

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
OCTOBER 21, 2003**

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

ABSENT: Commissioner Jimmy Mosconis.

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

(Tape 1-30) Commissioner Putnal made a **motion to approve the minutes of the meeting held on October 7, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-36) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PAUL BOISVERT-ACTING DIRECTOR-FCPHU

(Tape 1-54) Mr. Boisvert thanked the Board for allowing him to address them this morning. He stated he was here to ask the Board to approve the selection of Mr. Wesley Tice as the new Franklin County Public Health Unit Administrator. He informed the Board Mr. Tice has over twenty years of experience in public health and has a Masters Degree. He said Chairman Sanders was on the selection committee and the committee had selected Mr. Tice as the most qualified applicant. Mr. Tice informed the Board he is currently working with the Department of Health Medical Services in Lakeland, Florida. He said he appreciated the opportunity to meet the Commissioners and having the pleasure of serving as the Director or Administrator of the FCPHU. Mr. Tice said he intends to relocate to Franklin County. Commissioner Williams informed Mr. Tice he has received some complaints from the public about them having difficulty in getting copies of death certificates. He said if someone went to the health department to get a copy of a death certificate they were being informed they couldn't get one because only a few employees knew how to process the request. He stated he wanted Mr. Tice to check into this problem and maybe have the process changed. Mr. Tice assured Commissioner Williams he would look into this matter. Chairman Sanders said one thing, which intrigued her with Mr. Tice was that when he arrived in the area by airplane he told the committee he didn't even know this part of Florida existed, with trees, grass, etc. She stated Mr. Tice wasn't used to this part of Florida and she felt he would really appreciate the area. Chairman Sanders asked the Board for a motion approving the selection of Mr. Wesley Tice as the new Administrator of the FCPHU. Commissioner Williams made a **motion accepting the appointment of Mr. Wesley Tice as the new Administrator of the Franklin County Public Health Unit.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-130) Mr. Pierce said he wanted to inform the Board Commissioner Mosconis called him yesterday and told him he would not be at the Board Meeting this morning. He stated Commissioner Mosconis told him he had a doctor's appointment, which had been scheduled for over a year and could not change it. Chairman Sanders said there was a process server looking for Commissioner Mosconis so he could be formally served with the lawsuit paperwork regarding the Concerned Citizens of Franklin County v. Franklin County redistricting issue. Thomas M. Shuler, County Attorney, suggested the Board authorize him to receive the service of process for Commissioner Mosconis. He stated he would need formal authorization from the Board to accept service of process for Commissioner Mosconis. Commissioner Creamer made a **motion authorizing the County Attorney, Thomas M. Shuler, to accept service of process for Commissioner Mosconis regarding the redistricting lawsuit filed by Concerned Citizens of Franklin County.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-161) Mr. Chipman informed the Board he had hired Virginia Holmes for the new position at the Road Department.

(Tape 1-170) Chairman Sanders said she was receiving complaints about people parking on the right-of-way in the "Blue Heaven" and "Middlebrooks" area at Alligator Point. She stated she knew there were signs there prohibiting parking on the right-of-way in this area. She informed the Board she had spoken to Sheriff Varnes about this situation and he informed her the Board needed to send him a formal letter requesting him to instruct his deputies to write tickets for the vehicles in violation of the "No Parking" signs. Commissioner Putnal made a **motion authorizing a letter to be sent to Sheriff Bruce Varnes requesting his deputies issue citations for vehicles violating the "No Parking" area in Alligator Point.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-207) Mr. Johnson informed the Board he had filled the budgeted positions within the Solid Waste Department and the Parks and Recreation. He said Jonathan Kelly was selected for the Solid Waste Department position and Fred Brown was selected for the Parks and Recreation position. He said both applicants met the Department of Corrections criteria to become certified to supervise State Inmates and both reported for work on October 16th.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-238) Mr. Mahan said he had attached the 2002 IFAS Annual Report/2003-2004 Calendar. He stated the format of this year's report/calendar is similar to last year's with different statewide program accomplishments highlighted each month.

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(Tape 1-260) He informed the Board the last Clam Farmer's Workshop held on October 2nd went very well with twelve farmers attending. He said in addition to the clam farming software, we reviewed local marketing and law enforcement issues.

(Tape 1-271) He said there have been several requests from clam farmers over the past few weeks to have additional signs put up around Alligator Harbor to educate boaters, swimmers and fishermen about the aquaculture leases in the area. He stated these are the same bright yellow signs that he had showed the Board a few months ago, which were attached to the main lease corner posts. He recommended the Board approve the placement of the additional signs at the following locations: Leonard's Landing and Sun and Sands. He reported he had asked Billy Buzzett, Director, Strategic Planning, The St. Joe Company and owner of the Leonard's Landing property, if the County could put one of these signs up at Leonard's Landing. He stated Mr. Buzzett informed him The St. Joe Company would not have any objection to placing one of the signs at Leonard's Landing. Commissioner Putnal made a **motion authorizing the placement of signs reflecting the areas around Alligator Harbor to educate boaters, swimmers and fishermen about the aquaculture leases in the area at Leonard's Landing and Sun and Sands and directing the Road Department to assist in placing the signs at both sites.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-315) He informed the Board, at their direction, he had been researching the "environmental risks" associated with spot-treating Chinese Tallow and Japanese Climbing Fern with herbicides in Franklin County. He explained, at this point, he has not found any research to specify this form of herbicide treatment would cause any environmental problems. He stated one study shows Malathion, which is routinely used in mosquito control around the state is much more toxic to aquatic animals than the herbicides used to spot treat the tallow and climbing fern. He said he had contacted several wildlife biologists to see what impacts the invasive, exotic species have on the native wildlife and vegetation.

(Tape 1-355) He said he has been notified this morning the USDA, which funds the National FNP Education Program has not approved UF's proposal for 2003-2004. He explained the grant was supposed to be approved by October 1st. He explained, at this point, seven FNP Agents and thirty-two Program Assistants have been laid off. Chairman Sanders said she knew the Franklin County FNP Agent, Cherry Rankin, was doing a great job in the County. She said she felt the Commissioners needed to send a letter to Congressman Allen Boyd regarding this matter. Chairman Sanders said this was urgent and something had to be done immediately so as not to interrupt Ms. Rankin's job. Commissioner Creamer made a **motion to send a letter to Congressman Allen Boyd requesting his assistance in providing the necessary funding for the FNP Education Program and in releasing any funds that might be available for this program.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

LINK CARROLL-FINANCE OFFICER-FCSO

(Tape 1-496) Ms. Carroll said she wanted the Board to know she was attending this meeting this morning since Sheriff Bruce Varnes was out of town. She stated she wanted

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to bring to the Board's attention the Inmate Medical Costs. She said this year, at the Budget Workshop; the Sheriff did not address the medical costs for the inmates. She stated she knew that last year an additional \$25,000.00 was added to the Inmate Medical Costs Budget for a total amount of \$75,000.00. She said the Sheriff is asking the Board to recognize that the 2003-2004 Fiscal Year Budget does include the \$75,000.00. She stated they also want the Board to formally admit the FCBCC would help with this budget by additional funding if necessary. Commissioner Putnal asked if the County didn't have insurance on these inmates. Ms. Carroll answered there is a \$10,000.00 deductible and so the County still has to pay, especially for serious illness or injury. Commissioner Putnal said then this insurance was not any good unless the inmate had a serious illness or injury. Ms. Carroll said the Sheriff's Office does not anticipate any extra expenditure this year. She stated the Sheriff wanted to make sure the Board was clear on this matter. She said if there is an unforeseen illness or injury to an inmate then the FCBCC might have to fund any extra costs for inmate medical. She informed the Board the Sheriff's Office has contracted with the hospitals in Bay County and Franklin County, Dr. Padgett to do the dental work, and Lanier Pharmacy in Apalachicola for discounts. She also informed the Board Dr. Miniatt the local physician in Apalachicola has a contract with the County. She said the Sheriff is doing everything he can to keep the inmate costs down when it relates to any medical services. The Board assured Ms. Carroll they would assist in any way they could if they needed to regarding the inmate medical costs.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-582) Mr. Pierce informed the Board he had a Resolution for the Board to consider this morning requesting certain traditional uses and activities be allowed to continue on property the State of Florida might purchase in Franklin County. He said the Board should be concerned about the recent public land acquisitions in the County, which have resulted in less access and less opportunity for residents to use land that has traditionally been available to them. He said if the Board wants to protect these uses by having a commitment from the Governor and Cabinet, before the property is sold, the Board needs to request this commitment be implemented through a land management plan. He explained St. Joe-Arvida is considering selling approximately 14,000 to 16,000 acres of land in Franklin County to the State of Florida. He said there is a concern that if this sale is finalized then these traditional uses, such as hunting, fishing, water access, and recreation including the use of ATV's, now afforded Franklin County will be lost in the sale. Chairman Sanders said she is very concerned about this matter. She stated she definitely wanted this Resolution adopted and sent to the Governor and Cabinet as soon as possible. She stated she wanted the Resolution sent directly to State Representative Will Kendrick. Commissioner Putnal made a **motion authorizing the Chairman's signature on this Resolution and directing Mr. Pierce send the Resolution to State Representative Will Kendrick.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-690) He provided a copy of a letter the DACS has sent the Commissioners, which contains the recommendations for water use around the State. Chairman Sanders said the Commissioners had each received a copy of the Resolution adopted by the

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Suwannee County BOCC concerning this water resource matter. She said she would like for the County Attorney, to review this Resolution and then decide if the FCBCC should adopt such a Resolution. She said this resolution could be considered for adoption at the next Meeting on November 4th.

(Tape 1-744) He announced the County Legislative Delegation would be conducting their annual Town Hall Meeting on November 3, 2003 at 5:00 p.m. He stated this meeting today is the last Board Meeting before November 3rd and asked the Commissioners if they wanted to discuss any priorities the Board might want the Legislature to consider this year for Franklin County. Chairman Sanders suggested the Board request the status or filing of the FRDAP Grants for the County. Commissioner Putnal said he would like to have an update on the prison in Carrabelle. He said he thought the prison would be up and operating by July 2004. He stated he has hasn't seen anybody even working at the site. Mr. Pierce said he thought the prison wouldn't be open until 2005. Commissioner Creamer said he would like to know the status of the prison as well and made a **motion directing Mr. Pierce to send a letter to the State of Florida DOC requesting the status of the prison in Franklin County.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-806) Mr. Wade said he would like everyone to remember the implementation of Article V next July. He stated this is a very serious problem and hoped the Board would bring this matter up for discussion at the Town Hall Meeting. He said he returned approximately \$97,400.00 from the fees collected by the Clerk's Office. He stated this year he should be able to return \$60,000.00 to \$70,000.00 to the Board. He said because of the implementation of Article V next year, the excess funds would have to be sent to the State of Florida for them to disburse for Counties facing a shortfall due to the implementation of Article V. He wanted to remind the Board and the public of the serious matter.

(Tape 1-860) Chairman Sanders said another matter to mention would be the Solid Waste-Recycling Grants and their funding for next year. Mr. Pierce stated the FDOT Grant funding such as the SCOPE, etc. grants need to be discussed with the representatives.

(Tape 1-905) Mr. Pierce informed the Board the County's flood insurance program and ordinance was reviewed for consistency with Federal Standards during a site visit on August 18th and 19th. He said the County has had a Flood Ordinance since the mid-1980's, but the ordinance has not been amended to keep up with changes in the Federal Flood Insurance Program. He said Mark Curenton, Assistant Planner, recommends the Board prepare an ordinance with the changes as required by FEMA. He said most of the changes relate to definitions with one change affecting the type of improvements that can be made to structures, which suffered substantial damage-damage more than 50% of the value. He stated the Board does not have much choice in this matter if it wants to continue to participate in the Federal Flood Insurance Program. He said Franklin County does want to be a part of this program. He asked the Board to direct Mr. Curenton to prepare an ordinance incorporating the required changes and to advertise it for a public

hearing. Commissioner Creamer made a **motion directing Mark Curenton, Assistant Planner, to prepare an amendment to the Franklin County Flood Ordinance incorporating the required changes made by FEMA and to schedule-advertise for a public hearing.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING

(Tape 1-940) Chairman Sanders announced it was time for the scheduled public hearing to consider approving a zoning change for Lot 11, Gulf View Woods, located in Lanark, to be changed from R-1 Single Family Residential to R-1A Single Family Residential Subdivision. Mr. Pierce said the Planning and Zoning Commission has approved this rezoning. He stated sewer and water is available as well as a County maintained road. Chairman Sanders asked if anyone from the audience would like to speak to this rezoning. Mr. Pierce stated the adjoining property owners had been notified of the date and time of this public hearing. After no public input Commissioner Putnal made a **motion authorizing the rezoning of Lot 11, Gulf View Woods, located in Lanark Village, from R-1 Single Family Residential to R-1A Single Family Residential Subdivision.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-970) Commissioner Putnal said he wanted to ask the Board to send a letter to the FDOT Chipley Office about the Carrabelle Beach Park-Carrabelle Beach. He stated he thought a definitive turn lane should be installed in this area. He said he would make a **motion directing Mr. Pierce to send the FDOT Chipley Office a letter requesting a study to determine if a turn lane needs to be installed at the Carrabelle Beach Park-Carrabelle Beach.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1016) He informed the Board the Planning and Zoning Office sent certified letters to five property owners in Block B, Unit 1, Peninsular Point Subdivision on Alligator Point as directed by the Board. He explained these property owners' land is of value to the County since it would help the County's efforts to protect the Alligator Point Road from the threat of erosion. The outcome of letter is as follows: Lot 1, the owner is willing to donate the land to the County; Lot 2, the owner is willing to sell the lot to the County for the tax value of \$831.00; Lot 3-5, the County already owns these lots; Lot 6, the owner is thinking over the terms, but realizes the dilemma the County is in, and will let the County know in a few days if they are willing to sell; Lot 7, the owner is willing to sell but wants to negotiate a better price; Lot 8, the owner is unwilling to sell and was insulted by the County's offer. Lot 8 is probably unwilling to sell at any price; and Lot 9, the owners have not responded. He said he would recommend the Board direct the County Attorney to draw up contracts for Lots 1 and 2. He stated he did not recommend any action on the other lots until the County sees what decision the owners of Lot 6 is going to make. He told the Board it would appear the County is going to be able to acquire most of the lots in sequence until Lots 8 and 9. He said at this point the County might be forced to consider condemning the property. He asked the Board if they wanted

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to direct the County Attorney to research the condemnation procedures and discuss this with the Board at the next meeting, since the Board has never done this before. Chairman Sanders said she wanted to emphasize the County needs the property to complete the USCOE Project at Alligator Point. Mr. Pierce asked Mr. Shuler if he needed action from the Board on this matter. Mr. Shuler replied he did not and would be ready to discuss this matter at the next meeting.

