

FCBCC REGULAR MEETING-JULY 1, 2003

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY
JULY 1, 2003**

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

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

NOTE: The tape recording system malfunctioned so the recording of the actual meeting did not begin until Section 300 on the tape.

(Tape 1-312) Commissioner Putnal made a **motion to approve the minutes of the meeting held on June 17, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-320) Commissioner Williams made a **motion to pay the County bills.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

KENDALL WADE-CLERK

(Tape 1-328) Mr. Wade asked to speak at this time. Mr. Wade informed the Commissioners they would be presented the Budget Workshop Notebook for FY 2003/2004 at the meeting this morning. He read the following memo from Ruth Williams, Finance Officer, into the record: "We are providing you with the notebooks containing budget requests from various departments/entities for fiscal year 2003/2004. The printout containing the entire tentative budget will be available as soon as the certified taxable property value is received from the Property Appraiser. I cannot calculate the tentative millage rate until that information is available. We will arrange to deliver a copy to you as soon as it is available. We have scheduled the workshop to address the budget for July 29, 2003 at 9:00 a.m. in the Board Meeting Room, Courthouse Annex." He said he would, when it was made available to the Finance Office, deliver a copy of the tentative millage rate to each Commissioner. He said he was also furnishing a copy of the Franklin County Audited Financial Statements and informed the public a copy of the document is available for one-dollar per page in the Finance Office.

SHERIFF BRUCE VARNES-ROOF AND LIGHTNING PROBLEMS-FC JAIL

(Tape 1-380) Sheriff Bruce Varnes said he had mentioned at several Board Meetings the problems at the County Jail with the roof leaking and lightning strikes. He said he has only been able to locate one company, Space Alliance Technology Outreach Program (SATOP), that would even advise him what needed to be done to correct the lightning problem. Alan Pierce, Director of Administrative Services, said he had the County Engineer, David Kennedy, go look at the roof at the jail. He said he sent the manufacturer of the roof on the Courthouse Annex to look at the leaking problem, too. He explained the manufacturer used a PVC vinyl roof on the Courthouse Annex. He

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stated the manufacturer estimated the cost would be approximately \$75,000.00 to \$100,000.00. Sheriff Varnes said he had spent approximately \$40,000.00 on the jail to fix the problems these lightning strikes cause. He stated lightning is a big problem. He also informed the Board this was a liability problem that, from what he can find out, has been a huge problem every since the jail was first built. He said he needed something or permission from the Board to have the roof fixed and the lightning problem taken care of. He stated if someone needed to come in and evaluate the problems this would be all right with him.

He presented a report completed by SATOP, which provided some suggestions to correct the lightning problem. He said he has asked several companies to come to the Jail and give him an estimate, but has been unable to find one without the company charging a lot of money. He stated he called one company and they wanted \$10,000.00 to just provide an evaluation. Commissioner Mosconis said he wanted to talk about the lightning problem. He stated before the Sheriff was elected there was a real problem with the lightning. He said Mr. Plessinger, the owner of WOYS, was a lightning expert and had supposedly fixed most of the problems. Sheriff Varnes said he wanted permission to have an expert come in and evaluate the Jail so the lightning problems and the leaking problems could be remedied. He stated he knew this was a very dangerous situation for his employees, especially those in the communications department. Commissioner Creamer said he knew the Sheriff had asked for help with these problems a number of times. Link Carroll, the FCSO Finance Officer, said the Sheriff had presented each Board member with a copy of the SATOP recommendation on the lightning problems. She stated there is also an estimate from a company, the only one to even discuss fixing the problems with the Sheriff, from SAE, Inc. Ms. Carroll said she wanted to remind the Board that four people have been struck by lightning while working at the Jail and this was a major liability for the County. Commissioner Williams asked if one of the Jail employees wasn't suing the County because she was struck by lightning. Sheriff Varnes replied he thought this was a Workers Compensation issue. Commissioner Creamer said he knew this was a major problem because he worked at the Jail several years ago and it was a problem then. He stated he was on duty when two people were struck by lightning. He said the flagpole has been struck by lightning many times. After discussion Commissioner Creamer made a **motion authorizing Sheriff Varnes to provide an estimate to fix the lightning and leaking problem at the Franklin County Jail as soon as possible, meet with staff and have the matter corrected.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Sheriff Varnes stated he just wanted a resolution to these problems once and for all. He said he would be glad to work with the Commissioners or their staff on having the problems fixed.

(Tape 1-750) Sheriff Varnes said he wanted the Board to know he has changed his "Drug Policy" for the Sheriff's Department. He stated he had to make his policy more stringent because most of his employees drive Sheriff's Department vehicles. He said his policy allowed random drug testing and he would enforce this. He stated he had a problem with his officers being able to put people in jail for drug use and then one of them using drugs, especially when it would affect the on the job performance. He said he would not tolerate one of his officers using drugs and above all driving Sheriff Department vehicles. He said presented a copy of the new Franklin County Sheriff's Office Drug Policy to

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each Commissioner. He stated he had worked with Sheriff's in the surrounding counties to finalize this drug policy. He said the Florida Sheriff's Association attorneys had advised him on the policy. He stated he was just informing the Board the Sheriff's Department was going to follow a more stringent Drug Policy than the County had adopted. He said his policy allows him to terminate an officer immediately if they are found to have any kind of illegal drugs in their system when randomly tested. Sheriff Varnes said he was going to have a totally "Drug Free Sheriff's Office".

JOANNE THOMASON-PAUL BOISVERT-FCPHU

(Tape 1-863) Ms. Thomason said she would like to introduce the new Acting Administrator for the FCPHU, Paul Boisvert. Mr. Boisvert said he was glad to be at the meeting today. He explained what the future plans for the FCPHU are. He stated he is going to work with the Commissioners to make the Health Department the best ever. He informed the Board interviews were scheduled for several applicants on July 14, 2003 to fill the Administrator-Director Position at the FCPHU. He asked the Board to appoint a member to this interview panel. Commissioner Mosconis said he would make a **motion to appoint Chairman Sanders to the FCPHU Interview Board for the FCPHU Administrator-Director position.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis asked Mr. Boisvert to attend at least one Board Meeting a month so the Commissioners could keep up to date as to what is going on at the FCPHU and at least know what services are being provided to the local community. Mr. Boisvert said he would try and do this and then pass the request on to whoever is going to replace him.

(Tape 1-1188) Commissioner Mosconis said he had a copy of a memo sent to the Commissioners, by Janice Hicks, FCPHU Business Manager II, about purchasing gasoline and vehicle maintenance. He said they also wanted the County to assist in the custodial duties at the Health Department's in case of an emergency. Mr. Boisvert said he is trying to make sure the Health Department was covered in the case of an emergency. He stated one way of saving money was if the FCPHU could purchase gasoline from the County and for the County to provide maintenance of their vehicles and buildings. He said they have one person on staff to provide janitorial services, but he was concerned what would happen if something happened to this person such as if they were in an accident, wants to take a lengthy leave of absence or vacation, etc. He said he wants to make sure the FCPHU is covered since there is no "back-up plan" right now. He stated he would like to arrange with the Courthouse to use one of their janitorial staff to help in case of an emergency. Chairman Sanders said she wanted Mr. Boisvert to be aware the County only had two janitors for the whole County. Commissioner Putnal said the County did have a lot of inmate labor, but he didn't know if inmates could be around the FCPHU. Mr. Boisvert said inmates do cut the grass, but his concern was cleaning the building. He stated the janitorial person at the FCPHU was an excellent worker and did a wonderful job. He said he was just concerned what would happen, since they only have one employee to do this job, if the employee was ill or on leave for an extended period of time. Mr. Wade stated this was something he was going to bring up at the Budget Workshops. He said there was a "real problem" with just this area to be cleaned. He stated there were quite a few buildings and only one individual and one old "ratty" truck

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that is being used to get "all over" the County. He said the County is growing and this is something needing to be discussed at the Budget Workshops. He stated there needed to be a "plan" for emergency situations. Commissioner Mosconis informed Mr. Boisvert; Mr. Wade was the "custodian" of the buildings. He said if Mr. Boisvert got into a "bind" he would need to contact Mr. Wade for assistance. Mr. Wade said he would be glad to help in anyway. He stated he does understand the problem with inmates in the inside of the FCPHU because of drugs being in the building. He said this is a problem everywhere, but assured Mr. Boisvert he would assist him any way he could. He stated this was a matter that "really" needed to be addressed at Budget time.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-1300) Mr. Chipman informed the Board he and his crew had to "put in" some overtime. He said the Sheriff's Department called him out to put up signs, etc. because there had been major problems on the roads caused by all of this rain the County has been experiencing for the past two weeks. He stated there have been many roads torn up and the County had to repair them. He said Quail Run was one and another one was Woodill Road. Commissioner Mosconis said he thought there was a drainage problem throughout the County. Mr. Chipman stated there was a lot of culvert pipes simply "blown out" by all of the rain. He said they were trying to keep up with all of the road problems.

(Tape 1-1357) He said he was called by the Sheriff's Department Sunday about the Alligator Point Road erosion problem. He stated he went down to check the road out and it was completely eroded away in some places. He said the area where the "Blue House" had been located on Alligator Point was completely undermined. He stated he called some men into work and they placed a lot of dirt in the area. He said they did put it back together and they did have to use a little overtime on Sunday. He presented several photographs of the site where the road eroded away. Chairman Sanders said she appreciated the documentation of the road problems in Alligator Point. Commissioner Creamer said this simply a thunderstorm of sorts and was not a hurricane, etc. Chairman Sanders stated the wave action caused most of the erosion.

