

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MARCH 5, 2002**

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

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

(Tape 1-25) Commissioner Sanders made a **motion to approve the minutes of the meetings held on February 19, 2002.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-28) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PRESENTATION OF RESOLUTION BY APALACHICOLA HIGH SCHOOL

(Tape 1-38) Mr. Pierce, Director of Administrative Services, introduced Polly Edmiston, a teacher at AHS, and Denise Butler, Principal of AHS, to the Commissioners. He explained this was a statewide declaration. Ms. Edmiston introduced her class, as a group, to the Board. She stated they worked on a project to gather information and to support their idea that Franklin County should also be a part of this statewide effort. She informed the Board the students made a video and a brochure to reflect why sea grass is so important. She said they felt very strongly Franklin County should be a part of this initiative. After reviewing the Resolution Commissioner Sanders made a **motion authorizing the Chairman's signature on the Resolution proclaiming the month of March 2002, as Sea Grass Awareness Month.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

DAVID MCCLAIN-EXECUTIVE DIRECTOR-ABARK

(Tape 1-140) Mr. McClain appeared before the Board with the most recent information about the ACF Water Allocation Negotiations. He said he would be attending a meeting today in Atlanta since the Federal Commissioner, the overseer of the Federal Agencies, would be making their presentation to the State's tomorrow. He presented the information package to the Board. He suggested the Board send a letter to DEP Secretary Struhs; expressing continuing interest and endorsement of a joint assessment; Advise State Representatives of the County's interest and their need to get involved; Advise Federal Representatives of the County's interest and their need to get involved; and Monitor closely the results and assist with organized follow-up. He said the entire ACF Water Allocation document is on the Internet and may be accessed at www.floridadep.gov. He encouraged people to go to this sight and read the information, then write letters to our Governor and Cabinet about this situation. Mr. McClain said in his information package this morning he listed several concerns ABARK had; Lake Lanier Storage essentially "off table"; Impact of reduced flows undetermined; Adaptive Management objectives unclear; Public Participation and Review too late; Who monitors

compliance; and Enforceability. After discussion Commissioner Mosconis made a **motion directing Mr. Pierce to send a letter to DEP Secretary Struhs reflecting these concerns and instructing Mr. Pierce to send a copy to the Governor, State Representatives, Federal Representatives, etc.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-700) Commissioner Putnal asked Mr. McClain if his organization, ABARK, would support the County in seeking to have the Eastpoint Channel dredged. Mr. McClain answered he had talked to Willard Vinson, Eastpoint, about this matter. He said his group would support this project. Commissioner Putnal said he wanted to discuss this matter at this time. He stated there was some people present this morning that would like to discuss the dredging of the Eastpoint Channel. Mr. McClain said ABARK's one concern was where the dredge material was going to be stored since there was probably some kind of residuals in the dredge material. He stated they did want to support this project because it was so important. Chairman Creamer said he asked Mr. Vinson to come to the meeting this morning because he felt Mr. Vinson had valuable information about the Eastpoint Channel dredging since he was part of the initial dredging project several years ago. Mr. Pierce said he wanted to ask for Board action, after discussion, on submitting a request to Congressman Allen Boyd for 1.5 million dollars to dredge the Eastpoint Channel. He said Mr. Vinson had talked to Jim Norton, Congressman Boyd's aide, and now was informed by Mr. Norton the County should request the money now since the Federal Budget would soon be submitted for funding. He stated he also had seen a letter, a copy of which each Commissioner had received, from DEP in response to the letters sent to DEP Secretary Struhs. Mr. Pierce read the letter into the record as follows; Secretary Struhs has requested that I respond to your recent letters to him regarding the Eastpoint Channel. The DEP shares your concerns regarding the economic impact of the shoaling of the channel. To that end, staff from my office has contracted the USCOE to determine their position regarding the submittal of a permit application to dredge the channel. The USCOE is awaiting direction from the County as where the dredge material should be disposed. It is our understanding that the County prefers to dispose of the material on the inside of the breakwaters. Given the limited information provided, it appears that the USCOE is amenable to this idea. If this site is unacceptable to permitting staff, for water quality or other environmental impact concerns, the USCOE and DEP will work with County staff to select a suitable, affordable site. Both agencies understand that the County does not have, and cannot afford to acquire, a suitable upland disposal site. I suggest County staff meet with representatives from both the DEP and the USCOE to resolve the disposal area issue. Upon selection of an acceptable area, the USCOE will apply for a permit. To arrange the suggested meeting, you may wish to contact Gerry Neubauer, Tallahassee Branch Office Manager for the DEP's Northwest District Office at (850) 595-8300 and Susan Ivester Rees of the Mobile District Corps of Engineers at (251) 694-4141. Although the permit will be processed at the DEP's District Office, please contact Catherine Florko at (850) 487-1262, Extension 161, if my Office can assist you in any way with this matter, signed by Michael E. Sole, Director, Office of Beaches and Coastal Systems. Chairman Creamer said Mr. Vinson had informed him the County had a second chance for a permit since the County was originally permitted to dredge the channel twice. Mr. Vinson explained the County

opted, when the Breakwater was originally placed there, at a later date to pump out the channel. He said they came to him seven or eight years ago and told him they were ready to pump the channel. He stated he asked them to wait until he checked with some of the local shrimpers. He said he informed the shrimpers the County had only one chance to re-dredge the channel and asked them if they wanted it done now or delay the dredging as long as they could. He stated everybody knew if the County waited it would be almost impossible to get an upland spoil site. He said they agreed with him and decided to wait a while. He stated he thought there was a permit issued, at one time, for a later date. He stated he was almost positive there was a second permit issued and not used. He asked if anyone had done an analysis of the channel to see exactly what the spoil material contains. Mr. Pierce replied the USCOE has not done an analysis. Chairman Creamer stated they were supposed to. He stated, at a meeting in the Clerk's Office, he attended with Mr. Pierce, USCOE Terry Jangula, and the Clerk, Mr. Wade, the USCOE was instructed to go ahead and proceed with an analysis to see what was in the sentiment. Mr. Pierce said, if they did, he hasn't seen or heard anything from them. He said these agencies would play this game for the longest. He stated the County should get Representative Kendrick, Senator Lawson, and the head of the Department together with the USCOE engineers to solve this problem. He explained the County could ask for the permit, but this letter states the USCOE would be the applicant. After discussion the Board and audience members decided to request 2 million dollars from Congressman Boyd and agreed that if any funds remained after the dredging project they would be returned to the Federal Budget. Commissioner Sanders said she would go ahead and make a **motion directing a letter be sent to Congressman Allen Boyd requesting 2 million dollars to the Eastpoint Channel Dredging Project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders made another **motion directing Mr. Pierce to schedule a meeting with Representative Kendrick, Senator Lawson and DEP representative Gerry Neubauer, regarding the Eastpoint Channel Dredging Project and directing Mr. Pierce to send the letter to Senator Lawson certified mail.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1356) Mr. Vinson asked about the status of the prison for Franklin County. Mr. Pierce answered the State of Florida has determined they do not need any more prison beds for at least several years. He said there would not be any prison construction for at least three years. Commissioner Putnal said he thought one of the dates the Department of Corrections had given the County was 2002. Mr. Pierce said he thought it would be at least 2005. He stated Senator Lawson and Representative Kendrick have requested 4.2 million dollars for the upgrade of the Carrabelle Water and Sewer system for use by the new prison. He said he was informed by them they felt sure they would get at least 75% of the funding this year.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-1422) He said he didn't have anything for Board attention this morning. Commissioner Putnal asked Mr. Chipman about his truck and tractor. Mr. Chipman replied he has already ordered his tractor and it should be delivered in about four weeks. He said he was working on ordering his truck.

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(Tape 1-1444) Commissioner Sanders asked Mr. Chipman if he received a lot of telephone calls over the weekend due to the rainfall. Mr. Chipman said he didn't receive any. He stated he felt everything was in pretty good shape.

(Tape 1-1470) Commissioner Putnal said he thought there was a water problem out on Ridge and Wilderness Road in Eastpoint. He asked Mr. Pierce if he had heard anything about the grant for the culvert pipes. Mr. Pierce replied the grant money is in place and Mark Curenton, Assistant Planner, is the grant administrator. He said Preble-Rish is the Engineers for the project and the survey work is being done. He stated hopefully by next month the survey work would be finished and then a request for bids could be advertised. He said there was already a mosquito problem there and it would be to the County's advantage to have these culverts in place by the summer.

(Tape 1-1556) Commissioner Sanders asked Mr. Pierce if he had ever gotten a response from DOC about the culvert work on Lake Morality Road. She informed Mr. Pierce the area washed in yesterday due to all of the rain. Mr. Pierce replied he had contacted Preble-Rish, the engineers for the prison as well as the County Engineers, and was informed by them they were aware they needed to have the culvert stabilized. Commissioner Sanders said she knew nothing had been done to alleviate this problem. Mr. Chipman informed the Board the beaver was back and had caused the culvert to become clogged with his den. Commissioner Sanders said the beaver was fenced in and then they cut the fence, now the beaver is back. Mr. Chipman said the Road Department had unclogged the pipe one more time.

(Tape 1-1590) She asked if he had heard anything from the City of Carrabelle regarding the paving of Highway 67. She said she wanted to be sure the City of Carrabelle understands this new sewer system being installed must be finished before any paving is done. She stated, in other words, she wanted to be sure the roads were cut to put the sewer pipe down before the road was paved. Mr. Pierce replied he was sure C. W. Roberts Contracting realized this, however Mr. Roberts had moved his paving equipment in today.

GARY ROSS-PORT ST. JOE PORT AUTHORITY

(Tape 1-1661) Mr. Pierce introduced Mr. Ross to the Board at this time. He said Mr. Ross is here to request the Board's support of a Resolution requesting the widening of Highway 71 from Port St. Joe to Interstate 10. Mr. Ross thanked the Board for allowing him to address them this morning. He said he was the Vice-Chair of the Port St. Joe Port Authority. He said he was present to ask the Board to support the Port Authority, through a Resolution, to begin the process of widening Highway 71 from Port St. Joe to the I-10 corridor. He said this probably wouldn't happen right away, but the Port Authority became concerned when they listened to everything about moving Highway 98 and St. Joe/Arvida wanting to move the road. He stated Highway 71 was being forgotten. He said he was informed by FDOT the best way to get attention for a project such as this was to gain community support. He said the PSJ Port Authority has adopted a Resolution of support of widening Highway 71 and is now asking the counties surrounding this highway to participate in adopting Resolutions in support of this project. He stated they

have asked all of the County Commissions, the City Commissions, the local Chambers, etc. to adopt such a Resolution. He asked the Board if they would authorize the Chairman's signature on this Resolution of the Port St. Joe Port Authority's efforts to revitalize the Port and thus contribute to the economic network of roadways by four laning Highway 71 from its terminus in Port St. Joe to its intersection with Interstate 10 in Jackson County, Florida. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Resolution of Support for the four-laning of Highway 71 from Port St. Joe to Interstate 10 as requested by the Port St. Joe Port Authority.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-2000) Mr. Mahan presented his written report to the Board at this time. He reminded the Board of the following events; the Second Annual Spring Thing on March 16, 2002 at the Bay County Fair Grounds from 9:00 a.m. to 4:00 p.m. CST; the FAMU Environmental Science Center Conceptual Model Workshop next week on March 12-14, 2002 to discuss the initial conceptual model for a FAMU Environmental Cooperative Science Center in Franklin County at the Buccaneer Inn on SGI and the Gibson Inn in Apalachicola; and the Florida Leadership Program group visit to the County on March 11-13, 2002 to be held at various locations throughout the County.

(Tape 1-2104) He said he had attached the newest issue of Shellfish Aquaculture, which is a quarterly newsletter written by Leslie Sturmer, the UF expert on clam aquaculture in Florida.

(Tape 1-2118) He stated he along with Leslie Sturmer and Dr. Shirley Baker submitted a proposal to USDA for a grant to fund the placement of remote sensing equipment in Clam Aquaculture Lease Areas in Alligator Harbor as part of the statewide CLAMMRS monitoring network. He said the grant would be funded through a special USDA program from Congressman Allen Boyd's Office. He said the funds were earmarked for work at the UF Aquaculture Farm in Blountstown, but were now being used to fund this CLAMMRS grant since the farm closed due to the State's budget reduction.

(Tape 1-2156) He said Baskerville-Donovan submitted the initial survey of the Alligator Harbor Clam Aquaculture Lease Site to Mark Berrigan, DACS, last Monday. He said DACS has given it to DEP for their approval on Tuesday, who approved the survey without modification. He said DACS has given Baskerville-Donovan the approval to develop the individual parcel descriptions and survey documents. He said once these are completed, they would be submitted to DACS & DEP for their approval and once approved corner poles for the leases would be put in place and the final surveys will be drawn and recorded. He explained, in addition, the final language and specifications for the lease signs have been approved by DACS.

(Tape 1-2201) Commissioner Putnal asked Mr. Shuler if he had researched the "No Wake" signs near the Oak's residence on the Carrabelle River for him. Mr. Shuler replied the property involved is an area just outside the City of Carrabelle limits. He said

apparently there is an area of the Carrabelle River, where the New and Crooked River meets, which means it would be subject to regulation by Franklin County. He said it is not a large area and apparently the request is for the County to apply a "No Wake" zone for that area. He said there is a mile marker post there, number 67 to the City of Carrabelle limits, which is basically a fairly small area. He stated it might be described as the area of the Carrabelle River as where the New River and the Crooked River come together. He said the line that stops at the City of Carrabelle limits already has a "No Wake" zone. Commissioner Putnal ask Mr. Shuler what needed to be done to have this area extended. Mr. Shuler advised the Board they needed to make a motion to close the area and directing him to work through the steps to have this area declared a "No Wake" zone. He said the County would need to adopt a "No Wake" zone ordinance for this area. He said it should be contiguous with the City of Carrabelle "No Wake" zone. He said the area should be extended out to the mouth of the Carrabelle River. Commissioner Putnal ask Mr. Shuler who the County needed to contact and who needed to move the sign. Mr. Shuler replied he needed a motion directing him to proceed with this matter. Commissioner Putnal made a **motion directing Mr. Shuler, the County Attorney, to begin the process of declaring and posting "No Wake" zone signs to close the area and directing him to work through the steps to have this area declared a "No Wake" zone from the City of Carrabelle limits sign to the mouth of the Carrabelle River.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-2374) Mr. Johnson said he didn't have a report for the Board this morning. He reported he did not have anything, which required Board attention.

SHERIFF BRUCE VARNES-BAY MEDICAL-MICHAEL CRUTCHFIELD

(Tape 1-2382) Sheriff Varnes explained he had received a Certified Letter from Harrison, Sale, McCloy, and Thompson, attorneys for Bay Medical Center, regarding a past due hospital bill for a Franklin County prisoner, Michael Lewis Crutchfield. Sheriff Varnes said this inmate was arrested in September 2001 and was being housed for the State of Louisiana, and would not sign extradition papers so he could go back to Louisiana to face his charges there. He explained Mr. Crutchfield was not being held for any charges filed in Franklin County. Sheriff Varnes stated he did everything within his power to have him extradited back the Louisiana Parrish of Terre Boone. He said on September 13, 2001 Mr. Crutchfield became ill and began having chest pains in the County Jail. He stated he was taken to the local hospital where it was decided he needed more extensive treatment and was taken, by ambulance, to Bay Medical Center. He said Mr. Crutchfield had to have some extensive medical care for his heart condition. Sheriff Varnes stated when Mr. Crutchfield went to Bay Medical he sent the name and address of the Parrish of Terre Boone so they could send all of Mr. Crutchfield's medical bills to them. He said he notified the hospital, in no uncertain terms, that Franklin County was just holding this inmate for Louisiana and he was not an inmate belonging to Franklin County. He stated the hospital sent a bill for \$9,033.53 and a pre-suit notice to his office last week. He said he began immediately to call, write, etc. the Parrish of Terre Boone requesting payment of this hospital bill. He said he contacted Mr. Gary Cox, Administrator of Bay Medical Center, and tried to come to some terms with him on this

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bill. He said Mr. Cox did agree to lower the bill by 15% if the County paid the bill immediately. Sheriff Varnes said they could pay \$7,678.50 and have this matter settled. Sheriff Varnes said he contacted Mr. Shuler and they in turn called the State of Florida Governor's Office regarding this matter. He stated since it involved extradition law he felt Mr. Shuler was the person who should talk to the representative from the Governor's Office. He asked Mr. Shuler to explain to the Board what he had discussed with the attorney at the Governor's Office. Mr. Shuler said this matter-concerned extradition and he called the Governor's Office and spoke to the lady in charge of extradition matters. He stated after researching this matter and talking to this lady he has determined the County should bill the requesting state agency, the Parrish of Terre Boone, Louisiana, and they are supposed to pay this bill since it would be considered an "extraordinary" cost. He explained the lady informed him the arresting or holding County does not charge for actually housing the inmate, but can charge for any "extraordinary" expenses. He said it was also suggested, by her, the County bill the Parrish of Terre Boone and then if they do not pay, then contact her and she would see if she couldn't do something by Governor's Office of Florida to Governor's Office of Louisiana to motivate the payment of this bill. He said the Board needed to decide this morning is whether to go ahead and pay this bill and get the 15% discount the Sheriff has negotiated or to try to get the State of Louisiana to pay the bill. He stated if Louisiana doesn't pay the bill then Franklin County would be ultimately liable for the total bill. He said Louisiana should pay this bill since he wasn't even wanted in Franklin County just holding him for extradition. He stated he didn't know if was better to pay the hospital and then go after the State or Parrish in Louisiana. He said he was concerned about the County loosing the 15% discount. He said his position is to normally hold on the County's money until the last minute. He stated he didn't know whether the State or Parrish would be more likely to pay the County instead of the hospital if the Board decided to go ahead and pay the bill. Chairman Creamer asked the Sheriff if these were major Felony charges. Sheriff Varnes replied he thought the warrants were for bad checks in the State of Louisiana. He stated the State of Louisiana wanted this inmate back, but the inmate, under the constitution, has a right to fight extradition, which is exactly what he did. He said anytime an inmate fights extradition it is a very lengthy, legal battle, especially since the process involves the Governor's Office. He said he housed an inmate for the State of South Carolina and it took them sixteen months to get him out of the County Jail. He stated he fought extradition too. Chairman Creamer asked if some type of agreement couldn't be signed between these agencies. Sheriff Varnes said he had just, last week, after speaking to legal counsel, issued a memo to his employees that when a person is arrested on a warrant issued by another State there are to send this State a teletype informing them Franklin County has this inmate and will be held for their facility, however if he requires any type of medical, etc. attention the requesting State would be liable and responsible for the bills. He stated this, however, could be contested by the State issuing the warrant. Mr. Shuler said there is a Florida Statute, which states that after all of the other sources of payment have been addressed and nothing has been paid, then the County bringing the inmate to the hospital has to pay the bill. Mr. Shuler said the motivation to go ahead and pay the bill is the 15% discount otherwise he would advise the Board to hold on the money until the last minute. He stated if he was making the decision he would probably take a chance with the 15% discount. He said not only is the 15% discount at risk so are

legal fees since the hospital has attorneys. Commissioner Mosconis asked if there was a deadline on the 15% discount. Sheriff Varnes replied he was informed by Mr. Cox that the County needed to react immediately. He said he informed Mr. Cox there would be a County Commission Meeting the next Tuesday, March 5th, and he would present this matter to the Board and then he would call him back with the Board's decision. Commissioner Mosconis asked with whom the Sheriff spoke with. Sheriff Varnes replied Gary Cox. Chairman Creamer asked Sheriff Varnes if there couldn't be some type of agreement making the State issuing the warrant pay all medical bills. Sheriff Varnes said legally there is not much that can be done. He stated the only legal thing he can do is to send this Teletype and if they don't pay for any bills incurred by the inmate there is not much the County can do. He stated it involves the Governor's Office and extradition matters. Commissioner Mosconis said he was going to call Mr. Cox and try to get an extension for thirty days or more. He asked the Sheriff if he had the money in his budget to cover this expense. Sheriff Varnes replied he did not and this was an expenditure, which occurred during last years budget. He said this matter occurred in September. He stated it would make his budget tight since he has another eight or nine months in the current budget. He said, besides this, he did not think it was fair or right for the taxpayers of Franklin County to have to pay this bill. He stated he has fought it as long as he can by himself. Commissioner Putnal said he didn't think the Board should be too hasty in paying this bill. After Discussion Commissioner Putnal made a **motion directing Mr. Shuler to send a letter immediately to the Parrish of Terre Boone and the State of Louisiana demanding payment of this bill and instructing Mr. Shuler to work with the Governor's Office in Florida to contact the Governor's Office in Louisiana and demand payment of the bill.** Mr. Shuler said he wanted the Board to be aware that if all of this fails the County would have to pay the bill. He stated he just wanted the County to try everything possible to have Louisiana pay the bill. Commissioner Sanders seconded the motion, but wanted an addition to the **motion to include a deadline for payment by Louisiana.** Commissioner Mosconis said he would call Mr. Cox and get a deadline date and then inform Mr. Shuler so he could add this to his letter. All for. **MOTION CARRIED.**

JOHN HEDRICK-PEOPLES TRANSIT ORGANIZATION

(Tape 1-3279 Continued on Tape 2) Chairman Creamer asked Mr. Hedrick to summarize his presentation since there was a lengthy Planning and Zoning Commission report. Mr. Hedrick said he would be brief. He stated most of the information was in the Apalachicola Times several weeks ago from his appearance before the Apalachicola City Commission. He said he had talked about the broad goal or ultimate goal would be for this area to be a part of a light commuter rail system, which would serve the entire North Florida, South Georgia area. He said he felt ultimately a complete network of light-commuter rail would need to be built to cover the entire Big Bend area. He explained the system would use the existing East-West and Northwest rail lines through Tallahassee plus three new lines to provide service. He explained the process of applying for a light commuter rail system. John Croom, Croom's Transportation, said he didn't know anything about this matter being on the agenda. He stated he is working on a program such as this. He said FSU is working on such a commuter system as well. Mr. Croom said he knows FSU has some money to begin the program, but he is just waiting on them

to make the move. He reminded the Board of all of the services his company provides in Franklin County. Commissioner Mosconis told both Mr. Croom and Mr. Hedrick the County did not have any money to fund these programs. He said just thinking about Bay County and their trolley system cannot allow him to justify spending tax money on these types of systems. He stated it may happen some day, but he didn't think it would be any time soon. He said unless they had some type of funding nobody knew anything about. Mr. Croom stated that is exactly why he has not offered any more enhanced services. He said the County already budgets some of his programs and he knew there wasn't any more money to be spend on this type of project. He stated he was here just to hear what Mr. Hedrick had to offer or give to the County. Chairman Creamer said he was going to move to the next agendaed item and thanked Mr. Croom and Mr. Hedrick for their time this morning.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 2-268) Mr. Pierce said he needed Board action on a FDOT Resolution authorizing the Chairman to sign the three JPA's for road reconstruction on Patton Drive and South Bayshore in Eastpoint, and Water Street in Apalachicola. Commissioner Sanders made a **motion authorizing the Chairman's signature on three FDOT JPA's for road reconstruction on Patton Drive and South Bayshore in Eastpoint, and Water Street in Apalachicola and the supporting Resolution.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-287) He informed the Board last Thursday was the last day building plans could be submitted for building under the old building code. He said there was a tremendous rush for submission and at this time the Building Department has approximately sixty sets of plans for new houses to be built in the County. Mr. Pierce said the biggest change in the new codes was: 1. The requirement of impact glass if the house is built within a mile of the coast; 2. The strapping requirements, which will cause the project to be more labor intensive since the roof trusses have to be double strapped; and 3. The shingles on a new house, within a mile of the coast, will have to be able to withstand 140 mph wind load. He explained the shingles have to be cut with a saw they are so thick. He said every newly constructed house in Franklin County will have to have engineered plans.

(Tape 2-362) He asked the Board take action on the second request sent by Opportunity Florida for \$1,105.00 in dues for this fiscal year, which is one-half over. He said the question is does the County get anything for these dues or should the County not pay the dues? Commissioner Mosconis said they do perform studies, etc. for the County. He said they did the Enterprise Zone Study. He said they are going to be working closely with the local airport and the industrial park being created there. Commissioner Mosconis made a **motion authorizing the payment of \$1,105.00 in dues for this fiscal year for membership in Opportunity Florida.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-388) He introduced Wesley White, Director of Business Development, Benedict Engineering Company, Inc., and informed the Board Mr. White had been to Washington, D. C. to see Congressman Allen Boyd. He stated Mr. White had submitted a three-page

summary on what he had learned in Washington about funding sources for research and development for erosion control systems. He submitted a copy of the summary to each Commissioner. Mr. White said he knew one of the problems with the Alligator Point Road project was funding sources for the sand groin project. He said one source of funding is through the Federal Government, Section 227, Research and Development for Erosion Control, to demonstrate the effectiveness of an erosion control system consisting of permeable groins installed perpendicular to the shoreline at Alligator Point. He said he visited Congressman Allen Boyd and his staff in Washington and was informed by them to send in a proposal. He said his proposal is based on his meeting with him and his staff and their instructions on the proposal. He said he has sent a letter to Congressman Boyd and said a copy of his letter is attached to his summary. He stated in the letter he has sent a formal application of process in the amount of 1 million dollars. He said he needed the County to send a letter of support to Congressman Boyd. He stated this in no way obligated Franklin County to Benedict Engineering. He said the Federal Government would begin their budget committee meetings this week and so asked the Board to send this letter immediately. Mr. Pierce said he didn't mind if the County sent a letter of support for the budget request, but wanted Mr. White to know the County would not be obligated to anyone for this project. He stated he didn't want anybody to be misled since there was no funds budgeted for this project and the County has not even committed to any engineering firm. Mr. White agreed and said he knew this letter was just to support this budget request. He stated this would not be an obligation to anybody or any one firm. He said Congress cannot award or budget money to companies it would have to be the County. Mr. White said the money would be awarded to the USCOE and then the USCOE would most likely handle the project. Mr. White agreed, but the County would have input on certain matters regarding the innovative systems. He also stated whatever company was awarded the bid would have to secure the necessary permits for the project. Commissioner Putnal said he would make a **motion authorizing the Chairman's signature on a letter of support for the request of 1 million dollars through the Federal Government Section 227, Research and Development for Erosion Control, to demonstrate the effectiveness of an erosion control system consisting of permeable groins installed perpendicular to the shoreline at Alligator Point, Franklin County, Florida.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Vicki Barnett, Alligator Point, asked if the funding would provide biological review or the monitoring of the area. Mr. White said this project would be done during a non-turtle season and monitoring would be considered. Mr. White said it would be monitored once a day. Paul Johnson, APECO, asked where in the State of Florida had this project been successful in accumulating sand for a long period of time. Mr. White answered it hasn't been proven for a long period of time, but the project has been successful at Eglin Air Force Base. He stated this project is about a year old. Mr. Johnson asked Mr. White if there was a "tried and true" system like this in Florida. Mr. White replied no there wasn't. He stated that is why this would be considered an innovative project and considered for funding.

(Tape 2-605) He asked the Board to consider action on a request submitted by Mr. and Mrs. C. W. Roberts, Lanark Village, to put their septic tank drain field in the County right-of-way on Connecticut Street in Lanark Village. He explained, at this time, he did

not believe the County has ever allowed drain fields on County right-of-ways. He informed the Board the problem is the lot is not wide enough for the Roberts' drain field to get away from the neighbors existing wells. He said Lanark Village does not have sewer available for this area. He stated the Health Department had refused to permit the septic tank unless the County allows the Roberts' to use the County right-of-way for the drain field. He said he was really concerned about setting a precedent in the County. Ms. Roberts said she did not know when or if Lanark Village Water and Sewer District would make sewer available in this area. Commissioner Putnal said he was concerned about the County's ditches being so close to this area as well. Mr. Pierce said he received a request from the Health Department asking the County to review this request. Commissioner Sanders asked if this had ever been allowed anywhere else in the County. Mr. Pierce replied, to his knowledge, there was no other situation like this in the County. He recommended the Board not approve this request since the Commissioners have refused to let other people, especially on SGI to do it. Mr. Pierce said he would be glad to check into other alternative methods for a septic tank and try to assist the Roberts' in any way he could. The Commissioners did not approve this request.

(Tape 2-868) Mr. Pierce said he had received a written request for the County to open Akel Street on SGI. He stated Akel Street is a platted street in Unit 5, SGI. He said adjoining property owners have planted vegetation on Akel Street, which will have to be removed at their own expense. He said three property owners have signed the request: David B. Wallace, Veronica Wallace, and Robert Funderburk. Commissioner Mosconis made a **motion authorizing the County Engineer and County Road Department to open Akel Street on SGI-a platted street in Unit 5.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-908) He said he received a letter from Attorney Barbara Sanders, attorney for Thomas E. and Jo Anne Lewis, regarding their request for the County to remedy the Stormwater runoff problem created by the County's depositing fill on East Pine Street near their home on SGI. He said Mr. Lewis had been promised by the County on numerous occasions to put a low water crossing there to alleviate the flooding. He explained Mr. Lewis at one point wanted the County to put a culvert under Pine Street, but the County was reluctant to connect State wetlands. Ms. Sanders said she wanted a date for this work to be completed. Commissioner Mosconis asked if the County Engineer had reviewed the matter. Mr. Pierce replied Mr. Kennedy, the County Engineer, had approved a low water crossing, but just has not gotten with the Road Department to actually do the work. Commissioner Mosconis said he would make a **motion directing the Road Department and the County Engineer to assist the Lewis' in alleviating this flooding problem caused by the Stormwater runoff problem created by the County's depositing fill on East Pine Street near the Lewis' home on SGI.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Ms. Sanders asked who was responsible for directing the Road Department about dumping additional fill over in this area. She said they are still dumping fill there. She said every time it rains the Road Department creates more problems there. Commissioner Mosconis said he would inform the Road Department about this problem. Mr. Lewis informed the Board he had some new technology, geo-web, being used in

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other areas for low water crossing, which are much easier to maintain as well as being environmental sensitive.

(Tape 2-1023) He provided a copy of the letter he sent to Winston Thaxter, Planner IV, Division of Emergency Management, Bureau of Recovery and Mitigation, DCA, declining the \$24,700.00 in FEMA funds to be used for the Lanark Village drainage improvements. He said additional funds should be available in a few months. He explained if the County accepts the \$24,700.00 in FEMA funds then the County would be ineligible for any additional funds, when in fact the total cost of the project is approximately \$172,000.00. He informed the Board they needed to remember that whatever FEMA funds do not cover the County would have to make up the difference.

(Tape 2-1067) He asked the Board to authorize the Chairman's signature on a letter requesting FDOT funds to complete the SGI Bike Path Phase III. He said the letter is asking this project to be funded next year. He said the County submitted the original application for this transportation enhancement project in May of 2000. Mr. Pierce said Bob Harper, SGI, requested this letter and he presumed with the support of the SGI Civic Club. Commissioner Mosconis said made a **motion authorizing the Chairman's signature on a letter to FDOT requesting funding for the completion of the SGI Bike Path Phase III leading to SGI State Park contingent on Mr. Pierce checking with the SGI Civic Club before the letter is mailed.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he thought that was a loaded motion, but never the less he would make it.

(Tape 2-1112) He informed the Board the Eastpoint W&S District and Franklin County have a common flooding problem in the subdivision of "Las Brisas" in Eastpoint. He said the road in the subdivision is a County road and Eastpoint owns the lift station, which serves the subdivision. He said both pieces of infrastructure suffer from flooding in regular storm events. He explained he was just letting the Board know about the problem and that Preble-Rish Engineers, as the County's and Eastpoint W&S District's engineers, are looking at various solutions. He said they estimate it would cost approximately \$35,000.00 to raise the road and the lift station so they would not flood. He said there are other problems in the area with other developer's property. He said he would keep the Board informed as things develop in this area and he also informed the Board he would be seeking Mr. Shuler's advice about some of these matters concerning this project.

(Tape 2-1331) He said he wanted the Board to be sure they were informed the County needs to be very diligent about documenting the work done on the Airport Access Road (AAR) because the contract with C. W. Roberts is for 1.5 million dollars, yet the reimbursement from FDOT is approximately 1.0 million dollars. He said the difference of half of a million dollars represents the amount of work the County is supposed to do, and also the value of the dirt the County is providing for the road. He stated the problem is if C. W. Roberts ends up doing all of the work, then the County would owe \$500,000.00 to C. W. Roberts. He explained to the Board this should not happen, but the Board needs to remember that if the Road Department gets pulled off the AAR for long

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stretches of time then C. W. Roberts might, out of time deadlines, do the work causing the County to owe C. W. Roberts money that the County does not have. He said because of this problem he was recommended the Board not take any action on Task Order #5, the Apalachicola Airport Master Plan Update, submitted by URS until the County has the road budget updated. He said he was recommending this because the County's share of the cost of the Master Plan is \$10,000.00 and those funds, which are in the Airport Fund Budget, could be used to help cover some of the costs, if necessary, incurred by C. W. Roberts on the AAR. He said he realized the Airport Master Plan Update must be done, but after speaking to Larry Parker, URS Project Manger for the Airport, he understood the County's concerns about the budget.

(Tape 2-1395) He informed the Board the Board of Adjustment (BOA) could not meet yesterday for lack of a quorum. He said there were twelve items on the agenda. He explained the BOA is a unique board, as it is an independent board, funded by the County, but has it's own attorney, and any appeal of the BOA goes to court, not the County Commission. He said, for this reason, the BOA has traditionally tried to resolve things in a way, which allows a property owner the satisfactory use of their property. He said if something does happen to be carried to court the County Commission pays the legal and/or attorney fees. He said this is why on some occasions he has asked for policy guidance from the Board, so that he can advise the BOA in a manner, which he thinks is consistent with what the Board of County Commissioners would support. He informed the Board there is an opening for an alternate on the BOA, which would help them have a quorum. He explained the BOA has traditionally used the alternates as alternates, and the only one appointed to an alternate position is Susan Howze, who works here in the Courthouse, and is called on only when three members do not show up. He asked the Board if they wanted to appoint another alternate, who could be available on short notice if a quorum of the regular members does not occur. He said, in that case, a quorum might be one member and two alternates, which might not reflect in the type of decision regular members make. He asked for the County Commissioners to give him some input on whether they wanted to review the membership of the BOA. He said the next meeting, since the one yesterday couldn't be held, was scheduled for Monday, March 11, 2002, at 9:00 a.m. in the FCBCC Room. Commissioner Sanders and Chairman Creamer said if the actual members of the BOA are not coming to the meetings they might be tired of having to come to the meetings. Commissioner Sanders said she thought the Board needed to think about this problem. Mr. Pierce asked them to think about the problem and he would report back to them at the next meeting about who the members of the BOA are and how many meetings they have attended or missed. Bill Hartley, SGI, said he was interested on serving on the BOA. Joe Hambrose, Alligator Point, said he had a problem with the way the BOA meetings were announced or publicized and said he thought this meeting shouldn't be rescheduled so quickly. Mr. Pierce replied the BOA has their separate attorney and he would ask him about this matter. He stated notices are already being sent to everyone involved in the BOA meetings about the meeting on Monday. Mr. Pierce said the appointment of these members to the BOA is strictly a function of the Board of County Commissioners. He asked these people who are interested in serving on the BOA to send in a letter and some type of resume to him so he can present the list to the County Commission. Commissioner Sanders said she had

received several letters about the Planning and Zoning Commission from actual members of the P&Z Commission. She stated the letters are requesting specific written and verbal guidelines for the conduct of their meetings. She said she is submitting these letters from Mary Lou Short and Vicki Barnett into the record this morning. Commissioner Mosconis said he would make a **motion directing Mr. Pierce and the County Attorney meet, review, and make specific written and verbal guidelines for the Planning and Zoning Commission to use when conducting their meetings.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Ms. Barnett thanked the Board for this motion.

(Tape 2-1622) He said the last item for Board action are for three FEMA Projects FMA-PJ-04FL-2001001, 2002002, and 2001003, which are all part of one Flood Mitigation Assistance Program. He stated these projects are the acquisition of three houses on Alligator Point; My Blue Heaven, owned by Mary Lee Jolley; the Middlebrooks house next to it; and Dr. Gomez's house at the western end of the revetment. He said the initial understanding he had with all three owners was that the County would pay the owners 75% of the appraised value of their houses since this was a voluntary acquisition. He explained the owners do not have to sell their houses. He said the 75% of the appraised value was derived at by FEMA, so the County would not have to put any funds into the acquisition. He said if the owners choose to accept the owners would receive the following: Ms. Jolley \$64,750.00; Mr. Middlebrooks \$68,000.00; and Dr. Gomez \$97,500.00. He informed the Board there are at least two problems with the package of projects; 1. Ms. Jolley is requesting the County provide additional funds to raise her compensation; and 2. while the request he submitted contained approximately \$35,000.00 to cover demolition costs on each house the approved demolition costs came back at approximately \$3,500.00 per house. He recommended the Board sign the FEMA documents, knowing the County might have to spend the \$81,000.00 in DEP Hurricane Opal funds the County has to remove the houses and at least put rocks in where the My Blue Heaven house is located. He said the Board should not buy the houses if the County is not willing to use the DEP funds to remove them and said there is a slim chance some other FEMA funds would pay for the demolition, but the Board should not expect it. He said Dr. Gomez is willing to sell, Ms. Jolley is questionable, and Mr. Middlebrooks has not confirmed he is willing to sell, because he also has a vacant lot next to his house he wants the board to buy, but FEMA does not buy vacant property. He explained Mr. Middlebrooks advised him he has been involved in several condemnation suits in the area, where he forced a government to buy more of his property because of the damage they caused by just buying part of the property, and at least several months ago, he was adamant somebody should pay him for the lot that has washed away. After discussion Commissioner Sanders made a **motion directing Mr. Pierce to send a letter to each of these property owners and offer them the funds FEMA has provided to purchase their property and authorizing the use of the DEP Hurricane Opal funds in the amount of \$81,000.00 to remove the houses, if necessary.** The Commissioners instructed Mr. Pierce to offer the property owners only the amount FEMA had approved and nothing extra and to give them a deadline to answer the letters, thirty-days. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**