

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 3, 2004**

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

ABSENT: Commissioner Eddie Creamer.

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

(Tape 1-21) Commissioner Putnal made a **motion to approve the minutes of the meeting held on January 20, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-26) 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 1-34) Mr. Chipman said he wanted to inform the Board the Road Department was removing all of the lime rock off of Timber Island that Mr. Watkins had stored there. He stated the County had purchased all of the lime rock from Mr. Watkins.

(Tape 1-48) Commissioner Putnal said he appreciated Mr. Chipman "jumping on them problems he had on the back roads in Eastpoint". He stated the water is draining out there and the people are really pleased.

(Tape 1-65) Chairman Sanders asked about the Carrabelle Sports Complex. She asked Alan Pierce, Director of Administrative Services, if the County, in order to do the site prep for this project, would jeopardize the FRDAP Grant for this project? Mr. Pierce replied the County has received one of the grants, but the County has not received the grant for the actual construction of the park. He said the grant was used to purchase the property for the park. He stated any work done at the site at this time might not be applicable to the "in-kind or match" requirements for the grants. He said he felt sure there would be plenty of other things the County could use toward the "in-kind or match" requirements for the grant. Chairman Sanders asked Mr. Pierce to schedule a meeting with Mr. Chipman and Van Johnson, Director, Parks and Recreation Department, to discuss a plan for this park. Mr. Pierce asked Mr. Chipman if, before he left today, he would check with Mark Curenton, Interim County Planner, about the status of these FRDAP Grants for the Carrabelle Sports Complex. Chairman Sanders said there are several old oak trees at the site and she would like for these trees to remain on the site. She suggested a picnic area be designed for the areas underneath the oak trees.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-141) Mr. Johnson said, at the November 4, 2003 Board Meeting, he asked the Board to consider the adoption of a policy governing the expenditure of Parks and Recreation Funds for youth sports teams or individuals selected to participate on youth sports teams. He stated the Board postponed any action on the matter until the County Attorney had an opportunity to review the proposed policy. He explained he has talked to the County Attorney, Mr. Shuler, and has been informed by him the matter or decision to spend these funds are solely decided on by the Board of County Commissioners. He said some counties provide this service, while other counties leave it up to the private sector. He said it has also been the past practice of this Board to provide such a service to the youth of the community. He stated the adoption of the proposed policy would make a formal written policy of the amount to be spent on any one individual or team and the criteria for when and what the funds are to be spent for. He asked the Board to consider a spending policy governing the expenditure of Park and Recreation Funds on youth sports teams or individuals selected to participate on youth sports teams. Commissioner Mosconis asked if this wasn't what the Board was doing anyway? Mr. Johnson replied, in his opinion, it was. Commissioner Mosconis made a **motion to adopt a policy entitled "Youth Sports Teams or Individual Funding" to be used in the budgeting of the Parks and Recreation Budget.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-178) He said the County Attorney has also finished reviewing the matter of the boat trailer owned by Chris Millender that was picked up from the County right-of-way in Carrabelle. Commissioner Putnal said he understood Mr. Johnson to say the trailer was still at the Landfill. He stated if the trailer is there why couldn't the County just give the trailer back to Mr. Millender. He said this was information provided to him when he returned from vacation in January. He stated, in reality, the trailer was buried in the Landfill. Chairman Sanders said she wanted Mr. Johnson to check and make sure the trailer was not anywhere at the Landfill. She stated if it could be found then it needed to be returned to Mr. Millender. Mr. Shuler said he would agree with this decision. Chairman Sanders instructed Mr. Johnson to look all over the Landfill property to see if the trailer could be located. Mr. Johnson assured he would continue to try and solve this problem. He said he would report back to the Board regarding this matter at the next Board Meeting.

(Tape 1-221) Commissioner Williams said he was approached last week by several of the wives of the employees at the Landfill wanting to know where their husband's paycheck was. He stated they told him the Road Department employees received their paycheck on Thursday. He said he told them the Road Department didn't work but four-days a week so Thursday was their Friday and they should have gotten their checks. He stated he told the wives they would get their husband's paycheck on Fridayday. He asked Mr. Johnson what day they receive their paychecks on? Mr. Johnson said there is a scheduled date for the paychecks to be given to his employees. He stated he has sent each of his employees a memo informing them of their pay dates and when they are supposed to receive their checks. He said the County payroll is scheduled for the first

and the fifteenth on the month. Mr. Wade stated he wasn't aware of any holdup on any ones paycheck. Mr. Wade said he would check into the matter.

(Tape 1-250) Commissioner Putnal asked Mr. Johnson if he had made any decisions about the recycling bin at the Kiddy Park in Carrabelle? Mr. Johnson replied the County had purchased the property next to Sands Field in Carrabelle. He said the containers are going to be put there evidentially. Commissioner Putnal said he had been contacted by a "parent" whose kid had gotten into "that mess" around the recycling bin at the park. He stated this is an unsafe situation for any child. Mr. Johnson said these type problems occur wherever you put a recycling bin at. He stated it is one of those cases where everybody wants a recycling bin, just not in "their back yard". He asked Commissioner Putnal where he wanted him to put the recycling bin. Commissioner Putnal replied he would like the recycling bin moved to the County property at Sands Field. The Board instructed Mr. Johnson to try and remedy this situation and to make sure the bin is moved from the Kiddy Park in Carrabelle.

BILL MAHAN-SOLID WASTE DIRECTOR

(Tape 1-356) Mr. Mahan updated the Board on several items such as: The FY 04 Omnibus spending bill implementing a mandatory country of origin labeling for all covered commodities i.e. beef, lamb, pork, fish, perishable agricultural commodities and peanuts except wild and farm-raised fish and shellfish, which was delayed until September 30, 2006; The request to assist with a project between the Marine Resources Assessment Group-Americas, Inc. and NOAA to gather socioeconomic data on offshore shrimp fishermen in the Gulf of Mexico, which would help NOAA Fisheries and the Gulf of Mexico Management Council in making management decisions currently arrived at using 1992 data; The ISSC Vibrio vulnificus Education Subcommittee and the Vibrio Management Committee meetings scheduled for March 10th and 11th in Orlando; and providing the Board with a copy of a scope of work proposal for the spot treatment of Japanese Climbing Fern along the culvert areas on Highway 65 with herbicide. He informed the Board this plan requires the use of herbicides, which give good long-term control and are environmentally safe to use in the proposed areas. Commissioner Mosconis instructed Mr. Mahan to "stay on top of this situation". He said the County wanted Mr. Mahan to be the "point person" in this project. Chairman Sanders informed Mr. Mahan that if there were a contamination problem the Board would be "looking at him".

(Tape 1-605) Commissioner Mosconis said he didn't see anything on Mr. Mahan's report this morning about the boat ramp subject. He stated he thought Kendall Wade, Clerk of Courts, might have something to report to the Board this morning regarding the boat ramp proposal for the area on Bluff Road. Mr. Wade said he had talked several times with Don Poindexter, FWC, over the past few weeks about the Bluff Road area. He said Mr. Poindexter has told him the State of Florida agencies are excited about this proposal. He stated this property around Bluff Road has been purchased by the State of Florida from St. Joe. He said Mr. Poindexter suggested the Board should apply, in conjunction with FWC, for a grant to construct this boat ramp. He stated the County already has an agreement with the State to maintain all of the State Boat Ramps in

Franklin County. He said he would invite Mr. Poindexter to the next Board Meeting. He stated he felt this was a "doable project" and Mr. Poindexter was supposed to get back with him this week sometime. Commissioner Mosconis asked Mr. Wade if he wanted the Board to instruct Mr. Mahan to assist him with this ongoing process. Mr. Wade asked Mr. Mahan to wait until he heard something back from Mr. Poindexter he would contact Mr. Mahan so the County could move forward with this project. He assured the Board the State of Florida FWC was excited about this project and that he would continue to pursue this boat ramp.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-686) Mr. Pierce submitted the St. James Bay Annual Report to the Board. He said it is the second Annual Report for St. James Bay.

(Tape 1-695) He presented the Board with a copy of the 2003 Year-End Building Report. He informed the Board the total revenues collected by the Planning and Building Department was up \$40,000.00. He said revenues were up to \$306,000.00 in 2003, from \$262,000.00 in 2002. He stated the R-1 dwellings were down from 2002 and that in 2003 there were 144 housing starts, 2002 had 162. He said the increase in revenues were a result of increase in the building permit fees and additional contractor registration.

(Tape 1-710) He informed the Board he spent most of the last week in Orlando, which was the required Annual Emergency Management Conference in Orlando. He said the information he wanted to convey to the Board was it would harder to qualify for a presidential disaster declaration, which is necessary to receive FEMA funds. He said, evidentially, too much federal money has been spent on disasters, so the federal government is raising the amount of damages it would take before a community would become eligible for FEMA funds. He said this means the County Reserve for Contingency Budget could be an important part in funding any repairs to roads and County property that do not receive any federal assistance. He said the federal government has raised the threshold for damages to 17 million dollars per County before any County is eligible for reimbursement from disasters.

(Tape 1-738) Mr. Pierce said Steve Fling, Alligator Point, is here this morning to discuss with the Board some of his ideas for the development of the Alligator Point KOA Campground. He said Mr. Fling is interested in providing certain public amenities to the County in his proposed project. He explained that while Mr. Fling is developing his plans, the County is still pursuing the County's acquisition of the campground from the current owner. He said the current owner has not informed the County he wants to stop all negotiations for the purchase of the campground by the County. Chairman Sanders said she wanted to make sure Mr. Fling was going through all of the necessary steps to pursue this project. Mr. Pierce told Chairman Sanders Mr. Fling was doing this and would continue on with the process. Chairman Sanders said she thought the land had not been sold to Mr. Fling yet. She stated she thought this discussion was premature at this time. Mr. Pierce asked the Chairman if she would allow Mr. Fling to address the Board at this time. The Chairman recognized Mr. Fling. Mr. Fling said the reason the group he is representing asked Mr. Pierce to address the Board regarding this issue is because his

group is trying to buy this property and he knew the County has received a grant from the State to use toward the purchase of this property as well. He said they are projecting a closing date for his group within the next several months. He stated, he is hoping, they can utilize some of these grant funds to build a boat ramp, which has deep-water access for the County. He said they would also offer parking for the beach area. He said the reason he wanted to bring this to the Board's attention this morning is because there are strict time lines on these grants. He stated he would like for the Board to give his group some idea as to what they would like in this development. He explained they would also like to know what the Board wanted to do with this "road". He asked the Board if they would like for them to plan to have the road redirected so it would travel through the back of the campground or did they want the road to remain out front like it is.

Commissioner Mosconis said he thought this was a "no brainer" as far as he is concerned. He stated he would like to see the road rerouted as this group was volunteering to do. Mr. Pierce said the only problem with relocating the road at this point is the County's ability to "put the beach back". He stated the County needed room for heavy trucks, equipment, etc. Commissioner Mosconis said he knew this problem could be easily solved. Discussion continued until the Chairman interrupted the discussion to open bids for the SGI Entryway Landscaping Project.

BIDS-SAINT GEORGE ISLAND ENTRYWAY LANDSCAPING PROJECT

(Tape 1-1069) The Clerk announced the opening of bids for the SGI Entryway Landscaping Project. He read aloud the following bids: Island Home Landscaping, Inc. in the amount of \$85,235.00 and Coastal Design and Landscape, Inc. in the amount of \$134,322.08. Mr. Wade recommended the Board submit these bids to the County Engineering Technician, Chris Clark, who was the project leader, for his review and recommendation. Commissioner Putnal made a **motion to submit the bids to the Chris Clark, County Engineering Technician and the project leader for this project for review and recommendation.** Commissioner Williams seconded the motion. All for **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1139) Mr. Pierce said he would continue the discussion about the Alligator Point Campground KOA and it's pending purchase by a private group of citizens instead of the County. He stated the County has a contract with Preble-Rish, Inc. for the Beach Renourishment Project at the beach in Alligator Point. He said this is the shoreline stabilization project that has been ongoing for several years. Ken Osborne, President of the Alligator Point Taxpayer's Association (APTA), addressed the Board at this time. He informed the Board APTA has several concerns at this time: the ownership issue as to whether the owner is Mr. Fling or the current owner is the responsible party for these Planning and Zoning Commission requests; the road issues for both roads; and the provision of written, certified surveys for this project. Chairman Sanders asked the County Attorney if he would mind finding the actual owners of the right-of-ways in these areas? Mr. Shuler replied if the Board so directs him to do this he would. Chairman Sanders said she felt this was very important. Commissioner Mosconis stated this is still the best "carrot I seen thrown at this government" in many years about Alligator Point. He said these items Mr. Osborne is so concerned about should and would be addressed at

the Planning and Zoning Commission meetings and many of the other items would be addressed in the total process for the project. Mr. Shuler said he did want to state the discussion this morning with Mr. Fling was appreciated, but he didn't want Mr. Fling to think the Board is obligated in any way to him or his group. He said Mr. Fling had asked for "guidance from the Board" for their planning purposes and he wanted to make sure Mr. Fling did not totally rely on what was discussed here today. He stated the Board is "free" to go with any plan they choose too during the process. Mr. Fling said he would only like to know is whether the County would like to pursue the relocation of this road. Mr. Shuler said he wanted the record to be clear all of the options for this project are still wide open for the Board. Commissioner Mosconis said he thought this should be done even without saying. He stated he would like to wait until the ownership issue is settled and several other items are settled, but he knew the County has wanted the road relocated for a long time. Commissioner Putnal stated he has seen this road used up a lot of money, equipment and employee time. He said he felt like this road has taken up all of the time and energy for a while, but he felt the road being relocated would be very beneficial to the County and the taxpayers as a whole.

MAYOR JIM BROWN-CITY OF CARRABELLE

(Tape 1-1654) Mr. Brown said he was here to update the Board on the water and sewer situation between the City of Carrabelle and Lanark Village. He stated he had meeting with the water and sewer commission and some of the problems were resolved. He said he felt "they were trying to be held hostage" in taking over the LVW&SD in order to install their infrastructure for the City of Carrabelle along US Highway 98. He said the problem with the City of Carrabelle taking over the LVW&SD is the City can't take over responsibility of the sewer system without taking responsibility of the water system. He said the City just couldn't afford to do this. He said the sewer system is \$680,000.00 in debt and the City cannot assume this debt. He stated this just couldn't be done. He said the citizens do not want to give up their water system. Chairman Sanders said she received a telephone call from one of the LVW&SD Commissioners yesterday afternoon at 11:45 a.m. to inform her there was a meeting scheduled for 2:00 p.m. that afternoon and wanted her to attend. She said she was not able to go to the meeting. She stated this LVW&SD Commissioner informed her the engineer for Baskerville-Donovan told them the entire County had approved a City of Carrabelle Master Plan. She said she asked him to show her this information in the County records, which they could not do. She said this Board, as far as she knew, had never taken a vote on the City of Carrabelle Master Plan Water and Sewer Project. She asked if Mr. Keck, this engineer she has been talking about, did make this statement? Mayor Brown said he did attend that meeting however he didn't remember that statement being made. Chairman Sanders said Fred Hart and another LVW&SD Commissioner called her and told her what Mr. Kleck said. She said she wanted everyone to know the County Commission is not involved in this matter and does not want to be put in a situation where they would be. Mayor Brown said he did inform the group of people at this meeting that the County did not want to be involved in this situation. Chairman Sanders said she said, "The County didn't have any place in it". Commissioner Mosconis stated the County didn't own any utilities in the County. He said the County really did not want to be in this business. Commissioner Mosconis said these Hold Harmless Agreements the County is asking the City of Carrabelle to sign for

their use of County ROW for installation of the infrastructure. Mayor Brown said he was here just for that purpose this morning to have all of the Hold Harmless Agreements signed by the Board, but he didn't want to come to the Board every time the City had to run a one-inch line under a County road he is going to take up all of his time and all of the Commissioners time. Chairman Sanders said she felt the City of Carrabelle needed to ask the County before any County ROW is used in any way. Mr. Pierce said the County had to know where the infrastructure was being installed on, around or under the County ROW. He said the issue of a Hold Harmless Agreement might be something entirely separate however he has always thought this was a process for the protection of the County. Mr. Shuler explained one of the issues is the running of sewer lines through the County ROW's should concern the Commission in case there is a break or a leak in one of these lines and contamination should occur. He said these Hold Harmless Agreements are not meant to hold any project up or cause any problems. Commissioner Mosconis said he didn't feel "you didn't have to get around here and get a whole bunch of retroactive documents signed up counselor, if you want to go that route". He continued to say he thought there were political fighting going on between a City government and a small utility in this County. He said the City has millions of dollars in the bank for improving the utility system and the water and sewer district in question does not. He said there is some bickering going on that has gotten a little bit too petty, in his opinion. He stated the people living in these areas are the ones suffering. Chairman Sanders said this thing really bothers her the fact they never did contact the County about anything and now, since there are both at a stalemate, they want the County to resolve the issues. Commissioner Mosconis said everybody, knew when all of these new projects like the St. James Bay project, was being developed the need for water and sewer infrastructure. He said this is not new and nothing was just begun last year. He said the City of Carrabelle has nearly 15 million dollars sitting in the bank to do these improvements in that end of the County. He said he does not like the "tone" of these discussions and he would like to see them "nipped in the bud". Mayor Brown said the City of Carrabelle did get a grant for a sewer plant, which cost approximately 5 million dollars. He stated the life of the sewer plant is approximately 25-years and so the City of Carrabelle has to come up 5 to 7 million dollars during the next few years. He said the City couldn't assume sewer areas costing money already. He stated if the LVW&SD wanted the City to assume both the water and sewer utilities. He said then the City could manage the system. After discussion Chairman asked if the Board would approve the City of Carrabelle's request to install utility lines on River Road in Carrabelle. Commissioner Mosconis made a **motion authorizing the City of Carrabelle to use County ROW to install utility lines on River Road in Carrabelle.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3010) Mr. Brown submitted the Indemnification, Defend, and Hold Harmless Agreements agreed to by the County Commission as follows: County Road 376 County ROW for a utility easement and County Road 67 for a utility easement. He said these documents were already approved, but just need to be signed. **NOTE TO FILE:** These documents will be in the February 3, 2004 FCBCC File.

ALAN PIERCE-CONTINUED

(Tape 1-3060) Chairman Sanders recognized Ann Maruszak, Alligator Point, at this time. Ms. Maruszak presented several letters from concerned citizens in Alligator Point. She said the letters express all of their concerns about the proposed development and acquisition of the Alligator Point KOA Campground. She said she was concerned about the roads on Alligator Point and which roads are and would be designated as Emergency Evacuation Routes during emergencies and what would happen in Alligator Drive going through the campground is relocated. Chairman Sanders thanked Ms. Maruszak for her letter and her presentation. After Ms. Maruszak's presentation Mark Curenton, Interim County Planner, brought an important letter into the meeting for Mr. Pierce from the Florida Communities Trust (FCT) regarding the FCT Project of Alligator Point Preserve. He said the letter is informing Franklin County they are going to terminate the funding of the purchase of the Alligator Point KOA Campground because the owner has entered into a contract for purchase with a private citizen or a third party. He stated the letter reflects the following: "FCT is unable to fund all viable projects as many projects are on a contingency list waiting for additional funding. To accomplish the program's goals, oftentimes it is necessary to terminate a nonviable project and utilize that funding for those contingent projects. Although, it is clear the Alligator Point property is suitable for an FCT Grant, the fact that the property is under contract renders it a nonviable project. Thus, since it is evident that current circumstances exist that will preclude the acquisition of this project and pursuant to Rule 9K-7.009, F. A. C., FCT will terminate this project. However, please be advised the next FCT application cycle will commence on February 25, 2004 and Franklin County is highly encouraged to resubmit this worthwhile project for a FCT grant if the third party option to purchase the property is not exercised." He presented the letter to the Board at this time.

(Tape 1-3392) Mr. Pierce continued his regular report by providing the Board with a copy of a Progress Letter written by Mark Curenton, Interim County Planner, explaining the progress of the Alligator Point Beach Stabilization Project. He said the letter was sent to Josh Lott, NOAA. He said he just wanted the letter to be placed in the Board file this morning.

(Tape 1-3410) He asked for the Board to authorize the Chairman's signature on an Extension of the DEP Grant to develop plans and specifications for the Beach Stabilization Project on Alligator Point. He explained the current contract expires February 15, 2004 and so the County needs to extend the deadline date so the funds would not be withdrawn. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Alligator Point Feasibility Study and Related Hurricane Recovery Work, DEP Contractor No. 00FR1/Amendment No. 4 extending the deadline date to February 15, 2005.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3440) He submitted a copy of the FDOT response to the County for a traffic study in the Carrabelle Way Side Park area. He said the FDOT is not proposing any action in changing the roadway in the Carrabelle Way Side Park area. Commissioner Putnal said this disturb him. He stated the FDOT probably did the study during the slow

time of the season and not during July or August, or Spring Break. He said a person trying to go down US Highway 98 can't get through this area for the congestion. He stated he knew they would do their study during the winter season. Commissioner Putnal said a "Stop Bar" should be installed there in any case. Mr. Pierce asked the Board if they wanted to authorize the County Engineering Technician to see if a "Stop Bar" could be installed in this area. Commissioner Mosconis said he would make a **motion authorizing the County Engineering Technician to review this area; determine if a "Stop Bar" is needed; and authorizing him to install one in the area of the Carrabelle Way Side Park at Carrabelle Beach.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3552) Mr. Shuler said he wanted to inform the Board of an E-mail he received relating to the increased Juvenile Justice costs the County will be responsible for in the near future. He stated the new cost sharing for Franklin County could be as high as \$119,00.00. Mr. Shuler said he would be glad to print a copy of the e-mail and the attachment for the Board file.

(Tape 1-3654) Mr. Pierce said he wanted to inform the Board Billy Buzzett, St. Joe Company, is ready to present, for the public, the St. James Island Overlay Plan. He said this presentation has been scheduled for February 12, 2004 at the Franklin County Senior Citizens Center in Carrabelle. He said he would like everyone to know this meeting would not be held, as previously thought, at Chilas Hall in Lanark Village. He reported he has received a letter from David McClain, ABARK, representing several other groups too, they feel information, as to the substance of the presentation, has not been made available to them. He said Mr. McClain has expressed his and other groups concerns about the public being asked to vote on policies and a plan, which no one has really seen or reviewed. He said the purpose of the meeting is to provide consensus testing on policies developed by Mr. Buzzett in response to public comments he received from meetings he held in the fall. He said the County Commissioners would ultimately be asked to adopt policies regulating the future development on St. James Island. He explained the Board would not be bound to the ideas presented by Mr. Buzzett or the public because it would be the County Commissioners who would also ultimately decide if and what policies are appropriate for this project. He asked the Board if they wanted to discuss the procedure for which public comment would be received at this meeting. He said if the Board does not want to discuss this matter then he would presume the Board is satisfied with allowing the meeting to go forward on February 12th. Chairman Sanders said this plan was formulated after many, many workshops were held where public input was considered. She stated she didn't want it stopped and wanted the plan to move forward since it was all part of the Visioning Process and update of the Comprehensive Plan.

KENDALL WADE-CLERK OF COURTS

(Tape 2-432) Mr. Wade asked the Board to approve the following: At the October 7, 2003 Board Meeting the Board made a motion authorizing the expenditure of \$2,483.00 for FY 2003-2004 for a Child Support Hearing Officer as requested by Chief Judge Charles A. Frances, the following budget amendment is necessary to allow for the expenditure: Increase 120.31.615.3100 Circuit Court Professional Services \$2,483.00;

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Decrease 120.99.584.9600 Reserve for Contingency \$2,843.00. Commissioner Putnal made a **motion approving the following budget amendment to the FY 2003-2004 Budget, Increase 120.31.605.3100 Circuit Court Professional Services \$2,843.00; Decrease 120.99.584.9600 Reserve for Contingency \$2,483.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-458) He asked the Board to approve the following: At the December 2, 2003 Board Meeting the Board made a motion to purchase and install an air-conditioning system from Parker Services for the Health Department Building in Apalachicola. The Health Department Building allocation for FY 2003-2004 would be reduced by the \$5,375.00 cost of this unit. The following budget amendment is necessary for the change: Increase 001.52.562.4600 Repair and Maintenance Health Building \$5,375.00; Decrease 001.52.562.9400 Health Department Budgeted Transfer \$5,375.00. Commissioner Putnal made a **motion approving the following budget amendment to the Health Department Building allocation for FY 2003-2004, Increase 001.52.562.4600 Repair and Maintenance Health Building \$5,375.00; Decrease 001.52.562.9400 Health Department Budgeted Transfer \$5,375.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-477) He asked the Board to approve the following: Certain expenditures for State mandated equipment were not anticipated at the time the Mosquito Control Budget was prepared. To accommodate the State required equipment and the purchase of a new truck the following budget amendment is needed to adjust line items in the FY 2003-2004 Mosquito Control Budget, Increase 142.42.562.6400 \$6,697.00; Decrease 142.42.562.3100 Professional Services \$4,070.00; and Decrease 142.42.562.5220 Pesticides \$2,627.00. Commissioner Putnal made a **motion approving the following budget amendment to the FY 2003-2004 Budget, Increase 142.42.562.6400 \$6,697.00; Decrease 142.42.562.3100 Professional Services \$4,070.00 and Decrease 142.42.562.5220 Pesticides \$2,627.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-497) He said the Board asked him, at the last meeting, to check with Michael Tucker, the County Auditor, to see if he would be interested in preparing the required Full Cost of Solid Waste Management Report for FDEP. He said the Board has used Governmental Consulting Services in the past and Mr. Johnson, Solid Waste Director, has recommended the Board approve the County's contract with them to complete this report in case the County Auditor did not want to complete it. He said Mr. Tucker is not interested in this project. He said the contract was signed between the County and Governmental Consulting Services for the Full Cost of Solid Waste Management Report for the years 2002-2003, 2003-2004 and 2004-2005 at the last Board Meeting on January 20, 2004. He said this was just an update for the Board.

(Tape 2-516) He informed the Board the lease agreement between the County and Apalachicola International Aviation Training Center (AIATC) has a clause in it regarding the rental rate for the parking area utilized for T-hangars to be changed every 5-years based on the Consumer Price Index after December 31, 2003. He said the Board needs to

address this issue. He said he thought it would be appropriate for the County Attorney to send a letter notifying Bill Ruic, the FBO at the airport, about this matter. Commissioner Mosconis said he would like to make a **motion directing the County's Apalachicola Airport Advisory Committee to negotiate with Mr. Ruic concerning this clause in the rental agreement between the County and AIATC concerning the monthly rental rate for the parking area utilized for T-hangars being negotiated every 5-years based on the Consumer Price Index, with increases or decreases in the monthly rental based on the latest figures published for the Consumer Price Index closest to the initial adjustment period and for each 5-year period thereafter.**

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

(Tape 2-554) He said the Supervisor of Elections is requesting the County Commission to appoint a member to the Canvassing Board to represent the Board. He stated she asked for an alternate to be appointed as well. Commissioner Mosconis said made a **motion appointing Chairman Cheryl Sanders to the Canvassing Board and appointing himself to the Canvassing Board as the alternate member.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-608) He said his office is continuing to get requests from the State of Florida about the status of the George E. Weems Memorial Hospital Special District. He asked the Board to direct the County Attorney to take whatever measures are necessary to suspend or stop any action regarding this Special District. He said the Special District no longer is applicable, but the requests from the State just keep coming to his office. Commissioner Putnal made a **motion directing the County Attorney to take whatever measures are needed to abolish the George E. Weems Memorial Hospital Special District with the State of Florida.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-640) Commissioner Putnal said he went out to the hospital and in his opinion the hospital facilities were in good shape. He stated the hospital really looks good.

TED MOSTELLER-CHAIRMAN-AAAC

(Tape 2-685) Chairman Sanders asked Mr. Pierce if Mr. Mosteller hadn't asked to speak to the Board this morning. Mr. Pierce replied the issue is the new Airport Access Road has been moving forward and the contractors are now ready to "tear up" the old road, the Garbage Dump Road in Apalachicola. Mr. Mosteller presented a letter to the Board concerning the old road. He said the AAAC had agreed and recommended to the Board the old road shouldn't be removed. He stated the road could be used for the Industrial Park. Commissioner Mosconis stated he didn't remember any specific plans for the old road. He said part of the old road was not in good shape in any case. Mr. Mosteller said the contractor has already "milled" approximately one-third of the old road. He stated the contractor is stock piling the milled asphalt. He said this has never been mentioned to the Committee before, but they had planned to utilize a portion of the road for the Industrial Park. Mr. Pierce said he didn't know whether the road was supposed to remain there or be removed. He stated he would contact David Kennedy, the engineer of record, for the project. Chairman Sanders asked if Brownsville Road was opened now.

Commissioner Mosconis said he was told, two weeks ago, it would be a couple of weeks before it would be opened so he is looking for it to be opened any day now. Mr. Pierce said he and Mr. Mosteller would leave the meeting right now and try to contact Mr. Kennedy.

CHRIS CLARK-COUNTY ENGINEERING TECHNICIAN

(Tape 2-775) Mr. Clark said he had reviewed the two bids submitted for the SGI Entryway Landscaping project. He said the lowest bid from Island Home Landscaping, Inc. contained the required expenditure of, by the grant specifications, 50% of the total bid price had to be in plants of the 5-gallon size or larger. He said this bid contained approximately \$40,150.00 designated for plants that would meet this requirement. He stated this was a little less than expected by the grant, but was not included in the specifications. He said he called the Grant Administrator, Bill Howell, and told him the amount allocated for these larger plants didn't quite meet the 50% requirement. He stated Mr. Howell assured him this would be all right and close enough to meet the grant requirements. He said there, in excess of this \$85,235.00, a additional amount of \$15,000.00 or so to use for change orders for purchase of landscaping only. Chairman Sanders asked him if this was his recommendation. Mr. Clark said he thought everything would be okay in awarding this project to Island Home Landscaping, Inc. in the amount of \$85,235.00 for the SGI Entryway Landscaping Project. Mr. Shuler said the State of Florida has been contacted and has assured Mr. Clark they would support this bid price. Commissioner Mosconis made a **motion accepting Mr. Clark's recommendation as to the award of the SGI Entryway Landscaping Project to Island Home Landscaping, Inc. in the amount of \$85,235.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said he has asked Mr. Clark to notify the Grant Administrator, Mr. Howell, to ask him to send some type of authorization documenting these changes and allowances to the County in writing before the project is awarded or even started.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-890) Mr. Shuler said there is currently a Special District, the SGI Water and Sewer Special District, the County needs to cancel as well as the Special District Mr. Wade addressed earlier in the meeting. He asked for permission to take whatever steps are needed to abolish this Special District when he takes care of the other one. Commissioner Mosconis made a **motion authorizing Mr. Shuler to proceed with the dissolution or the abolishment of the SGI Water and Sewer Special District.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-957) He said the Board, several months ago, entered into a contract with some Juvenile Dependency case attorneys, for a budgeted amount. He stated this contract does contain a cap of \$1,200.00 per attorney on each case. He said he is observing, these Dependency Cases are not getting resolved, not necessarily because of any one person, and continue to be on the Court Docket month after month. He stated the contract specifies there must be an "extraordinary event occurring" to keep these cases on the Court Docket. He said therefore, the attorney's have to come back time and time again to

address these cases. He stated he just wants the Board to know the County, as of July 1, 2004; would no longer be responsible for the Dependency Attorney contract.

(Tape 2-1008) He said the Board instructed him, along with the Clerk, to contact the County's Labor Attorney, Lucy Turner, about the Holiday Time paid to the Animal Control Employees. He stated the matter has been resolved, however, there was a motion adopted by the Board on January 21, 2003, which might have caused this problem. He said he was going to ask the Board this morning to adopt a motion rescinding the action or motion taken on January 21, 2003 as follows: Motion authorizing the payment of overtime accumulated by Animal Control Officers who work during the holidays from the Animal Control Budget. He stated by doing so then the Board would be left with the Personnel Rule and Policy Rule 14.04 to fall back on. Commissioner Mosconis made a **motion rescinding the motion made by the FCBCC on January 21, 2003-authorizing the payment of overtime accumulated by Animal Control Officers who work during the holidays from the Animal Control Budget-as recommended by the County Attorney.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said some of these people being discussed this morning are considered "On Call". He stated the County policy should be these people should not be paid unless they are called out. He said this should be County Policy. Mr. Wade said he thought anytime someone is "On Call" they would have to be paid overtime. Commissioner Mosconis and Mr. Shuler asked Mr. Wade to contact the County Labor Attorney, Lucy Turner, to ask her this questions. Commissioner Mosconis said this wasn't fair. Mr. Shuler said he would agree with Commissioner Mosconis that just because an employee was "On Call" didn't mean they would be paid for the hours they were "On Call". Mr. Wade assured the Board he would call the attorney and get an answer for the Commissioners.

(Tape 2-1161) Mr. Shuler said he was still working on the Eminent Domain cases on Alligator Point. He stated one of the litigants changed their minds and he is just waiting on some appraisals for this property. He stated Mr. Pierce, after receiving the appraisals, is going to negotiate with these property owners to see if they would accept the appraised amount or something relative close to that amount.

(Tape 2-1195) He said the Florida National Guard had sent a Release of Lease to him for the property at the Apalachicola Airport. He stated the release is in appropriate form and he would like for the Board to adopt a motion authorizing the Chairman's signature on the Release of Lease between the Florida National Guard and Franklin County for the building and property at the Apalachicola Airport. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Release of Lease between Franklin County and the Florida National Guard for the building and property they have previously leased at the Apalachicola Airport.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1209) Mr. Shuler reported he was instructed to review a lease for the National Guard Armory in Apalachicola by the City of Apalachicola. He said he has not seen such a lease yet, but he would keep the Board informed on this matter too.

(Tape 2-1220) He explained he received a Resolution Acknowledging the ROW once used as a public road or highway from Mr. Ben Watkins. He said this property had been reverted back to the property owners. He stated the area known as Pine Road and the area known as Sandy Road in Carrabelle or where the McKissack Property was. He said he has reviewed the Resolution and finds the Resolution does meet the instructions and actions taken on July 3, 2003. He stated Mr. Watkins, at that time, asked the Board to acknowledge the reverter clause placed in the Deed where the County was given title to the ROW back in 1977. He explained the Deed was explicit and stated if these roads or areas were no longer used or maintained as a public road then it would revert back to the person giving the property to the County, in this case McKissack Properties, Inc. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Resolution acknowledging the ROW once used as a public road or highway for Franklin County is no longer being used as ROW and therefore should revert back to the property owners McKissack Properties, Inc. as specified in the original deed dated in 1977 and approved by the FCBCC in July 3, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1428) Mr. Pierce said he and Mr. Mosteller had talked to Mr. Kennedy about the milling of the asphalt on the old Garbage Dump Road in Apalachicola. He said they have stopped the milling of the old asphalt on the road unless it was a condition to remove the asphalt according to the USCOE Wetland Mitigation Contract for the Apalachicola Airport Access Road. He stated if the permit states the road must be removed then it has to be removed. Mr. Mosteller said he was going being adamant about this road being destroyed. He stated all along the Airport Committee thought this road was going to be kept where it was so it could be used as part of the new Industrial Park at the Airport. Commissioner Mosconis said, in any case, the milled asphalt should be the County's property for use in the County. Mr. Mosteller said he thought the contractors should have to put the milled asphalt back on the road. Commissioner Mosconis said the milled asphalt should be used "in some other-better place". Mr. Mosteller said this road has been totally destroyed and has potential liability for the County.

(Tape 2-1508) He said he has talked to an attorney representing the St. Joe Company, Brian Duke, about the boat ramp project or access in Franklin County. He stated the boat launch area, Mr. Wade talked about earlier on Bluff Road, has an existing roadway, which would take a person directly to this potential boat launch site. He said Mr. Duke has provided him a copy of an access easement recorded for the benefit of the private property owners in this area. He said then there is already a form of an easement leading directly into this property. He stated this should facilitate the Clerk's request for the State to provide a boat ramp on Bluff Road. Mr. Shuler said the easement is 30-feet in width.

(Tape 2-1616) Mr. Shuler said he has a Court Order from the Federal District Court in Tallahassee dated January 28, 2004. He stated the Judge has "strongly encouraged" the County Commissioners or the parties to pursue a settlement in the case. He said he thought the best thing for the Board to do is consider the settlement of the case, which he thought strictly addressed the attorney's fees. He asked for guidance from the Board on

this issue and how he should proceed. Commissioner Mosconis asked how much money they wanted? Mr. Shuler answered he really didn't know, but he could tell the Board the cost of the litigation, according to the affidavit filed by the Plaintiffs, consisted of approximately \$18,000.00 in attorney fees alone. He said he didn't know if this is what the Plaintiffs are wanting or not. He asked the County Attorney about the depositions in the Circuit Court case. Mr. Shuler answered these depositions were to be given in the Circuit Court case and not the Federal Court Case. He said this order is from the Federal Court and not the Circuit Court, since there is no settlement or order in the Circuit Court case yet. He stated he has told the Plaintiffs attorney, Robert Rivas, that if there was a settlement it would be for all issues, both the Circuit and Federal Court matters. He said he would encourage this type of "global" settlement. He asked the Board to authorize him to negotiate with the Plaintiffs attorney to see what amount they would settle all issues for. Commissioner Mosconis said he would make a **motion to authorize the County Attorney to negotiate and discuss a settlement with the Concerned Citizens of Franklin County, Inc.'s attorney Robert Rivas and instructing him to report to each Commissioner individually with this information by telephone or in person.** Commissioner Mosconis said he would be happy with an amount anywhere from \$2.00 to \$50.00. He stated this is taxpayer money and it wasn't fair to spend it this way. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

MATTERS FROM THE BOARD

(Tape 2-1908) Chairman Sanders said Representative Will Kendrick, representing Franklin County in Tallahassee, has asked her to request the Board's support, by letter, for his initiate the creation of rural and urban affairs subcommittees. She read a letter sent by Representative Kendrick to House Speaker Johnnie Byrd about this matter. She asked the Board to instruct Mr. Pierce to send such a letter of support for Representative Kendrick in his effort to create rural and urban affairs subcommittees. Commissioner Mosconis made a **motion authorizing the Chairman's signature on Letters of Support for Representative Kendrick's initiation of the creation of rural and urban affairs subcommittees to House Speaker Johnnie Byrd, Democratic Leader Pro Tempore Chris Smith, Minority Leader Doug Wiles, House Speaker Designate Allan Bense, and Senate President Jim King and directing Mr. Pierce to prepare the letters for the Chairman's signature.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1984) Chairman Sanders announced the ground breaking for the Franklin County Correctional Institute scheduled for Friday, February 6, 2004 at 2:00 p.m. at the prison site outside of Carrabelle. She said this would be a momentous occasion and a big success for Franklin County.

(Tape 2-1996) She said the SGI Bridge would be formally dedicated on February 27, 2004 and the Lt. Governor Toni Jennings was going to attend the formal opening of the SGI Bridge. She stated this event was scheduled for 11:00 a.m. at the new bridge site in Eastpoint.

(Tape 2-2012) Commissioner Mosconis said he had been talking to John Soule, Pensacola Fishing Pier and Bridge, about the SGI Fishing Pier. He stated he is going to meet with him this afternoon and he thought the plan Mr. Soule is compiling is going to make everybody extremely happy. He said the Tourist Development Council (TDC) could maintain and oversee this new SGI Fishing Pier. He stated this is something else the Board needs to think about. He said the Board could subcontract with the TDC to maintain, operate, budget, etc. this fishing pier.

TED MOSTELLER-CHAIRMAN-AAAC

(Tape 2-2068) Mr. Mosteller said he was asking the Board to allow the Airport Committee to advertise the bids for the Repair and Marking of Runway 1331 at the Airport. Commissioner Mosconis asked if this was going to be paid for with grant funds. Mr. Mosteller replied yes it was. Commissioner Mosconis made a **motion authorizing the AAAC to prepare and advertise the acceptance of bids for the Apalachicola Airport Repair and Marking of Runway 1331.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2097) He said he needed permission to advertise the bids for the Apalachicola Airport Security Lighting Project to be funded by the FAA. He stated he would have to pursue FDOT matching funds for the FAA funding. Commissioner Putnal made a **motion authorizing the AAAC to prepare and advertise the acceptance of bids for the Apalachicola Airport Security Lighting Project to be funded through the FAA with matching funds from the FDOT.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

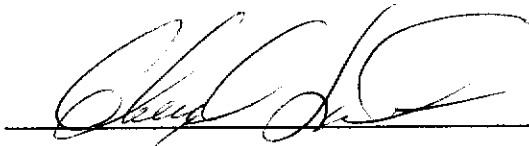
(Tape 2-2119) He stated the land west of the Apalachicola Airport is available for sale. He said the Quinn Family owns the property and the City of Apalachicola is negotiating with the Quinn's to purchase a portion of this property. He said the FWC is negotiating the other portion of the property. Mr. Mosteller said the County really needed to purchase some of this property if the runways at the Apalachicola are ever going to be extended. He said the price is \$2,400.00 per acre. Commissioner Mosconis said he knew the State would end up with all this property.

(Tape 2-2207) Mr. Pierce said he wanted everybody to know, especially Dr. Tom Adams, SGI, who is present today, he has not received any documents from the Phipps Ventures, Inc. for the changes to the Resort Village DRI. He said he told David Wilder, attorney for the Phipps Ventures, Inc., he would not advertise for the public hearing to address their request until some documentation was received. He said he the Board has scheduled this public hearing for March 2, 2004 at 9:30 a.m. He stated he has not received any documents and would not have the public hearing on March 2nd unless something is submitted to the County. Dr. Adams stated the issue is when a group schedules a public hearing they should be made to submit, in writing, some sort of description or plan for the changes. He said he has requested this information several times. He stated this is not fair to the public and those who want to address the Board at the public hearing. Commissioner Mosconis assured Dr. Adams and the public this project would not be "slipped in" without them knowing it. Mr. Pierce agreed and said he has not received anything from the Phipps Ventures Group except they were

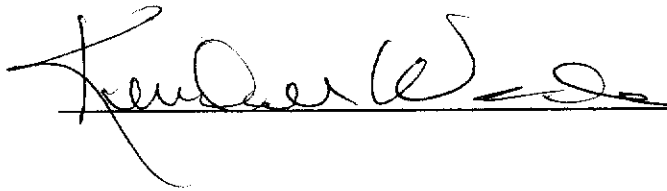
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requesting to change all of the Resort property to Mixed Use Residential Zoning. Tom Hoffer, Franklin Chronicle, asked Mr. Pierce if the letter sent to the County by the Phipps group dated September 3, 2003 requesting the rezoning is still going to be acknowledged. Mr. Pierce replied yes it was still on file in his office. He said the request is for a land use change and that remains the same. He stated the specific density issues have not been articulated and Mr. Hoffer asked him if they had been. Mr. Pierce replied they had not. He stated, again, he wouldn't even know until the proper documents were submitted for consideration. Dr. Adams said there are property owners near this area who live all over the County and they have a right to know, ahead of time, when a public hearing is scheduled to address the Board on this issue. Mr. Pierce said he would keep the letters for the specific meeting scheduled to address this request.

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK