

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MAY 2, 2000**

OFFICIALS IN ATTENDANCE: Clarence Williams, Chairman; Bevin Putnal, Cheryl Sanders, Jimmy Mosconis, 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 1-40) Commissioner Sanders made a **motion to approve the minutes of the meeting held on April 18, 2000.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-44) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

DAVID SASNETT-COMPLAINT PEDDLER'S ORDINANCE

(Tape 1-48) Doug Gaidry, attorney for Mr. Sasnett, stated he was here with Mr. Sasnett to address a problem on SGI regarding County Ordinance 96-14. He said the ordinance precludes peddling or vending in a particular area on SGI. He stated he understood there was a discussion at the last meeting, which, in the end, resulted in the County lime rocking an area for a particular person to place his vending trailer on. He said the gentlemen's name was Doug McKinney. He explained Mr. Sasnett has no objection to the County lime rocking the area provided it's done for the benefit for all of the people who would like to peddle there. He said Mr. Sasnett's complaint this morning is that either the ordinance needs to be strictly followed in that no one would be allowed to peddle in that area or if the County does lime rock an area for peddlers then everybody would have the opportunity to use it. Alan Pierce, Director of Administrative Services, said he spoke to Mr. McKinney before the meeting and was informed by him that he will be moving his peddling operation. He stated the County has not placed any lime rock there. He said Mr. McKinney recognizes the area he is currently using, inside the parking area is, where he is not supposed to be and he has assured Mr. Pierce he is going to move. Commissioner Putnal stated this is what he said at the last meeting, you couldn't pick one person and apply that ordinance to him specifically. Commissioner Creamer said he too had called Mr. Pierce and asked him not to lime rock the area as directed by the Board at the last meeting. He stated he agreed with Commissioner Putnal. Mr. Pierce said Mr. McKinney informed him he is going to rent some property to peddle on. Mr. Shuler stated he felt this would be the best thing for Mr. McKinney to do. He reminded the Board about the man in Lanark Village who wanted a handicap parking space specifically for him. He explained this type thing just couldn't be done. Mr. Pierce stated he would follow-up with Mr. McKinney.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-188) Mr. Mahan said he attached the new Florida Sea Grant fact sheet "The Biology and Fishery of Florida's Commercial Sponges" to his report package for each Commissioner.

(Tape 1-204) He informed the Board the Gulf and South Atlantic Fishery Foundation is sponsoring a Gulf-wide study to get a comprehensive, accurate database on the Gulf Shrimp Fishery. He said the study will be conducted by LGL Ecological Associates and will review shrimp by-catch issues, catch sizes, locations and total fishing effort. He stated the National Marine Fisheries Service (NMFS) has reviewed the study's procedures and has agreed to accept its findings. He said the study would collect data from 100 boats randomly selected every 4 months. He said he has been informed by LGL Ecological Associates that he will be contacted in the near future to organize a local workshop on the study.

(Tape 1-264) He said the NMFS, after conducting research, is saying that the orientation of the knots in the net mesh on TED's can significantly change the fishing performance of the net. He said the study found that the knot orientation could increase or decrease the circumference of the cod end of a trawl as well as influence the way the TED "shoot" works, open flap or closed. Commissioner Mosconis asked Mr. Mahan what he was trying to say this morning and was it useful information. Kendall Wade, Clerk, stated the bottom line was TED's don't work and people loose money. Mr. Mahan said they are claiming the bottom line is if you use the webbing one way you loose more shrimp than you should. Commissioner Mosconis stated they had probably known this for years. Mr. Wade relayed a story concerning TED testing done around the Bahamas when he was in the shrimping business years ago. He said basically they just do not work. Mr. Mahan said he was just letting the Board know what's going on.

(Tape 1-336) He informed the Board the 4-H/FDOT Seat Belt Safety and 4-H/Tropicana Public Speaking Contests are underway in Franklin County schools. He explained they are scheduled to be held on May 5th at Chapman, May 10th at Brown, and May 11th at Carrabelle.

(Tape 1-357) He said he had ordered 3 "Butterfly Garden" kits which have everything needed to grow Painted Lady butterflies. He stated he would be conducting a "Butterfly Development" Program at each of the elementary schools in the County.

(Tape 1-369) He announced the annual 4-H Summer Camps schedule. He said in addition to the regular 4-H County Camp, July 17th through July 21st, the State 4-H Program is offering the following programs at Camp Timpooshee; Forestry Camp, sponsored by the Alfred I. Dupont Foundation, ages 13-18, July 5th through July 8th, \$20.00 registration fee, and the State Marine Institute, ages 8-18, \$175.00 registration fee, July 10th through July 14th. He stated the registration deadline for the State 4-H Camps is June 12, 2000.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-395) Mr. Chipman said he didn't have anything for Board attention this morning, but would ask for the Board's permission to schedule some overtime on Friday's for the crew. He said Mr. Pierce had informed him the asphalt at Bald Point needed to be removed as soon as possible. Commissioner Mosconis told Mr. Chipman they could only get Comp Time for the overtime. The Board gave Mr. Chipman the authority to make the decision since he was Superintendent. Mr. Pierce explained the State wanted the asphalt removed as soon as possible.

(Tape 1-427) Commissioner Putnal asked if another crew could be sent to Sands Field in Carrabelle to help with the fence project. Mr. Chipman replied the problem was with getting the right parts. He said they have ordered the parts and they always send the wrong parts. He stated the work could be done if he had the proper material. Commissioner Putnal stated he is always getting complaints about the field not being ready. Mr. Chipman assured the Board he is doing everything he can to get the field ready.

(Tape 1-460) Commissioner Mosconis said he wanted to discuss something while Mr. Chipman was present. He stated Mr. Pierce had the matter listed on his report. He asked Mr. Pierce to go ahead and deal with this matter now since it will effect Mr. Chipman and his staff. Mr. Pierce said an employee of the Road Department, Mitchell McAlpin, is currently on sick leave. He explained while he is on sick leave his retirement and Social Security disability claims cannot be processed until he gives them a termination date. He informed the Board Mr. McAlpin cannot give these people a termination date because upon termination he will have to pay his own medical insurance premiums which he cannot afford to do. He said current Board Policy allows for Mr. McAlpin to request 3 months leave of absence and under the existing policy the Board pays medical insurance premiums for 3 months. He stated in order to allow Mr. McAlpin to proceed with his plans for retirement and disability if the Board was willing to amend their Personnel Rules and Policies to allow the Board to pay medical insurance premiums for up to 3 months for employees who are vested in the retirement system, ten years service, and are retiring with a disability. He said this will allow Mr. McAlpin to keep his medical insurance during the transition from employee to retirement with disability. Mr. Wade said he and Mr. Shuler have checked with the insurance company and the Division of Retirement and been informed by them there would not be a problem with this. Commissioner Mosconis stated it needed to become effective today. Commissioner Creamer asked would Mr. McAlpin then come out of the sick leave pool. Mr. Pierce replied yes. Commissioner Mosconis made a **motion to amend the Franklin County Personnel Rules, effective today, to allow the Board to pay medical insurance premiums for a maximum of 3 months to employees who are vested in the State of Florida Retirement System, 10 years service, and are retiring with a disability.** Commissioner Creamer seconded the motion. Commissioner Sanders stated her main concern was that everyone was treated the same. She said it had to be done for everybody, and she didn't want the rules changed back when someone else decided to do this. Mr. Wade assured her this wouldn't happen since the personnel rules were being

formally amended. Chairman Williams called for a vote on the motion. All for.
MOTION CARRIED.

JOHN CROOMS-COMMUNITY TRANSPORTATION COORDINATOR

(Tape 1-577) Mr. Wade asked the Board to allow Mr. Crooms to speak to them this morning. Mr. Wade asked the Board to send a letter of recommendation to the Apalachee Regional Planning Council Transportation Disadvantaged Board for Mr. Crooms. He stated Mr. Crooms has to submit a proposal for transportation services in Franklin County. He said after the proposals are received then the ARPC TDCB will review them and make a decision on what company to award the bid too. Mr. Crooms explained that the process for Community Transportation Coordinator has always been a designated one. He said Crooms Transportation has served Franklin County for the last 12 years. He stated this year the coordinator will be decided on by using a Request for Proposal process. He stated it needs to be kept local and asked the Board to authorize a letter of support to accompany his proposal package. Commissioner Putnal made a **motion authorizing the Chairman's signature on a letter of support for Crooms Transportation's Request for Proposal to ARPC.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-640) Mr. Johnson stated he had a personnel matter to discuss with them this morning. He said he had an employee he hired as an Equipment Operator I and is doing the work of an Equipment Operator II. He explained the difference in salary is \$2,400.00 and asked the Board if they would like to consider giving this employee a promotion to Equipment Operator II with the salary increase for that position. Commissioner Mosconis said this matter could wait until the budget workshops are held. Mr. Johnson said he would like to do it now, but if the Board would not agree to this then he would wait until budget requests were submitted.

(Tape 1-677) Mr. Johnson reminded the Board he had scheduled a pre-bid conference this afternoon at 1:00 p.m. for the equipment he is going to purchase for the Landfill. He invited the Commissioners and anyone else who would like to attend to do so. He said it was not mandatory, but would like for them to come to the Board Room at 1:00 p.m. for the conference.

(Tape 1-686) Harry Bitner, Alligator Point, asked Mr. Johnson if there was going to be a regular schedule for the knuckle boom truck. Mr. Johnson replied yes, but he just has not had time to put the schedule together. He explained the efficiency of the truck may make it to where it will take less time to load the yard trash and white goods. He assured Mr. Bitner he will provide him a copy of the schedule when it is finalized. Mr. Bitner asked what type of materials the truck will pick-up. Mr. Johnson replied white goods and yard trash. He said since Alligator Point is so far from the Landfill and it is difficult to get white goods to the Landfill during Amnesty Days he is going to include white goods. Mr. Bitner asked what about mattresses, furniture, etc. Mr. Johnson replied they would not pick-up those items since the County's waste hauler is supposed to pick them up for a fee.

(Tape 1-727) Chairman Williams said he would like to bring the matter of the employee at the Landfill back into discussion. He stated he felt since this man was doing the job of an Operator II he should be compensated. He said it would be 7 months before the raise would even take effect, around October 1st. He stated he thought this employee deserved the raise. Mr. Johnson responded by saying that if the promotion and raise is approved during the budget process in June or July it would still not be reflected in the employee's salary until October 1st. Commissioner Mosconis asked Mr. Johnson if he had the money in his current budget. Mr. Johnson replied he did not. Commissioner Mosconis suggested the Board table this decision until Mr. Johnson can meet with the Finance Officer to see what can be done about the matter. Chairman Williams and the Board agreed to do this.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-775) Mr. Pierce said he would go ahead and begin his report and then when it was time for the Public Hearings scheduled for this morning he would interrupt his report. He said he wanted to inform and remind the Board the FDOT Officials meeting is scheduled for June 6th at 1:30 p.m. in the Board Room. He explained this would be the Commissioners chance to asked questions of FDOT personnel. He said they were going to bring around 25 people with them.

(Tape 1-814) He said he would like the Board to think about this next matter. He informed the Board Mr. Sandy Howze, City of Apalachicola Building Official, is resigning effective May 5th. He said he would like to pursue having the County Building Official, Robin Brinkley, conduct the building inspections for the City. He explained the exchange would be that the City would issue its own building permits, and keep 50% of the permit fee; the County would do building inspections and get 50% of the permit fee. He informed the Board the City would be responsible for its own planning and zoning meetings, enforcement, and amendments to their zoning code. He said this additional duty will speed up a decision the Board needs to make anyway. He explained because of the increased construction in the County the Board needs to consider hiring another building inspector/plans examiner to assist Robin. He said several years ago the Board agreed to increase the fee for contractor licensing in order to pay for another employee. He said another employee was never hired and stated that contractor registration generates almost \$30,000.00 a year in fees. He stated the Board did not have to take any action today since he has not discussed this with the City of Apalachicola City Council. He did inform the Board the City of Apalachicola estimated revenues are \$8,500.00. Commissioner Putnal asked if Mr. Brinkley received his certification. Mr. Pierce replied he will have to retake a portion of the test in October. He said he passed one section, but failed the other. Commissioner Mosconis asked Mr. Pierce to prepare a plan to implement this request. Mr. Pierce stated that would be okay since he would have to discuss this with the City of Apalachicola. He said he may not have the proposal ready for the next meeting, but he would probably have it by the first meeting in June.

PUBLIC HEARING-TITLE LOAN ORDINANCE

(Tape 1-952) Mr. Shuler said he prepared an ordinance based on the Leon County Title Loan Ordinance. He stated it regulates motor vehicle title loans and provides a maximum interest rate, provides for disclosures for borrowers, provides for proper documentation of payments, and provides penalties in the event a company violates the ordinance. He explained there are 13 pages to the ordinance and he said he would not read the ordinance, but informed the Board the ordinance has been available for public review for at least 4 weeks in the Clerk's Office. He said the summary is that a company cannot charge more than 2½% interest for a 30-day period. He stated the interest is capped so outrageous rates cannot be charged. He reminded the Board a representative from Florida Legal Services came to a previous Board meeting asking the Board to consider adopting such an ordinance. Commissioner Putnal said he would make a **motion to adopt and authorize the Chairman's signature on "An Ordinance of Franklin County, Florida, Regulating Motor Vehicle Title Loans; Establishing a Maximum Interest Rate Chargeable by the Lender; Providing for Disclosures; Providing for Inspecting Records and Premises; Providing for Penalties; Providing for Conflicts; Providing for Severability; and Providing an Effective Date"**. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1063) Mr. Pierce continued his report at this time. He asked for Board action to clarify the record. He said, at the last meeting, the Board authorized him to submit the Alligator Point Boat Ramp Grant Application. He said while the Board discussed it, the minutes do not reflect a motion to approve the grant application. He stated he guessed the actual motion was forgotten. Commissioner Sanders said she would make a **motion authorizing the submission of a grant application to fund the Alligator Point Boat Ramp**. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1111) He informed the Board FEMA has verbally agreed to let the County use the \$90,000.00 for repairs on Alligator Point to be redirected to pay for an expanded beach erosion study to include Bald Point. He stated DEP has agreed to expand the scope of work of the study as soon as he has it in writing from FEMA. Commissioner Sanders asked if he had heard from the USCOE visit. Mr. Pierce replied it would be 3 to 6 months before they sent anything to the County.

(Tape 1-1160) He asked for Board action to approve the Health Department paying for the asphalt needed to pave the walking path at Ned Porter Park in Apalachicola. He said he was informed by the Health Department they have a grant for which a walking path is a legitimate expenditure. He stated the County will have to improve the existing lime rock base. Commissioner Mosconis made a **motion authorizing improving the existing lime rock base and allowing the Health Department to pay for the asphalt for a walking path at Ned Porter Park in Apalachicola**. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1186) He presented a Amended Bird Control Plan submitted by the United States Department of Agriculture, Animal and Plant Health Inspection Service for the

dredge site the USCOE is using on Highway 98 near the Airport in Apalachicola. He said they are having more trouble, than they originally thought, with the birds at the spoil site in Apalachicola near the Airport. He said the amendment will allow them to use certain types of live ammunition to be fired.

(Tape 1-1205) He informed the Board he has ordered and they have delivered the poles for Sylvester Williams Park in Apalachicola. He submitted a copy of the letter he sent to the Apalachee Pole Company in Bristol, Florida ordering the poles. He explained these poles wouldn't complete the whole park, but it was a start. He said they would now need to be wired which should cost quite a bit.

