

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JANUARY 6, 2004
9:00 A.M.**

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

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

(Tape 1-40) Commissioner Williams made a **motion to approve the minutes of the meeting held on December 16, 2003.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-46) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-52) Mr. Chipman said he had checked with C. W. Roberts Contracting, Inc. about the County purchasing some milled asphalt from him. He said the price for the milled asphalt, which would be used to pave the parking lot at the back of the Old Jail, would cost the County \$400.00 per load. He suggested the Board purchase at least three loads for the parking lot. Kendall Wade, the Clerk, informed the Board the milled asphalt could be purchased using the Reserve for Contingency Budget. Mr. Chipman told the Board as soon as he could coordinate a day to pick the milled asphalt up from the Marianna Plant he would remove the big rocks from the parking lot and place the milled asphalt on the parking area. Mr. Chipman said the "bumpers" for the parking lot have already been purchased and picked up for installation as well. Commissioner Mosconis asked Mr. Chipman if he had conferred with Chris Clark, Engineering Technician, about this project. Mr. Chipman replied he had. Alan Pierce, Director of Administrative Services, said Mr. Clark is going to work with Mr. Chipman on this project. He said they are going to put some swales in the area to help with the storm water run off. He stated they did not want to encourage any more flooding in this area.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-115) Mr. Johnson informed the Board he was glad to be back at the Board Meeting this morning. He explained he didn't have anything for the Board to discuss with the Board this morning.

(Tape 1-121) Commissioner Mosconis asked Mr. Pierce if he had a report on the Airport Access Road this morning. Mr. Pierce informed the Board he hadn't talked to anyone working on the road since before Christmas. He said he hadn't received an update on the road. He stated he felt the road should have been opened to traffic by now, but it not opened yet. Commissioner Mosconis said he was going to go ahead and instruct Mr. Johnson to begin the cleanup of that area. He stated someone has started dumping his or

her trash and household items on the property and it really needs to be cleaned up. Mr. Johnson informed Commissioner Mosconis he was aware of this situation and would take care of the matter. He said he noticed the garbage when his department was in this area putting down the grass seed on the shoulders of the road. Chairman Sanders said she had received some telephone calls about the road being closed. She stated she called Mark Curenton, Assistant Planner, to ask him about the status of the road. She said Mr. Curenton informed her, after he talked to a representative from C. W. Roberts Contracting, Inc., that it would take another three or four weeks before the road would be opened to traffic again. Mr. Pierce said he felt the biggest problem was the closure of Brownsville Road to traffic. Commissioner Mosconis instructed Mr. Pierce to call the Engineer of Record on the project, David Kennedy, and ask him how much longer the road was going to be closed. Mr. Pierce said he would call Mr. Kennedy as soon as he could. Commissioner Mosconis said the public's patience was "running thin" and so was his.

(Tape 1-160) Commissioner Putnal asked Mr. Johnson if the recycling bin at the Carrabelle Kiddy Park was just temporary or not. Mr. Johnson replied it was and the bin was supposed to be permanently placed on the new property adjacent to Sands Field in Carrabelle. Commissioner Putnal said he was concerned about the kids he saw playing in the area of the recycling bin recently. He stated he didn't want anyone hurt on this recycling bin. Mr. Johnson assured Commissioner Putnal he would check into the matter.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-206) Mr. Mahan said the USDA-fund Family Nutrition Program (FNP) has still not been "fully" approved for the 2003-2004 funding period. He explained USDA gave first-quarter, October through December, approval to the UF-IFAS in early October with the understanding UF would resubmit their proposal following USDA's new interpretation of the program guidelines. He said the proposal was resubmitted on December 4th as requested, however, on December 22nd USDA informed UF-IFAS they would not have time to address questions they had on the new proposal until January 6, 2004 at the earliest. He stated since the first quarter of the grant expired on December 31st, approximately 85-individuals were told they were either laid-off or on mandatory annual leave immediately. He said then on December 22nd, USDA notified UF-IFAS FNP administrators they were granting a 2nd quarter contingency approval for the proposal. He said, the lay-offs/mandatory annual leaves were cancelled and to date the UF-IFAS FNP proposal is the only one the Southeastern US to have received any kind of approval from USDA Southeast Regional Office in Atlanta, Georgia.

(Tape 1-250) He said the initial feedback from area shrimpers using the new "Leatherback" TED's with the 71-inch opening has been very positive. He informed the Board the reports indicate the TED's work very well. He said at least two of the shrimpers were checking into the economics of changing out all of their TED's for the new "Leatherback" design.

(Tape 1-268) He updated the Board on the Nature Conservancy's new Apalachicola River Basin Invasive Workgroup. He said the group is going to have their second

meeting in Franklin or Gulf County on January 21st at 10:00 a.m. He asked if anyone was interested in attending this meeting. He said if anyone would like to go they needed to let him know so he could give them the location as soon as he found out where it was.

(Tape 1-293) Mr. Mahan said he talked with Mark Berrigan, FDACS, about the possibility of allowing oyster aquaculture leases in Alligator Harbor. He said Mr. Berrigan recommended to him, if the Board was interested, the Board send a letter to FDACS Commissioner Charles Bronson requesting a Resource-Environmental Survey done in the area to determine if oyster aquaculture leases were feasible. He said he has checked with some shellfish aquaculture experts and was informed the limiting factor to oyster aquaculture is the price the "farmers" could get per oyster due to the availability of inexpensive wild-caught oysters. Commissioner Putnal asked Mr. Mahan if there would be any costs associated with this study. Mr. Mahan replied he didn't think so.

Commissioner Putnal made a **motion instructing Mr. Mahan send a letter to FDACS Commissioner Charles Bronson requesting a Oyster Aquaculture Resource-Environmental Survey be completed at Alligator Harbor to determine if oyster aquaculture leases were feasible.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-375) Chairman Sanders asked Mr. Pierce to begin his report. She said when she needed to address an item on the agenda she would interrupt his report.

(Tape 1-378) Mr. Pierce said he needed Board action to reorganize the Emergency Management Department. He stated the State of Florida allows counties containing a population of less than 75,000 people to use a part-time Emergency Management Director and still receive full funding. He explained Franklin County has done this in the past, because he and Carl Petteway were both previous part-time directors. He said he has informed Tim Turner, the current EOC Director, of his intentions to reclassify the position as part-time and not full-time. He stated he also told Mr. Turner he would take over as the part-time EOC Director in two weeks. He said this means Mr. Turner's last day of employment as the County EOC Director would be January 20th. He recommended the Board appoint him as the part-time EOC Director and part-time Director of Administrative Services, and then appoint Mark Curenton as the interim County Planner. He said, at this time, he would not ask the Board to hire anyone for the Assistant County Planner position until he has time to actually determine how this reorganization is going to work out for everyone. He said Chris Clark, with his background, will also be able to assist in some plan review functions. Mr. Pierce stated his first responsibility, after the Board approves his recommendation this morning, is to inform the State of Florida of the County's intention to have a part-time EOC Director and not a full-time one. Commissioner Williams said he would make a **motion to accept Mr. Pierce's recommendation as follows: designating the EOC Director as a part-time position and not a full-time position; informing Tim Turner, present EOC Director, that his employment with the County as EOC Director would end on January 20th; appointing Mr. Pierce as part-time EOC Director and part-time Director of Administrative Services; and appointing Mark Curenton as Interim**

County Planner. Commissioner Creamer seconded the motion. Chairman Sanders, Commissioners Williams, Creamer and Mosconis for. Commissioner Putnal opposed. 4-1 **MOTION CARRIED.**

(Tape 1-416) He informed the Board Alice Collins, Century 21 Realty of SGI, is making an addition to her real estate office on SGI. He said Ms. Collins would like to make improvements on the Gulf Beach Drive right-of-way (ROW) in front of her property for additional parking. He asked the Board, since the County has done this before for companies on SGI, to allow Ms. Collins to create public parking, at her expense, on Gulf Beach Drive, SGI, with the understanding the County might have to remove the parking area if the County has other uses for the ROW in the future. Commissioner Creamer made a **motion authorizing Alice Collins, owner of Century 21 Realty SGI, to use County ROW on Gulf Beach Drive, SGI, to create public parking, at her expense, with the understanding the County might have to remove the parking area if the County has other uses for the ROW in the future.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-452) He provided the Board with a copy of the notice from DCA releasing the CDBG funds to Franklin County. He explained Mr. Curenton and Mr. Kennedy, Preble-Rish Engineering, Inc. are taking care of this project. He said he couldn't really give the Board the status of the project, but he does know the DCA has given the County their "Authority to Use Grant Funds" HUD/State Identification Number 04DB-N01.

(Tape 1-466) Mr. Pierce said he wanted to also submit the package of information VMS sent the County regarding the Bridge Inspection Report for Bridge ID 494099-New River-Syrup Branch Bridge. He said the Bridge was inspected on November 10, 2003 and only needs some minor repair work. He said this Bridge Inspection was conducted as part of the VMS Maintenance Systems, Inc. contract with the State of Florida Department of Transportation. He stated the Road Department has received a copy of this report too.

(Tape 1-501) He requested the Board authorize the Chairman's signature on the annual agreement between the County and Apalachee Regional Planning Council (ARPC) to conduct the Hazardous Waste Assessment Report. He explained the County does this for the County every two years for a fee of \$3,000.00. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the ARPC Hazardous Waste Assessment Report for a fee of \$3,000.00.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-518) He presented plans from Baskerville-Donovan Engineers to place a new sewer line along Timber Island Road all the way to US Highway 98. He said he would recommend the Board submit the plans to Chris Clark for his review and comment on the proposal. He stated the County has previously allowed the City of Carrabelle to install lines under the River, which then travel to a sewer lift station. He said now the City of Carrabelle wants permission to install lines all the way from this lift station to US Highway 98. Chairman Sanders asked Mr. Pierce if he knew if the City of Carrabelle

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was every granted the franchise area for the property across the Bridge going to the west? Mr. Pierce said to his knowledge they had not.

(Tape 1-571) The County Attorney, Mr. Shuler, informed the Board the Indemnification Agreement between the County and the City of Carrabelle for installing the lines under the River and on to County ROW has been submitted to the City of Carrabelle Attorney. He stated the agreement has not been returned to his office yet. He said he would follow-up with the City Attorney after this meeting. Chairman Sanders stated the County really needed this agreement completed before the City of Carrabelle can use this County ROW to install the lines they want installed.

(Tape 1-584) Mr. Pierce informed the Board Dick Bernhard, SGI, has told him that he believes State of Florida Legislation has been proposed, which would allow a nursing home to be reopened in Franklin County. He asked the Board if they would like to authorize the Chairman's signature on a Letter of Support for the proposed rule to be sent to the County's Legislative Delegation. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Letter of Support for the proposed rule allowing a nursing home to be reopened in Franklin County and directing the letter be sent to Franklin County's Legislative Delegation.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** He said Mr. Bernhard had come to his office and left a package of information on the matter too. He stated he would put this information in the Board Meeting File.

(Tape 1-639) He said Ed Berger is still interested in donating his property on Dog Island to the County. He stated this would be a donation and the County didn't need to purchase the property. He asked the Board if they wanted to authorize and direct the County Attorney to prepare a contract for a donation of land and send it to Mr. Berger. Commissioner Mosconis made a **motion authorizing and directing the County Attorney to prepare a contract for a donation of land on Dog Island, as offered, from Ed Berger.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-653) He said the Gulf Coast Development Board representative Kim Shoemaker has informed him the Board needs to reappoint or appoint some members to the Gulf Coast Development Board. He explained Ruth Schoelles, a member representing Franklin County on the Board, has said she would like to continue to serve on the Board so she needs to be reappointed. Commissioner Mosconis made a **motion reappointing Ruth Schoelles to the Gulf Coast Development Board to represent Franklin County.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** He said then the County needs to appoint someone to two vacant seats, a representative from the private sector of the community and a representative from a community based organization. He informed the Board the most recent community based organization appointee was from the Camp Gordon Johnston Association, David Butler, who resigned this position. He said the current Franklin County representatives are Cliff Butler, Betty Crooms, Joanne Gander, Ted Mosteller and Chairman Sanders. He said members of the Board are now able to attend the Board meetings by teleconference at the Gulf/Franklin

Campus near St. Joe. Mr. Pierce asked the Board if they would like to think about this appointment or appointments then they could, but they would need to inform him as soon as they decided on someone to appoint. The Board agreed to wait to make a decision on these appointments.

(Tape 1-691) He said Ted Mosteller, the Apalachicola Airport Advisory Committee (AAAC) Chairman, is here this morning to make some request from the Board as follows: Regarding the 60' X 60' the request is for the hangar to be built entirely with state funds for \$120,000.00, the Board has previously awarded the low bid, and only bid, to Polaronis Construction Company for \$120,000.00. The bid submitted by Polaronis is for a shell of a building, which would be functional, but not completed. Request for Board action to authorize the use of the site on Airport property to construct the hangar on and to authorize the Chairman to sign the contract with Polaronis Construction Company, and then for the authorization to issue a Notice of Award to them for the hangar construction. Before the Board agrees to this Mr. Mosteller would like to describe, on Airport property, where the Airport Committee would like to the hangar to be built. Also, the standard airport contract requires the contractor to post a bid bond and a construction bond. Mr. Mosteller and he both would recommend the Board waive the Bid Bond, but not the requirement for a Performance Bond. Mr. Mosteller presented his site plan to the Board as to where the hangar would be built at the airport. Chairman Sanders interrupted Mr. Mosteller and Mr. Pierce and informed the Board and the audience she would address the next person scheduled on the agenda this morning.

UNITED STATES FORESTRY SERVICE-SR 65 HERBICIDE SPRAYING

(Tape 1-938) Ms. Kimberly Bittle, US Forestry Service, thanked the Board for allowing her to address them this morning. She informed the Board she would like for the Board to listen to Laura Haddock, FDOT, regarding the spot spraying of herbicide along SR 65 from SR 30 (US 98) to the Liberty County line. Ms. Haddock said FDOT is going to begin the repair and construction of SR 65 from SR 30 (US 98) to the Liberty County line. She stated FDOT needed permission from the County to spot spray invasive plants along the road. She explained sometimes during these construction projects invasive plants seeds, etc. are scattered from all of the moving around in the area to places they might not be located at yet. She told the Board it was very important to spray herbicide along the sides of the road and everywhere a culvert was located along the road. She said she knew the County was adamantly against any type of herbicide spraying, but FDOT as well as the Forestry Department thought this was very important to spray these areas before the actual construction on the road is started. She assured the Board this would just be considered a "Spot Treatment" and would consist of spot treating approximately thirty-six culverts and the staging areas of the project. She said they would only target the "Japanese Climbing Fern". She stated this plant is a noxious weed and it grows over trees-shrubs and they consider it a "very bad exotic species". Chairman Sanders said she thought this was a lot of culverts to have to be sprayed with this herbicide. She stated her concerns about spraying around culverts where water is diverted from the road and usually into a creek or waterway. Ms. Haddock reminded her this was just a spot spraying treatment and they would use an aquatic herbicide, which is safe for use in water. She said both of the approved herbicides were approved for water use.

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Commissioner Creamer stated he didn't see a problem with the spot treating of the culverts and areas since the County doesn't need this type of plant simply over running the County. Ms. Haddock stated the reason they were requesting the spraying of the culverts and staging area for the project was because the plant could be transferred to areas where it is not currently growing in. Chairman Sanders said she knew the Division of Forestry has requested the Commissioners allow herbicide spraying in the County, but the Commissioners were all very, very concerned about the herbicide getting into the Bay and River. She said she knew the County couldn't tell the Federal Government what they could do on their own land, but she was afraid to allow any spraying on the County owned property. She also stated the representatives from the Division of Forestry, etc. never, as instructed by the Board, met with the County's Extension Director about the request. Ms. Haddock said this spraying would only be done in the State's ROW. Commissioner Mosconis said his fear was the spraying of the areas in and around the culverts. He stated culverts are used to divert water, water carries chemicals, chemicals get into the Bay or River and then there is a disastrous result with the basic "lifeline" for this area of Florida being destroyed. He said Bill Mahan, County Extension Director, definitely needed to review the spraying plan so he could provide the Board with some type of recommendation on this matter. He stated he wanted a definite plan in place for this spraying project. He said he would like for Ms. Haddock and Ms. Bittle, before they left Franklin County today, to call Mr. Mahan and see if they could meet with him. He stated he would not be happy with any plan that would not provide the least amount of impact on the environment in the County, especially the water. Ms. Haddock assured the Board they would only use the very least amount of chemical they could. She again stated these were aquatic herbicides approved for aquatic uses. After further discussion Commissioner Creamer made a **motion directing the FDOT and Division of Forestry representatives to met with the County Extension Agent, Bill Mahan; present their herbicide or spaying plan to him for this project and directing Mr. Mahan to prepare a recommendation for the Board Meeting on January 20th.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1260) Mr. Pierce asked Mr. Mosteller to continue his report at this time. Mr. Mosteller said there was an allowance for sewer lines to be run to the new hangar. He stated the allowance was \$1,500.00 and he would ask the City of Apalachicola to use this money to pursue installing the necessary water and sewer lines out to the Airport. He asked the Board if they wanted to direct the Committee to pursue the City of Apalachicola for the installation of water and sewer lines out to the Airport for this project. Commissioner Mosconis said he wanted to make a **motion authorizing the Apalachicola Airport Advisory Committee to request the City of Apalachicola install water and sewer lines for the Apalachicola Airport and authorizing the expenditure of the \$1,500.00 budgeted in this project for the sewer installation be offered to the City of Apalachicola to reduce some of the costs associated with installing these new lines.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Mosteller asked the Board to, at this time, authorize the waiver of the bid bond by the contractor for this hangar project and require the contractor to furnish a construction bond for the project. Commissioner Mosconis made a **motion**

authorizing the AAAC to waive the requirement for a bid bond by Poloronis Construction for the 60' X 60' Maintenance Hangar Project at the Apalachicola Airport, but requiring Poloronis Construction to furnish a performance bond for the project and authorizing the Chairman's signature on the Notice of Award contract with Poloronis Construction. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Mosteller said, on the addition of the existing hangar, which has a local match requirement, Bill Ruic, FBO at the Airport, had provided the County with a Letter of Credit (LOC), Irrevocable LOC Number 02-03-02-A, from Gulf State Community Bank in the amount of \$42,262.00 representing the local match for Contract AK700 for the construction of a 16' X 140' and a 16' X 120' additions to the main hangar building and the creation of office and lounge space within the building. He said the revised LOC no longer contains the language from the Bank that they would require Mr. Ruic's lease for the airport to be increased as a condition for the funding of the local match amount as originally provided by Mr. Ruic. He said this LOC simply assures the Board they would provide \$42,262.00, which represents the 20% cost share of this project. He said if the Board accepts this LOC then Poloronis Construction would also be able to work on both projects, since they were the only bidders on the additions to the main hangar project, which was advertised several months ago. He said the Board, when the project was bid out several months ago, awarded the bid to Poloronis Construction, but did not actually award them the project because the LOC contained that language, which required the Board allow Mr. Ruic several more years on his lease for the airport with the County. He said the Board was not willing to extend Mr. Ruic's lease and therefore would not accept the LOC at that time. He asked the Board if they wanted to move forward with this project as well. He said, if the Board is so inclined, then the Board needs to take the same action as to authorizing the awarding of the contract to Poloronis Construction and the issuance of a Notice of Award to Poloronis Construction for this project. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Notice of Award and the Contract with Poloronis Construction for Contract AK700-the construction of a 16' X 140' and 16' X 120' additions to the main hangar building and creation of office and lounge space within the building at the Apalachicola Airport and accepting LOC #02-03-02-as provided by Gulf State Community Bank in the amount of \$42,262.00-the 20% local match requirement from the FBO Bill Ruic for the project.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Then Mr. Mosteller said then it would be necessary for the County Attorney to send a letter to FDOT Aviation Division, Donnie Duce, stating the current project for the construction of the 60' X 60' hangar at the Apalachicola Airport is in compliance with the Consultant's Competitive Act since the County plans to have a pre-engineered structure built and does not plan to use any consultant as defined by this Act. He said this has been done on the previous Airport Projects similar to this. He stated he was informed by FDOT this was going to be a requirement for them to release the funds for the Maintenance Hangar Project. Commissioner Mosconis said since FDOT agreed to this he would go ahead and make a **motion directing the County Attorney, with the assistance of Mr. Mosteller, prepare and send a letter to FDOT Aviation Division, Donnie Duce, stating the 60' X 60' Maintenance Hangar Project scheduled for the Apalachicola Airport complied with the Consultant's Competitive Act since the County is having pre-engineered structures built and does not plan to**

use any consultant as defined by this Act and authorizing the Chairman's signature on this letter. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Mosteller said he thought this would take care of these matters once and for all. He stated he thought both projects could be started. He presented a map of the Apalachicola Airport reflecting the exact area, on Airport property, where each of these buildings would be constructed. Mr. Mosteller said he would ask the Board, to make sure everything is clear, to authorize the construction of these buildings or hangars where indicated on the map he presented. Mr. Pierce asked Mr. Mosteller if the AAAC had approved the site location of these buildings on the Airport property. Mr. Mosteller replied they had. Commissioner Putnal made a **motion authorizing the construction and completion of these projects as presented on the site plan by Mr. Mosteller this morning and as recommended by the AAAC.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1487) Mr. Pierce informed the Board and the audience it was time to for the Board to consider the public hearing matters as scheduled regarding the land use and zoning change for a piece of property in Eastpoint.

PUBLIC HEARING-LAND USE AND REZONING LOT 6, BLK 7-EASTPOINT

(Tape 1-1489) Mr. Pierce said this public hearing was scheduled to consider the land use and rezoning for Lot 6, Block 7, David Brown Estates, located in Eastpoint for a land use change from Residential to Commercial and rezoned from R-1 Single Family Residential to C-4 Commercial Mixed Use Residential. He said the property is known as The Dillon Property in Eastpoint. He stated he would now ask the Chairman to ask if anyone had any public comments regarding these changes. Chairman Sanders asked if anyone in the audience would like to comment on this request. After no one requested to speak regarding the land use and rezoning change Commissioner Creamer made a **motion authorizing the Chairman's signature on "An Ordinance Amending the Franklin County Comprehensive Plan to Change the Permitted Land Use of Lot 6, Block 7 of David Brown Estates located in Eastpoint from Residential to Commercial."**

Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer made a **motion authorizing the Chairman's signature on "An Ordinance Rezoning of Lot 6, Block 7, David Brown Estates located in Eastpoint from R-1 Single Family Residential to C-4 Commercial/Residential Mixed Use."** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1550) Mr. Pierce said he wanted to be sure the Board understood they were accepting the Irrevocable LOC from Gulf State Community Bank, #02-03-02-A in the amount of \$42,262.00 for the 20% cost share of the construction of the 16' X 140' and the 16' X 120' additions to the main hangar building and creation of office and lounge space within the building. He said this LOC was to assure the County the money would be available for Mr. Ruic's company currently leasing the Airport, Apalachicola International Aviation Training Center, Inc., to use in a "draw" method for the completion of this project or to fund the 20% local matching amount. He said too he wanted to be clear this new LOC did not contain the same language as the previous LOC

regarding the extension of Mr. Ruic's lease as a condition of the funding for the match amount. He said the Board has been very clear on this issue and was not going to approve the acceptance of such an LOC with this condition. He asked the Board, to make sure the record is clear, to make a motion accepting this new Irrevocable LOC from Gulf State Community Bank, #02-03-02-A in the amount of \$42,262.00, without the condition of the lease extension for Mr. Ruic in it, dated December 9, 2003. Commissioner Mosconis made a **motion accepting the Irrevocable LOC from Gulf State Community Bank, #02-03-02-A, Apalachicola International Aviation Training Center, Inc. in the amount of \$42,262.00 representing the 20% local match amount for the FDOT grant to construct a 16' X 140' and 16' X 120' additions to the main hangar building and create office and lounge space within the building dated December 9, 2003.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1688) Mr. Pierce said John Soule, Pensacola Fishing Bridge, is here to convince the Board to allow the old SGI Bridge, after the new SGI Bridge is opened, to continue to have vehicular traffic on it when it is given to the County for operation. He said Mr. Soule believes the old SGI Bridge, when turned into a fishing pier on each end, would still be able to handle the weight of cars and trucks on the pier so people can drive out to the furthest end of the piers. He said Mr. Soule thinks and has a letter to submit to the County from Kirk van Blaricom, Registered Engineer, regarding the use of the bridge piers for traffic. Mr. Soule said he would like to thank the Board for allowing him to address them this morning. He stated he had a letter, completed by a Registered Engineer, Kirk van Blaricom, to present to the Board this morning. Mr. Pierce said he knew FDOT was adamantly opposed to any vehicle traffic on the bridge, but couldn't control what the County did once it was transferred to the County for total responsibility. Chairman Sanders said she felt the County had been discussing this matter for months and she knew FDOT was advising the County to not allow any vehicular traffic whatsoever on the old SGI Bridge. She stated FDOT has informed the County, time and time again, this bridge was not safe for vehicular traffic. She said this, as it appeared to her, was the total reason the FDOT was building the new bridge to SGI was because this old bridge was in such "bad shape". She stated she is and will always be against allowing any vehicular traffic on the bridge even after the County is given the bridge by FDOT. Commissioner Creamer said he felt the same way. Commissioner Mosconis said he wanted to hear what Mr. Soule had to say anyway. Mr. Soule stated he appreciated Chairman Sanders' concern, but he did think the FDOT was taking this position because they do not want to represent to the County the suitability of the bridge for any purpose. He said he thought FDOT just wanted to "wash their hands" of the bridge once it is given to the County. He stated the letter he has from Mr. van Blaricom, the engineer he uses for the Pensacola Fishing Bridge, inspections, etc. stating the bridge, without even looking at it, with the use of the bridge at this time by "un-posted" traffic on the bridge right now, any engineer would state it would be suitable for the same type of continued use for some period of time. He said there would be a "greatly" reduced vehicular load once the bridge is given to the County. He stated if Franklin County would like to have a formal inspection of the old bridge done by Mr. van Blaricom it would cost \$8,000.00. He said Mr. van Blaricom suggested the County have an inspection completed when the

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final transition of the bridge is done. He said, according to Mr. van Blaricom's letter, the standard for a bridge like this is AASHTO H20 and would be reduced to AASHTO H10 or 50% of the capacity it is carrying at the present time. He said this would consist of a total weight requirement of 40,000 pounds per span instead of 100,000 pounds of weight. He stated the bridge, as it stands now, is used by heavy concrete trucks, cranes, etc. so he felt the reduction of weight by 50% should be enough to allow the vehicular traffic to continue on the bridge spans. Mr. Soule stated he simply could not understand since traffic is on the bridge right now, by just taking out a span, it would become unsafe for any traffic. He said this is a wonderful potential for people to come to this area and to bring people back again and again to this area. He stated using this old bridge as fishing piers, which allows vehicular traffic on it, is a huge benefit to the County. Commissioner Creamer asked about the issue of whether vehicles once out on the piers could turn around and travel back off of the pier. Mr. Soule explained the bridge is wide enough for most vehicles to do a three-point turn around. He said he has an extended length vehicle and he has been able to turn around in a five-point turn. He stated it can be done either way. He said there is plenty of room for cars, trucks, and SUV's to turn around on the bridge. He stated, he could also suggest, the County build a slightly elevated portion in the bridge, which would allow the additional length of a sidewalk for a turn around area. He said his plan, if he is allowed to lease the piers, is to designate some turn around areas, keep people from fishing in those areas, by placing a short section of fence so people wouldn't be even tempted to fish in the area vehicles are going to be turning around in. Commissioner Mosconis said these issues could be worked out later. He stated a small pick up truck or a van could use the bridge, but a large semi-truck couldn't. Mr. Pierce said he was asking the Board for instruction as to where the County wanted to go with the lease of these fishing piers. He stated he has received proposals from several different individuals, however the Commissioners have not made any final decisions regarding this matter and the FDOT would be turning the responsibility of the old SGI Bridge over to the County fairly soon. He said he would estimate they would do this by May anyway. Mr. Pierce stated the biggest difference in all of the proposals is Mr. Soule is the only vendor proposing the use of vehicular traffic on the piers. He stated the other vendors do not want any type of vehicular traffic on the piers. He said Mr. Soule is only interested if he can allow traffic on the piers. Chairman Sanders said the liability of pedestrian traffic versus vehicular traffic and the County should know to only allow pedestrian traffic. She stated Colonel Buzzett met with FDOT representatives and the Legislators of Franklin County and was informed by all of them they would not support any vehicular traffic on the piers. Commissioner Creamer said he too had great concerns about vehicular traffic and the responsibility that would fall on the citizens of Franklin County. Mr. Pierce said he thought FDOT's opinion was they were building a brand new bridge because they think the old bridge is unsafe for vehicular traffic in the shape it is in right now. He stated it is like comparing "apples to oranges" with both these opinions. He said he needed to know if the Board wanted vehicular traffic and pedestrian traffic on the piers or just pedestrian traffic. Commissioner Creamer said once FDOT gives the Bridge to Franklin County the County can do what it wants to with it. Mr. Pierce agreed and said FDOT would then have no liability for the bridge whatsoever. Commissioner Creamer said the group leasing the piers would have to have liability insurance so the County shouldn't be liable then either. Mr. Shuler interjected the County would try to

cover any "potential" liability with insurance, etc., but there is always the unknown. He said there would have to be an indemnification agreement between the County and the group leasing the old bridge for this type or reason. Mr. Soule said the bridge might not remain, forever, capable of allowing vehicular traffic on it. He stated when this is done then the County can ban any vehicular traffic on the bridge once, and if, it is ever determined by an engineer the bridge can no longer tolerate a load limit of any kind. Mr. Soule said the County is going to be given a lump sum of money by FDOT to keep the bridge maintained. He stated parking is going to be a problem at the approaches to the piers if people have to find a parking place and walk onto the piers. Mr. Pierce said he hated to interrupt this discussion, but a public hearing had been scheduled for this time to address a rezoning request submitted by Phil Dunaway for his property in Apalachicola.

PUBLIC HEARING-REZONING OF 6.71 ACRES-APALACHICOLA

(Tape 1-2164) Mr. Pierce said this was really an "old issue". He stated this rezoning request was submitted by Phil Dunaway, the owner of 6.71 acres in Section 2, T9S, R8W, located at 2 Dunaway Lane, in Apalachicola, from R-4 Single Family Home Industry to R-5 Multi Family. He said Mr. Dunaway has complained about this matter. He said this property was rezoned in 1990 when the County adopted the Comprehensive Plan for the entire County. He said the County, in 1990, adopted this Comp Plan, which was a Comprehensive Approach to Land Use and Zoning for the entire County. He said Mr. Dunaway's property was part of this Comp Plan. He stated his property was zoned R-5 in 1990, Multi-Family. He said this property was reviewed, comprehensively, and was included in all of the property in this area as a R-4, Single Family Home Industry Zoning. He said he knows several, if not more, public hearings were held to address the Comprehensive Plan issues and exactly what all of the property in the County was being designed as. He stated the County adopted a new land use Map for the County at this time and all of the property in this area, including Mr. Dunaway's property, was considered R-4. He explained the development pattern in this area, especially in 1990, was a single-family residential area. He said there wasn't, at that time, any need in this area of multi-family need in this area. He stated within the last fourteen years it has still been considered a single-family area. He explained Mr. Dunaway feels he has the right to have his property returned to the original zoning as when he bought it and that would be R-5. Mr. Pierce said his argument is all of the property in this area is still zoned and should be zoned single-family. He said the need has not grown and there is no evidence there is a need for multi-family residences in this area. Ben Watkins, attorney for Mr. Dunaway, asked to address the Board. Mr. Watkins said he is here to represent Mr. Dunaway's request to rezone the property this morning and would like to speak on Mr. Dunaway's behalf when the public comment portion of the hearing was started. Mr. Pierce stated there was not a central sewer available for this property or any of the residences out there. He said the current zoning does allow single-family development so Mr. Dunaway could build single-family houses on the property. Chairman Sanders asked if anyone in the audience would like to make or give public comment on this request. Mr. Pierce said he needed to announce he had received several telephone calls from neighbors of this property who were very concerned about the multi-family aspect of the rezoning proposal. He stated this meant there was some opposition to the change in zoning. Ben Watkins said the sewer matter should only be addressed if there is an

application by the Dunaway's for a building permit on this property. He stated the Planning and Zoning Commission, if they were asked to consider this project right now, would not agree because the property is not zoned for that. He said this property was originally zoned R-5 at the time the Dunaways bought it. He stated they bought the property because of the zoning. He said the zoning was changed during the Comp Plan process. He stated the first thing the Dunaway's are required to do to move forward on any project like this is to have the zoning category changed for the intended use. He said then the Dunaway's would go to the P&Z Commission to get approval and if the other prerequisites such as sewer and water are not available for the project then a building permit cannot be issued. He said a person can go to the P&Z Commission and request a multi-family project in an R-4 Zoning District, but you the project would be rejected immediately because the property would not be zoned properly. He said the Board should approve the rezoning this morning and be allowed to think that somewhere down the road to finishing the project; there would be some difficulties. He stated this would be something the Dunaway's could handle as the problems arise. He said the Dunaway's want the zoning returned to the zoning category it was when they bought the property, which was R-5. He stated they do recognize what has to be done before they can get a building permit for this project. He said right now they just want their property zoned R-5. Edwina Paul, an adjoining property owner, said she went to Mr. Pierce's office yesterday and was informed the St. Joe Paper Company had given Mr. Dunaway a 60' for a ROW at the end of Kevin Road. She said all of the property owners on Kevin Road have contiguous property and there is no way Mr. Dunaway should be able to use Kevin Road to get to his property. She said access is still a problem for Mr. Dunaway. She stated her family owns the property going to Mr. Dunaway's house. She said Mr. Dunaway owns 50' of the road, which runs next to the other neighbor's house. She stated, in order for Mr. Dunaway, to have an easement to his property he is going to find a way to get in and out either using the Webb's property, the Cook's property, etc. She said she was informed St. Joe gave Mr. Dunaway a 60' easement to put a road through their property off of Kevin Road or at the very end of Kevin Road. Mr. Pierce said the applicant has provided a map reflecting the 60' easement given to Mr. Dunaway at the end or the connection of Kevin Road. Mr. Pierce said there is an access road off of Brownsville Road going to Mr. Dunaway's property but is only 15' wide and is just considered a driveway access. Chairman Sanders asked Mr. Pierce if Kevin Road was going to be the total and only access to Mr. Dunaway's property. Mr. Pierce replied Kevin Road is a County owned road. Ms. Varnes, the Board Secretary and owner of some of the property in this area, asked if she could speak regarding this matter. She stated Kevin Road could not sustain heavy concrete trucks, or any other type of heavy equipment. She stated the road is in bad shape and has holes, uneven pavement, etc. She also said she wanted the Board to know this is a small residential area and one family homes on each side of Kevin Road. She stated there are children in each if not all of these homes, which ride their bikes and play near the road. She informed the Board Kevin Road is not very long and is a paved road, however it dead-ends into the wooded area owned by St. Joe, which consists of all dirt roads. She said there is a school in this area as well. Commissioner Mosconis asked Mr. Pierce if there was any multi-family zoning anywhere in this area. Mr. Pierce replied there it none and nobody has requested any zoning changes. He said most of the people living in that immediate area are one

family home. He stated the ABC Charter School is the closest thing that could be considered multi-family. He informed the Board the City of Apalachicola was going to purchase the remainder of this property from St. Joe. He said the City is planning to construct a park and use it as a "sub-surface absorption bed" for their sewer system. He stated the City already has a contract with St. Joe for the purchase of this property. He said the ABC Charter School owns ten-acres in this tract of land and might be given some additional land by St. Joe. Mr. Watkins said this matter was considered two years ago one of the single objections was there was no ROW. He stated Mr. Dunaway negotiated and purchased a 60' easement from the St. Joe Company for access or ROW to his property. He said the document is recorded and is open for residential uses at all times. He stated this was the objection two years ago; now Mr. Dunaway has addressed this issue. He said there is a ROW or access to the property. Chairman Sanders said two years ago there was actual knowledge of an Eagles Nest in this area too. Mr. Pierce stated he did receive a letter of concern from the National Fish and Wildlife service, from Stan Simpkins, regarding the Eagles Nest. He said they also sent a letter about the Eagles Nest to Mr. Dunaway two years ago when he was trying to have his property rezoned then. Randy Cook, a resident of Kevin Road and adjoining property owner, stated he thought this issue was "dead". He said the Eagles Nest is still active and there are currently two Eagles and some fledglings living in the nest since he just saw them this morning. He stated the other issue is the sewer problem. He said he was told, after the meeting several years ago, this would be a dead issue until there was sewer available for this area. He stated he didn't receive a letter from the County about this meeting since he is an adjoining property owner. He said there is also a "very bad problem" with flooding in this area too. He stated he has seen water almost knee-deep on Mr. Dunaway's property in his garage. He said there is definitely a water problem out there and there had already been a lot of discussion about the ditch running by his property. He stated the County hauled a lot of fill dirt to the homes in the Dunaway area because they were totally flooded out. He said he is very concerned about his home being flooded due to this property behind him being developed. Mr. Pierce said letters were sent to David and Edwina Paul, John Nash, John and Donna Webb, the Dunaways, and St. Joe Land. Mr. Cook assured the Board he is an adjoining property owner. Mr. Pierce stated it was probably an error in not sending him a letter regarding this public hearing. After further discussion Commissioner Mosconis made a **motion denying a request as submitted by Phil and Shirley Dunaway for rezoning 6.71 acres lying in Section 2, Township 9 South, Range 8 West, located at 2 Dunaway Lane, in Apalachicola to be rezoned from R-4 Single Family Home Industry to R-5 Multi Family.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

STEVE FLING-FC UNITED FIREFIGHTERS ASSOCIATION

(Tape 1-3134 Continued on Tape 2) Mr. Fling, President of the FC United Firefighters Association, said his group has been discussing raising the MSBU assessments to compensate for all of the new construction in Franklin County. He said a lot of the homes being built today are above two or three floors. He stated this is the problem; the equipment currently being used by the VFD's is inadequate to reach tall buildings or homes. He said his group is proposing the County assess .042 cents per square foot to homes containing above 1,200 square feet. He said this would be in addition to the base

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MSBU assessment of \$42.00. The Board instructed Mr. Fling they would have to really think about this matter. They instructed him to talk to the FC United Firefighters Association and try to come up with a final plan or process for the County to adopt. The Board stated they would not agree to any increase in the MSBU Assessment unless it was absolutely proven to be necessary for the County.

ALAN PIERCE-CONTINUED

(Tape 1-243) Mr. Pierce said he would like to ask the Board about what direction they wanted him to go regarding the old SGI Bridge and the new fishing piers being proposed. Commissioner Mosconis said he would like to suggest, at the next Board Meeting, furnish an "opinion" as to who should be allowed or awarded the fishing piers for operation. He said then this person or company could pursue all of the planning, permitting, etc. and not the County. Mr. Pierce stated the problem is whether to allow vehicles on the piers or not. Rex Pennycuff, a resident of Eastpoint, said he thought Mr. Pierce was correct. He stated the Board should instruct Mr. Pierce as to whether vehicles should be allowed on the piers. Commissioner Mosconis and Commissioner Creamer said the financial aspect of these groups would have to be considered too. Commissioner Mosconis suggested the Board require a bond or a letter of credit for anyone who is going to operate the piers. Commissioner Mosconis said he would like to meet with Mr. Pierce and Mr. Wade to discuss how the County wanted to move forward with this situation. He stated they could provide some further instructions and recommendations to the Board at the next meeting.

(Tape 2-757) Mr. Pierce said his last item to discuss with the Board is to inform everyone he has prepared a draft C-1A Waterfront District Ordinance for Board review. He said the Board did authorize a public hearing for January 20th on this ordinance; he was presenting a draft copy to the Board today. He said the P&Z Commission has not reviewed the ordinance. He said the P&Z Commission will meet next week and have three rezoning requests for property currently zoned C-1 to be converted to C-3 in the Two Mile area. He said he was concerned that if the Board holds a public hearing on creating a new zoning district at the same time the P&Z Commission is considering recommending rezoning some property to an existing zoning district there would be a great deal of confusion about what is going on. He said he would like direction from the Board about whether to move forward with the public hearing for the 20th or whether he needed to wait to see what sort of recommendation the P&Z Commission would provide. The Board instructed Mr. Pierce to not schedule a public hearing on the 20th, but to just wait until after P&Z met. Mr. Pierce assured the Board he would keep them updated as to what happens at the P&Z Commission meeting. Oliver Nash, owner of Nash Seafood in Apalachicola, asked the Board to make sure there is public notice given when and if this ordinance ever comes up for adoption. Chairman Sanders assured and promised Mr. Nash there would be public notice given, since it was required, before any ordinance of this type was finalized.

(Tape 2-887) Commissioner Creamer asked Mr. Pierce to check into something he was informed of this morning. He said Begonia Street in Eastpoint had been cut all the way across. He stated he would like to know who did this. He said the road was cut near the

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area Tom Hoffer is building the new theatre. He stated he didn't think the County gave anyone permission to cut the road. He said they cut the road and put lime rock in it. Mr. Pierce said he would check into this matter.

KENDALL WADE-CLERK

(Tape 2-916) Mr. Wade asked Mr. Pierce if he had heard anything from the engineers regarding the sealing of the old Courthouse. Mr. Pierce said he would call Mr. Kennedy.

(Tape 2-972) Commissioner Putnal asked Mr. Pierce about the Eastpoint Boat Ramp and if the Harris Brothers had been contacted about "digging that thing out". Mr. Pierce replied he had left several messages and he hasn't heard anything from them. He said he would check with them again.

(Tape 2-993) Mr. Wade said he went to the Property Appraiser's Office to get a legal description or map reflecting the areas at the end of Bluff Road. He stated he was looking for State owned property for a boat ramp. He said he was going to ask the State to see if they would donate several acres to the County for a boat ramp. Billy Buzzett, St. Joe-Arvida, said he was also working on getting a boat ramp for the County. Commissioner Mosconis said he wanted to know if the property at the Box R contained a reverter clause about the road in the Box R. He stated he thought, in the 1970's, the Board placed a condition on the Box R property that if it were ever sold then the road, which was closed, would revert back to the County. He asked Mr. Pierce to have Mr. Curenton to research this matter. Mr. Pierce said the problem is there is no definitive time line. Commissioner Mosconis asked for some type of research into this. He suggested Mr. Pierce or Mr. Curenton check into these old minutes about this matter.

(Tape 2-1112) Mr. Wade asked the Board to reappoint Raymond Williams, City of Carrabelle representative, and him, as Clerk and representative of the Board, to the Apalachee Regional Planning Council for 2004. He said the other appointee is decided by the Governor and is Jack Taylor. Commissioner Putnal made a **motion reappointing Kendall Wade and Raymond Williams to the Apalachee Regional Planning Council for 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1129) He presented a budget amendment to the Board for approval. He said the budget amendment is to accommodate the closing costs associated with the purchase of the five lots from Ben Watkins. He asked the Board to approve increasing 001.20.511.6100 Land \$4,282.00 and decreasing 001.99.584.9600 Reserve for Contingency \$4,282.00. Commissioner Creamer made a **motion approving a budget amendment to accommodate the closing costs associated with the purchase of the five lots from Ben Watkins as follows: Increase 001.20.511.6100 Land \$4,282.00 and Decrease 001.99.584.9600 Reserve for Contingency \$4,282.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1151) He informed the Board DasSee, the company leasing the local hospital, is behind on their rent for the months of November and December, and January is presently

due. He said they are also behind in their payments to the ambulance service, EmeryStat, Inc. He reminded the Board the County pays EmeryStat, Inc. \$10,500.00 for ambulance services in the County. He said the County depends on the rent from the hospital to help pay this bill. He suggested the Board authorize the County Attorney to send a letter to the DasSee representatives about this matter. Commissioner Creamer made a **motion directing the County Attorney to send a letter to DasSee regarding the past due rent to the County and the ambulance service.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said there is another issue with the operators of the local hospital. He stated he received a letter from Blue Cross and Blue Shield (BCBS) informing him they would no longer accept billing from the local hospital unless they reach an agreement with them before February 1, 2004. Commissioner Mosconis said he wanted to ask Mike Lake, CEO, DasSee, to the next meeting to just answer a lot of questions he had about these matters and asked the County Attorney to add this request to his letter. Commissioner Creamer added to his **motion directing the County Attorney to ask, in the previously approved letter, Mike Lake, DasSee CEO, to attend the next meeting.** Mr. Shuler said he would ask Mr. Lake to come to the meeting. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1245) Commissioner Creamer said he thought the Millenders have closed their seafood processing business in Eastpoint. He stated the Millenders might want to sell this property, which is right on the water, to the County. He said he would like to see if they would consider selling either a portion or all of their property in Eastpoint. He said then the County could lengthen the boat ramp and maybe construct a park there. Commissioner Creamer then made a **motion directing Mr. Pierce to research this matter and report back to the Board at the next meeting.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-1295) Mr. Shuler reported the Eminent Domain, 4 of them, cases on Alligator Point are progressing. He said the appraisals have been ordered with an estimated cost of \$900.00 and they should be completed by the end of next week. He asked the Board to approve the payment of this expense. He said he would also like to know how the County would pay for them. He stated the Board had mentioned utilizing the Bald Point Trust Fund Budget to pay for all of this. He said the appraisals are necessary to complete the statutory requirements for Eminent Domain. Commissioner Williams made a **motion authorizing the payment of \$900.00 for appraisals on the property the County is filing Eminent Domain-4 of them-on and approving the payment of the \$900.00 from the Bald Point Trust Fund Budget.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1362) He presented a Resolution, as instructed by the Board, for the lease of a portion of County property for the benefit of the public interest and welfare to St. Vincent National Wildlife Refuge. He said the Board had agreed to do this for St. Vincent's with the understanding they would agree to remove, at their cost, any such structures and improvements within thirty days of the termination of the lease as well as a Hold

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Harmless and Indemnification Agreement for the County. He informed the Board he had included a price of \$1.00 per year for such use from year to year payable January 1, 2004 and on the first day of January thereafter until such time as the Board decides to terminate this lease. Commissioner Creamer made a **motion authorizing the Chairman's signature on a Resolution leasing a portion of County property to St. Vincent National Wildlife Refuge to be used for the public interest and welfare for \$1.00 per year beginning January 1, 2004 and payable each January 1st thereafter until the agreement is terminated.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1418) Mr. Shuler said the Clerk asked him to communicate with the City of Apalachicola about the traffic situation next to the Courthouse. He said he has been in touch with the City Clerk Betty Webb and she has requested a letter from the County requesting assistance with the traffic on this street. He said the letter asks the City to check into the options are for this street so the County won't have to tear up the grass and remove the trees and shrubs beside the Courthouse to alleviate some of the traffic and parking problems. He stated the Board might have to remove some of the grass and shrubs anyway. He said the City is considering designating this street as "One Way" to see if this would help with the problem. He said Ms. Webb informed him the City of Apalachicola Traffic Study Committee was going to meet around the middle of next month so he should have a report for the Board at one of the next two meetings.

(Tape 2-1452) He informed the Board the Title V Juvenile Justice Grant has been reviewed by him. He said he would prepare an addendum to the Grant, which states the conditions the Board instructed him to include in the contract. He stated the addendum would contain the conditions the Board could terminate the Grant at anytime without any financial obligation on the part of the County and the County would not, under any circumstance, be obligated to pay any "matching funds" for the grant. He asked the Board to authorize the Chairman's signature on such an addendum. Commissioner Putnal made a **motion authorizing the Chairman's signature on an Addendum to the Title V Juvenile Justice Grant with the conditions the County Attorney wanted added to the Grant.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1486) He told the Board he attended the School Board Meeting on December 30th regarding the redistricting issue and the redistricting lines. He said the School Board, after he presented the plan for the new district lines, had adopted the same District lines as the Board of County Commissioners. He said this then would assist the Supervisor of Elections because the School Board and the County Commission would have the same district lines.

(Tape 2-1520) He updated the Board on the Thom Lewis litigation. He stated the County's insurance carrier, Mr. Lewis' attorney, and he has been communicating, but they are not at a point of settlement yet. He said he would keep the Board updated and informed if there is a settlement agreement.

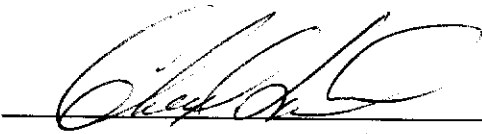
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(Tape 2-1548) He said the last item he has to discuss with the Board this morning is to seek advice on the pending litigation between the Concerned Citizens of Franklin County, Inc. (CCFC) and the Franklin County Board of County Commissioners. He stated there are two pending lawsuits; one in the Circuit Court and one in the Federal Court. He said he needed advice on the pending Circuit Court litigation. He asked the Board to close this meeting and conduct an Executive Session as specified in FS 286.011, the persons present at this meeting should be the County Attorney, the Board members, and the Clerk of Courts. Commissioner Mosconis asked if this was anything he could talk about in public. He stated he thought everything was resolved in this situation. Mr. Shuler replied the CCFC Federal lawsuit was dismissed by a written order dated December 4, 2003. He said since this time the Plaintiff's attorney has filed a number of motions primarily dealing with a request to amend the order dismissing their lawsuit and the award of attorney's fees. He stated there is a case still pending in the Circuit Court, which one emergency hearing has been held. He said the Plaintiffs tried to expedite the case, but the Circuit Court Judge Janet Ferris denied the request. He said in the pending Circuit Court case the main issue is the accusation of the Plaintiffs the Board violated the Sunshine Law. He said they are trying to get the Federal Court to amend his order to include the payment of attorney's fees by the County. Commissioner Mosconis said he was totally against giving these people or the Plaintiff's any money. He said they are the ones that are causing the County to spend Taxpayer's money. Commissioner Putnal stated then the County should sue them for the money they have caused the County to spend on these lawsuits. Commissioner Mosconis said he wanted "Above all, to protect the public's rights, their rights being their money primarily". Discussion continued and the Board decided to discuss this matter without adjourning the Board Meeting and conducting an Executive Session. Mr. Shuler said the main thing he wanted advice from the Board about this morning was whether the County would like to settle this lawsuit and offer to pay the Plaintiff's attorneys fees at least. He said there has never been an amount agreed to by either party, but he would like to know if the Board wanted him to offer to settle the suit. Commissioner Mosconis said he would make a "realistic" **motion to instruct the County Attorney to offer the Plaintiff's \$5.00 to settle this lawsuit.** He said he felt this was very realistic and appropriate for these people. He stated they needed to be sent a "message". He said the Board has redistricted and the group has accomplished what they wanted done. He stated he wanted them "to quit throwing the taxpayers money away". Chairman Sanders called for a vote on Commissioner Mosconis' motion. Mr. Shuler said, before the Board acts on this motion, he would rather he be allowed to talk to the Plaintiff's attorney to see exactly how much money they would take to settle this matter. He stated he felt the County taxpayers would be better off to try and settle this case for a reasonable amount of money. He said it could cost a lot of money to keep pursuing this matter through the Court system. He stated he would suggest a maximum settlement amount of \$5,000.00. He said this would be the most prudent, although he understood the political ramifications, but this would probably be the best thing for the taxpayers. Commissioner Mosconis said this thing could "cut two ways". Chairman Sanders said "In November 1998 she took her Oath of Office she took her ethical matters very serious and she was insulted that anybody would think or imply she was unethical, she had violated any of the Sunshine Laws was inexcusable." She said she was "very upset about the accusation that she would have anything

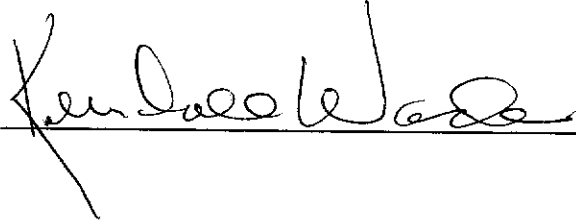
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whatsoever to do with Sunshine Law violations". Mr. Shuler said he was concerned about the economic situation of this lawsuit. He recommended the Board at least authorize him to talk to the Plaintiff's attorney and offer them some type of financial settlement up to \$5,000.00. Commissioner Mosconis said he would withdraw his motion on the recommendation of the County Attorney. Commissioner Mosconis said he would make a motion to take the County Attorney's recommendation to offer the Plaintiff's Concerned Citizens of Franklin County, Inc. a settlement of an amount up to \$5,000.00; ask the Judge to dismiss the lawsuit "With Prejudice"; and with no admission of liability. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK