

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
JANUARY 20, 2004**

**OFFICIALS IN ATTENDANCE:** Cheryl Sanders, Chairman; Bevin Putnal, Jimmy Mosconis, Eddie Creamer 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 1-32) Commissioner Putnal made a **motion to approve the minutes of the meeting held on January 6, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-38) 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 1-48) Mr. Chipman informed the Board he had received the new pick-up trucks and he is awaiting tags for them. He told the Board he gave one of his older pick-up trucks to the Solid Waste Department for use by their mechanic.

(Tape 1-57) He said his crew has started work on Oleander Street in Lanark Village. He stated it has been surveyed and will soon be opened.

(Tape 1-65) Alan Pierce, Director of Administrative Services, informed the Board Ben Watkins has, on his property in Carrabelle some lime rock stored and is willing to sell it to the Board for \$7.50 per ton. He stated Mr. Watkins owns the property on Timber Island where the lime rock has been stored and stated there is approximately 800 to 1,000 tons on the property. Commissioner Mosconis asked Mr. Chipman if he had inspected the lime rock? Mr. Chipman explained this was the same lime rock the County had previously used from Langwood Industries in Carrabelle. Commissioner Mosconis stated the County has been paying \$5.00 per ton, but having to truck it in from the lime rock industry near Perry, Florida. He suggested the Board negotiate with Mr. Watkins. Commissioner Mosconis said he didn't want to offer Mr. Watkins over \$5.00 per ton. Mr. Watkins, attending the Board meeting and sitting in the office, informed the Board it didn't matter whether the County bought it or not. He stated he would not sell the lime rock for less than \$7.50 per ton. Mr. Watkins said he is selling the property and has a contract for the purchase of the property and he has been given thirty days to remove the lime rock. Commissioner Mosconis said he would make a **motion authorizing the purchase of this lime rock on Timber Island from Ben Watkins for \$7.50 per ton.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-192) Chairman Sanders said he wanted to discuss, with Mr. Chipman, the parking lot at the Courthouse, which has recently been redone with milled asphalt. She informed the Board she went to look at the project and she is not happy with the way the

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project was done. She said she could "scuff" her shoe all the way to the bottom of the milled asphalt. She stated there is no base under the asphalt just mud. She asked what happened to the base of the parking lot? She said she knew there was oyster shells and lime rock on the parking lot. Mr. Pierce informed the Board a lot of the base was removed to make a level surface. She said the milled asphalt is not "sticking" like it should because there is no base material on the parking lot. She stated she needed for the Road Department to take care of this type of thing. She said they know how to do a project such as this. Mr. Chipman stated the biggest problem was the base material had been removed before the milled asphalt was put down. He said there was a miscommunication between the supervisor on the project and the engineer. He stated he did question this same thing about the base. He said they should have never removed the base, but just place the milled asphalt on top of the base material. He stated he is "hoping" it hardens up when it rains. He said then the sun should dry up the milled asphalt and make it stick. He stated if it doesn't harden up then he would have the Road Department fix it. Chairman Sanders said the Road Department didn't cause this problem. Mr. Pierce said he spoke to a representative from C. W. Roberts, Inc. about this matter. He stated he was told that placing a coating or sealant on the milled asphalt would not help matters. Mr. Chipman said if the problem doesn't correct itself then he would take care of the matter. The Board instructed Mr. Chipman to keep an eye on the project.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-283) He presented a contract to continue the services of Governmental Consulting Services (GCS), St. Augustine, Florida. He explained for the last nine years GCS has prepared the Annual Solid Waste Full Cost Accounting Report for submittal to the FDEP. He said the annual report is mandated by Florida Statutes and details the full costs of Solid Waste Management Services provided by Franklin County. He said the terms of the contract are identical to the last contract, which includes a term of three years, at a cost of \$5,000.00 per year. He stated, in the past, the funds from the Small County Solid Waste Grant were used to pay for this service. He asked the Board, as he has recommended, to authorizing the Chairman's signature on the document. Commissioner Mosconis asked why the County Auditor, Michael Tucker, could not perform this duty. Mr. Johnson said the County has always used GCS for this report. Commissioner Mosconis said Mr. Tucker might do it for less than \$5,000.000 per year. Kendall Wade, the Clerk, said he would call Mr. Tucker to see if he would complete this report for the County and if so how much he would charge the County. Commissioner Mosconis said if there is a problem or Mr. Tucker wants to charge the County more than the \$5,000.00 then the Chairman could sign the contract. Commissioner Putnal made a **motion authorizing the Chairman's signature on the Contract for Consultant Services between Franklin County and Governmental Consulting Services for three years at a cost of \$5,000.000 per year to complete the required Annual Solid Waste Full Cost Accounting Report for submission to FDEP contingent on the Clerk checking with the County Auditor to see if he is willing to do the service for the County at a lower price.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-352) Mr. Johnson said he had found funds, which should be available for Franklin County, through the Small Counties Technical Assistance Program to bring a Supervisory and Management Skills Training Course to Franklin County for County Employees. He explained the course is 20-hours long, geared toward enhancing employee productivity and taught by the Florida Institute of Government. He said to bring such a service to the County the Board would need to send a letter to Jim Parrish, Small County Technical Assistance Director, requesting the course and guaranteeing the attendance of at least 12-15 County Employees. He informed the Board staff from his office conducted an informal telephone poll of County Department Heads and Constitutional Officers and at present, with a response from the Sheriff Department or the Property Appraiser's Office, at least 10 County Employees are committed to attend should such a course become available. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a letter to Jim Parrish, Small Counties Technical Assistance Director, requesting if the funds are available from the Small Counties Technical Assistance Program, the scheduling of a Supervisory and Management Skills Training Course, 20-hours, for Franklin County.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-398) He said representatives from Waste Management have asked him to inform the Board the compactor at the Landfill Transfer Station has malfunctioned and will have to be replaced. He said, as a result of this, Waste Management would have to run their collection trucks from the Landfill directly to pick-up residential waste. He stated, because of this, there might be delays in Waste Management's regular pickup of residential waste. He said they are planning to bring in a temporary compactor in the next day or so, until a new one can be built, which will take at least 6 weeks.

(Tape 1-414) He stated the Eastpoint Water and Sewer District has asked for the Board to approve the waiving of the deposit required to open a Landfill Charge Account. He said the Board has a policy of requiring a \$1,000.00 refundable deposit to open all new accounts. Commissioner Creamer made a **motion authorizing the waiver of the \$1,000.00 refundable deposit to open a new Landfill Charge Account for the Eastpoint Water and Sewer District.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-439) Mr. Johnson said Chris Millender, of Carrabelle whose boat trailer was picked up off of County ROW last month in Carrabelle and disposed of at the Landfill, has submitted a \$2,400.00 estimate for the replacement of the trailer. He said, he understood, the County's insurance carrier has informed the County the deductible from this claim would be more than the trailer was worth. He stated, based on the information gathered from Mr. Millender, the trailer was at least 8-years old, and was missing both axles and all four-tires. He said the Landfill Employee stated the boat trailer was placed on the ROW were he routinely picks up debris. He asked the Board what they would like for him to do about this situation? Chairman Sanders asked what the deductible was on a claim such as this? Mr. Wade said he didn't know what the deductible was. She said this man was requesting the County pay \$2,400.00 for a trailer missing all of its axles and tires. Mr. Johnson replied this was correct. He stated the trailer is still at the Landfill.

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Commissioner Mosconis asked if Mr. Johnson had negotiated with this man. Mr. Johnson said he had to receive direction from the Board as to what to offer Mr. Millender. Commissioner Creamer said the trailer was on the County ROW in any case. Chairman Sanders stated it might be worth something, but she certainly didn't think it was worth \$2,400.00. Commissioner Mosconis made a **motion directing the County Attorney to meet with Mr. Johnson to further discuss this matter and try to come to some kind of resolution.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-522) Mr. Wade reported the Animal Control Department, submitted overtime requests for Thanksgiving and Christmas. He said, the Payroll Department, didn't detect a problem until after the employees were paid. He stated the overtime request payment for their overtime at approximately three times their hourly rate, which he felt was excessive. He said the intent of the Board, in their Personnel Rules, was not to pay any employee at such a rate. He stated Ruth Williams, Finance Officer, was here this morning if the Board had any questions. He said this problem has to be corrected so his question to the Board this morning is how the Department Head will rectify this situation. He said the employees Comp Time could be reduced so it wouldn't impact the employee finances as much. He stated this was not done intentionally, but as a misconception of the rules. He presented a copy of this section to each Commissioner. He said the policy reflects the employee should be given two days Annual-Comp Time Leave for every day they work during a holiday. He said the policy does not say the employees are to be paid three times their hourly rate. Mr. Johnson stated the intent of this policy is for the Board to pay all of their employees Holiday Pay. He said the policy states, if an employee has to be called out to work during the holiday, then for every hour they work the County would compensate them for two hours. He stated the employees appreciate this benefit, which has been utilized for the last decade and one-half. He said this policy has already survived two revisions in 1986 and 2001. Mr. Wade stated he disagreed with Mr. Johnson. He said the County is not supposed to pay a County Employee three times their daily pay rate at any time. Commissioner Mosconis said he would like to make a **motion to accept the Clerk's recommendation since this was County Policy and the Board's intent.** He stated the Board has never intended to pay a County Employee triple time. Mr. Johnson asked the Board to check with the County's Labor Attorney, Lucy Turner, about this situation. Commissioner Mosconis said he had made a motion and wanted to restate the **motion for the Commissioners to take the Clerk's advice and recoup the funds overpaid to these County Employees by using their Comp Time or Annual Leave Time.** He said he thought the intent of this Board was clear, but not to pay people triple time their work. Mr. Johnson stated the policy doesn't say the employee should be paid at a triple time rate and he said he felt this was not the situation. Commissioner Mosconis said if you "do the math" the Clerk and the Finance Officer the employees received triple time pay. Mr. Wade stated the employees actually received three times their daily-hourly rate and in his opinion this is triple time pay. He said employees are paid for the holiday in their regular check, if they submit a pay request for twice this amount then this is three times the employees pay rate. Chairman Sanders asked Mr. Wade, if since there were several differing opinions about this, to call Ms. Turner to get her opinion on the matter. Mr. Wade said he would call Ms. Turner and get her to submit

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her opinion in writing to alleviate this problem once and for all. Ms. Williams said the Franklin County Personnel Rules-Revised April 2001 states "or pay the employee his or her regular rate of pay for all time worked on the holiday." She said the policy does not specify double time, triple time, etc. it states regular rate of pay. Commissioner Mosconis asked why the labor attorney should be consulted regarding this matter. He stated the lawyers would end up charging the County six or seven hundred dollars for answering this question. Commissioner Mosconis said he wanted the policy to be real clear. Ms. Williams reminded the Board all of these Personnel Rules and Policies were reviewed by the Labor Attorney's and approved by them before the Commissioners would formally adopt the rules and policies. Chairman Sanders said the Commissioner, the Clerk, and the Department Head all have differing opinions about the matter. She stated she would like to see a non-biased individual check into the policy. Commissioner Mosconis suggested the Board direct the County Attorney to review the question and interpret these rules. The County Attorney said he would be glad to check into this matter. Mr. Johnson said this has been a common practice for his County Employees and has been practiced for the last decade and one-half. He said it was only recently this has become a problem. Commissioner Mosconis stated if the County was making an error in the past then the error was made, but the error needed to be corrected immediately. Mr. Shuler said he thought only the Board members could interpret the intent of the rules and policies. Mr. Wade asked the Board what they would like to do. The Chairman said they would ask the County Attorney to look over this information regarding the personnel rules and policies and address the matter latter in the meeting during his report to the Board. Mr. Johnson said he was going back to work and would be satisfied with whatever the Board decided.

**BILL MAHAN-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-806) Mr. Mahan reported he met with Kimberly Bittle, US Forest Service and Laura Hedock, FDOT, as directed by the Board, after the last Board meeting on January 4<sup>th</sup>. He said they discussed the possible use of herbicides to spot treat Japanese Climbing Fern growing in the culverts located along Highway 65. He said during the meeting they divided the work that needs to be done and they hope to have a full treatment plan ready to present to the Board at their next meeting. He explained the plan would be to recommend using "Rodeo" as the herbicide for the project. He said the project would have an outline of procedures the different agencies would use to maximize environmental protection for the County. He stated, if the Board approves the plan, the spot treatments of the climbing fern are slated to begin in March or April. Chairman Sanders asked Mr. Mahan if Ms. Bittle and Ms. Hedock informed him there were approximately thirty-six culverts in this plan for spot treatment for the FDOT Highway 65 project? Mr. Mahan replied they did tell him there were approximately thirty-six culverts, which would need to be treated. Chairman Sanders asked if this treatment was only for the Climbing Fern? Mr. Mahan replied it was only for the Japanese Climbing Fern. He said they are compiling the plan for the Board to review and approve.

(Tape 1-871) Mr. Mahan said he had, attached to his report for the Board's information, the Introduction, Problem Statement, Goal, Objectives and Recommendations of the Florida Exotic Pest Plant Council's Lygodium Task Force report entitled "Lygodium

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Management Plan for Florida" written in 2001. He said the plan strongly recommends local, state and federal agencies work together to develop a Memorandum of Understanding/Agreement to facilitate the sharing of resources such as research, personnel and equipment. He said this should address the problem of the Old World Climbing Fern and the Japanese Climbing Fern in Florida. He stated apparently the Old World Climbing Fern has been a major problem in South Florida for a number of years. He said the Japanese Climbing Fern is considered a developing problem in Florida.

(Tape 1-909) He informed the Board regarding the same issue, the newly formed Apalachicola River Basin Invasive Workgroup would be meeting tomorrow January 21<sup>st</sup> from 10:00 a.m. until 11:30 a.m. at the ANERR Education Center in Apalachicola. He announced lunch would be served and an optional field trip from 1:00 p.m. until 3:00 p.m.

(Tape 1-961) He said he would like to update the Board on the Oyster Post Harvest Treatment (PHT) Research. He stated last week the time/temperature profiles were recorded for a batch of oysters being frozen using a "blast" freezer. He said the work is part of the freezing validation work that needs to be documented to gain FDA's approval for the process. He said the taste of the product was not "to his taste" as good as the regular raw oyster, but the goal was to create product quality and to reduce the cases of the Vv. Virus.

**SCOTT VASCAVAGE-ORGANIZATION FOR ARTIFICIAL REEFS, INC.**

(Tape 1-1138) Mr. Vascavage, the Director of the Organization for Artificial Reefs, Inc., stated he was here at the Board Meeting this morning to update the County of the USCOE Permit for the Old SGI Bridge Reef Project. He stated he met with BOH Brothers Engineering, Inc. representatives, Parson and Bickerstaff representatives and Jacobs Civil Engineering, all working on the new SGI Bridge, to discuss the artificial reef project for the old SGI Bridge. He said they also meet with representatives from the USCOE, which expressed concerns about the large deployment issues, demolition issues, etc. He stated the USCOE did approve the OAR Permit and should be completed in time for the demolition project on the old SGI Bridge. He said the demolition is tentatively scheduled for February 15, 2004, which means the reef portion of the project should begin by that date. He explained one of the reasons he is here today is to update the Board on this permit, which he has done, and to request the approval of a Memorandum of Understanding (MOU) between OAR and Franklin County regarding this project. He said he has sent a copy to the County Attorney and each Board member. Mr. Shuler said he had made some changes on the MOU submitted by Mr. Vascavage in stating "OAR agrees to indemnify and hold harmless the County for any liability resulting from the negligence of OAR". Mr. Vascavage said he had agreed to the deletion of "The County agrees to indemnify and hold harmless OAR from any liability resulting from the negligence of the County". Mr. Shuler said he would then agree to the Chairman's signature on the MOU between Franklin County and The Organization of Artificial Reefs, Inc. for the Old SGI Bridge demolition, reef, etc. Project. Mr. Vascavage said he would like to ask the Board to appoint a person to represent Franklin County as a designee on site for the project. He stated this would be in case a representative from

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OAR was unavailable to be on site. Commissioner Mosconis said he would recommend asking the ANERR to appoint Lee Edminston to represent the County on this project. Commissioner Mosconis said Mr. Edminston was involved in the construction of this older bridge and should know all about it. Commissioner Mosconis made a motion designating Lee Edminston, ANERR, to represent Franklin County for the demolition, reef siting, etc., on the Old SGI Bridge and authorizing the Chairman's signature on the Memorandum of Understanding between The Organization of Artificial Reefs, Inc. and the County of Franklin, Florida for this reef project with the changes noted on the MOU. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

**OLIVER NASH-REQUEST TO REZONE HIS PROPERTY ON BLUFF ROAD**

(Tape 1-1660) Mr. Nash said he owns property at 1,000 Bluff Road in Apalachicola. He stated his property there is currently zoned for residential uses only. He said he wants it rezoned to allow him to build a commercial cooler/freezer for seafood on the property. He stated he is concerned about his property, a seafood house in the Two-Mile area, being rezoned from the Seafood Industry to allow Residential/Commercial Uses. He said he would like to have the property zoned to C-1, which should allow for a commercial cooler. He explained he would also like to have an option to come to the Commissioners if the Two-Mile area is rezoned as it is being proposed to be by some of the property owners there. Chairman Sanders asked Mr. Nash if he had presented a formal request for rezoning to the Planning and Zoning Commission. Mr. Nash replied he had not, but was informed by them they couldn't address his request until a later date. He said they told him the P&Z Commission couldn't hear his request for at least a month or so. Chairman Sanders said the normal procedure is for this type request to be presented to the P&Z Commission and then they make a recommendation for the Board to consider as to whether to approve a rezoning or land use change for the property. Mr. Nash said he called to get on the agenda, but was told it would be at least a few months. Mr. Pierce stated the February Agenda was still open and time, he thought, was available. Mr. Nash said she was told by a representative, when he called, the P&Z Office there was not a time available on the February P&Z Agenda and they didn't know when they would have a time available on a future agenda or not. Chairman Sanders instructed Mr. Pierce to put Mr. Nash's request on the February P&Z Commission Agenda. Mr. Nash said "in other words he couldn't bypass the P&Z Commission?" Chairman Sanders replied "no, he couldn't bypass it and bring the request straight to the Board, he had to go to the P&Z Commission for approval first". Mr. Nash asked Chairman Sanders if the Board was going to "let these people bypass the P&Z Commission that want to rezone the Two-Mile area?" Chairman Sanders replied it hadn't come to the Board's attention, no one had even requested a land use or rezoning in that area as of yet. She said as long as she is Chairman the matter would be directed, as his was, to the P&Z Commission to be addressed first. Mr. Nash thanked the Board for their time this morning.

**JAN HEVIER-GORRIE WILSON-BREAKAWAY MARINA & MOTEL**

(Tape 1-1807) Mr. Hevier, attorney for the Breakaway Marina and Motel, said he was at the Board Meeting this morning to ask the Board to consider scheduling a Public Hearing to consider abandoning a portion of County roadway extending into the Breakaway

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property. He presented a map of the area he is requesting be abandoned and a letter of formal request to schedule a Road Abandonment Hearing. He stated the area being considered is owned solely by the Breakaway and includes the boat ramp. He said the boat ramp itself is the property of the Breakaway and not the County. He stated for the record the boat ramp has never been County maintained in any way. He said the owners of the Breakaway paid for the installation and maintenance of this boat ramp. He stated the traffic is a problem especially late at night, when people come in at late hours and launch their boat, then leave their vehicle and boat trailer to obstruct parking and other traffic for use by the Breakaway patrons. He stated one incident that happened recently was someone came in, launched their boat late on a Friday afternoon, parked their vehicle and boat trailer directly in front of the restaurant, blocking all of the designated parking spaces. He said these people stayed gone until Sunday night and the vehicle and boat trailer blocked this entire area for two days. He explained the Breakaway owns the property on both sides of the road and would then control any traffic into their property. He said the area the Board needs to consider abandoning serves no other purpose other than going into and out of the Breakaway. He stated no one else is involved in this abandonment or would any other individual be affected by this abandonment. Chairman Sanders asked Mr. Hevier if he was asking the Board to schedule a public hearing to consider abandonment of this road? Commissioner Mosconis made a **motion authorizing the scheduling of a Public Hearing to consider the "Abandonment of a Portion of Waddell Road" for Tuesday, February 17, 2003 at 10:00 a.m.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1959) Commissioner Mosconis asked Mr. Wade the status of requesting the assistance of the State in placing a boat ramp for public use and the end of the Bluff Road? Mr. Wade stated he spoke to a representative with Florida Wildlife Commission regarding this matter. He said the State is very interested in building a boat ramp at the end of Bluff Road on the old Ronnie Bloodworth site. Mr. Pierce presented an aerial map of the area being discussed. He said the State owns all of this property and would be willing to give the property to the County after the boat ramp is finished for the County to maintain. He stated it would take a few weeks for the State to conduct some studies, but a representative from the FWC would be willing to come to one of our next Board Meetings to discuss with the Board. He asked the Board if they wanted him to call FWC and ask someone to come to one of the next Board Meetings to make a formal request for the State to build a boat ramp at this site. Commissioner Mosconis stated felt very strongly St. Joe "dropped the ball" on the boat ramp issue when all of the Box R property was sold to the State of Florida. Commissioner Mosconis said he would make a **motion instructing the Clerk to request a representative from FWC to attend one of the next regularly scheduled Board Meetings to allow Franklin County to formally request the State build a public boat ramp at the end of Bluff Road in Apalachicola.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders asked the Clerk if he or Commissioner Mosconis had found any record of the road in the Box R belonging or reverting back to the County if and when it was ever sold. Mr. Wade said he has researched the road and he could not find any kind of ownership or reverter clause for the road. He stated he and the County Attorney have talked to his dad, the former County Attorney Alfred O. Shuler, about the road. He said Mr. Shuler did not



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know of any ownership or reverter clause for the road. He stated he thought this was a "moot" point and he felt the County would be greater benefit from a boat ramp at the end of Bluff Road on property owned by the State of Florida.

**ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-2095) Mr. Pierce said he would begin his report and ask the Chairman to interrupt him when she needed to. He informed the Board he did talk to Fred Millender, property owner in Eastpoint, about the possibility of the County purchasing his oyster house on the water in Eastpoint. He said Mr. Millender told him he would consider the proposal, but couldn't consider anything about the property at this time. He said Mr. Millender was experiencing some family health problems and would contact the County Offices in a couple of weeks.

(Tape 1-2105) He said the Mayor of Carrabelle is here this morning to ask the Board to move forward with approval for the City of Carrabelle to use the County ROW on Timber Island Road for a sewer force main to go from the boat ramp to US Highway 98, and for approval for the City of Carrabelle to use the ROW on CR 67 for a water line to the new State prison. Chairman Sanders said she thought the Board had already approved the use of the County ROW for the Timber Island line. Mr. Pierce said a small section, under the river, had been approved for use by the City of Carrabelle to the point of their lift station, but the Commissioners did not approve the use of the property from the lift station all the way to US Highway 98. Chairman Sanders said she thought the Board gave approval for the City of Carrabelle to use the County ROW on Timber Island. Mr. Pierce said if the Board record reflected this, then that would be fine. Chairman Sanders said she thought so. Mr. Shuler said he didn't remember what the record was. Commissioner Mosconis suggested giving the City of Carrabelle permission to use the County ROW, the boat ramp, all along Timber Island to US Highway 98 for the installation of a sewer force main. Mr. Shuler said he remembered whatever the area it was all contingent on the County receiving a Hold Harmless and Indemnification Agreement from the City of Carrabelle. Chairman Sanders asked Mr. Shuler if he had every received this agreement? Mr. Shuler replied he had never received the agreement. Chairman Sanders said she would inform Mayor Brown, since he is at the meeting this morning, the City of Carrabelle must furnish a Hold Harmless and Indemnification Agreement for all Franklin County ROW they plan to use for these lines. Mr. Shuler said he needs this document. Mayor Brown said the City of Carrabelle signed a contract with the Florida State Department of Corrections (DOC) for providing water and sewer services to the new prison this last week. He stated the City of Carrabelle would be requesting the County to use their ROW on CR 67 to install the utility lines for the prison. Chairman Sanders said it concerned her about any further road construction on Lake Morality Road, where the new prison is going to be, because the road has a deep ditch, which causes a lot of erosion in the area. She stated she wanted extra attention paid to this portion of the road. She said she would ask Mayor Brown to contact the County Engineering Department and Hubert Chipman of the Road Department before any work is actually begun on the project. Mayor Brown said he would like to get the Board's permission to at least begin the process of granting the City of Carrabelle the use of County ROW on SR 67 for installation of utility lines for service to the new prison.

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Commissioner Putnal made a **motion authorizing the City of Carrabelle to use the CR 67 ROW for the installation of utility lines to provide service to the new prison site contingent on the County being provided a Hold Harmless and Indemnification Agreement from the City of Carrabelle for this project.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2280) Chairman Sanders asked Mayor Brown what the status was of the discussion between the City of Carrabelle and the Lanark Village Water and Sewer District (LVWSD) about the sewer line construction to St. James Bay? Mayor Brown replied he had talked to Dan Kleck, PE with Baskerville-Donovan, Inc. (BDI), last week about this matter. He stated he hasn't heard anything further from their discussions last week about the installation of a force main and reuse main on Lanark Village ROW's. He said as soon as he hears from Mr. Kleck he wanted to sit down and resolve any issues the City of Carrabelle and the LVWSD have about this matter. He stated these are problems or issues he inherited when he became Mayor of Carrabelle. Chairman Sanders said she wanted to state "I met on December 9<sup>th</sup> with, since the engineers for the City of Carrabelle had requested approval from the County to run the lines down an alternate site-Alabama Street and Kentucky Street in LV, with BDI representatives regarding the use of these streets in LV to install the utility lines instead of using the already permitted ROW on US Highway 98". "In the interim I received a petition from the residents who live on Alabama and Kentucky Streets in LV strongly opposing the use of their streets for any installation of pipe by the City of Carrabelle Water and Sewer District". She presented the petition to the Board Secretary for the file. "On December 9<sup>th</sup>, 2003 she met with Robert Simmons, BDI, and Phillip Rankin, City of Carrabelle Commissioner. At that time I told them, because I am a representative of those people in Lanark I was very adamant they did not need to run down Alabama and Kentucky Streets and if they had their permits in hand why didn't they pursue the discussion with LVWSD about running down US Highway 98. Since that time Robert Simmons, BDI, has written a letter to LVWSD on behalf of the City of Carrabelle stating that she said she was adamantly opposed to it, but in favor of the US Highway 98 project. Also, that I would not bring the matter to a vote by the FCBCC to consider. That is not what I said, what I said was I was only one commissioner and there were four other commissioners on this Board. I don't determine what the Board does. I do not need to have words put in my mouth. Baskerville-Donovan needs to have this letter taken back to them and they need to be told I do not need to have words put in my mouth. If Cheryl Sanders needs to say anything she says it. This does not make a good working relationship between the County and Baskerville-Donovan, whoever, the County does not have jurisdiction of US Highway 98 anyway does not have any dog in this fight and I will say it again, so whatever LVWSD and the City of Carrabelle agree to needs to be between them and not Franklin County". Chairman Sanders presented a copy of the letter she referenced to the Board Secretary for the Board file. Mayor Brown stated he hoped she would bear in mind this letter did not contain his signature. Chairman Sanders said she was just informing Mayor Brown what "your engineers-the ones ya'll hired for the City of Carrabelle" is doing. She said LVWSD Commissioners are very upset by this letter and they are going to have a meeting this afternoon. She stated because of this letter, if the City of Carrabelle pursues the installation of this pipe without talking to the LVWSD

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they are going to hold the County responsible. She said the County does not have any liability or responsibility in this matter. She stated she is "looking out" for her constituents out there. She said she wanted to make sure Mayor Brown was informed about this matter. Chairman Sanders said she was just faxed a copy of this letter she has been referencing by the LVWSD representative, Mike Hughes. She thanked Mayor Brown for his attendance this morning and assured him the City of Carrabelle had permission to run their lines down CR 67 contingent on the Hold Harmless and Indemnification Agreement being provided to the County. Mayor Brown asked if this included Lake Morality Road. Chairman Sanders said she thought it was just for County ROW on CR 67. Mr. Pierce stated the City of Carrabelle would have to present the plans for this project, Lake Morality Road Installation of utility lines, at a later date. He said the County should at least review these plans before the City of Carrabelle was given authorization to place utility lines down Lake Morality Road. Chairman Sanders stated then Mayor Brown-the City of Carrabelle was authorized to use the County ROW on CR 67 for this project, but the County had not authorized use of the Lake Morality Road for the installation of any kind of pipe. Chairman Sanders said she thought the Road Department Superintendent Hubert Chipman and County Engineering Technician Chris Clark should review and comment on any plan for Lake Morality Road ROW. Chairman Sanders said there is really no ROW on Lake Morality Road because it only has ditches and ponds on each side. She said it is just a "road" without any shoulders on it. Mr. Pierce said the Road has just been "maintained" by the County, but does not entail an exact legal description of a prescribed ROW. He said this was mainly a "cut through" the County residents used. He stated he agreed with Chairman Sanders in that the County should review and approve any plan using Lake Morality Road. Mayor Brown said he would make sure the plans were submitted to the County.

(Tape 1-2597) Mr. Pierce read the following into the record: "The City of Apalachicola has submitted its revised list of prioritized roads needing paving, and Mayor Brown should be bringing the City of Carrabelle's list with him. The Board still has not settled on the size of the paving program. The City of Apalachicola is committing \$200,000.00; The City of Carrabelle is committing \$100,000.00. At the end of 2004, which is when the road paving program would be winding up, and we would be paying off the contractor, the County should have about 2 million dollars dedicated to road paving. Using the City of Apalachicola as an example, the list of roads initially submitted, without taking into account change orders, requires 1.2 million dollars. If the County Commission agrees to generate 3 million dollars of County funds that would be \$600,000.00 per Commission District. If Commissioner Mosconis and Commissioner Williams dedicated their funds to the City of Apalachicola could then use its funds for additional roads, change orders, etc. The same is essentially true for Carrabelle, but Carrabelle roads are in worse shape, and therefore need even more money. The Board needs to consider budgeting for a 1 million dollar paving program every year for the next several years in order to bring the County roads up to an acceptable standard. This can be done if the Board will budget approximately \$700,000.00 of Ad Valorem Taxes for paving to be added to the approximately \$300,000.00 of Gas Tax the County generates. Without Ad Valorem Tax Funds, the County Gas Tax is not enough to maintain the roads in the Cities and the County." Commissioner Creamer said the County Commission

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asked the Cities to provide a list of roads within their limits, which needed to be paved. He said they were asked not to include any roads such as dirt roads or roads not previously paved. He stated the Cities have included these roads into this list. Mr. Pierce said the City of Carrabelle does list several roads in need of paving. Mayor Brown stated the City of Carrabelle has deleted those roads from the list. He said their roads are in such bad shape the City could maintain the dirt roads by grading them, lime rocking them, etc., but the paved roads have holes in them and need fixing as soon as possible. He said the City of Carrabelle would ask for only the paved roads to be resurfaced until the funds can be accumulated to pave some of the other roads. Mr. Pierce said the City of Carrabelle has so many needs one million dollars wouldn't even be enough. He stated the City of Carrabelle needs would not decrease any time soon. He said the City of Apalachicola is not asking for any new paving only resurfacing projects. Commissioner Mosconis stated he wanted to go ahead and direct the County Engineer to prepare a prioritized list for this paving project. He said this project would need to be advertised for bids as soon as possible. He said the Commissioners might or might not have to implement use of the Ad Valorem Tax Funds it would just depend on this project. He told the Board it depended on how the contractor wants to get paid as soon as the project is completed or he might finance the project for a year or two. He said it depends on what happens when the project is actually started and some change orders are added to "gear" what the exact cost of the project would be. He said he was ready to move forward with some paving since the citizens are ready for some new paving. Commissioner Williams said his constituents have been ready for some new paving. Mayor Brown said if the City of Carrabelle has to be budgeted \$600,000.00 for paving in the City of Carrabelle it would pave approximately one-third of what needs to be done. Chairman Sanders said at the time the lists were submitted by the Cities the City of Apalachicola had thirty or so roads on the list and the City of Carrabelle had fourteen to seventeen roads on the list. She stated the Commissioners might have to, because there are a lot of roads outside the City limits, in the County, only the first ten roads on the list would be taken care of. She said there is no way there is going to be enough money to complete all of the roads that need repair. Commissioner Mosconis asked if Mr. Clark, Engineering Technician, had a list of the roads. Mr. Pierce replied he has the City of Apalachicola and he is awaiting the revised list from the City of Carrabelle. Commissioner Mosconis said he would make a **motion directing the County Engineering Technician, Chris Clark, to begin work on compiling a list of roads needing paving and to proceed with advertising them for bids.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mayor Brown asked the Board to "keep in mind Ryan Drive and Three Rivers Road belong to the County" and he would ask the Board not to use City funds to pave these roads. Commissioner Mosconis stated this would be a lengthy project and probably go into this year's budget process. He said he would encourage and ask the Cities to inform the County how much they could provide in paving funding for next year's budget. He said "we need this for figuring purposes so when we start laying asphalt we will know how much money we've got to deal with".

(Tape 1-2886) Mr. Pierce said he asked Betty Taylor-Webb, City of Apalachicola Administrator, to be here when he informed the Board of the following: David Blevins,

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Florida National Guard, has contacted me regarding the two properties the National Guard currently controls in the County. The first parcel is the one-acre parcel owned by the County at the Apalachicola Airport that was leased to the Guard. The Guard it submitted a Release of Lease for the County to sign, which he has not given to the County Attorney yet. Upon effect, this Release would then return the land and the buildings to the County. The City of Apalachicola would like, in turn, to lease the property from the County. The City would like to move the City's Maintenance Yard away from Historic Chapman Botanical Garden so it can clean up that area of town. The City would be responsible for all maintenance on the building and yard. In the event of need, there is room at the site for the County to park equipment inside a locked fence. Commissioner Mosconis said he knew the City needed this property since they have relocated a lot of the infrastructure to this area. He said he would make a **motion approving the Lease to the City of Apalachicola the property owned by the County, currently leased to the Florida National Guard at the Apalachicola Airport, for \$1.00 a year.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said the City of Apalachicola would prepare the Lease. He asked for another motion authorizing the Chairman's signature on the Release from Lease between the Florida National Guard and Franklin County, contingent on review and approval of the document by the County Attorney, for this same property. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Release from Lease between Franklin County and the Florida National Guard contingent on review and approval of the document by the County Attorney.** Commissioner Creamer seconded the motion. All for. Mr. Pierce continued and read the following into the record: The second parcel is the Fort Coombs Armory Building itself here in Apalachicola. The Guard does not plan to reestablish a unit here, but the Guard wants to continue the ownership of the building, since it is the oldest Armory building left in the State of Florida. The Guard prefers to lease the Armory to the County for public uses, but if that fails they would open it up to private lease offers. The City of Apalachicola is interested in leasing this building also. The City understands the need for this large public building to remain in public hands as it has historically the only building large enough to handle large social and civic functions. The City will shortly begin renovating the City Hall building and is interested in putting the City of Apalachicola Police Department in the front two Armory offices, with the remainder of the building being kept open for public functions. The City would be responsible for regular maintenance and operation of the building. Any major maintenance is still an issue the Guard would have some responsibility for. Mr. Blevins would like an indication of the Board's interest by February 1, 2004 so he can report to the annual meeting of the National Guard Armory Review Board, which controls the disposition of National Guard property. He suggested the Board go ahead and accept the proposal by the National Guard for the use of the Fort Coombs Armory Building. Commissioner Mosconis said he talked to Lt. Colonel Blevins the same day Lt. Colonel Blevins talked to Mr. Pierce about this matter. He stated he thought this would be a good thing for Franklin County and he felt the building, being of historical significance, should be protected. He said he is happy the National Guard wants to maintain ownership of the facility. He stated Major Blevins told him he wants the County to offer the Guard a proposal for this building. He said the County would lease it from the National Guard, then sub-lease the building to the City of

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Apalachicola and expect the City to maintain the building and allow civic and social functions to be held in the building. He said, as part of the lease, the building should not be "touched" by the City of County in terms of restoration, etc. since it is an historical building. Commissioner Putnal asked why the County even had to be involved in this lease situation since the City wanted to lease it to begin with. Mr. Pierce replied the National Guard wanted the County to be the responsible party since the County Commission is considered the "hierarchy" in the County. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a letter of support or interest from Franklin County to the National Guard for leasing the Fort Coombs Armory building to the City of Apalachicola and directing the County Attorney to review all of these documents before the Chairman signs them.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3192) He said Mark Curenton, Assistant Planner, recommends the Board approve his submission of the Payment in Lieu of Taxes Application for Franklin County. He said Mr. Curenton is still working on the application, but would like for the Chairman to sign the application so it the request can be submitted to the State of Florida before the next Board Meeting. Commissioner Putnal made a **motion authorizing the Chairman's signature on the annual Payment in Lieu of Taxes Application for Franklin County for submission to the State of Florida.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3211) Mr. Pierce said David Wilder, representing Phipps Ventures, would like for the Board to reschedule the land use transmittal public hearing, which had originally been scheduled for considering in November. He explained Mr. Wilder had asked the Board, at that time, to table the hearing, but now Mr. Wilder is ready to move forward with the request. He requested the Board schedule the public hearing for February 3, 2004 at 10:30 a.m.-a regularly scheduled Board Meeting. Commissioner Mosconis said he thought the hearing should not be scheduled until the first meeting in March. Mr. Wilder said he would agree to whatever the Board decided, but did want to inform the Board the group's attorney, Bob Apgar, would be out of town on February 17<sup>th</sup>. Chairman Sanders suggested the hearing could be scheduled for the first Board Meeting in March. The Board informed Mr. Wilder and Mr. Pierce the public hearing for the Land Use Transmittal Hearing submitted by Phipps Ventures would be scheduled for March 2, 2004 at 9:30 a.m.

(Tape 1-3320) Mr. Pierce said the Planning and Zoning Commission met in Regular Session on January 13, 2004. He stated he attended the meeting along with Mark Curenton and Rachel Ward, staff from the Planning and Zoning Office. He said the P&Z Commission recommends approval of the following development in the Critical Shoreline District-all docks-with State and Federal Permits: Approval for John Field to construct a single-family dock on Lot 22, Block E, Alligator Harbor, 1296 Peninsular Circle, Alligator Point. Commissioner Putnal made a **motion approving the construction of a single-family dock for John Field, Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Frank and Cathy Gomez to construct a multi-family private dock on Lots 43 and 44, Alligator Point

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Subdivision, 1636 Alligator Drive, Alligator Point. Commissioner Putnal made a **motion approving the construction of a multi-family private dock for Frank and Cathy Gomez, Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3353) Paul Bosarge, SGI Plantation General Manager, interrupted the Board. He said he had submitted a card and was asking to be allowed to address the subject of the Phipps Ventures Project on SGI in the Plantation. He said he was the new General Manager at the Plantation on SGI and was asked by the SGI Plantation Board of Directors to come to the meeting this morning to make sure the representatives and residents of SGI are allowed to speak at the public hearing. Chairman Sanders informed Mr. Bosarge this is why they are called "Public Hearings" and publicly advertised with a date of time for the Board to discuss the particular request being made.

(Tape 1-3420) Mr. Pierce continued the P&Z Commission recommendations: Approval for the Birdsong Family Limited Partnership to construct a single-family private dock on Lot 10, Pelican Bay Subdivision, 26 Pelican Street, Alligator Point. Commissioner Putnal made a **motion approving the construction of a single-family private dock for the Birdsong Family Limited Partnership, Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Rick Klewein to construct a single-family private dock at 465 River Road, lying in Section 13, T7S, R5W, Carrabelle. Commissioner Putnal made a **motion approving the construction of a single-family private dock for Rick Klewein, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Gary Cook to construct a single-family private dock at 190 Harbeson Drive, lying in Section 8, T7S, R4W, Carrabelle. Chairman Sanders said she wanted to know how long the dock was approved for. Mr. Pierce replied it was discussed at the P&Z Commission meeting-most of the length was over a marsh area. Sylvia Keith, representing Docks-4-Less, presented the Board with a copy of the DEP Permit reflecting a map of the dock. Chairman Sanders said she was satisfied with the permit and the dock proposal. Commissioner Putnal made a **motion approving the construction of a single-family private dock for Gary Cook, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Frank Gomez to construct a single-family private dock at 215 Harbor Circle, Alligator Point. Commissioner Putnal made a **motion approving the construction of a single-family private dock for Frank Gomez, Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Tim and Christina Saunders to modify an existing commercial dock on Timber Island. Commissioner Putnal made a **motion approving the modification of an existing commercial dock for Tim and Christina Saunders, Timber Island.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** (Continued on Tape 2) P&Z Commission consideration of four items on the agenda all of which requested a change from C-1 Commercial Fishing to C-3 Commercial Recreation, the P&Z Commission held a long discussion. For the record, the four parcels are briefly described as follows: Tim and Christina Saunders-property on Timber Island; Annie Mae Wilson's property in Two-Mile in Apalachicola-Pete and Annie Mae Wilson; Lombardi's Seafood-property in Two-Mile in Apalachicola-Garlick

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Environmental, agent for the owners; and Buno Kolb's property in Two-Mile in Apalachicola-Garlick Environmental, agent for the owners. From various discussions and conversations held around the community, I believed there was some possibility that amending the existing C-3 Commercial Recreation District and then applying that new district to all of the C-1 would be a possible solution. Because of the closeness of the property, I was not supporting single parcels being rezoned. The P&Z Commission did not like the C-3 approach. They preferred keeping the C-1 Zoning, but amending that district to allow for additional uses. However, even with adding additional uses, P&Z was concerned with the impact non-seafood development might have on property values in the area, thus putting more financial burden on those existing seafood businesses trying to stay in business. In the end, P&Z recommended the Board hold a public hearing to consider amending the C-1 district and then return the results to the P&Z Commission for their comment. The basic idea would be to take the existing C-1 Zoning and move some of the existing special exceptions up to principle uses. The P&Z Commission did not make a recommendation on any of the four items on the agenda, but recommended the Board schedule a public hearing as soon as possible so that P&Z can have the results by their next meeting, which is February 10<sup>th</sup>. Joseph "Smokey" Parrish, a member of the P&Z Commission, said they did not have any specific recommendation for the Board to consider. He suggested the Board allow the public to come to address this situation at a public hearing. He said the Commission did recommend the Board consider changing some of the special exceptions to the C-1 Zoning, which would allow some recreational uses of this zoning district. He said this would allow the mixing of compatible industries with the Seafood Industry. He said guide services, a marina, or any industry water dependant should be compatible with the C-1 Zoning restrictions be allowed to become a principle uses. He stated he wanted to seek the public input to see if there was other things considered compatible with the C-1 Zoning District. Gayle Dodds, Chairman P&Z Commission, said the members of the Commission were concerned about the seafood dealers wanting to sell their waterfront property. She stated they were concerned about the seafood worker and where the seafood worker would sell and off load his catch. She said they felt there should be public input regarding how these seafood worker's feel about the changes in these zoning districts. She stated there should be an area where these workers could unload their catches for each day. Christina Saunders, Timber Island property owner, said she felt her property was totally different than the areas in Eastpoint and Apalachicola. She stated the property they own does not have an oyster house nor do they cater to the small Bay boats. She said their property is mainly used by shrimpers, nine-foot Gulf trawlers, of which there are very few left. She stated the boats are being put out of business because of the foreign imports. She said they have a fleet of nine boats, now they are down to two boats. She stated she didn't want her rezoning request to be "lumped together" with Eastpoint and Apalachicola. She said her situation was entirely different than these areas. Mr. Pierce said most of the areas in Carrabelle zoned C-1 have already been annexed into the City of Carrabelle. He encouraged Ms. Saunders to think about this. He said then she wouldn't have to deal with the County Commission. He stated everything but these two parcels, one belonging to the Saunders and one belonging to Ben Watkins, on Timber Island have all been annexed into the City of Carrabelle. Freda White, White Consulting, said the property on Ms. Saunders end of the County is totally different than Apalachicola and Eastpoint. She stated the Saunders



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can't make a living using the shrimping business. She said the Saunders should not be held up from having their property rezoned if the Saunders so choose. She encouraged the Board to allow a public hearing to hear public comment and consider the rezoning of the Saunders property from C-1 to C-3. After discussion Commissioner Putnal made a **motion directing Mr. Pierce and authorizing the scheduling of a public hearing to consider rezoning of the Saunders property on Timber Island from C-1 to C-3.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Then Commissioner Mosconis made a **motion directing Mr. Pierce to schedule a public hearing to receive public input on the matter of rezoning all C-1 property in Franklin County to C-3 for Tuesday, February 17, 2004 at 5:30 p.m.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders said she thought this property on Timber Island was a different matter all together. She stated she felt all of these rezoning should be done on a case-by-case basis. Katie McKnight, Oliver Nash, Willard Vinson, Paul Wilson, and Mary Lou Short all expressed their concerns about these rezoning issues and how important they were to all of Franklin County. Chairman Sanders reminded everyone the Board would have a public hearing on Tuesday, February 17, 2004 at 5:30 p.m. so the people who work could have time to come to the meeting without missing any work.

### **JOSEPH DONOVAN-CFO/VP FINANCE & ADMIN.-EMERGYSTAT**

(Tape 1-812) Mr. Donovan said he would like to request the Board conduct an Executive Session for approximately ten minutes to assess the Contract issues between Franklin County, DasSee Community Health Systems, LLC, Mike Lake CEO, and Mr. Donovan with EmeryStat, Inc. The County Attorney was had stepped out of the room at this time and so the Chairman waited until he returned. Mr. Shuler apologized to the Board when he returned to the room. Mr. Donovan requested the Board adjourn this meeting and go directly into an Executive Session to discuss the hospital lease the County has with DasSee. Mr. Shuler said he would need some additional facts regarding this matter before such action was taken. He asked Mr. Donovan if there was any litigation pending at this time. Mr. Donovan replied there was not, but there were some serious contract issues involving the ambulance service. Mr. Shuler stated he was not aware and felt there was "no way" the Board could go into an Executive Session this morning regarding this issue. He said he would certainly have to be provided additional facts. Chairman Sanders informed Mr. Donovan he should have informed the Chairman, the Clerk, the County Attorney, or the Board Secretary about the request he was making this morning. Mr. Shuler said unless there is pending litigation there is no exception to the Public Records Law he was aware of. Mr. Donovan asked if he could ask Mr. Shuler to just step out of the meeting at this time to discuss and determine if an Executive Session was needed. Mr. Shuler said he would be glad to speak to Mr. Donovan for a few minutes. Chairman Sanders asked Mr. Pierce to continue his report at this time.

### **ALAN PIERCE-CONTINUED**

(Tape 2-905) Mr. Pierce said he would continue his P&Z Commission report: Approval for a sketch and preliminary plat of a 3-lot subdivision known as "Pine View Cove" on property descried fronting on US Highway 98, about one-half mile west of Carrabelle Beach, request submitted by Garlick Environmental, agent for the property owner. The

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property is already zoned R-1. Commissioner Creamer made a **motion authorizing the Chairman's signature on the sketch and preliminary plat of "Pine View Cove"**.

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

Approval for the final plat of Phase I and Phase II "Summer Camp"-requested submitted by Billy Buzzett, agent for St. Joe Arvida. While P&Z recommends approval of the final plat Mr. Buzzett has requested the Board not take any action on this matter this morning. Dock Ordinance-the P&Z Commission has worked diligently for over a year to develop a dock ordinance, which would control the construction of docks such that historic uses of the water can continue. P&Z considers this ordinance a major step forward, and recommends the Board schedule a public hearing to consider the adoption of the Dock Ordinance. Commissioner Creamer asked Mr. Pierce to furnish a copy of the proposed Dock Ordinance to the needed parties, especially the Commissioners. Commissioner Putnal made a **motion authorizing the scheduling of a Public Hearing to consider the adoption of a Dock Ordinance as finalized by the P&Z Commission.** Mr. Pierce stated he would suggest the matter be considered sometime in March. He stated he would schedule a specific time and date later.

(Tape 1-987) Mr. Pierce said five entities responded to the County's notice on seeking proposals to operate the SGI Fishing Piers. He sated the following responded: Charles Pennycuff, Rex Pennycuff, Island Adventures-Larry Troy & Associates, and SGI Fishing Bridge, Inc.-John Soule, owner. He said all of the proposals or applicants offered slightly different proposals, which made it very hard to compare. He said, however, using the criteria established at the last Board meeting, which included financial accountability and maximum benefit to the community, the Board appointed committee consisting of Commissioner Mosconis, Mr. Wade and him, met and recommends the Board negotiate with SGI Fishing Bridge, Inc.-owner John Soule first. Commissioner Mosconis said he would suggest the lease should only be for twenty-four months to begin with. Chairman Sanders asked why the committee felt this was the best selection. Mr. Pierce said the Board instructed them to consider the financial accountability-maximum benefit of the piers this group had a better developed plan. He stated Mr. Soule also has a lot of experience in operating fishing piers since he has the Pensacola Fishing Piers. He said Mr. Soule was the only one who submitted a proposal that included parking on the piers. Commissioner Creamer made a **motion authorizing Mr. Pierce to negotiate with John Soule, SGI Fishing Bridge, Inc., for a two-year lease of the Old SGI Bridge Fishing Piers.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said this was the end of his report this morning.

**KENDALL WADE-CLERK**

(Tape 2-1133) Mr. Wade informed the Board he had received a letter from Janice M. Hicks, Business Manager, at the Franklin County Public Health Unit in Apalachicola requesting the County providing additional parking space at the Apalachicola Facility, located at 139 12<sup>th</sup> Street. He said the letter expresses the FCPHU concern about the possibility of accidents occurring as employees and visitors enter and exit the current parking area. He stated they are also concerned about the lack of needed parking for employees and visitors. He said the letter requests the County look into property surrounding their Apalachicola facility to see what might be available to expand the

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parking lot. He stated they suggest the land next to the Apalachee Mental Health facility or somewhere around the nursing home, which is now closed. Mr. Wade suggested the Board direct the County Engineering Technician to go out to see Ms. Hicks and determine what if anything could be done about this problem. Commissioner Mosconis made a **motion directing the County Engineering Technician to go to the FCPHU in Apalachicola-139 12<sup>th</sup> Street- and contact Ms. Hicks to determine what if anything could be done about their request regarding the parking problem at the facility.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

**JOSEPH DONOVAN-CEO/VP FINANCE & ADMIN.-EMERGYSTAT**

(Tape 2-1176) Mr. Donovan said he wanted to apologize for his request for an Executive Session this morning. He stated he was unaware this was not a common thing and against protocol. He said his company has had continuous problem with getting their subsidy payments from DasSee for the ambulance service. He stated the County already pays EmeryStat \$10,500.00 each month and DasSee is supposed to pay the other portion, \$5,000.00, of the subsidy. He informed the Board DasSee is behind in their payments to them \$35,000.00. Chairman Sanders said she was against the County paying any more money to EmeryStat since it was a contractual obligation of DasSee. Mike Lake, CEO, DasSee, said he knew they were behind in the subsidy payment. He stated he sent them \$10,000.00 in December and would promise to have the remaining balance due EmeryStat paid by February 15<sup>th</sup>. He said he has not talked to Mr. Donovan. He stated if the County wanted to increase his lease payment per month from \$10,000.00 to \$15,000.00 then the County could send the \$5,000.00 to EmeryStat. Commissioner Mosconis said he wanted DasSee to honor their commitments. Mr. Lake said there is a cash flow problem and explained how the insurance payments work. He explained how Medicaid and Medicare as well as private insurances pay only a portion of the hospital bills and costs submitted to them. The Board asked Mr. Lake to meet with Mr. Donovan this afternoon and instructed them to "work something out about this serious situation". Commissioner Putnal said he wanted to bring something to the Board's attention this morning. He stated when the Life Flight air ambulance flies into the hospital in Apalachicola the hospital staff has to call the City of Apalachicola Volunteer Fire Department to bring their fire truck to shine their lights on the helipad if it is dark or bad weather. He said the County should make sure the helipad is properly lighted since this is a life or death situation and the truck might not be available each time. Mr. Lake said he remembered when the new Health Department was built the hospital helipad had to be moved to the front lawn of the hospital. He stated he thought the County would have lighted the pad then, but nothing has been done. He said he thought someone had already run the conduit for the lights. Commissioner Putnal made a **motion directing the County Engineering Technician to plan, arrange and install the proper lighting for the helipad at George E. Weems Memorial Hospital in Apalachicola.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** The Board said they wanted the Engineer to know this was a serious matter and needed to be done as soon as possible.

(Tape 2-1792) Commissioner Putnal said his wife was in the local hospital over night this past week. He stated he was very pleased with the care from the staff and the

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physicians at the hospital. Chairman Sanders recognized Dr. Pierce from the local hospital and asked him if he would like to address the Board about this morning. Dr. Pierce replied he would like to ask the County to provide an additional ambulance for use in the County. He said when one ambulance is out of County with a sick person there is not another ambulance available for use. He stated recently when one of his patients needed to be moved to Panama City they had to wait four to six hours for an ambulance just to be transported. Commissioner Mosconis interrupted Dr. Pierce and said ask if Mr. Donovan was already gone. Chairman Sanders said Skip Chormicle, EmergyStat, was here at the meeting. She asked Dr. Pierce to direct his problem to EmergyStat. She stated she knew there was money available to purchases ambulances through the County. She said there was no excuse, other than EmergyStat just not pursuing the purchase of an ambulance, for the County to be without an extra ambulance. Chairman Sanders instructed Mr. Chormicle to meet with Dr. Pierce before he left town today about this problem. Commissioner Mosconis said he was very happy with the operation at the hospital. He stated he goes to visit the hospital often. He said since Dr. Pierce has taken over the emergency duties there has been a remarkable change in the hospital. He stated he is very, very pleased with Dr. Pierce. Mr. Wade said he did want to inform the Board the hospital has paid their rent through the first of this year.

**KENDALL WADE-CONTINUED**

(Tape 2-2030) Mr. Wade said he wanted to read the following into the record: This is to inform the Board, effective March 1, 2004, the Finance Office will no longer provide payroll deductions for Professional Life Insurance, Freedom Life or Woodmen of the World Insurance companies. We have already notified the Insurance Companies and the employees. We have had numerous problems lately some want to charge a late fee if the premium is not received by a certain day and our payroll falls on different days each month. On some of the insurance, over the years, people have retired or dropped the insurance and we are doing deductions for just one or two employees. And one insurance company is forever increasing premiums and sending invoices with the increased amounts.. We have informed them that our payroll department does not have the authority to change the employees' deductions without the employees' permission and it is not the Payroll Department's job to take care of their work. The salesmen come and sell the employees the insurance and then sit back and wait on us to mail them a check. One insurance company holds our deduction check in a suspense account until another check comes in and then makes one month's premium and puts the balance back in the suspense account until it has accumulated enough to pay the premium so, although we are deducting and mailing an amount in the employee may still have their insurance cancelled after a period of time, because it will always be late and may lapse. When an employee needs to make a claim they come to the Finance Office and they cannot help them file a claim. Therefore, the decision was made to get out of the insurance business unless the insurance company has a local person that will handle all the problems that come up. This does not have anything to do with the Life-Health and Dental insurance the County provides for it's employees and it will not affect these insurance companies. Mr. Wade said he just wanted to inform the Board of this matter and assured the Board his office had already notified the employees who this applies to.

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(Tape 2-2101) He said the State of Florida Division of Retirement (DOR) completed an audit of Franklin County for the last quarter of 2003. He said each Commissioner had received a copy of these audit findings however he needed to announce these findings for the Board record. He read the following into the record: 1. The Board has in their personnel policy-that when an employee retires, that is the only time they are allowed to be paid for sick time (up to 320 hours), which is fine-but no retirement can be paid on sick leave. If your policy has the sick and annual or vacation time combined then you can pay retirement on all of it up to 500 hours. 2. Any employee out on Workman's Compensation, not receiving a regular pay check from the County, still has to have retirement paid for them to the State on what that employee would have made if they were drawing a regular check. 3. When an employee retires the Board pays the employee any vacation time (up to 160 hours) sick time (up to 320 hours) and any comp time that is on the books at time. The Board does not have a limit on the comp time. We do not keep track of when comp time was earned. We can only pay retirement on the comp time earned by the employee the last 11 months of their employment. 4. The Board has previously given raises to employees fixing to retire, around \$5,000.00. No retirement can be paid on this money. Now, the Payroll Department has 60-days to make adjustments, back to May 1985, on any employees these findings affected and report it to the DOR. He informed the Commissioners some of the retirees might approach them about these adjustments, which should or might cause an adjustment in their monthly retirement checks. He said this is not something the County has implemented, but something the State is going to require the County to comply with. He said if anyone has any detailed questions or concerns they can call Ethel Jenkins or him at the Clerk's Office.

**THOMAS M. SHULER-COUNTY ATTORNEY**

(Tape 2-2248) Mr. Shuler said he had been working with the County Engineer, Chris Clark, on the low-water crossing proposal for the Thom Lewis property on SGI. He said the matter is still in litigation and he is going to furnish some written specifications on this proposal to Mr. Lewis attorney.

(Tape 2-2270) He informed the Board he still did not have any Hold Harmless or Indemnification Agreements from the City of Carrabelle.

(Tape 2-2275) He said he had a purchase contract prepared for the property on Dog Island being donated to Mr. Berger. He stated there has been some additional information regarding this matter received by Mr. Pierce. He told the Board Mr. Pierce is going to have to investigate this matter further before anything else can be done.

(Tape 2-2289) He stated he reviewed both Apalachicola Airport Projects to determine if they met the Competitive Consultants Negotiation Act. He said he would take further with Mr. Mosteller, AAAC Chairman, about this. He stated he didn't feel this statute applied to either of these projects.

(Tape 2-2311) He said the Eminent Domain litigation projects on Alligator Point are moving forward. He stated Mr. Pierce was contacted by one of the lot owners who did

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not want to originally sell his lot to the County, but is now considering selling the lot to the County instead of having to have the property taken under Eminent Domain. He said he and Mr. Pierce are continuing to work on this matter.

(Tape 2-2336) He said he looked into the Box R Ranch Road, even though he was instructed not to, to see if his dad, the former County Attorney, remembered anything about this road. He stated his father couldn't remember much about the Box R Ranch and was not sure the road went all the way down to the river or not.

(Tape 2-2356) He said he had prepared the First Addendum to the Title V Grant, #Q4506, the Board approved for Franklin's Promise for the Board to authorize the Chairman's signature on this morning. He said the addendum basically provides that the County can terminate the grant for convenience at any time without restriction and that the County would not be liable for any repayment obligation or cash match obligation of any kind. He said the grant is in the amount of \$100,000.00. Commissioner Putnal made a **motion authorizing the Chairman's signature on the First Addendum to the Title V Grant, #Q4506, between Franklin County-Franklin's Promise and the State of Florida Department of Juvenile Justice in the amount of \$100,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Bob Connor, Franklin's Promise, said his group had met with Mr. Shuler on two occasions and reviewed the addendum with him. He said he felt Mr. Shuler had the County's best interest at heart and is trying to protect the County. He stated the DJJ has never had any such addendum to one of their grants and they have never had anyone question this "blueprint" before. He said this document needs to be sent to the State to see if their group can move forward with the grant.

(Tape 2-2536) Mr. Shuler said he had read the provided copy of the Franklin County Personnel Rule-Revised April, 2001 Section 14.04 that was discussed this morning. He stated he feels, as the Clerk does, at best it would be considered double payment, but there is some language in this section, which certainly needs to be cleaned up a little bit. He asked for the Board's permission to contact Lucy Turner, Labor Attorney, to see how this matter can be cleared up. Commissioner Mosconis said he wanted this matter to be cleared up once and for all. He stated the Board's intent was to never pay any employee triple time for their work. He said Mr. Shuler had clear instructions on how to clean up this policy. Mr. Shuler said the section is clear about using comp time. He said the policy states the comp time must be used within 60-days of the holiday and if they don't take the time off then they lose the hours. He stated if the employee request for the comp time off and they cannot take the time off within the 60-days the comp time is extended either by the Department Head either for an additional 60-days or they get paid their regular wages. Mr. Wade said he would like to know what the Board wanted to do about this matter. He said once the matter is corrected, rather than deduct the hours from the employees pay check, his office be allowed to take the hours from their comp time earned by the employee. Commissioner Mosconis made a **motion directing the Clerk's Office-Payroll Department to correct the overpayment to employees of their holiday pay for Christmas and Thanksgiving by deducting the hours from their earned Comp Time.** Commissioner Williams seconded the motion. All for. **MOTION**

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**CARRIED.** Chairman Sanders said she wanted it conveyed to the County Employees the Board considered this to be double-time not triple time for the employees.

**CHAIRMAN SANDERS**

(Tape 2-2667) Chairman Sanders said at the last meeting the Board and Mr. Pierce discussed the CDBG funds for LV and Twin Lakes. She asked Mr. Pierce if Mr. Curenton had made any progress on the bid packages, etc. Mr. Pierce went to get Mr. Curenton at this time. Mr. Curenton came into the meeting and said the County is still waiting on the final paperwork from the State. He said they have to give the County a letter approving all of plans before the County can move forward with the project. He explained Ms. Belcher, the consultant on these projects, has informed Preble-Rish, Inc. to go ahead and schedule their surveyors to go to LV to begin their survey of the easements for the drainage pipe installation. He stated then an appraisal has to be completed on these easements and these easements must be acquired by the County either by donation or payment. He said it would probably be late spring or early summer before any work is actually started on the LV Project. The Twin Lakes in Eastpoint project should be moving ahead shortly. He reiterated the State has the plans and the County is just waiting on them to approve the plans.

**COMMISSIONER CREAMER**

(Tape 2-2791) Commissioner Creamer ask Mr. Pierce if he had found out why Begonia Street in Eastpoint had been cut. Mr. Pierce replied the Eastpoint Water and Sewer Company cut across the road. Mr. Pierce said he called the Company and they have assured him they will fix the road immediately. He stated they told him they would patch the cut with asphalt.

**TED MOSTELLER-AAAC CHAIRMAN**

(Tape 2-2837) Mr. Mosteller said there was a pending FAA Grant from 2003 in the amount of \$150,000.00. He stated the Board instructed the Airport Committee to postpone this grant until this year, 2004. He said he was advised the County sent a letter from FAA advising the County to "get underway" with this project for this year's grant cycle. Mr. Mosteller asked if anyone had seen this letter. Mr. Pierce replied he hadn't seen any such letter. Mr. Mosteller said he would check with FAA about the letter and exactly where or who the letter went to.

(Tape 2-2903) He stated the National Guard Armory the County was going to let the City of Apalachicola use at the Apalachicola Airport belong to the County as airport property. He said the County would need to receive fair market value in rent payment for this lease. Commissioner Mosconis stated the County was going to get \$1.00 a year for the lease and that was it.

**SHERIFF BRUCE VARNES-INMATE MEDICAL**

(Tape 2-2963) Sheriff Varnes said he had called to get on the agenda this morning, but the agenda had already been prepared. He thanked the Chairman for recognizing him this morning. He said he was here again to inform the Board the County had budgeted him \$75,000.00 for inmate medical care. He stated he did want the Board to know there is an

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individual at the Jail. He said this individual was arrested for a crime and is an individual who is accumulating a large amount of medical bills each month. He stated he was just telling the Board about this situation this morning. He said he didn't know how long this individual would be in jail. He reported he negotiated with the hospital in Tallahassee to take care of this individual at a reduced rate. Sheriff Varnes said he would estimate it is going to cost the County approximately \$5,000.00 per month for this individuals care. Commissioner Putnal said he remembered when the Budget was done the Board assured the Sheriff they would help him if the medical costs at the Jail exceeded the allotted funds. He said he could assure the Sheriff, if he would take care of the individual, the Board would support him if he needed it. He said he had contacted the State Attorney and the Judge about this matter. Commissioner Mosconis asked if the individual couldn't "plea out" or something. Sheriff Varnes said he had talked to everyone he needed to, but their was a victim involved in this crime too. He stated he would do everything possible to keep these medical costs to a minimum, but there are judicial proceedings, hearings, etc. that the victim and this individual had a right to have. He said it is hard to put a time line on a situation like this. He thanked the Board for allowing him to discuss this matter with them this morning.

**STEVE FLING-FCUFA PRESIDENT**

(Tape 2-3100) Mr. Fling said the Board had asked his group to prepare a proposal for increasing the MSBU tax based on the height of houses. He stated they were proposing any home constructed three levels or above be charged a higher MSBU tax. He said the first level would be considered such because it was on pilings of four-feet or more, then the second level and a third level. He stated a house on grade would basically be a first level, second level and third level. He said anything above the third level would pay an increased MSBU tax. He stated they would propose twelve-feet per story, twenty-four feet for two stories, etc. He said a minimum height of twenty-eight feet would be imposed since this is the highest level the fire truck can perform rescues for. He said they would propose everybody in the County in a single-family resident would still pay \$42.00 per year, areas where the current fire trucks could reach. He said a aerial fire truck would cost approximately \$750,000.00 and this would mean the houses with three levels would be charged five times the fee. He stated \$42.00 times five is \$210.00 per year for a home three-levels. He said they would propose a fee for vacant property; a fee for up to five contiguous acres, owned by the same person to be \$30.00 and \$60.00 for five acres and above. He explained if a person owned 1,000 acres the MSBU rate would still be \$60.00. After discussion Commissioner Creamer agreed to make a **motion authorizing the scheduling of a public hearing to address this request for an increase in the MSBU Taxes or an Amendment to the MSBU Ordinance.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**TOM ADAMS-SGI**

(Tape 2-3490) Mr. Adams asked what the final decision on a date for the Land Use Transmittal Public Hearing concerning the Phipps Ventures Project on SGI was. Mr. Pierce replied it would be scheduled for March 2, 2004 at 9:30 a.m.

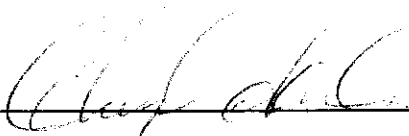


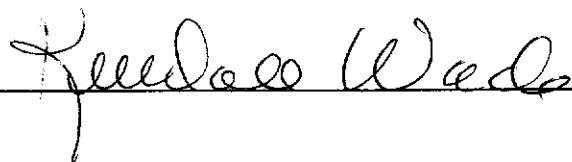
**REX PENNYCUFF-EASTPOINT**

(Tape 2-3520) Mr. Pennycuff said he was here to address the Boat Ramp in Eastpoint. He said he knew Commissioner Putnal had asked Mr. Pierce to call the Harris Brothers to see if they could dig the boat ramp out so boats could get out of the channel. Mr. Pierce assured Mr. Pennycuff the Board is trying to have the Eastpoint Boat Ramp cleaned out. He said he had called the Harris Brothers, but had not been able to call them back. He said the County is willing to spend some money to get the boat ramp fixed.

Commissioner Creamer said the County is going to try to buy the Millender Property in Eastpoint for water access as well. Chairman Sanders asked what the status was on the USCOE dredging project for the Eastpoint Channel was? Mr. Pierce replied he thought the channel would be dredged this year, but he didn't think the USCOE would make enough progress to get to the boat ramp any time soon. Chairman Sanders said she was astonished that it was going to be this year or next before this dredging project was done. She stated the County lobbied Congress and received 1.5 million dollars to have the channel dredge and then it is going to take two or three years before it is done. Chairman Sanders said this upset her and stated the money for this project had better not be used for anything else. Commissioner Putnal told Mr. Pierce if he couldn't get in touch with the Harris Brothers to let him know. Chairman Sanders asked the Board to authorize her to get in touch with the Harris Brothers to see if they would dredge the Eastpoint Boat Ramp. Commissioner Putnal made a **motion authorizing the Chairman to contact the Harris Brothers to ask their assistance in dredging or cleaning out the Eastpoint Boat Ramp-Channel.** Commissioner Mosconis seconded the motion. All for.  
**MOTION CARRIED.**

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

  
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CHERYL SANDERS, CHAIRMAN

  
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KENDALL WADE, CLERK