

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JUNE 17, 2003**

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

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

(Tape 1-31) Commissioner Williams made a **motion approving the minutes of the meeting held on June 3, 2003.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-36) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

WILLIAM "BILL" TREW-FCPHU ACTING ADMINISTRATOR

(Tape 1-52) Chairman Sanders said the Board had asked Mr. Trew to come to this Board Meeting to discuss some "issues" happening at the Health Department. She asked any of the Commissioners who would like to ask Mr. Trew any questions to do so.

Commissioner Putnal said he would like to know the reason why Mr. Trew fired Brent Mabrey. Commissioner Putnal stated he knew Mr. Trew didn't have to give the Board a reason, but he thought the Commissioners deserved one. Mr. Trew replied that he respected this question, however it was a policy of the State of Florida, for which Mr. Mabrey worked, not to discuss these matters in the public. He said these matters are really not to be discussed at all. He stated the State really looks at this as an issue between the two parties involved. Commissioner Putnal said he had another question, "Who's next?" Mr. Trew said he is, in a way, glad this opportunity presented itself. He stated there were a lot of "rumors" floating around. He said he wanted the Commissioners and the public to know there is "No list" of people, or there is no "Next". He explained this was a situation, which arose at the Health Department and had to be addressed. He said it was a difficult decision they had to make and it was made.

Commissioner Sanders asked Mr. Trew if he was aware the County helps the State fund the Health Department. She said there is a good "chunk" of Ad-Valorem taxes from Franklin County goes to the Health Department Budget. Mr. Trew replied he was aware of this. Chairman Sanders stated she knew these programs were needed for the citizens of Franklin County and it concerns her one of the most important issues in the County is Environmental Health, which was what Mr. Mabrey did at the Health Department.

Chairman Sanders said she really didn't feel like the Board needed to question "why" or anything similar, but the Board needed to do whatever they could about this matter. She said she knew the State of Florida had to do what they needed to do. She stated she did want an understanding with the Health Department, even though they didn't answer directly to the Board, the employees did in a certain way. Mr. Trew replied he did realize this. He said he was not here to take an individual stance this morning. Chairman Sanders said she had a conversation with Dr. Sorenson from the State Office several

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weeks ago. She stated Dr. Sorenson wanted to know how she, as a Commissioner, felt about the services being provided to the citizens of Franklin County by the local Health Department. She said one of the most explicit things she mentioned to Dr. Sorenson was the fact these employees at the FCPHU have worked with the Health Department for over twenty-two years. She stated she suggested to Dr. Sorenson, as she was suggesting to him this morning as well, the State needed to talk to those local people working at the Health Department. She said these people have built the Health Department into what it is today. She stated she didn't appreciate Mr. Trew just coming right into the County and firing a local person who has been with the Health Department many years.

Commissioner Mosconis asked Mr. Trew if he was a physician. Mr. Trew replied he was not. Commissioner Mosconis asked Mr. Trew if his position wasn't "Acting FCPHU Director". Mr. Trew replied he was not; he was "Acting FCPHU Administrator".

Commissioner Mosconis asked what the difference was. Mr. Trew replied a director requires a physician's degree. Commissioner Mosconis then asked Mr. Trew if there was a physician at the local Health Department since Dr. Junejo had taken another position in Tallahassee. Mr. Trew said Dr. Junejo is still signing for "Protocols" for the nurses and they have several other physicians under contract to provide medical services at the Health Department. Commissioner Mosconis said he knew the procedure, by Florida Statute, is when a new director of administrator is hired it is a coordinated effort between this Board and the State of Florida Health Service. He stated he didn't think the Board had "signed off" on him as "Acting Administrator". He said his question is, which he is very "ticked off" about, is the fact Mr. Trew is not the permanent administrator of the Health Department so how could he take these kinds of measures on the same day Mr. Trew was basically appointed "Acting Administrator". He stated this incident "kind of smells a little bit to him". Commissioner Mosconis said he was also told the police had been called to escort Mr. Mabrey from the Health Department. He asked if this was true. Mr. Trew replied no it wasn't. He stated anytime a State employee is terminated anywhere in the State, as a policy matter, the local police is called to assist if needed. He said this is because of the current environment in the world today. He said it is because the State wants to protect their other employees working at the particular site. He stated it was for the "welfare of all parties". He said they did notify the local authorities to have an officer come down to the Health Department to stand by and assist if needed. He stated it was the intent; Mr. Mabrey was not escorted out of the building, of the State of Florida to have just have law enforcement present when a State employee is terminated. He said there were two policemen who came to the Health Department. He stated it was not his intent for two policemen to come. He said this was not directed at Mr. Mabrey as a personal insult. He stated this is a standard policy of the State. Commissioner Mosconis asked Mr. Trew if he was aware Mr. Mabrey used to be an elected official in this County. He said he has known Brent Mabrey since he was probably three years old and moved here. He stated he has never heard of Mr. Mabrey getting "Crossed up with anybody" in terms of the law. He said when he heard this it really "ticked him off". He stated people listening on their scanners heard the call go out to send law enforcement to the Health Department. He stated other people knew about this before Mr. Mabrey even knew about it. He asked Mr. Trew what kind of operation he was running out there. Chairman Sanders said she heard it on the scanner, but there wasn't a name used on the scanner, just a request to send an officer to the Health Department in Apalachicola.

Commissioner Mosconis said he thought, "We needed to go higher than this guy with this matter". He said the Commissioners needed a full accountability as to why Mr. Mabrey was terminated, why he was terminated in the fashion he was, why was it on the last day of Dr. Junejo's employment with the Health Department and why was it done by an "Acting Director", not even a permanent department head. He stated he could understand it if the new "Director" or "Administrator" was selected and decided to terminate someone. He said he would hope the new person would get to know everyone before a serious decision like this was made. Mr. Trew said he respected Commissioner Mosconis's opinion. Commissioner Mosconis stated if the Board needed to they could go "politically" higher than this. He said the name of the facility is the "Franklin County Health Department" although the State does fund most of it. He stated a lot of the funding comes from the taxpayers of Franklin County. Chairman Sanders the funding also comes from the Board "lobbying" their Legislators to fund programs at the Health Department. Commissioner Mosconis said he didn't like, even with the terrorist problems going on around the world today, the fact of Mr. Trew calling a law enforcement officer to stand by while he terminated Mr. Mabrey. He stated if someone's character doesn't speak for itself, then we are in a sad state around here. Commissioner Creamer asked if Mr. Mabrey gotten a reason for his termination. Mr. Trew replied the State of Florida employees were under a new policy entitled "Select Exempt", which allows someone in Mr. Mabrey's position to be terminated with no reason. He said he is in the same position as Mr. Mabrey and could be asked to leave his job tomorrow without being given a reason for his termination. Commissioner Putnal said he thought this Board "deserves" to know why. Commissioner Williams stated he thought the Board owed it to the citizens of this County to know why. He said he wanted the County Attorney to look into this matter further because this man and his family have assisted this community all their lives. Commissioner Williams made a **motion directing the County Attorney to check further in the termination of Brent Mabrey from the Franklin County Public Health Unit to see if the Board can do anything about this matter.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he had another question for Mr. Trew. He asked Mr. Trew if this was his sole decision or was he the "messenger" that delivered the message. Mr. Trew replied the position he is in "Acting Director" required he handle the matter. He stated it was delegated to him because of his experience he does have in Franklin County. He said it was his responsibility since he is working in this capacity until a new "Director" or "Administrator" is hired for Franklin County. He stated the State is currently in the process and has scheduled interviews in July. Mr. Trew said the request for Mr. Mabrey's termination was initiated by Mr. Mabrey's supervisor through consultation with the State Environmental Health Office and the Deputy Department of Health Officer for the State of Florida. He said the matter was discussed and then he was delegated to terminate Mr. Mabrey or invoke this decision for the State. Commissioner Mosconis said "Well, we are going to have to go higher than this, but I do respect Mr. Trew's answers this morning". Commissioner Putnal asked Mr. Trew where he was originally from. Mr. Trew replied Orlando. Commissioner Mosconis said someone in an interim position shouldn't be allowed to take this kind of action since it is so serious. He made a **motion directing the County Attorney to send letters to the County's Legislative Delegation, the Governor, and the State of Florida Secretary of Health.**

He said this reminded him of the "black listed days" after World War II when actors, etc. in Hollywood were thought to be Communists. He stated back then you could get black listed and the police would come escort you off of your job. Commissioner Putnal said he agreed with Commissioner Mosconis and seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said America is made up of laws and rules, not individuals. He said he could see a lot of potential problems with this type of management. Chairman Sanders asked Mr. Mabrey if he would like to say something. Mr. Mabrey said he wanted to thank the Board for their comments this morning. He stated the best thing to do would be to "let it travel it's course" and give the Health Department it's due. He said the new Florida First Program does make his position "Select Exempt". He stated because of being in this category he has been informed there is nothing he could say or do to regain his job. He said many employees with the State have already experienced this situation. He stated he wanted to also thank the people of Franklin County for the opportunity to serve them the past eleven years. He said he has traveled a lot of miles in this County and knows the many things the County is going to need for future growth. He stated he would always be available to serve this Board in any capacity, such as the Planning and Zoning Commission, or any other Board or Committee they would like for him to serve on. He said he was not going anywhere since Franklin County was his home.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-575) Mr. Chipman said he wanted to apologize for no one being at the last two Board Meetings to represent the Road Department or the Public Works Department. He said he had been out of the office due to an illness. He stated he had surgery. He said he would assure the Board this would never happen again.

(Tape 1-593) He said Ryan Drive in Carrabelle had been taken care of. He said the group, PBS&J, which completed this project in Carrabelle was going to send one of their engineers to look at the situation. He explained the Engineer was going to meet with him at the site and then it would be determined who had created the problem. He said if PBS&J were responsible they would agree to repair or fix the problem. He stated he would keep the Commissioners up to date on this matter. Chairman Sanders said she had spoken to Dave Lovell, PBS&J, about the problem and he is going to come to look at the site. She stated it could be a design flaw in the project. She said the County doesn't need to do anything at the site until this decision is made.

(Tape 1-627) He informed the Board the Road Department cleaned up the ditch in Carrabelle from Gray Avenue to US Highway 98. He said Oak Street is awaiting the installation of a bulkhead. Chairman Sanders asked if the headwall had been fixed up by George Jackson's place. Mr. Chipman responded this is what he was talking about. He said this project has not been addressed yet. Chairman Sanders informed Mr. Chipman this was going to be a major project.

(Tape 1-646) He said the County Commission has a list of roads considered "County Roads". He stated the former Engineer for Franklin County, Joe Hamilton, prepared the list. He said the list was completed for paving purposes. He stated he was approached,

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while working on "Dunaway Lane" in Apalachicola, by the Department of Corrections (DOC) Inmate Supervisor, Sergeant Randy Cook, about the use of State Inmates on private roads or property. He said Mr. Cook informed him "Dunaway Lane" was considered a private road. He stated Mr. Cook has told him that if the road is not on this list of "County Roads", then the inmates are not allowed to work on the road. He said Mr. Cook has a list of these roads. Commissioner Mosconis stated he knew the County was not supposed to provide any services, by County Departments, on private roads either. Mr. Chipman replied he knew this, but some of these roads he has been directed to work on by Commissioner Putnal and other Commissioner's is not considered "County Roads" and he cannot allow his crew or the inmate crew to do work on them anymore. He stated the use of the DOC inmates are being scrutinized by the DOC and he is going to be very careful about working on any road other than the ones on the list.

Commissioner Mosconis announced the County Engineering Technician, Chris Clark, was here this morning. He asked Mr. Clark if he understood the problem and asked him if he could meet with DOC representatives to see if the "County Roads" list couldn't be "synchronized" with them. Mr. Clark said he missed some of the discussion.

Commissioner Mosconis restated he would like the "County Road" list checked to make sure both the County and the DOC have the same roads on their list. Alan Pierce, Director of Administrative Services, reminded the Board they had adopted the list many years ago when Mr. Hamilton was the Engineer. He said the list should be at least updated. Chairman Sanders instructed Mr. Clark and Mr. Chipman to update the list. Ms. Varnes, FCBCC Secretary, reminded the Board this list really needed to be updated. She stated the State of Florida was going to require an inventory of both paved and dirt roads that were considered "County Roads" as part of the new Governmental Accounting Standards Board (GASB 34). Chairman Sanders said this is even more reason to update the list. Mr. Chipman said he knew this was important because he could not afford to loose the DOC inmates. He stated he is responsible for the inmates and where they are working.

(Tape 1-696) Commissioner Putnal asked Mr. Clark if he had gone to look at Highway 67 to readjust the speed limit. Mr. Clark replied initially he was asked to go out and check into the discrepancy in speed limits on Highway 67. He said the speed limit is 35 MPH going south and 55 MPH going north so he did fix the signs. He stated he thought this was the problem Commissioner Putnal was talking about. Mr. Clark said now he understands the speed limit leaving Carrabelle on Highway 67 is 35 MPH all the way up past Lake Morality Road, there it changes to 45 and 55 MPH. He stated from what he is being told now the speed limit at the Carrabelle City Limits needs to be changed to 45 MPH running both ways. Chairman Sanders replied this is not what they want done. She stated, what they want done, is right past the houses where the Messer's and their neighbors live is to be changed from 35 MPH to 45 MPH all the way out past the prison. She said then from there the speed limit, from the prison site, all the way up Highway 67 the speed limit should be 55 MPH. Mr. Clark asked if it would be all right to have the speed limit up to Crooked Creek Road and go from 35 MPH to 45 MPH. Chairman Sanders said the speed limit about six miles north of Carrabelle, at Sam Neel's house, which needs to be set at 45 MPH because there are kids in that area as well as a bad curve. Mr. Clark said this speed limit in this area was already 45 MPH so it would not

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need to be changed. Chairman Sanders stated until the prison is being utilized the speed limit in that area should be 45 MPH.

(Tape 1-774) Commissioner Mosconis said, while Mr. Clark is checking into speed limits, he needs to address the speed limit on Bluff Road in Apalachicola. He stated he would like to see the speed limit on Bluff Road raised from 35 MPH to 40 MPH or 45 MPH, whichever he feels is safest on the road. Thomas M. Shuler, County Attorney, said he had been in contact with FDOT about this issue. He said he had talked to an Engineer with Preble-Rish about furnishing the County with an estimate as to how much an Engineering Study would cost. Commissioner Mosconis stated FDOT used to do it for the County without costs. He said he was sure FDOT would do it if the County asked them to. Mr. Shuler replied this was not the impression he got from the gentlemen he talked to at FDOT last week. He said he would go back and check with FDOT, but the gentlemen informed him the County would have to provide an Engineering Study completed on the roads by a professional engineer. Commissioner Mosconis suggested have Mr. Clark do the study. Mr. Shuler replied Mr. Clark is not a professional engineer.

(Tape 1-811) Mr. Clark said Chairman Sanders had also wanted him to check into the speed limit on SR 30 (US Highway 98) out of Carrabelle. He stated he thought the speed limit was correct, but the "Yield" sign had been torn down. Chairman Sanders told Mr. Clark she had already talked to DeWitt Polous, Public Works Department, about this matter.

(Tape 1-819) Mr. Clark said a gentlemen from Alligator Point had called Planning and Zoning about an erosion problem on C-370. He said the erosion problem is occurring about 7 ½ feet off of the edge of the pavement. Chairman Sanders said she thought this had been already taken care of by the Road Department. Mr. Chipman informed the Board the Road Department crew had fixed this area.

(Tape 1-837) Mr. Chipman informed Commissioner Creamer he had the Road Department clean the ditch out in Eastpoint from Mr. Millenders all the way to the Bay. He said they had also cleaned it out all the way from US Highway 98 through to 4th Street in Eastpoint and all the way to the Bay itself. He stated the boat ramp had been cleaned up to. He said they called the Sheriff's Department to come and tag all of the old un-useable boat trailers, etc. for disposal and then had them hauled to the Landfill. He said they are now in the area of the Eastpoint Post Office working on ditches.

(Tape 1-851) Commissioner Mosconis said he thought it was time to "go ahead and close the chapter on the Mr. Sanders' punishment for something that happened back in March". He suggested the Board go ahead and take Leonard Carson's advice on Mr. Sanders' punishment. He said give Mr. Sanders his two-day suspension, forego the ninety-day probation period, because it has already been ninety-days since the incident, and lets go on about the County's business. He informed Mr. Chipman it would be up to him as to when he imposes the two-day suspension on Mr. Sanders. He said he could also decide whether Mr. Sanders could use vacation time or just let him off two-days, it would strictly be up to Mr. Chipman. Commissioner Mosconis said he was sure Mr.

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Sanders had enough Comp Time to use for the two-day suspension. He stated something could just be worked out at the Road Camp. He then made a **motion instructing the Superintendent of Public Works, Hubert Chipman, to impose the following punishment on Oscar Sanders for the incident that occurred at the Road Department in March; two-days suspension, either using Vacation Time or Comp Time, and to forego the ninety-day suspension, since it has already been ninety-days since the incident.** Commissioner Creamer seconded the motion. Chairman Sanders informed the Board and the public she would abstain from voting on this issue since it involved her husband, Oscar Sanders. She said she would complete a Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. All for. **MOTION CARRIED.**

(Tape 1-901) Commissioner Putnal said last week when it rained so hard they had a "real bad" water problem at the restaurant "Julia Mae's" in Carrabelle. He stated the County cleaned out the ditch at Timber Island Road. He said it looked real good, but he rode down there and there is a couple of places that looks like one of those culverts might be stopped up inside. He stated the water runs slowly in two places and probably needs to be cleaned out. Mr. Chipman said he would take care of this situation.

(Tape 1-926) Commissioner Putnal said the company FDOT has contracted with for road maintenance in Franklin County, VMS, has not cleaned any of the ditches out. He stated they were there when the problem arose, but they didn't do anything. Mr. Chipman said all of the water runs down off the Tillie Miller Bridge onto this property. Commissioner Putnal stated they were supposed to clean their ditch out too and they didn't. He said the County's ditch being cleaned out helped a lot. He stated he thought VMS should do more for Franklin County. He said they needed to do their part too. Chairman Sanders asked the Board if someone needed to contact VMS and inform them of these problems. Commissioner Putnal replied they already know about the problem, but haven't done anything about it. Chairman Sanders said FDOT had been privatized for road maintenance for approximately three years and Franklin County, as far as State Roads and the ditches, are in worse condition than when VMS was given the contract. She said the roads and ditches were in terrible shape. She stated the County really needed to send a letter to Edward Prescott, PE, FDOT, District Secretary, and inform him, again, how unhappy the Commissioners are with VMS. Commissioner Mosconis suggested someone contact VMS to come to the next Board Meeting. He said they have been to one other meeting when the Board gave them a specific list of roads, ditches, etc. that needed to be addressed and they took care of them. He said maybe the Board needed to require that they attend one Board Meeting a month. Commissioner Creamer expressed his displeasure with VMS as well. Chairman Sanders said she wanted the letter to include a request to exclude Franklin County from VMS's contract and make FDOT take care of the roads, ditches, etc. in Franklin County. She said she thought Franklin County was becoming a "jungle". Commissioner Creamer asked if this contract wasn't on a trial basis. Chairman Sanders replied yes it was. Chairman Sanders said the Board would ask VMS to send a representative to the next Board Meeting July 1st.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-1051) Mr. Johnson reported, due to the illegal dumping at the SGI recycling site, property owners near the location have requested the County move the recycling containers. He informed the Board the current location is at the north end of 3rd Street West, between Bay Shore Drive and Pine Avenue. He said this portion of the street is platted, however it remains undeveloped. He suggested the Board consider a new location within another undeveloped roadway near State owned land. He said the State owns several parcels of land on the eastern end of the Island. He stated, at various points, they have blocked the entrance of this property, but the County owns the roads leading into it. He said if the Board so desires, a new site could be situated at one of these blocked entrances. He informed the Board he had attached a map reflecting the current location of the recycling site and the proposed new recycling site. Commissioner Putnal asked Mr. Johnson to meet with Commissioner Creamer at the proposed site and decided where the SGI recycling site needs to be. He said then Mr. Johnson could just put it there.

(Tape 1-1105) He stated the Solid Waste Department is currently in need of the services of an engineer. He said the Class III disposal area at the Landfill, is a 75% capacity and the County needs an engineer to get started with the sighting and permitting of a new site. He said hopefully, this new location could be within the current 40-acres. He said the Board needed to also be informed the permit to operate the Air Curtain Incinerator will expire on April 27, 2004, and the renewal application is due by February 27th of the same year. He said he is bringing this matter to the Board's attention today because the County needs to get a "jump start" on both projects. Commissioner Mosconis told Mr. Johnson to ask Chris Clark to prepare the sighting and permitting of a new site for an addition to the Landfill. Mr. Johnson replied Mr. Clark is not a registered engineer and the State requires a registered engineer to "sign-off" on the permit, etc. Commissioner Mosconis asked Mr. Johnson if he couldn't use the Landfill Closure Budget, which has approximately \$700,000.00 in it. Mr. Johnson replied he didn't think so since this budget was to be used for long-term care after a particular landfill cell or landfill has been closed. He said this request is for the sighting and permitting of a new site. Commissioner Mosconis told him he wanted to see if he couldn't "tap" into this money anyway. Mr. Johnson said he would check into whether this money could be used or not. Commissioner Putnal asked Mr. Johnson if a "special engineer" could do these projects. Mr. Johnson said the State required it had to be a registered engineer to complete these items. Commissioner Creamer said he and Mr. Johnson were discussing property the other day. He stated he knew the County was running out of property for use as a landfill, etc. Commissioner Creamer said he wanted Mr. Johnson to be looking for some property adjoining or near the Landfill. Commissioner Creamer said he would make a **motion giving Mr. Johnson the authority to look for property adjoining or near the current landfill site for possible expansion.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1189) Mr. Johnson stated at a previous Board Meeting the Board approved the exemption of an employee, the mechanic, at the Landfill from the DOC requirements for inmate supervision contingent on Leonard Carson, the County's Labor Attorney,

providing an opinion on the matter. He said has just received a letter faxed from Mr. Carson this morning and has provided each Commissioner with a copy of the letter. He said the letter gives the Board some suggestions and information on how to properly handle this type of employee situations. He stated he has just received the letter this morning and would ask the Commissioners to review it and then the matter could be discussed further at the next meeting. Commissioner Mosconis asked if the DOC had any problem with the changes Mr. Carson was recommending. Mr. Johnson replied he had placed a copy of a letter from DOC informing the Board they would permit the mechanic at the Landfill to be exempted from DOC inmate supervision. He said he would prefer the Commissioners review the letter from Mr. Carson since it would change the Franklin County Personnel Rules.

(Tape 1-1243) Chairman Sanders said she wanted a matter brought to the attention of the Board this morning. She stated very seldom does the Board receive compliments on County Employees, but the Board had received one from a lady living on SGI complimenting Albert Floyd and Margaret Barber, Animal Control Officers, for the job they do. She informed Mr. Johnson she wanted to be sure he informed Ms. Barber and Mr. Floyd of this nice compliment. Commissioner Creamer said he agreed with this lady and thought Ms. Barber and Mr. Floyd did an outstanding job. Commissioner Mosconis said the Commissioners never get any good letters. He stated all they get is "bad letters" in the newspaper.

SCOTT VASCAVAGE-ORGANIZATION FOR ARTIFICIAL REEFS, INC.

(Tape 1-1272) Chairman Sanders said Scott Vascavage, Director of OAR, asked her to let him address the Board this morning. Mr. Vascavage explained to the Board he had requested, several meetings ago, for the Board to authorize the Chairman's signature on the USCOE Permit Application for the proposed SGI Bridge Artificial Reef Project. He said the Board agreed to allow the Chairman to sign the permit application on June 17, 2003 at their regularly scheduled meeting contingent on approval by the County Attorney. He stated he has called the County Attorney and asked about the contract, but was informed by Mr. Shuler the Board was considering another alternative for the old SGI Bridge. Mr. Vascavage said it really didn't matter if the Board decided to keep more of the old SGI Bridge the permit still would need to be pursued. He stated he has heard some of the issues being considered for the old SGI Bridge. He said he did want the Board to know this permit OAR is seeking from USCOE entitles the County to build an artificial reef on the Gulf bottom in the area specified in the permit. He explained it didn't matter if it was material from the old SGI Bridge or concrete rubble from another project that occurs in Franklin County or some other County. He said it could even be reef modules purchased through grant funds, etc. He stated the actually permit is for an area of the Gulf bottom and actually has nothing to do with the debris from the old SGI Bridge. He informed the Board if the old SGI Bridge is destroyed then this is definitely where the material would be placed. Commissioner Mosconis said he knew for a fact the "high span" of the old SGI Bridge was coming down. Mr. Vascavage said he had read in the local newspaper the concerned citizens on SGI were trying to keep the entire old SGI Bridge for people to use as a fishing pier, picnicking area, etc. He stated he was here simply to get the permit application process started as soon as possible. He said he would

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like to have the application signed and given to him today for processing, since he is already behind schedule. Mr. Shuler informed the Board he would recommend the Board allow the Chairman to sign the USCOE Permit Application as long as Mr. Vascavage would stand behind what he said earlier about the demolition of the old SGI Bridge. Mr. Vascavage encouraged the Board to authorize the Chairman to sign the application so he could begin the permit process. Mr. Shuler said he had prepared a brief letter reflecting everything Mr. Vascavage had told the Board this morning and was going to have Mr. Vascavage sign the bottom of the letter acknowledging he agreed with the statements made about the USCOE Permit Application process not prejudicing the County's authority to keep the entire bridge span, if the Board so decides. Commissioner Mosconis said he would make a **motion authorizing the Chairman's signature on the USCOE Permit Application for the proposed SGI Bridge Artificial Reef project as prepared by the Organization for Artificial Reefs, Inc., Scott Vascavage, Director.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Vascavage said he was also going to leave, for the Board file this morning, a Memorandum of Understanding between the Organization of Artificial Reefs, Inc. and the County of Franklin, Florida.

PUBLIC HEARING-LAND USE AND REZONING-TRACT 1

(Tape 1- 1458) Alan Pierce, Director of Administrative Services, informed the Board this first public hearing was to address the request of Dennis Delmain to have the land use on his property in the Lanark Village Beach area, 0.81 of an acre, located in Section 12, Township 7 South, Range 4 West on US Highway 98 changed from Commercial to Residential and rezoned from C-4 Commercial Residential Mixed Use to R-1A Single Family Residential Subdivision. Mr. Delmain stated the first 200', according to the records, is zoned Commercial, which would make over one-half of the property Commercially zoned. He said when they bought the property it had been used as a beauty shop, which is a commercial business. Mr. Pierce stated he and the Assistant Planner, Mark Curenton, redrew a map of the area this morning and it reflects most of the property is zoned Residential not Commercial. He said, according to the records in Planning and Zoning, only 30' is zoned Commercial and the other is zoned Residential. He stated he had not seen an actual survey of the property just the one he prepared this morning. Billie Anderson, the previous owner of the property, presented a copy of the survey of the property when she purchased it. Ms. Anderson said when she sold the property to Mr. Delmain it was understood the property was zoned Residential. Commissioner Mosconis said since there was so much confusion about these changes he would make a **motion to table this decision until July 15, 2003 at 9:45 a.m.** He said this would allow the Planning and Zoning Office, Ms. Anderson and Mr. Delmain to review the survey Ms. Anderson brought to the meeting this morning. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING-LAND USE AND REZONING-TRACT 2

(Tape 1-1888) Mr. Pierce said this land use and rezoning request was to consider a land use change for Lots 1, 2, 3, 6 and a portion of Lot 4 of David Brown Estates located in Eastpoint from Residential to Commercial and rezoned from R-1 Single Family Residential to C-4 Commercial/Residential Mixed Use. He said Rocky Moore of

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Eastpoint owned the property. He stated the Planning and Zoning Commission approved the request. He said there has been some rezoning in the area of this property and showed the Board the areas rezoned on a map of the area. Buford Braxton, an adjoining property owner, was present to express his opposition to this land use and rezoning change. Mr. Braxton said he was here to oppose this land use and rezoning for the third or fourth time, he wasn't sure, but it seemed to him every time the property changes ownership the land use and rezoning issue is brought up again. He said he was against the changes before and is still opposed to it. He stated he would like to build a house one day on his property and does not want it rezoned as Commercial property. After Mr. Braxton vehemently expressed his opposition to the changes requested by Mr. Moore Commissioner Creamer made a **motion authorizing the Chairman's signature on an Ordinance Amending the Franklin County Comprehensive Plan to Change the Permitted Land Use of Lots 1, 2, 3, 6 and a Portion of Lot 4 of David Brown Estates Located in Eastpoint from Residential to Commercial.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer then made a **motion authorizing the Chairman's signature on an Ordinance Rezoning of Lots 1, 2, 3, 6 and a Portion of Lot 4 of David Brown Estates Located in Eastpoint from R-1 Single Family Residential to C-4 Commercial/Residential Mixed Use.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Mr. Braxton thanked the Board for hearing his views on this matter.

PUBLIC HEARING-REZONING CHANGE-TRACT 3

(Tape 1-2729) Mr. Pierce said the owner of Lots 37, 38, 39, 40 and 41, Block 10, West, Unit 1, SGI located on West Gorrie Drive, Steve Rash, had submitted a request to Planning and Zoning to have the property rezoned from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use. He said the other surround property had already been rezoned to the same zoning of C-4. Chairman Sanders asked if anyone would like to speak to the Board about the rezoning request submitted by Mr. Rash for this property. After no one asked to speak Commissioner Creamer made a **motion authorizing the Chairman's signature on an Ordinance Rezoning Lots 37, 38, 39, 40 and 41, Block 10 West, Unit 1 Located on SGI from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING-REZONING CHANGE-TRACT 4

(Tape 1-2804) Mr. Pierce said Ms. Helen Spohrer the owner of Lots 35 and 36, Block 10 West, Unit 1, SGI had also requested the rezoning of her property from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use. Chairman Sanders asked for public comment. After no one asked to speak Commissioner Creamer made a **motion authorizing the Chairman's signature on an Ordinance Rezoning Lots 35 and 36, Block 10, West, Unit 1, SGI from C-2 Commercial Business to C-4 Commercial/Residential Mixed Use.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

GINGER COULTER-FCSO FINANCE DEPARTMENT

(Tape 1-2884) Ms. Coulter said she was here this morning to request the Board amend the Franklin County Sheriff's Office 2002-2003 Budget to reflect the amount of money received from two grants for the current year, Resource Officer revenue, and the match amount received from the Apalachicola Police Department for a total amount of \$148,563.33. She said the individual listing for the amendments are as follows: Narcotic Task Force \$106,730.00; VOCA Grant \$31,281.00; Resource Officer \$32,000.00 and Apalachicola Police Department matching funds \$10,552.33. Commissioner Mosconis made a **motion to amend the Franklin County Sheriff's Office 2002-2003 Budget to reflect the following: Narcotic Task Force \$106,730.00; VOCA Grant \$31,281.00; Resource Officer \$32,000.00 and Apalachicola Police Department match amount \$10,552.33, for a total amendment of \$148,563.33.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

JEANNI MCMILLAN-JEANNI'S JOURNEYS OF SGI

(Tape 1-2928 Continued on Tape 2) Chairman Sanders recognized Ms. McMillan at this time. Ms. McMillan said she was here this morning to address the Board about right-of-way issues the County has sent her letters about. She stated she is the owner of Jeanni's Journeys of SGI and her property adjoins County right-of-way on the Island. She said she has been in this business, an eco-tourist business, on SGI for eleven years. She stated she bought the property in 1998 from Buddy Fredericks, which was used as his old warehouse. She said the building was in total disrepair. She stated she renovated the building in 1999 and now employs over thirteen people. She said when she bought the building the end of 3rd Street was basically a dump where everybody had dumped things such as building materials, cars, etc. She said people still continued to dump things on the property even after she moved into the building and opened her business. She stated Mr. Pierce is very aware of this matter. She said she spent approximately \$3,000.00 clearing out the garbage, the old cars, and most of the other things that had been dumped on the property. She stated she was afraid people would continue to dump things on this property after she had cleaned it up. She said she put up a little short fence in the County right-of-way to keep people from dumping anything else at the end of the road. She stated she spent a lot of money on tipping fees at the landfill. She said she even found an old boat there, but she just left it there and planted flowers in it. She stated she has not stopped anyone from getting through the gate or traveling through the property. She said anybody could get in and out of the end of 3rd Street. She stated she felt she did a lot to clean up the area so she does have her business at the end of 3rd Street. She said she has four commercial lots, with a 3,500-foot building zoned C-4. She stated she didn't know why she keeps getting letters from the County about the parking problem, the fence, etc. on her property. She said she knew there was a parking problem at her business, but then parking is a problem on the Island anyway. She stated parking problems exist all though Franklin County. She said she does have a fence around her property, but has just installed a small, short fence at the end of 3rd Street. Commissioner Mosconis asked Ms. McMillan what the issue was. Mr. Pierce said the issue, and he had written Ms. McMillan several letters as directed by the Board, was the parking problems. He stated it looks, from some citizen's perspective; the County right-of-way is part of her business or part of her personal property. He stated the property is fenced off as if the whole right-

of-way is Ms. McMillan's personal property. Mr. Pierce said the biggest problem is the parking situation on SGI. Commissioner Mosconis suggested the Board send Chris Clark over to the Island to look at this area and prepare a plan as to the best way the County can handle the parking situation in this area. Ms. McMillan said a lot of problems on the Island are all related to the parking situation on the Island. Mr. Pierce said he thought this was a good idea to send Mr. Clark over to the Island to check into the matter. Chairman Sanders said then he could make a recommendation to the Board at the next meeting. Ms. McMillan asked the Board to instruct Mr. Clark to call her before he came out to the property to look at it. Commissioner Creamer said he too would like to go with Mr. Clark to look at the area. Tom Hoffer, the owner of two Commercially Zoned lots in this area, asked the Board to consider the adjoining property owners concern about the lack of a parking policy on the Island. He said this is the root problem. He stated the parking problem on the Island has never been addressed. He said he thought this was a matter the Board definitely needed to address because of the overcrowding on the Island. He stated there is a problem with the garage and Ms. McMillan's business. Ms. McMillan said she thought historically on the Island all of the businesses are using the County right-of-way's are being used as parking areas. She stated she knew this was a problem, but was it seemed to her a domino affect. Commissioner Mosconis said he wanted to remind the people on SGI the platting of the Island was done before any bridge was built to the Island. He stated the previous Boards never envisioned this traffic and parking problem. Commissioner Creamer made a **motion directing the County Engineering Technician, Chris Clark, to go over to SGI and look at this property to prepare a proposed plan for the parking problem near Jeanni's Journeys and the adjacent garage using County right-of-way and present it to the Board at the next meeting on July 1st.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

BIG BEND SCENIC BYWAY COMMITTEE-RESOLUTION OF SUPPORT

(Tape 2-43) Dixie Partington, Chair of the Franklin County-Big Bend Scenic Byway Corridor Advisory Group, referred to as the FCCAG. She said they have representation from the entire County and the Apalachicola and Carrabelle City Commissions, Lanark Village Association, Alligator Point Taxpayers Association and the SGI Civic Club have endorsed the Byway plan unanimously. She presented a Resolution of support for the Big Bend Scenic Byway, which is proposed for a 248-mile corridor extending through Wakulla, Franklin, Leon and Liberty Counties. She asked the Commissioners to adopt the Resolution and authorize the Chairman's signature on the Resolution. Chairman Sanders asked Ms. Partington who the members of this group were. Ms. Partington replied Diane Delaney should be able to answer that questions. Ms. Delaney replied Ron Treutel, Paul Johnson, Roy Duverger, Skip Frink were just a few of the members. She said they mostly rely on public participation in the public hearings. She said the group consisted of representatives from throughout the County and anybody can voice their opinion at the public meetings. She informed the Board the FCCAG consists of approximately 110 members. Commissioner Putnal said he thought this was one of the best things the County could do since it sounded to him like the whole community is behind the effort. Commissioner Putnal made a **motion to adopt the Resolution of Support presented by the Franklin County-Big Bend Scenic Byway Corridor**

Advisory Group for the proposed 248-mile corridor extending through Wakulla, Franklin, Leon and Liberty Counties. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINSTRATIVE SERVICES

(Tape 2-260) Mr. Pierce reminded the Board of the discussion he had with them at the last meeting regarding the Edgecomb property being sold to the Jettons. He reminded the Board the Edgecomb, after selling 40-acres of their 49-acres of property zoned Agricultural, was left with 9-acres to keep her mobile home on. He said this would, according to the zoning on the property, would cause the County to have two mobile homes on 49-acres of land, which is zoned one mobile home per 40-acres. Darrell Edgecomb, the owner of the property, said he would like to address the Board this morning. He said he has resided in Franklin County since 1992. He stated he and his wife purchased this property consisting of approximately 49-acres north of Carrabelle in 1997 in the "Pine Coast Plantation". He stated the zoning is one dwelling per 40-acres. He said when they moved onto the property they cleared the property by hand since they didn't have a tractor or any other equipment. He stated they have put their heart and soul in this piece of property. He said in 1998 they were able to purchase a mobile home and have it set up on their property. He explained last year his wife became ill and they didn't have any insurance. He stated due to her illness requiring surgery so she could continue her life they had to sell some of their property. He said they tried to sell the 9-acres, but they were unable too. He stated his wife's health got worse and they decided to sell 40-acres. He said they sold the property very cheap and received enough money to pay off the property and pay for his wife's surgery. He stated they received a letter from the Planning and Zoning office on May 26, 2003 informing them they had to move their mobile home within 60-days. He said he didn't know what the consequences were if they didn't move their mobile home within this 60-days since it was not listed in the letter they received. He stated they are here today to ask the Board, if there is any way, to allow them to continue to live on their 9-acres of property with their mobile home on it. He asked the Board to please consider letting them stay on their property since they have no other place to go. He said this is definitely a hardship case because of his wife's illness. He stated there was no profit made on selling the land and was due to his wife's medical emergency. Commissioner Mosconis asked who could be opposed to this. Mr. Pierce replied he wasn't going to set a precedence, but he did recognize and bring to the Board's attention the fact there are two mobile homes on 49-acres, which is against the zoning code. He said, as the County Planner, he had to respond to the problem. Commissioner Mosconis said if they were going to put houses on SGI on 25-foot lots, then there has got to be a provision for a mobile home on 9-acres. Commissioner Putnal asked Chairman Sanders if she didn't agree with him these type matters need to be considered on a case-by-case basis. Chairman Sanders said she did agree they should be considered on a case-by-case basis. Commissioner Putnal said this looked to him to be a situation where there was a definite hardship. He stated he is not about to vote to have these people moved off their property they have worked so hard for. Chairman Sanders said the important issue is the Edgecombs property falls under a homeowners association. Mr. Edgecomb said in 1995 the president of the association, Bill Wells and Cliff Blackburn, voted to divide the property into one dwelling per 10-acres. He stated the actual homeowners association

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approved this change, but the State of Florida DCA denied the change because of the infrastructure not being in place yet. Mr. Edgecomb stated it didn't matter anyway since he was still short of 10-acres. Commissioner Creamer asked Mr. Pierce if this was brought to the attention of Mr. Pierce by the homeowners association. Mr. Pierce replied a property owner who is probably a member of the homeowners association brought it to his attention. Commissioner Creamer said he thought this was more of a civil matter than something the Board could decide. Mr. Pierce stated he would recommend the Board direct the County Attorney to check into this situation. He said the main thing is the County protection of the zoning code. He stated he did know this was a unique situation. Commissioner Mosconis asked why the County would want to spend money to pay the County Attorney. He said the Board needed to either tell the Edgecombs to move their mobile home because of their violation of the zoning code or allow them to live there on the property in peace for the rest of their lives. Mr. Edgecomb said the not knowing is the most stressful for his family. Commissioner Mosconis said unless there were some facts the Board didn't have this morning he didn't see any reason for the County to spend any more money on this matter. Mr. Pierce said he recognized this was a unique situation and there is a great deal of sympathy for the Edgecombs, but he wanted to make sure the Board doesn't get itself into a "predicament" when other property in this area is sold off in 10-acre tracts. He said then there would be a lot more density and if the roads in the subdivision do not meet the County's Road Standards there could be problems. Commissioner Mosconis said this type thing is why the County has a subdivision ordinance. Chairman Sanders asked why a permit was even issued to the new property owners for a mobile home on the 40-acre tract they bought. She said she knew they just recently applied for a mobile home permit from the County. Mr. Pierce replied they didn't realize this 40-acres had been separated from the original 49-acre plot. Chairman Sanders said again, she thought these type situations needed to be addressed on a case-by-case basis. Commissioner Creamer asked if the property the Edgecombs still had needed to be rezoned. He said he felt if this hardship case is approved the County needs to do everything it can to assure it is done correctly. Commissioner Creamer said he stated at the last meeting he would never, never tell these people to move. He stated he would be embarrassed to think someone would even think he would consider removing the Edgecombs from their property. Commissioner Creamer said he would like to make this "legal" for the Edgecombs so they won't have an added burden about whether they are going to be able to stay on the 9-acres or have to move. Mr. Pierce said he thought the proper thing to do would be to rezone the property so they are legally safe. Commissioner Mosconis said he wanted Mr. Pierce to have a plan together at the next meeting so the Board can adopt it. Mr. Pierce replied he would take care of this. Chairman Sanders said to be clear the Board was instructing Mr. Pierce to prepare a plan to handle this matter and have it ready for the next Board Meeting on July 1st. Commissioner Mosconis said he didn't want to spend any County Attorney money on this issue. Commissioner Putnal suggested Mr. Pierce contact the homeowners association for this subdivision and inform them of what is going on. Chairman Sanders informed the Edgecombs they should remain on their property without fear. Mr. Pierce informed the Commissioners the adjoining property owners would be notified by certified mail because a public hearing will have to be scheduled.

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(Tape 2-565) Mr. Pierce provided a copy of a letter from DCA informing the Commissioners the County had awarded \$700,000.00 in CDBG funds for improvements to Twin Lakes Road, and Lanark Village, pending any final appeal of the rankings.

(Tape 2-574) He submitted a letter sent to the Chairman informing Franklin County it was included in the Farm Service Agency's declaration for damages caused as a result of heavy rainfall occurring on October 14th and 15th, 2002 and October 26th through October 29th, 2002. He said the letter informs the County the individuals suffering any damages as a result of this event might be eligible for economic injury assistance. He said the letter also states the deadline for applying is December 30, 2003. Mr. Pierce stated he is not sure the oystermen were considered "farmers or ranch's". He said he really didn't know if they were considered under this declaration or not. Commissioner Putnal said he had mentioned this before. He stated because the oystermen are now regulated and governed by the DACS shouldn't they be considered "farmers". Mr. Pierce stated it is possible. Commissioner Mosconis made a **motion directing Mr. Pierce to send a letter to the Florida Department of Agriculture and Consumer Services requesting they clarify if the oystermen fall under the category of "farmers and ranchers" and if the local oystermen are eligible for these loans.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he felt the Clam Aquaculture Project in Alligator Harbor would be considered a farming operation.

(Tape 2-610) Mr. Pierce presented a copy of a letter he had written on May 28, 2003, as instructed by the Board, to Ben Withers regarding the removal of his equipment he has placed and left on the Timber Island right-of-way. He said the equipment needed to be moved off the County's right-of-way since the area has become very busy at the launching ramp. He stated Mr. Withers replied to the letter by writing the following on the bottom of the original letter the County mailed to Mr. Withers: "Alan, the old dump truck in question has been abandoned. It was loaded with debris from the Dog Island Conservation District I hauled there. Feel free to remove the above items. I will be glad to help you in any way. We try and not store materials or equipment for long periods of time. Sincerely, Ben Withers." Commissioner Mosconis asked if this meant Mr. Withers was going to abandon the property. Mr. Pierce replied he thought this is what Mr. Withers was saying. Commissioner Mosconis said he could then pay for the removal of the items. Chairman Sanders said Mr. Withers should pay for having the items or trucks hauled away. Commissioner Mosconis said the County could have the items removed and then send him a bill. He stated if he doesn't pay to have the material moved then he could have a lien placed on him. Mr. Shuler said there is a Florida Statute governing the removal of abandoned vehicles. He stated he would have to check into the exact wording of the Statute to see how much the County could recoup from having the items hauled off. Commissioner Mosconis said he thought Mr. Withers just wanted the County to clean his "mess" up for him. Mr. Shuler stated he would meet with Mr. Pierce after the meeting today to see what the County could do.

(Tape 2-653) He said he was asked to provide the Board with an analysis of the ownership of the property at the end of River Road in Carrabelle. He said the property is periodically used as a boat ramp. He stated he current public records do not completely

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establish ownership of the road extension so a surveyor would have to be hired to straighten out the records. He said even if there was a section of land unwonted by one party or the other this does not mean the County has ownership of the unclaimed land. He said Commissioner Putnal had asked him to research this matter. He stated he is talking about the "extension to River Road" in Carrabelle. He said he also wanted to advise the Board of continuing action or re-action from adjoining property owners at the end of another section of River Road where there is no County maintained drainage system. Commissioner Putnal said at the end of River Road would be an ideal place to build a County Boat Ramp. Mr. Pierce said he would check the official records again, but he did the best he could in researching the ownership of this small piece of land, known as the extension of River Road. He said there would probably be room for a right-of-way into the boat ramp if one was constructed, but there would not be any parking spaces available.

(Tape 2-780) He said he would like to provide the Board with copies of four letters from FDOT approving time extension for different projects. He said the following projects and completion dates were scheduled by FDOT: County Road 65 Patton Drive Project-July 28, 2003; County Road 65 South Bayshore Drive Project-July 28, 2003; Water Street Project in Apalachicola-July 28, 2003 and the JPA Landscaping Project for the SGI Bridge Project-July 30, 2004.

(Tape 2-793) Mr. Pierce said he would like to discuss the subject of imposing a limited bed tax along the coastal area of Franklin County. He said he would like for the Board to direct the local Chambers of Commerce to prepare a proposal for the Board to consider. He said the benefit of a bed tax is the County is now providing tax revenues to maintain such tourist facilities as the County Park on SGI and a bed tax could be used to provide the revenue for this activity as well as others. He said this would keep the Board from spending tax revenue on tourist related facilities and needs. Commissioner Mosconis said he wanted this done and made a **motion directing the local Chambers of Commerce to prepare a proposal for the Board to consider regarding the implementation of a bed tax for the coastal areas of Franklin County and a projected amount of revenue this could provide the County for tourist related facilities, etc.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-822) He informed the Board there is a check for \$40,000.00 to be presented this morning to the Franklin County Habitat for Humanity Project. He said the local SHIP Program, as recommended by the SHIP Committee donated the funds. He said there is some members of the Habitat Board Members present this morning to accept the check. He said this should remind the Board and the citizens of Franklin County of the public and private effort moving forward to build at least two houses here in Franklin County for deserving families.

(Tape 2-937) Mr. Pierce informed the Board Billy Buzzett, St. Joe Company, was here this morning to address the Board about two items. He said one of the items was the recent announcement of the decision of the St. Joe Company to sell 50,000 acres of land

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between Apalachicola and Port St. Joe to the State of Florida or the Federal Government. He said the second item was clarification of a scrivener's error on the legal description of the property approved by the Planning and Zoning Commission and the County Commission for the beginning of an affordable housing effort east of Carrabelle, which are Ordinance 2003-03 and Ordinance 2003-04. He informed the Board the property being offered for sale consists of 50,000 acres, but only 6,363 of the acres in Franklin County. He said the remaining 37,456 acres are in Gulf County. He explained to the Board if they would like to be considered when the land is sold then he would need to know as soon as possible. He stated most of the land should or would be saved as environmentally sensitive lands. Commissioner Mosconis said he would like to have a boat ramp in this area. He asked Mr. Buzzett to donate some of the land to the County for public use. He said some of the land could be used, at a future time, for recreational areas for the public. Mr. Buzzett stated he would keep this in mind when the land is actually sold, which should be in approximately 12 to 18 months. Commissioner Mosconis asked Mr. Buzzett what the Board needed to do this morning to assist in getting the County some land. He said he would look into the matter and work with the County in pursuing some of this land for the County to use for recreational purposes. Mr. Buzzett said the Board needed to approve the changes on the legal description of the property St. Joe is going to use for affordable housing in Franklin County. He stated he needed the Board to declare there was a scrivener's error regarding the legal description on the property and authorizing the changes be reflected on the legal description. Mr. Buzzett informed the Board their Attorney had not reviewed the new legal description, but he would be glad to present it to him for review and approval. Commissioner Putnal made a **motion to correct the scrivener's error on the legal description of the property to be used for an affordable housing effort east of Carrabelle contingent on review and approval by the County Attorney-Ordinance 2003-3 and Ordinance 2003-4.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1182) Mr. Pierce said David McClain is here to encourage the Board to move forward with the development of a Code Enforcement Program. He said Mr. McClain would like to address the Board this morning regarding the issues of signs on SGI and how this would be a good test for code enforcement separate from having the County Commission do it. Mr. McClain presented the Commissioners with a booklet entitled "Homeowner's Guide to Wetlands". He said this booklet provides the rules and regulations people need to abide by. He stated some of the information refers to County rules and regulations and some of it has State information or rules and regulations. He stated he knew the Board had considered exactly how to handle these type matters. He encouraged the Commissioners to appoint a Board to enforce or to back up the Code Enforcement Officer. He said the County could then ensure the investment the taxpayers are making in the revision to Comprehensive Plan is going to be fulfilled. He said he did ask the Board to consider the appointment of such a Board and encouraged them to adopt a Code Enforcement Program for Franklin County. Mr. McClain thanked the Board for allowing him to speak to them this morning. Mr. Pierce said he did realize this would be a new enterprise for the Commissioners, but reminded the Commissioners they are dealing with Code Enforcement issues at the present time. He stated, such as, the Commissioners asked him to investigate the problem of signs on SGI. He explained

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there are two main violations on the Island; real estate companies have quietly been increasing the size of sales signs so that they are now in violation of the County sign requirements, and rental agencies continue to place the rental signs near the road with the house numbers on it, which are an eyesore to most, and if there was some uniform requirement most of the rental signs could be placed on the house in a less striking location. Commissioner Mosconis said he thought a lot of work had to be done before any Code Enforcement Board could be established. He stated he envisioned the real estate signs he saw on SGI be changed to a "generic look" in other words they would all have the same colors, the same sizes, the same print, etc. Commissioner Creamer informed the Board a lot of the real estate companies, if they are in a franchise, must use certain colors, sizes, etc. He said this could create a problem. Commissioner Mosconis said he didn't really know what the answer was, but all he did know is the Island looks like pictures you see of Disney Land in California. He stated in the Plantation on SGI they don't have any signs anywhere in their area, but homes are selling everyday and selling at a high price. He said they must be doing it without any real estate signs. He stated this tells him the signs are not necessary to sell real estate on a place like SGI. Mr. Pierce said he would present this matter and these suggestions to the Planning and Zoning Commission to see what they thought or to gather any ideas they might have about this matter. He stated he was trying to encourage the Board to implement some sort of Code Enforcement Ordinance. He said he would try and see if he couldn't at least get a draft plan or proposed ordinance together to address the Code Enforcement issue in Franklin County.

(Tape 2-1470) He informed the Board the Finance Office in the Clerk's Office is holding on to two invoices from URS for inspection work that would now be done by Preble-Rish, Inc. He said while URS acknowledges the invoices need to be corrected the corrected invoices have not arrived after three months of waiting on them. He said after discussing the matter with Ruth Williams, Finance Officer, they both agreed the Board should direct the Finance Office to deny and return the invoices to URS as being inaccurate, which would then force URS to submit corrected invoices. Commissioner Mosconis made a **motion authorizing the Finance Office to deny and return two invoices submitted by URS for previous work done at the Apalachicola Airport as inaccurate.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1489) He said he would like to tell the Board the Chairman made some telephone calls to the USCOE regarding working out a proposal with DEP to meet the revised monitoring requirements DEP still needs for the Eastpoint Channel Dredging Project. He said members of the USCOE have met with Mike Sole, DEP, to work on this proposal. He reported this would also include submission of a DEP application by the USCOE. He said according to Terry Jangula, USCOE, if Franklin County became the applicant to DEP then the USCOE would not be able to spend Federal dollars under a County permit. He explained to the Board the USCOE must be the permit holder. Commissioner Creamer asked where they were with the permitting process. Mr. Pierce replied a "lady" who was on vacation when the permit was submitted had contacted him. He said the Chairman told the "lady" something needed to be done most expeditiously.

Chairman Sanders stated she told the "lady" just like it was and how important this dredging project was to the people in Eastpoint as well as the rest of the County. Commissioner Mosconis said at least there was some progress being made.

(Tape 2-1535) Mr. Pierce explained Linc Barnett, County Consultant for a Continuity of Operations Plan, has been meeting with various County groups, including all sections of the Public Works Department, the Emergency Management Department, and the Planning and Zoning Department. He said there are several issues the Board needs to address to make sure the County can properly respond to disasters, both Federally declared, and those not Federally declared. He said the first three involve the County Attorney and are listed as follows: 1. During storm events the County Road Department employees are asked to clear culverts and ditches of debris. These operations might include deepening of ditches with equipment. Under normal situations the Road Department would normally contact No Cuts or Sunshine State One Call to locate potential underground utilities, but under an emergency situation the Road Department does not have time to wait two days for the utilities to be located. Does the Board want Mr. Barnett and Mr. Chipman to meet with the County Attorney to draft some policies when the Board is authorizing such work without waiting for the utilities to be located? 2. The State of Florida is supposed to be maintaining State Highways including US Highway 98 and Highway 65. Under emergencies the County might be able to respond faster thereby saving lives of minimizing property losses if the County can respond to the State Highway System without first having to wait for FDOT or its agent to respond. Does the Board want someone to contact VMS or FDOT to see what sort of pre-disaster agreement might be reached? 3. Periodically, especially after storm events, the Road Department is called to assist in removing debris from private property. The Board has some risk if damage is done by County equipment on private property. Does the Board want the attorney to prepare a very simple Hold Harmless Agreement for the private property owner to sign before any emergency work is done on private property? He said the other issues are: At this time, the Road Department Employees do not have a clear understanding of their roles and responsibilities during local States of Emergencies are declared. Periodically, the Courthouse has closed yet the Road Department Employees are required to remain at work, and are not always guaranteed they will be paid for their time, only Comp Time is offered to them. While the equipment is pre-positioned for storm events, employees are not required to be at any specific location. A number of employees usually do volunteer in the immediate recovery, it is not clear if there is a requirement to work if the Courthouse is closed, nor is it clear if certain skilled position employees must be at work. As the County grows, and responding to a disaster gets larger, the County needs to have a more reliable system for its response and recovery efforts. The Board needs to set up procedures for emergency call-outs so employees know where and when they are needed, and the employees know how they are going to get compensated. Commissioner Mosconis asked Mr. Pierce if Mr. Barnett couldn't put such a program as this together. Mr. Pierce replied Mr. Barnett is going to prepare a proposal to address these specific problems for the Board to consider. Chairman Sanders said she did know that if it was a FEMA reimbursed storm the County would receive funds to pay any overtime the employees worked during the storm. She stated there are standing policies, which would just need to be incorporated into this. Mr. Pierce replied

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this would address the problem if a storm was "declared", but what about something or a disaster not officially "declared". He said in this case the County has a policy stating he employees cannot accumulate more than 40-hours of Comp Time and if they do it is unclear how they will be compensated. Chairman Sanders said this would be considered an emergency situation and things change when there is an emergency situation.

Commissioner Mosconis said he felt this was a case-by-case deal too. Mr. Pierce asked the Board to answer his questions he posed to them this morning. The Commissioners, by instruction, informed Mr. Pierce they did want the County Attorney to prepare a simple Hold Harmless Agreement for work the County might do on private property after a disaster. They mentioned they had already instructed a letter be sent to VMS about the State Highway System in Franklin County. The Commissioners informed Mr. Pierce the employee issue of comp time, etc. should be addressed on a case-by-case basis and whether or not the County is going to be reimbursed for any costs expended during an emergency situation. The Commissioners said Mr. Barnett should prepare a proposal for the Board to consider regarding procedures for emergency call-outs for County Employees.

(Tape 2-1700) He said the last item is the Planning and Zoning Commission recommendations as follows: Tabling the following two docks and to have the agents come back to the Commission and answer some additional questions; Michael Yohen to construct a single family dock on Lot 8, Yancey Tract, Lanark Beach, request submitted by Larry Joe Colson, agent for the owners; Michael and Jane Maida to construct a single family dock at 2746 US Highway 98, Lanark Beach, request submitted by Docks-4-Less/David Keith, agent for the owners. Commissioner Mosconis asked what the problem with these docks was. He stated this was uncommon for the Planning and Zoning Commission to recommend tabling a dock issue. Mr. Pierce said he didn't really know since he didn't attend the Planning and Zoning Commission meeting. Chairman Sanders informed the Board Mr. Colson and Mr. Keith was both present at the meeting this morning and she asked them if they would like to address the Board. Mr. Colson said the issue the Planning and Zoning Commission had with the Yohen dock was whether an exemption of 500' was to be imposed on the dock construction. Mr. Colson said this exemption was correct, but only if the dock is to be constructed in an aquatic preserve. He said the exemption applicable to this dock is for an 1000 square feet in Class 2 waters. He stated he was only the contractor and the agent for the actual permit was not present this morning. He said he thought the Planning and Zoning Commission did not know how to address these type of issues. He said he thought they needed to know all of the rules and regulations for docks, etc. if they were going to making such important decisions. He said again, the Yohen dock was not in an aquatic preserve and was going to be built in Class 2 waters. Mr. Pierce, reading from the Planning and Zoning Minutes, "Ms. Ward stated both docks have been exempted by DEP and have the necessary Federal Permits to move forward on the docks". Mr. Colson said DEP is not going to issue an exemption if they do not meet the necessary water(s) qualifications. He stated DEP sets the classification of the waters on the permits and would not issue a permit for construction of a 1,000 square foot dock in an aquatic preserve. Mr. Pierce again stated the County does not have any dock guidelines or specifications for approval by the County for construction of the dock. He stated the State and Federal Permits are

the deciding factor in most of the dock construction in Franklin County. Mr. Colson said he would like to begin work on this dock if he could. He stated he thought the Yohen's should be able to go ahead and build their dock not because he is the contractor of the dock, but because the County had no legitimate reason to hold the construction up. Commissioner Putnal asked Mr. Colson if he and Mr. Keith were both in the business of constructing these type of docks. Mr. Colson replied yes they were. Commissioner Putnal asked them if they were having their work stopped because of this issue? Mr. Colson and Mr. Keith replied "yes" this was correct. Mr. Keith presented a copy of a map of the Alligator Harbor Aquatic Preserve and the Apalachicola Bay Aquatic Preserve. He said he also has copies of the dock permit paperwork from DEP. He stated the dock for Mr. Colson's project and his project were all approved by DEP and met the Federal requirements as well. Mr. Keith said the paperwork from DEP states "the area where the dock is being built is not in the outstanding waterways, the aquatic waterway. He said the docks are nowhere near the preserve. Mr. Keith said his wife prepared and submitted the permit applications for the Maida's dock. Mr. Pierce said if the docks are not in the aquatic preserve then they have the right to build the docks. Mr. Keith said DEP approved it; the USCOE approved it and now the County is holding them up. Mr. Colson stated the Yohen dock is not anywhere near the aquatic preserve either. Mr. Pierce said it appeared to him the questions had been answered as to whether these docks were within the aquatic preserve or not. Commissioner Putnal said he would like to make a **motion approving the construction of a single-family dock on Lot 8, Yancey Tract, Lanark Beach as requested by Michael Yohen.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal then made a **motion approving the construction of a single-family dock at 2746 US Highway 98, Lanark Beach as requested by Michael and Jane Maida.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** (Tape 2-1967) Mr. Pierce said he would continue the regular Planning and Zoning Commission Report this morning; The Commission recommends approval of a sketch plat for Magnolia Ridge Phases 5 and 6, a subdivision lying in Section 30, Township 9 South, Range 6 West, Eastpoint, request submitted by Brant Rudzinski, agent for Magnolia Ridge, LLC. Since this subdivision still has to be approved by the Board of Adjustment (BOA) for consideration as a cluster development, I recommend the Board table approval of the sketch plat until after the BOA acts. The Commission recommends approval of the "Tarpon Sound" subdivision, located in Section 21, Township 7 South, Range 4 West, request submitted by Dan Ausley and Billy Buzzett, agents for St. Joe Land Company. Commissioner Creamer made a **motion approving the "Tarpon Sound" subdivision, located in Section 21, Township 7 South, Range 4 West, as requested by Dan Ausley and Billy Buzzett, agents for the St. Joe Land Company.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** The Commission recommends approval, contingent on a variance from BOA, for a site plan to construct a new Apalachicola State Bank on Lots 18, 19, 20 and 21, Block 1 West, SGI. I recommend the Board table any action until the BOA makes a decision on the variance request. The Commission recommends approval of the following rezoning requests, action by the Board would be to authorize the scheduling of a public hearing to consider rezoning the following property:
Consideration of a request to rezone Lots 17, 18 and 19, Block 2 West, Unit 1, SGI from C-2 to C-4, request submitted by Russ McGregor, owner. The Commission recommends

approval of the rezoning contingent on the property being developed consistent with the guidelines that the residential use does not exceed 50%. Mr. McGregor said it was his intention of building a Subway on the property and renting the upstairs space to employees and he had no intention of building "shotgun" cottages. Commissioner Creamer made a **motion authorizing Mr. Pierce to schedule a public hearing to consider a rezoning request submitted by Russ McGregor to rezone Lots 17, 18 and 19, Block 2 West, Unit 1, SGI from C-2 to C-4.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** The Commission approved of the submission of a large-scale land use change for some 31 acres of R-3, one unit per 5-acres, to R-1, one unit per acre, for part of the property currently known as Tracts 6, 7, 8, 9, 11 and 12, "The Soundings", which is on the north side of US Highway 98 just west of Yent's Bayou. Dan Garlick and Jeanne Bonds, owners, submitted the request. Because large-scale land use changes can only be submitted to the State for approval twice a year, I recommend the Board tentatively schedule this transmittal hearing for September, in case another large parcel is presented to the Board in the fall. For the Board's information the first land use change of 2003 was "Summer Camp" so the County can only submit one more change this year. Commissioner Mosconis made a **motion authorizing Mr. Pierce to schedule a Public Hearing in September to consider the submission of a large scale land use change for 31 acres, Tracts 6, 7, 8, 9, 11 and 12 of "The Soundings" from R-3 to R-1.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said this concluded the Planning and Zoning Commission report.

(Tape 2-2141) He informed the Board there would be two additional workshops this summer to continue developing public opinion on County issues. He announced the next workshop would be held on July 15th and the second workshop would be held in August.

(Tape 2-2185) Commissioner Creamer said he had something for Mr. Pierce to do this morning. He stated he believed the Board would be following the Zoning Code. He stated he would like to hold a public hearing at the next Board Meeting for the possible dismissal of Ms. Harriett Beach from the Planning and Zoning Commission. He said she was an alternate on the Commission. Commissioner Creamer stated he thought the article in "Franklin Chronicle" was inappropriate and against the Board, "derogatory". He said he didn't think, "The Board should have anyone on the Planning and Zoning that is going to be doing that". Mr. Pierce said this matter was "at the Board's discretion" and the Board could certainly do this. He stated this had never happened before and he wasn't sure exactly how to proceed with the matter. He said he would meet with the County Attorney to check into how the Zoning Code addressed this issue. Commissioner Creamer said he thought the public hearing would have to be held and properly advertised. Mr. Shuler said he would get with Mr. Pierce after the meeting to see what public notice, if any, would be required. Commissioner Creamer asked if the notice had to be placed in the newspaper. Mr. Shuler replied yes it had to be advertised as a public hearing. Commissioner Creamer said he would make a **motion directing Mr. Pierce to schedule and properly advertise, if necessary, a public notice of the Commissioner's intent to dismiss Ms. Harriett Beach as an alternate from the Franklin County Planning and Zoning Commission.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2296) Commissioner Mosconis said he would like to request a Resolution of Support for the Three Servicemen Statute South, Inc. He stated he has been working on bring the Vietnam Memorial to Franklin County. He explained he was moving into a different phase of his "fundraising" and he failed to get a Resolution of Support from the Board. He said he has been working on this project for approximately 2 years. He informed the Board his group had collected approximately \$80,000.00 and the cause had been pledged several thousand more dollars. Commissioner Putnal made a **motion authorizing the Chairman's signature on a Resolution of Support for the Three Servicemen Statute South, Inc.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2397) Chairman Sanders said she had one item that she needed to inform the Board about this morning. She said the Clerk, Mr. Wade, left her a note asking her to remind the Board the County has paid the Carson and Atkins law firm invoice.

AMELIA VARNES-DEPUTY CLERK

(Tape 2-2363) Ms. Varnes announced that the Clerk, Kendall Wade, was not at the meeting this morning. She said he was on vacation.

(Tape 2-2409) She presented a letter from the "State of Florida Department of Management Services Updated Disclosure", which states Franklin County does own the Apalachicola Airport. She said the disclosure also verifies the airport is leased to Apalachicola International Aviation Training Center, Inc. She stated the Chairman needed to sign this disclosure. Commissioner Putnal said he didn't understand this. He asked Mr. Shuler if this meant the County was "charging" them and now the County couldn't "charge" them. Mr. Shuler replied he thought it was just a statement or disclosure, which is probably some sort of a qualification process for the State to keep their airplanes, helicopters, etc. at the Apalachicola Airport. He stated as part of the total disclosure the County had to sign a document verifying the County does own the airport and leases it to a company. Commissioner Putnal made a **motion authorizing the Chairman's signature on the "State of Florida Department of Management Services Updated Disclosure" for the Apalachicola Airport.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2492) Ms. Varnes informed the Commissioners they had received, on behalf of the Florida Counties Foundation Small County Technical Assistance Services (SCTAS) Program, the fourth edition of the "Analysis of Revenue Options for Franklin County."

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-2523) Mr. Shuler said to update the Board on the Sumatra Cemetery he wanted to inform the Board he had the Chairman sign the Contract for Sale and Purchase for the Cemetery from Drew Branch, Jr. in the amount of \$10,000.00. He said the Board had already approved the Chairman's signature on the contract. He stated he is in the process of scheduling a closing so the County can become the owners of the cemetery. He told the Board he would expect to have this completed within the next 30-days.

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Commissioner Mosconis asked Mr. Shuler if the County could sell the property to Liberty County for them to take care of. Mr. Shuler replied he thought he has found a way to conduct a direct sale from Franklin County to Liberty County.

(Tape 2-2560) He reminded the Board there would two ordinances for the Board to consider July 1st. He said one of the ordinances is to amend the Litter Control Ordinance and the other one was to implement some minor costs for the Family Law Assistance Program on participants in the Program.

(Tape 2-2580) He said another subject to be discussed at the next meeting would be the partial vacation of a plat for "Las Brisas" subdivision in Eastpoint. He explained Mr. Pierce and he have discussed this matter with the Board several months ago. He stated the applicants are ready to move forward with this partial vacation of a plat.

(Tape 2-2594) Mr. Shuler said the Clerk, at the last meeting, had informed the Board the company, Tank Recyclers, Inc., lease had expired as of June 7, 2003. He said the company has since contacted him about renewing the lease, and he is working on the language for the renewal. He stated when it was completed he would submit it to the Board for approval. Mr. Pierce said the company just wanted a short-term extension for 6-months or so.

(Tape 2-2626) He stated he would like to ask permission to at least inquire about the Code Enforcement Board. He asked the Board if they were going to be "divesting yourself" of some certain decision making by creating a Board. He said the Planning and Zoning Commission just makes recommendations or advises the Board regarding rezonings, etc., on the BOA they are the final decision makes regarding variances, etc. He said if an applicant is unhappy with a BOA decision the applicant must file a case in Circuit Court. He stated, in other words, they do not come to the Commissioners to overturn the decision made by the BOA. He asked if the Board would like him to have an answer to this type of question at the next Board Meeting. Commissioner Mosconis said he knew there would have to some "framework" for the Board to work under.

(Tape 2-2667) Mr. Shuler stated he might have a recommendation on the County's 40-acre rule. He said this might be a solution to a problem the Board discussed this morning regarding the Edgecombs and the Jettons. He explained in the future he would suggest that whenever an applicant receives a building permit on a 40-acre parcel the applicant be required to sign a document for recordation in the public records stating the applicant acknowledges they cannot further subdivide any of their property and there are no further development rights for the 40-acre parcel. He stated this way the applicant or owner of the 40-acre parcel would be bound to keeping the 40-acre parcel and not selling any of the property. He said if the Board wanted him to he would prepare the documents necessary to implement this procedure. He stated he would just draft a document for applicants to sign when they get a building permit.

(Tape 2-2710) He said he would like the Board to schedule an Executive Session to meet with him either this afternoon or immediately following this meeting. He stated there

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were two lawsuits filed against the County he needed to discuss with the Commissioners this morning. The Chairman said she would like to have the session as soon as this meeting was adjourned since she had to get on the road. She stated she was going to the Annual Commissioners meeting in Orlando, which begins tomorrow morning. She said she had to get on the road this afternoon. Commissioner Mosconis said he agreed with the Chairman. Mr. Shuler informed the Board it would only take about 5 minutes of their time.

(Tape 2-2726) Chairman Sanders presented the final "Attorney Services Contract" submitted by Mr. Shuler for his services as County Attorney and attorney to the BOA and CLB. Commissioner Mosconis said he would make a **motion authorizing the Chairman's signature on the Attorney Services Contract between Thomas M. Shuler and Franklin County to provide services to the Board of County Commissioners, The Board of Adjustment and The Construction Licensing Board with a termination, by the Board, of the contract at any time.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

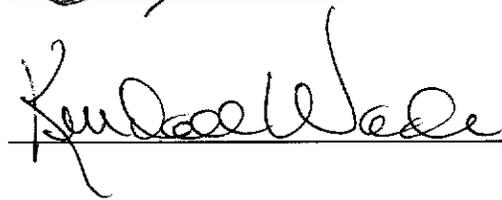
(Tape 2-2761) Chairman Sanders said she wanted the Board to see some of the sample signs the USCOE was posting near the Camp Gordon Johnston area. She said the signs are posted in the areas where the USCOE is exploding any type of explosives like bombs, practice bombs, etc. in the Camp Gordon Johnston area.

(Tape 2-2783) Chairman Sanders said Greg Vickery, FDOT, did contact the Board regarding the St. Teresa signs.

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



CHERYL SANDERS, CHAIRMAN



AMELIA VARNES, DEPUTY CLERK