

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

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

**ABSENT:** Kendall Wade, Clerk

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

(Tape 1-34) Commissioner Putnal made a **motion approving the minutes of the meeting held on November 4, 2003.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-44) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**HUBERT CHIPMAN-PUBLIC WORKS DIRECTOR**

(Tape 1-56) Mr. Chipman informed the Board he had purchased an "office" from the Federal Government to station in Carrabelle. He said it is located at the "Sand Pit" in Carrabelle for use by the County Employees. He stated this would assist the County if and when a storm ever strikes Franklin County.

(Tape 1-68) He also told the Board the Road Department is soon going to be starting work on the new Carrabelle Sports Complex in Carrabelle.

(Tape 1-74) Commissioner Creamer asked Mr. Chipman "to just remember that dirt for him". Mr. Chipman replied he would take care of it.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-84) Mr. Johnson said present at the meeting this morning were Fonda Davis, Albert Floyd, and Rusty Putnal, the coaches and all of the players from the Pee Wee Division of the newly combined Franklin County Little League Football Team. He informed the Board in their first year of existence the team finished the 2003 season winning six games and only losing three. He told the Board the team won and brought the Big Bend Youth Football Southern Division title to Franklin County. He said the team placed runner up in the Big Bend Super Bowl Championship game. He stated the team members and coaches are here this morning to be recognized and to present the Board with the winning trophies for display in the County. He stated, without the Board's support, there reality would have only remained a dream. He presented a plaque to the Franklin County Board of County Commissioners, in appreciation for their dedication and support of the Franklin County Youth Football for 2003. Chairman Sanders thanked Mr. Johnson, the coaches, and the members for the awards. Mr.

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Johnson and Chairman Sanders presented each player and coach with their individual plaques.

(Tape 1-351) Mr. Johnson informed the Board he would be on Annual Leave beginning on Monday, December 1<sup>st</sup> through December 31<sup>st</sup>. He stated his assistant, Fonda Davis, would be at the Landfill during this time if the Board needed any assistance or needed to schedule any projects.

(Tape 1-353) Alan Pierce, Director of Administrative Services, asked the Board if Mr. Johnson's Department could assist the contractors on the Airport Access Road in Apalachicola. He explained the County could save a considerable amount of money if the Hydro-Seed machine, purchased for the County several years ago by the Landfill, could be used to seed the shoulders and the median of the road. Commissioner Putnal said he would make a **motion authorizing the use of the Hydro-Seed machine to seed the shoulders and the median of the new Airport Access Road in Apalachicola.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Mr. Johnson said he would be glad to furnish Mr. Pierce the machine for his use.

**ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-406) Chairman Sanders instructed Mr. Pierce to go ahead and begin his report. She said the item listed on his report concerning the use by Baskerville-Donovan, Inc. (BDI) to use the County ROW in Lanark Village could be discussed at this time. Mr. Pierce said Mr. Simmons, BDE, was here along with Mayor Brown of the City of Carrabelle to request, again, the County allow them to use County ROW instead of US Highway 98 to install a Phase I Force Main and Reuse Main. He reported, as directed by the Board at the last meeting, Chris Clark, Engineering Technician; and Mr. Chipman met with Mr. Simmons last week to review the route and look at the condition of the various roads. Mr. Simmons said he did meet with the named staff last Thursday about the project. He said he also had a second meeting yesterday with Mr. Clark to receive his final input about the matter before the Board Meeting this morning. He stated he meet with a representative from Progress Energy, regarding the utility easement, in this area. He said a Mark Nehouse and Jim Lawlor, representatives from the Lanark Village Water and Sewer District (LVWSD) were at the meeting. He stated he would like to inform the Board that these folks he met with are all receptive to BDI using the alternate route. He said the cost of the project is still being worked on, but BDI is willing to submit a separate bond to cover all the work done on County roads. He stated he had attached to the letter of request a copy of a letter from Jim Lawlor, LVWSD, authorizing the City of Carrabelle to reroute these lines. He asked the Board if they had any questions for him this morning. Chairman Sanders asked Mr. Simmons if the line was going to be a vacuum line. Mr. Simmons replied there were two lines proposed; a force main and force reuse main. Chairman Sanders stated then it wouldn't be a vacuum line. Mr. Simmons replied no it wouldn't. Chairman Sanders asked Mr. Simmons if he was aware that two weeks ago FDEP had implement new standards, which entailed the distancing of water lines and sewer lines or wells. Mr. Simmons replied yes he was so BDI was anticipating installing HDPE pipe, which has no joints in it, for the 75-foot setback. He said he knew BDI would have to get FDEP approval before moving forward. He stated he felt this

wouldn't be a problem. He said the other type of well, a private well, has a different requirement or setback. He stated in those same areas BDI would use HDPE pipe for the force main as well. He said it wouldn't be possible or required to utilize the 75-foot setback for the private wells. He stated he did believe FDEP would allow BDI to construct the line within the 75-foot setback as long as alternate piping material is used. Chairman Sanders said one of her constituents called her about with concerns of BDI installing one of these pipes only five to six feet away from this person's water well. She stated she called FDEP to check into this and found out these new guidelines, implemented approximately two weeks ago, which would make a difference in this project. She said until FDEP has approved or okay this project she would be concerned about this. She stated there were approximately 20 to 25 wells, which would be affected on Kentucky and Alabama Street in LV. He said BDI was intending to use this pipe with no jointing in it. He didn't say BDI didn't play on any mitigation, but proposing that once FDEP reviews the proposed pipeline route and them using this HDPE pipe then they would approve the project. He said if FDEP approves the project then there shouldn't be any more concerns. Commissioner Mosconis said it looked to him like BDI has done a lot of work in trying to get this project up and going. Chairman Sanders stated she didn't oppose the use of County ROW contingent on FDEP approving the route and the type of pipe BDI is going to use. She reminded the Board and Mr. Simmons these were small lots in this area. Tommy Smith, a resident of LV, said he would like to express his concerns about this pipe that doesn't need any joints. He stated he didn't care what kind of pipe it was they would still need to put a joint in the pipes somewhere. He asked Mr. Simmons if they were going to X-Ray these pipes. Mr. Simmons replied BDI would pressure test the pipe before it is placed in the trench. Mr. Smith stated pressure testing wasn't as good as actually X-Raying the pipe. After further discussion Commissioner Mosconis said he would go ahead and make a **motion authorizing BDI to use County ROW's to install, for the City of Carrabelle, a Phase I Force Main and a Reuse Main contingent on permitting by FDEP of the project and final approval, after the permits are received from FDEP, receiving final approval, before beginning the project, of the Commissioners.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders said she didn't want this project to cause any major impact on the roads. Mr. Chipman stated he would want, if the Board gives BDI their final approval, would be for BDI to assure the County they would replace or put individuals, whose property is crossed by the pipeline, driveways back in there current condition. He said there are a lot of driveways in this project. He stated he would also suggest the Board require them to put the pavement on any County Road back as it is presently. He said he would also suggest BDI place a total of 12-inches of lime rock base on the road too. Mr. Simmons said he would request these requirements be submitted to him in writing so he can take care of the matter. He stated he didn't want any miscommunication as to what the County wanted done. Chairman Sanders asked Mr. Chipman to put this request in writing for BDI.

**PH-ORDINANCE AMENDING ORDINANCE 1978-4 AND ORDINANCE 2000-4**  
(Tape 1-1035) The County Attorney, Michael Shuler, said this public hearing was to discuss the amending of Ordinance 1978-4 and Ordinance 2004, which contained prohibitions of driving on the beaches and dunes of Franklin County. He explained this

request was made to allow the Turtle Nesting Patrol members to cross and drive on County ROW to either get to the beach or go down the beach. He said these changes in no way would allow anyone to drive on any dune in Franklin County. He read the following into the record: Amending Franklin County Ordinance 78-4: the amendment under consideration is whether to allow limited All-Terrain motor vehicle traffic on said beaches for those persons holding a Florida Fish and Wildlife Commission Marine Turtle Permit for purposes of conducting turtle patrols; authorizing the County Commission to designate beach entry points by resolution, establishing types, weight limits and restrictions for the motor vehicles used for Turtle Patrols. Amending Franklin County Ordinance 2000-4: the amendment under consideration is whether to allow limited All-Terrain motor vehicle traffic on said roads and public property for those persons holding a Florida Fish and Wildlife Commission Marine Turtle Permit for purposes of conducting Turtle Patrols. He said the main change to these ordinances would be for ATV's to be used, only by Turtle Patrol Permitted, to travel on the beaches of Franklin County to check on active turtle nests. He said this would only be allowed during turtle nesting season. Royce Hodge, a resident of SGI, said he was very concerned about certain people being allowed to use an ATV on the beaches. He said when the Island is full of visitors they might see someone, without a uniform, driving an ATV on the beach. He stated they might think this is allowed in Franklin County and just goes ahead and takes their ATV on the beaches. He said he felt it was more of a "public perception" thing than anything else. He stated when people are just visiting Franklin County they don't know or realize this is only permitted for a few people. Elise Matthes, FWC General Counsel's Office, said she wanted to inform the Board the some species of turtles begin nesting around May 1<sup>st</sup>, but other species begin nesting around March. She said she would recommend the Commission require these FWC permit holders to apply individually and separately to the County Commission for a County Permit. Commissioner Mosconis said this sounded like a good idea to him. Commissioner Creamer said then March 1<sup>st</sup> through October 31<sup>st</sup> would be the dates for the turtle-nesting season. Mr. Shuler said then once the state agency issues an individual a permit then this individual would then come to the County Commission to request a permit from the County. He said this permit would give the individual permission to travel on the beaches to perform turtle nest patrols. He stated then the Commissioners could either grant or deny this permission. Chairman Sanders asked Mr. Shuler if the County wasn't going to be "opening a can of worms here" were they. She stated she knew what the intent of the ordinance was, but she knew a lot of ATV owners might live on one side of the County road and want to go across the road to get to the other side to ride their ATV. She stated when an ATV owner goes to get across the County road, just to ride their ATV, they would get in trouble. She said this would send a mixed message and cause a lot of problems for the Commissioners. Mr. Shuler said anytime an exception to a rule is created then the Board would start down that "slippery slope" to a certain extent. Commissioner Creamer said this is also a concern of his. He stated the turtle patrol citizens should just load their ATV onto a trailer and truck the ATV to the beach accesses to check the turtle nests. He said he would like for the Board to vote on these amendments individually. He explained the amendment to Ordinance 1978-4 strictly limits access to areas over the beaches from March 1<sup>st</sup> to October 31<sup>st</sup>, the turtle- nesting season, of each year person possessing a FWC Turtle Nest Patrol Permit. Commission Mosconis made a **motion adopting the**

**amendments to Ordinance 1978-4 contingent including the designation of Turtle Nesting Season in Franklin County as the period between March 1<sup>st</sup> and October 31<sup>st</sup> of each year.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said now the amendment to Ordinance 2000-4, which would allow limited motor vehicular traffic on, over, across or through the roads of Franklin County, Florida for the purpose of turtle nest patrolling. He stated again this would require the individual who receives a FWC Turtle Patrol Permit to then apply to the Franklin County Commission for a permit to go on, over, across or through the roads of Franklin County, Florida to check the turtle nests. He stated, again, this does not mean anyone can go or drive across the actual dunes on the beaches. He said these Ordinances could be amended as to dates, times, etc. through a Resolutions adopted from time to time as needed or required by the Commissioners. Mr. Hodge again expressed his concerns about amending this ordinance. He stated he would still worry about visitors driving their ATV's on the beaches and dunes. Mr. Shuler said these ordinances would also require the ATV's to stay off of any paved area belonging to the County, such as paved County roads. Chairman Sanders said it didn't matter on Alligator Point because there weren't any shoulders on the roads there anyway. Commissioner Creamer asked what would happen, since the County already had an ordinance prohibiting ATV's on County ROW, if the Commissioners allow the turtle nesting patrollers to use the County ROW if one of these individuals got hurt or run over on their ATV. He asked Mr. Shuler if the County Commissioners gave someone, in possession of a turtle patrol permit, permission to use their ATV to travel on County ROW and the individual was harmed. Mr. Shuler stated he plans, when the turtle nest permit holders, appear before the County Commission to ask for the County Permit would include a "Release" or "Hold Harmless" agreement for them to use any County ROW or County property. He stated the County could also impose an insurance requirement, but potentially it doesn't take much to file a lawsuit. He stated he would certainly utilize agreements to keep the County's liability at the very minimum. Commissioner Creamer said he wanted the ordinance to remain "as is" and not allow any riding on the paved areas of Franklin County. He stated he didn't want to be liable for anything. Vicki Barnett, Alligator Point, said she couldn't get across her street, because it is a paved County ROW, to get her ATV to the beach access to look at the turtle nest. Commissioner Mosconis asked if there were any other suggestions. Commissioner Putnal suggested the Board authorize one permit for Alligator Point for Vicki Barnett since this is the only problem on Alligator Point. He stated this is the only place there is really a problem and he could authorize the permit holder on Alligator Point, so when Ms. Barnett retired, to go onto County ROW including the paved areas to check on turtle nests. He said he would make a **motion authorizing one FWC Turtle Nest Patrol Permit holder on Alligator Point to use County ROW, including the paved areas, to get to the beach accesses to check turtle nests in that area.** Commissioner Mosconis seconded the motion. Chairman Sanders, Commissioners Mosconis, Putnal and Williams for. Commissioner Creamer for. 4-1 **MOTION CARRIED.** Mr. Shuler said then it was his understanding that because there was not an "unimproved" ROW at Alligator Point to allow the FWC Turtle Permit holder to travel on the paved areas of the roadbed, the shortest distance possible to the beach, was the reason the Board was approving this one request. The Commissioners agreed this is what they wanted to do. Commissioner Mosconis instructed Mr. Pierce to invite the Park

Manager to be at the Board's next meeting to discuss Mr. Hodge's concerns. Mr. Pierce told the Commissioners he would do this.

**PH-ORD. SEPARATE PERMITS FOR HVAC, ELECT, PLUMB, & ROOF**

(Tape 1-1821) Mr. Shuler said the next ordinance to be considered this morning was an Ordinance requiring, in addition to the Building Permit, separate permits for all electrical, roofing, HVAC, and plumbing construction, repair or renovation, and providing penalties. He informed the Board he had been instructed to prepare and advertise this public hearing this morning. He said the FC Construction Industry Licensing Board had requested the Board adopt such an ordinance so the County could comply with the Florida Statutes. He stated the Florida Statutes already require separate permits for these types of contractors and the County should be in compliance with this statute. After no public opposition Commissioner Mosconis made a **motion authorizing the Chairman's signature on the "Ordinance requiring, in addition to the Building Permit, separate permits for all electrical, roofing, HVAC and plumbing construction, repair or renovation, and providing penalties."** Commissioner Mosconis said Mr. Pierce had assured him this ordinance would not impede an individual homeowner from building his own home from start to finish. Mr. Pierce said this was correct. He stated the issue the Building Department was trying to regulate was a situation where a homeowner was receiving the building permit in his name, but was subcontracting these types of services to someone else who was probably not even licensed. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

**PUBLIC HEARING-LAND USE AND REZONING**

(Tape 1-2098) Mr. Pierce said this public hearing was scheduled for 10:00 a.m. this morning to consider a rezoning and land use change from Residential to Commercial and from R-4 Zoning Single Family Home Industry to C-4 Zoning Commercial Mixed Use for Lots 22 and 23, David Brown Estates, Eastpoint. He said the initial advertisement for the public hearing was incorrect and indicated the zoning change would be from C-3 to C-4. He said the wrong zoning category was advertised, therefore, he would ask the Board for permission to reschedule the public hearing and re-advertise the new time and date to consider this rezoning and land use change. Commissioner Creamer made a **motion authorizing Mr. Pierce to reschedule and re-advertise this public hearing to consider rezoning and a land use change for Lots 22 and 23, David Brown Estates, Eastpoint.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**ALAN PIERCE-CONTINUED**

(Tape 1-2199) Mr. Pierce submitted a copy of a letter ABARK sent to the Senate Natural Resources Committee, Senator Al Lawson. He said they presented it to Senator Lawson at the meeting in Panama City, Florida last night. He stated this was concerning the river water basin diversion of water from our area to South Florida.

(Tape 1-2233) He presented the Board with a copy of the NFWFMD Five-Year Plan. He said in the FY 2003-2004 the District intends to spend approximately \$150,000.00 on

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test wells in the eastern part of Franklin County to study the potential public water supply.