(Tape 1-1402) Mr. Pierce said he would like to discuss a problem he sees as happening in the County with County employees. He stated he felt it would be easier for the County to pay the employees at the time they do any repair work they are called out to do instead of just giving them Comp Time. He said when an employee accrues Comp Time the employee could demand to be paid for it years later. He stated over a period of time an employee usually has had salary increases and would have to be reimbursed at their current rate of pay. He said this is a potential problem for the County Budget. Chairman Sanders said she and Mr. Pierce had this conversation the other day. She stated she did not agree with Mr. Pierce. She said when the County is facing a major problem with the road system the Road Department employees are not asking for any pay. She said they are just going out to take care of the problem. She stated if they choose to bank Comp Time then it is okay with her. She said it is a decision the Road Superintendent has to make. She stated she didn't see a problem with this. Mr. Pierce said he was concerned when an employee has more than forty-hours Comp Time. Chairman Sanders said the Road Department had to fix the roads in the County when they have to be fixed no matter

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what day or time of day it was. She stated she did not feel like this was a "big" problem. Commissioner Creamer asked how many hours the Road Department claimed as overtime for the Alligator Point Road repair. Mr. Chipman replied approximately five hours and he used three supervisors to fix the road. He stated they loaded, flagged, and drove the trucks, etc. themselves. Commissioner Mosconis asked Mr. Chipman if he couldn't "work this matter" out. Mr. Chipman replied he could take care of it. Chairman Sanders again stated she didn't see a "big" problem with this. Mr. Wade stated he thought this is something else the Board needed to address at the Budget Workshops because this could create a liability for the Board. Commissioner Mosconis said it could be a "problem" if it had "gotten out of hand". He stated he didn't want the Road Department to give the taxpayers of Franklin County a "shock treatment". Mr. Chipman said he would be very conscientious of this. Commissioner Putnal said he knew Mr. Chipman closed down the mechanic shop Friday and went and "done a lot of work". He said Mr. Chipman is supposed to be off on Friday. Mr. Chipman said they got calls from all over the County about the road problems. Chairman Sanders thanked Mr. Chipman for his quick response on a Sunday to fix the Alligator Point Road.

(Tape 1-1500) Chairman Sanders said any matter regarding roads in Franklin County, whether it was US Highway 98 or CR 30, Mr. Chipman needed to know about it. She instructed Mr. Pierce to keep Mr. Chipman informed about any road situation. She said Mr. Chipman was not informed of a meeting FDOT and VMS had the other day about future paving in Franklin County. Mr. Pierce replied he did not know about the meeting either. He said they called him that very morning of the meeting and he sent Chris Clark, Engineering Technician, to the meeting. She instructed Mr. Pierce to let Mr. Chipman know about anything that has to do with County Roads.

(Tape 1-1532) Commissioner Putnal said there were some secondary roads in the County, Sand Beach Road and Jeff Sanders Road, being used by loggers. He said most of the logging going on in these areas is being done by the State of Florida on State of Florida land. He stated when it rains like it has the past few weeks these logging trucks tear up the roads. He said it is costing the taxpayers to repair the roads. He suggested Mr. Pierce call or send a letter to the Division of Forestry and ask them to either repair the roads to their original condition or pay the County when the County Road Department has to repair the roads being destroyed by the loggers. Commissioner Putnal said he would make a **motion directing Mr. Pierce to send a letter to the State of Florida Division of Forestry informing them they are responsible for any County Roads being destroyed or torn up by logging trucks used to remove the timber from the State owned lands being presently logged.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1745) Mr. Pierce said David Kennedy, Preble-Rish, Inc., was present this morning to update the Board on the three paving projects; Patton Drive in Eastpoint, Water Street in Apalachicola, and South Bayshore Drive in Eastpoint. Mr. Kennedy stated these projects have been completed. He reminded the Board the County had received an extension for the projects from FDOT until the end of July. Mr. Pierce stated he has notified the City of Apalachicola and the City of Carrabelle about furnishing a list

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of their roads, which are ready to be paved because all of the water and sewer repairs or changes have been completed on them. He said he has encouraged the Cities to furnish this list as soon as possible. Mr. Kennedy said he wanted to mention there are some water valves on Water Street, which have not been raised properly. He said these are not "pot holes" in the street. He explained the contractor, C. W. Roberts Contracting, Inc., had taken off the entire week before the fourth of July holiday for vacation. He said as soon as they come back to work they are going to raise the water valves, the manholes and take care of all of the dips in the street. He said they needed to clean up along the shoulders of the street as well. He stated there was some additional funds for this street so there was some additional paving done toward the end of the street. He said the money had to be spent or it would have reverted back to the State of Florida. He stated this was not known until toward the end of paving Water Street. He said he would be glad to evaluate any streets or roads the County wanted to pave. He stated he would compile estimates to see exactly how much a paving project would cost. Commissioner Mosconis said he thought the problem was due to the fact each city had different engineering firms and they could not agree on when the streets were ready to be paved. He asked Mr. Kennedy to coordinate this effort. Mr. Pierce said this was premature anyway since the County had not received any kind of list from either of the Cities. Mr. Kennedy said he was just talking about the planning phase anyway. Commissioner Mosconis said he hates to see all of the cuts made in the streets in Apalachicola for this infrastructure project. Chairman Sanders said the City of Carrabelle is checking into their road list. She stated they want to pave roads without being cut. Commissioner Mosconis said he wanted one of those "easy payment plan type deals" like the last time the County had a paving program. Mr. Pierce said the engineering firms just needed to verify the changes have been finished on the local streets so the County can consider paving the roads and streets. Commissioner Mosconis told Mr. Pierce you still get the "best deal" by having them all paved at one time. Mr. Pierce said he agreed, but he felt there were approximately one million dollars worth of roads and streets needing paving right now. Commissioner Mosconis said you could get a "better deal" if you have two million. Commissioner Williams said he thought Apalachicola had two million dollars worth of paving to be done. He stated within the last nine years no paving has been done whatsoever in his District. He said the City of Apalachicola and the City of Carrabelle were promised road paving. He stated he tells his constituents to "not sue us yet" the County is going to pave some roads. He said the potholes are terrible in his District.

PUBLIC HEARING-PARTIAL ABANDONMENT OF PLAT-LAS BRISAS

(Tape 1-1917) Chairman Sanders said she had an issue with the scheduling of a public hearing without notifying the Board Secretary. She stated this public hearing was not placed on the Board Agenda. She said the person who placed the advertisement for a public hearing to consider a partial abandonment of the Las Brisas Plat did not contact the Board Secretary for a time on the Agenda; therefore it is not listed on the Agenda. Chairman Sanders reminded David Wilder, SGI Limited Partnership, the company requesting the abandonment of all of Lot 33 and a portion of Lot 21 in the Las Brisas Subdivision, the public hearing had to be formally scheduled for public information. She said she would go ahead and conduct the public hearing, but cautioned Mr. Wilder about this ever happening again. Mr. Wade said this has been a problem. He stated the agenda

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is scheduled and prepared by Ms. Varnes, the Board Secretary. He said if anyone wants to be placed on the Board Agenda then she has to know so she can schedule a time period on the Agenda for them. Michael Shuler said the applicant, David Wilder, was here at the Board Meeting. Mr. Wilder apologized for not getting the date and time for this public hearing properly scheduled before it was advertised. He said there was a misunderstanding with his attorney as to who was supposed to notify the Clerk. He stated he has reviewed the Florida Statutes and all of the Statutes have been adhered to. He said the only problem is the public might not be aware of it because it was not listed on the Agenda. He stated there was a public notice in the newspaper. He said this property referred to in this abandonment has been utilized as a park with some recreational amenities. He said the abandonment consist of the following: All of Lot 33 of Las Brisas, a subdivision as per the Plat and That portion of Lot 21 of Las Brisas, a subdivision as per the Plat, described as follows: Begin at the Southeast corner of Lot 21 of Las Brisas, a subdivision as per map or plat thereof recorded in Plat Book 6, Page 15, of the Public Records of Franklin County, Florida. From said Point of Beginning, run West along the South boundary of said Lot 21, a distance of 83.28 feet, thence run North 29 degrees 25 minutes 00 seconds West along the Westerly boundary of said Lot 21 a distance of 11.65 feet, thence run North 34 degrees 36 minutes 38 seconds East 156.70 feet, thence run South along the Easterly boundary of said Lot 21, a distance of 139.12 feet to the Point of Beginning. After discussion Commissioner Creamer made a **motion authorizing the Chairman's signature on "A Resolution Vacating Portions of the Plat of Las Brisas as Recorded in Plat Book 6, Page 15, of the Public Records of Franklin County, Florida"**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-2094) Mr. Johnson said he had attached a copy of a draft revision to the Landfill Charge Policy. He said the Landfill needs the revisions noted in the draft to safeguard against customers paying their account late. He said at present the policy allows customers until the end of the month to pay their bill. He stated most customers do this, but some do not. He explained those who do not, sometime will wait 30-60 days past the due date. He stated these accounts could range from a few hundred dollars to thousands of dollars per month. He announced the following and most notable changes as follows: 1. The required deposit to open an account goes from \$500.00 to \$1,000.00, 2. Payments will become due upon receipt of the statement and late after the 15th of the month, 3. The account holder will be charged 5% interest on all accounts not paid in full by the 15th, 4. A \$2,000.00 deposit will be required to reopen an account closed for unsatisfactory payment. He requested approval of these updates to the Credit Policy. Commissioner Creamer asked if the interest rate was set by statute. Mr. Shuler said there are some "usury" laws the County has to comply with, but he wasn't sure what the total amount of interest was a County could charge for these types of accounts. Commissioner Creamer made a **motion approving these updates to the Landfill Charge Account Policy contingent on the County Attorney checking into the interest rate.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer said if the County could charge more than 5% then they needed to. He suggested Mr. Shuler check to see how much the County could charge for interest and

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use the maximum amount for the interest rate. Mr. Shuler replied he would check to see exactly how much the County could charge for interest on accounts not paid in full by the 15th of the month.

(Tape 1-2202) He reported he was asking for the Board to approve the Chairman's signature on the annual-2003 Financial Assurance Cost Estimate Report. He stated DEP requires this report for any County using an escrow account to demonstrate financial assurance to provide long-term care of the County's Landfill. He said the Board has such an escrow account and the report is due between July and September of each year. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Annual 2003 Financial Assurance Cost Estimate Report as required by DEP.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2221) Mr. Johnson informed the Board Travus O'Neal, Equipment Operator I for the Solid Waste Department, has submitted his resignation effective June 18th. He asked the Board for permission to advertise this vacant position in his department. Commissioner Putnal made a **motion authorizing Mr. Johnson to advertise for the vacant position in the Solid Waste Department-Equipment Operator I created by Travus O'Neal's resignation effective June 18, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2250) He said he attached additional copies of the letter from the County's Labor Attorney, Leonard Carson as well as copies of the letter from Warden Duffie Harrison of the Gulf Correctional Institution regarding the mechanic's position at the Landfill being required to supervise State Inmates. He said in Mr. Carson's letter he recommends the County's Employee Policy be amended to exclude certain employees whose job duties or job locations are such that they are unlikely to ever be needed to supervise inmates. He said Mr. Carson also suggests the wording for the amendment. He said during a conversation with the recently retired mechanic for the Road Department, Raymond Hall, he stated he never had to supervise inmates in his ten years of employment with the County. He explained, therefore, he was going to request the Board give final approval of the following changes in the personnel rules: The last paragraph of the personnel rule be amended in the following manner: This rule shall not apply to any employee who job description specifies that all duties are secretarial, accounting, record keeping or otherwise performed in an office only. Nor shall the rule apply to any certified mechanic whose job duties are performed in a shop, under circumstances where the mechanic will not be required, expected or needed to supervise inmates. He said Mr. Carson also suggested, in addition, that the introduction to the second paragraph of the rule be amended in the following manner: Except as provided below all employees and supervisors. He said Mr. Carson explained in his letter these changes would allow the employment of Jesse Brannan in this critical position, while maintaining the integrity of its uniform policy. Commissioner Mosconis said he was reluctant to change this policy. He explained when the County adopted these policies approximately fourteen years ago for use of the State Inmates throughout the County the ideal was "if somebody is going to work for this Board they need to be able to met the minimum State DOC criteria". He said he felt this was a "good citizenship" issue. Commissioner Mosconis said he did not

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want to do anything to jeopardize the County's use of DOC Inmates. Mr. Johnson stated this policy was already in place for secretarial duties. Commissioner Mosconis said this doesn't mean the County wanted to hire a secretary with a criminal record. Commissioner Putnal said if this were the case "every one of the secretaries in the Courthouse would have to be DOC Certified to supervise State Inmates because they are County employees". Commissioner Creamer said this wasn't the case since most of the people in the Courthouse work for Constitutional Officers and not the County Commissioners. Commissioner Mosconis said the ladies in the Courthouse do not work prisoners. He stated the County uses the State DOC Inmates and supervises them throughout the County. He said the Road Department and the Solid Waste Department use them more than any other entity in the County. After discussion Commissioner Putnal made a **motion adopting these changes to the Franklin County Personnel Rules or Policies to include the listed language proposed by Leonard Carson, Carson and Atkins, the County's Labor Attorney's.** Commissioner Williams seconded the motion. Chairman Sanders, Commissioners Putnal, Williams, and Creamer for. Commissioner Mosconis opposed. 4-1 **MOTION CARRIED.**

PH-AMENDING ORDINANCE 97-19/ARTICLE IV-LITTER CONTROL

(Tape 1-2623) Mr. Shuler said Mr. Johnson had asked the Board to consider amending County Ordinance 97-19 Section 13-64, Article IV: Litter Control. He stated the changes were needed to impose penalties on anyone who litters at the County's Recycling Centers. He said he has, as directed by the Board, advertised the date and time of this public hearing to consider amending this ordinance. Mr. Johnson said this was needed because of the abuse of the public at the Recycling Sites throughout the County. He stated people just dump things along side of the recycling containers that the Solid Waste Department has to clean up. He said the County provides Amnesty Day's all during the month for people to take their litter to the Landfill for disposal. He stated one sentence was added to the ordinance as follows, "Dumping litter at recycling sites is a violation of this Article. Recycling Waste into a recycling bin does not constitute dumping litter, unless the waste dumped into the recycling bin is a type that the bin is not labeled to receive. It is a violation of this article to dump waste into a recycling bin if that bin is not labeled to receive such waste for recycling". After no one opposed the changes Commissioner Creamer made a **motion adopting the amendment to Ordinance 97-19/Article IV-Litter Control and authorizing the Chairman's signature on the amendment.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Johnson said he would like to point out the fine for this violation is set by Florida Statutes and is set at up to \$500.00 per violation.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-2800) Mr. Mahan reported the Clam Aquaculture Workshop, "The Basics of Handling and Harvesting Clams Workshop" was held on June 5th and went very well with fourteen clam farmers attending. He said one of the topics discussed at the meeting was the fact a number of farmers have clams ready for market. He stated this is much sooner than anyone originally thought. He reported clams usually take 14-16 months to grow from seed clams to one-inch "little-neck" clams, however based on the farmer's reports it only took 12-13 months for Alligator Harbor's first crop of clams to mature.

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He informed the Board the clams are ready for market, but the next step is to develop and establish a local market for them. He said the clam farmers are now contacting local shellfish dealers and restaurants to get a local market established.

(Tape 1-2889) He showed one of the new Boater Education signs to the Board and the audience. He said, in an effort, to educate boaters in Alligator Harbor about safe and proper boat handling around the aquaculture leases, a "boater education" sign has been placed on the main corner posts making the Alligator Harbor Density Lease Area. He stated he hopes the signs will help eliminate some of the boater problems some of the clam farmers have encountered.

(Tape 1-2940) He announced the ISSC's Biennial Meeting for 2003 was fast approaching. He asked the Board if they would like for him to attend the meeting in Portland, Oregon from August 2nd through August 8th. Commissioner Putnal said he would make a **motion authorizing the payment of travel expenses for Bill Mahan to attend the ISSC's Biennial Meeting, August 2nd through August 8th in Portland, Oregon.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he thought it was important for Mr. Mahan to attend this meeting. Mr. Mahan reported Tommy Ward, the local seafood representative, is probably going to the meeting as well. He said he is looking for some financial help from the industry representative of the ISSC to send Mr. Ward to Portland. Chairman Sanders asked Mr. Mahan to be sure and notify Grady Leavins, Leavin's Seafood, about the dates and times of the meeting. Mr. Mahan stated he was going to drop by and see Mr. Leavins when the meeting was over today.

COMMISSIONER CLARENCE WILLIAMS

(Tape 1-3071) Commissioner Williams said he and Chairman Sanders just attended the FAC Convention. He reported Chairman Sanders was elected to the Board of Directors, which is the first time anyone from this area has been elected to the Board. He stated she deserved a round of applause for her endeavors. He said he was glad he was at the meeting because he could vote for her and assist her in getting other votes for her. He stated there were three other black County Commissioners at the meeting and they all voted for Chairman Sanders. He said this means Franklin County is "moving up". Chairman Sanders thanked Commissioner Williams for his acknowledgment this morning. Chairman Sanders stated the Florida Association of Counties represents all 67-counties in the State of Florida. She said there are 40-members on the Board of Directors. She stated she was chosen to be one of the 40-members, which represents the District 6 Senate Seat. She said this is Wakulla, Leon, Gadsden, Jackson, Calhoun, Bay, Gulf, Liberty and Franklin County. She stated she felt her fellow Commissioners honored her and she was pleased to represent these fellow Commissioners.

DOUG AARONS, PE-VMS MAINTENANCE SYSTEMS, INC.

(Tape 1-3160) Mr. Aarons introduced Gary Weeks and Annette Phillips to the Board this morning. He said Gary Weeks is the VMS Inspector in this area and Annette Phillips, the VMS outreach coordinator. Mr. Pierce reminded the Board they had asked VMS to send some representatives to the meeting this morning. He said they also have some

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information for the Board regarding some drainage issues. Mr. Aarons said VMS was waiting until they could actually come up with a plan for the ditch drainage in Franklin County. He stated the recent rainfall has caused a lot of flooding due to the ditches being stopped up. He said there were problems no one actually realized throughout the County. He stated a property owner had built in an outfall ditch and installed an undersized pipe. He stated there are numerous other problems in the County. He explained his company has been trying to clean out all of these drainage ditches. He said they plan to start next week on the ditch cleaning project in the County. He stated the outfall ditches are unique situations and all deal with private property owners. He said the main problems have been identified and they will continue to monitor and clean other drainage ditches as the problems come up. Commissioner Putnal stated it is very important for VMS to identify these problem ditches and fix them. He said if the County gets a Tropical Storm on top of this saturated ground there would be a big "mess". He stated storm drainage is a big problem. He said he thought most of the problems were caused by new development in the County. Mr. Aarons agreed and said when people develop land they either use a lot of fill, which disturbs the natural flow of water and when the trees are cut this causes problems as well. Commissioner Creamer said he has never seen VMS do anything in the County. He stated he did see the employees cut a little bit of grass in Eastpoint. He explained there is no way water can flow the way the ditches in Eastpoint are set up. Mr. Aarons said in Eastpoint the ditches are actually lower than the bottom of the pipe. He stated in these cases water will always be standing in them unless the ditches are built up. Commissioner Mosconis said the only time he sees anyone from VMS is when the Commissioners ask them to come to a Board Meeting. He said the last time they were here the Commissioners asked them to come to a Board Meeting every once in a while. He stated they didn't have to bring their whole "crew", but come or send one representative once a month to update the Board on road matters. Mr. Aarons said he would make a point of coming to one Board Meeting a month. Chairman Sanders stated she was concerned about the privatization of the FDOT. She said the Board was very concerned about VMS having enough equipment, manpower, etc. to take care of all of the State roads just in Franklin County much less all the other Counties VMS has to take care of. Commissioner Mosconis suggested Mr. Aarons either come or send a VMS representative to a Board Meeting once a month it would help everyone. Mr. Pierce suggested they could come during the rainy season to hear any problems the Board might have. Mr. Pierce said he was very concerned about emergency situations and what would happen if there were a major storm event in Franklin County. He stated he wondered how this all would be handled and how soon the roads would be repaired. Mr. Aarons assured Mr. Pierce and the Board VMS would take care of any problems in the County. Commissioner Putnal said there was water over US Highway 98 during this last rain system. Chairman Sanders said she was going to announce the next item on the agenda.

BARRY POOLE-APPROVAL FOR SITE PLAN ALLIGATOR PT MARINA PUD

(Tape 1-3700 Continued Tape 2) Mr. Pierce said Mr. Poole was here this morning to request approval for some changes to the Alligator Point Marina PUD Site Plan. He stated the original site plan reflected the wrong size building; the above ground fuel storage tank and the reduction of one townhouse on the Northwestern group of buildings, recent demolition and removal of the restaurant, creation of an outdoor tiki/snack bar

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identified as the End of the World Oasis, the indication of a new boat ramp within the boat basin has currently been eliminated from the site plan, the vehicular use area indicated on the Northwestern peninsular has been significantly reduced and the Western driveway is shown to be shifted approximately 70-feet to the West to align with the Western side of the dry storage building. Mr. Pierce said the Board had already approved the site plan for the original Alligator Point Marina PUD. Mr. Poole presented a letter listing each of the changes to the development plan as Mr. Pierce informed the Board of this morning. Mr. Poole informed the Board he was the engineer of record for this project. He said the letter referenced the Application for Revised Final Development Plan on the Alligator Point Yacht Basin Formerly Known as Pelican Bay Yacht Club and Marina. He stated the most controversial change is the fact the building was larger. He explained the PUD Ordinance has not changed, but the site plan, which is part of the final development plan includes a brand new building. He said the building shown on the original site plan was the existing building designed for 20' boats. He stated the new building is 20' wider so it would allow for up to 30' boats within the dry storage building. He said the building is within the height parameter of 48' and the building is approximately 20' longer, but does not encroach into any coastal construction setback. He stated the building being wider was a concern. Paul Johnson, APECO, said they had the opportunity to see the revised site plan and they are pleased with the new modifications. Linc Barnett, APTPA, said they were not opposed to these modifications either. Commissioner Putnal made a **motion approving the Application for Revised Final Development Plan on the Alligator Point Yacht Basin Formerly Known as Pelican Bay Yacht Club and Marina contingent on the County Attorney approving the language in the modifications.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PH-ORD. ESTABLISHING FAMILY LAW ASSISTANCE PROGRAM FEES

(Tape 2-341) Chairman Sanders said it was time to consider the adoption of "An Ordinance Providing for the Services of the Family Law Assistance Program; Providing Amounts for the Informational Family Law Packets Offered by the Family Law Assistance Program; and Providing for an Effective Date Therein". Loretta Galeener, Deputy Court Administrator, Second Judicial Circuit, appeared before the Board at this time. She introduced Dana Dowling, Director FLAP. She said approximately a year ago the OSCA Administrator Grant Slayden appeared before the Board to explain the need for this ordinance and request permission to advertise the matter for public hearing. She explained Mr. Slayden had been activated and deployed with the US Army to Iraq. She asked Ms. Dowling to address the Board at this time. Ms. Dowling said the ordinance is self-explanatory and has been already in effect in Franklin County. She stated this program benefits the people in Franklin County at no costs to the County. She said all this ordinance does is set specific amounts for the FLAP to charge people for these services. She said the costs of these legal packets range from \$5.00 to \$20.00. She said some of the legal packets are more expensive because of the nature of the legal issue. Commissioner Mosconis made a **motion authorizing the Chairman's signature on "An Ordinance Providing for the Services of the Family Law Assistance Program; Providing Amounts for the Informational Family Law Packets Offered by the**

Family Law Assistance Program; and Providing for an Effective Date Therein”.

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

PAUL DAWSON-RISK MANAGEMENT ASSOCIATES

(Tape 2-420) Mr. Dawson said he was here today to present a letter of introduction and to bring to the Board's attention the availability of a very competitive insurance program for public entities. He stated his company has been providing Auto, Property, and Workers Compensation insurance since 1992. He said he would like to ask the Board to consider their company when the budget is discussed. He stated his company insures many of the Counties in the area. He said he would provide a list of references if the Board so desired. He asked the Board if they would be accepting formal proposals for the County's insurance coverage for future budget consideration. Commissioner Mosconis said he was glad Mr. Dawson was here this morning and asked him if he could compile a proposal between now and the end of this month when the Board had scheduled a budget workshop. Mr. Dawson said he could, but he needed to know if it was going to be an informal process, etc. Commissioner Mosconis said he thought this was something the County needed to look into. He asked Mr. Wade what he thought. Mr. Wade said the County could always accept proposals. He reminded the Board the Finance Officer was busy with the Budget Process and he thought this was a "bad time" to start bidding "things" out. He suggested the Board wait until the Budget Process is over since most insurance companies change or their premiums are paid in November. Commissioner Mosconis made a **motion to accept a proposal from Paul Dawson, RMA, after the Budget Process is completed.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 2-642) Mr. Pierce stated, in response to the direction provided by the Board regarding Mr. and Mrs. Edgecomb, it would appear the best thing to do is to change their 9.5 acres to R-3, Rural Residential, which is one unit per 5-acres. He explained since the Edgecombs do not own 10-acres they would only be able to put one unit on the 9.5 acres, which is all they want anyway. He asked the Board to authorize the Planning Department to prepare the proper public hearing notices to consider the Edgecomb's request. Commissioner Creamer made a **motion authorizing the Planning Department to prepare the proper public hearing notices to consider a change, as requested by Mr. and Mrs. Edgecomb, for 9.5 acres to R-3 Rural Residential.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-671) He asked for the Board to approve the use of the SGI County Park by Habitat for Humanity to utilize the Park from 5-8 p.m. on July 12th for a fundraiser. Commissioner Creamer made a **motion approving the use of the SGI County Park by Habitat for Humanity on July 12th from 5-8 p.m. for a fundraiser.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-680) He provided the Board with a letter from the Alligator Point Water Resources District informing the Board and asking the Board to assist them with the following: adoption of a Xeriscape Ordinance, Developing and enforcing ordinances for automatic sprinkler systems, and the establishment and enforcement of County wide rules

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that meet the provisions of Chapter 373.609 Florida Statutes for enforcement of water conservation rules set by water authorities within Franklin County. He suggested the Board think about these matters and allow him to check into this request and report back to the Board at the next Board Meeting.