(Tape 1-1229) He said, if the Board is interested, he needs approval to request an appraisal for 20 acres of property owned by George Jackson and Buford Flowers. He explained this could be a potential site for a Carrabelle County Park. He stated the parcel is near the high school, between the cemetery and the housing project. He informed the Board he will take the County Engineer, David Kennedy, out to evaluate the site for its suitability. Commissioner Sanders made a **motion authorizing an appraisal for 20 acres in Carrabelle for a potential site for the Carrabelle County Park contingent on the County Engineer's evaluation.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1287) He asked the Board to prioritize the FDOT Grants for the walking paths. He said the projects are: a sidewalk from the Apalachicola city limits along Bluff Road to Ned Porter Park, extending the sidewalks in Eastpoint (Commissioner Creamer needs to be specific about what sidewalks he wants extended), or if the Board wants to add Phase III of the SGI Bike Path, which would take the path from 11th Street East to the State Park. This would finish the bike path on SGI. After discussion Commissioner Creamer made a **motion authorizing Mr. Pierce to prioritize the FDOT Grants for the walking paths in the following order: 1. Eastpoint sidewalks extension from Washington Street to Magnolia Bluff, 2. Apalachicola City limits sidewalk along Bluff Road to Ned Porter Park, and 3. SGI Phase III Bike Path extension from 11th Street East to the State Park.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1446) Mr. Pierce said he would like to report to the Board on his meeting with Mr. Tim Edmond, St. Joe/Arvida regarding several projects. The discussion went as follows: Mr. Edmond asked the Board to provide an appraisal for the 45 acres fronting Highway 65 near the County Jail if the Board is still interested and then after the appraisal is done make St. Joe/Arvida an offer on the property. Commissioner Mosconis made a **motion authorizing an appraisal for the 45 acres on Highway 65 near the County Jail.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Edmond directed a member of his staff to research finding a sand pit for the County along CR 370, the Alligator Point Road. If a suitable site is found, St. Joe may be interested in just leasing the access to the County to use in emergency situations rather than creating a 5-acre out parcel in the middle of their land. Mr. Pierce said the State DOT could use the sand pit as well as the County. He stated he would keep the

Board informed regarding this matter. Mr. Edmond will check into the ownership of Leonard's Landing, but he said Mr. Edmond did not think his company owned it. Mr. Pierce said Mr. Edmond thought it was just on the shoulder of Highway 98. Commissioner Sanders said there was a boat ramp there. Commissioner Mosconis said if it did belong to FDOT then the County should be able to easily get permission to put a boat ramp there. Commissioner Sanders said there is a concrete ramp there, but it is covered in sand. She stated it would need some work to scrape the sand off, but there is a boat ramp at the site. Regarding the proposed purchase by the County of 8 acres of land from St. Joe of which the County would keep 6 acres and give 2 acres to the Harris Brothers in exchange for the 2 acres the County gave them already, but they could not use because it had a clouded title. The City of Apalachicola is considering buying the entire 220 acres from St. Joe and using the parcel as a water re-use area with recreational facilities. If the City buys the parcel the City and the County could then work something out. At some point soon the County is going to have to give the Harris Brothers 2 acres or pay them for the value of the land. The Harris Brothers are going to think about this matter and get back with him on their decision.

(Tape 1-1612) He presented the Board with the Alligator Point Road Striping Plan. He said David Kennedy had completed the plan view. He stated the asphalt will be removed so traffic cannot move straight onto the dead end road and then place stop bars and stop signs there to control traffic. He stated the project will be moving forward, hopefully within the next few weeks.

KENDALL WADE-CLERK

(Tape 1-1654) Mr. Wade presented each Commissioner with a copy of the FY 1998-99 Audit Report. He said if anyone would like a copy they can pick one up in the Finance Office for \$19.65. He stated the audit report was really good this year with no major problems. He said the auditors will always find some little thing, but nothing major. He reported he thought all of the departments came out with a good audit.

(Tape 1-1693) He said he wasn't sure if the Commissioners were familiar with the Health Care Responsibility Act (HCRA). He explained the State requires the County to fund indigent health care under the Health Care Responsibility Act. He stated recent changes in the Act allow up to one-half of the funding to be used for in-county hospital care. He said previously HCRA could only be used of out-of-county care. He said in order to use the funding in the county, the Board must vote to spend the money in this way. He explained then the State and the local hospital must be notified the Board has agreed to use up to one-half of the funding in the county. He asked the Board if they would like to approve this change to allow one-half of the HCRA funding to be spent for indigent care in our county. Mr. Wade reported the funding does not go far for indigent care. Commissioner Putnal asked if this would help with the inmate care and hospitalization at the County Jail. Mr. Wade replied no it would not, inmates were incarcerated not indigent. Commissioner Mosconis said before the Board decided to do this he wanted to get some input from the Health Department and Hospital. He stated the County had a contract with the hospital that addressed the County's indigent care. Mr. Wade stated he didn't think it had anything at all to do with the lease agreement the

County has with Centennial Health Care. Commissioner Mosconis said he thought private medical insurance could be now purchased at lower premiums. He asked why couldn't they use this money to buy insurance. Commissioner Mosconis stated he wanted the Clerk to ask someone from the Health Department and Hospital to the next meeting.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 1-2025) Mr. Shuler reported he reviewed the new proposed Purchase and Sale Agreement Amerigas faxed to him. He stated, as he reported to the Board before, the agreement Amerigas proposed contained a lot of environmental clauses which would basically make the County responsible and let them off the hook to the extent if any pollution or environmental damage had been done to the site. He explained he told the Board he really did not want the County to assume the responsibility and asked Amerigas if they would delete the environmental clauses. He said they have refused to do so and wanted to add a clause to the agreement that if an environmental survey was conducted that no drilling could be done. He stated under those circumstances he really could not recommend the Board accept this Purchase and Sale Agreement for the property in Lanark Village. He said he felt it was a one sided clause in that the County would be responsible for any damage they had done over the years. He stated if the County needed property in that area then another site needed to be pursued. He said if the Board is still concerned about the tanks on the property, then it could be addressed as a safety issue and the County could have them removed from the property. Commissioner Mosconis asked Mr. Shuler if Amerigas had Third Party Pollution Insurance. Mr. Shuler replied he didn't know. Commissioner Mosconis stated, before the County closes the door, Mr. Shuler should check to see if they have this insurance which would pay for any pollution or environmental damage. He said he didn't know about other people, but he had to have Third Party Insurance since he had fuel stored on his property at the Lodge. Mr. Shuler stated he would be glad to check and see if they had the insurance. Commissioner Mosconis said the County really needed that property. Commissioner Sanders said she wanted the property too, but at the same time she felt Amerigas was trying to hold the County up.

PUBLIC HEARING-AIRPORT OVERLAY ZONING ORDINANCE

(Tape 1-2154) Mr. Pierce said this public hearing was going to have to be tabled for another date. He stated one reason was there was not an unanimous agreement on the actual draft ordinance. He said at the Airport Advisory Committee last night Ted Mosteller, Chairman AAC, presented 2 different ordinances that he is working with to prepare our County's ordinance. He stated he didn't have a finished product for the Board this morning. Mr. Mosteller replied the one he had was not finished, but he did have a proposed one for the Board this morning. Commissioner Mosconis instructed Mr. Mosteller to hold on to the ordinance. Mr. Mosteller said he felt the Board really needed to read the proposed ordinance. Commissioner Mosconis stated the Board was not going to take any action this morning. He said he felt it was all a little premature because the big issue is the sound part of the ordinance, decibels, etc. He stated there was a lengthy discussion about that issue at the meeting last night. He said there is no way to answer that discussion since nobody there knew, even FDOT representatives. He stated Joe

