

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
JANUARY 5, 2001**

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

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

(Tape 1-7) Chairman Creamer asked the County Attorney, Mr. Shuler, if when the matter the meeting was called for is settled can he discuss another matter about the ambulance service. Mr. Shuler replied he was sure the press had been notified about this meeting. Mr. Wade answered yes they had and they were present this morning. Mr. Wade said he saw a problem because people had called his office asking if the hospital was going to be discussed this morning. He stated he told them "no". He said if the Hospital is discussed then there would be people who wanted to be here, but didn't come because they were told the hospital wouldn't be discussed. Mr. Shuler said the Board had two choices: to not even discuss the hospital or secondly take no action on the any hospital matter. He said the Board should only take action on what the meeting was called for. Mr. Shuler said he spoke to David Paris, Hospital Division Regional Director for Centennial HealthCare, regarding the ambulance matter. He stated Mr. Paris told him Centennial doesn't have any plans to cut ambulance service from two ALS ambulances to one ALS and one BLS ambulance.

(Tape 1-64) Mr. Pierce, Director of Administrative Services, said this Special Meeting was called to discuss the Hollenbeck Trailer Park, Eastpoint, issue. He stated Commissioner Mosconis went to visit the site in question and called him to say he wanted to revisit the issue. He explained Commissioner Mosconis wanted him to poll the Board members, but after calling several Commissioners and being told they would rather have a Special Meeting he decided that was the best thing to do. He said he did contact all of the people involved in the issue. He stated he has lost a great deal of sleep because of this problem. He said he didn't mean to make enemies out of people who had been good neighbors. He stated he felt everybody had to be involved in this last discussion though to hear and make comments if needed. He said because the Board was reconsidering this matter and maybe changing a decision they made he felt everyone involved in the situation should be present today. He apologized for any hard feelings. Mr. Pierce said the meeting was called to address the motion the Board made at the last meeting on January 2, 2001 granting Mr. Hollenbeck a hardship variance and enabling him to leave his trailer where it is. He stated he sent the FCPHU a letter informing them the County felt the trailer placed on the site by Mr. Hollenbeck was not within the boundaries of the trailer park. He said the County felt the trailer should be moved. He stated then Mr. Hollenbeck came to the Board and ask the Board to allow him to leave the trailer there. Mr. Pierce said at the last meeting the Board voted to allow Mr. Hollenbeck to leave the trailer where it is until something happens to his mother or granting a lifetime estate for the trailer to remain where it is. He said the Board is here

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

today to revisit the motion from the last meeting allowing Mr. Hollenbeck a hardship variance. Mr. Shuler said it's his understanding the trailer is parked in a place not historically used as part of the trailer park. He stated it is not zoned for a trailer park and the trailer park is there because it was grandfathered in. He said there appears to be an extension of an unauthorized grandfathered use. He stated grandfathering only protects the area actually used for the grandfathered use. He explained if that use is abandoned for a substantial period of time then the grandfathering protection is lost. He informed the Board, in his opinion, the trailer is not supposed to be there. Commissioner Putnal said it was his understanding that if Mr. Hollenbeck dropped his homestead exemption he could place fourteen trailers on this property. Mr. Pierce said he didn't know whether homestead exemption even bears on the use of the land or not. He stated it certainly bears on the value of the land. He explained, to his knowledge, the mobile home park was on the parcel of land in dispute and on a parcel to the West of this parcel. He said up to this point the County has never been involved in regulating mobile home parks. He stated he is at a loss except for the homestead exemption issue as to what the actual boundaries of the mobile home park are. Mr. Hollenbeck appeared before the Board and presented the original DOR, Application for Certificate of Registration (COR) for the mobile home park "Whispering Pine Mobile Home Park" reflecting an opening date of January, 1973. He said the COR list the area or location as Highway 98, between 3rd and 4th Streets, Eastpoint. He said his trailer is between 3rd and 4th Street in Eastpoint. Commissioner Mosconis said he thought whatever happens here today, the Health Department and the County Planning Office should get together and work out a different policy or system regarding these matters. Mr. Hollenbeck said even if the County does just acknowledge the long parcel as a trailer park then he would place eight trailers on the parcel. He said he only has seven on the property now. Mr. Gary Griffin, Eastpoint and a neighbor of the trailer park, said he regretted even having to be here this morning. He stated he wanted Mr. Hollenbeck to know he didn't want to be a bad neighbor. He said he didn't think Mr. Hollenbeck had been a bad neighbor and he hated it got to this point. He explained he didn't mind if eight trailers were on the property designated for a trailer park. He said if that is what the regulations are and what has been approved for that parcel, the trailer park. He stated he did feel like whoever regulates the trailer park needs to regulate it regarding the trash, no dumpsters, etc. and the other problems in the trailer park should be addressed. He said, after researching the property records, the property being referenced has been transferred, by deed, etc., back and forth to different owners for several years. He said his property is next to the Hollenbeck's and he has not had a problem with Ms. Hollenbeck's trailer on the parcel next to his. He stated the property started out with three parcels of land back in 1972. He said the property was originally sold to Mr. and Mrs. Hollenbeck, Mr. Hollenbeck's parents, in 1972. He stated Parcel 1 was sold, Parcel 2, the long strip was the trailer park, and Parcel 3 is where Ms. Hollenbeck currently resides. He said Mr. Hollenbeck's trailer has been placed on Parcel 1 which has been homesteaded as well by Ms. Hollenbeck. He stated that means there are two dwellings on one lot or one parcel. He said Ms. Hollenbeck has always lived on the one parcel. He said since 1972 there has never been a changing of the parcel descriptions in any way. He stated all of this swapping dealt with Parcels 1, 2, and 3 and the trailer park has always been on the long strip of land and the home place on the smaller parcel fronting Highway 98. Mr. Griffin said he and his wife bought the property in 1994 or

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

1995 and they do not remember the parcel in question ever being a trailer park or even being referred to as a trailer park. He said the Hollenbeck's always lived on this parcel in a trailer, one trailer. He stated there was never any hook-ups for any more trailers. He said several years ago Ms. Hollenbeck got a new trailer and it was placed along the road North and South instead of East and West as the previous trailers had been placed. Mr. Hollenbeck said there was a camper trailer on the property when the other trailer was there. Mr. Griffin said he felt there had been misrepresentations to the Health Department about the actual location of the trailer. He stated somebody should have gone to look at the site before permission was given to Mr. Hollenbeck to place the trailer where it is placed on the property. He stated if there is a valid permitting process it should not be conducted over the telephone. He said someone, at the very least, needs to ride out to the site being permitted. He stated the Building Inspector should have noticed something since the trailer is right on Highway 98. Mr. Mabrey said his records still reflect no boundaries for the trailer park and as far as they are concerned the whole "L" shaped property is a trailer park. He explained in 1973 Ms. Hollenbeck had a total of fourteen sites approved for the trailer park. He said in 1993 or 1994 she dropped it to ten and after 1994 she dropped it to eight. Mr. Griffin said Mr. Hollenbeck had plenty of room to put the trailer in the park. He suggested Mr. Hollenbeck put the trailer in the park. Commissioner Mosconis asked Mr. Shuler what the County rule was for these two parcels. Mr. Shuler replied the part which has historically used as a trailer park is grandfathered, but the part that has not is not grandfathered. He said it is his understanding the long narrow parcel is the parcel designated as the trailer park. He stated the other corner parcel is where the Hollenbecks have always lived or homesteaded and not historically used for trailers. He said just a very few of the trailer parks in the County are actually zoned as trailer parks. He stated there are a number of trailer parks by virtue of being grandfathered in because they are zoned for something else. He explained the County needs to map these trailer parks and decide what needs to be designated trailer parks and zone them as such. He said the County can't tell people who have historically used their land as trailer parks they can't continue to use them as trailer parks as long as they continue the use and don't abandon the use. Commissioner Mosconis asked Mr. Pierce if the Franklin County Zoning Map reflected this property as a trailer park. Mr. Pierce replied no it was zoned C-4, Mixed Use-Residential-Commercial. He said C-4 allows all sorts of uses. He explained it is not zoned specifically for trailer parks, C-3 is the zoning for trailer parks. He said this C-4 applies to the old zoning category. Commissioner Mosconis asked if Mr. Hollenbeck wanted to make the parcel his mother lives on a trailer park then he would have to apply for a rezoning. Mr. Pierce replied if the Board agrees the long parcel is a trailer park and the other parcel is not, then the only way Mr. Hollenbeck could get the parcel zoned as a trailer park would be to apply for a zoning change. He said basically you cannot add to a nonconforming use. Mr. Griffin said he totally understands this long parcel is a trailer park, that is not the problem, the problem is the trailer being on the parcel Ms. Hollenbeck lives on and has homesteaded. He presented copies of deeds to these parcels as they were being swapped back and forth. He asked after this property is swapped, even though it is from family member to family member, the grandfather issue should be done away with. He said the grandfather issue should cease when deeds are transferred. Commissioner Mosconis replied he didn't know. He stated if it is still an historic use of

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

the land then it should not change. After further discussion Commissioner Sanders stated the problem was that Mr. Hollenbeck wouldn't move the trailer it was that he couldn't afford to move it. She said he told the Board he would be willing to move the trailer he just didn't have the money. She stated this is the problem. She stated the trailer hasn't got to be moved far, just a matter of feet. Commissioner Mosconis said he knew the Board discussed giving him a time period in which to have the trailer moved. Mr. Hollenbeck said he has incurred \$500.00 in expenses since the last meeting when he was given approval to leave the trailer where it is at. He stated he had the cable installed, paid for the insurance, etc. since he thought the decision was final. He said he would be willing to move the trailer if he had the money. He said there has been a lot of miscommunication. He stated Mr. Pierce suggested he come to the Board with this problem. He said Mr. Pierce suggested he ask for a variance. Jan Hevier, attorney, said he agreed with what Mr. Shuler said. He stated he didn't think the Board, under circumstances which exist here, would have the authority to even grant a variance to allow for the expansion of a non-conforming use. He stated the only possible approach would be an application for rezoning and then with the present zoning on the property the County may have difficulty with "spot zoning" because of all of the surrounding property is zoned C-4. He said attempting to zone one small parcel C-3 may cause a problem. He informed the Board he felt the previous decisions the Board made regarding this problem was incorrect since the Board really lacked the power to grant Mr. Hollenbeck's request. He said a non-conforming use in a land-planning situation is setup so the non-conforming use eventually phases out so the expansion of the non-conforming use, the power for anybody to grant this just does not exist by variance or any other means. He explained the only approach the Board could take would be to rezone the property, but again there would be problems with the question of "spot zoning". Mr. Hollenbeck said he absolutely cannot come up with the money to move the trailer if this is what the Board wants. Commissioner Mosconis asked Mr. Pierce about using SHIP funds to have the trailer moved. Mr. Pierce replied he didn't think SHIP funds could be used to move a trailer. Chairman Creamer said he believed they have started working on mobile homes. Mr. Pierce said he didn't realize that. Chairman Creamer informed the Board he knew the SHIP Program had some emergency funds remaining in their account. Mr. Pierce stated it was possible since the Board had total control of the SHIP funds. Commissioner Mosconis said he thought this was an unusual situation. He asked Dr. Junejo, FCPHU, if the Health Department had any funds to assist in these type situations. Dr. Junejo replied not at this time. She stated they would have to request the State of Florida give them special permission to use funds for this type of thing. She said if they made an error and in that case they could inform the State they made an error and ask them to fund moving the trailer to correct the mistake. She explained she and Mr. Mabrey felt they didn't really make an error in this case, they just went by the records they had. She stated they did authorize the trailer being placed where it is, but Mr. Mabrey did go look at the site. She said he did do a site evaluation which they have documented. Commissioner Mosconis said he was glad Dr. Junejo was here today, because he didn't want this to ever happen again. He stated the County was not responsible, Mr. Hollenbeck wasn't at fault, the Health Department wasn't at fault. He said he knew Mr. Hollenbeck didn't have the money to move the trailer. He stated maybe the Health Department or the County might have some funds to take care of

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

moving the trailer. Chairman Creamer suggested they split the costs. Commissioner Mosconis stated he thought this is the route that should be taken. Mr. Hollenbeck said the trailer only had to be moved sixteen to twenty feet, but was going to cost around \$4,500.00 to \$5,000.00 to move the trailer. Commissioner Mosconis asked Mr. Shuler what they, as a Board, needed to do. Mr. Shuler instructed the Board to make a motion to rescind the action they took at the Board Meeting on January 2, 2001 granting Mr. Hollenbeck a hardship variance. Commissioner Mosconis made a **motion rescinding the motion granting Mr. Hollenbeck a hardship variance on January 2, 2001 and any other action the Board took regarding this matter.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis then made a **motion directing Mr. Pierce, Dr. Junejo, and Chairman Creamer to diligently seek funds from either the State, SHIP, etc. in the amount of \$5,000.00, more or less, to assist Mr. Hollenbeck in moving his trailer into the designated mobile home park and directing them to report back to the Board at the next meeting.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Hollenbeck said he would move the trailer as soon as he got the money; tomorrow if necessary. Patricia Bentley, co-owner of the trailer, said she wanted clarification from the Board about something. She asked the Board if they would be allowed to live in the trailer until it was ready to be moved since they are making payments on the trailer. She said they can't even live in the trailer. The Board granted permission for them to live in the trailer until it is ready to be moved. Mr. Shuler said he thought a sixty-day time line should be imposed on the action. Commissioner Mosconis said he would add that to his motion that the **trailer should be moved within sixty-days.** The Board agreed with this time line. Commissioner Mosconis said he wanted a plan to be formulated some procedures between the Health Department and the Planning Department to deal with this type of requests. Chairman Creamer said one problem the County has is when a person moves a trailer into Franklin County there is not permitting process, they don't even have to notify the Planning Department. Mr. Pierce said they never have when it comes to trailer parks. Mr. Mabrey agreed and said when a trailer is moved anywhere in the County there should be some type of permitting process. Mr. Pierce said they don't even have to comply with flood zone requirements. Commissioner Mosconis said he would make a **make a motion directing Mr. Pierce and Mr. Mabrey, as the representative of the Health Department, to formulate a plan or procedure to handle this type of problem.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said it might mean these people have to start paying a permit fee. Commissioner Mosconis said if that is what it takes then that would be fine. He said they could charge them a minimum fee of \$50.00 to \$100.00. Mr. Mabrey again stated the County was going to have to hire a code enforcement office whether they liked it or not. He said another matter that was going to have to be addressed in the future was licensing of commercial businesses. He said the Health Department had no idea how many commercial businesses were in Franklin County. Chairman Creamer said the Board needed to move on and adjourned the meeting at this time.

EMERGENCY MEETING

(Tape 1-2324) Chairman Creamer called the Emergency Meeting to order. He asked the Board to make a motion waiving notice the Board was going to conduct an Emergency

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

Meeting. He suggested the Board just listen to the matter being discussed today and not take any formal action. Commissioner Mosconis made a **motion to formally waive notice of the Emergency Meeting being conducted today.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2362) Chairman Creamer asked Ms. Marilyn Walker, EMS Director, if she was ready to address the Board this morning. Mr. David Paris, Centennial Regional Hospital Division Director, asked if he could make a brief statement first. Chairman Creamer allowed Mr. Paris to speak at this time. Mr. Paris said he found about this ambulance matter Tuesday after it was brought to the Board by Ms. Walker. He stated it was not Centennial's intent to operate one ALS ambulance. He said if there is a problem with staffing it was a short term problem and they are currently operating two ALS ambulances. He said they have run them for the last four years and they don't plan to stop them. Commissioner Mosconis said then this was a moot issue. Mr. Paris replied it was. He said it is not a Centennial or Weems Hospital issue either. He stated the issue was the Franklin County EMS has been unable to attract the staff to run the ambulances. He informed the Board he has heard about the pay issue, and informed the Board there is a nationwide shortage of paramedics, nurses, radiology techs, etc. and in the entire health care field. He stated the pay scale has increased since they assumed the hospital. He said not a lot, but it was increased and each year merit raises are given to the employees. Mr. Paris stated he knew they had been paid and on time. He said he was surprised when this issue came up. He stated he also was surprised when someone called him and told him they had heard on the local radio station the County was considering removing Centennial from managing the hospital. He said they didn't have any understanding or realize this was an issue. Chairman Creamer replied the County has never taken that into consideration. Mr. Paris said he had just heard that. Commissioner Mosconis stated this was not entirely out of the question. Commissioner Mosconis said the problem as he saw it was the hospital was not sending bills so people could pay them. Mr. Paris stated this was not true either. He said he was not here to address this problem this morning. He said he would bring someone from the finance department to show the Board they do collect money. He said a lot of the ambulance runs they provide are not reimbursable. He stated if Medicare deems it a non-emergency situation then they do not pay the hospital. He said a lot of people are sent bills they simply do not pay for their care. He stated he can't do anything about that since if they dial 911 someone has to respond whether they pay or not. Commissioner Mosconis said he didn't want to drag this meeting out and wanted to move on. Ms. Ficklen said she again wanted Commissioner Mosconis to send his constituents to her for information and assistance if they needed it or had questions about their billing. Ms. Walker appeared before the Board at this time. She said she was here to address the Franklin County Certificate of Public Convenience and Necessity which authorizes Franklin County EMS to provide Advanced Life Support and Basic Life Support to the citizens of Franklin County. She said this has to be changed before they can transport BLS patients. She stated she is notifying the Board this process of transporting BLS patients will begin today. She said they would be starting this afternoon for sixteen hours and then on Monday, basically for the rest of the pay period. She asked the Board to revoke the existing COPCN and enact the new one she has prepared for the Board's approval this morning. She explained the new one

indicates ALS and BLS will be provided for Franklin County instead of just ALS support. She informed the Board the State of Florida requires this change in writing and they are waiting for her to fax the document to their office. Ms. Ficklen asked Ms. Walker what would happen when the staffing is brought back up within the next ten days. She stated this has never been done in the past when they were operating a BLS and ALS ambulance due to mechanical or other problems with the ambulances. Ms. Walker stated if it was done before it was done without her knowledge since she has to follow the law. Mr. Shuler informed the Board this was a brand new issue of which he knew absolutely nothing about. Mr. Pierce asked what would happen if there were no one to operate the ALS ambulance, but were required to operate an ALS ambulance. Ms. Walker said it would have to be shut down completely because the Certificate must reflect how patients are going to be transported. Ms. Ficklen said this type of thing had happened before without this COPCN being changed. She stated she felt this was temporary problem and not a permanent one. She asked how quickly this COPCN could be reversed when the ALS ambulances were operating again. Ms. Walker replied as soon as they are operating again then she would change the COPCN. Ms. Walker said this particular COPCN covers the whole spectrum whether there are running two BLS ambulances, one BLS and one ALS, or any of the two. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Emergency Medical Services Certificate of Public Convenience and Necessity providing that the Franklin County Emergency Medical Service provide Advanced Life Support and Basic Life Support to the citizens of Franklin County.** Mr. Paris stated then this differed with the contract Centennial has with the County to provide two ALS ambulances for the County. Commissioner Putnal said he disagreed with allowing them to only run one ALS and one BLS ambulance instead of two ALS ambulances as they agreed to. Commissioner Sanders said she wanted a workshop with Centennial even more so now. She encouraged Ms. Ficklen to schedule a workshop as soon as possible with the "higher ups" at Centennial to see what direction the hospital is going. Chairman Creamer said Mr. Shuler had asked them not to take any action this morning. Mr. Shuler said he didn't have a problem with this change, but he wanted a clear understanding with Centennial the County is still going to require their contract with the County be enforced by providing two ALS ambulances. He said the County is not waiving anything the contract requires. He said if they want to run one BLS as well as two ALS ambulances then that is fine as long as there are two ALS ambulances as the contract specifies. Ms. Walker said she has agreed to work on the ambulance if she needs to. Mr. Shuler said the Chairman would have to sign the document. He explained the Board could go ahead and approve the Chairman's signature on the document with all the disclaimers he has made about the contract still being enforced and Centennial having to meet the requirements of the contract by providing two ALS ambulances in Franklin County. Chairman Creamer asked how long is Centennial going to allow this to go on. He stated he wanted a workshop too as soon as possible. Ms. Walker replied she hoped by January 11th or January 12th. Commissioner Putnal said he would second Commissioner Mosconis' motion. All for. **MOTION CARRIED.** Mr. Shuler again stated he wanted the representatives to know the County is not expecting anything less than what the contract requires Centennial to provide. Mr. Paris said the County might want to consider subsidize the paramedics salary so they can compete with the surrounding counties. He said the ambulance runs have not increased

FCBCC MINUTES-SPECIAL MEETING JANUARY 5, 2001

very much this year. Chairman Creamer stated he was informed the ambulances made 857 ALS runs in 1999 and 1087 or so ALS runs in 2000. He said he thought this would reflect an increase in ambulance runs. Mr. Paris said he is still paying the same amount of money whether it is an ALS or BLS ambulance. He stated the County might have to consider subsidizing this service. Commissioner Putnal informed Mr. Paris he expected Centennial to work hard to solve these problems.

(Tape 1-3500) Kendall Wade, Clerk, informed the Board a Verified Complaint was filed in his office January 4, 2001 at 3:51 p.m. by Attorney Andrew Smith. He said the case is Apalachicola Bay and River Keeper, Inc., Martha Dupont, Joann Dittmer, and Jean Parmelee, Plaintiffs and Franklin County, Florida, Defendant. He asked Mr. Shuler if he would like to give the Board some direction regarding this matter. Mr. Shuler said he had received a copy of the Verified Complaint. He stated this was a process these individuals were using to inform the Board they want them to reconsider the action the Board took regarding the St. James Bay Project. He said this complaint reflects they also think the County has not been consistent with the Comprehensive Plan as to the action taken by approving the St. James Bay Project. He stated he did advise the Board at the Public Hearing scheduled to hear the St. James Bay Project proposal the proposal was consistent with the Comprehensive Plan. He explained the Board has thirty days to respond to the complaint, but if the Board doesn't respond then they have the right to file an action in the Circuit Court for a Judge to decide if the County took the correct action or not. He informed the Board could, if they want, readdress the St. James Bay Project. He stated it wouldn't be appropriate in any case for the Board to take any action this morning. He said he just wanted the Board to be informed the action had been taken. He stated his thoughts, at this point, are to look carefully at what was filed and then decide if a response is needed. He stated most of the time he just recommends letting the thirty-day period run without any action. He said then it is up to the Plaintiffs if they want to file the action in Circuit Court. Chairman Creamer stated the Board would take no action. Mr. Shuler replied he was recommending the Board take no action anyway.

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

Eddie Creamer EDDIE CREAMER, CHAIRMAN

Kendall Wade KENDALL WADE, CLERK