

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JULY 16, 2002**

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

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

(Tape 1-175) Commissioner Sanders made a **motion to approve the minutes of the meeting held on July 2, 2002.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-180) Commissioner Sanders made a **motion to pay the County bills.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-184) Mr. Chipman informed the Board, with the County Attorney's assistance, he ordered the Mack Truck International. He said one of the trucks he has is almost un-repairable. He said these trucks are the backbone of his department. He stated they are very important during hurricane season. Mr. Chipman stated if the truck actually tears up he is just going to park it because it would cost entirely too much money to repair it.

(Tape 1-274) Commissioner Sanders said the County is trying to cut through TiTi Street in Lanark Village. She stated she went to look at the area and there is about a sixty-foot right-of-way approximately five hundred feet long to Highway 98. She said there are some big pine trees on this property. She suggested the County check to see if these pines can be cut and sold. Alan Pierce, Director of Administrative Services, said he had included in his report this morning how to handle this situation. He said the County Attorney would have to give some direction. Mr. Shuler, County Attorney, said he didn't know if the County needed to obtain quotes or actually bid the project out. He said Mr. Pierce had informed him the trees could generate five to ten thousand dollars if someone if found willing to deal with a couple dozen trees. Commissioner Mosconis said he thought there might be some people in Carrabelle interested in purchasing the trees. Mr. Chipman said there is a company working near this area that might be interested in purchasing these trees. Mr. Shuler advised Mr. Chipman to check with several vendors to see how much they would pay the County for the trees. Mr. Chipman asked what could be done if he only received one quote. Mr. Shuler informed Mr. Chipman he should just attempt to get some quotes.

(Tape 1-383) Mr. Shuler said he wanted to discuss the matter discussed at the last meeting about the trucks to be purchased by Mr. Chipman. He said Mr. Chipman has informed him this is an emergency situation. He explained securing these type trucks for the price quoted to Mr. Chipman is important. He said he informed Mr. Chipman he should report to the Board this is an emergency situation and make sure the Board

FCBCC REGULAR MEETING-JULY 16, 2002

understands this. He said it absolutely needed to be included in the minutes of the Board Meeting. Commissioner Mosconis said he would make a **motion declaring the purchase of these trucks an emergency situation and authorizing Mr. Chipman bypass the County Bid Process.** Commissioner Williams seconded the motion. All for **MOTION CARRIED.** Mr. Shuler said the Board did need to try and not use emergency situations to circumvent the bidding process. He stated the County needed to use the bid policy as often as possible.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-467) Mr. Johnson said he didn't have anything to report to the Board this morning.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-500) Mr. Mahan reported he was at Camp Timpochee last week for the Annual 4-H Marine Science Camp. He said they had ninety-two 4-H'ers from around the State of Florida and the State of Alabama attend this year's Marine Science/Watershed Camp.

(Tape 1-526) He stated he attached the newest issue of Florida Aquaculture produced by the FDACS. He said the featured stories include an overview of the 2002 Legislative Session as it related to aquaculture, Vibrio vulnificus educational efforts and the Five Remote Water Quality Sites, which are now working in clam aquaculture around the state. He explained the newest site is in Franklin County at the Alligator Harbor Clam Aquaculture site. He said the sensing stations send weather and water quality data to the Florida Aquaculture Division's web page at http://www.FloridaAquaculture.com/Sondes/sonde_home.htm. He explained the remote sensing sites were made possible by funding that Leslie Sturmer received through Congressman Allen Boyd's office.

(Tape 1-665) He said the Florida Office of Program Policy Analysis and Government Accountability (OPPAGA) last year was directed by the Florida House Fiscal Responsibility Council to review what UF-IFAS does and how they do it. He said the draft OPPAGA Report released a few weeks ago reports IFAS' statewide presence as efficient, important and cooperative with numerous state and federal agencies. He said the report found no duplication of services between IFAS and other state agencies. He stated the report recommends two charges for IFAS aimed at reducing its dependence on State funds: 1. IFAS should try to recover more of its costs by charging people for non-educational services such as soil and water testing and 2. IFAS should also complete its plan to consolidate some of its research and education centers across the state.

COMMISSIONER PUTNAL

(Tape 1-775) Commissioner Putnal asked the Board if they remembered a couple of meetings ago the issue on a hardship case that should be grand fathered in containing one-acre of land on River Road. He said after consulting with the neighbors and with the owner the whole group agreed it shouldn't have happened. He sounded like it should have during the meeting, but after consulting with all the parties involved as well as the owner of the property, I think the owners needs to have the motion rescinded and "I think

FCBCC REGULAR MEETING-JULY 16, 2002

it's the best thing for the whole community." Commissioner Sanders said then the property owner would have to go through the normal process with Planning and Zoning. Commissioner Putnal replied, "If he wants to do it." He said the owner agreed with him a trailer didn't belong out there. Mr. Pierce said the individual bought an acre of land zoned Agricultural and needs forty-acres to build a house. He stated at the time he didn't want to build a house, but put a trailer there. He said the problem was, while at the time, it didn't appear to be a "big deal" that acre of land is visible to neighbors and the community at large and everybody else in the community is zoned R-1, Single Family Houses. He said then to stick a trailer in this area was didn't work. He said the Board needed to rescind the motion and if the owner wants to pursue having the acre rezoned to R-1 then that would be his prerogative. Commissioner Putnal made a **motion to "rescind that motion and change it back like it was."** Commissioner Sanders seconded the motion. Commissioner Mosconis asked Mr. Shuler to comment on the situation. Mr. Shuler said the motion needed to be rescinded. He stated the Board needed a motion to rescind the previous motion. Chairman Creamer called for a vote on the motion. All for. **MOTION CARRIED.**

MAJOR RONALD CRUM-FCSO

(Tape 1-873) Major Crum presented a memo from Lawrence Arcand, SAE, Inc. Ground Systems, regarding the electrical protection system for the Franklin County Sheriff's Office. Major Crum explained he wanted to be sure the Commissioners had been advised of the electrical problem at the County Jail. He said they have had problems with lightning striking the jail since the jail has been built. He stated the Sheriff's Office has handled the problems in a "piece meal" type of way with the Sheriff's Office Budget. He said the problem is the reoccurring lightning strikes, which knocks out the equipment and to replace this equipment becomes more and more expensive every year. He stated a lightning storm in July, which caused \$5,086.99 in damages, and one in September 2001, which caused \$38,008.82 damages. He stated the Sheriff's Office has a \$10,000.00 deductible to keep insurance premiums down. He said the initial costs have to be paid by the Sheriff's Department then the insurance company reimburses the Sheriff's Department. He informed the Board he was able to contact a company specializing in lightning protection for facilities. He said the document he presented them this morning specifies what they need to do. He asked the Board, at their leisure, look over the material he gave them. He said the budget for building maintenance and repairs only has \$12,000.00 remaining for this type of problem for this Fiscal Year. He stated the Sheriff's Department building and facilities totally belong to the County and are the responsibility of the Board of County Commissioners. He said that is why he wanted to present this to the Board this morning. He stated several employees working in the Dispatch Area of the Sheriff's Office have been struck by lightning while working in the jail facility. He said the employees have become afraid to even touch the equipment when there is a storm. He stated one employee struck by lightning during the storm in September 2001 missed three to four months of work claiming workers comp. He said this causes workers comp premiums to increase for the County. He stated he would be glad to meet with any of the Commissioners and invited them to come to the facility to tour the jail. Commissioner Mosconis asked Major Crum if he had talked to Richard Plessinger lately since he had always helped with these types of problems. Major Crum

FCBCC REGULAR MEETING-JULY 16, 2002

replied Captain McWhinnie contacted him and he came to the facility and conducted an inspection. He said, after speaking to this company, there are engineers that specialize in electrical engineering and are familiar with how to alleviate some of these grounding problems at the jail. He said Mr. Plessinger is an expert on tower repair and electrical problems with towers, but someone is needed to address this specific problem of lightning traveling through the jail facility and causing all of these problems. He said they need someone to come into the facility and do a total inspection and incorporate what needs to be done to protect the whole facility. Chairman Creamer said this is a major problem at the jail. He stated he personally knew one lady who actually lost the feeling in her tongue after talking on the telephone during a lightning storm there. He said he knew another one whose eardrum was busted. Commissioner Mosconis said there was a real problem with this after the jail was first opened and Mr. Plessinger was a tremendous help to alleviate some of these problems. Major Crum said this has been a continuing problem and they feel like they have done everything they can do. He stated that is why he is at the Board Meeting this morning to see if something can be done. Commissioner Mosconis said he knew the problem needed to be fixed. Commissioner Sanders stated she was reading the document while Major Crum was speaking and she said the document states the main problem is there are no ground rings around the building. Major Crum said they all knew there were some serious design flaws in the facility. Commissioner Mosconis said he knew lightning problems needed to be handled by an expert. Chairman Creamer said he would look over the material and suggested Major Crum be scheduled on the next meeting agenda so this matter could be discussed further. Mr. Wade, the Clerk, said he would see Major Crum was placed on the next meeting agenda. Major Crum thanked the Board for their time this morning.

PROPOSALS-REQUEST FOR CDBG APPLICATIONS & ADMINISTRATION

(Tape 1-1056) Mr. Wade informed the Board one proposal had been submitted by Roumelis Planning and Development Services, Inc. Mr. Pierce said this was a basically a re-bid of the CDBG grant writing and administration services. Commissioner Putnal said he would go ahead and make a **motion to accept the proposal submitted by Roumelis Planning and Development Services, Inc. since this was the only proposal received contingent on review by the CDBG Review Committee.** Commissioner Sanders seconded a motion. All for. **MOTION CARRIED.**

HOSPITAL MATTERS

(Tape 1-1117) Commissioner Mosconis said he would like to mention some matters going on at the local hospital. He stated last week the administrator, Barry Gilbert, left to take another job out of the State of Florida. He informed the Board he had been indirectly in contact with a company from Tennessee specializing in rural hospital management. He submitted to each Commissioner a fax he received from Community Health Systems of Brentwood, Tennessee. He said he talked to two young doctors who work for one of these hospitals in Alabama. He stated he would ask the other Commissioners to allow him to contact this company about our local hospital. He said the fact the hospital group now running the hospital are continuously delinquent in rent, taxes, etc. he thought it was time to have someone more sincere to check into operating the hospital. Commissioner Putnal said he would like to ask the local doctors to see if

FCBCC REGULAR MEETING-JULY 16, 2002

they would like to form a group to run the hospital. Mr. Wade said he would like to inform the Board DasSee, the company operating the local hospital, has paid the May rent and they still owe the County \$10,000.00 in rent for June, July and August will be due soon. He said they have also paid \$10,000.00 to the local Tax Collector for their delinquent property taxes. He stated the Tax Collector has placed this money in escrow, since he cannot take partial payments, and has given the company ten days to pay the remaining balance. Commissioner Williams said he would make a **motion authorizing Commissioner Mosconis to discuss the lease for operation of the local hospital by another group or organization.** Commissioner Sanders seconded the motion. All for **MOTION CARRIED.** Commissioner Sanders said she would like to state that as long as Mr. Gilbert was administrator at the hospital she felt like the Board had some input into the hospital. She stated now that he has left she is afraid of what is going on at the hospital.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-1301) Mr. Pierce said he didn't have time, at the last Board Meeting on July 2, 2002, to deal with two separate issues of County land being acquired by property owners. He said Ray Wylie is not ready to discuss his property, but representatives of Clay and Patti Ketcham, were here to discuss their problem. He explained the Ketchams are trying to resolve a Stop Work Order issued to them after a variance was obtained to build a house. He said the Stop Work Order was issued because the permitted house was a different size than the variance allowed. He stated the Ketchams have a letter they would like for him to read in to the record: Re: George Vause Roadway Partial Abandonment; I am writing to you on behalf of the above captioned abandonment that will be before the Board on July 16, 2002. The abandonment request is of 10-feet of the right-of-way of George Vause Road. My wife and I were issued a variance and building permit to build our home on Lot B, Block C of Alligator Harbor Unit 1 development. Once we started construction, we were issued a Stop Work Order by the County because of some confusion as to the variance that was granted and the development with CHZ. Since a Stop Work Order has been in place, we have not been able to continue with construction of our home for going on two months now. We have an existing construction loan with Sun Trust Bank, and are very anxious to resolve the issue of the Stop Work Order. We have concluded that the easiest way to resolve the issue may be for the abandonment of a portion of the right-of-way on George Vause Road. George Vause Road is an undefined public road, which has 30-year old pine tress growing in the roadway. This roadway has not been identified or maintained by the County because there are no residents living on the road. It is a 50-foot right-of-way. In trying to gain perspective of the width of the right-of-way and actual roadways, my wife and I measured the actual asphalt pavement of Alligator Point Road, which measured approximately 19-feet from asphalt to asphalt. Bearing in mind that George Vause Road is a dead-end road, which serves a few residential lots, which have never been developed, we felt that it would be appropriate to ask for a 10-foot right-of-way abandonment on each side of George Vause Road. This would leave the County with approximately 30-feet of right-of-way, which would provide adequate ingress and egress for all residents and public service vehicles. It might be a consideration, to abandon even more of the right-of-way; however, for our purposes a 10-foot right-of-way abandonment would allow us the opportunity to slide our home

FCBCC REGULAR MEETING-JULY 16, 2002

away from the coastal CHZ and thereby resolve the issue. Then we can go back to building our home. I apologize for the formality of the letter. We were not sure if we would be able to reach you by telephone prior to the meeting and we wanted to make sure you have some prior understanding of what we were asking. Should you have any questions, please let us know. We would love to talk to you. Unfortunately, we will be out of town on the 16th, but we are sending our son, Brett Ketcham, to represent us. He will be more than happy to answer any questions that you may have at that time. Again, thank you for your consideration; Clay and Patti Ketcham. He said since the Planning Office and the BOA receive their funds from the Board he didn't want to enter into any agreement of position with the Ketcham's in case it ends up in litigation. Joe Hambrose, a resident of Alligator Point, said one of the problems is there are less than one quarter acre lots and if he is given 10-feet this would impact twenty other people who are going to come and ask for their 10-feet as well. He said a 50-foot right-of-way goes right into the Bay. He said if this 10-feet is abandoned boat trailers would not be able to travel in and out with boats on them and emergency vehicles would not be able to turn around. He said mail would not be delivered there since there would not be a turn around either. He stated he felt the County was just going to loose the entire road if this is permitted. Chairman Creamer asked if the Ketcham's were building a different designed house than was presented to the BOA. Mr. Pierce said the house is not different and they did present the variance request to BOA and it was approved. He stated there was an error in reading the site plan and the Planning and Zoning Office created the legal description for the newspaper advertisement and obviously misread something. Commissioner Sanders said she talked to Rachel Ward, Planning and Zoning Office, and was informed by her she looks at the critical habitat line and she measures to the furthest most point on the house. She said the Ketcham's have a deck on the house and Ms. Ward uses the same measurement system for every house, but the Ketcham's assume they have an 18-foot variance when in reality they only 8-foot variance. She stated the problem is the Ketcham's and she agreed with the residents and not create another problem giving away County right-of-way. She suggested the County refund the permit money or let them reapply and don't charge them anything, etc. She said she felt P&Z did not make any errors since the same measurement system is used for every lot. Mr. Pierce agreed, but said P&Z didn't match the building plans to what the variance was and admitted the Building Permit should not have been issued. Commissioner Sanders asked if the Ketcham's have been asked to either down size the house or remove the deck. He stated they have discussed removing the deck. Brett Ketcham stated his parent's thought they went through all of the processes and evidentially there was some miscommunication. He said his parents felt this was the easiest solution to the problem. He stated his parents have a construction loan and time and interest is adding up. Linc Barnett, APTA, said he wanted the Board to know the APTA reviewed the issue about abandonment of roads in their area and their position is to ask the Commissioners not to agree to the abandonment of any dedicated County roads on Alligator Point. He said it sets a bad precedence and does create problems for emergency vehicles, school buses, etc. He stated they do understand the Ketcham's problem and this is not directed at them personally. Discussion followed and the Board did not take any action on the matter.

(Tape 1-1830) He informed the Board Roxie Allen, Seafood Representative on the Planning and Zoning Commission has resigned her position. He said she submitted a letter of resignation. He said he wants the Board to think about the person they would like to appoint to this position. Commissioner Mosconis said he would like for Mr. Pierce to contact Grady Leavins to see if he is interested in serving on the Commission. Mr. Pierce assured the Commissioner he would contact Mr. Leavins and get back with the Board on Mr. Leavins' answer. Commissioner Mosconis said Tommy Ward might want to be appointed too. Chairman Creamer suggested Lynn Martina as well.

(Tape 1-1894) Mr. Pierce said he sent Mr. Middlebrooks a letter in July about the purchase of his abandoned house on Alligator Point. He stated he received a response from Mr. Middlebrooks late Monday afternoon. He said he would present the letter to Mr. Shuler and discuss it further with him.

(Tape 1-2230) He stated he needed Board action to approve a quote of \$8,500.00 to demolish My Blue Heaven house at Alligator Point and to take the debris to the Landfill. He explained the price quote was submitted from Lost Creek Land Development, Inc. He said after the Board rejected the only bid submitted for this project in the amount of \$60,000.00 he has been searching for an economical way to get rid of the house. He reported he contacted two firms, and only one of the firms replied and sent a quote, Lost Creek Land Development, Inc. He asked the Board to consider this quote in some capacity, perhaps as an emergency situation because without some immediate action by the Board the house may collapse and then the County would be responsible for removing the debris from the water, which is going to be more labor intensive. Commissioner Sanders asked how much money was allocated for this project. Mr. Pierce replied the County only has \$3,500.00 to spend on this project. He explained the remaining \$5,000.00 would have to be taken from the Reserve Account and just await or ask for reimbursement from DEP or FEMA. He stated there are a number of sources. Commissioner Sanders made a **motion to declare this situation an emergency situation due to the house being in a state of collapse and to pay \$8,500.00 to Lost Creek Land Development, Inc. for the demolition of the house at Alligator Point, My Blue Heaven.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2322) He informed the Board FDOT is going to conduct their annual inspection of the Apalachicola Airport on August 13th. He presented the letter to Ted Mosteller, President of the Apalachicola Airport Committee.

(Tape 1-2335) He presented a letter from DEP informing the Board the County needs to restore the swales system on Timberwood Court Road in Franklin County. He stated the County Engineer, David Kennedy, would set the grade stakes for the Road Department, which should be done today.

(Tape 1-2346) He presented the Board with a copy of the proposed ordinance prohibiting glass containers in or on all public beaches, public parks, or public recreational areas in Franklin County. He said a public hearing to consider adoption of the ordinance should be advertised and held in August.

FCBCC REGULAR MEETING-JULY 16, 2002

(Tape 1-2372) He informed the Board he received positive encouragement to move forward with a public boat ramp, which somehow accesses the Old Ferry Dock on SGI. He said Helen Spohrer park owner of the property is not opposed to allowing the County to improve the boat basin, including some dredging, as long as she and her partners are held harmless from public activities on private land, if that is possible. He said she is having her attorneys investigate how this can be done. He reported he had talked to Jim Stoutamire, DEP Permitting Department, and Woody Miley, DEP, and both would support the re-establishment of a boat basin and boat ramp, on the west side of Franklin Blvd. even though it might require some dredging in the Apalachicola Bay Aquatic Preserve. He said he thought Ms. Spohrer and her group own all of the property along the area a channel might be dredged. He stated it is possible the County could access the channel from the DOT right-of-way. He explained Ms. Spohrer would consider selling some property to the County, however the County doesn't have the funds necessary to purchase the property. He stated he is checking into sources of funding so the County could purchase the property. Commissioner Mosconis said he would like for Mr. Shuler to begin investigating this hold harmless matter Mr. Pierce mentioned in this report. Commissioner Mosconis made a **motion direct Mr. Shuler to investigate, immediately, this matter and report back to the Board with a recommendation.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2555) He informed the Board that on Tuesday, July 9th, he and Chairman Creamer met with Terry Jangula, USCOE, about the 50-acre parcel the County is considering purchasing from St. Joe on Highway 65. He said the initial purchase of the parcel would be for a spoil disposal area for dredging the Eastpoint Channel. He explained the parcel is approximately 3-miles from the Channel, which is within the range spoil can be pumped to. He explained the parcel has enough up lands to be suitable for spoil disposal without getting into wetlands. He said there is no clear or simple way for the excess salt water discharged with the spoil to get back to the Bay without going across state owned land. He stated Mr. Jangula does not believe the state would allow salt-water drainage across state forestlands. He explained the only solution would be to pump the spoil to the site and then have pipes to carry the water back. He said Mr. Jangula's told him such a proposition is very expensive and not within any budget he foresees. He said Mr. Jangula recommends once again the matter be discussed with DEP so after exhausting all possibilities for uplands disposal the DEP would have to allow some other location for the spoil. Mr. Pierce asked for a motion from the Board directing him to demand a meeting with DEP about the disposal site. Commissioner Sanders made a **motion directing Mr. Pierce to contact DEP and request an immediate meeting with them concerning the spoil site for the Eastpoint Channel.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2643) Mr. Pierce said the Planning and Zoning Commission met in regular session on July 9th and recommends the following: Approval for Chris Reinkemeyer to construct a private dock on Lot 13, Block D, Magnolia Bay, Eastpoint at the north end of North Bayshore Drive in Eastpoint. Commissioner Mosconis made a **motion authorizing the construction of a private dock for Chris Reinkemeyer.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

FCBCC REGULAR MEETING-JULY 16, 2002

Approval for Robert Roundtree to construct a private dock on Lot 25, Shell Harbor, SGI on the East end of the Island. Commissioner Mosconis made a **motion authorizing the construction of a private dock for Robert Roundtree.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** A sketch plat for a subdivision "Mary's Beach", a 5-lot subdivision on 10-acres, Section 35 and 36, T7S, R5W, as submitted by Freda White. The subdivision is located several miles west of Carrabelle Beach, between Eastpoint and Carrabelle on property already zoned R-1. Commissioner Sanders made a **motion approving a sketch plat "Mary's Beach" as submitted by Freda White.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Rezoning 5-acres of property from R-6 to R-1 and a sketch plat approve for a 3-lot subdivision on 5-acres, known as Tract 16 of Emerald Point, or also known as being located in Section 24, T6S, R8W approximately 2 miles east of SR 65 on Highway 98. Commissioner Putnal made a **motion to authorizing the scheduling a public hearing to consider rezoning 5-acres of property from R-6 to R-1 and approving a sketch plat for a 3-lot subdivision on the 5-acres.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2753) He said the County Engineer requests the Board direct URS to prepare a change order for the Airport Road. He stated Mr. Kennedy said they needed to install a pipe while the road is under construction. He explained the pipe would become the slip sleeve for use by the USCOE if they ever re-dredge the Two-Mile Channel. He said the estimated cost of the pipe installed is \$10,000.00. He informed the Board without the slip sleeve, there would be no way to cut the dredge material into the spoil area, unless the road is cut, or the road blocked while dredging is going on. Commissioner Mosconis said this really made him angry. He said several years ago when the project was being designed, approximately 3 years ago, he told the designers the road needed a culvert large enough to accommodate future dredging. He stated he mentioned this subject numerous times. He said now here we are under construction fixing to pave the road and now they don't have the culvert in. He said he would go ahead and make a **motion directing URS to prepare a Change Order to the Airport Road Construction Project for C. W. Roberts Contracting, Inc. to install a slip sleeve pipe while the road is under construction at a cost of \$10,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2858) He stated Mr. Kennedy was also asking the Board to grant a 60-day time extension to C. W. Roberts Contracting, Inc. for the completion of the CR 67 repaving project, since the Carrabelle sewer contractor had delayed the project. Commissioner Sanders said she has been in communication with Mr. Kennedy regarding this matter. She stated when Avenue F and G in Carrabelle was supposed to have the whole culvert replaced and they have just put a slip liner, which did not fit. She said they have now placed two ends of a concrete pipe wanting the County to think they have redone the pipe. She stated, after speaking to Mr. Kennedy, she was assured he would not approve the work completion form until there is a new pipe underneath the road. She said they are telling her the water and sewer lines are underneath the road, but the pipe was put in before the water and sewer lines were installed. She instructed Mr. Pierce to remind Mr. Kennedy about this promise. Commissioner Sanders said she would go ahead and make

FCBCC REGULAR MEETING-JULY 16, 2002

the **motion authorizing a 60-day extension to C. W. Roberts Contracting, Inc. for the completion of CR 67 Repaving Project due to delays caused by the Carrabelle Sewer contractor.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said the road was going have to be closed for a few days. Mr. Pierce informed Mr. Shuler the contractor was going to have to close CR 67 for several days, maybe a week, to replace the culvert pipes. He stated he didn't know an exact date. Commissioner Sanders said the dates and times were going to have to be published in the local newspaper. Mr. Shuler said he knew there were regulations about advertising the closure of a busy road like this. Mr. Pierce asked if the Board should take action to defer the matter to Mr. Shuler as to what needs to be done about advertising, etc. Commissioner Sanders said she would make a **motion to follow Mr. Shuler's instructions and recommendations about the closure or detouring of CR 67 during the installation of the culvert pipes.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3098) He said there is a dispute in Lanark Village about the building of structures in courtyards, which are not part of an apartment extension. He stated there are guidelines in the County Zoning Code about extensions of apartments, but if someone builds something in the middle of their yard there are no guidelines. He explained at least one owner has built one. He said the owner states it is part of their landscaping plan. He said they told him it is an arbor. He informed the Board he would recommend the Board ask the Lanark Village Building Review Committee to provide some guidance to the Board about this matter. He said he would ask the Committee to discuss this matter and then he would report back to the Board with their input.

KENDALL WADE-CLERK

(Tape 1-3140) Mr. Wade presented the annual Tax Collector's Recapitulation for signatures. He said each Commissioner had to sign the document. Commissioner Sanders made a **motion to accept the annual Tax Collector's Recapitulation and authorizing each Commissioner's name on the document.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3167) He said he had a Resolution of Unanticipated Revenues for Board approval and read the following into the record: Whereas, Franklin County is a political subdivision of the state of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets and, Whereas, FS 129.06 provides for budget amendments for unanticipated revenues, and Whereas, Franklin County has received unanticipated revenues in the amount of \$37,520.00 from the FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, for DERELICT VESSEL REMOVAL GRANT, and Whereas, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2001-2002, and Whereas, FS 129.06(2)(d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and Whereas, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of: 001.20.539.3400 Derelict Vessel Removal Contract Services \$37,520.00 Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$37,520.00 in the GENERAL

FCBCC REGULAR MEETING-JULY 16, 2002

FUND in order to comply with FS 129.06(2)(d). THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 16th day of July 2002. Eddie Creamer, Chairman-Attest Kendall Wade, Clerk. Commissioner Sanders made a **motion adopting this Resolution of Unanticipated Revenues in the amount of \$37,520.00 and authorizing the Chairman's signature on the Resolution.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3252) Mr. Wade said he had the Budget Workbooks ready for distribution this morning. He presented each Commissioner with their workbooks. He informed the Board and the public the Budget Workshop had been scheduled for Monday, August 12, 2002 at 9:00 a.m. in the County Commission Meeting Room. He asked the Commissioners to review the workbook before the workshop.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 1-3299 Continued on Tape 2) Mr. Shuler said he had a letter from Attorney Carl R. Pennington, Jr. regarding the Meeks Rezoning. He stated the Board had adopted a motion by Commissioner Putnal that the Board accept the recommendation of the Planning and Zoning Commission and deny the rezoning request submitted by Jimmy T. Meeks. He stated Mr. Pennington is concerned about the mention in the minutes that the matter couldn't be consider again for a year from the date of that meeting June 18, 2002. He said Mr. Pennington has threatened to file a Petition for Writ of Certiorari in the Circuit Court. He stated he knew the Board had a policy that certain matters cannot be brought up for discussion repeatedly. He said this was a good policy because unless there is a change in circumstances there is no use to keep reconsidering something that has already been decided. He said he thought Mr. Pierce mentioned the Commissioners had an informal policy on these type matters. Mr. Pierce said he thought this type of policy was to provide some definitive action by the Board so the public and the people being affected by these decisions know they don't have to come back to a meeting month after month for a decision. He stated this is to stop people from demanding their property be rezoned, a variance granted, etc. He said it has always been the policy in his department that you have to wait one-year before reapplying for any of these type things if a project has been denied. He said within a year everyone should be able to tell if any situation within the project has changed. Mr. Shuler stated the problem is if there is a change in circumstances then he thought the Commissioners needed the flexibility to reconsider the project based on the change or the new facts. He explained he wanted to mention this to the Board to see what the Commissioners intended to do. He asked the Board if they intended to simply deny the Meek's rezoning or whether the Board intended to deny the request and also provide that the rezoning not be considered again for one year. Lucretia Bloodworth, a resident of Kendrick Road in Carrabelle, said she would like to speak to this issue. She stated she lived on Kendrick Road and was one of the landowners around the property Mr. Meeks was wanting rezoned. She explained the landowners have been irritated, aggravated, etc. by this request. She said they have been fighting this problem for five or six months. She stated she has heard of this same policy at different meetings she has attended that there has to be a certain time period, one year, before a person can reapply for these considerations. Mr. Shuler said he had furnished each Commissioner a copy of the letter Mr. Pennington sent to him. Mr. Pierce stated the Planning and Zoning

FCBCC REGULAR MEETING-JULY 16, 2002

Commission works as an advisory commission to the Board. He said the Commissioners have never been asked this question before. He stated most of the denials are not a source of contention and so there has not been anybody requesting a rehearing of a denial. Mr. Pierce said he hasn't looked very hard nor has he been able to find any written policy. He stated he knows this has been policy ever since he began work here. He said he has just dealt with the problems. He said he thought this was probably a verbal policy. He stated he didn't know what determined a change in circumstances or a change in facts. Commissioner Sanders said she couldn't discuss this matter because she was a litigant in the lawsuit with Mr. Meeks. She stated she couldn't vote on the matter as well. She said she could comment on Board Policy and stated she knew this had been Board policy for many years even when she was a member of the Planning and Zoning Commission. She stated if this policy were changed now it would set precedence different than what the County had been adhering to. Commissioner Mosconis said the County Attorney needed to provide some language for the codebooks so the County staff could have some guidelines when deciding something of this nature. Mr. Pierce stated the Commissioners have been very obligating to property owners by tabling some issues until the property owners can get the problems or issues straightened out. He said tabling an issue is different than denying an issue. He stated Mr. Meeks and his agent demanded and wanted a vote on the rezoning issue for Mr. Meeks' property. Gathena Parmenas, Carrabelle, said she was just reading the Zoning Code about property owners requesting variances. She stated she did believe this was written in the County's Zoning Code. She said she couldn't quote the exact language, but she believes she saw it somewhere in the book. She suggested Mr. Pierce and Mr. Shuler should do some research to make sure it was verbal and not written. Mr. Pierce said it was in writing in the Zoning Code for variances, but not for rezoning requests. Commissioner Putnal said it didn't matter whether it was or not; there has been a policy every other land owners has been adhering to and he didn't think this should be changed for one individual. He said the Commissioners should remain constant and not change their minds. He stated Mr. Shuler needs to prepare a written policy and put it in the County's Zoning Code Book. He said if it is not in the Zoning Code it needs to be placed in it. He stated every other decision has been made on this policy whether written or not and everybody needs to be treated the same. Gene Langston, a property owner in Franklin County, suggested the Board make sure this policy was in writing to make the policy more defensible. He said the reason Mr. Meeks' project was denied, he said he was at the meeting, was because there was not adequate access into Mr. Meeks' property to have the project approved as a subdivision and meet all of the subdivision requirements. He said this is the problem and what the whole fight is about. He stated it is not about Franklin County policy or anything else, but access. He said it was denied at P&Z because of the access issue. He stated the Commissioners then took P&Z's recommendation and denied the project. He encouraged the Commissioners to put this policy in writing. He stated he had a similar situation with some property he owns. He said he only has 30-feet for access and was asked to remove his request from P&Z consideration and he has done that. He stated he has had to live with this policy and therefore every other person should. He said he has made a mistake and he is not suing the neighbors trying to get them to give him enough land to meet the subdivision requirements. He stated he is trying to negotiate his way out of the situation. He said the Commissioners should not be in the position to correct

FCBCC REGULAR MEETING-JULY 16, 2002

anyone's mistake. Commissioner Putnal said he totally agreed with Mr. Langston. Commissioner Mosconis made a **motion to not take any action on this matter and instructing Mr. Shuler and Mr. Pierce to present the Board with some language to address this issue so it can be placed in the County's Zoning Code Book.**

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

Commissioner Sanders stated she was not voting or participating in this motion in any way. She said she would complete a Form 8B, Voting Conflict Form, for the record.

(Tape 2-185) John Polous said he didn't think this was right either. He said he wanted the local Commissioners to get a hold of this situation and stop all these people from coming from other Counties. He stated he wanted it stopped. He stated he had common sense and he felt someone from another county could just come take land from people in Franklin County. He said every time he goes to get a lawyer someone steps a head of him. He stated he wanted the Board to get a handle on this matter. He said there were a lot of land grabbing going on. He thanked the Board for their attention this morning.

(Tape 2-295) Mr. Shuler continued his report at this time. He said he had reviewed a lot of the letters the Board had received about the "Summer Camp" proposal.

(Tape 2-303) Commissioner Putnal asked Mr. Shuler if he remembered when the Jet Ski "No Wake" zone was discussed about the Carrabelle River. He asked Mr. Shuler whatever became of that matter. Mr. Shuler said he is still working on the situation. He said he was trying to decide how to describe the area since there was not a legal description. He stated the next step would be to prepare a description so it could be advertised as an ordinance.

KIT MASHBURN

(Tape 2-466) Mr. Mashburn said he was employed by the County as a deputy. He said he hurt his ankle on the job several years ago. He stated the worker's comp insurance group the County was using went of business or declared bankruptcy. He said he is needs some additional medical attention for his ankle and has to go back to the doctor. He stated he might even have to have surgery on his ankle. He asked what he was supposed to do about this matter. He said he did need pre-approval from the County before he has anything extensive done on his ankle. Mr. Shuler asked Mr. Mashburn if this was a worker's comp situation. Mr. Shuler said he didn't recall what the final disposition was. He reminded the Board this was the worker's comp insurance company that filed bankruptcy and the County had to end up paying all of the worker's comp claims. Commissioner Putnal said he would make a **motion directing Mr. Shuler to check into the matter to see what compensation Mr. Mashburn is entitled to.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler informed Mr. Mashburn he would meet with him later.

MATTERS FROM THE FLOOR

(Tape 2-566) Wanda Bradley introduced herself to the County Commissioners. She said she was a clean water activist. She stated she has inquired about the large amount of cancer incidents in Franklin County. She said she is conducting a health track and

FCBCC REGULAR MEETING-JULY 16, 2002

addressing cancer issues. She stated she is working with many people to see what can be done to protect the rights of the people who worked at the St. Joe Paper Company. She said she has already found some water violations in Eastpoint and has already contacted DEP. Ms. Bradley made a brief presentation to the Board about the water supply in Franklin County.

(Tape 2-761) Mr. Wade reminded everyone about the Public Hearing scheduled for tonight at 5:00 p.m. in the Courtroom upstairs. He said this would be to discuss the St. Joe "Summer Camp" development.

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

Eddie Creamer

EDDIE CREAMER, CHAIRMAN

Kendall Wade

KENDALL WADE, CLERK