

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
DECEMBER 4, 2001**

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

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

(Tape 1-53) Commissioner Sanders made a motion to approve the minutes of the meeting held on November 20, 2001. Commissioner Williams seconded the motion. All for. **MOTION CARRIED**.

(Tape 1-57) Commissioner Putnal made a motion to pay the County bills. Commissioner Williams seconded the motion. All for. **MOTION CARRIED**.

**BILL MAHAN-COUNTY EXTENSION DIRECTOR**

(Tape 1-64) Mr. Mahan said he wanted to update the Board on the UF-IFAS budget situation. He said the budget situation doesn't look good. He said the report from Dr. Pete Vergot is UF-IFAS is now planning for the "worse case" budget scenario. He said it is now possible all four 4-H Camps will be closed in addition to Blountstown Aquaculture Farm and some North Florida Research and Education Centers. He explained this would result in some major restructuring of existing programs. He stated, in addition, Dr. Mike Martin, Vice-President of UF-IFAS reported there would be some major changes in how IFAS does business. He said apparently included in the proposed cuts is the elimination of Leslie Sturmer's statewide clam aquaculture responsibilities and travel support. He said, according to Ms. Sturmer, if these budget cuts do occur she would not be able to travel outside the Dixie/Levy County area. He stated this would definitely harm Franklin County because of her expertise with Clam Aquaculture and the newly approved Alligator Harbor Clam Aquaculture Program. Commissioner Sanders asked if a letter opposing the budget cuts, which would affect Ms. Sturmer's traveling to Franklin County to assist with the Aquaculture Program, would help. She said Ms. Sturmer's experience and expertise was definitely needed for the County's new aquaculture program. Mr. Mahan replied he was not sure whom the letter would need to be directed to. He said he felt the Legislators did need to know how important Ms. Sturmer's expertise was to Franklin County and the new aquaculture program. Commissioner Sanders said she would speak to the Legislators about this matter.

(Tape 1-114) He said Mark Barrigan, DACS, and Leslie Sturmer, UF-IFAS, met in Cedar Key on Tuesday, November 27<sup>th</sup> to review the state's requirements for surveying the Clam Aquaculture Leases. He said Ms. Sturmer prepared a "draft" of the surveying specs and a cover letter for the specs packet and sent them to Mr. Barrigan for approval last week. He explained once final approval is received, the Franklin County "Survey Workgroup" will meet to review the final specs and prepare a bid package.

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(Tape 1-144) He said at the request of the Board and the oyster industry, he and David McClain, ABARK, collected an oyster meat sample on Monday, November 26<sup>th</sup> from Platform Bar with the help of Joe Shields, DACS. He explained the oyster meats were then sent to Dr. Bob Dickey with United States FDA for toxin extraction and an independent mouse bioassay. He said DACS also sampled from the same spot at the same time and sent their sample to the FMRI Laboratory for testing. He said the FMRI results came back as less than 20 mouse units on Wednesday and Platform Bar was reopened on Thursday. He explained the FDA Laboratory results came back on Friday at 22.4 mouse units and the bar was closed on Saturday. He stated new oyster meat samples were taken on Monday, December 3<sup>rd</sup>, and the results are expected back on Wednesday. He said during the Monday sampling trip several water samples were taken and they observed a number of dead fish floating in the tide line, just east and West of the Bob Sykes Cut. Commissioner Putnal said they are having a problem in Bay County with Red Tide too.

(Tape 1-209) He said the DACS Vv. Illness Reduction Work Group met on Friday, November 30<sup>th</sup>, in Tallahassee to update the Florida Vv. Plan. He informed the Board the group made changes in the plan to reflect the wording the ISSC issued and to meet the requirements adopted during the August ISSC meeting.

(Tape 1-237) Commissioner Putnal asked Mr. Mahan to let him know immediately if something is changed on the opening of the oyster bars. He said he could inform the oyster harvesters regarding any changes like covering the oysters, etc.

(Tape 1-252) Commissioner Mosconis asked Mr. Mahan what he was doing locally to help alleviate the budget problems. Mr. Mahan replied there was not a lot he could do locally. He said most of the cuts would affect the outlying areas and not Franklin County as much. He said he is on a number of these committees and he has had some input on trying to find alternative funding for the camps at least.

**HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS**

(Tape 1-323) Mr. Chipman informed the Board Raymond Hall, the mechanic at the Road Department, is planning to retire in January. He said Mr. Hall's retirement would be a great loss because he does such a good job. He asked the Board for permission to post this position at the Landfill and Road Department in case one of the current employees would be interested in the job. Commissioner Mosconis made a motion authorizing Mr. Chipman to post this vacancy at the Landfill and the Road Department and if the vacancy is not filled then authorizing Mr. Chipman to advertise the vacancy in the local newspaper. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he wanted to also make a motion directing the County Attorney to prepare a Resolution of Appreciation for Raymond Hall for his many years of service to Franklin County. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-395) Commissioner Sanders asked Alan Pierce, Director of Administrative Services, about the FEMA funds the County has to repair McIntyre and Jeff Sanders

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Road in the Eastern part of the County. She asked him if there was a deadline on utilizing these funds. Mr. Pierce replied there probably is one, but he didn't know what the date was. He said he wanted to be sure the roads are finished and the project is closed out before there is any likely hood of another disaster such as a flood or a storm event. Commissioner Sanders said she didn't think the repairs should wait. Mr. Pierce agreed and stated FEMA has paid the County for the existing claims on McIntyre and Jeff Sanders Road in the amount of \$180,000.00. He said additional funds would be paid when the project is completed. Commissioner Sanders asked Mr. Chipman to think about a time frame for completion of these projects. She stated McIntyre Road is used from time to time as an evacuation route during emergencies. She said McIntyre Road was her top priority. Mr. Chipman told Commissioner Sanders he would get to work on these projects.

(Tape 1-462) Commissioner Mosconis said he attended the pre-construction conference regarding the Airport Access Road Project the other day. He informed the Board Mr. Chipman has a lot of in-kind work to do on this project. He stated he wants to make sure this project is kept on schedule. Mr. Chipman said he has most of his equipment at this project as well as a crew dedicated to this particular project. Commissioner Sanders said she wanted some of the crew to start work on McIntyre Road. Mr. Chipman stated he would try to work on the road. He informed the Board he only has one grader and has to use the drag on any other roadwork that has to be done. He said he only has this one road grader. Commissioner Mosconis suggested using some of this FEMA money to rent a motor grader to do the McIntyre and Jeff Sanders Road project. He said the County could rent one for at least a month. Mr. Pierce said the County could use this money to rent a motor grader or other equipment needed to fix the roads. Commissioner Sanders instructed Mr. Chipman and Mr. Pierce to pursue this matter and repair the roads as soon as they could. Mr. Chipman said his work crew was also small due to the opening of hunting season. He stated they work really hard all summer long and they don't take vacations until hunting season.

(Tape 1-559) Commissioner Putnal said an item on the agenda at 10:00 a.m. should probably be discussed before Mr. Chipman leaves the meeting. He stated the residents who live in Beacon Ridge Subdivision, represented by Robert Murray, wanted their roads repaired. Commissioner Putnal said the County has repaired other roads in this area. Chairman Creamer stated it was a private road and not a County road. Commissioner Putnal said the County had already fixed some of the other private roads in that area. He stated a lot of people have moved into this area and the traffic has almost doubled. Mr. Chipman said he rode down this road several weeks ago in his private vehicle and could not believe how many houses had been built there. Alfred Shuler, County Attorney, suggested the residents sign a right-of-way easement. Commissioner Mosconis told Mr. Chipman to go ahead and fix these roads because he didn't have to wait until Mr. Shuler had the paperwork. Commissioner Putnal said if he saw Mr. Murray to tell him the matter had already been addressed and he wouldn't have to come to the meeting this morning. Chairman Creamer asked Mr. Chipman to tell Mr. Murray he would need to get right-of-way easements from the residents in Beacon Ridge Subdivision.

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Commissioner Mosconis said the residents should sign a right-of-way easement the County Attorney would prepare for them.

**GINGER COULTER-ASSISTANT FINANCE OFFICER-FCSO**

(Tape 1-675) Ms. Coulter said she was at the meeting this morning to request the "second" dollar money, which is received by the County as a \$2.00 assessment to civil traffic fines. She asked the Board if they would authorize the funds be administered by the Sheriff's Office instead of the Board Finance Office. She said this would make everyone jobs easier. She stated the money is used for special training or education for law enforcement. She presented each Commissioner with a copy of the Florida Statute applicable to these funds. After a brief discussion Commissioner Putnal made a motion authorizing the "second" dollar money received from assessments on civil traffic fines to be received and administered through the Franklin County Sheriff's Office.

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-739) Chairman Creamer read the following memo sent to the Board by Mr. Johnson into the record: for the Boards information I am taking my annual leave from December 3, 2001 through January 22, 2002. I have left the temporary operation of the department in the capable hands of my Fonda Davis, Assistant Solid Waste Director. Should you have any questions or need anything, I have instructed Mr. Davis to render immediate service. I will be in constant contact with Mr. Davis and if a situation arises I will be on top of it.

**ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES**

(Tape 1-765) Mr. Pierce informed the Board the first County Commission Meeting scheduled for 2002 is Tuesday, January 1<sup>st</sup>, which is a holiday. He asked the Board if they would reschedule the meeting for Wednesday, January 2<sup>nd</sup>. Commissioner Mosconis made a motion to reschedule the first County Commission Meeting from Tuesday, January 1<sup>st</sup> to Wednesday, January 2<sup>nd</sup> due to the New Year's Holiday and authorizing the advertisement of the change in the local newspaper. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-776) He asked the Board to direct the County Attorney to assist him in following up with the executor of Ms. Addie Mae Stephens' estate regarding the failure to pay the SHIP mortgage on her house. He said no payments had been made on the mortgage recently. He stated they made a few payments and then the payments stopped. Commissioner Williams said he would check with the Stephens' family to see what the problem was and to see if it could be remedied so the payments could be brought current. He stated he would have a representative of the Stephens' family contact Mr. Shuler.

(Tape 1-796) He asked the Board to approve the payment of overtime for the EOC Director, Tim Turner and his secretary, Vickie Moore. He said they assisted the Red Cross, as requested by the Red Cross, to prepare meals in Eastpoint this past weekend. He explained the State Emergency Management Grant funds could be used to pay the overtime. Commissioner Mosconis made a motion authorizing the payment of

overtime for EOC Director Tim Turner and his secretary Vickie Moore for assisting the Red Cross in preparing meals in Eastpoint using the State Emergency Grant to fund the overtime. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-816) Commissioner Putnal said Ms. Moore had contacted him about her salary. He stated he was informed by Ms. Moore that she was not being paid what she thought was originally offered to her. Mr. Pierce said he spoke to Ms. Moore in August during the County's Budget Hearings. He stated he and Mr. Turner miscommunicated on the issue of the County raises being discussed during the budget hearings. He said when he spoke to Ms. Moore in August she did not initially take the job. He stated she was not sure if she wanted to change jobs at the time. He said one of the issues was the salary difference. He said he informed her the Board was in the middle of the budget process and it might be possible, if she started work before the end of the Fiscal Year, for her to be eligible for the whatever raises the Board employees would receive. He explained she was not sure the Board would agree to give her the full raise amount because she was not going to start work one month and then get a \$1,200.00 raise the next month. He stated he did not guarantee her this raise, but with his mother's illness and death he just did not follow through on the discussion. He said he didn't realize Ms. Moore had even started working at the EOC. He stated he never really sat down with her and discussed her starting salary and when and if she would get raises. He said she started working at the current salary set by the Board and he never did meet with her to finalize her final salary. He stated Ms. Moore did not get the raise since she began work for the County just two weeks before the end of the Fiscal Year. Chairman Creamer said he thought the starting salary of \$16,000.00 was what everybody else started out at. He stated if the Board agrees to a raise next Fiscal Year then she would be eligible for it. He said Ms. Moore started work at the salary he had informed her it would be, but he said he did mention to her the raise might be forthcoming as well.

(Tape 1-898) He submitted information concerning the meeting Representative Will Kendrick and the Governor's Office scheduled in the Courthouse last week. He said there was a general presentation by Ms. Mary Helen Blakeslee, representing the Governor's Office, with specific assistance programs presented by the Small Business Administration (SBA), Children and Family Services, Salvation Army, Red Cross and other groups. He said the SBA would be at the EOC Office at the Apalachicola Airport on Tuesday, December 11, 2001 from 9-5 to accept applications for SBA loans. He presented a copy of the forms sent to DCA completed by some businesses, which helped get the SBA declaration. He said he would give the Board a copy of the fax reflecting the date and time the SBA representatives would be at the airport. He said he needed the Board to approve and adopt a Resolution he had already prepared declaring Franklin County a disaster area because of the Red Tide infestation. Commissioner Sanders made a motion adopting and authorizing the Chairman's signature on a Resolution declaring Franklin County a disaster area due to the Red Ted. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**BIDS-FRANKLIN COUNTY COURTHOUSE ANNEX CONSTRUCTION**

(Tape 1-942) Chairman Creamer announced the opening of bids for the Construction of the Franklin County Courthouse Annex. Ms. Amelia Varnes, Board Secretary, opened the bids as follows: The Ingram Group, LLC in the amount of \$1,258,000.00; Bass Construction Company, Inc. in the amount of \$1,383,659.00. Mr. Pierce asked the Board to make a motion directing the bids be presented to the architect, Steve Jernigan, AIA, Bay Design Associates, Architects & Planners, for review and recommendation.

Commissioner Mosconis made a motion directing the project architect to review the bids and return to the Board with a recommendation. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said he knew both of these bids were over budget for the project.

**ALAN PIERCE-CONTINUED**

(Tape 1-981) Mr. Pierce continued his report at this time and asked Mr. Turner to update the Board of how much food has been given out and how and when other food deliveries might occur for the oyster harvesters. Mr. Turner said they were asked to conduct a food program for the out-of-work oyster harvesters. He stated through the "Helping Hands" ministry they placed about 250,000 pounds of food into the community. He said they have made contact with the Governor's Office and the USDA for the "Farm Share" Program. He stated they are expecting more donations of food. He stated they would continue to assist these people. He thanked the Board for allowing the use of one of the larger County trucks for transporting this food, etc. He said Mr. Chipman was a big assistance as well.

**ROBERT MURRAY-BEACON RIDGE SUBDIVISION**

(Tape 1-1030) Mr. Pierce recognized Robert Murray at this time. Mr. Murray said he understood this matter has already been discussed and asked the Board what he needed to do to expedite his request for road repairs in the Beacon Ridge Subdivision in Carrabelle. He presented the Board with a petition signed by the residents of Beacon Ridge Subdivision. Mr. Pierce informed Mr. Murray the County would need right-of-way easements from all of the property owners who own part of the road. He said the County would need their consent. He asked Mr. Murray to furnish a list of people who either lived on the road or owned part of the road. He said then the County Attorney could prepare the easements for signature. Mr. Murray said he would take care of getting the list and then checking with Mr. Shuler. Commissioner Mosconis instructed Mr. Murray to contact Mr. Shuler as soon as the meeting was over for instructions. Mr. Murray assured the Board he would check with Mr. Shuler about exactly what was needed to remedy this situation.

**ALAN PIERCE-CONTINUED**

(Tape 1-1079) Mr. Pierce said he would continue his report. He stated, at the last meeting, the Board directed him to send the County Engineer, David Kennedy, to Alligator Point to look at the area where there have been some vandalism at the intersection of Alligator Point Road and Gulf Shore Blvd. He said Mr. Kennedy was unable, due to time constraints, to go over to Alligator Point, but he would be able to go down there within the next week or so.

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(Tape 1-1096) He asked the Board where they would like for the Dog Island VFD's MSBU funds should be sent since their contract with the County expired November 30, 2001. He said the Board had a one-year contract with the DIVFD. Commissioner Sanders said she thought there were some problems. She stated she instructed Mr. Becker Boatenreiter, DIVFD Chief, and the Dog Island Conservation District to try and get along with each other. She stated she had received some complaints from the residents on Dog Island. She said she knew everyone was not going to be happy. She asked Mr. Boatenreiter if he was providing the services the VFD was supposed to be providing to the citizens there. Mr. Boatenreiter replied he and the VFD was doing a good job and if she would check some of these people complaining are not even voters. Commissioner Sanders stated she didn't care if they voted or not they were property owners. She said she thought the VFD was used as a power on Dog Island and this should not happen. Discussion continued and Commissioner Sanders discussed an audit with Mr. Boatenreiter and the Board. The Board agreed an audit would be cost prohibitive since there was a small amount of MSBU funds being sent to the DIVFD anyway. Commissioner Sanders said she would meet with Mr. Boatenreiter and try to make a decision as to whether the contract should be awarded to the DIVFD or the Conservation District. Mr. Boatenreiter said he had kept the Board informed of all the financial matters of the VFD. Commissioner Mosconis said the agreement needed to be signed or agreed on today. Commissioner Sanders suggested she meet with Mr. Boatenreiter to review the financial statements of the DIVFD. Commissioner Mosconis made a motion renewing the MSBU contract for Dog Island with the Dog Island Volunteer Fire Department contingent on Commissioner Sanders' approval.

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1507) Mr. Pierce said, at the last Board Meeting, there was a presentation by the Franklin County United Firefighters and a request submitted for the Board to schedule a public hearing to consider raising the MSBU assessment to \$70.00 per house. He stated the Board agreed to have a meeting, but never set a time or place. He asked the Board if they would like to schedule a meeting now. Commissioner Mosconis said he would make a motion authorizing the scheduling of a public hearing to consider raising the base MSBU assessment to \$70.00 on January 15, 2002 at 1:00 p.m. at the Courthouse. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he just wanted to have a public hearing to discuss this matter. He stated the Board would not adopt an ordinance at this time.

(Tape 1-1603) He submitted a letter from FDOT regarding the FDOT Tentative 5-Year Work Program. He said the letter states there would be no changes in the work plan for Franklin County in the next 5 years.

(Tape 1-1618) He presented a letter he mailed to Ms. Kimberly Shoemaker, Executive Director, Gulf Coast Workforce Board, Inc., asking her to come to a Board meeting in the near future to discuss the Workforce's 5-year Plan they submitted for Board approval.

(Tape 1-1641) He asked the Board if they would like to continue the County's membership with Opportunity Florida. He said the dues are \$1,105.70. Commissioner

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Mosconis asked if this wasn't a budgeted item. Ms. Anita Gregory, Executive Director, Apalachicola Bay Chamber of Commerce stated she thought Franklin County was already a member. Mr. Pierce said it expired every year. Ms. Gregory stated she really thought the County dues had been paid when she paid her Chamber dues. Commissioner Mosconis made a motion to pay dues in the amount of \$1,105.70 for membership in Opportunity Florida contingent on checking to see if the Apalachicola Bay Chamber of Commerce has already paid the dues. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1692) He provided a copy of the DEP Franklin County Airport Industrial Park Access Road Swale Exemption Permit.

(Tape 1-1700) He said the Board has not awarded the bid for construction of the T-Hangars at the Apalachicola Airport. He stated he needs direction on who is going to supervise the construction. He explained the last time t-hangars were constructed the County Engineer, Joe Hamilton at that time, supervised the construction. He recommended the Board contract with the County's present engineering group, Preble-Rish, Inc., to oversee the construction of the T-Hangars and to act as the County's agent in completing the necessary reimbursement forms for FDOT. He said Mr. Shuler should advise the Board on how to be sure the matching funds are in fact available from the FBO Bill Ruic, since there is a 20% local match. He said after these two issues are decided the Board can direct Preble-Rish, Inc. to award the bid to the only bidder, Poloronis Construction in the amount of \$375,000.00, which is within the FDOT budget for this project. After discussion Commissioner Mosconis made a motion awarding the bid for construction of the T-Hangars at the Apalachicola Airport to Poloronis Construction in the amount of \$375,000.00 contingent on approval of the contract by Mr. Shuler and proof of matching funds from the FBO Bill Ruic. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he would now make a motion authorizing Preble-Rish, Inc. to oversee the construction of the T-Hangars at the Apalachicola Airport and to act as the County's agent in completing the necessary reimbursement forms for FDOT.

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Ted Mosteller, Chairman, Apalachicola Airport Advisory Committee, said there was one aspect of this bid, which has not been discussed. He said this would be the addition to the existing FBO hangar. He stated Poloronis Construction only bid on the T-Hangars and since they were the only bidders the Committee would like to recommend the Board to award the bid to Poloronis Construction as well as the addition to the FBO Hangar. Commissioner Mosconis and Mr. Pierce suggested the use of a change order to the bid the Board just approved. Mr. Pierce stated, in any case, an amount of this additional project would have to be decided on. He said he felt the easiest thing to do would be a change order for the FBO Hangar. Mr. Mosteller said using a change order would be agreeable and had already been approved by Mr. Joe Smith, FDOT Aviation Department.

(Tape 1-1899) He provided a letter to Franklin County from the 1000 Friends of Florida encouraging the County and other rural counties to participate in an initiative to provide a small amount of funding for planning efforts. He said the program is entitled "Florida

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Panhandle Initiative Partners" and the amount of money available is up to \$10,000.00 over a 3-year period. He explained the amount of money would be no more than \$3,000.00 per year. He informed the Board the Alligator Point Environmental Organization (APECO) is interested in pursuing a project with Franklin County to study development on the Eastern end of the County, specifically the affect the development of St. Joe land might have. He said he informed APECO he would support their application if they decided to apply, and they could have the money. He asked the Board for authorization to send a letter of support for APECO if they wanted to apply.

Commissioner Mosconis asked Mr. McClain, ABARK, if they would be interested in applying for this money. Mr. McClain replied he received the same letter from 1000 Friends of Florida and informed the Board they are in the process of deciding what would be best for ABARK. Mr. Pierce informed the Board Franklin County would have to apply for this money. He asked the Board if they would like to authorize a letter of support for APECO. Paul Johnson, Special Project Director for APECO, stated his group would work with ABARK. Commissioner Sanders made a motion authorizing a letter of support for APECO to apply for 1000 Friends of Florida grant funding.

Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2072) Commissioner Putnal said an example of what they could use to seek this funding is the way the oysters in the Bay are dying. He stated they have been dying for a few months now due to the lack of fresh water. He said the fresh water flow has decreased. Mr. McClain said the meeting they had on November 13<sup>th</sup> in Atlanta the matter was extended and there is still no proposal on the table for anybody to consider one way or the other. He stated he sent a letter to Senator Lawson stating the Bay was in danger due to the lack of fresh water. He assured the Board ABARK would keep pushing this issue. He stated the fresh water is a natural way of flushing the Bay. Commissioner Putnal said the whole Bay could be destroyed if it doesn't have some fresh water soon. He asked if anyone had responded to the letter the Board sent to the Northwest Florida Water Management District. Chairman Creamer said he received a telephone call from the NFWFMD and was unable to reach them when he tried to return their call. Commissioner Putnal said he talked to Woody Miley, State of Florida Estuarine Reserve, and was informed by him they are trying to get some fresh water released into the Bay as well.

**BID REPORT-FRANKLIN COUNTY COURTHOUSE ANNEX**

(Tape 1-2217) Mr. Pierce informed the Board the architect for the Courthouse Annex, Steve Jernigan, has an update for the Board regarding the bids. Mr. Jernigan said he had reviewed both bids and both of them were slightly over budget. He asked the Board to authorize him to negotiate with the lowest bidder, The Ingram Group, LLC. He stated he did call them and talk to them. He said the project manager felt like the County could save at least \$100,000.00 on the mechanical system. He stated there were other items that could be negotiated. Commissioner Mosconis made a motion authorizing the architect, Steve Jernigan, for the Franklin County Courthouse Annex to negotiate with the lowest bidder for the project, The Ingram Group, LLC, to see if the project could be completed with the amount budgeted for the project. Commissioner

Williams seconded the motion. All for. **MOTION CARRIED.** The Commissioners asked Mr. Jernigan to report back to them at the next meeting with his recommendation. Commissioner Mosconis said the County would be in the next budget cycle before this project is finished. He informed Mr. Jernigan there might be something to be done on the project that can wait until then.

**MEDIACOM-BARBARA BONOWICZ-COMM. AND GOVERNMENT AFFAIRS**

(Tape 1-2400) Ms. Bonowicz said he brought Shane Routh with her this morning. She stated there was several questions asked and she said she was here today to address these questions. She said the rate increase was one of them. She stated she checked and in April 2001 the rate went up for Apalachicola, in June 2001 SGI, Eastpoint and Carrabelle, and then in October the rate went up in Alligator Point. She explained those rate increases were due to increased channels as well as the new digital implementation. She said they do not have rate increases every month or year like some people think. She stated she wanted to mention the State of Florida implemented a Flat Tax, which became effective October 19, 2001 and Franklin County was on the receiving end of that tax. She said if the customers saw an increase in their bills around that time; it was the tax not an increase in their billing. Commissioner Putnal said the problem is there are a lot of elderly people who are on a fixed income. He stated they get basic cable, which started out at \$30.00 and now it costs \$50.00, so people just cannot handle these increases. Ms. Bonowicz replied that MediaCom's basic Board Cast Cable; very basic cable only costs \$11.00 a month, which includes only the local stations. Ms. Bonowicz said she could relate to these people because soon she would be considered an "elderly" person and on a fixed income. She stated business is just done like this and many other items used in peoples daily lives are constantly increasing. George Pruitt, Eastpoint, asked when he could expect cable to reach him on North Bay Shore Drive. Mr. Routh said he would go over to look at the site and then he would contact Mr. Pruitt regarding this question. Connie Butler, a Carrabelle Resident, complained about her reception. Mr. Routh informed her the channel she was complaining about, Channel 6, had to be transmitted from around Thomasville, Georgia and MediaCom had done everything it could to work with the reception of this channel. Commissioner Sanders said she felt MediaCom didn't really realize how many people had moved into these areas where there was no cable offered. Mr. Routh said he was going to visit some of these areas because he knew the residents had increased, especially in some of these developments or subdivision. Mr. Routh reminded the Board there is competition such as the Dish Net Work's if people really wanted another option. He stated they do try to keep their product within a competitive level of the Dish Net Works. Ms. Bonowicz said the franchise agreement between MediaCom and Franklin County requires at least 20 homes per mile before cable can be installed. She said, she too, thought these developments and subdivisions had grown and they would be sure to check into this matter. Commissioner Putnal said he, as well as other citizens, would be glad to pay the cable bill if they got the service to reflect the high costs of the cable. Mr. Routh said he was sure with this new digital installation things would improve. Vickie Barnett, Alligator Point, expressed her disappointment in the cable service they receive. Mr. Routh replied Alligator Point is a long way from any television station. Ms. Barnett said she had lived in foreign countries that had better service. Mr. Routh said the interconnect project they are working on should be finished

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within the next few weeks, which should help reception. He stated Channel 6 is still going to be a problem no matter what. The Board asked Mr. Routh and Ms. Bonowicz to at least check into these complaints. Mr. Routh and Ms. Bonowicz said they would check into them and thanked the Board for their time this morning.

**STEPHEN MINIAT, M.D.-REQUEST TO EXTEND LEASE**

(Tape 1-3615 Continued on Tape 2) Dr. Miniat said time has just gone by so fast and he has not had a chance to pursue another building for his practice. He asked the Board if he could continue to rent the Old Health Department Office he is currently renting on 12<sup>th</sup> Street in Apalachicola. He said hopefully everybody is happy with the service he and his staff have been providing for Franklin County. Commissioner Mosconis said he would make a motion granting Dr. Miniat an extension on his lease for the County owned building, the Old Health Department Office, on 12<sup>th</sup> Street in Apalachicola for as long as he needs it. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-20) Commissioner Mosconis said there are some people who want to put a diagnostic center in Apalachicola. He stated they need a place to set up. Dr. Miniat stated he had been talking about that and he felt, time wise, this should work out pretty well. Commission Mosconis stated if the diagnostic center is brought here it would mean the people of Franklin County wouldn't have to travel so far for things like kidney dialysis, tests, etc.

**ALAN PIERCE-CONTINUED**

(Tape 2-45) Mr. Boatenreiter, DIVFD, asked could he address the Board for just a moment. He presented the Board with a petition from people who live on Dog Island. He also presented a 2001 budget for the DIVFD. Commissioner Sanders instructed Mr. Boatenreiter to wait until she could meet with him later to discuss this matter any further. He stated he could provide more information if the Board needed it. Commissioner Sanders said she wanted to work with him to solve this problem. Chairman Creamer said he was going to move on with the meeting and told Mr. Boatenreiter Commissioner Sanders would meet with him and then report back to the Board with her recommendation.

(Tape 2-89) Mr. Pierce returned to his report at this time. He said he would like to discuss the Planning and Zoning Commission special meeting on November 27<sup>th</sup>. He said a controversial matter was discussed. He stated the commission recommends against a request by Mr. Rodney Glass to amend the R-4 Home Industry district to allow seafood processing, which by state definition includes the storage and handling of oysters and read the following into the record; Mr. Glass was present at the meeting: The consensus of the Board was to find a way to help Mr. Glass, but not by allowing an oyster house in a residential areas. The processing of seafood is the only use specifically prohibited in the R-4 district and the commission felt there was a good reason why this use was prohibited and has been since the 1970's. The commission discussed rezoning some land off the water to C-1, or to allow seafood processing in agricultural areas, since oyster houses are not regulated by the DACS. Mr. Glass has made an investment behind his house and

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these other suggestions were not acceptable. He is here today to ask the Board to consider his business "grand fathered". The problem is he started his business approximately a year ago and in my opinion he is not eligible for grandfathering because he started his business after the zoning code was adopted. He started his business in violation of the zoning code, and while he means well there are many other oyster houses opened in the last few years in residential areas, and all of them might have to be grandfathered also. The Board needs to set a policy on who can claim grandfathering and then work with the DACS to have all of the other oyster houses relocated to the proper areas. Mr. Glass presented a petition signed by his neighbors and residents of the area where he has his oyster house. Chairman Creamer presented the petition containing 23 signatures to the Board Secretary. Mr. Shuler, the County Attorney, advised the Board they needed to be consistent with their decisions. He stated Mr. Glass's father's oyster house had been grandfathered in because he was operating it before the zoning code was implemented. He explained the reason this was discussed years ago was because the County wanted to preserve the seafood commercial districts. He said if the processing houses can be located just anywhere there is no economic incentive to stay on the waterfront. He stated those areas then would fall under economic pressure to be sold and more than likely developed into condominiums, etc. He stated the Board needs to deal in "uniform" rules throughout the County and this is not a permitted use in the area Mr. Glass lives in. He stated it is definitely not permitted in the zoning code. Discussion continued. Commissioner Mosconis said he would make a motion allowing Mr. Rodney Glass a twelve-month extension to relocate his business to the properly zoned area to operate his oyster house. He stated in the interim the Board needed to instruct the Planning Department to start looking at areas in the County to accommodate this type of industry. He said the new Industrial Park at the Airport should help. He stated these areas used for oyster houses on the water are going to get more and more pressure from developers to sell them this waterfront property to develop. Mr. Shuler said, as far as he knew, the Board could allow Mr. Glass twelve months to move his business. Commissioner Williams seconded the motion. Commissioners Williams, Sanders and Mosconis for. Chairman Creamer and Commissioner Putnal against. 3-2

**MOTION CARRIED.** Mr. Pierce said he didn't know if there was not another place for Mr. Glass to move his oyster house. Chairman Creamer and Commissioner Putnal said they were against the motion because they would like to the County to just allow this variance for Mr. Glass. Mr. Glass said he would need a letter from Planning and Zoning stating what action the Board took this morning. Mr. Pierce said he would furnish Mr. Glass a letter reflecting the Board's action this morning.

(Tape 2-909) He said he had another matter was discussed at the November 27<sup>th</sup> Planning and Zoning Meeting. He said the Hidden Harbor subdivision on Alligator Point was controversial as well. He read the following into the record: The Planning and Zoning Commission, after a very lengthy discussion, agreed and voted to recommend the County Commissioners approve the 35-lot subdivision "Hidden Harbor" at Alligator Point. The discussion center on whether the property owner does have title to land that extends out into the marsh. Mr. Linc Barnett, President of the Alligator Point Taxpayers Association, presented a document signed by the Governor and Cabinet in 1970, which provided a legal description of the Alligator Harbor Aquatic Preserve. Mr. Barnett

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contends some of the land covered by these 35-lots are also part of the Alligator Harbor Aquatic Preserve and is therefore state land and cannot be platted. I wrote Eva Armstrong, Division of State Lands, independently of this document and asked for the current opinion of where state lands are in relation to this property. Mr. Scott Woolam called me in response to my letter. He said generally the water ward edge of the salt marsh is typically the edge of state lands. The plat of these 35-lots appears to be inside the water ward edge of the salt marsh so it appears these lots do not include any state lands. The other way to determine state lands is to survey out until you reach 1.47 feet above mean sea level, and mean sea level is not the ordinary high tide line. There was also some discussion about the impact of Stormwater runoff and aerobic system drain fields on the water quality of Alligator Harbor, but the Planning and Zoning Commission felt other existing regulations would provide adequate protection of the Harbor. The Commission had previously recommended approval of some 101-lots on a central sewer system in this area, but partly on my concerns for other impacts they now recommend 35 one-acre lots on individual aerobic systems, and a requirement the lots do not use individual wells for potable water. He asked the Board for action on the sketch plat. He presented a map of the area for the Board and audience to see. He said the marsh line is inside some of the platted lots. Debbie Holton, representative of the developer Don Nichols, was present at the meeting. Dorothy Joyner, Alligator Point, asked if this development had been approved for 101 lots. Mr. Pierce replied P&Z recommended approval of the 101-lot development, but the County Commission did not approve it with 101-lots. Commissioner Sanders presented a letter from Mr. Bob Jones, Executive Director, Southeastern Fisheries Association, Inc. She read the letter into the record, which encouraged the Commissioners to be very diligent in allowing development this close to the Alligator Harbor Aquatic Preserve. Tammy Summers, Alligator Harbor Aquatic Preserve Manager, appeared before the Board and presented the Alligator Harbor Aquatic Preserve Management Plan. She said they are concerned about this development. She stated Alligator Harbor has been conditionally approved for shellfish harvesting and is going to be the location of the new Clam Aquaculture Program for Franklin County. She stated there was a letter dated November 13, 2001 from Terry E. Wilkinson, Chief, Bureau of Survey and Mapping, Division of State Lands for the State of Florida, to APECQ included in her material. She read the following portion of the letter into the record: A Search of records on file in the Title and Lands Records Section indicates that the submerged lands lying below the mean high water line of Alligator Harbor, including it's tidally influenced tributaries, are state owned by virtue of sovereignty. The mean high water elevation for the site area is 1.5 feet (NGVD). No Board of Trustees conveyances were found for the submerged lands at the subject site. The site is located within the Alligator Harbor Aquatic Preserve. Ken Osborne, Alligator Point, said he didn't feel the members of the Planning and Zoning Commission or the members of this Board had enough expertise to declare whether these lots contained sovereign submerged lands. Ms. Holton said their intention was to protect the Bay because they wanted to be good neighbors and residents of Alligator Point. She stated they are requiring restrictive covenants for the docks, etc. She said no alteration of vegetation would be allowed and the developers would certainly have to meet all the runoff requirements as well as obtained State and Federal permits. She stated they are all aware this is an environmentally sensitive area as an aquatic preserve. Commissioner

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Sanders asked Mr. Shuler what he would recommend the Board do today. Mr. Shuler replied he couldn't tell anybody which part of these lots was considered wetlands and which part would be considered submerged lands. He said the Board does have protections included in the Building and Zoning Code. He stated the Board might need more survey data to determine there are actually build able lots in this development. He said he understood the developer had agreed to provide the County with more detailed surveys. He stated the Board needed to review and consider all of the data before they took any action. He suggested the Board might want to postpone action until more information is furnished. Chairman Creamer said he definitely thought more survey data was needed. He stated especially one which shows the actual property located above the mean high water line. He said he believed in protecting the aquatic preserve, but he believed in protecting a person's property rights as well. He stated if there is a way this property could be developed then the Board should consider it; even if it isn't the density they might want. Chairman Creamer said he didn't want anybody to think he was against this development. Joann Diable, Alligator Point, said she wanted the developer to be sure they know they would need both State and Federal permits to develop this property. She said she had property rights too. She felt they were owed something as property owners, which would preserve this area. Commissioner Sanders said she was going ahead and make a motion to table this request for sketch plat approval of "Hidden Harbor" in Alligator Point until more definite information could be furnished to the Board. Mr.

Pierce said they should be able to provide this information for the next meeting on December 18<sup>th</sup>. Ms. Holton replied they would have the data available at the end of this week or the first of next week. She stated historically here in Franklin County, over and over again, the Board has approved the 100 foot-wide, one-acre lots, in wetland areas, maybe even in submerged areas. She said an example of this is at Alligator Point and has been done over and over again in Franklin County. She stated the developers are not asking for anything different than what has been done in Franklin County forever and always as far as they can tell. She said, in fact, the developers are asking for is actually much more restrictive than some of these other developments. She stated they are trying to hold the impacts inside an area, which is clearly above the mean high water mark. She said they are offering to hold this off until the next meeting of the Commission to furnish the Commissioners the information requested. She stated the developers are working with DEP and the Division of State Lands to try and get this issue resolved to the satisfaction of APEC and the Board of County Commissioners. After this discussion Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Steve Pfeifer, an attorney from Tallahassee representing APEC and the Alligator Point Taxpayers Association, said he certainly agreed with the Board's approach this morning. He said there had to be a decision as to whether this developer had enough land to develop at the density they have proposed. He stated he thought this was ambitious since they have a committed from the developer to provide them with their survey information as soon as they have it. He said they would then review it as quickly as they can. He informed the Board he thought the Commissioners should have it reviewed by DEP and the Division of State Lands for assurances from them the development is representative of what the actual build able property is. He thanked the Board for their action this morning.

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(Tape 2-1993) Commissioner Sanders said she was trying to see who actually owned the sand in the Apalachicola River since the government threatened to take it to Miami. She said she was able to speak to Representative Will Kendrick last night. She stated he told her to inform the Board and the residents of Alligator Point he is in negotiations with DEP concerning the sand. She said he assured her he would keep her informed as to how this is progressing.

(Tape 2-2025) Mr. Pierce said P&Z also recommended approval for a Preliminary Plat for Phase 3 and 4 of "Whispering Pines" Subdivision in Eastpoint in Section 29, Township 8 South, Range 6 West. He said these are all one-acre lots in an area already zoned for one-acre lots. Commissioner Sanders made a motion approving the Preliminary Plat of Phase 3 and Phase 4 "Whispering Pines" subdivision in Eastpoint. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2072) He informed the Board P&Z also recommended approval for Mr. Tim Amison, Apalachicola, for a commercial site plan for a freezer and work area on his property zoned C-1 on Brownsville Road and to recognize a scrivener's error because the County property rezoned his property in 1987, but did not change the underlying land-use map from Residential to Commercial Zoning. He said the Board approval should be for the site plan and to recognize the scrivener's error created in 1987 when the Board advertised for a zoning change, but did not advertise for a land-use change. Commissioner Mosconis made a motion approving the site plan submitted by Mr. Tim Amison for his property zoned C-1 on Brownsville Road in Apalachicola and recognizing a scrivener's error created in 1987 when the Board advertised for a zoning change, but did not advertise for a land-use change. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1114) Chairman Creamer asked Mr. Pierce what happens when a person comes in for a building permit or to put a portable building on their property do they receive a sheet informing them what the R-4 Zoning allows. Mr. Pierce replied he does, but if a storage-portable unit is 10' X 10' or less, 100 square feet or less a building permit is not issued. He said he does not know how this is happening. He stated until this matter came up regarding Mr. Glass's problem the Planning and Zoning staff did not realize people were using portable buildings for this kind of thing. Chairman Creamer suggested Mr. Pierce and his staff that if anyone comes in for a power pole permit, etc. and they are located in this particular zoned area they need to be informed of their limitations. He said this might stop people from doing this kind of thing. Mr. Pierce said he didn't know if people were even trying to get permits for these sheds.

(Tape 2-2180) Mr. Pierce said the last item on his report was to update the Board on the impact of the new State Building Code and the creation of two different wind load areas in the County. He asked the Board to direct Mr. Shuler to investigate what requirement the County is supposed to make in adopting these wind load requirements. He stated the new State Building Code is supposed to become effective January 1, 2002, but there is a lot of confusion and it might not. He said presently there is only one wind load limit in

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Franklin County, 110 mile an hour, and if you are building on SGI, Alligator Point, or Dog Island you must have engineered plans. He stated beginning January 1<sup>st</sup> there would be a wind load requirement of 140 on the coast and 130 to 120 in the areas 30 miles inland. He explained this is not as bad as some of the other requirement which would be if a house is constructed within one-mile of the coast a person must have certified plans. He said at this time people in Eastpoint, Apalachicola, and Carrabelle do not have to have certified plans because they are considered as living on the mainland. He said the new requirement would definitely affect a lot of people who are currently building owner built homes. He said he is arguing with the State of Florida about where the coastline is actually located. He stated if Dog Island, Alligator Point, and SGI then it should be a mile inland. He asked the Board to direct Mr. Shuler to assist him with these matters. Commissioner Sanders made a motion directing the County Attorney to assist Mr. Pierce with these new Building Code and Wind Load requirements being implemented by the State of Florida. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2373) Commissioner Mosconis said the County allowed the new SGI Bridge contractors to use Gulf Beach Drive, SGI for the storm water mitigation project and they have ruined the road. He said it needs resurfacing. He stated he thought they tore the road up from one end to the other and they should be made to repair it. He said the road was just paved 2 or 3 years ago. He stated the road was in perfect condition and now it is torn up. Commissioner Mosconis said he would make a motion directing Mr. Pierce to send a letter to the SGI Bridge contractors and request they resurface Gulf Beach Drive on SGI. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal wished them "Good Luck" because they haven't done anything they promised him they would do. Mr. Pierce said he did call Jeff Toussant, Sverdrup Engineering, SGI Bridge contractors, about the culverts they promised Franklin County for the Eastpoint Mitigation Project, and could not reach him. He stated he left a message for him to call back, but Mr. Toussant has not called him back.

**AMELIA VARNES-DEPUTY CLERK**

(Tape 2-2436) Ms. Varnes stated Mr. Wade was out of town today and she did not have anything, which needed Board attention this morning.

**ALFRED SHULER-COUNTY ATTORNEY**

(Tape 2-2446) Mr. Shuler asked if the Board would like an update from his recent vacation. He said he went to Nashville and visited North Carolina as well. Commissioner Sanders asked him to direct one of his sons to assist the Commissioner or the County staff when the need arises. Mr. Shuler replied they are supposed to respond to the Commissioners and staff. Commissioner Sanders said she called with a problem and couldn't get any help. Mr. Shuler stated he has a cell phone and his office could reach him. Commissioner Sanders asked him to let his office know that when the Commissioners or a member of the County staff calls for help they need to help them. He assured Commissioner Sanders he would inform them to assist the Commissioners and members of the County staff. Mr. Shuler said he only takes a vacation every 5 years or so anyway.

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(Tape 2-2520) Chairman Creamer asked him about the status of the Harris Brothers property. Mr. Shuler replied the suit has been filed and the defendants have to be served. He said he thought that's where the suit was last time he was asked.

(Tape 2-2431) Chairman Creamer asked about the travel trailer in Eastpoint on Highway 98. Mr. Pierce replied he thought it was gone. Mr. Shuler said he sent a letter to a Mr. Goodson and he thought it had been moved.

(Tape 2-2549) Tom Hoffer, Franklin Chronicle, asked Mr. Shuler if there had been any further action on the Alexis Group and Franklin County regarding the beachfront on SGI. Mr. Shuler replied the hearing to consider the County's "Motion to Dismiss" had been cancelled and would be rescheduled at a later date.

(Tape 2-2589) Mr. Shuler said he still has not received any new census information. He stated it was probably too late to even consider adopting reapportionment this year. He explained when he does get the new numbers the County would need to start working on a reapportionment plan, however according to Florida Statutes reapportioning can only be adopted in odd numbered years, which means 2003. He said planning and preparing could begin, but the actual adoption of new district lines could not be done until 2003. Commissioner Mosconis said he suspected that if someone sued the County over that issue then it could be done. Mr. Shuler replied a Federal Judge could make the County do it regardless of the State laws.

**MATTERS FROM THE FLOOR**

(Tape 2-2637) Commissioner Sanders said she had received a request by the Lanark Village Water and Sewer District Board to appoint a board member to fulfill the vacancy left open by someone. She said she received a request from Michael Hughes to be appointed to this Board. She informed the Board his term would end January 2003 and this was the only application or request she received. Commissioner Sanders made a **motion appointing Michael Hughes to the Lanark Water and Sewer District Board.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2679) Commissioner Sanders said at the last meeting the Board voted to release all of the funds being held for the different entities such as Camp Gordon Johnson, etc. She said she contacted CGJ and the LV Association asking them to submit their request for their funds.

(Tape 2-2699) Chairman Creamer asked when some paving funds would be allocated. Mr. Pierce replied the money was slowly coming in, but the economy had certainly slowed down. He said he would check into this and report back to the Board at either the next meeting or the first one in January. He stated this would be well after the quarterly payment is received.

(Tape 2-2763) Mr. Pierce said the Board had appointed Commissioner Mosconis to be their official representative on the Opportunity Florida Board. He asked if the Board still

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wanted him as their official representative on this Board. The Commissioners agreed to allow Commissioner Mosconis to continue as their representative on the Opportunity Florida Board.

(Tape 2-2780) Vickie Barnett, Alligator Point, asked where they could contribute toys for the children and families of the out-of-work oyster harvesters. Commissioner Mosconis replied the Catholic Church would collect them and the Franklin County Toys-for-Tots Program would accept them.

(Tape 2-2824) Rodney Glass, Eastpoint, said he was wondering if the twelve months the Board allowed him to move his business had been officially approved. He stated he understands Mr. Pierce is supposed to be looking for some property to rezone for commercial oyster houses. Chairman Creamer said he is going to be working with Mr. Pierce in trying to locate some property for this type of business. Mr. Pierce said he would think the Board should consider adopting or creating a new zoning category for the subdivision Mr. Glass lives in "Sandy Acres". He said maybe the whole subdivision could be rezoned if everyone agreed to it. Commissioner Putnal stated a lot of people who live in "Sandy Acres" are oyster harvesters or in the oyster business. Mr. Pierce said those lots are one-acre lots as opposed to many other parts of Eastpoint, which are smaller. Mr. Glass said he has a full acre on high, high ground with no standing water. He stated this is where the smell comes from is standing water.

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

Eddie Creamer **EDDIE CREAMER, CHAIRMAN**

Amelia Varnes **AMELIA VARNES, DEPUTY CLERK**