the letter sent to the Billy Buzzett, St. Joe Company, because they are leasing the property to DACS. Commissioner Putnal made a **motion directing Mr. Curenton to send a letter to Commissioner Charles Bronson, DACS, requesting permission for the County to sublease the old Forestry Work Camp at the east end of Carrabelle for use by the County and also directing him to make sure a copy of the letter is sent to Billy Buzzett, St. Joe Company since they are leasing the property to DACS.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

#### **MARK CURENTON-ASSISTANT PLANNER-CONTINUED**

(Tape 2-1070) Mr. Curenton said William Poloronis, Chairman of the Franklin County Construction Licensing Board, would like to address the Board on the need for separate permits to be issued for different types of inspections and how much such a procedure will result in better control of the construction industry in the County. Mr. Poloronis said he was here this morning representing the CLB as its Chairman. He explained the contractors were in agreement this might be a way for the County to better enforce the trades here so people can be assured the contractors here are licensed contractors. He said this happens especially in the fields of electrical, HVAC, plumbing and roofing. He stated the proposal is: "When a Building Permit is applied for and paid for then each of those fields; electrical, plumbing, mechanical, roofing, and even site prep, proof can be submitted at that time as to who the person is going to be doing this type of work, or if it its an owner, still be done to keep people from being able to skirt the law and abuse these fields". Commissioner Mosconis asked what about an owner-doer like him. Mr. Poloronis replied, "You can do anything you want to do". Commissioner Mosconis thanked him for saying this and said "Now, don't say anything else". Mr. Poloronis said as long as he didn't pay somebody else to do the work he would be okay. He stated it

shouldn't hinder an owner doing his own work. He said he understands though the fee would still have to be paid. Commissioner Putnal stated he had some problems with this. He said if you get somebody to help you do any construction they are going to have to be licensed. He stated there is a lot of people who help other people build things, which are not licensed. He explained this would stop people from helping other people especially older people who need help. He said they would have to hire somebody or pay a fee for doing the work. Commissioner Mosconis said Robin Brinkley, Franklin County Building Official, was here this morning and then asked Mr. Brinkley and Mr. Poloronis if there was a problem "out in the field". Mr. Brinkley stated most of the time when they go to a job site the work has already been completed and the Building Inspectors don't even know who completed the work. He stated people are hiring unlicensed people to do work. He said if someone hires somebody unlicensed to do the particular work a person really has no recourse if the work is not completed right. He stated a person such as this couldn't be forced to appear before the CLB to have the compliant dealt with. Commissioner Mosconis asked why couldn't he, as the Building Inspector, fail the particular part of the job that is not done right. Mr. Brinkley replied yes, but then they would come to the owner inform them they had failed the inspection; then the work has to be redone, then the person who did the work refuses to come and redo the work, etc. then there is presently no consequences for them to enforce. Mr. Brinkley said all of the surrounding counties already require additional permits for every project completed by a subcontractor. Commissioner Mosconis said unless the Planning Department is having a problem he doesn't want to cause any. Commissioner Putnal said he thought this would just create more problems. Commissioner Mosconis stated he did a lot of his own work such as electrical, etc. Mr. Brinkley explained if a person hires an unlicensed person to do work for them then it is illegal according to the Florida Statutes. He said if they are just helping you as a friend they still can. Chairman Sanders stated the County Attorney has just advised her these changes need to be adopted through the ordinance process and not just by adopting a resolution. Mr. Brinkley said everyone on the CLB is in agreement about this issue and encouraged the Board to do something. Mr. Shuler said part of the problem is the high rate of Worker's Compensation insurance some of the contractors have to pay. He said one contractor told him "for every dollar I make on the job I am paying out over a dollar in insurance", so what is happening is unlicensed people are undercutting the licensed people. He stated these people are working unlicensed and uninsured, which is hard on the contractors trying to all of the right things. Commissioner Mosconis said, "Now, wait a minute counselor. Some of these contractors are going out and forming, not paying any Worker's Compensation. They are legitimate license holders because they have their brother, wife, or other members of their family working for them. Then they don't need or are exempted from the Worker's Comp Law since they claim they are all partners. So they are not paying it either, there are two sides to this story too. Some of your legitimate good builders, and I don't blame them, I am not faulting them for it, but they are skirting that Worker's Comp Law too". Mr. Shuler said to the extent within the boundaries of the law, there is no complaint method. He stated the recommendation this request is founded on is to cut out those people who are working illegally. He said they are not Worker's Comp exempt, which is Commissioner Mosconis is referring to, they are just simply not licensed. He said they don't have the training, insurance, nor or they exempted from having the insurance. Commissioner

Mosconis said this reminded him of the time "Some of people who live in Franklin County that were laid off when the paper mill closed tried to get their roofing license and got shafted. They have been roofing for thirty-years as a side job. They wanted to get grand fathered-in and the same Board, the CLB, put the shaft to them. This caused them a delay in getting their license so they could go to work". He said he thought this matter should be researched a lot further. He stated he was not going to accept this request. Chairman Sanders said if the Board does grant this request by the CLB it would have to be by an ordinance and not a resolution, which is just simply voted on without public input. After discussion Commissioner Williams said he was going to make a **motion tabling this request.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**TED MOSTELLER-APALACHICOLA AIRPORT ADV. COMMITTEE**

(Tape 2-1391) Mr. Mosteller said he wanted to comment on the fiberglass dome issue at the Airport. He asked Mr. Curenton if he misunderstood him when he said, "All they want to do was to provide a temporary building". Mr. Curenton replied they were going to provide a temporary building for the County to use for it. Mr. Mosteller said his question was and it was his understanding when he signed the NOAA document they were going to provide a roof over the building when they remove the dome in addition to the temporary building. He said he didn't hear Mr. Curenton mention this. Mr. Curenton replied he really didn't know anything about this situation since Mr. Pierce typed this report and dealt with this issue. Mr. Mosteller stated he was not sign any specs or anything for this building until this matter was resolved. Commissioner Mosconis said Mr. Mosteller told them what to put in the report. Mr. Mosteller replied he didn't and didn't know anything about this particular situation. He said he made the comment "I was presented to him they would provide a roof over the building after they take the dome off so the County could still use the building". Commissioner Mosconis said this project was not going to begin next week anyway. Mr. Mosteller said he wanted to be sure it was clear with NOAA what was going to be done. Mr. Curenton said he would inform Mr. Pierce of these questions and let him handle it.

(Tape 2-1455) Mr. Mosteller said his growing concern about the Airport Access Road was that he did not have a copy of the amended JPA from FDOT regarding the extension the State gave the County of the project. He said the document known as "Supplemental Joint Participation Agreement-Relocation of Airport Road to Industrial Park-FIN PROJ#: 40613719401-Franklin County" had been approved by the Board but the Board File did not have a finalized copy. He said he received one from Ruth Williams, Finance Officer, and wanted to make sure the Board Secretary got a fully executed document for the Board file. He said this agreement allows an extension for the Airport Access Road, which expires on June 30, 2004. He asked the Board to formally acknowledge receipt of this completed document. Commissioner Mosconis made a **motion accepting the finalized-executed document "Supplemental Joint Participation Agreement-Relocation of Airport Road to Industrial Park-FIN PROJ#: 40613719401", which extends the completion date of the Airport Access Road for the Apalachicola Airport until June 30, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**KENDALL WADE-CLERK**

(Tape 2-1506) Mr. Wade wasn't present at the Board Meeting at this time so the Chairman asked Ms. Varnes, Board Secretary, to begin his report until he came back into the meeting. Ms. Varnes said each of the Commissioners had been given a copy of a letter from James A. Harris, Jr., CFC, Franklin County Tax Collector informing the Board the corporation leasing the local hospital, George E. Weems Memorial Hospital, had not paid their 2001 or 2002 personal property taxes. She said the 2001 taxes are \$5,552.07 and the 2002 taxes are \$4,608.74 for a total amount due of \$10,160.81. She stated the letter reflected Mr. Harris has sent official notification to the following: Weems Memorial Hospital, C/O Centennial Healthcare Corp., Attn: Gary Garner, Suite #650, 400 Pereminter Center Terrace, Atlanta, GA 30046. She reminded the Board they had been informed this company had not paid their Ad Valorem Taxes either.

(Tape 2-1557) Mr. Wade came back into the meeting at this time. He informed the Board he has checked with the Finance Officer and has been told by her the County can purchase the Sumatra Cemetery Property if they so wish. He said the County does have approximately \$10,000.00.

(Tape 2-1570) He presented each Commissioner with a memo regarding the County Attorney Fees. He said when Mr. Shuler was originally selected to be the County Attorney, around the first of the year, the Board set a cap on expenditures at \$12,000.00 for the first six months. He said he is informing the Board this morning there is only a remaining balance in this fund of \$554.29 after four months of service by Mr. Shuler. He said these funds are all that remain in the County Attorney Budget until the end of June as specified by the Board. He asked them if they had any comment or instruction regarding this matter. After no direction or comment Commissioner Putnal made a **motion to continue to pay the County Attorney for invoices in the amount the County Attorney submits until the first of July.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Wade also reminded the Board his office has not received a formal contract between the County and Mr. Shuler.

**THOMAS M. SHULER-COUNTY ATTORNEY**

(Tape 2-1672) Mr. Shuler said since the money is available to purchase the Sumatra Cemetery property he has reached an agreement with the seller to sell the property to the County for \$10,000.00. He explained some of the details still have to be worked out concerning the exchange of deeds. He said they want to use a "Quit Claim Deed" and he prefers to use a "Warranty Deed". He stated he thought it was a "done deal" and all he needed this morning was final approval to spend this money to purchase this property. Commissioner Mosconis asked if the "math" had been done on the remaining cemetery lots. He asked if a decision had been made for how much would be charged for plots. Mr. Shuler said he thought there was approximately one-half acre left in the cemetery. He said he would work on this matter and make sure the costs of purchasing this property was passed on to the people buying the lots. Commissioner Mosconis made a **motion authorizing the expenditure of \$10,000.00 to purchase the Sumatra Cemetery property by the County.** Commissioner Williams seconded the motion. All for.



**MOTION CARRIED.** The Board instructed Mr. Shuler to be sure the costs of these cemetery plots were passed on to the purchasers of the plots.

(Tape 2-1777) He stated he would like to announce to the Board and the audience the finalization of a meeting between the School Board and the County Commissioners had been scheduled for June 3, 2003 at 6:00 p.m. in the Courthouse Annex. He said both the School Board and the Commissioners have approved this time. Commissioner Mosconis asked who would moderate this meeting. Mr. Shuler replied the County Commission Chair.

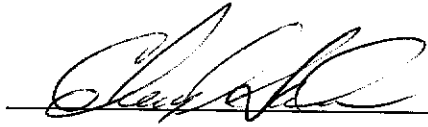
**MATTERS FROM THE FLOOR**

(Tape 2-1796) Commissioner Putnal said he believes the Census numbers are still wrong. He stated just like in the beginning they had a prison in Chairman Sanders District. He said all they did was take 1,200 people out of her total District population because that was the number they had added for the prison. He stated this was a fictional prison and did not exist so how did the number they came up be considered correct. He said he talked to the 911 Coordinator who informed him there were at least 10,000 residences in the County. He said the national average is two and one-half person per resident. He stated they would mean 25,000 people live in Franklin County and he is just telling everyone these numbers are not correct. He said he questions these numbers. He stated he talked to a lot of people who just tore up the Census paperwork and threw it in the trash. He said most people didn't want the Government to know about their personal matters. Commissioner Mosconis asked Commissioner Putnal if he had talked to the Supervisor of Election, Doris Gibbs, about the number of registered voters in the County. Commissioner Putnal said a lot of people in his District do not register to vote. Commissioner Mosconis stated he couldn't help that. Commissioner Putnal said well, he couldn't help those numbers being wrong either. He stated the Commissioners salary would then be wrong and they were "way" being underpaid. He said if he is correct then the something should be done. Commissioner Mosconis asked if they were going to get "back pay". Commissioner Putnal said, "It ain't right they way they are doing it".

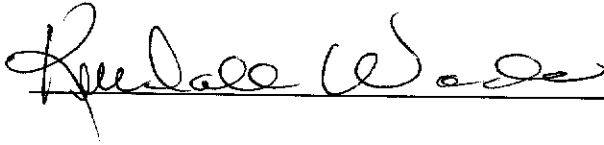
(Tape 2-1882) Commissioner Mosconis said the County now had an Engineering Tech. He stated he needs to be here at the meetings to give the Board his own report. He stated the Board needed to tighten up the relationship between him and the Road Department because there is a lot of miscommunication between them. Chairman Sanders asked Mr. Curenton to inform the Engineering Tech, Chris Clark, and Mr. Pierce about Commissioner Mosconis' instruction. Ms. Varnes asked if this meant the Board wanted Mr. Clark added to the Agenda. The Board replied they did want him placed on the Agenda with the other Department Heads. Chairman Sanders instructed Ms. Varnes to schedule Mr. Clark on the Agenda between Mr. Chipman and Mr. Johnson.

FCBCC MINUTES-MAY 6, 2003

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK