

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MARCH 21, 2000**

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

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

(Tape 1-32) Commissioner Sanders made a **motion to approve the minutes of the meeting held on March 7, 2000.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-37) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

CLARENCE DEWADE

(Tape 1-54) Mr. DeWade stated he would like to address the Board this morning about a problem the residents of Lanark Village were having. He said Lubertos Sand and Stone, Eastpoint, are using the residential streets to haul sand in and out of their property at the Old Parade Ground. He explained the dump trucks used to haul the sand in and out are creating a noise nuisance as well as destroying the streets. He presented a photograph of the area at the corner of Highway 98 and Florida Street he had taken last night. He said there was a large hole there big enough to lose a car in. He stated he felt this was a commercial mining operation being conducted in a residential area. He said the Lubertos informed Commissioner Sanders they are going to build a lake where they are moving the sand from. He stated they would have to haul in a million tons of clay to hold water on the property. He said they are hauling all of the sand to the DOC prison site near Carrabelle to sell. He stated he felt this was not going to improve this property and probably would leave a huge hole on the property. Mr. DeWade said he was also concerned about the loose sand this was creating and the hazard it poses to the children playing in the area. Alan Pierce, Director of Administrative Services, informed the Board he had just spoken, by telephone, to Ms. Luberto. He said, while the property has been zoned residential, it was platted years ago. He stated the County has never been diligent about what people do on their private property. He related to the Board that Ms. Luberto told him she would be willing to cooperate with the County regarding the use of these streets. Commissioner Mosconis suggested the Board direct the County Engineer go to look at the site to see what he would recommend. Commissioner Sanders said the Road Department had already been sent to repair the large hole and fill it with lime rock. She stated she wanted the Lubertos to use Spring Street to go in and out with their loads. Commissioner Mosconis stated he wanted the County Engineer to meet with the Lubertos to see if the problem can be eliminated. Mr. Pierce said he would get the Engineer over to the area as soon as he could. He stated Spring Street could be designated the Truck Route. Commissioner Sanders made a **motion instructing the Road Superintendent Hubert Chipman to assist in relieving the traffic pressure on the roads in Lanark**

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Village and to designate Spring Street a Truck Route if needed. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-303) Mr. Mahan presented the Board with the Summer 2000 UF College of Agricultural and Life Sciences Distance Education Course Catalog.

(Tape 1-323) He said he had also included, in each Commissioner's package, the February and March issues of UF/IFAS Putting Florida First Newsletters. He said the February issue features the 47 new Extension positions which have been approved under the new Florida First program. He said included in the new positions is an Estuarine Ecology Specialist position in the Department of Fisheries. He informed the Board he had been appointed to the Search & Screen Committee for the position. He explained one of these positions will be used in Franklin County by hiring a Fisheries Biologist-Estuarine Ecologist to provide some leadership in that area for the County. He stated the March newsletter outlines the Legislative Priorities of UF/IFAS for the 2000-01 budget year.

(Tape 1-371) He informed the Board the Extension Office and the ANERR Program is planning a program for homeowners entitled "Protecting Your Home From Termites." He explained the program speaker would be Steve Dwinell, Assistant Director of Agricultural Environmental Services, FL DACS. He said program topics will include; common termite problems in Florida, how to protect your home from termites, how to select a pest control company, what pest control contracts should cover, common construction practices that make termite problems worse, and how to file a complaint against a pest control company. He stated the program would be on April 17, 2000, 7:00 p.m., at the Research Reserve in Apalachicola.

(Tape 1-400) He said he spoke to Dr. Nancy Marcus, as instructed by the Board, about her request for a letter of support from the Board on the FSU/HBOI Aquaculture Distance Education Grant Proposal to USDA. He explained she reported to him the proposal needed to be sent in by March 17th. He said she informed him the Board did not need to take any action. He added that Dr. Marcus informed him she was told by the initial reviewer for USDA the proposal looked "very good."

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-428) Mr. Chipman informed the Board he has hired Mitchell McAlphin, Jr. for the vacant temporary position at the Road Department. He said Mr. McAlphin has worked every day this week since they are so shorthanded at the Road Department.

(Tape 1-433) He explained that Mitchell McAlphin, an employee of the Road Department, was enrolled in the Sick Pool beginning Monday. Commissioner Putnal asked how much time remained in the Sick Pool. Mr. Chipman replied enough to carry Mr. McAlphin on full salary for approximately six months if needed. Commissioner Sanders asked Mr. Chipman if he thought this would deplete the sick pool. Mr. Chipman replied all of the employees have agreed if Mr. McAlphin needs all of it then he can use

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all of it. He stated this was the members of the Sick Pool's decision alone. He reiterated he asked everyone of them if this would be okay. He said they assured him it would.

(Tape 1-490) He stated he went to look at the ditch Commissioner Creamer asked him to check on at Mr. Pridgen's house. He said he felt it would be better to use a pipe to close the ditch off. Commissioner Creamer stated the ditch was approximately ten feet behind Mr. Pridgen's house. Mr. Chipman said it would not take much time or pipe. Commissioner Creamer informed the Board the Pridgen's were going to meet with the County Attorney to sign an easement form for the County.

(Tape 1-525) Mr. Pierce said he would like to discuss something that pertained to the Road Department before Mr. Chipman leaves the meeting to go back to work. He asked the Board to consider amending the personnel rules to make it a condition of employment for Public Works Employees, both Road Department and Solid Waste, that they must obtain and retain their inmate supervision certification from the State. He said, at this time, all of the employees do have their certification, but the rules are not clear as to what would happen if an employee loses his or her certification since such certification is not listed as a condition of employment in the current rules. Commissioner Mosconis said he thought this matter had been cleared up several years ago. Alfred Shuler, County Attorney, stated he thought the Board reached a decision that this is what the Board intended or meant. He said maybe Mr. Pierce is suggesting the rules be clarified so it is very clear to employees. Commissioner Mosconis said he recalled the Board terminating an employee because he lost his inmate certification due to criminal charges. He asked Mr. Pierce if he had researched the Board minutes. Mr. Pierce replied he had just reviewed the rules and not the minutes. He said he would review the past Board minutes to see exactly what action was taken. Commissioner Putnal asked if a mechanic at the Road Department really needed to be certified to supervise inmates. Commissioner Mosconis said the problem is if the mechanic has a criminal record and DOC discovers this then the County would be in jeopardy of losing all of the DOC programs in the County. He said DOC is under so much public pressure regarding safety issues they will not even take a chance on something happening while these inmates are being supervised. Mr. Pierce assured the Board he would go back and check the minutes to see exactly what the Board has done in the past when these situations have come up.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-612) Mr. Johnson informed the Board he has had an employee from the Road Department show an interest in the vacant Animal Control Officer job. He said the problem is the employee's current salary is \$10,000.00 over the entry level position as advertised. He explained the only way he can allow this transfer is for the Board to amend his budget. He said the Board would have to come up with the additional \$10,000.00. Commissioner Mosconis asked if the advertised position paid less than the amount the previous employee was making when they left. Mr. Johnson replied yes it was considered entry level pay. Commissioner Putnal said he thought Mr. Chipman was already short handed at the Road Department. Mr. Chipman interjected that he is short handed, but if this employee wants to transfer then there is nothing he can do. He said he would hate to lose this employee, but it seems to him Mr. Johnson has a problem with

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the salary of the employee. He said Mr. Johnson doesn't have the money to pay the salary of this employee. Mr. Johnson agreed and stated this employee had been with the Road Department approximately eleven years. He said he did not have a problem with the transfer it was just the salary. Mr. Chipman stated he would have to hire somebody to replace the employee which would definitely put him in a bind. He said the problem is having the new employees DOC certified to supervise inmates. Commissioner Mosconis asked if Mr. Chipman and Mr. Johnson could meet to try and resolve this problem. Mr. Johnson said he is not ready to make any decisions he just wanted the Board to know this in advance since he may have to amend his budget. He stated if the Board does this then he will have to use money from the Contingency Budget. Mr. Shuler said it seemed to him the problem was a vacant entry level position with entry level pay and an higher paid employee wanting to fill that position. He stated he thought the Board needed to realize what is being done if the Commissioners decide to do it. Commissioner Mosconis said Mr. Johnson may have to stick with the entry level salary even if someone wants to transfer. Mr. Johnson said he wanted to say again he just did not have this money in his budget. Commissioner Putnal asked Mr. Shuler to assist Mr. Johnson and Mr. Chipman with the matter so they could make a recommendation to the Board at the next meeting.

(Tape 1-756) Commissioner Mosconis said he thought both Mr. Johnson and Mr. Chipman were doing an outstanding job.

ALAN PIERCE-DIRECTOR OF ADMINSTRATIVE SERVICES

(Tape 1-769) Mr. Piece presented the Board with a copy of the 1996-97 FY SHIP Annual Report from the State. He said there were interesting statistics about the State SHIP Programs. He stated Franklin County does not stand out for either good or bad statistics.

(Tape 1-786) He presented a copy of the DEP Short Form Application for the replacement of the SGI Bridge FDOT has submitted to the State for approval.

(Tape 1-796) He submitted a copy of the DEP FRDAP Grant rankings the County submitted to DEP for tennis courts. He said the reason the grant did not receive the minimum number of points was for several reasons, one, our Comprehensive Plan had not been updated to indicate the need for more tennis courts, and the other was the cost of the project was not justified by the limited number of activities occurring through the grant. He said that means that building only lighted tennis courts and a walking path at a park does not rank high on the State score of activities, especially when there is no local moneys being used for the project. He said the City of Apalachicola did not have their Veteran's Park Project approved either.

(Tape 1-896) He informed the Board H. J. and Susan Garnard would like to give the County some property they own. He said the property has eroded over the past few years and they cannot build anything on it. He stated the property is ½ mile west of Carrabelle Beach. He explained this would represent beach access for the County. Commissioner Putnal made a motion to accept the property from H. J. and Susan Garnard and

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authorizing the County Attorney to assist with the transfer of deed. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-977) He said GT COM is upgrading telecommunications in the Apalachicola area and would like to build a small telecommunications cabinet outside the Airport fence slightly north of Bay City Road. He presented photographs of a similar system for the Board to see. Commissioner Mosconis said he would agree only if a representative from GT COM would come to the next meeting to discuss their billing. He said their billing system is terrible and sometimes people are double billed. He stated they should clarify the way their telephone bills are designed so the general public can at least understand them. Commissioner Creamer agreed. Commissioner Mosconis made a **motion directing Mr. Pierce to send a letter to GT Com requesting a representative come to the next Board meeting to explain their billing procedure.** He said then they would discuss giving them permission to put this equipment on County property. Commissioner Creamer agreed again and said he checked his telephone bill and found he had been double billed several times, at least six calls. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1066) He told the Board Mark Curenton, Assistant Planner, attended a Census Day in Orlando. He said the Governor's Office is really promoting the Census. He reminded the Board that April 1, 2000 is Census Day and encouraged everyone in the community to complete Census forms. He said if anyone sees the Census forms hanging on doors of people who are temporarily away, please notify the residents or the census people so proper action can be taken to make sure they are counted. He said the Census numbers determine how much money the County receives from the Federal Government.

(Tape 1-1101) He presented a sketched copy of the proposed alteration to the intersection on Alligator Point Road. He said the main expense would be the striping and signs necessary since a three way stop will have to be created. He stated he went with the County Engineer to look over the area. He informed the Board the Engineer would prepare the detailed plans to present at the next Board meeting.

(Tape 1-1159) He said the following roads have been identified for striping; Bald Point Road, CR 67 (the part the County did not pave), C-30 west of Apalachicola, and Gulf Beach Drive-east and west on SGI. Commissioner Mosconis said he would like Brownsville Road and Bluff Road to the second railroad crossing added. He stated the problem is people who drive at night are having a hard time seeing the stripes on the road especially when it is raining. Mr. Pierce asked the Board if they wanted to have the County Engineer prepare a package to bid the striping project. Commissioner Putnal said if they come to Franklin County to do a paving project they might make a better deal while they are here to stripe other roads. Mr. Pierce replied the only paving the County has planned is for the park on SGI and funded through a grant. After discussion Commissioner Mosconis made a **directing the County Engineer to prepare a striping program for the roads or streets listed.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-1448) Mr. Pierce reported that the County Engineer recommended against placing a speed bump on Hathcock Road in Apalachicola. He said the Engineer thought the road was too long to be classified as a dead end. He said he would recommend strong enforcement of the speed limit. Commissioner Mosconis asked what about the new speed humps they are using in Panama City. He asked Mr. Pierce to check with Panama City to see how they are working.

(Tape 1-1488) He asked the Board to authorize the Chairman's signature on the Fiscal Year 2000 State and Local Assistance Agreement between the County and the DCA which funds the local Emergency Management office. He said the agreement is for \$22,292.00 from the Federal Government. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the FY 2000 State and Local Assistance Agreement, in the amount of \$22,292.00, between the County and the DCA for funding the local Emergency Management office.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1511) He informed the Board the County has received a three month extension on the \$90,000.00 FEMA appropriated to extend the Alligator Point Revetment. He reminded the Board this was the money the County was going to use to extend the revetment however it was not enough. He said initially it was thought the County would need the FEMA fund for match money for the DEP erosion study, but currently DEP appears to be willing to fund the entire study. He said the County has until June 28th to make sure DEP does fund the study. He explained if they do not then the County will have to use the FEMA match, but if DEP does fund the study then the County will have to indicate some other acceptable project or FEMA will de-obligate the funds, meaning we will not get them. He stated he is not sure FEMA will allow the funds to be shifted again to some unannounced project. He said he will check to be sure.

(Tape 1-1570) He asked for Board approval of a non-disclosure agreement drafted by ALTELL submitted to Pat McWhinnie, Franklin County 911 Coordinator, to protect ALTEL and it's customers. He stated Mr. Shuler has not had the opportunity to review and approve the document. He suggested the Board approve the agreement contingent on Mr. Shuler's review of the document. Commissioner Putnal made a **motion directing Mr. Shuler to review the document and report back to the Board with a recommendation.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1608) He requested the Board reappoint Mark Householder and John Hewitt to another three-year term as members of the Construction Industry Licensing Board. He stated the Construction Board recommended the reappointments. Commissioner Mosconis made a **motion reappointing Mark Householder and John Hewitt for a three-year term as members of the Construction Licensing Board-December 31, 1999 through December 31, 2002.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1630) He presented the Board with a copy of the Safety Operations Plan for Bird Control Work at the Dredging Fill Site for Apalachicola Bay.

(Tape 1-1651) Mr. Pierce asked for Board approval of a modification to a JPA between FDOT and Franklin County to pay for removal of trees at the Apalachicola Airport. He said the original agreement had a total project cost of \$65,000.00 with the County receiving \$52,000.00 from FDOT. He explained the match had to be furnished by the County, which at this time will have to be funded through the Airport Budget since the County has not identified what it will do as in-kind in cutting down trees. He stated because the one and only bid the County received for removal of the trees, \$107,000.00, was over budget Joe Smith, FDOT, has modified the original FDOT match from \$52,000.00 to \$78,000.00 with the County still having to furnish local money. He said since the low bid for the project was \$107,000.00 the County will have to come up with a total of \$29,000.00 to have the trees removed at the Airport. He said it is possible the money could be provided by an in-kind match, but at this point the County has not identified any work it will do and considering the large amount of work the County has already committed to at the Airport by removing stumps, grading, and providing sub-base for the new access road, he does not know how much more work from the Road Department the County Commissioners are going to dedicate to the Airport. He stated if the County does not provide the in-kind services the Airport Fund will have to contribute the \$29,000.00. He informed the Board the fund has just received \$11,000.00 from tree harvesting and should receive more. He explained if no more money is received from the tree harvesting and the fund is reduced by \$29,000.00 it will leave \$20,000.00 remaining in the fund, which means this will be the last large project the County will do at the Airport until additional funds are found. He said this would be the last tree cutting project at the Airport and at this point it has been the tree cutting project which has been the source of local funds for most improvements. He recommended the Board go ahead and have the Chairman sign the Supplemental JPA and to award the low bid for tree removal in the amount of \$107,000.00 to the Ingram's. Commissioner Mosconis asked Mr. Shuler if, since only Ingram's company was the only bidder, the Board could negotiate that price. Mr. Shuler replied he was sure it could be done. Discussion continued. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Supplemental JPA with FDOT for an increase in the JPA and directing Commissioner Mosconis, Ted Mosteller, Airport Advisory Committee Chairman, Joe Smith, FDOT Aviation Division, and Mr. Shuler to negotiate with the Ingram's on the tree cutting project.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1963) Ted Mosteller, Chairman AAAC, said they also needed to negotiate with the loggers presently working on the project. He stated they are not going to take the pulpwood so they will also need to negotiate with Mr. Ingram if possible about the pulpwood. He reminded the Board the market for pulpwood is at an all time low. Commissioner Mosconis informed the Board the company presently buying the pulpwood informed Mr. Mosteller he was going to leave this morning. Mr. Shuler recommended the Board declare this an emergency situation since FAA wants the area cleared immediately otherwise the Board will have to follow the Bid Policy.

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Commissioner Mosconis made a **motion declaring this an emergency situation since FAA wants the area cleared immediately.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2083) Commissioner Putnal asked about the company that wanted to use the Industrial Park for a Seafood Distribution site and their plans to install a freezer. Mr. Pierce responded the grants have ceased and the County never was awarded any money. He said the project has come to a complete stand still on both sides. Larry Parker, Dames and Moore, stated the building itself is still in the 5-year plan. He said FDOT is looking for someone to sponsor the County's part of the grant. He explained finding that company or individual is going to be the hard part. Mr. Parker updated the Board on the new entrance road to the Industrial Park. He said they met with the AAC to review a set of preliminary set of plans so they can be submitted to FDOT. He explained once that is done then they can proceed to Phase 3 and emphasized the trees in the new entrance road area need to be cut down immediately. He stated after that is completed then the County can go in and start the clearing and grubbing. He said he just spoke to Mr. Chipman and is going to meet with him this afternoon to discuss assisting the Road Department in keeping the records on the in-kind services since it is such a critical aspect of the project. Mr. Mosteller said he would like permission for Mr. Chipman to go ahead and have the Road Department begin work as soon as everything is cleared up. Commissioner Mosconis assured Mr. Mosteller the County would be ready to do their part when the time was right.

(Tape 1-2329) Mr. Pierce said he would continue his report after the next two agendaed items were addressed.

WILLIAM MCCAIN-REQUEST-HANDICAP PARKING LANARK VILLAGE

(Tape 1-2334) Commissioner Sanders said she knew Mr. McCain was here about handicap parking in Lanark Village. She said she asked the Road Department to place a Handicap Parking sign where Mr. McCain wanted it, but then the neighbors complained and she had the sign removed until the matter could be discussed at a Board meeting. Commissioner Mosconis asked if this sign was placed in front of a business or residence. Commissioner Sanders replied in front of a residence. Mr. McCain said he bought a "row" apartment and moved in January. He explained since he is in a wheelchair he has found it difficult to maneuver from his car to his residence. He said some of the ladies are used to parking on the street and have been doing it for twenty years. He stated that was fine with him except he needs a space so he can come and go, as he is able. He said it is his property attached to the County right-of-way. Commissioner Sanders said she contacted the Sheriff's Department, but they have not responded yet. She asked Mr. Shuler for some advice. Mr. Pierce asked if the conflict was because other people want more parking in the same area or same space. Mr. Shuler stated the County has a right to designate a space as "Handicap Parking", but it would be available to whom ever parked there first. Mr. McCain said because of the way his carport is designed he cannot put a wheelchair ramp in there. He stated this would make everything so much more accessible for him. Mr. Shuler said Mr. McCain would definitely have to have the proper handicap signage on his car; his tag and sticker must be up to date to use a handicap

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space. Bob Mylar, a resident of Lanark Village, asked Mr. McCain if this was a row house. Mr. McCain replied it was. Commissioner Mosconis stated if a handicap space is designated then, with the proper parking tags, etc., who ever gets to the space can park there and if Mr. McCain does not get there first then he can't park there either. Mr. McCain said then he would put a gate and a driveway there. Commissioner Mosconis stated then he would prefer the County Engineer go over to inspect and review the situation. Commissioner Sanders said she would make a **motion directing the County Engineer to go to Lanark Village to assess the situation and prepare a recommendation for the Board to consider.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said maybe if he put a gate on his fence he could park inside his fence. Mr. McCain explained that would take a lot of modifications to his property, but he would do that if he had too.

MARY L. BOWMAN-FOLKS REALTY-OPEN ROADS IN LANARK BEACH

(Tape 1-2714) Ms. Bowman said she had spoke to Commissioner Sanders last month about getting the rest of the roads, Kansas, Iowa, the rest of Maine, and the rest of Kentucky Avenue, cut through in the Lanark Beach area. She said Georgia Street also needed to be paved. She stated Commissioner Sanders had informed her this project was not in the budget. Ms. Bowman asked the County to place some lime rock on Georgia Street if it could not be paved. Commissioner Sanders stated Georgia Street has already been pushed through, but is the one that does not have a culvert onto Highway 98. She said the only way to access that area is to put some lime rock down. Mr. Pierce stated then people would have to come off of Louisiana and not Highway 98. Commissioner Sanders said she had told Ms. Bowman the County is not prepared to do any paving whatsoever. She stated she would suggest, for the time being, the County repair the back end of Georgia and finish the cut through on Kentucky going west. She said she would make a **motion to directing Mr. Chipman to repair Georgia, from Louisiana going south, and finish cutting in Kentucky to the west.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said she wanted to start with this and maybe the County could do it gradually. Mr. Pierce suggested the developers consider purchasing the lime rock for the County to do the work. Ms. Bowman said she would talk to the developers about that. She asked if they decided to purchase the lime rock would the County go ahead and cut the roads through. Mr. Pierce replied he thought so. Commissioner Sanders said that would be a strong possibility, but right now the County couldn't do anything about paving the roads. Ms. Bowman asked if anyone had any idea how much it would cost to furnish the lime rock for these roads. Mr. Pierce replied he didn't, but he could give her a calculated cost in a few weeks. Ms. Bowman thanked the Board for their assistance.

ALAN PIERCE-CONTINUED

(Tape 1-2960) He reported that Ms. Freda White has resigned from the Planning and Zoning Commission and needs to be replaced. He said she is an at-large appointee from Carrabelle. Commissioner Putnal stated he would think about who he would like to get to replace her. Mr. Pierce asked Commissioner Putnal to make sure he informs his appointee that they must attend the meetings.

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(Tape 1-2996) He said the Planning and Zoning Commission met in regular session on March 14, 2000 and recommends the following action: Approval for D & E Enterprises of Alligator Point, also known as the Alligator Point KOA, to construct a commercial pier at the campground, which has an address known as 1320 Alligator Drive. The pier would not be used to moor boats. Commissioner Sanders made a **motion approving a construction of a commercial pier for D & E Enterprises of Alligator Point (KOA).** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Approval for Robert Land to construct a private fishing pier on Lot 28, Magnolia Bay Subdivision, Eastpoint. The pier would not be used to moor boats. Commissioner Creamer made a **motion approving construction of a private fishing pier for Robert Land.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval for Hall Bryant to construct a commercial dock on property located at 606 US 98 West, in the Two-Mile area west of Apalachicola. There is an existing dock at this location which will be replaced and enlarged. Commissioner Mosconis made a **motion approving a commercial dock for Hall Bryant.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval for Vicki Weart to construct a private dock and two boatlifts on Lot 14, Heron Bay Village, SGI. Commissioner Creamer made a **motion approving a private dock and two boatlifts for Vicki Weart.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval for Donald Green to construct a private pier on Lot 30, Magnolia Bay S/D, Eastpoint. The pier will not be used to moor boats. Commissioner Creamer made a **motion approving a private pier for Donald Green.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Approval for Keith Osborne to construct a private dock and two boatlifts on Lot 5, Block K, Unit 2, Peninsular Point, Alligator Point. Commissioner Sanders made a **motion approving a private dock and two boatlifts for Keith Osborne.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval for Glenda Jean Lane to construct a private pier on Lot 29, Magnolia Bay S/D, Eastpoint. The pier will not be used to moor boats. Commissioner Creamer made a **motion approving a private pier for Glenda Jean Lane.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** The Commission heard several requests for subdivision plat approval and rezoning as follows: Approval for a request submitted by James and Veronica Stefanko to create a 3 lot subdivision out of a 3.46 acre parcel on the north side of US 98, just west of SR 65. The property is already zoned one unit per acre. Commissioner Putnal made a **motion approving the subdivision sketch plat submitted by James and Veronica Stefanko.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval for a request submitted by Jim Green to rezone 66.5 acres of property from R-1 to R-1a, 7.5 acres from R-1 to C-3 to accommodate an RV park, and 3.5 acres from R-1 to C-2 to build a commercial inn. After a great deal of discussion, the commissioner ended up with a tie vote on the request. After some additional discussion a motion was made and passed 4-2 to approve the rezoning of all the property from R-1 to R-1a, which allows for 3 units per acre so long as central sewer and water is in place. Mr. Pierce said this property was on Pine Wood Avenue, an extension of Oak Street, in Lanark Village. Phil Shiver, Lanark W&S District said he was very concerned about the impact this development would have on the District. He said the District does not have the capacity to handle this development now. Commissioner Mosconis asked why didn't the Green's

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submit their proposal after water and sewer was available. Mr. Pierce replied he didn't know. Mr. Shiver said he, as a member and payer to the District, did not want to have the burden for extra infrastructure placed on him to have to pay for. Bob Mylar stated he was concerned about the density of the development. He said he preferred to have two homes per acre and not three. Mr. Pierce said both of these are legitimate concerns.

Commissioner Sanders said she did not feel comfortable with this development and felt this type of development needed to be done slowly and carefully. She stated according to the Northwest Florida Water Management District a recharge area for the Florida aquifer. She said the lay of the land has a lot to do with the way the water is absorbed into the aquifer. Commissioner Mosconis said without the infrastructure they can't really develop. Commissioner Sanders said Mr. Green has proposed at least seven streets going into his property with only two streets paved. Commissioner Sanders said she would make a **motion to deny this development until the infrastructure is in place.**

Commissioner Mosconis said he didn't think anything really needed to be done today. Mr. Shuler said he would think the Board would have to table this issue, but the Board does need to take some action within a reasonable time frame. He stated Mr. and Mrs. Dunaway in Apalachicola wanted to rezone without the necessary infrastructure, water and sewer, and the Board did not allow it. Mr. Pierce said he felt the decision should be tabled until he finds out exactly what Lanark Village W & S has some input on the infrastructure questions. Commissioner Mosconis said the Board has always, historically, denied these type of requests unless there is a definite plan on the table in conjunction with the rezoning to take care of the developer's infrastructure needs. He stated this project doesn't have one. Commissioner Sanders said storm water retention needed to be addressed too. (Continued on Tape #2) Mr. Pierce said, reading the Planning and Zoning Commission Minutes, that Bend Technologies Engineers have stated Lanark Village W & S can provide services to the project, but he doesn't know how that was stated. A gentlemen from the audience said he thought it was based on them being able to borrow more money to expand the treatment plant. He continued to say the engineer who made these remarks works for both Lanark Village W & S District and Mr. Green, the developer. Mr. Pierce said that was correct. Commissioner Mosconis seconded the motion. Commissioner Creamer said he was concerned about the wording of the motion. He stated what if everything is provided for the project then the Board will have to approve the development. Mr. Shuler suggested the Board make a motion to table this decision until someone can gather some information as to whether the infrastructure is presently available or not. He said then the Board can take action when actual proof is made available. Commissioner Sanders withdrew her previous motion and then made a **motion to table this decision, instructing the Planning and Zoning staff to gather the information for the Board and instructing the Planning and Zoning staff to contact NFWMD for their input on the development.**

Commissioner Mosconis stated when you are addressing private property and if it is restricted too much by governmental agencies then the property owner will want the County to buy it. He said he thought the decision should be based on Mr. Shuler's recommendation to wait and see if the proper infrastructure is in place. Mr. Shuler stated it wouldn't hurt to get input from the NFWMD, but there would be a definite limit on what the Board can use to make a decision on the development. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** A request by Ms. Jean McMillan

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to rezone portions of Lanark Beach from R-1 to C-4 was tabled until Ms. McMillan could be present for questions. Approved a request submitted by Neil Bolton to subdivide 78 acres into 64 one-acre lots. The property is currently zoned R-2 and will remain zoned R-2. The developer may develop the project in phases but will meet the subdivision requirements which requires paved roads if more than 20 lots are created. This property is the same property Mr. Chavetti requested rezoned for a mobile home park on C. C. Land. Commissioner Creamer made a **motion approving a sketch plat of "Whispering Pines" submitted by Neil Bolton.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** A request for Junior Holland was tabled until Mr. Holland could be present. It was a request to rezone approximately 10 acres of land off of Twin Lakes Road. Concerning a request submitted by Garlick Environmental, agent for Ms. Mary McCloud, for replatting Lots 3-8, and Lots 13 & 14, Heron Bay Village, SGI, was tabled until the County Attorney could review the request to see if replatting was legal since there were some questions as to the effect of replatting on the SGI Plantation covenants. There was also opposition from surrounding property owners who thought the lots contained DEP wetlands which might limit the development potential of the property. Commissioner Creamer made a **motion directing the County Attorney to investigate these questions for the Planning and Zoning Commission regarding the replatting request of Mary McCloud.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-230) Mr. Pierce submitted a copy of the letter he sent to St. Joe/Arvida regarding the requests the Board would like for them to consider. Commissioner Sanders said on the north side of CR 370, Sun 'n Sands would be the best area from what she can understand.

(Tape 2-258) He said the County is eligible to receive partial funding for a project he submitted in August, 1999 to FEMA for left over funds from Hurricane Georges. He explained the funds represent no more than 75% of the eligible costs. He stated the submitted project included new doors for the Apalachicola Fire Department, shutters for the Senior Citizen Center in Carrabelle, shutters for the Volunteer Fire Stations, Sawyer Street (SGI) Revetment, Alligator Point Road Revetment, and the Alligator Point Road Relocation Project. He said he also submitted a request for a million dollars for the Alligator Point Revetment and three and a half million dollars to consider relocating the road. He said FEMA did not fund any Alligator Point Road Projects. He explained they did provide a percentage of money for the other four projects. He asked the Board since there is at least a 12.5% local match did the Board want him to ask the entities if they wanted to provide the match. Commissioner Mosconis replied absolutely since they all have some sort of funding source. Mr. Pierce said since Sawyer Street on SGI is a County road then the County will have to provide those matching funds.

(Tape 2-310) He said Ralph Rish, Preble-Rish Engineering, asked him if the County wanted to support a Resolution to encourage the Legislature to fund a study to relocate the Bay County Airport. He stated the benefit to Franklin County is that if Bay County gets a bigger airport then airfare should be lowered. Commissioner Creamer made a **motion authorizing the Chairman's signature on a Resolution for the Legislature**

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supporting a study for relocating the Bay County Airport. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

KENDALL WADE-CLERK

(Tape 2-382) Mr. Wade informed the Board that Ms. Williams, Finance Officer, asked him to request the Commissioners who have not returned their Budget Notebooks to her do so as soon as possible. He explained the Commissioners could keep the information, but that Ms. Williams wanted the books and the tabs returned.

(Tape 2-411) He said that last week the Courthouse telephone system completely shut down. He explained that a fan which cools the system failed and, therefore, the entire system over heated. He said it was totally destroyed and a new system had to be ordered. He asked the Board for a motion to approve this expenditure for a NEC AD-8 Digital Voice Mail System in the amount of \$10,362.00. He also stated the Bid Policy would have to be bypassed since it was considered a real emergency. He said the Clerk's Office employees are answering all of the telephones for the Courthouse. He stated they are not able to do their daily work due to the telephone ringing. He asked the Board to declare this an emergency situation so he could go ahead and expedite the purchase of this system. Commissioner Putnal made a **motion declaring this an emergency situation and authorizing the purchase of an NEC AD-8 Digital Voice Mail system in the amount of \$10,362.00.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-472) He informed the Board that Mr. Shuler had prepared a Resolution supporting the dredging of Bob Sikes Cut. He said the Resolution will be sent to our US Senators and Representative. He explained he met with D. W. Wilson, Steve Davis, and Dakie Ward, all seafood dealers, and Terry Jangula, USCOE. He stated they informed Mr. Jangula they desperately needed Bob Sikes Cut dredged. Mr. Jangula suggested the Board send a Resolution supporting the project to the County's representatives in Washington. Mr. Shuler said he prepared the Resolution and read it to the Board. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Resolution supporting the dredging of Bob Sikes Cut.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he heard some of the oysters in Apalachicola Bay died when they dredged Bob Sikes Cut before. He stated most of the fresh water leaves Apalachicola Bay there. He said he was wondering if the County could request the Federal Government or the State to put a set of locks in the Cut that would eliminate the problem of losing the fresh water from the Bay. He informed the Board he heard some scientists and environmentalists have said that was the reason, the Cut, for some of the major oyster bars dying. Commissioner Mosconis explained that several years ago the NFWFMD embarked on a long-term study and he said he understands it is still being conducted. Mr. Wade said he talked with an individual with the NFWFMD previously about this matter. He stated the gentlemen informed him they were conducting a study and it would be a long-term study. Tom Adams, a resident of SGI, said he would like to bring to the Board's attention that they had applications for four-boat basin in the Cut. He stated his concern, as always, is there is an area of the Cut; which has been used as a public easement, spoil area. He said if

there is a dredge project and no spoil area this boat basin will also interfere with that. He stated he just didn't want the Board to be at odds with itself to on one hand support the dredging, but on the other hand eventually consider approval of a four-boat basin in the Cut. Mr. Adams said these are definitely conflicting activities. Commissioner Mosconis asked Mr. Adams if he supported dredging the Cut. Mr. Adams replied if it is beneficial to the seafood industry. He said he attended a meeting where Dr. Skip Livingston presented his study where he discovered the area to the west lost oyster bars after the Cut was opened. Mr. Adams asked about the status of the boat basin. Mr. Pierce replied he had written a letter to DCA informing them the Board still has not taken action on the request and notifying them if the Board's concern for navigation if the basin is built. Commissioner Putnal asked Mr. Wade if there was a problem with the spoil site at Bob Sikes Cut. Mr. Wade replied not to his knowledge. Mr. Adams stated there was a spoil site, but over the years erosion has been the problem.

(Tape 2-700) Mr. Wade said he didn't know whether the Commissioners had noticed the floors in the Courthouse, but he wanted them to know they had been totally stripped and waxed. He stated for two Saturdays the inmates came from the Work Camp to complete the floors. He informed the Board he had written a letter to Major Watson at the Franklin Work Camp to thank him for their assistance. He stated he also had written a letter to Billy Moses, custodian, for his assistance and for working on Saturdays.

(Tape 2-719) He stated he thought Ms. Varnes, Board Secretary, did a great job, but there is a problem with identifying who is speaking. He said their name is needed for the record. He stated even though they are asked their name sometimes it is confusing since they cannot be heard especially if everyone is talking at once. He stated their names need to be spelled correctly for the minutes. He said he is asking, from now on, any person speaking fill a card out. He stated the card will ask for the persons name, address, and telephone number. He reiterated how important this is for the minutes as it is the history of County business.

(Tape 2-784) Commissioner Mosconis said FDOT is having a workshop detailing their Five-Year Work Plan next week. He asked Mr. Pierce to see that Mr. Kennedy goes to the meeting in Panama City.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 2-833) He said he sent an amendment letter to the County Auditor regarding the audit. He stated he is always asked about pending litigation the County may be involved in. He said he forget the County's Work Comp insurance, GRIT, declaring bankruptcy and thought he needed to inform the auditor of the situation. He stated he was told a settlement agreement for one of the claimants, \$145,000.00, is pending. He said he has attached a letter from Work Comp Judge Lazzara Attorney John Law who represents Jerry Lolley and Catherine Ronco Miller who represents the Franklin County Sheriff's Department. He stated the Sheriff's Department's Workers Compensation Insurance is also through the County and Mr. Lolley is an employee of the Sheriff's Department. He said Mr. Lolley has complained about his settlement, \$145,000.00, not being paid. He stated he has talked to Mr. Law and the attorney for Jackie Gay, the other claimant, and

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they have both heard that GRIT has declared bankruptcy. He said when an insurance company declares bankruptcy the employer is then liable to pay what the insurance should have paid. He stated he felt these were substantial enough claims against the County that he certainly needed to report them to the auditor. Mr. Shuler said he would not suggest any action by the Board at this time except to authorize him and the Clerk to confer with a skilled Work Comp attorney to look at the situation. He stated the attorney could either confirm the bad news, which he thinks is what is going to happen, or if there is something the County can do to pursue these claims. He asked for a motion authorizing this. Commissioner Mosconis asked them to be sure and call the County's Labor Attorney's to see if they could help. He then made a **motion authorizing the Clerk and the County Attorney to seek assistance from a skilled Workers Compensation attorney regarding this matter.** Commissioner Putnal seconded the motion. He said he did want Mr. Shuler to check with the Florida Association of Counties (FAC) to ask for their help too. Gayle Lolley stated it is not just a matter of settlement, but a matter of severe financial hardship because they have stopped their bi-weekly compensation payments, medical payments, etc. She asked the Board to please expedite this matter. The Chairman called for a vote on the motion. All for. **MOTION CARRIED.**

(Tape 2-1200) He said he has drafted the Title Loan Ordinance, as instructed by the Board, at the last meeting. He stated he used the Leon County Ordinance and should be advertised soon.

(Tape 2-1217) He stated he had a telephone call from Attorney Jan Hevier regarding a SHIP Mortgage on Elizabeth Fairbanks. He said Mr. Hevier informed him that Gulf State Bank has foreclosed on Ms. Fairbanks. He explained Mr. Hevier, when he did the title check down, missed the SHIP Mortgage and therefore it was not included in the foreclosure procedure. He stated since the SHIP Mortgage was recorded after Gulf State's and since the SHIP Mortgage contained no dollar amount, Mr. Hevier was requesting the County release the SHIP Mortgage. He stated if the County does not provide a release then the whole procedure will have to be repeated. Mr. Pierce explained the mortgage should have been \$20,000.00 or less, but he really didn't know. Mr. Shuler stated this was a problem with the mortgage since it did not state any amount. After a brief discussion Commissioner Creamer made a **motion authorizing the Chairman to sign a Release of Mortgage for the SHIP Mortgage on Elizabeth Fairbanks's property.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1568) He said the Board discussed directing the Lubertos to use another street in Lanark Village to do their hauling. He explained if the Lubertos do not comply with the request then the Board needs to designate the road as a no through truck route and post the appropriate signs. Commissioner Mosconis said he was sure the Lubertos would comply with the Board's request. He stated he would make a **motion to authorize Mr. Pierce to designate the road and post signs if necessary.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**