

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

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

**ABSENT:** Commissioner Eddie Creamer.

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

(Tape 1-27) Commissioner Putnal made a **motion to approve the minutes of the meetings held on September 2, 2003, September 16, 2003 and September 22, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-33) 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 1-43) Mr. Chipman stated he wanted to inform the Board his Department has completed all of the listed items the State of Florida DOT had recommended be completed on the Bluff Road Curve in Apalachicola. He reminded Commissioner Mosconis about this project. He said this road was also known as the Cemetery Curve. He stated the area he is talking about is where 24th Street intersects with 12th Street near the cemetery. He explained the rumble strips have not been installed yet, but should be installed by the end of the day today if it doesn't rain. He said the Road Department is going to build the rumble strips themselves for the area at Highland Park. Commissioner Mosconis said he thought there were some other "hot spots" in the County. He stated the big signs the Road Department put at the cemetery curve in Apalachicola are really legible. He stated if someone drives past these signs and they don't slow down then it's their own fault.

(Tape 1-66) He said his crew was working on a road no one really lives on named "Duval Road" off of CR 67. He stated his crew cleans the ditches and grades the area once a year. He explained after the roadwork has been done the road does not need to be driven on for a little while. He said these dual wheel trucks got right back on the road the other day and tore the road all to pieces. He asked the Board for permission to close this area of road until it rains. He said he would put a sign up and if someone really wanted to go through the area they could, but if they get stuck then they are basically own their own. Commissioner Mosconis made a **motion authorizing Mr. Chipman to temporarily close a portion of Duval Road off of CR 67 for repairs.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-118) Chairman Sanders said she wanted to compliment Mr. Chipman for the work his department did on the sidewalk at Lanark Village. She stated the people who live in the area are very pleased about it.

(Tape 1-121) Commissioner Putnal asked Mr. Chipman if he had "any pull over there at VMS and if he did could he get them to put in some turn lanes right there at Lighthouse Road in Carrabelle". He said the area where you turn off to these roads is bad. Gary Weeks, VMS, informed the Board the Commissioners would have to send a letter to FDOT to conduct a traffic study to see if the turn lanes were needed there or not. He stated FDOT would determine whether it would be justifiable or not. Chairman Sanders informed Commissioner Creamer a request would have to be submitted to FDOT for them to conduct a traffic study.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-155) Chairman Sanders said Mr. Johnson had come into the meeting this morning. She stated all he had to present to the Board was his Compensatory Time Report dated October 7, 2003. She explained Mr. Johnson was very busy this morning and had several different items to check on so she told him he could just leave his report for the Commissioners.

**GENE LANGSTON-OFFER TO SELL TWO LOTS ACROSS FROM ANNEX**

(Tape 1-159) Kendall Wade, Clerk, introduced Mr. Langston to the Board at this time. Mr. Wade said Mr. Langston was here this morning representing the owner of the two lots across from the Courthouse Annex, Ben Watkins. He informed the Board he talked to Mr. Watkins by telephone the other day and was offered the lots for the price of \$85,000.00 for each lot. He said there are several people interested in purchasing the lots, but Mr. Watkins has informed him that he had rather the County purchase them if at all possible. He stated the area is going to be needed for parking sooner or later. He said Mr. Watkins told him there are three more lots at the back of these lots and also across from the Courthouse Annex, which he would also offer to sell the County at a later date. Mr. Wade said he would highly recommend the Board purchase these two lots from Mr. Watkins. Commissioner Mosconis asked Mr. Wade if there was any money in the Contingency Budget to pay for the lots. Mr. Wade replied there wasn't that much money in Contingency, but with the County Attorney's assistance the County might work out some type of an agreement for the purchase of the lots with Mr. Watkins. Gene Langston, representing Ben Watkins, said he was asked by Mr. Watkins to attend this Board meeting to see if the Board was interested in purchasing these two lots. Mr. Langston stated he hated to see the County do what the State always does and that is to wait until after the property has been sold to try then to purchase it from the second owner. He stated after a while the price of the property has increased quite a lot. Mr. Wade stated he felt if someone else did buy the lots they would want to sell the lots to the County and double the price of the lots. Mr. Langston stated Mr. Watkins just wanted to be sure the County had the first opportunity to purchase the lots since they are directly across from the Courthouse Annex. Chairman Sanders asked if this was a firm price, \$85,000.00 per lot. Mr. Wade said Mr. Watkins had told him this was the firm price. He said Mr. Watkins also informed him the County would have an option to purchase the

other surrounding three lots at a latter date. He stated this would give the County ownership of most of the block. Mr. Langston informed the Board there is one lot in between all of the lots owned by a Mr. Robertson. Commissioner Mosconis asked if the two lots directly across from the Courthouse Annex was the property they were referring to. Mr. Wade replied it would be the two lots right across the street from the Annex the one with the dilapidated house on it and the vacant lot next to it. Commissioner Mosconis said he would make a **motion directing the County Attorney, Mr. Shuler, and the Clerk, Mr. Wade, to research the purchase of these two lots from Ben Watkins and return to the Board at the next meeting with a proposal for the purchase of these lots.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he wanted the Clerk and the County Attorney to check to see how the County can pay for the property.

#### **CHAIRMAN SANDERS**

(Tape 1-287) Chairman Sanders said while parking around the Courthouse was being discussed she would like to ask Alan Pierce, Director of Administrative Services, what happened to the plan to construct a parking area on the side of the Courthouse and to have the Road Department cut an entrance into the Old Jail parking lot from Water Street and to lime rock the area for parking. Mr. Pierce replied nothing was ever done. He stated the County never got around to doing it. Chairman Sanders stated she knew the County Engineers, Preble-Rish, Inc., had surveyed and prepared some plans for the side of the Courthouse. Mr. Pierce replied part of the problem with the side of the Courthouse was the concern about people backing out from the parking spaces into the street or the traffic going the other way. He stated the engineers weren't sure this was a good idea to have traffic backing out into the street. He said this might cause even more problems. Chairman Sanders stated something has got to be done about the parking problem. She said it is terrible when there are meetings or court is being held. Mr. Pierce said there is a lot of grass beside the old Planning and Zoning Office that could be converted to parking spaces. Chairman Sanders said she was just trying to get some information on the matter.

#### **ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-345) Mr. Pierce presented a copy of a letter he had written, by Board Direction, to a resident on North Bayshore Drive in Eastpoint about the complaints Commissioner Creamer had received about the operation of a business from this residence on North Bayshore Drive. He said the letter reminded the property owner, Mark Arroyo, the area of North Bayshore is zoned Residential and is not a commercial area. He stated the letter also asked Mr. Arroyo to contact him, but Mr. Arroyo has hired an attorney, Nick Yonclas, who has sent a letter back to the County informing the County, Mr. Arroyo didn't think he was doing anything wrong. Mr. Pierce stated he then sent a letter dated October 6, 2003 back to Mr. Yonclas stating it did appear Mr. Arroyo was using his property to park trucks and cars at his residence so his employees could all drive in one truck to the job site for the day. He said he also observed some storage buildings on the property, which he is sure contains commercial paint supplies for Mr. Arroyo's business, Sunshine Painting. He said he was not sure what the Board wanted to do now, but he was going to wait until Mr. Yonclas replied to his last letter dated October 6, 2003.

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(Tape 1-393) He said he needed to the Board to formally adopt the Policy for Building Evacuation for County Facilities and the Policy for Preparation and Responses to Bomb Threats for County Facilities as reviewed by the Clerk of the Court who serves as the custodian of County property. He stated Mr. Wade was presented a copy of this draft policy and approved the policy. He reminded the Board this was a portion of responsibilities of the COOP grant Linc Barnett is working on for the County.

Commissioner Mosconis made a **motion adopting the Policy for Building Evacuation for County Facilities Policy and Policy for Preparation and Responses to Bomb Threats for County Facilities.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-428) He presented the letter from FDEP dated September 19, 2003 notifying the County the USCOE has applied for a Federal Permit for the old SGI Bridge Demolition and Artificial Reef Project. He said he just wanted the letter to be placed in the Board file.

(Tape 1-459) Mr. Pierce informed the Board the Apalachicola Bay Chamber of Commerce and the Carrabelle Chamber of Commerce is recipients of a VISIT FLA Grant for a Rural Tourism Pilot Program. He stated the two chambers would be sharing the grant of \$25,000.00.

(Tape 1-468) He informed the Board the CDBG Ranking Committee, which includes Debbie Belcher, Mark Curenton and him, has reviewed the two applications submitted for surveying and engineering services for the CDBG grant and engineering services for the Bluff Road Bike Path in Apalachicola. He said the Committee ranked Preble-Rish, Inc. number one and recommends the Board enter negotiations with them. He explained if negotiations fail with Preble-Rish, Inc. then the Board would attempt to negotiate with the second ranked firm, DRMP. Commissioner Mosconis made a **motion authorizing the County Attorney and Mr. Pierce to begin negotiations with Preble-Rish, Inc. for the CDBG Grant and Engineering Services for the Bluff Road Bike Path in Apalachicola.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-508) He submitted a letter from DCA informing the County the CDBG Contract 01DB-27-02-29-01-G30, Hurricane Earl Grant Closeout had been accepted. He informed the Board this was the project the County used to pay for the cross drains in Eastpoint and the cleaning of the Big Ditch in Apalachicola.

(Tape 1-513) He asked the Board to approve the Chairman's signature on a letter requesting the FDOT reconsider funding for the SGI Bike Path, Phase III. He explained this request does not commit any local gas tax funds. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a letter to FDOT requesting they reconsider the SGI Bike Path, Phase III, for funding in the future.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-526) He submitted a copy of a letter he had written to the Health Department to assist them in seeking a \$5,000.00 grant to be used to place additional signs and some other markings on the various walking paths the Health Department helped fund in Franklin County.

(Tape 1-537) He informed the Board the County was funded for both Florida Communities Trust (FCT) applications, which is the acquisition of the land on Alligator Point and the acquisition of the land on SGI for a boat ramp. He explained the next step would be to have the Chairman sign a contract between the County and FCT. He said before the Chairman signs the contract the Board will need to decide if they want to negotiate directly with the property owners or whether to let FCT negotiate the purchase price. He stated if FCT negotiates the purchase price they would pay for the appraisals. He said if the sale falls through, FCT would be totally responsible for the appraisal costs. He said he and Mark Curenton, Assistant Planner, recommend the County allow FCT handle the negotiations since it is their money, but this issue can be voted on when the contract arrives. He said he didn't have an official amount of funds the FCT approved, but he thought the Alligator Point Project would receive 2.6 million dollars and the SGI Boat Ramp would receive 4 million dollars, which is the maximum amount of funding available for such projects. He said this has not been reduced to writing, but he would be expecting the contract soon.

(Tape 1-594) He informed the Board the Planning Department has received a letter from David Brumbaugh, FCPHU, stating Gary Fritz's property on Bald Point, which has been discussed at several past Board Meetings, does meet State standards for on-site sewage disposal, but cannot meet the County standards. He said Mr. Fritz's lot, by Mr. Brumbaugh analysis, is eligible for an on-site sewage system to be a minimum of 50-feet back from surface waters because the lot was platted prior to 1972. He explained, at this time, it is the County's standard of being at least 75-feet back that is keeping Mr. Fritz from building a house on the lot. He said Mr. Fritz could get about 63-feet back from surface waters, but couldn't make the 75-foot requirement. Commissioner Mosconis asked if this was the house where the pilings were on County right-of-way. Mr. Pierce said this was the lot. Commissioner Mosconis asked if the pilings have been moved or corrected. Mr. Pierce replied they have not. Mr. Fritz informed the Board he hadn't moved the pilings because of all the problems they were having with the septic tank placement. Commissioner Mosconis said the pilings had to be moved out of the County right-of-way. Mr. Pierce stated the pilings would be moved, however Mr. Fritz's dilemma now is the septic tank has been authorized by the State, but the County has their regulations, which he cannot meet. Commissioner Putnal said it looked to him like this would be a situation where "Mr. Fritz would be grand fathered-in". Mr. Pierce informed the Board the policy is for this request to go back to the Board of Adjustment (BOA) for discussion and recommendation. He explained he just wanted to inform the Board of this situation this morning. Mr. Shuler, County Attorney, informed the Board variances from the Zoning Code are handled through the BOA. He suggested they follow this procedure. Mr. Fritz informed the Board they did have the power to grant this variance this morning. He said he has asked and asked for this variance. Mr. Brumbaugh said Mr. Fritz met all of the State Standards, but not the County Standards. The Commissioners asked Mr.

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Brumbaugh to attend the BOA meeting when Mr. Fritz was scheduled to present his request to them. Mr. Brumbaugh said he would attend the BOA meeting with Mr. Fritz if he would inform him of the date and time. Mr. Shuler said the Board was correct in directing this request back to BOA for a decision.

(Tape 1-921) Chairman Sanders said she wanted to ask Mr. Brumbaugh about the status of the West Nile Virus in Franklin County. She asked him what the situation was in the County with this West Nile Virus. Mr. Brumbaugh answered the Health Department is still collecting birds, but not many. He said there haven't been many calls about dead birds, but they are trying to get every one of them for testing. He stated none have tested positive yet.

(Tape 1-945) Mr. Pierce presented a copy of the Request for Proposals St. George Island Fishing Piers he had placed in the local newspaper. He said the deadline for proposals was October 30, 2003. He stated he would try and have a recommendation or suggestion by the November 4, 2003 Board Meeting.

(Tape 1-1004) Mr. Pierce introduced the new Director of the Apalachicola National Estuarine Research Reserve, Seth Blitch. He said Mr. Blitch had replaced Woody Miley since Mr. Miley's retired. Mr. Blitch said he lives in Apalachicola and is glad to be in Franklin County. He stated he has been in this position since late March of 2003. Commissioner Mosconis asked Mr. Blitch if he would consider reinstating the local Citizens Advisory Committee for the ANERR. Mr. Blitch replied he had been talking with his staff about this matter. He said he thought they might reestablish this committee.

(Tape 1-1145) He presented the Board with a letter signed by Chairman Sanders saying Franklin County is interested in participating in the submittal of the HUB Zone Rural Business Enterprise Grant being sponsored by Jackson County.

(Tape 1-1153) Mr. Pierce said he is going to provide the following information to the Board as requested of him: The Apalachicola Airport is being operated by AIATC, with Bill Ruic as the Chief Executive Officer. The lease between Franklin County and AIATC is in the twelfth year of a twenty-year lease. The terms of the lease currently require the following payments to the County: Five cents per gallon of fuel purchased- Approximately \$300.00 per month; 5% of rent from 33 T-Hangars- Approximately \$300.00 per month; Rent of the parking lot- approximately \$150.00 per month; and Rent on the large hangar- approximately \$1,000.00 per month, for a total of \$1,750.00 per month in revenues provided to the County. The current AIATC lease expires in 2012. Mr. Ruic would like to make some more improvements at the airport and in order to amortize the payments he is seeking a ten-year extension from the end of his current lease, which means he would like an eighteen-year extension from this year. He said he didn't need any action on this matter; it was just information for the Board as they requested.

(Tape 1-1218) He informed the Board the SGI Beautification Grant provided by FDOT continues to move forward in its design and development. He said this grant in the

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amount of \$100,000.00 is going to be used to reconfigure the storm water pond on Island Drive, which would require a \$100.00 FDEP permit, but more importantly the Board would be responsible for maintaining all the landscaping completed with this grant money. He stated a committee is doing the design for the beautification from the SGI Civic Club.

(Tape 1-1246) Mr. Pierce said the Board of Adjustment had been involved in some litigation brought against it by Magnolia Ridge, LLC, Brandt Ruzinski, representative for Magnolia Ridge, LLC. He stated Mr. Ruzinski was present this morning and wanted, as included in the settlement between the County BOA and Magnolia Ridge, the approval of the "Lakes on the Bluff" subdivision sketch plat. Mr. Pierce said P&Z has approved the sketch plat of the subdivision. Mr. Shuler confirmed a settlement had been reached in the matter. Mr. Pierce said he didn't include this matter on his report this morning, but had asked Mr. Ruzinski to come to the meeting at 10:00 a.m. this morning. Chairman Sanders said she would wait until Mr. Ruzinski came to the meeting at 10:00 a.m.

**COMMISSIONER MOSCONIS**

(Tape 1-1325) Commissioner Mosconis said he had something he wanted to discuss this morning. He stated it involves his personal business, but wanted the public to know about this matter. He stated the State of Florida has gotten so bizarre in the way they do business now. He said the new fishing license procedure is so complex and tricky that people like him with a business like his has had to stop selling them to the public. He said he wanted a letter sent to the Governor complaining about this matter. He stated the State of Florida is not working for the people and making things convenient for people. He said the State of Florida wants everyone to buy a fishing or hunting license, but then they want to make whomever sells them "jump through so many hoops" the business can not afford to keep making all of the changes for just fifty-cents a license. He said the State has an out-of-state contractor that is allowed to make a profit of \$3.95 per license sold through the use of a one eight hundred number. He stated he didn't know who to even complain to. Chairman Sanders suggested complaining to the Fish and Wildlife Commission. He said well then he would start with them. Mr. Wade, who has a business like Commissioner Mosconis, said he too had to stop selling the license at his business. He stated his business, "The Breakaway" stopped selling license as of September 30, 2003. He said the problem is the people who come into town on the weekend and want fishing or hunting license will have to find a place to sell them licenses. He said the County Offices are only opened throughout the workweek from 8:30 a.m. until 4:30 p.m. He stated this could cause the Tax Collector to have to hire a person to just stay open on weekends. Commissioner Mosconis said it makes it inconvenient for the public who want to use a resource in the State of Florida to obtain a license to hunt or fish.

Commissioner Mosconis made a **motion directing a letter be sent to the State of Florida Fish and Wildlife Commission Executive Director, Kenneth Haddad, complaining about this problem and sending a copy of the letter to the Governor as well as the local representatives and legislators.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**PUBLIC HEARING**

(Tape 1-1486) Chairman Sanders announced the opening of a public hearing to consider the rezoning of Lots 17, 18, 19 and 20, Block 5 West, Unit 1, located on SGI from C-2 Commercial Business to C-4 Commercial/Mixed-Use Residential. Mr. Pierce said this property is on First Street, the property behind Helen Spohrer's Real Estate Business. He said Ms. Spohrer and Ms. Danner own the property. He stated they are going to use the existing building and build a second story to use as apartments. He said P&Z has recommended approval of this request contingent there would only be one building there. Chairman Sanders asked if the adjacent property owners had been notified. Mr. Pierce replied they had been sent Certified Letters and no one has responded or complained about the rezoning request. Commissioner Putnal asked if Commissioner Creamer would have a problem with this rezoning. Mr. Pierce said he talked to Commissioner Creamer on the telephone this morning and asked him if he had any problems with this rezoning being approved. He said Commissioner Creamer didn't have any objections to the rezoning. After no public comment Commissioner Putnal made a **motion authorizing the Chairman's signature on an Ordinance Rezoning Lots 17, 18, 19 and 20, Block 5, Unit 1, St. George Island from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**TED MOSTELLER-CHAIRMAN-APALACHICOLA AIRPORT**

(Tape 1-1559) Mr. Mosteller said he was here to discuss the inspection conducted by the Federal Government CPA a couple of weeks ago. He stated he was asked by them to provide them with a copy of the SPCC Plan. He said they are threatening to fine the County if they don't comply with the provision of this plan. He explained this plan covers the procedure to follow if there is a gasoline spill at the airport. He said there are two 12,000-gallon tanks at the airport. He stated the County is in violation because the loading and de-loading trucks have to park over a storm water sewer grate, which is not safe. He said the Feds are going to require a spill containment area for this area. He said, after conferring with Joe Hamilton, the former County Engineer living in Oklahoma, and being informed by him the County did have one of these plans. Mr. Mosteller stated he couldn't find the actual document. He explained the Feds gave the County a 60-day time frame to come up with the plan. He said the fuel tanks would have to be move and a containment area would have to be built. He stated he was just advising the Board of this problem and asked if anyone remembered seeing this SPCC Plan to let him know. Mr. Pierce suggested he go back and research the old Board Minutes. Mr. Mosteller said he would check into the old minutes. Mr. Pierce said he had looked in all of Mr. Hamilton's old files and couldn't find it. Mr. Wade suggested the County go ahead and have the engineering firm at the airport complete the plan. He said he was sure, at the very least, it would need to be updated. Mr. Mosteller said he had contacted the consulting engineers and the TRG group at the airport to see what, if anything, they could do to help the County. Mr. Mosteller stated most of them want money. Commissioner Mosconis said he didn't want any money spent on this. Mr. Mosteller said the URS Engineering firm, the engineers of record for the Airport, informed him they too would charge a fee for preparing such a plan. He stated this is a large task. Commissioner Mosconis told Mr. Mosteller to get with the FDOT Aviation Office in Chipley. Mr. Mosteller said the plan



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was done however nobody can find the document. Commissioner Mosconis asked Mr. Mosteller if he had contact if FDOT to see if they had a copy in their file. Mr. Mosteller replied he had already talked to them and they didn't know anything about the plan. Mr. Pierce said he would want to look at the old Board Minutes to see if anything was mentioned about this plan in them.

**BRANDT RUZINSKI-"LAKES ON THE BLUFF" SUBDIVISION**

(Tape 1-1839) Mr. Pierce said Mr. Ruzinski had come back to the meeting at this time. Mr. Pierce apologized for not including this item on his report this morning. He stated the P&Z Commission approved the cluster development of this subdivision entitled "Lakes on the Bluff", but the BOA didn't approve the development. He explained then the developers Magnolia Ridge, LLC filed a lawsuit against Franklin County BOA. He said there has been a settlement in the lawsuit. He stated the developers have agreed to not exceed 52 lots on the property, no lots shall contain any wetlands, Lots 20, 21, 46 and 45, as they appear on the sketch plat in existence on August 18, 2003 shall be common area subject to the fifty-foot vegetated buffer and several other items agreed to by BOA and Magnolia Ridge developers. Mr. Ruzinski said the developers had worked with the BOA in arriving at this settlement agreement. He stated he thought the BOA had approved the development. Mr. Pierce agreed and said the BOA had agreed to approve the development with the changes in the settlement agreement. Commissioner Putnal expressed his concerns about approving this sketch plat in Commissioner Creamer's District without Commissioner Creamer being at the meeting this morning to vote on the issue. Mr. Ruzinski said Commissioner Creamer told both he and Mr. Pierce he didn't have any problem with this development. After discussion Commissioner Mosconis said he would go ahead and make a motion approving the sketch plat "Lakes on the Bluff" subdivision with all of the terms of the settlement listed in the settlement agreement Magnolia Ridge, LLC v. Franklin County Board of Adjustment contingent on approval by Commissioner Creamer. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**PUBLIC HEARING-AMEND ORDINANCE 78-4**

(Tape 1-2271) Mr. Pierce announced this public hearing was being held to consider amending Ordinance 78-4, to allow limited motor vehicle traffic on, over, across or through the dunes and beaches in Franklin County, Florida for turtle patrol; establishing beach entry areas; establishing weight limits and restrictions upon such traffic. He said there maybe more than one way to deal with this issue of 4-wheelers being allowed on the beaches to check turtle nests during turtle nesting season. He stated he had received numerous letters supporting the use of these vehicles to check on sea turtle nests. He said there are also people who are concerned about any driving on the beaches. He stated some people are afraid when vehicles are seen driving on the beach other people will want to do it and not realize it is against the law. Mr. Shuler read the proposed ordinance into the record. Lee Edminston, Apalachicola Reserve, said they have run the turtle patrol program on SGI for ten years. He stated this matter of driving on the beach, etc. concerned his group. He said the proposed changes to the ordinance as they are now are not going to be supported by him. He stated he didn't think it was good to allow anyone

to drive on the beaches or dunes. He said most of the turtle patrols on SGI walk to the turtle nests. He stated the original problem on Alligator Harbor was just in the people getting their 4-wheeler to the beach and not actually getting onto the beach. He said the current County Ordinance prohibited 4-wheelers on County property or County roads. He stated he thought this particular ordinance, 78-4, shouldn't be changed or amended. He said he understood the State Statutes allow turtle patrols onto the beach anyway. Vicki Barnett, a member of the turtle patrol on Alligator Point, said she never would drive on the dunes at the beach. She stated her problem, which is the issue that started this whole discussion, was driving her 4-wheeler on the County roads to get to the beach accesses so she could drive onto the beach to check the nests. Elise Matthes, Fish and Wildlife Commission Attorney, said she thought this was all unnecessary since there was a State Statute that allows driving on the beach by people who possess a turtle nest permit. The Commissioners suggested the ordinance just be changed to address the situation at Alligator Point or Alligator Harbor. They agreed this was not a problem anywhere else in the County. Ms. Matthes suggested this matter be tabled until she could meet with the County Attorney and other County staff to work out suitable wording for a County Ordinance or to amend an existing County Ordinance. Ms. Barnett said the issue was not driving on the beach, but driving her 4-wheeler down the side of County roads or on County right-of-way to get to the beach access. Commissioner Mosconis said the only thing he knew to do was to make a **motion directing the County Attorney to get with Ms. Matthes, Fish and Wildlife Commission Attorney, and "hammer this issue out" to come up with either an amendment to one of the County Ordinances or to create a new County Ordinance addressing this turtle patrol issue.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis asked Mr. Shuler to meet with Ms. Matthes before she went back to Tallahassee this afternoon. Mr. Shuler assured the Board they would get together to decide what could be done to alleviate this problem.

**SKIP CHORMICLE-PATRICIA SHULER-EMERGYSTAT, INC.-GRANTS**

(Tape 1-3146) Ms. Shuler said she was here to ask the Board to approve the Chairman's signature on an EMS Grant Application, Florida Department of Health, Bureau of Emergency Medical Services in the amount of \$6,894.61. She explained this funds would be used to purchase supplies, equipment, etc. for the ambulances. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the EMS County Grant Application-Florida Department of Health-Bureau of Emergency Medical Services in the amount of \$6,894.61.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Ms. Shuler reported this total amount of money includes approximately \$4,000.00 in funds that were not spent last year and have been rolled-over into this year's budget. Chairman Sanders asked Ms. Shuler about the other grants, which needed to be applied for. She said there are three different grants available for purchase of ambulances for the County. Ms. Shuler explained she is working on these other grants, but this one needed to be submitted as soon as possible due to the deadline on it. Chairman Sanders stated EmeryStat really needed to purchase these ambulances, which would be funded for Franklin County, if EmeryStat would just submit an application, by the State of Florida. She strongly encouraged Ms. Shuler and Mr. Chormicle to pursue this funding for ambulances to be purchased for Franklin County's

citizens. Mr. Chormicle said he wanted to address the questions the Board had about transporting people who live in Franklin County to Tallahassee or Panama City at their request when they are sick or injured. He stated he checked to see if it would be permissible for patients who are being attended by EmergyStat to sign a waiver of some type, which would allow the ambulance staff to transport them to the hospital they wanted to go to whether in Panama City or Tallahassee. He said he talked to the State EMS office representative, Barbara Hyde, and was informed by her she thought this would be an inappropriate thing to do. He explained he talked to EmergyStat Medical Director, Dr. Ward, and he too did think this should be done. He said this would not serve the needs of the patients in the best and fastest way. He stated he would continue to follow the policy they are now following and try to take the patient where they want to go if possible. He said this all depended on the patient's condition, etc. He informed the Board they might have another situation when EmergyStat might have to refuse to take a person where they might want to go to the hospital at and that would be if one ambulance were already going out of town to take a patient. He said this would leave the County without an ambulance if the ambulances were all gone out of town to take patients. He stated, if they can get the personnel, EmergyStat, would like to keep one ambulance and the staff, if needed to be called in, to operate an ambulance if more than one ambulance had to take patients to another city to the hospital. He assured the Board EmergyStat would take patients to the hospital of their choice if they were able to. He thanked the Board for their assistance and their time this morning.

**CLARICE GROSS-FRANKLIN PROMISE**

(Tape 1-3596 Continued on Tape 2) Chairman Sanders said she had already signed the Juvenile Justice and Delinquency Prevention Title V Community Delinquency Prevention Grant Application for resubmission to the State for approval. She explained Ms. Gross had told her all of the original submitted grants were rejected and asked the groups submitting the grant applications to resubmit them with some suggested changes. Mr. Gross said apparently there were some questions no one knew how to answer or address on the original grant application so everyone was asked to resubmit the application. She stated she asked the Chairman to sign the application last week. She said Chairman Sanders agreed to sign it for her so she could go ahead and get it into the mail. Mr. Shuler said the Board had already approved the Chairman's signature on the original grant, which was submitted a month or so ago. He stated he didn't see any problem with the Chairman signing the grant application. He did say he wanted to review the grant and asked the Board to make the motion contingent on his review and approval of the grant and its amendments. Commissioner Putnal made a **motion authorizing the Chairman's signature on the re-submittal of the State of Florida Juvenile Justice and Delinquency Prevention Title V Community Delinquency Prevention Grant Application contingent on approval by the County Attorney.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**KENDALL WADE-CLERK**

(Tape 2-68) Mr. Wade stated he wanted to inform the Board the Franklin County Child Support Docket has become more than a full day task. He said Chief Judge Charles A. Francis has sent a letter to the County suggesting the County allow the Court System to

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provide a Hearing Officer to come to Franklin County one day a month beginning in November to assist in getting these child support cases through the system. He said Judge Francis has asked the County to provide a total amount of \$2,482.70 so this hearing officer can take care of the child support docket. He said this would cover the remaining fiscal year, which for the State of Florida would end June 30, 2004. He said he thought this would assist the citizens of Franklin County who are having a problem getting scheduled on the child support-hearing docket. Commissioner Mosconis said he would make a **motion authorizing the expenditure of a total of \$2,482.70 for the use of a Child Support Hearing Officer to handle Franklin County's Child Support Docket.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Wade said this was for the rest of the State of Florida Fiscal Year, which ends June 30, 2004. He said this would help the citizens of Franklin County. He suggested the money be funded through the contingency budget, but informed the Commissioners he would have to think about it and come back to inform them how this request would be funded.

(Tape 1-134) Mr. Wade asked the Board to approve the following budget amendments for fiscal year 2002-2003, which are necessary to adjust fine and forfeiture fund for unanticipated expenditures as a result of a first-degree murder trial. Decrease 001.99.584.9600-Reserve for Contingency \$56,000.00; Increase 001.80.581.9100 Budget Transfer to Fine and Forfeiture \$56,000.00; Increase 120.381.000 Budget Transfer from General Fund \$56,000.00; Increase 120.11.621.3100 Profession Services Conflict Attorney \$46,050.00; Increase 120.11.621.4000 Travel Conflict Attorney \$7,117.00; Increase 120.11.621.4900 Conflict Attorney Other Costs \$2,833.00. Commissioner Putnal made a **motion approving the budget amendments as listed.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-175) Mr. Wade read the following 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 \$291,320.72 from the State of Florida, FDOT County Incentive Grant Program, Project No. 41319615401, 41136015401, and 41136025401, 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: 141.41.541.6300 Improvements Other Than Buildings \$291,320.72 Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$291,320.72 in the LOGT Road Paving Fund in order to comply with FS 129.06(2)(d). This Resolution Adopted by the Franklin County Board of County Commissioners this 7<sup>th</sup> day of October 2003. Cheryl Sanders, Chairman. Attest: Kendall Wade, Clerk. Commissioner Putnal made a **motion adopting this Resolution of Unanticipated Revenues in the amount of \$291,320.72 and authorizing the Chairman's signature**

**on the Resolution.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-234) Mr. Wade read the following 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 \$176,297.17 from the State of Florida, Small County Outreach Program for County Road 67, 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:  
141.41.541.6302 County Road 67 Paving Project \$176,297.17 Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$176,297.17 in the LOGT Road Paving Fund in order to comply with FS 129.06(2)(d). This Resolution Adopted by the Franklin County Board of County Commissioners this 7<sup>th</sup> day of October 2003. Cheryl Sanders, Chairman, Attest: Kendall Wade, Clerk. Commissioner Putnal made a **motion adopting this Resolution of Unanticipated Revenues in the amount of \$176,297.17 and authorizing the Chairman's signature on the Resolution.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-265) Mr. Wade presented a Resolution Declaring November, 2003, as National Epilepsy Awareness Month. He said every year the Committee for Epilepsy Awareness asked the County to adopt this Resolution. He asked the Board to authorize the Chairman's signature on the Resolution. Commissioner Williams made a **motion authorizing the Chairman's signature on a Resolution Declaring November, 2003, National Epilepsy Awareness Month.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-277) He informed the Board the installation of a cap on the roof of the Main Courthouse has been completed. He said the installers of the cap found several leaks in the roof and tried to repair the ones they could. He asked the Board to direct the County Engineers to prepare some specifications for cleaning and/or sealing the side of the Main Courthouse, Sealing the windows in the Main Courthouse and several other items that need to be done to keep the roof and windows from leaking. He said after he gets these specifications he also wants permission to advertise the project for bids. Commissioner Mosconis made a **motion directing the County Engineering Firm to inspect the Main Courthouse and prepare specifications for cleaning and/or sealing the side of the Main Courthouse, sealing the windows in the Main Courthouse and whatever else is needed to stop the leaks in the Main Courthouse and authorizing the advertisement of bids for this project once the specifications are completed.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 2-340) Mr. Wade reminded the Board that U. S. Senator Bill Nelson would be conducting a Town Hall Meeting this afternoon from 2:00 p.m. until 3:00 p.m. in the Old FCBCC Meeting Room in the Main Courthouse.

**THOMAS M. SHULER-COUNTY ATTORNEY**

(Tape 2-373) Mr. Shuler said he had a Resolution for the Chairman's signature, which would formally accept the private roads as public roads in the "Whispering Pines" Subdivision, Phase 1 and 2. He informed the Board they had previously agreed to accept these roads as public roads. He said he received the formal Resolution from Nick Yonclas, attorney for the developers, Martin-Bolton, LLC. He stated he has reviewed the Resolution and recommends the Board authorize the Chairman's signature on "A Resolution Accepting Private Roads as Public Roads in Whispering Pines Subdivision, Phases 1 and 2". Commissioner Putnal made a **motion authorizing the Chairman's signature on "A Resolution Accepting Private Roads as Public Roads in Whispering Pines Subdivision, Phases 1 and 2"**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-396) Mr. Shuler said he had sent out several requests for proposals to two local surveyors, Edwin Brown and Associates and Thurman Roddenberry and Associates, for estimates of the time and costs in platting the Sumatra Cemetery. He stated he received one proposal from Edwin Brown and Associates in the amount of \$3,800.00, which would include the boundary survey, the surveying out of the existing plots, and the creation of a grid or plat of the new plots in the cemetery. He asked the Board if they would like for him to go ahead and authorize him to schedule this project with Mr. Brown. Commissioner Mosconis said he thought the whole ideal of Franklin County buying the cemetery was so the Liberty County group of citizens could buy it from the County. He stated he couldn't see spending any more money on this cemetery. Chairman Sanders asked if anyone had heard anything from the Sumatra Group of citizens who pursued the County buying this cemetery. Mr. Shuler said all he knew was that no one from the churches in that area had called or contacted him about purchasing and overseeing the cemetery. Mr. Shuler stated Earnest Hill, a private citizen in Sumatra, wanted to purchase all of the plots within the cemetery with the County being responsible for maintaining of the common areas. He said his only concern was that only one individual owning the plots, which could cause the same situation the cemetery, was in before. He stated he does not mean anything disrespectful to Mr. Hill, but this is the situation the Sumatra residents found themselves in when Mr. Branch owned the cemetery. Commissioner Putnal said he talked to several of these people who were involved in the purchase of this cemetery and they felt uncomfortable with a one person owning the cemetery. Mr. Wade said he would contact the Clerk of Courts, Robert Hill, in Liberty County to see if the County was interested in pursuing the purchase of this cemetery. Mr. Shuler stated he thought one of the churches in Sumatra was going to form a non-profit organization and then oversee the cemetery. Mr. Shuler said all he was trying to say this morning is that he didn't want the County to be in a position of having to make use of the plots and being unprepared to do so. Mr. Wade stated he would try to get in touch with someone in Liberty County about this situation. Commissioner Mosconis said he didn't want to spend any more money on this cemetery. He stated if

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anything else was done at the cemetery it would just keep adding to the purchase price. Mr. Wade said he didn't think the County Commissioners needed to become involved in selling cemetery plots. Chairman Sanders said she didn't think this was even the intention. She stated she felt the County was trying to help these people out and now they need to come forward and do something about purchasing and operating this cemetery. Mr. Shuler said he knew the cemetery was going to have to be platted whether or not. He stated the County owns the property and sooner or later someone is going to want to use one of those plots and the County needs to be prepared to move forward with selling these plots. Mr. Wade stated the Board could just add the costs of the survey, etc. to the price of the plot. Mr. Wade said he certainly did not want to see the County in the business of selling cemetery plots. He stated he would make every effort to get the Clerk or someone in Liberty County to take care of this important situation. Mr. Shuler stated he would assist Mr. Wade with contacting someone who is interested in purchasing the cemetery. Chairman Sanders asked them to be ready to give the Board some recommendations at the next Board Meeting on October 21<sup>st</sup>.

(Tape 2-566) Mr. Shuler informed the Board the DasSee Community Health Systems, the company leasing the local hospital, Weems Memorial, had made a payment in the amount of \$20,000.00. He stated this was the second payment made on the past due taxes of Weems Memorial.

(Tape 2-571) He said he has not received any response from the property owner of Lanark Reef. He stated the County had provided the Booths' attorney with some information or preliminary recommendations for zoning on this property. He stated he would keep the Board updated on this matter. He said basically "the ball is in their court" right now.

(Tape 2-580) He stated the Board had approved the use of the County right-of-way in Carrabelle for their current water and sewer project. He said the Board had instructed him to prepare a Hold Harmless Agreement and Indemnification Agreement. He stated he has the documents drafted, but the City of Carrabelle Attorney is out of town and will not be back until October 12<sup>th</sup>. He informed the Board when the City of Carrabelle attorney gets back he will make sure he makes contact with him.

(Tape 2-594) He informed the Board the final hearing on the Ammons v. Franklin County would occur October 24<sup>th</sup> and October 25<sup>th</sup> in Apalachicola. He explained this was the Division of Administrative Hearings would conduct this Administrative Proceeding regarding the land use and rezoning for the concrete batch plant in Carrabelle.

(Tape 2-603) He told the Board Thom Lewis had raised an allegation that the County had caused some flooding on his SGI property some time ago. He said the County has submitted this information to the County's insurance carrier. He explained the County has since received a proposed lawsuit from Mr. Lewis attorney, Randi Denker, threatening to sue the County because the flooding of Mr. Lewis property was caused by work the County has done in the area. He stated the County isn't admitting any liability, but in an effort to work with Mr. Lewis has had the Road Department lower the grade on

one of the County Roads. He said he wanted the Board to be aware of this matter because this water was moved about a month ago, but late last week he received another letter from Ms. Denker stating the water problem had not be corrected. He said the letter informed him they were now demanding double the amount of monetary damages, from \$12,000.00 to \$20,000.00, and he just wanted to make sure the Board was aware of this pending lawsuit. He asked the Board if they wanted him to take any further action on this matter because Ms. Denker wants to schedule a meeting with him this week about this matter. He stated he wanted the Board to approve this meeting. Chairman Sanders asked him if he was getting any information from the FACT group. Mr. Shuler replied No he wasn't. Chairman Sanders said this was the County's insurance carrier and needed to be more attentive to these situations. Mr. Shuler replied Chris Clark, the County Engineering Technician, went out to look at the property and "shot some grades" on the property. He said Mr. Clark then met with some representatives from FDEP and has essentially restored the natural storm water flow not abutting the Lewis property, but adjacent to the property. He stated Mr. Clark thought he had solved the flooding problem. He said there is a continued demand from Mr. Lewis' attorney, Ms. Denker that the flooding problem has not been solved and she is now asking for \$20,000.00 in monetary damages. Commissioner Mosconis made a **motion authorizing Mr. Shuler to meet with Thom Lewis' attorney, Randi Denker, to discuss this lawsuit.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders urged Mr. Shuler to contact Ken Monaghan, FACT, and let him know what is going on and to ask him why they haven't helped the County with this matter. Commissioner Mosconis said he would add to his **motion to direct Mr. Shuler to contact Mr. Monaghan, FACT, to see what they are planning to do about this situation.** Commissioner Williams seconded this additional clause to Commissioner Mosconis' motion. All for. **MOTION CARRIED.**

#### **COMMISSIONER BEVIN PUTNAL**

(Tape 2-799) Commissioner Putnal said he could see the County being pressured into zoning ourselves right out of the seafood industry. He stated the Commissioners had to look very seriously into finding suitable property for oyster houses, etc. because in the near future he could see us being like the City of Carrabelle, right on the verge of zoning themselves right out of the shrimping industry. He stated there are two businesses there and they are going to sell them. He said then a business would move to another city. He stated he could see Eastpoint changing to where you won't have a place to unload one oyster. He said if you do find a place who are you going to sell it to. Mr. Pierce said the Planning and Zoning Commission took some steps to recommend allowing oyster houses on land zoned Agricultural. Mr. Wade said it really didn't matter anyway, because he felt if the State and Federal Government continue, at the rate they are going, with their regulations no one would have to even worry about the oyster industry or seafood industry. He said he hated to say this, because he had been in the seafood business for many, many years and has never seen anything like these strict regulations the government was imposing on the seafood industry.

(Tape 2-941) Mr. Pierce said this would be a good time to remind the Board of the Visioning Workshop in Lanark Village on October 16<sup>th</sup>.



**VALUE ADJUSTMENT BOARD APPOINTMENTS**

(Tape 2-946) Chairman Sanders announced the Value Adjustment Board would be convening tomorrow morning at 9:00 a.m. and asked the Commissioners to appoint her and Commissioner Williams to the VAB. Commissioner Putnal made a **motion appointing Chairman Sanders and Commissioner Williams to represent the Commission on the Value Adjustment Board, which is scheduled to meet tomorrow at 9:00 a.m. in the old FCBCC room in the Main Courthouse.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**CHAIRMAN SANDERS**

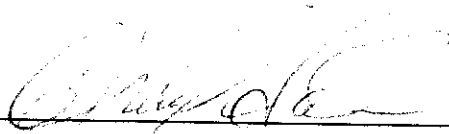
(Tape 2-966) Chairman Sanders asked the Commissioners to be thinking about what legislative matters the County wanted addressed during the next Legislative Session. She stated the Legislative Delegation would be in Franklin County soon to discuss and listen to input from the public about the session.

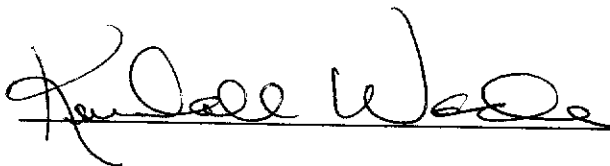
(Tape 2-989) Mr. Pierce asked Chairman Sanders if she had an update on the new prison in Carrabelle. Chairman Sanders said all she knew was that the City of Carrabelle had sent a notice to the County they were proposing to annex the Prison Site into the City of Carrabelle.

**BILLY BUZZETT-ST. JOE COMPANY**

(Tape 2-1018) Mr. Buzzett said he would like to update the Board on the boat ramp purchase of the 8½-mile boat ramp just outside of Apalachicola. Mr. Buzzett reported he had scheduled with George Wilson, St. Joe Company, to come out and look at the site this week. He said he was sure St. Joe would be able to move forward with this boat ramp very soon.

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

  
\_\_\_\_\_ **CHERYL SANDERS, CHAIRMAN**

  
\_\_\_\_\_ **KENDALL WADE, CLERK**