(Tape 1-2250) He said the Clerk asked him to bring this next item to the Board's attention since he is not at the meeting this morning. He stated the Clerk recommended the Board spend \$5,000.00 from the Courthouse Maintenance Budget to pay for a study and analysis as to what exactly needed to be done to seal and waterproof the exterior of the Main Courthouse. He said Steve Jernigan, AIA, who suggested the study, would supervise the work. Commissioner Mosconis made a **motion authorizing the expenditure of \$5,000.00 from the Courthouse Maintenance Budget to pay for a study and analysis of what needs to be done to seal and waterproof the exterior of the Main Courthouse as proposed by Steve Jernigan, AIA.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2274) Mr. Pierce stated the Clerk also wanted him to inform the Board Judge Russell is willing to try and utilize some signs and other warning devices to keep the noise down in the hallway in the Courthouse Annex.

(Tape 1-2283) He informed the Board Ben Watkins, Attorney for Phil Dunaway, has asked the Board to reconsider the request from his client to return Mr. Dunaway's property in Apalachicola to the original zoning category of R-5 Multi-family. He said the County removed this zoning from Mr. Dunaway's property without Mr. Dunaway's knowledge or permission a number of years ago when the County was preparing the Comp Plan. He said Mr. Dunaway has not obtained a lease from the neighboring property owners, St. Joe, as required by the Board. He said the property is currently zoned R-4 and public sewer is not available to the property. Mr. Watkins, who appeared before the Board, said the Dunaway's didn't have a ROW going into this property. He stated the Board required him to get a ROW from one of the adjoining property owners. He said Mr. Dunaway has done this and now is asking the County to return his property in Apalachicola to the original zoning of R-5. Commissioner Mosconis said he would make a **motion authorizing the scheduling of a public hearing to consider rezoning Mr. Dunaway's property.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2512) He asked the Board to approve another extension, until April 30, 2004, for the placement of shutters on the Franklin County Senior Citizens Center in Carrabelle. He explained the current agreement with DCA expired on October 31, 2003. He said DCA is asking the County to approve an extension so the contractor could provide the shutters for the project. Commissioner Creamer made a **motion authorizing the Chairman's signature on an extension of the DCA Contract to supply the Franklin County Senior Citizens Center in Carrabelle shutters until April 30, 2004 as requested by DCA.** Chairman Sanders asked the total number of extensions the County or DCA has given on this project. Mr. Pierce replied at least three. Chairman Sanders said she hoped the shutters were on the center by the next hurricane season. Commissioner Williams said he would second the motion. All for. **MOTION CARRIED.**

(Tape 1-2568) Mr. Pierce informed the proposal submitted by Polaronis Construction for the 60' X 60' Commercial Hangar at the Apalachicola Airport was over budget as Ted Mosteller, Airport Advisory Committee Chairman, told the Commissioners at the last meeting. He said the AAAC met last night and should have a recommendation on this project. He said the FDOT Aviation Department is providing all of the funds as long as the project doesn't exceed \$120,000.00. Mr. Mosteller suggested the Board allow the re-advertisement of this project and for the County to reject the bid submitted by Polaronis Construction at the last meeting. Commissioner Mosconis made a **motion rejecting the bid as submitted by Polaronis Construction for the 60' X 60' Commercial Hangar at the Apalachicola Airport opened at the last FCBCC Meeting on November 4, 2003 and authorizing the AAAC to re-advertise the project for bids.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2643) Mr. Mosteller said he would like to inform the Board the FDOT Aviation Department has funded \$20,000.00 to provide radio communication with Tyndall Air Force Base. He stated he would need Board approval to formally request this FDOT JPA and to advertise this project for bids. Commissioner Mosconis made a **motion authorizing the AAAC to formally request a FDOT JPA for radio communications with Tyndall Air Force Base and to advertise the project for bids.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2683) Mr. Pierce asked the Board to approve the purchase of a new copier for the Planning Department. He explained the funds were budgeted this year, but according to the Finance Office the auditors want to see budgeted capital items approved by the Board. He said the Board budgeted \$10,000.00 and the copier to be purchased on the state bid list is a Minolta Class 2 DI 551 copier for \$7,547.00. He asked the Board for authorization to purchase this copier. Commissioner Mosconis made a **motion authorizing the purchase of a Minolta Class 2 DI 551 copier in the amount of \$7,547.00 to be funded through the Planning Department's Budget.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2703) He said Mark Curenton, Assistant Planner, has been working with the FC School Board on a DCA required program entitled "The Interlocal Agreement for Public School Facility Planning". He said the FC School Board has approved the agreement. He stated the County Attorney, Mr. Shuler, reviewed the agreement in June according to Mr. Curenton and would like for the Chairman to sign the agreement contingent on Mr. Shuler's review and final approval of the agreement. Commissioner Putnal made a **motion authorizing the Chairman's signature on "The Interlocal Agreement for Public School Facility Planning" contingent on the review and final approval by the County Attorney.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2740) Mr. Pierce said the Planning and Zoning Commission failed to have a quorum present at the November meeting so there was no action taken on any item, including docks, which have their State and Federal Permits. He said the P&Z Commission did not schedule another meeting, so the next meeting would be the regular



meeting scheduled for December 9<sup>th</sup>. He asked the Board if they wanted to hear the three docks permit requests since the docks had already received their State and Federal Permits. Commissioner Creamer said he thought the Board should go ahead and address the dock permit requests since it was really just a formality. Mr. Pierce said the following dock permits were submitted for approval and all of them had received their State and Federal Permits: Approval for a George F. Anderson to construct a single-family private dock on Lot 7, Alligator Point Subdivision, 1563 Alligator Point, Alligator Point. Commissioner Putnal made a **motion approving the construction of a single-family private dock for George F. Anderson contingent on State and Federal Permitting.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval for Marie K. Day to construct a single-family private dock on Lot 31, Sandpiper Village, SGI. Commissioner Creamer made a **motion approving the construction of a single-family private dock for Marie K. Day contingent on State and Federal Permitting.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Scott and Kristie Morrell to construct a single-family private dock on Lot 18, Bay Palm Village, SGI. Commissioner Creamer made a **motion approving the construction of a single-family private dock for Scott and Kristie Morrell contingent on State and Federal Permitting.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2833) Mr. Pierce said there were some final plats for the P&Z Commission to address, but he would suggest the Board wait until they meet on December 9<sup>th</sup> for a final decision to be made by the Board.

(Tape 1-2845 Continued on Tape 2) Mr. Pierce submitted a written proposal as directed by the Board on the discussion the Board had at the last meeting concerning the zoning uses for the C-1 Commercial Fishing District. He said most of the speakers at the last meeting were from Eastpoint, but not many of the owners of the property in the C-1 District in Apalachicola spoke on the issue. He said the main concerns about the C-1 District is: 1. Parking problems. 2. Flood elevation requirements. 3. Lot sizes in the C-1 District and 4. Setbacks. Joseph "Smokey" Parrish appeared before the Board and asked the Commissioners to not rezone any of the C-1 Districts in Franklin County until a lot more discussions have been held. He stated there sure didn't need to be a residential use in any C-1 District. Commissioner Creamer said he was very concerned about his constituents in Eastpoint who wanted to do something different with the C-1 Zoned property. Oliver Nash, a seafood business owner, stated his opposition to any changes in the C-1 Zoning District. Commissioner Creamer directed Mr. Pierce to continue working with the County Attorney, the Planning and Zoning Commission and other concerned citizens about adding some uses to the C-1 District and changing the uses to "fit in" with the Seafood Industry Businesses. Commissioner Mosconis said he knew there was no room for residential uses in the C-1 District. Commissioner Mosconis said he would make a **motion directing Mr. Pierce to continue working with these individuals, the Planning and Zoning Commission, etc. to arrive at some additional uses for the C-1 District.** Commissioner Mosconis said he knew something could be worked out with everybody involved in the issue making different suggestions. Commissioner Williams seconded the motion. Chairman Sanders, Commissioners Williams, Mosconis and

Creamer for. Commissioner Putnal against. 4-1 **MOTION CARRIED.** Mr. Parrish said he wanted to be assured any further discussion in changing uses in the C-1 Zoning District be scheduled and public advertised. Mr. Pierce said he would make sure everyone was involved in these discussions. Chairman Sanders said she totally agreed the uses, if any were added, needed to be "totally compatible" with the seafood industry in Franklin County.

(Tape 2-460) Mr. Pierce said the Board authorized the County Building Department to purchase a new pick-up truck for the Building Official. He stated the State Bid List didn't, as far as he knew, include the small line of pick-up trucks. He said all they needed was a Ford Ranger or something similar to the small truck. He stated he asked for three bids from different dealers. He asked the Board to allow him to purchase a Ford Ranger at one of these quoted prices. He said he didn't check with the Sheriff or look at his list. He stated he would check with the Sheriff. Commissioner Creamer asked Mr. Pierce if he didn't want a full size truck since he could probably get a full size truck for the same price. Mr. Pierce replied he didn't need a full size truck and the County only budgeted \$20,000.00 for the truck. Commissioner Mosconis said he would make a **motion authorizing Mr. Pierce to purchase a small truck such as a Ford Ranger from the State or Sheriff's Bid List and if one cannot be located then authorizing Mr. Pierce to advertise for bids.** Mr. Pierce said he would do everything he could to purchase the truck from these two bid lists. Commissioner Creamer seconded Commissioner Mosconis' motion. All for. **MOTION CARRIED.**

#### **GARY BARBER-COUNTY EMPLOYEE INSURANCE**

(Tape 2-525) Mr. Barber presented a package of information regarding the current BC&BC Plan for County Employee Health Insurance and Vista Health Plan, formerly Health Plan Southeast. He said the package-contained comparisons of the two insurances. He stated he had met with some opposition from the County Employees and Department Heads since there were absolutely no doctors or hospitals on the provider list from Panama City, Florida or Bay County. Chairman Sanders said she too was concerned after meeting with Mr. Barber about employees with pre existing conditions and whether they would be accepted in the new plan. Mr. Barber said, in his opinion, he would like to continue to research the options the County might have for health insurance. He said he would try to have something for the Board to consider next year. Chairman Sanders stated she agreed with Mr. Barber and really didn't want to pursue this issue at this time. Commissioner Creamer asked Mr. Barber if he could check with the Travelers Insurance Company. Mr. Barber replied he didn't think Travelers provided a plan for a group. Mr. Barber said he thought, if the Board wanted to pursue this, then the Board should appoint an Insurance Committee with representatives from each Department within the County. Commissioner Mosconis said he had an issue with no doctor or hospital being available in Bay County. Mr. Barber said the only health insurance plan for groups, which has doctors and hospitals in their system in Bay County is BC&BS. Mr. Barber did inform the Board the County was very limited. Commissioner Creamer said he agreed the County should stay with the BC&BS Plan they are currently using.

**THOMAS LEWIS-NORTHSTAR GROUP, LLC**

(Tape 2-693) Mr. Lewis informed the Board he was here this morning to ask the Board to allow his group to use the County ROW on SGI. He stated when the original owner of Finni's Restaurant, Mr. Johnston, had the property rezoned the County required a single driveway be installed into the restaurant. He said the power company has installed a power pole with a guide wire that inhibits traffic going to the left or east at this location. He stated Progress Energy, the owner of the power pole, informed him they cannot provide underground utilities on Franklin Boulevard on SGI because of the FDOT ROW. He said the only area that he could use would be the dirt parking lot next the County Park on SGI. Commissioner Creamer asked Mr. Lewis what size easement he needed. Mr. Lewis replied approximately 10' X 200'. Mr. Pierce said he would recommend Mr. Lewis provide him and the County Attorney with a drawing or a sketch of the planned easement. He said neither one of them had reviewed or discussed this issue. He said then they could report back to the Board with a recommendation at the next meeting. Commissioner Mosconis suggested Mr. Pierce involve Mr. Clark in this discussion. Commissioner Creamer made a **motion authorizing the County Attorney, Mr. Pierce and Mr. Clark to evaluate this request and prepare a recommendation for the Board to consider.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**JOANN FANT-SUMATRA CEMETERY ISSUES**

(Tape 2-775) Ms. Fant, a resident of Sumatra, said she was born and raised in Sumatra. She stated she wanted to speak today about the Sumatra Cemetery and try to settle the issue once and for all. She said she appreciated the County for purchasing the cemetery. She stated she approached her pastor, Reverend Ann Nelson-Sumatra Assembly of God, about the church purchasing, through donations, the cemetery from the Board. She said she thought about it, prayed about it, but didn't want dissention in her church. She stated at the last meeting the Board was concerned about the problems the people seemed to be having with each other as to who and how people would be buried in the cemetery. She said she had met with Willie B. Lewis and many other representatives of the families buried in the cemetery. She said she decided and everyone agreed the conditions for being buried in the cemetery would be simple, if you have family buried there or if you lived in the Sumatra Community, then you had a right to be buried in the cemetery if you wanted to. She stated she knew how rumors can get started and blown out of proportion. Mr. Lewis said he had talked to Ms. Fant and felt she had the right idea and especially wanted everything to be fair to the families in the cemetery. Ms. Fant said she would suggest, as she had discussed with the Lewis', the appointment of a Sumatra Cemetery Committee consisting of the following members: Patty Fant, Sumatra Assembly of God Church Secretary-Treasurer; Tommy Sadler, Sumatra Community; Cleve Lindsey, Sumatra Community; Mary Ellen Rogers and her. She said Mr. Sadler and Mr. Lewis were both very connected to Franklin County and had several relatives buried in the Sumatra Cemetery. She said this committee would be responsible for paying all of the expenses of the cemetery and possibly collecting enough money to purchase some surrounding property for expanding the cemetery. She stated there was no way anybody could be denied burial in the cemetery especially if you had relatives in the cemetery or lived in this community and wanted to be buried there. After discussion the County

Attorney recommended the Board go ahead and advertise this property, the Sumatra Cemetery, for sale as required by the Florida Statutes, and ask for submission of sealed bids. He said the sealed bids could be opened at the next meeting on December 2, 2003 at 10:00 a.m. EST if the Board Secretary could schedule it at this time. Amelia Varnes, the Board Secretary, after checking her schedule, said this time could be used to open and consider bids for purchase of the Sumatra Cemetery. Chairman Sanders said she was glad something had finally been worked out. Mr. Shuler said the Board did have the right to reject any bid if they so desired. He stated since the value of the property is more than \$5,000.00 it had to be publicly advertised for bids. Commissioner Mosconis asked Mr. Shuler if this absolutely, positively had to be done even though the Board purchased the cemetery just to sell it back to the community. Mr. Shuler replied it had to be done, but it wouldn't inhibit the County from awarding the bid to this group of people.

Commissioner Creamer said he would go ahead and make a **motion authorizing the advertisement of acceptance and opening of bids for the Sumatra Cemetery property on December 2, 2003 at 10:00 a.m. EST.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said he would make sure the advertisement contained the statement "The FCBCC has reserved the right to reject any bids if they decided to do so." He reminded the public present at the meeting this morning the deadline for submission of the bids would be at 4:30 p.m. EST on December 1, 2003, the day before the meeting on December 2<sup>nd</sup>.

**THOMAS M. SHULER-COUNTY ATTORNEY**

(Tape 2-1333) Mr. Shuler said he had talked to Ben Watkins, the owner of the lots adjacent to the Courthouse Annex, about the County purchasing the lots at a price of \$375,000.00. He stated Mr. Watkins has counter offered with a set price of \$400,000.00 for all of the lots, with a \$50,000.00 down payment and the balance due to be paid over two County Budget cycles at 6% interest. He said the other agreement or condition would be for the tenant, now living in the house on one of the lots, be able to remain on the property until the County makes its improvements such as the parking lot. He stated once the County purchases the property it would be subject to the Commissioners discretion as to whether the tenant could remain in the house. Commissioner Mosconis said he knew the price of this property wouldn't go down so he would make a **motion authorizing Mr. Shuler to proceed with this purchase of these lots, surrounding or adjacent to the Courthouse Annex Building, from Ben Watkins, the owner, for a total price of \$400,000.00, with the County paying \$50,000.00 as a down payment and paying the balance remaining at a 6% interest rate over a two year County Budget cycle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said he would pursue this matter.

(Tape 2-1426) He said the real estate contracts for the lots the County wanted to purchase on Alligator Point have been transmitted to the property owners. He stated they have not been returned to him signed. Mr. Pierce said he would try to get with Mr. Shuler on the other lots. He asked the Board if they wanted to implement an "Eminent Domain" suit for the other two lots the owners are adamant about not selling to the County. He informed the Board neither of these lots are buildable lots. Commissioner Mosconis asked Mr. Pierce if these property owners would not even negotiate with the

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County for these lots. Mr. Pierce replied they would absolutely not agree to sell the lots to the County. Commissioner Creamer made a **motion authorizing Mr. Pierce and Mr. Shuler to pursue "Eminent Domain" suits for these two lots on Alligator Point the County needed to complete the Alligator Point Beach Re-nourishment Project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1483) He said he reviewed the Amended Flood Ordinance and doesn't find anything out of order. He stated he would advertise this amendment to the ordinance for public hearing possibly at the December 16<sup>th</sup> Board Meeting.

(Tape 2-1497) Mr. Shuler said he contacted Billy Buzzett, the St. Joe Company, about the decision by St. Joe to sell the entire Box R Ranch to the State. He said he saw Mr. Buzzett at the meeting this morning and perhaps the Board would like to speak or question Mr. Buzzett directly about this matter. Mr. Buzzett presented a site plan of the property consisting of 7,500 acres, known as the Box R Ranch, to the State of Florida. He explained the property was advertised for public purchase to anyone interested in buying it. He said no one individual or group was willing to purchase the property. Commissioner Creamer asked Mr. Buzzett if he hadn't appeared before the Board to inform them this property was for sale. Mr. Buzzett replied he had and had also informed the Board of another parcel of land for sale on the Franklin-Gulf County line. He said the Governor and Cabinet approved the purchase of this property last week and no one was at this meeting to oppose this sale. He stated the Governor and Cabinet approved the purchase by the State, however the final closing has not taken place. He said he was sure it would be finalized by the end of this year. Commissioner Mosconis said the County is updating the FC Comp Plan and the citizens of Franklin County have some needs for this land. He stated once the State has it then no one else can purchase it. He said the State wouldn't have to pay taxes on the property either. He said he knew the County had also wanted a boat ramp near this area. Commissioner Mosconis stated this has really given him "heartburn" about the sale of 7,500 acres to the State. Mr. Buzzett said he knew the Board was concerned about this, but couldn't help it. He stated if the Board wanted to impose certain restrictions on this land then the Board should have presented it to St. Joe before the sale. He said he can't promise anything on this particular sale, but he would try to see what he could do about implementing some "traditional" uses for this land.

(Tape 2-1981) He said he has been discussing the City of Carrabelle Hold Harmless Agreement for the Timber Island ROW. He stated it is in a final draft, but he did make some changes to it. He explained the City of Carrabelle Attorney, Doug Gaidry, has the document and will finalize the wording.

(Tape 2-2002) He stated he would recommend the Board require the exact same Hold Harmless conditions with the LVWSD and BDI for any County ROW they might use in their project too.

(Tape 2-2015) He said regarding the Thom Lewis Lawsuit, he said there were two components to the claim, one is the damage claimed and the other is a flood damage issue claimed. He stated the Florida Association of Counties adjuster is still considering the

matter. He said he would keep the Board updated on this lawsuit, Thom Lewis v. Franklin County. He reported the County Engineer would recommend the installation of a "low water crossing" and he would like the Board to authorize Mr. Clark to prepare and assist in the installation of this crossing. He said this might mitigate some of the damages claimed by Mr. Lewis. Commissioner Putnal made a **motion authorizing the Chris Clark, County Engineering Technician, to prepare and assist in the installation of a "low water crossing" on Thom Lewis' property on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2081) He said he had furnished a copy of a written demand letter claimed by Mr. Lewis' attorney. He asked the Board to authorize the Building Inspector to go out to the property to inspect the property to evaluate the claim. Commissioner Mosconis made a **motion authorizing the County Building Inspector to go to the Thom Lewis property on SGI for a site and background evaluation on the property.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

#### **MATTERS FROM THE FLOOR**

(Tape 2-2113) Chairman Sanders asked Mr. Pierce to write a letter to the Florida Wildlife Commission regarding the problem with Black Bears in the County. Commissioner Mosconis made a **motion instructing Mr. Pierce to send a letter to FWC requesting they send a representative or biologist to discuss and recommend something to help with the Black Bear problem in Franklin County.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders and Commissioner Putnal said they both had complaints about Black Bears being at the local schools. Chairman Sanders said she was very concerned about the problem.

(Tape 2-2210) Commissioner Putnal said the Eastpoint Boat Ramp needed to be cleaned out. He stated there is a big hill or sand bar at the ramp and needs to be leveled. He said at low tide a person cannot load or unload a boat. He directed Mr. Pierce to contact the Harris Brothers to see if they could level this hill or suggest a remedy to this situation.

(Tape 2-2260) John Sole, Pensacola Fishing Pier, was present to ask the Board if they had made any decision on awarding the operation of the fishing piers in Franklin County, which would be created when the old SGI Bridge was demolished. After no answer, he said he wanted to keep reminding the Board of this important issue and try to make sure the Board makes an informed decision about the operation of the piers.

#### **JOANNE THOMPSON-FCPHU**

(Tape 2-2445) Chairman Sanders recognized Joanne Thompson, Director of Nursing FCPHU, at this time. Ms. Thompson said she was here this morning to inform the Board and the Community there was a positive report on a case of West Nile Virus in Franklin County. She stated it was in a young adult and they appear to be recovering well. She said she wanted to remind everyone about the danger of mosquitoes. She also stated the County was still experiencing un-seasonally warm weather. She said there might have been other cases in the County, but people attribute the symptoms to a case of the flu. She stated the symptoms are a lot alike. She stated the tests results on the West Nile

Virus victim was confirmed by private testing and the State of Florida tests. Ms. Thompson said the patient first felt sick in the middle of October and went to the doctor several weeks later. She stated the persons private physician took blood samples and suspected West Nile Virus was the problem to begin with. Chairman Sanders said she knew the Mosquito Control Department was periodically spraying, but sure did need to keep up the spraying. Commissioner Putnal said he was sure some cold weather would help alleviate the mosquito problem. Chairman Sanders thanked Ms. Thompson for informing the Commissioners about this illness in the County.


**RICHARD LICHARDELLO**

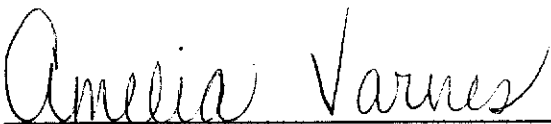
(Tape 2-2543) Mr. Lichardello said he painted the EOC as requested by the EOC Director Tim Turner. He stated he had received two payments for his work. Mr. Pierce replied he approved the first two payments-invoices. Mr. Lichardello asked the Board why he hadn't been paid for his last invoice. Chairman Sanders asked Mr. Shuler if he wanted to address Mr. Lichardello's question. Mr. Shuler replied "he didn't since he didn't really know the particulars and would like to at least prepare something to present the Board with". Mr. Lichardello asked the Board who was going to pay his bills. Commissioner Putnal said he didn't even know what was going on here. Chairman Sanders said Mr. Lichardello did some work at the EOC Building and has not submitted sufficient invoices for the work he preformed there. She stated this is the problem and reason why Mr. Lichardello has not been paid. Mr. Lichardello asked what he needed to do to get paid. Chairman Sanders said he had to do what the County had requested. She asked Mr. Pierce to give his input on this matter. Mr. Pierce stated there was no indication on the invoices there would be materials charged to the County. Mr. Pierce said all he had was a statement from the EOC Director informing the County Mr. Lichardello was owed a certain amount of money with no indication of materials and labor. He stated he thought it just a bill for labor and labor only. He said if Mr. Lichardello had purchased materials then that needed to be approved prior to the purchase. Mr. Lichardello did not purchase any materials he "spread 57-gallons of paint was what he did". Mr. Pierce said then it was strictly a labor bill. He stated the bill needed to reflect it was for labor only. Mr. Lichardello demanded his money and said "he wanted his money right now, ya'll owe me right at \$2,000.00". Chairman Sanders asked Mr. Lichardello to go to see the EOC Director Tim Turner and to make sure the invoices were submitted properly. Commissioner Creamer asked who authorized all of this work at the EOC. Chairman Sanders told Mr. Pierce he needed to update the Board on this matter since Mr. Lichardello is here this morning. Mr. Pierce said the EOC Director, as other previous EOC Directors, authorized this work to be done. He stated the County doesn't provide any services to the building such as garbage, maintenance, janitorial, etc. He said this is paid from the EOC Budget. He explained it has been characteristic for the EOC Director to use State funding from grants to maintain the building, which includes lawn work, janitorial, painting, etc. He said Mr. Turner wanted to paint the inside of the building. He stated Mr. Turner came to him and told him he had contacted some painting contractors and the price was too high. He said he asked him if he couldn't just buy the paint and just hire someone to do the painting. Mr. Pierce agreed and said it was fine with him. He said he told Mr. Turner it was his money and if he wanted to hire someone to paint the inside of the building go ahead and do it. He stated

he didn't review or check to see whom Mr. Turner was going to hire to do the painting. He said Mr. Lichardello started the job and was painting out there one day when he went to check on the job. Mr. Pierce stated the office employees were complaining about the smell and the inconvenience of having someone in the office while they were there during the day. Mr. Turner hired the Lichardello to do some janitorial services as well. Mr. Pierce stated he did tell Mr. Turner this was inappropriate so they do not do janitorial services at the EOC building any more. Mr. Lichardello became very verbally abusive and Chairman Sanders asked the Courthouse Security Office Anthony Martin to remove Mr. Lichardello from the meeting. After he was removed, his father, asked to speak to the Board. Chairman Sanders said this would be all right. Richard Lichardello, Sr. said his son, Richard Lichardello, Jr., had done the work for the EOC Director. He stated the reason he was out there at the building with his son is because his son doesn't have a driver's license since he quit school. He stated they did not have a telephone either. He said he drove his son back and forth to the Airport facility and his son worked long and hard to paint the building. He stated his son deserves to be paid. Chairman Sanders replied to Mr. Lichardello, Sr. that when the proper invoices were submitted to Mr. Turner then submitted to Mr. Pierce for final approval his son would be paid. Mr. Lichardello explained the price the contractors quoted for the job were too high and that is how his son ended up doing the job. He said his son did save the County anywhere from \$4,000.00 to \$6,000.00 for the painting. He stated his son did more work than a contractor would have. He said his son had to paint at night since he couldn't do it during the day. Commissioner Creamer said it sounded to him like the County didn't have a problem with paying Mr. Lichardello if he would just submitted the corrected invoices. Chairman Sanders said she had told them this the whole time. Commissioner Putnal asked whose fault this was. Mr. Shuler said one of the invoices, being examined, has something in the neighborhood of 23-hours worked in one day and another invoice from approximately 15-hours of work done in one day. He stated this created a "red flag" and this is one of the reasons these invoices are being reviewed. He explained he was only questioned about the invoices a few days ago. He said he has not had an opportunity to make a full investigation into the problem. He stated he would need to talk to the Finance Officer, the Labor Attorneys in Tallahassee, etc. and then maybe he could advise the Board what to do at the next morning. Mr. Lichardello said the day his son worked 23-hours was actually a 23½-hour workday, which was on the weekend so he wouldn't bother anybody working in the offices. He said his son worked another 15-hours at night. He stated Mr. Turner wanted it painted because they were going to have a meeting out there. Commissioner Putnal said his son worked day and night then to finish the job. Mr. Lichardello he didn't think there was anything unusual about a person working 12 to 16, maybe 24-hours a day to finish a project. He said his mother worked 24-hours a day to raise him and she did a good job. He stated the Board better read the "Constitution" because you can't put a time clock on the pursuit of happiness. He said he is talking about doing a job and getting a lot of gratification out of knowing you did the job right. He stated there is more in life than money. Chairman Sanders informed the Board and Mr. Lichardello this had already been discussed enough and as soon as the proper invoices were submitted the bill would be paid.



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

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

  
\_\_\_\_\_ **AMELIA VARNES, DEPUTY CLERK**