(Tape 1-1153) He presented the Board with letters from the Florida Communities Trust acknowledging the County's grant awards. He said, as was announced at the last Board Meeting, the County received \$4 million to purchase land on SGI for a boat ramp, parking areas, picnic facilities, and to keep the shoreline undeveloped and the County received \$2.6 million for the acquisition of property on Alligator Point to allow shoreline to re-stabilize and relocate the Alligator Point Road. He recommended the Board sent a letter of appreciation to Keith McCarron, ARPC, who wrote the grants, and to DCA who administers the FCT Program. He informed the County the total allocation for Franklin County was \$6.6 million, which is the maximum allowed by law. He also said the \$6.6 million is 10% of the total money available to the State; so it is remarkable the County was able to get so much funding in one year. Commissioner Putnal made a **motion authorizing the Chairman's signature on a letter of appreciation to Keith McCarron, ARPC, and to DCA, FCT Program Administrators, for their work on the Florida Communities Trust Grant Program for Franklin County.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said the problem is the County has been informed unofficially the Alligator Point project might not get approved because a third party has offered the current owner of the Alligator Point KOA more to purchase it than the County has available. He stated the good news is, even though the County is not going to be able to purchase this property, the new owners would probably request a zoning change on the property, which would need approval of the County Commissioners.

(Tape 1-1239) Mr. Pierce said he was contacted by a representative from the Florida National Guard to see if the County was interested in subleasing the National Guard Armory building in Apalachicola or a building out by the Apalachicola Airport. He said the National Guard does not want to give up the property as surplus, so that is why they would like to try and find someone to lease the property. He said the Guard does not see a unit using the Apalachicola Armory as a base anytime soon, but if the property is determined to be surplus the Guard loses all control over it, and the property might become available to the County, or some other entity might get it. He stated the Guard is trying to give the County or the City of Apalachicola the first chance at the sublease. He informed the Board they really didn't have to make a decision today, especially since Commissioner Mosconis is not at the Board Meeting this morning and no specific deadline has been given for a decision from the County. Ted Mosteller, Chairman Apalachicola Advisory Committee, asked the Board if he could address the Board on this matter. Mr. Mosteller said the committee recommends the County Commission attain these buildings, especially the one at the Airport, for use by Franklin County. Mr. Pierce said the Commissioners really needed to think about this situation before any final decision was made. Chairman Sanders said she thought this decision should be tabled

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until Commissioner Mosconis is at the next meeting. Linc Barnett, Alligator Point, advised the Board the building at the Airport could be used as an alternate facility for the Sheriff's Office, EOC operation, etc. in the event something drastic happened in Franklin County. He said he would be out to look at the facility sometime this week to see if it would be suitable for a staging area, etc. in case of an emergency situation.

FRANKLIN COUNTY REDISTRICTING REPORT

(Tape 1-1411) Chairman Sanders interrupted Mr. Pierce to address the Franklin County Redistricting Proposal at this time. She informed the audience and the Commissioners the County Attorney had a brief presentation of a proposal of a Redistricting Plan for Franklin County. Mr. Shuler said he had a revised, proposed district lines for the County Commission Districts in Franklin County. He stated these lines have been redrawn based on the final amended 2000 Census numbers. He said hopefully the Board would approve this plan, which when adopted by Resolution; the County could implement the new district lines for Franklin County. He stated the Board would also have to authorize the Chairman's signature on the Resolution adopting the new district lines. He said then if the Board accepts the newly drawn lines the Resolution would be published in the newspaper twice, with a certified copy of the publication in the minutes. He stated a copy of the Resolution would also have to be sent to the State of Florida Department of State. He said the Board held a joint workshop with the School Board members to consider this redistricting issue in June or July. He read the following into the record: "Florida Statutes 124.01 essentially states there would be five County Commission District in each County, which would be numbered one to five and shall be as nearly equal in proportion to population as possible with one commissioners to each district. The Board of County Commissioners shall from time to time fix the boundaries of the above districts to keep them as nearly equal in proportion to population as possible provided the changes made in the boundaries of County Commissioners District, pursuant to this section, shall be made in odd numbered years. Article 8 of Section 1-E of the Florida Constitution states that after each decennial census the Commissioners shall divide the County into five districts of contiguous territory as nearly equal in population as practical with one commissioner residing in each district that shall be elected as provided by law. This means now we have the final census numbers and it is an odd numbered year the Board, now coming up to the end of this year, has chosen to take action and finalize this process. Currently the population in each district, based on the 2000 census is District 1-2,081 Commissioner Creamers' District would need no changes in his District; District 2-1,627 Chairman Sanders' District would need to add 224 persons to her District; District 3-1,305 Commissioner Williams' District would need to add 539 persons to his District; District 4-2,514 Commissioner Mosconis' District would need to reduce his District population by 539; District 4-2,301 Commissioner Putnal's District would need to reduce his District population by 224. A map reflecting the current district lines and also reflecting the new proposed changes in the district lines was presented to the Board and the audience. The current district line in Carrabelle is on Highway 67. Essentially we would shift that line to the west making Chairman Sanders' District line run down the centerline of the New River coming in at the section line just above Carrabelle. In Carrabelle as it comes in from the Carrabelle River the district line for Chairman' Sanders comes in on Avenue B, this is the division line between Chairman

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Sanders to the east and Commissioner Putnal to the west. The line comes in on Avenue B South and goes up Marine Street all the way up to US Highway 98—at the intersection of US Highway 98 and Tallahassee Street. Tallahassee Street is the existing district line between Chairman Sanders and Commissioner Putnal. Under the revision it would move one block west to First Street West, and essentially go in a parallel line all the way to the section line at the city limits of Carrabelle. In the City of Apalachicola the line starts, the existing district lines boundary, for Commissioner Williams and Commissioner Mosconis starts with the mid-point of the Apalachicola River, comes down US Highway 98 to 14th Street and as you can see it then runs north and sort of meanders over west to the city limits and back out to the center line of the Apalachicola River. Under the new revision the district line would start at the center point of the Apalachicola River, it would then travel along US Highway 98 to the terminus or intersection of the city limits and then run straight north out to the center line of the Apalachicola River. Under these proposed district lines it does not balance the population to a mathematical ideal, which would be to have identical numbers of persons within each district, this does not accomplish that, what it would accomplish is that each district would be no more than just under 6% difference in population. Ultimately the District Court Judge in Tallahassee makes the determination as to whether this plan can be enacted. If you approve this Redistricting Plan the next step would be to go to the court in Tallahassee, which retains jurisdiction from the 1984 Court Case, that states the County cannot change the district lines or enact the change in the district lines until the judge approves the new plan. If you approve, by adopting this Resolution this morning, he would then have to file a motion with the Court at which time he would ask the judge to approve this new Redistricting Plan, which would essentially release the County from the injunction, meaning in the future the County, when considering redistricting, would not have to present the plan for further approval. If the judge releases jurisdiction or the plan I will report to you what the judge is going to do.” Commissioner Putnal said he was reading, somewhere in his notes, the County could “look at” redistricting every odd year during that ten year period and readjust if the Board so deemed necessary. He stated he could see in the very near future an imbalance in his and Chairman Sanders’ District because her district is going to explode with the new prison, new development, etc. He said on every odd year the County could readjust the lines if it was necessary. Mr. Shuler replied he thought this was allowed, but what was required was the County redistrict after each decennial census to satisfy the statutory and constitutional standards that he read to them earlier, which is basically requiring the County to redistrict as nearly as equal in proportion as is practical. He said if the district lines do not meet these standards then the district lines must be changed. He stated the Board could at their discretion as to whether to redistrict in any other odd numbered years, but it would still have to be based on the census numbers. Commissioner Putnal he wanted to make sure the Board is allowed to redistrict in odd years despite the census numbers. Chairman Sanders asked if anyone else had any questions for Mr. Shuler at this time. She asked if the Board wanted to adopt the Resolution providing the following changes in district population: District 1-2,081; District 2-1,872; District 3-1,844; District 4-1,975; District 5-2,056. Mr. Shuler asked if anyone from the public had anything to add to this discussion. Chairman Sanders asked if anyone would like to address this issue this morning. After no one asked to speak Commissioner Creamer made a **motion adopting the Resolution of The Franklin**

County Board of County Commissioners, using the 2000 Decennial Census, change the population in each district as follows: District 1-2,081; District 2-1,872; District 3-1,844; District 4-1,975; District 5-2,056 along with the new district lines as specified in the Resolution and authorizing the Chairman to sign the Resolution.
Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1894) Mr. Pierce said the County Attorney would probably address the purchase of two lots across from the Courthouse Annex this morning, he wanted to inform the Board he has been contacted by a person who wants to inform the Board the County has encroached on his property, which consists of a very small part of the circular drive that leads into Weems Memorial Hospital. He stated the individual is not insisting the County get rid of the encroachment at this time, but he wants it in the record the Board was notified of this encroachment. He explained in the northeast corner of the city square where the hospital is now situated is 0.80 acre of privately owned land. He said it was land somehow Harold Steward obtained, but then was purchased by another individual. He explained this is not the land the nursing home sits on, but is land in front of and off of the side of the hospital. He said he felt it would be prudent for the Board to consider buying this land from the individual since he is interested in selling it to the County. He said the purpose of the acquisition would be for the County to have land available for medical facilities expansion or lease right next to the hospital. After discussion Commissioner Putnal made a **motion directing the County Attorney to research this issue to see if the County would want to purchase this property and furnish a recommendation for the Board to consider at the next Board Meeting.**
Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2054) He said, as the Board might be aware, the County Courthouse Annex is not getting its share of inmates help maintaining the grounds. He stated two Building Department employees are offering to do yard maintenance in exchange for comp time. He asked the Board if they wanted to initiate a policy on the matter, or does the Board want to seek proposals from the private sector for lawn maintenance at the Annex Building, the Courthouse, and the EOC at the Airport, since there is also a problem with inmates assisting with the lawn maintenance of these buildings. Mr. Wade said he had discussed this with Mr. Pierce. He stated he knew the County has purchased a lot of equipment for the DOC to use in lawn maintenance around County buildings. He explained he has called the Work Camp, but they tell him the problem is they have so much for the inmates to do they just can't get around to mowing the lawns of the County buildings. Mr. Wade said he agreed with Mr. Pierce and he thought it would benefit a lot of people if this project were bided. He explained the lawn only needs mowing during the summer. He said the County Maintenance Department has to take care of a lot of buildings now such as the Carrabelle Health Department, the new Apalachicola Health Department, the Courthouse and Annex, the EOC building, the Public Defenders Office, the Carrabelle Courthouse Annex. He said it is a problem to try to get all of these needs met. He stated just changing the light bulbs and ballast is a big responsibility. He said it would probably benefit the County to just have a contract with someone to cut the grass and perform lawn maintenance around these buildings. Commissioner Putnal suggested

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the new employee hired for the Parks and Recreations Department provide this service for the County. He instructed Mr. Pierce and Mr. Wade to check with Mr. Johnson to see if this could be done by this new employee and report back to the Board at the next meeting with some recommendations.

STEVE FLING-PRESIDENT-FRANKLIN COUNTY FIREFIGHTERS ASSN.

(Tape 1-2226) Mr. Fling thanked the Board for allowing him to address them this morning. He said he would like to present some visual aides to the Board this morning with the assistance of Chief Bud Evans and Assistant Chief George Pruitt. He stated in February of 2002 the County Commission adopted a new MSBU rate schedule. He said the new rate, of \$42.00, was adopted. He stated, as a result of the Board not raising the MSBU to the amount they originally scheduled, \$70.00; the VFD's have had to rely on fundraisers and contributions. He said they were here this morning to inform the Commissioners the VFD's cannot keep up with the growth rate with the current MSBU funding. Commissioner Creamer said he wanted everybody to know he wasn't even going to consider raising the MSBU any higher than \$42.00. Commissioner Putnal said it wouldn't hurt for Mr. Fling to meet with the County Attorney and research the neighboring counties to determine how much they pay for MSBU. Commissioner Putnal then made a **motion directing Mr. Shuler to meet with Mr. Fling to research this matter and prepare a recommendation for the Board to consider.** Commissioner Williams seconded the motion. Chairman Sanders, Commissioners Putnal and Williams for. Commissioner Creamer opposed. 4-1 MOTION CARRIED.

DARRELL MCKINLEY-BLUFF ROAD RESIDENT

(Tape 1-298) Mr. McKinley said he lived on Bluff Road in Apalachicola. He stated he was asking the County to cut a ditch and place a culvert underneath Airport Road to alleviate the drainage problem he and his neighbor Charles Thompson are having. Chairman Sanders asked Mr. Pierce what needed to be done to help Mr. McKinley. Mr. Pierce said there is not a culvert the current Airport Road. He stated he didn't think there was a plan to have one installed under the new Airport Road either. He said he could have the engineering firm, Preble-Rish, Inc., look at the situation. He stated one of the problems might be that more water would be shifted down hill to a culvert situation that has already had a flooding problem. Commissioner Creamer said Mr. Pierce was referring to his brother's yard. He suggested the County Engineering Technician, Chris Clark, go to look at the area to see what, if anything, could be done about this drainage problem. Mr. McKinley said the County did come out and clean the ditch, but he would still like for Mr. Clark to come and look at the problem. Mr. Pierce said he would be sure to send Mr. Clark out to the site and at the next Board Meeting he would inform the Board what was decided.

ALAN PIERCE-CONTINUED

(Tape 1-3136 Continued on Tape 2) Mr. Pierce said the Planning and Zoning Commission held a regular meeting on October 14, 2003 and recommends the following action: Approval for David Folsom to construct a single-family dock on Lot 8, Block N, Peninsular Point, Unit 3, Alligator Point. The project was started without County approval, a Stop Work Order was issued, and the project was stopped. The applicant now

has his State and Federal Permits and is ready for Board approval. Commissioner Creamer made a **motion approving a single-family dock for David Folsom on Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Larry Taylor to construct an addition to an existing dock on Lot 9, Osprey Village, SGI. Commissioner Creamer made a **motion approving an addition to an existing dock for Larry Taylor on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Hidden Harbor Home Owners Association to construct a multi-family community pier in the Hidden Harbor Subdivision on Alligator Point consistent with the PUD. Commissioner Putnal made a **motion approving the construction of a multi-family community pier in the Hidden Harbor Subdivision on Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Mark Harbarger to construct a single-family dock on Lot 3, Block 71, Unit 5, SGI. Commissioner Creamer made a **motion approving the construction of a single-family dock for Mark Harbarger on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Paul Osterbye to construct a multi-family private dock at 1988 US Highway 98, Carrabelle. Commissioner Putnal made a **motion approving the construction of a multi-family private dock at US Highway 98, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Paul Osterbye to construct a joint single-family dock on Lot 20, Block X, Unit 1, Lanark Beach. Adjoining single-family residential lots would use the dock. Commissioner Putnal made a **motion approving the construction of a joint single-family dock to be used by adjoining single-family residential lots in Lanark Beach.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** On requests for land use and zoning changes there were two acted on and one that was not. Recommends the Board schedule a public hearing for the consideration of the proposed large-scale land use change for the Phipps Property in the SGI Plantation. This 54-acre parcel is currently Residential and Resort land use and the proposal is to change it all to Mixed-Use Residential. Members of the audience also concurred with the decision of Planning and Zoning to recommend the Board hold a public hearing. Previously the commission had recommended another large-scale land use change to be heard also, and that one is called "The Soundings" and is on US Highway 98 between Eastpoint and Carrabelle. I have reserved the time of 10:30 a.m. on November 4th, which is your next Board Meeting, if the Board would like to hold the Transmittal Hearing on these two land use changes. The Transmittal Hearing is the first step in a large-scale land use change. If the Board agrees to transmit the proposals to DCA, they would then review the proposals and then send back a report in 30 to 45 days with their comments and recommended changes. The Board would then have to schedule an adoption hearing if the Board wanted to adopt the proposed changes. Commissioner Creamer made a **motion authorizing a Transmittal Hearing be scheduled for November 4, 2003 at 10:30 a.m. to consider the proposed large-scale land use change for the Phipps Property in the SGI Plantation and a large-scale land use change for "The Soundings".** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** The one rezoning request the P&Z Commission did not act on, because the applicant was not present, was a request for rezoning in the C-1 District of Eastpoint to C-4. The general discussion I had with the applicant, and the tone of the P&Z Commission, without taking any action, was that there

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were some real concerns about rezoning the property away from the C-1 District. Another option might be to add some other uses in the C-1 District so the property would still stay zoned as C-1, but would provide more options for the owners of the property. He asked if the Board wanted to provide the P&Z Commission any guidance on this issue. Commissioner Putnal said he is afraid the County is going to zone itself right out of the seafood industry. He stated no one wants any C-1 zoning on his or her property. Commissioner Creamer said he was in agreement with allowing additional uses for the C-1 zoning. He stated the property owners could have a souvenir shop, restaurant, etc. in their C-1 zoned property. He said the property owners need some way to use their property. Hank Garrett, a resident of Eastpoint, said the oystermen can not get their product into the oyster houses in Eastpoint because the channel needs to be dredged so badly. Mr. Pierce stated the Eastpoint Channel should be dredged in 2004. Commissioner Creamer said he did support additional uses for the C-1 Zoning. Mr. Pierce said the P&Z Commission would consider this request again next month. Commissioner Creamer said he would consider allowing a restaurant, a store, souvenir or clothing shops, living area upstairs, etc., but he didn't want any type of marina type business, especially those that sell gas, etc. Chairman Sanders said she thought the P&Z Commission should make the recommendations. David McClain, ABARK, said any additional changes to allowable uses in the C-1 District have with them a provision that the uses are compatible with the seafood industry. He stated this is extremely important for the character of the community. Mr. Pierce continued with the P&Z Commission report at this time: Approval of a preliminary plat of a 17-lot subdivision known as "Fairway Park", located in Section 12, T7S, R4W, Lanark. Request submitted by Larry Witt, agent for Frances Survee. Commissioner Putnal made a **motion approving a preliminary plat of a 17-lot subdivision known as "Fairway Park" in Lanark.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** On two subdivisions, the P&Z Commission table action because the applicants were unable to get DEP binding jurisdictional letters in time, one of these subdivisions got started before the P&Z Commission initiated their policy, and Mr. Curenton informed the applicant, Jackie Golden, not to worry about the determination, but I forgot about this therefore the applicants told the P&Z Commission the DEP is weeks, if not months, behind in getting these jurisdictional letters done. The P&Z Commission initiated this policy as a precaution against a developer alleging that there were no jurisdictional wetlands on site, and then after the County approved the subdivision then it might be discovered there were jurisdictional wetlands. The P&Z Commission is looking for a third party to confirm what the agent was saying about wetlands. I offered a compromise to the P&Z Commission and they said they would like for the Board to decide the compromise as follows: Chris Clark, is a licensed registered geologist, and a Board employee. Mr. Clark has had some wetland plant training as well, but a large part of determining wetlands is being able to recognize hydric soils and being able to read topo maps to determine if there is a connection with the Bay. Mr. Clark is well qualified to do that. The Board could direct Mr. Clark to review the wetland determination as struck by the agent. If Mr. Clark has confidence the wetlands are not jurisdictional, then P&Z would not hold the developers up waiting for a letter for DEP, which would most likely say the wetlands were not jurisdictional. If Mr. Clark was unsure of the type of wetlands, or disagreed with the agent, then the agent would have to get the jurisdictional wetlands

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done by DEP. Chairman Sanders asked if there wasn't a process already in place for this type of situation. Mr. Pierce replied yes there was, but the question is if things out of the Boards control are bogging down the process, does the Board want to try something different. Chairman Sanders said like DEP. Mr. Pierce replied yes, like DEP. Chairman Sanders said this was the process; this is just what you do, if it takes ten weeks it takes ten weeks. She stated she is of the opinion the County needs to follow the process or either the County needs to just not even consider DEP's opinion. She said this is why the State agencies are used and they should not be circumvented. Mr. Pierce said he is just trying to provide some expertise within the County as is with Mr. Clark. Commissioner Creamer said he didn't know why Ms. Golden was being held up anyway because Ms. Golden has been working on her project for months and months. He said Ms. Golden's project was started before P&Z adopted this procedure. He stated he didn't want Ms. Golden held up. Mr. Pierce said as a compromise the Board could go ahead and approve Ms. Golden's project. Commissioner Creamer made a **motion authorizing Mr. Clark to assist Jackie Golden with her project since the P&Z Commission made the changes to their policy after Ms. Golden's project was submitted and allowing her to move forward with her project.** Commissioner Williams seconded the motion. Commissioners Williams, Putnal and Creamer for. Chairman Sanders opposed. 4-1 **MOTION CARRIED.** The P&Z Commission is still working on the dock ordinance, and if there is any particular issues about docks the Board would like to see addressed, now is the time to mention it. The P&Z Commission did review, and does recommend the Board, the creation of a new zoning district for the middle of the commercial district on SGI. This district, tentatively called C-5, would require the entire first floor of a building be used for commercial business, but the upper floors could be used as residential areas. He asked the Board to schedule a public hearing to consider this change to the zoning code. Commissioner Creamer said he wanted to wait until he saw the recommendation P&Z provided for the C-1 zoning. He stated it is not fair to go out of the Boards way to see these others get second floor residential and then the people in C-1 zoning have to suffer because nobody wants to see this development on the waterfront. He stated, furthermore, whenever the P&Z Commission considers this matter we need to make sure the member's personal views and feelings is not part of their decision. He said there are people who have property rights so there absolutely cannot be any personal feelings in the way they vote on this issue. He stated he wanted this stressed to the members. He told Mr. Pierce he would want to know any reasons why these uses could not be implemented in C-1 Districts. Mr. Pierce said then he would "hold off" on the C-5 zoning issue until some determination is made as to whether more uses could be added to the C-1 zoning.

(Tape 2-755) He informed the Board the County has received the JPA from FDOT for the 60' X 60' building at the airport for which the state is providing all the funding. He said no local funds are involved so this project can proceed without a requirement-request for lease extensions from the Fixed Based Operator, Bill Ruic. He asked the Board to authorize the Chairman's signature on the JPA and authorize the advertisement of the project for formal bids. Commissioner Creamer made a **motion authorizing the Chairman's signature on the FDOT JPA for total funding of the 60' X 60' building at the Apalachicola Airport; the Resolution authorizing the Chairman's signature**

on the JPA; and authorizing the advertisement of the project for formal bids.

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

(Tape 2-795) Mr. Pierce reminded the public and the Commissioners another St. James Island Overlay Plan is scheduled for Thursday, October 23, 2003 in Lanark Village.

STEVE JERNIGAN-AIA-BAY DESIGN ASSOCIATES

(Tape 2-810) Mr. Pierce reminded the Board they had instructed him to request the architect for the Courthouse Annex appear at this meeting to discuss the problems at the Courthouse Annex with mold, mildew, etc. He introduced Steve Jernigan the architect of record for the Courthouse Annex. Mr. Pierce said the architect and the contractor are still at odds as to who is responsible for the solution to the problems. Mr. Jernigan stated when the building was completed about a year and four months ago, some minor problems began occurring toward the end of last summer. He said this summer the problem really became worse especially in the Judge's Chambers and in the State Attorney's Office. He stated mold and condensation was underneath the windows with a western exposure. He explained there were numerous discussions between himself, Mr. Pierce, the Building Inspector, the contractor and subcontractor. He said they even went to the effort of removing some windows to verify they were, in fact, installed correctly. He stated it was determined the windows were installed correctly. He stated they have tested everything they could think of to see if the problem was a water infiltration issue and if so where the water is infiltrating through. He said they haven't found anything wrong with the filtration of the water. He stated the Ingram Group of Tallahassee was the Contractor and Superior Mechanical was the subcontractor for the job. He said both these groups have worked through a number of scenarios to see if the air conditioning system was the problem. He stated this building has two air-handling units, a twenty-ton air handler for the Courtroom/Board Room, and a forty-ton air handler for the remainder of the building. He explained it seemed to be humid sometimes in the building at times and he kept working with the mechanical subcontractor, Superior, to determine the actual humidity in the building. He said the Ingram Group, Inc. hired an independent mechanical contractor from Tallahassee, Vincent Heating and Air, to evaluate the problem. He stated this group did find the following things wrong in the building: The building was in a negative pressure situation-the settings on the system were set up incorrectly-the primary problem was the thermostat in the foyer area was wired into the thermostat in the State Attorney's Office so when it went off line it knocked the other thermostats off line. The unit would continue to run with no ability to control or to know what the temperature control was. The other part they found in some areas was the different settings on the temperatures in the entire building so they did a true reset-up of all of the controls in the building. They placed a timer on all of the exhaust in the building and they will only operate in the hours when the building is occupied. The defective thermostat was replaced and the other thermostats were checked for operation. They did a complete check of the building and informed him, as of yesterday, the building is operating and running as designed. He stated the building needed to dry out a little bit then this company is going to clean the mold from underneath the windows, let it sit for a week, then clean the mold again, then painted the following week. He said he believed this would fix the problems. Chairman Sanders asked if these problems were

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still not alleviated would the company still take responsibility for the building. Mr. Jernigan replied the building is the responsibility of the sub-contractor since they obviously did not do their job. He stated he would continue to endeavor to have them follow-up on these problems. Chairman Sanders said she was very concerned when she observed all of the different kind of molds that appeared on the walls in the building. She stated someone needed to stay on top of this situation. Mr. Wade said he would check with Parker Services in Tallahassee, the current air conditioning service used in the other County buildings, to see if they would be willing to service the Annex Building as well. Mr. Wade asked Mr. Jernigan if he had an opportunity to look at the old Courthouse to see what needed to be done for the cleaning and sealing project of the old Courthouse. He said he needed some specifications so he could go ahead and advertise this project for formal bids too. Mr. Jernigan said he would try to get with Mr. Wade within the next week or so. Mr. Wade said a new cap had been placed around the old Courthouse and the contractor found a lot of water between the space and the actual roof membrane. He stated some of the leaks have been sealed. He said he felt the whole Courthouse needed to be sealed. Commissioner Creamer asked why the mold was on the outside walls and not in this room. Mr. Jernigan replied because it is operated in a separate air conditioning unit. He stated the reason the mold didn't become a problem on the outside of the building was because of the humidity caused by the air conditioning system not working correctly caused condensation on the windows because they are metal then the water would pile up at the bottom of the windows and cause mold to build up. He stated he really believes after consulting with his engineer and the subcontractor this problem has been solved. Mr. Pierce asked Mr. Jernigan if they had addressed the problem in the mechanical room at the new Annex. He stated water comes into the room when it rains a lot. Mr. Jernigan said Mr. Pierce is referring to is the Mechanical Room, which was set at a lower elevation, to make it easier to pull the equipment in and out should the need arise. He informed the Board they had found out the room was five to seven inches lower than the plans specified. He said ordinarily this wouldn't be a problem, but with all of the rain recently it has become a problem. He stated when the retention pond on the other side of the building would fill up it would be higher than the elevation of this floor. He explained his suggestion would be to place a topping compound and have the entire floor raised and then seal the cracks. He said he would continue to work with Mr. Pierce to see these problems were corrected.

KENDALL WADE-CLERK

(Tape 2-1239) Mr. Wade presented a copy of a letter from Scott Clemons, Board Chair, Early Education and Care, Inc. requesting the Board provide them with a letter to serve as written documentation that Franklin County could not fund this particular program. He said this group is going to ask for a waiver for the local match requirement from the Florida Partnership for School Readiness. He stated in order for them to formally receive a waiver of the local match amount Franklin County needed to send a letter stating the County could not afford to budget any money for this program in Franklin County. Commissioner Putnal made a **motion authorizing the Chairman's signature on a letter to Early Education and Care, Inc. verifying the existing hardship for Franklin County to provide Early Education and Care, Inc. additional funding for the local**

match requirement. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1264) He presented a copy of a letter from the State of Florida, Department of Veterans' Affairs regarding Franklin County's participation in Florida's World War II Memorial. He said the letter informs the Commissioners the Florida World War II Veterans Memorial would be a unique, multifaceted living Memorial, with the components including a permanent World War II exhibit in the Museum of Florida History, with smaller, traveling exhibits available to tour the state; a permanent WWII monument in our State capitol; a WWII educational curriculum supplement available to high school American History Teachers; a Heritage Trails Series booklet tracing the development of Florida's military infrastructure, biographies of key personnel, and the contributions our State made to the war effort; and a website to enhance WWII historical research capabilities. He said a copy of the letter went to Franklin County's VSO William Scott for his attention to this matter. He stated the state is asking for input from the citizens of Franklin County as to how and what the specific monument for Franklin County would reflect. He encouraged the Board to make sure the VSO checks into this matter.

(Tape 2-1290) He read the following Resolution of Unanticipated Revenues into the record and asked for the Chairman's signature on the Resolution: 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 \$56,250.00 from the State of Florida, Division of Parks and Recreation for purchase of land for Carrabelle Recreational Park, 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: 001.20.511.6100 Land \$56,250.00. Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$56,250.00 in the General Fund in order to comply with FS 129.06(2)(d). This Resolution adopted by the Franklin County Board of County Commissioners this 21st day of October 2003. Cheryl Sanders, Chairman Attest: Kendall Wade, Clerk. Commissioner Putnal made a **motion authorizing the Chairman's signature on this Resolution of Unanticipated Revenues in the amount of \$56,250.00.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1343) He presented the annual Proclamation declaring the month of October as Domestic Violence Awareness Month. He said the Board issues this proclamation every year in October to support the efforts of the Refuge House in improving services for victims/survivors of domestic violence and prevent future domestic violence through public awareness and services for victims. He asked the Board to authorize the Chairman's signature on this Proclamation declaring October as Domestic Violence Awareness Month. Commissioner Creamer made a **motion authorizing the**

Chairman's signature on the annual Proclamation declaring October as Domestic Violence Awareness Month. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1405) Commissioner Creamer said he would like to discuss the County Employees Health Insurance. He stated he would like to see a plan for the employees in the County so they could choose if they wanted the current BC&BS or to use Health Plan Southeast. He explained the State of Florida gives their employees a choice of these two plans. He stated the premium for Health Plan Southeast is lower and maybe then the employees could insure their families. He said he thought Health Plan Southeast provides more coverage than BC&BS. Commissioner Putnal said he had spoken to Gary Barber, BC&BS representative in Franklin County, and was informed by him he was trying to compile some information or plan for the employees to have that option. Commissioner Creamer said he wanted to make a **motion asking Mr. Barber to be contacted and ask him to come to the next Board Meeting with some comparison premium costs between BC&BS and Health Plan Southeast.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1460) Chairman Sanders said she would like to discuss retirees insurance with the Commission this morning. She stated Leon County pays each retiree \$10.00 per year of service on the retirees health insurance. She said during the budget process next year she wants this matter researched and some recommendations ready to consider paying for retirees insurance. Chairman Sanders asked Mr. Wade how many retirees are on the group insurance with the County. Mr. Wade replied probably about five or six. She said the County could pay at least one-half of their insurance premiums.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-1560) Mr. Shuler said the contract for the purchase of the two lots across from the Courthouse Annex has been submitted for the Commissioners review. He said the contract for buying the other two lots is also in the package of information provided the Board this morning. He asked the Board for direction in this matter. He stated Ben Watkins owns the property and is willing to sell the first two lots to the County with the County paying \$50,000.00 as a down payment and a balloon payment due for the balance, at 6%, due one year after closing. He said the lots are being offered to the County at \$85,000.00 per lot for a total contract amount of \$255,000.00. He stated Mr. Watkins and Gene Langston, the agent for Mr. Watkins, is present this morning for questions of the Board. Commissioner Creamer said he thought \$85,000.00 per lot was too much to pay for these lots. He stated he wanted to negotiate with Mr. Watkins. Mr. Shuler said his instructions from the last Board Meeting was for him to prepare the contracts and that is what he has done. Mr. Wade stated Mr. Watkins had informed him there were prospective buyers for this property and he wanted the County to have the first chance at the property for parking or expansion purposes. He said Mr. Watkins told him the people interested in purchasing this property was offering \$85,000.00 per lot and this is why he told the Board Mr. Watkins would accept \$85,000.00 per lot. Commissioner Creamer said he didn't think the County even needed this property. Mr. Pierce said the lots are 30' X 80'. Chairman Sanders said the Board had directed a parking area be

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created at the Old Jail months ago and nothing has ever been done. Mr. Pierce said additional parking at the old Planning and Zoning Building could be utilized with some improvements in that area. Mr. Wade stated he felt like if there was assigned parking places as well as new parking areas created at the old jail and at the old Planning and Zoning Office then a lot of these parking problems would be eliminated. He said the parking situation is really bad at the Courthouse especially on court days or meeting days. Commissioner Creamer said purchasing this property, filling it in, and paving the area would cost a lot of money. He suggested the parking area around the jail and the old Planning and Zoning Building be updated so people can park there. Mr. Pierce said the grass next to the old Planning and Zoning Building could easily be converted to parking. Commissioner Creamer made a **motion directing the County Attorney to negotiate with Mr. Watkins on the price of these lots.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he was looking to the future and this property was going to be needed to expand the Courthouse or for parking in general. Mr. Pierce said it is going to be a problem if someone buys the property since the new owners would probably not allow the County to use the area for any parking like is done now. He stated most of the overflow parking is on these lots. Mr. Watkins said he wouldn't have any "heartburn" if the County didn't buy these lots or not. He stated he would listen to the Board's proposal, but he would probably consider the offer the other person made. He suggested the Board stop parking on the lots if the County is not going to buy the lots. He said it is totally up to the Board as to whether they want to buy the lots or not. Mr. Wade asked the Board to allow him to ask the County Engineer to assist him with a design for parking places around the Courthouse. He said he would try to have the areas lime rocked or paved so people can park around the Courthouse. He stated the County Employees can't even find a place to park some mornings. Commissioner Creamer said he wanted, if necessary, any trees or shrubs removed so parking spaces can be created. Commissioner Creamer made a **motion directing the County Engineer to work with the Clerk in developing a parking lot plan for the areas around the Courthouse.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2038) Commissioner Creamer said he wanted to be sure the motion regarding Jackie Golden's property was to instruct the County Attorney to review the request and if everything is in order then she could proceed with her project. Mr. Shuler stated his understanding of the motion "is that I will look at the file, find out when she made her application for the subdivision, and then whatever procedures were in place at the date of her application she would follow that procedure through to it's conclusion. Then if she applied after the new policy then she has to comply with the new policy." Commissioner Creamer said this is what he wanted done. Chairman Sanders asked if this meant Chris Clark was going to be part of this decision. Mr. Shuler replied the date would be the determining factor. Chairman Sanders stated she wanted to change her vote on that motion to approve instead of being opposed. Mr. Shuler said to make the minutes clear the Board should have one of the Commissioners made a formal motion to rescind the previous motion. Commissioner Creamer said he would then **rescind his motion made earlier concerning the Jackie Golden subdivision project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer then

made a new **motion instructing the County Attorney to review the request submitted by Jackie Golden for approval of her subdivision, find out when she made her application for the subdivision, then determine what procedures were in place at that time and follow those procedures as of the date of the request.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2144) Mr. Shuler said there were a number of people in the audience this morning to hear the discussion regarding the Sumatra Cemetery. He said at the last meeting he informed the Board he had received an estimate for platting, surveying and plotting of the Sumatra Cemetery. He stated the Board directed him to table having this done at the cemetery and instructed him to pursue the sale of the cemetery to a group in Sumatra to oversee the Cemetery. He explained he, along with the Clerk, contacted some of the individuals involved in this project. He said they have, as a result of this contact, received a written purchase contract for \$10,000.00 from the Sumatra Assembly of God Church of Sumatra. He stated they would purchase the cemetery and then they would form a committee, which would then be responsible for the governing of the Cemetery itself as to who is buried there and who is not to be buried there. He explained he has had a request, although not in writing, that all of the committee members be residents of the Sumatra community. He said this is part of the reason there are so many people here to express their views to the Board this morning. Commissioner Creamer asked if the Church would actually be the ones allowing someone to be buried there or not. Mr. Shuler replied it would be a committee of residents to determine this. He explained the church would be the actual owner of the property unless the County puts some restrictions in the Deed. He said if the Board wanted to place certain limitations on the property then it would have to be done at closing. Commissioner Creamer asked if the church knew what they were getting into and how this could cause "hard feelings". Mr. Shuler stated he was sure the whole Sumatra community was aware of this situation and knew the sentiment relating to this. Chairman Sanders said we have discussed this matter so many times "it's pitiful". She stated the County originally wanted to help these people because of the way the former owners were treating the people of Sumatra. She said there was a public outcry for the County to purchase the cemetery and that is just what the Board has done. Commissioner Creamer said the people who originally initiated this purchase are actually living in Eastpoint, but have family buried in the cemetery. He stated he didn't want to see them being discriminated against and not being represented on the committee. He said the Lewis' and the Tuckers' live in Eastpoint and he didn't want to repeat this problem again. T. J. Lewis appeared before the Board. Mr. Lewis said he was born and raised in Eastpoint, but lived in Crawfordville, Florida. He stated he might be considered an outsider, but he was raised here. He explained his father Willie B. Lewis and his mother Jackie Lewis both lived in Eastpoint. He said he has a grandfather, brother, uncle and a cousin buried in the Sumatra Cemetery. He stated if the Board does sell this property to the church then they could do almost anything they wanted to with the property. He said the only law, a Federal Law, which would apply would be a discrimination law. He stated he felt this was discrimination against the people who live in Franklin County and want to be buried at this cemetery, but not being allowed to serve on the Cemetery Committee. He said this was morally and ethically wrong in his opinion. He stated his grandfather raised him in Sumatra and hunted many

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years in this area. He said he didn't can't help having to live somewhere else just because there aren't many jobs in Franklin County. He stated he wants to be buried with his family in Sumatra. He said that is not fair to him or his children. He stated he strongly felt this was discrimination against the people of Franklin County especially if there is a disclaimer that only people who live in the Sumatra community can serve on this committee. He said this property is in Franklin County to begin with and now the Franklin County Board of County Commissioners owned this property. He stated the cemetery was under a "dictatorship" and that is why the County purchased the cemetery. He encouraged the Board to think about this matter. Bill Bouington, Franklin County resident, said there is nobody in Sumatra going to deny anybody who has a relative to be buried in Sumatra that choice. He stated thinks this is an injustice to the people of Sumatra and the people involved in this project have done everything the Board has asked them to do. He said Reverend Ann Nelson, Sumatra Assembly of God, was here this morning and would probably like to address the Board. Reverend Nelson said the members of her church were approached to enter into this agreement for the benefit for the people of Sumatra and the people who have relatives buried in this cemetery. She stated she would like to apologize for the feelings that Mr. Lewis has concerning how a church organization should govern something like this without any respect to people or showing indifference to anyone. She stated it was her understanding that if the church purchases this cemetery the church would have a committee to govern the cemetery. She said the only thing she would want in the contract was a clause stating the residents of Sumatra and people with family members already buried in the cemetery would have the first priority. She stated after all of these plots are designated to each family, then if there is some spaces left anybody that needs a place to be buried would have access to the cemetery. She said this is where she stands, the church stands and that's where the people of the Sumatra community stands. Bill Lunsford, a Sumatra resident, stated he and his wife have been very fortunate during the last few days as they have met and talked with several people in Sumatra, some associated with the Assembly of God Church. He stated, so far, the ones they have talked to don't know how to go about this matter or being "politically correct". He said they just tell you what the facts are and they don't sugar coat anything. He stated they do not try to hide anything either. He said they have and are in the process of collecting the \$10,000.00 to pay for the cemetery. He stated he understood they have already collected approximately 90% of the money. He explained the people appointed to represent the church, as members of a committee, would be just as honest and forthright as anyone could be. He said he didn't think no exclusions would be made as indicated by Mr. Lewis. He asked the Board to consider this proposal and he would definitely like for the Board to sell the cemetery to the church. He said the Board has asked and asked for someone to take responsibility for this cemetery and this church has come forward to take charge of the cemetery. Mr. Lewis said his problem was that there would be no governing laws for the church to follow once the cemetery is purchased by them. He stated he was concerned about the by-laws or rules being changed. He said this could happen and he felt a committee made of five people all from Sumatra could create problems. He stated if this is going to be done the Board needed to place some restrictions on the operation of the cemetery. Mr. Wade asked Mr. Shuler if there could be covenants in the Deed, which would require two residents of Sumatra, two residents of Franklin County, represent the committee and one

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alternate person not even associated with the cemetery. Mr. Shuler recommended the Board consider two things; one is to put a restriction in the Deed specifying the number of people of the committee, representing what community, and then a fifth member appointed by the first four committee members and the second thing would be to include the statutory exemption for a direct sale like this is actually a \$5,000.00 cap and not \$10,000.00. He said this property would have to be advertised in the local newspaper for bids since the purchase price is over \$5,000.00. He stated he didn't realize this until recently. He assured the Board there could be some restrictions in the Deed that would follow the land throughout the end of time. He said it wouldn't matter who owned the property it would still be a restriction on the property. He said he would recommend the Board allow him to advertise this property for sale or bid and then finalize the sale at the last meeting in November. Commissioner Putnal said he just didn't want to be in the same situation as before. He stated he didn't want a certain little group telling people they couldn't bury their family in the cemetery. Commissioner Creamer asked Mr. Shuler to state his recommendations for the committee again. Mr. Shuler said the committee could consist of two members of the Sumatra community, two members from Franklin County, and one at-large member selected by the first four. He said this way any decision would be made by a majority vote. Chairman Sanders asked about the separation of church and state issue. Mr. Shuler said this wouldn't be a problem in this case. Reverend Nelson asked Mr. Shuler what her church members should do. She stated 90% of this money has been collected and she wanted to know if she had to return their money to them. Commissioner Putnal said this might have to be done. Chairman Sanders said there are two options; Franklin County can do the plotting of the cemetery themselves or either these people of these two communities can come together to work something out that is workable for everybody concerned. She stated she wanted this matter solved once and for all and wanted every family involved to have a "meeting of the minds".

(Tape 2-3687) Mr. Shuler said he has scheduled three ordinances for a public hearing on November 18th. He stated two of the ordinances concern the "Turtle Patrol" problem and the other one is concerning the Building Code Ordinance.

(Tape 2-3710) He said he has finally received the Dependency Attorney contract from James V. Cook and Mary Charlotte McCall. He asked the Board to authorize the Chairman's signature on the contract. Commissioner Putnal made a **motion authorizing the Chairman's signature on the Franklin County Dependency Contract between Franklin County and Mary Charlotte McCall and James V. Cook effective August 1, 2003 until June 30, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-3733) He stated he is in the process of completing the Hold Harmless Agreement between the City of Carrabelle and Franklin County for the City to use County right-of-way to install some utility lines. He said he has mailed the agreement to Doug Gaidry, the City of Carrabelle attorney, for his review.

(Tape 2-3757) He informed the Board he received another letter from Thom Lewis' attorney, Randi Denker, requesting a meeting with a representative from the Board. He asked the Board if they wanted to direct him to attend this meeting with Attorney Randi Denker. Chairman Sanders asked Mr. Shuler if he had heard anything from the County's liability carrier, FACT, as to what the result of their investigation was. Mr. Shuler replied he had not. Commissioner Creamer made a **motion authorizing the County Attorney to met with Attorney Randi Denker regarding the Thom Lewis' lawsuit and instructing the County Attorney to contact FACT, Ken Moneghan, regarding the investigation his insurance group conducted.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-3937 Continued on Tape 3) He said, at the last Board Meeting, the Board instructed him to re-review the Title V Grant for the Juvenile Delinquency Prevention Program. He explained the Chairman had already signed this grant application, but the State has rejected all of the applications and changed some of the wording in the grant. He said the Board already has approved the Chairman's signature on the grant and he would recommend the Board go ahead and give final approval with the contingency that the County would have an option to terminate or withdraw from the grant if the event the in-kind services are not provided by the Franklin Promise Group. Commissioner Creamer made a **motion authorizing the Chairman on the Title V-Juvenile Justice Grant with the provision that if the Franklin Promise Group doesn't met the in-kind match requirements the County has a termination right, which would be exercised if this occurs.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 3-28) He informed the Board the DOAH lawsuit, Ammons v. Franklin County, concerning the concrete batch plant in Carrabelle, has been dismissed. He said he has a written dismissal, which means there will be no further litigation regarding the Administrative Case. He explained the Circuit Case is still pending and he would expect this case to be dismissed soon.


(Tape 3-56) He stated he has contacted the prior County Attorney, Alfred Shuler, and he has agreed to assist with the redistricting litigation. He said Mr. Shuler was going to assist him with the District Court lawsuit filed against Franklin County by the Concerned Citizens of Franklin County.

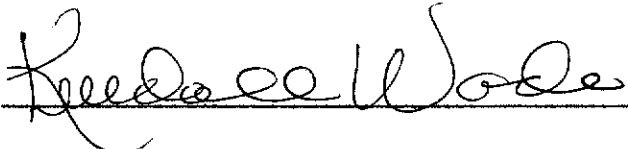
DORIS PENDLETON-PROPERTY APPRAISER

(Tape 3-74) Ms. Pendleton said some residents regarding the Sumatra Cemetery had approached her. She asked what would happen if someone died within the next few weeks and wanted to be buried in this cemetery. Chairman Sanders said they would have to have approval from the Commissioners before anyone could be buried in the cemetery. Chairman Sanders said she would schedule an emergency meeting of the Board if this happened.

(Tape 3-105) Ms. Pendleton reminded the Board of the Value Adjustment Board meeting scheduled for tomorrow morning at 10:00 a.m.

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


_____ **CHERYL SANDERS, CHAIRMAN**


_____ **KENDALL WADE, CLERK**