

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
NOVEMBER 5, 2002**

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

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

(Tape 1-31) Commissioner Sanders made a **motion to approve the minutes of the meeting held on October 15, 2002.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-33) 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 1-38) Mr. Chipman said he needed permission to purchase the new 12 HP Motor Grader from the GSA Contract. He explained the price was substantially lower by using the GSA Contractor. Commissioner Putnal made a **motion authorizing Mr. Chipman to purchase a new 12 HP Motor Grader from the GSA Contract for the Road Department.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-56) He asked for permission to proceed with advertising bids for the purchase of a new bat-wing mower. He said he couldn't find one listed on the State or GSA Contracts so he would have to advertise for this piece of equipment in the local newspaper. Commissioner Sanders made a **motion authorizing Mr. Chipman to advertise bids for the purchase of a new bat-wing mower for the Road Department.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-71) Kendall Wade, Clerk, said the County had received a letter from the City of Carrabelle requesting help from the County's Public Works Department. He said they had four projects; paving the Post Office parking lot, placing lime rock on the right-of-way on the west side of West 7<sup>th</sup> Street for additional parking, placing lime rock on the right-of-way on the north and south sides of Avenue C South for additional parking for ballgames and to open 10<sup>th</sup> Street West. Mr. Chipman said he informed the City of Carrabelle representatives he would open up 10<sup>th</sup> Street for them. He stated the County doesn't have any lime rock, but if he can work the City's request for lime rock into the County's schedule and supply of lime rock then he would. He said he hasn't got enough lime rock to help the City now. He stated he has a lot of lime rock that needs replacing though out the County. He said he needed every bit of lime rock he had and could get for use throughout the County. He stated the recent rain has caused a lot of problems with the roads. He said he is doing the best he can do. Commissioner Sanders asked Mr.

**FCBCC MINUTES-NOVEMBER 5, 2002**

Chipman if he opened up 10<sup>th</sup> Street would he be pushing through any wetlands. Mr. Chipman replied a man had the plat, which reflected the wetlands. He said he told the man he would stop when he got to a wetland and go to the other side.

(Tape 1-114) Commissioner Mosconis told Mr. Chipman he needed to do some pothole correction throughout the County. Mr. Chipman said the rains have caused a lot of potholes. He stated he tried to get some cold mix, but cannot get any until next week. He informed the Board cold mix is hard to procure.

(Tape 1-129) Commissioner Putnal said the County hired contractors to go and tear up Wilderness Road in Eastpoint. He stated the County is now beginning to get some lawsuits. He stated he has told this Board several months ago the County needed to solve this problem. He said the problem with the humps is still there and have not been fixed. He stated he thought this was a nightmare since the County was probably going to be spending a lot of money repairing people's automobiles that have been torn up because of the road. Alan Pierce, Director of Administrative Services, reported he had been to look at the site. He said the speed limit is 35 mph and stated if they were driving 35 mph there wouldn't be a problem. He said the hump is not as bad if you drive slower and not go fast over it. He explained the contractor is aware of these problems and has promised to finish or redo the humps and the contractor promised to have it fixed in approximately two-weeks. Commissioner Mosconis said he would make a **motion directing Mr. Pierce to fax and send a letter regarding this problem to the contractor expressing the Commissioners concerns about this matter.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-281) Commissioner Mosconis said he talked with Mr. Johnson about some storm debris at the east end of the County. He asked Mr. Johnson if they had picked it up. Mr. Johnson replied they are working the pick-up crew throughout the County and they would be in that vicinity soon.

(Tape 1-289) He informed the Board the new Boom Truck should be in by the first week in January 2003.

**BILL MAHAN-COUNTY EXTENSION DIRECTOR**

(Tape 1-310) Mr. Mahan said he included in the Commissioners package this morning the following: UF-IFAS Extension 2003 Calendar/Annual Report, UF-IFAS Shellfish Aquaculture Newsletter, information on the Oyster Post-Harvest Treatment Workshop, information on the Clam Aquaculture Workshops and an update on the Boat Ramp Project for Franklin County.

**BILL WILLIAMS-BEACON HILL WELLNESS CENTER**

(Tape 1-530) Mr. Williams, CEO Integra and Gericare Assisted Living Center in Port St. Joe, introduced himself to the Board. He said he had some guest with him this morning Mary Gavin, USDA, and Alan McNair, Gulf County Director-Economic Development Council, were here to field questions as well. He stated the primary subject they want to

discuss this morning is a healthcare provider. He said this is what they do. He said the people in Franklin County were significantly impacted by the closing of the nursing homes in the County. He stated jobs were lost and many people in these facilities were moved to either Panama City, Port St. Joe, etc. He said this would make it hard for their relatives in Franklin County to visit them. He stated the problem is the company that operated the nursing facilities surrendered their CON. He said he would like to present some scenarios to be considered by the Board. He said the first one would be for them to visit the assisted living facilities, outpatient rehabilitative services, etc. He stated he needed the Board to assist him with this matter since the CON has been surrendered. He said there is a legislative mandate, which provides a three-year moratorium on nursing homes and a five-year stay on any CON's being issued. He said the Board of County Commissioners could assist him in working with the State Agencies to have the CON renewed. He stated he would like to ask the Board to send letters of support to the State Agencies and the Legislative Delegation for Franklin County to assist in having this CON reactivated. He said the County would also need to help them work through the economic process of opening these facilities. He said these funds are available through Enterprise Zones, Economically Depressed Counties, Stress Counties, etc. He asked the Board to assign one Commissioner to work with this group to assist in requesting these items from the State of Florida. Commissioner Mosconis said he would be glad to serve as a volunteer if the other Commissioners agreed. Commissioner Putnal said he would go ahead and make a **motion appointing Commissioner Mosconis to work with Mr. Williams and his group to attempt to reopen the nursing home facilities in Franklin County.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Anita Grover, Apalachicola Bay Chamber, said they would be willing to work with this group and use political pressure to get the CON back. Commissioner Mosconis said he would work with this group to see if the County couldn't have the facilities reopened. Commissioner Mosconis said he would try to have an update on this matter at the next meeting.

**PUBLIC HEARING-REZONING 3 TRACTS ON SGI**

(Tape 1-922) Mr. Pierce said there were three tracts of property on SGI to address about rezoning. He said **Tract 1**-Lots 22, 23, 24, and 25, Block 1, Unit 1 East and Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 1, Unit 1, East, SGI from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use. Mr. Pierce said certified letters had been sent to all of the adjacent property owners. He stated no one had filed or telephoned any opposition to the rezoning. Chairman Creamer asked if anyone in the audience would like to speak. After no public comment Commissioner Mosconis made a **motion adopting an ordinance rezoning Lots 22-25, Block 1, Unit 1 East and Lots 1-9, Block 1, Unit 1 East on SGI from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** **Tract 2**-Lots 4 and 5, Block 9, Unit 1 West, SGI Gulf Beaches from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use. After no public comment Commissioner Mosconis made a **motion adopting an ordinance rezoning Lots 4 and 5, Block 1, Unit 1 West, SGI Gulf Beaches from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** **Tract 3**-Lots 1, 2, and 3, Block 9, Unit 1 West, SGI

Gulf Beaches from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use. After no public comment Commissioner Mosconis made a **motion adopting an ordinance rezoning Lots 1, 2, and 3, Block 9, Unit 1 West, SGI Gulf Beaches from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

**TED MOSTELLER-APALACHICOLA AIRPORT ADVISORY COMMITTEE**

(Tape 1-1070) Mr. Mosteller said he is here on behalf of the Apalachicola Airport Advisory Committee to request the Board allow them to enter into a Cooperative Purchase for the tractor, mower, etc. approved for purchase through a FDOT Aviation Grant, with Hernando County. He stated he has checked on the State and Government bid lists and cannot find the equipment they need at the airport. He said by entering into a purchase agreement with Hernando County, Franklin County would benefit. Commissioner Sanders said she didn't have a problem with this and made a **motion authorizing the Apalachicola Airport Advisory Committee through Franklin County enter into a Cooperative Purchase Agreement with Hernando County for the equipment approved through a FDOT Aviation Grant, a mower, tractor, etc. contingent on approval by the County Attorney.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-1154) Mr. Pierce said he needed Board action to approve a change order in the contract with C. W. Roberts Contracting, Inc. resurfacing CR 67 to reduce the contract price from \$759,500.00 to \$759,375.00. He explained the slight reduction was created by Preble-Rish Engineers doing some value engineering on what needed to be done in order to stay within budget. He said, in this case, the budget was funds being sent to the County by the State since the County did not put any of its own road paving funds into this project. He recommended the Board approve this Change Order. Commissioner Sanders made a **motion authorizing the Chairman's signature on a Contract Change Order with C. W. Roberts Contracting, Inc. from \$759,000.00 to \$759,375.00 for resurfacing CR 67.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1191) He asked for approval of a resolution in support of the renovation of the Old Jail behind the Courthouse. He said the resolution would be included in a grant application Mark Curenton, Assistant Planner, is preparing. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Resolution of Support for the renovation of the Old Jail behind the Courthouse for use in a grant application.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1244) He requested permission to submit a \$300,000.00 grant application to DEP for funding under House Bill 851 for storm water improvements in Eastpoint because Eastpoint already has an approved storm water plan. He explained there is a competitive grant, which Preble-Rish has begun to prepare for the County to receive funds to implement the storm water improvements identified in a 1988 study by Baskerville-Donovan Engineers. He stated only communities with approved storm water

**FCBCC MINUTES-NOVEMBER 5, 2002**

plans are eligible for the funding and informed the Board the deadline for the application is November 15, 2002. Commissioner Sanders made a **motion authorizing the submission of a \$300,000.00 grant application to DEP for funding under House Bill 851 for storm water improvements.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1288) He asked for the Board to approve payment of approximately \$6,000.00 for engineering work completed on the Lanark Village Storm Water problem that is associated with the CDBG grant currently being submitted. He explained to the Board might call any work the County pays for prior to the submission of the grant generates points on the application process. He informed the Board the Finance Officer, Ruth Williams, verified there were funds available to pay for some of the engineering services anyway, and if the Board authorizes payment out of last year's budget she can utilize some unused funds from last year. Commissioner Sanders made a **motion authorizing the payment of approximately \$6,000.00 for engineering services completed on the Lanark Village Storm Water problem association with the CDBG grant currently being submitted from last year's budget.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1307) He informed the Board he and Mr. Shuler are still working on an agreement between SGI and Franklin County concerning the use of a dead-end piece of property on Island Drive, and the payment of money to improve Las Brisas Way in Las Brisas Subdivision in Eastpoint.

(Tape 1-1319) He asked the Board if they still wanted to keep Franklin County's membership in Opportunity Florida and if the Board still wants to keep Commissioner Mosconis, as it's representative. He informed the Board the annual dues are \$1,120.00. Commissioner Mosconis made a **motion to pay the County's annual dues, \$1,120.00, for membership in Opportunity Florida and reappointing Commissioner Mosconis as the County's representative.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1456) He informed the Board he has received a letter from FDOT notifying Franklin County it appears there will be a reduction of Federal Funds for use by the State this year, and therefore there would be a reduction of work done in the District. He said it is unclear as to where the cuts would be at this time. He said the FDOT letter stated, "A significant factor in the decrease in revenues flowing to the Federal Highway Trust Fund is an increase in gasohol consumption. He said the tax rate for gasohol is 5.3 cents per gallon less than gasoline, and 2.5 cents per gallon of gasohol tax is deposited in the General Fund-not the County General Fund. He explained then for every gallon of gasohol consumed the Federal Highway Trust Fund receives only 57% of the revenue provided for each gallon consumed of gasoline." He said this would be for the period 2004 to 2008.

**PUBLIC HEARING-LAND USE AND REZONING**

(Tape 1-1518) Mr. Pierce said he would interrupt his report for the scheduled public hearing. He said this public hearing involved a land use and rezoning request. He said the land use is for Lots 1, 2, 3, 6, and a portion of Lot 4, David Brown Estates in Eastpoint from Residential to Commercial and the rezoning is from R-1 Single Family Residential to C-4 Commercial Residential Mixed Use. He said the property belonged to the Rocky and Pam Moore. He stated there is some opposition to this land use and rezoning change. Mr. Buford and Carolyn Braxton, an adjoining property owner, said they were present at the meeting this morning to voice their opposition to these land use and rezoning changes. He stated they bought the property almost thirty years ago and the whole area was zoned R-1. He presented his reasons for the denial of this land use and rezoning request. The owners of the property were not present at the meeting. After discussion Commissioner Sanders made a **motion denying the requested land use change for Lots 1, 2, 3, 6, and a portion of Lot 4, David Brown Estates in Eastpoint from Residential to Commercial and the rezoning of the same property from R-1 Single Family Residential to C-4 Commercial Residential Mixed Use.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**ALAN PIERCE-CONTINUED**

(Tape 1-1745) Mr. Pierce said at Board Meeting on January 2, 2002 the Board approved the opening of Cedar Street in Eastpoint by some developers. He said the developers believed the Board had intended to provide the base work on the 200 feet of Cedar Street that was platted. He said he informed the developers the Board minutes did not indicate the County was going to do anything. He stated the Board did agree to put a culvert in, which has been done. He asked for clarification on this matter. He said the developer is willing to pave the County owned section of the road as well as their road. Brandt Rudzinski, a representative of the developers, said the section of road already has a base on it and has been opened. He said they have even completed half of the prep work. He explained they are only asking the County to place some lime rock on that part of the road. He stated the approximate area is 200-feet and they would like the County to place the 6-inch lime rock base of the County road. He said then the developers would pave all the way from North Bay Shore Drive into the cul-de-sac. Commissioner Mosconis said he didn't think the County had any lime rock to spare. Mr. Radzinski said Peavey Construction was paving the road. Commissioner Putnal said he didn't know if the County could get any lime rock. Mr. Pierce agreed and said if the developers wait on the County they might have to wait longer than they want to. Commissioner Putnal said he would make a **motion directing the developers to work with and authorizing the County Road Department Superintendent Hubert Chipman to secure enough lime rock for the 200-feet of the road owned by the County so Cedar Street could be opened all the way to the cul-de-sac in the development "Magnolia Ridge".** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2018) Mr. Pierce said he had been informed Life Flight Service from Leon County would cease covering Franklin County in September 2003. He said the Leon County Commission has taken a role in organizing a meeting to discuss the situation and have invited the Franklin County Commission to attend. He said Vince Long, Leon

**FCBCC MINUTES-NOVEMBER 5, 2002**

County Commission, said there would be a second meeting on November 7<sup>th</sup> regarding this matter. Commissioner Sanders said she would be glad to attend the meeting on November 7<sup>th</sup> to represent Franklin County. She stated she would report back to the Board at the next meeting. Commissioner Putnal made a **motion authorizing Commissioner Sanders to attend and represent Franklin County at the meeting on November 7<sup>th</sup> in Leon County regarding Life Flight Service.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2055) He presented the keys and the deed to the Gomez's house on Alligator Point. He said now that this house has been acquired the County would advertise for bids to remove both the Middlebrooks' and Gomez's house. He informed the Board Ms. Middlebrooks donated the large painting in the Planning Office to the County in honor of her husband, Harry Middlebrooks, who died two days after the County bought their house with FEMA funds. He said the painting had been in their house on Alligator Point.

**PUBLIC HEARING-LAND USE AND REZONING**

(Tape 1-2082) Mr. Pierce said this land use and rezoning was to consider the land use change for 1.36 acres located at Patton Drive in Eastpoint in Section 31, T8S, R6W from Commercial to Residential and a rezoning change for the same property from C-1 Commercial Fishing to R-1A Single Family Subdivision Tract. He said the Planning and Zoning Office had sent out certified letters to the adjoining property owners as well. He said he had not received any letters or telephone calls opposing these changes. He stated the property is owned by T. Spohrer. After no comments or opposition from the public Commissioner Sanders made a **motion adopting an ordinance changing the land use for 1.36 acres located at Patton Drive in Eastpoint in Section 31, T8S, R6W from Commercial to Residential owned by T. Spohrer.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders then made a **motion adopting an ordinance changing the zoning for 1.36 acres located at Patton Drive in Eastpoint in Section 31, T8S, R6W from C-1 Commercial Fishing to R-1A Single Family Subdivision Tract.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**ALAN PIERCE-CONTINUED**

(Tape 1-2217) Mr. Pierce said he needed Board direction regarding a letter from Philip Guzzetta, Alligator Point, who insists he has the right to use County right-of-way for his own personal use. He said he has sent a letter to Mr. Guzzetta requesting he remove his trailer, sailboat and debris located on County right-of-way within thirty days. He recommended the Board direct the County Attorney evaluate the situation and advise him as to what to do about this matter. Commissioner Sanders made a **motion directing the County Attorney to work with Mr. Pierce regarding the situation involving County right-of-way and the use of it by Philip Guzzetta, Alligator Point.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2259) He informed the Board, due to the new legislative mandate, the County Commission and the School Board are required to jointly work on some school sighting issues. He said DCA would provide \$10,000.00 to assist the County in doing the

**FCBCC MINUTES-NOVEMBER 5, 2002**

evaluation. He stated he and Mark Curenton met with DCA representatives last week to learn more about this type of subject. He said he has agreed for the County Commission to be the lead agency since the State is requiring the County Comprehensive Plan is amended in accordance with the State guidelines. He said if the School Board was the lead agency they would get the money, but then the County would end up having to do the work, because it affects the County's Comp Plan. Commissioner Sanders made a **motion authorizing Franklin County Board of County Commissioners to be the lead agency regarding the changes in the Comp Plan School sighting issues.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** He said one of the requirements is that the School Board be allowed a non-voting seat on the Local Planning Agency. He explained the County Commission is the Local Planning Agency, and so it is unclear, how the School Board is going to be given a non-voting seat on the County Commission. He said it is possible some other entity become the Local Planning Agency, but at this time the County Commission has always preferred to retain that authority. He explained some counties have delegated the duties to the Planning and Zoning Commission, or created separate Planning Commissions, but that would take a reworking of the Franklin County development process.

(Tape 1-2408) He informed the Board Mark Curenton was asked by Al Starr, of the CDBG compliance staff of DCA, what the County was doing to collect the revolving loans that were not being repaid. He said Mr. Curenton could not give him a satisfactory answer. He stated Mr. Starr provided Mr. Curenton with a DCA memo stating the possibility that if the loans are not repaid the County could be ineligible for future CDBG funding, or the County may be required to pay back the delinquent loans. Commissioner Mosconis made a **motion directing the County Attorney send a letter to ARPC, the agency the County contracted with to handle the loans, demanding they collect the past due, delinquent, etc. loans.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2582) He presented several letters from FDOT approving a time extension until June 30, 2003 for the three projects the County is working on: repaving Water Street in Apalachicola, Patton Drive in Eastpoint, and South Bayshore in Eastpoint.

(Tape 1-2622) He said he talked to Ralph Rish, Preble-Rish, last week about what additional engineering assistance the firm might provide the County. He said since he talked to him, Mr. Rish's younger brother died unexpectedly, and the firm asked if they could have until November 19<sup>th</sup> to respond to the Boards request for addition assistance from them. Mr. Pierce said he told Mr. Rish the Board would wait until the November 19<sup>th</sup> meeting.

(Tape 1-2629) Mr. Pierce said he has received a request from Billy Buzzett, St. Joe-Arvida, asking the County to consider a small-scale amendment for ten acres of property near Carrabelle. He said the purpose of the amendment would be to create some affordable housing with sewer and water available, approximately 26-lots could be created. He said he informed Mr. Buzzett the first step is to make a formal presentation

**FCBCC MINUTES-NOVEMBER 5, 2002**

and request at the next Planning and Zoning Commission meeting in December. He said Mr. Buzzett agreed to this.

(Tape 1-2733) Commissioner Sanders asked Mr. Buzzett if he had the contract for purchase for the Carrabelle Recreational Park. Mr. Buzzett replied he did not, but he would make sure it was prepared and sent to the County.

(Tape 1-2875) He informed the Board the County might be forced into issuing occupation license for at least the construction industry. He explained the State Workmen's Comp Office would not issue a Workmen's Comp exemption to an individual unless they have an occupational license. He stated a contractor either has to buy Workman's Comp insurance or get an exemption, before the County issues a contractor's license. He said the problem is a contractor can not get an occupation license because the County doesn't issue them, and therefore they can't get a Workman's Comp exemption from State, and therefore they can't get a County Contractor's License. He explained Michael Shuler, attorney for the Contractor's Licensing Board, is trying to figure out what the best course of action is.

(Tape 1-2919) He asked the Board to appoint Fonda Davis to the CDBG Citizens Advisory Board to replace Charles Watson Clark who died. Commissioner Williams made a **motion appointing Fonda Davis to the CDBG Citizens Advisory Board to replace Charles Watson Clark.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2948) He said he would like to update the Board on what to expect at the November 19<sup>th</sup> Visioning Workshop. He stated Charles Gautier, DCA, would be at this Workshop. He said the Board would need to change the time of the Workshop from 1:00 p.m. to 1:30 p.m. as requested by Mr. Gautier. Commissioner Sanders made a **motion changing the time for the Visioning Workshop scheduled for November 19, 2002 from 1:00 p.m. until 1:30 p.m.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said he has talked to a number of people since the last Board meeting and believes things might be developing differently than how he has explained the procedure to the Board. He said primarily, DCA is going to provide some funds to the County, but those funds are going to be tied to a Comp Plan Amendment or Update not visioning. He stated DCA supports visioning, but at this time their money is going to be tied to getting the County Comp Plan updated to meet new State standards. He stated while everyone has talked about visioning, the County still has not seen any funds made available to do visioning. He said he has not spent much time asking for funds, partly because he is afraid if he becomes the lead person for visioning he might end up with the leadership role, and that is something he does not have the time, the skill nor the neutrality on some of the issues. He said somebody else needs to put together the visioning process, which would probably take a paid consultant, or facilitator, to do it properly because it is going to entail a lot of work. He said secondly he is getting a wide range of suggestions of how to pick a visioning committee. He stated every option involves the County Commission selecting a limited number of members from a much larger group of applicants, and all he sees that doing is making somebody mad and

undermining the validity of the visioning effort. He stated somebody is bound to feel excluded. He explained his reaction is to work on what the County has money to do, which is the Comp Plan Update, and use the Planning and Zoning Commission to be the sounding board for the Comp Plan Changes. He stated he is supportive of visioning, but he wants the process to be inclusive and supported from the beginning. He said he is unsure of the best way to proceed and is not opposed to someone or a group starting the process. Commissioner Mosconis said he didn't want to get off track with the visioning process since the State was almost mandating the County update the Comp Plan. Mr. Pierce said this matter could be discussed more in depth at the workshop on November 19<sup>th</sup>.

**JUDGE WILLIAM GARY-CHIEF JUDGE 2<sup>ND</sup> JUDICIAL CIRCUIT**

(Tape 1-3662 Continued on Tape 2) The Clerk introduced Judge Gary, Gary Slayden, Court Administrator for the 2<sup>nd</sup> Judicial Circuit and Bill Wells, from the Office of the State Court Administrator (OSCA), to the Board and audience. Mr. Wade said Mr. Slayden would like to address the Board this morning. Mr. Slayden presented a design of the Franklin County Courthouse Hearing Room Modifications and of the Franklin County Courthouse Annex Courtroom Modifications. Mr. Slayden informed the Board the changes proposed by OSCA were not major and could be implemented with a limited budget. He said he met with the Clerk and Mr. Pierce about these modifications. He stated these new plans should address some short-term and long-term needs in the Court system of Franklin County. He stated Judge Russell and Judge Ferris, the new Circuit Judge, had also had input into the plans. He informed the Board the Chief Judge plans to utilize a hearing officer and probably a retired Judge for Franklin County to move some of the cases through the Court system that have been lagging. Commissioner Mosconis asked if this was an emergency situation or a crisis situation to cause the Board to spend taxpayer's dollars for these changes. Mr. Slayden said in some ways it was since he anticipates that before the end of this year there will be a hearing officer coming to Franklin County to handle Child Support cases and Family Court matters. He stated this would cause additional pressure for the County to provide office space for these new changes. Commissioner Mosconis said he did have some problems with this project. Judge Gary said he is trying to address the over crowding at the local jail and many other cases that need to be moved through the Court System. He stated he has spoke to Commissioner Mosconis about his displeasure with the request and changes the Court System has asked for. He stated he understood Commissioner Mosconis' feelings, but he was doing what he had to do. He said he didn't have anything further to say, but that he wanted these changes implemented. After discussion Commissioner Putnal made a **motion directing the County Engineer review these plans and prepare an estimate of costs related to these changes to the Franklin County Courthouse Hearing Room Modifications and to the Franklin County Courthouse Annex Courtroom Modifications.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Mr. Wade said after this is done then the Board would really know how much it would cost to have these changes implemented.

(Tape 2-515) There was a discussion at this time about the changes to the new Franklin County Courthouse Annex Conference Room to prepare for Judge Russell's new office.

Mr. Pierce said the problem was the Clerk felt the Board had authorized expending the money to go ahead with the Judge's Office. He stated everyone was in a hurry to move forward and then the contractor, who built the Annex, James Rogers, submitted an estimate of \$17,950.00 for the changes. He stated the Clerk went ahead and authorized the project. Mr. Pierce said he did talk Mr. Rogers and the Judge to delete the price of the built-in bookcases in the amount of \$4,000.00 thus making the estimate \$13,950.00. Mr. Wade said this was a very important project and he felt it had to be done since the Judge wanted it done as soon as possible. After discussion Commissioner Sanders made a **motion to declare this matter a sole source contract because of the urgency of the situation and declared an emergency situation.** Mr. Shuler said he felt the contractor who constructed the building and just finished with construction would be the best one to come back and make the changes to the building. He stated he also felt Mr. Rogers would do the most efficient job since he knew the basic layout of the building and where all the wiring, lights, etc. were. Commissioner Williams said he would second the motion. Chairman Creamer, Commissioners Williams, Putnal, and Sanders for. Commissioner Mosconis opposed. 4-1 **MOTION CARRIED.** Mr. Wade said the furniture was purchased from the State Bid List.

**NICK YONCLAS-ATTORNEY FOR RON BLOODWORTH-PORTER STREET**

(Tape 2-895) Mr. Yonclas appeared before the Board to say he was representing Ron Bloodworth who was claiming ownership of the property known as Porter Street Canal on SGI. He said the County Commissioners directed Mr. Shuler to met with him and Mr. Pierce to see if a solution could be worked out. Mr. Yonclas said a resolution could not be reached. He said he had a plat that had a public street dedicated to it and some indication that the canal was dedicated. He stated they discussed many issues. A lengthy discussion ensued and many residents of the area were present to oppose the opening of Porter Street on SGI as a public board ramp. After the presentation Commissioner Sanders made a **motion reaffirming the Board's previous motion to close the Porter Street Boat Ramp on SGI to all public traffic and accepting the letters presented to the Board in opposition of opening the boat ramp to the public.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**KENDALL WADE-CLERK**

(Tape 2-2705) Mr. Wade informed the Board Gary Barber, BC&BC representative, informed him the County would not be receiving an extension on their contract. He said the contract would expire on November 1, 2002 so he went ahead and told him to renew the contract so the County employees would not be without health and dental insurance coverage. He said Mr. Barber would continue to check into other possibilities for the County's insurance.

(Tape 2-2748) Mr. Wade introduced Robert Hill, Clerk of Courts from Liberty County, Shalene Grover, the County Attorney for Liberty County, and Willie B. Lewis, members of the Sumatra Cemetery Committee. He said Ms. Grover would like to address the Board regarding the Sumatra Cemetery. Ms. Grover thanked the Board for allowing her to attend the meeting this morning to present to the Franklin County Board of County Commissioners the information she had gotten pertaining to the Sumatra Cemetery. She

said the question is if the cemetery is public or private. She stated she has checked into the matter and she has discovered one case cited "Mingledorf versus Crum" which was a Franklin County case and Mr. Shuler represented one of the parties in this case. She said there are certain questions to determine if the cemetery is public or private. She said the first question was if there was a deed to this property. She said she asked Mr. Shuler if he had found a deed to the property. She stated he replied he couldn't find one, which is quite common especially when the cemetery is old. She said if there isn't a deed then you have to go by what was done in the past. She stated the procedure followed in the past needs to be determined and followed as to what it takes for someone to be buried in the cemetery. She said she has talked to several different people about the matter and if the cemetery has been opened to the public in the past and anyone can be buried there then it would be considered a public cemetery. She stated if it has been limited then it would be consider a private cemetery. She said if a person has a relative buried at the cemetery then a family member does have the right to go into the cemetery.

Commissioner Mosconis asked what the County needs to do to rectify this controversy. She suggested since the property has been posted by the Branch Family then the best thing to do would be to go through the Court system and petition for a Declaratory Judgment. She stated then the Judge would decide if it was public or private. After discussion Commissioner Putnal made a **motion directing the County Attorney to work with the Liberty County Attorney, Ms. Grover, to see if they can resolve this situation.** Commissioner Mosconis said he wanted to know how much this was going to cost. He said the cemetery is in Franklin County. Mr. Shuler replied it would be hard to put a price or cost on this. He said the case could even be appealed. He said it would probably cost approximately five or six thousand dollars. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Willie B. Lewis, a member of the committee, said he knew the County had done work at the cemetery. He said he spoke to a Ms. Hill and a Ms. Horn about the cemetery. He stated he was told he could have five plots in the cemetery. He said he was informed by these ladies this was a public cemetery and it didn't cost anything to be buried in the cemetery. He stated this has been a public cemetery as long as he could remember. He said the sign says "Sumatra Cemetery" not "T. Drew Branch Cemetery". He stated Ms. Hill has lived in that area many, many years and should know about the cemetery.

#### **ALFRED SHULER-COUNTY ATTORNEY**

(Tape 2-3538 Continued on Tape 3) Mr. Shuler said he the Board previously approved the payment of a new medical bill for Deputy Kit Mashburn. He stated the injury occurred when the County's Worker's Comp Insurance went bankrupt. He said the bill has been negotiated down by 50%. He stated the doctor has billed the County for \$156.50 to Dr. Mark Williams for his services to Deputy Kit Mashburn. Mr. Shuler said the bill should have been submitted several years ago by the doctor and that is why the doctor has reduced the bill. He stated he would recommend payment of the bill. Mr. Wade said the bill would have to be paid out of the Fine and Forfeiture Reserve for Contingencies. Commissioner Mosconis made a **motion to pay \$156.50 to Dr. Mark Williams for services to Deputy Kit Mashburn with funds from the Fine and Forfeiture Reserve for Contingency.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 3-66) He suggested the Board invite Attorney Lloyd Monroe to one of the future Board Meetings to discuss the Court case in which he represented Washington County in their effort to bring by District wide voting instead of Single Member District voting. He stated he would call and invite him if the Board so directed him. Commissioner Mosconis made a **motion directing Mr. Shuler to invite Attorney Lloyd Monroe to one of the future Board Meetings to discuss the Court Case involving Single Member District voting as opposed to District Wide voting.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** He said he would also invite the Franklin County School Superintendent to the meeting. Commissioner Mosconis said he would include that in his motion.

(Tape 3-136) Commissioner Sanders asked Mr. Shuler about the redistricting subject she discussed several meetings ago. She asked him if he had done anything regarding this matter. Mr. Shuler replied he had not checked into the census numbers. He said nothing can be done until the correct census numbers are determined. He stated there is nothing to be done until next year anyway.

(Tape 3-203) Commissioner Mosconis asked Mr. Shuler about his retirement. He asked Mr. Shuler when he was planning on retiring. He stated he had heard that Mr. Shuler was going to retire, but he needed to inform the Board if he was going to retire. Commissioner Sanders said she has heard many rumors. Mr. Shuler said he would submit a letter to the Board this morning announcing his retirement effective January 1, 2003. He said he would recommend the Board use one of the following three options to find another County Attorney: 1. Continue the present contract with Shuler and Shuler, as his son Michael Shuler is interested in the job and would do a good job. He said he would also be available for consultation and no advertising would be required. 2. Negotiate with and/or interview attorneys for a new contract. No advertising is required. 3. Advertise for proposals or bids from attorneys for a new contract. The Board has discretion to advertise or not. He did inform the Board attorney fees have gone up quite a bit, and he believed the Board should expect to pay at least \$80.00 an hour or more for quality service next year on whatever choice the Board makes. Commissioner Mosconis asked the Clerk from Liberty County what they did recently when their County Attorney resigned. Mr. Hill replied they advertised for proposals and were paying an average of \$125.00 for litigation and \$2,900.00 a month for day-to-day advice. He said they have broken the duties down and one firm handles all litigation for \$125.00 an hour. He stated Ms. Grover is paid \$2,900.00 a month for her advice on a daily basis. Commissioner Mosconis made a **motion directing the advertisement of "Request for Proposals" in the local newspaper for the position of County Attorney.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Mr. Hill said he would be glad to fax a copy of the proposal Liberty County placed in the newspaper.

FCBCC MINUTES-NOVEMBER 5, 2002

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

Eddie Creamer EDDIE CREAMER, CHAIRMAN

Kendall Wade KENDALL WADE, CLERK