Smith, FDOT, was going to check to see what existing mobile home construction requirements are for sound. He said this ordinance is 10 years past due and he didn't know what a few more months would matter. Commissioner Mosconis said he read in the ordinance where glass windows, etc. would be required to have 3 inches of space. He stated he didn't know how you can get a 3-inch air space in a glass window in a house. He said most air spaces are 5/16's or 3/8's, but the ordinance reflects a 3-inch requirement. He stated that was in an ordinance from Polk County. Mr. Mosteller replied different construction practices, including the one Commissioner Mosconis just mentioned, can be decided on and it depended on the different buildings. He said he knew the ordinance was not ready to be voted on yet, but he said he felt the Board needed to have this proposed ordinance for informational purposes. He said a lot of people were taking this ordinance "for gospel" that these requirements must be met, but it is not so. He explained what the County has to do, if an individual doesn't want a sound test, is to sign a disclaimer stating that the individual knows he is living or constructing a building near an airport and there was a possibility there could be sound problems from the airport. Commissioner Mosconis instructed Mr. Mosteller to make sure Mr. Shuler and the Board Secretary had a copy of the proposed ordinance. He then made a **motion tabling this Public Hearing to consider the adoption of an Airport Overlay Zoning Ordinance until July 5, 2000 at 10:00 a.m.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Mr. Bill Hess, General Manager SGI Plantation, said the SGI Airport is privately owned, publicly licensed. He said they were never informed or invited to any of these meetings. He asked for them to be invited and considered when the Committee meets again. Mr. Pierce assured Mr. Hess he would notify him when a meeting was scheduled. Commissioner Mosconis asked Mr. Hess to give Mr. Mosteller his name and phone number so they could call him for the next meeting.

ALFRED SHULER-CONTINUED

(Tape 1-2617) Commissioner Sanders continued the discussion about the Amerigas property. She said she agreed with Commissioner Mosconis about the property being very important to the County. She stated maybe the Emergency Management Director, Tim Turner, should go look at the site. Mr. Pierce said the problem is that it appears, due to all of this language, they are hiding something. Commissioner Mosconis reminded the Board this too was an old military site which could also have caused contamination. He again instructed Mr. Shuler to call Amerigas and see if they had Third Party Insurance.

(Tape 1-2690) He reported he reviewed the Mediacom franchise agreement. He said he read the letter Mediacom and the complaint Mr. Meacham had sent the Board. Mr. Shuler explained the franchise Mediacom has with the County does not give the County the authority to regulate the rates. He said he is researching, under the General Laws of Florida, if the County has the authority to enact an ordinance for regulating the rates. He stated it is not included anywhere in the franchise. Mr. Shuler said Congress, at one time, placed a moratorium on local governments changing the rates at all. He stated the moratorium was in effect when the County granted the franchise. Commissioner Mosconis stated several years ago these cable companies got completely out of control and Congress started regulating them. He said then Congress removed all of the

regulations and now, he feels, Congress is going back and trying to regulate them. Commissioner Creamer asked if Mr. Shuler found any way the County could get out of this contract with Mediacom. Mr. Shuler replied the County could if Mediacom violated the franchise itself. Commissioner Mosconis asked if bad service was a violation of the franchise since the Commissioners were getting so many complaints. Mr. Shuler replied if the County tried to get out of the franchise for this reason then it would probably end up in Court for them to decide. Commissioner Putnal asked why a company from Tallahassee or Panama City couldn't come to Franklin County. Mr. Shuler replied this was a non-exclusive franchise and any other cable company, that wanted to, could go into business here. Commissioner Mosconis asked what about the cable company on SGI. Mr. Pierce said the owner of that cable company was Charles Sumner. Commissioner Mosconis made a **motion instructing Mr. Pierce to contact Mr. Sumner, Comcast Cable and the cable company in Tallahassee to ask them to the next Board meeting.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3369) He said, at the Board's direction, he reviewed the deeds belonging to Diane Chambers. He explained the property had been divided into 3 lots prior to the effective date of the County's 1 acre ordinance, 79-8, and therefore it was proper for the Building Department to allow 3 residents on the 3 parcels. He said the Building Department was correct in issuing 3 building permits. He stated the deeds were grand fathered in. Commissioner Mosconis asked if Mr. Phil Dunaway was aware of this. Mr. Pierce said he had told him over and over again. Commissioner Mosconis asked Mr. Shuler to send Mr. Dunaway a copy of Mr. Shuler's letter dated April 20, 2000, regarding is findings on the matter. Mr. Shuler assured Commissioner Mosconis he would send him a copy.

(Tape 1-3445) He stated he prepared a letter, at the request of Assistant Planner Mark Curenton, for the Sun 'n Sands Boat Ramp Project.

(Tape 1-3480) He said he received a demand and potential suit letter from an attorney in reference to an inmate, Tammy Stanley, and her hospital bill at Bay Medical in Panama City. He stated he didn't need any Board action on the matter.

(Tape 1-3507) Mr. Shuler said he received a telephone call from the Broward County Attorney's Office checking to see if Franklin County had any regulations for non-residential farm buildings. He stated he sent a letter stating there were no such regulations in Franklin County.

(Tape 1-3543) He stated he received a copy of a complaint submitted by Stephen and Pamela Smith. He said the complaint referenced some dog pens and he did discuss the matter with Mr. Pierce. He recommended the Board not take any action on this complaint.

(Tape 1-3578 continued on Tape 2) Mr. Shuler reported on the ongoing GRIT problems. He said Deputy Kit Mashburn recently contacted him about some surgery he needed done on a previous fractured ankle. He stated the Doctor has reported that Deputy Mashburn

has some bone spurs on the top of his foot that would need to be surgically removed. He stated the County is responsible for the treatment and the Board needs to authorize this procedure for Deputy Mashburn. Commissioner Mosconis asked why Deputy Mashburn's County medical insurance would not pay for it. Mr. Shuler explained this injury was a workers comp injury and his private medical insurance, he was sure, would refuse to pay for the surgery. He further explained to Commissioner Mosconis that these bone spurs were a direct result of the broken ankle which he injured while on duty, therefore it fell under the workers comp umbrella. Mr. Shuler said Deputy Mashburn has had 2 opinions rendered on the surgery and should be paid by workers comp. He recommended again the Board authorize the payment of those expenses. He stated he talked to the attorney in Pensacola, handling the major settlement for Mr. Lolley, and she has offered to review those bills, incurred by Deputy Mashburn, to see if they follow the necessary workers comp payment schedule. Mr. Shuler informed the Board the County is responsible for these bi-weekly compensation payments, the medical relating to the accident or injury, and for their prescription drugs relating to that condition. He said one of the things he is exploring is that some of the effected agencies have hired independent insurance adjuster who would review the claims before payment. Commissioner Mosconis said he would make the **motion authorizing the payment of Deputy Kit Mashburn's medical bills relating to his foot surgery.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Wade said he had a word of encouragement from Senator Pat Thomas. He stated the Senator informed him there is a possibility some funds have been found that could be used to reimburse small counties for their expenditures relating to the GRIT problem. He said Senator Thomas told him not to get our hopes up, but he is working with the Governor and the Insurance Commissioner to see what can be done by the State of Florida. Mr. Shuler reported Mr. Lolley's claim, after speaking to Attorney Miller and Attorney Law, attorney for Mr. Lolley, is moving forward with a stipulation for settlement. He said the settlement is basically the same as the Board has already approved. He said the settlement would need to be signed by Mr. Lolley, then sent to Franklin County for the Chairman's signature, and then to the Workers Comp Judge. He said then the County would have 30 days to pay Mr. Lolley. He said he, even though the Board has already authorized him to file a claim in the GRIT Bankruptcy case, will need to talk to the Wakulla County Attorney, Ron Mowry, since he is a bankruptcy expert, to ask his help to determine what is the best way for the Counties to handle this bankruptcy situation so the County can receive the ultimate benefit. He stated he wanted to be sure the County's bankruptcy claim was upheld and enforced. He said the Board had already authorized the Chairman's signature on Mr. Lolley's settlement agreement so that it will not be held up waiting for a meeting.

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

Clarence Williams CLARENCE WILLIAMS, CHAIRMAN

Kendall Wade KENDALL WADE, CLERK