(Tape 2-724) He explained Ted Mosteller, Chairman of the Apalachicola Airport Advisory Committee (AAAC), had requested he ask the Board to prepare and send a Resolution of Appreciation or a letter of thanks be sent to Joe Smith, FDOT Aviation Department, for all the assistance he has provided Franklin County with their airport projects. He said Mr. Smith has retired and Mr. Mosteller would like for him to know the County appreciates all of the effort he made in making sure the airports, both Apalachicola and Carrabelle, received their fair share of State FDOT funding. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a Resolution of Appreciation for Joe Smith, FDOT Aviation Department, on his retirement, for all of his efforts in making sure the airports in Franklin County received their fair share of State FDOT funding.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-753) He said URS Supplemental Agreement Number 3 for the Signage and Remarking of Runway 13-31 at the Apalachicola Airport has been submitted for approval this morning. He said a FAA Grant in the amount of \$150,000.00 and a State FDOT matching grant in the amount of \$30,000.00 are funding this project. He said he would get this to the County Attorney, Mr. Shuler, for his review for the meeting today. He said Mr. Mosteller informs the Board, in his note, time is of the essence in this matter. Commissioner Mosconis made a **motion authorizing the Chairman's signature on URS Supplemental Agreement Number 3 for the Signage and Remarking of Runway 13-31 at the Apalachicola Airport contingent on the County Attorney approving the agreement.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-783) Mr. Pierce said Bill Ruic, FBO at the Apalachicola Airport, submitted a Change Order(s) for the T-Hangar construction previously done at the Airport. He said Poloronis Construction completed the construction and the Board should probably make sure the Finance Officer knows about this Change Order(s). He suggested the Board authorize the Finance Officer to check into this matter and pay them if they meet the criteria for payment. Commissioner Mosconis made a **motion directing the Finance Officer to review the change order(s) submitted by Bill Ruic, FBO Apalachicola Airport, and pay them if necessary and if they meet the requirements for payment.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

KENDALL WADE-CLERK

(Tape 2-807) Mr. Wade informed the Board the Weems Memorial Hospital rent is current and is being paid by the company leasing the hospital. He said the company has not paid the property taxes on the hospital. He stated the Tax Collector, James Harris, is in the process of giving his attorney instructions so the attorney can write a letter to the company.

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(Tape 2-820) He presented a letter to the Board from the Port St. Joe Port Authority thanking the citizens of Franklin County, The Board of Commissioners and Sheriff Bruce Varnes for the donation of the Sheriff's Departments old phone system.

(Tape 2-830) Mr. Wade said he had received a request from Bay Cares, Healthcare Access Program, Bay County Health Department, to include \$3,500.00 in the County's budget this year. He informed the Board the County approved \$1,500.00. He said this is a good program and accepted 30 referrals from the Franklin County Health Department in 2002 and provided \$98,387.00 of donated care to Franklin County residents. He asked the Board for direction as to whether to include \$3,500.00 for Bay Cares in the Budget for FY 2003-2004. Commissioner Putnal made a **motion instructing the Clerk to include \$3,500.00 in the Franklin County Budget for FY 2003-2004 as requested by Bay Cares, Healthcare Access Program, Bay County Health Department, Bays Medical Society of Panama City.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-892) He presented a copy of a letter from the Columbia County Board of County Commissioners requesting the Franklin County Board of County Commissioners send a letter of support to the Governor, Senators, and Representatives in the Legislature and the US House requesting the Department of Veteran's Affairs in Washington, D. C. reconsider their proposal of eliminating inpatient and long term care at the Lake City, Florida VA Medical Center. He stated they included a draft letter and a list of people who need a copy of the letter sent to them. Commissioner Putnal made a **motion authorizing the Chairman's signature on a letter of support for keeping the Lake City VA Medical Center open for inpatient and long term care.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-952) Mr. Wade assured the Board he would make sure they received a copy of the Tentative Millage Rate as soon as the Property Appraiser submitted the Taxable Certification Value.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-971) Mr. Shuler said he would like to remind the Board of the Lanark Village Reef Project. He reminded Lanark Reef is small parcel of land just off of Lanark Village. He said for a number of years it was believed to be a publicly owned property. He explained it was brought to the County's attention late last year. He informed the Board it has been decided by the State and County the parcel is considered privately owned. He said the problem is the County has never zoned or had a land use category applied to it. He stated the County, his office, recently received a letter from Attorney Nick Yonclas requesting the County move forward with assigning a zoning and land use category to this property. He stated he needed the Board's authorization to begin this process. Commissioner Putnal said using spoil material when the channel was dredged created this reef. He stated he felt this land was not suitable for development. Mr. Shuler recommended the Board go ahead and authorize him to begin the process of assigning zoning and land use categories to this parcel of land. Chairman Sanders asked if there

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were still negotiations being held with the State and the property owner to purchase this environmentally sensitive land. Mr. Shuler replied he had no real "first hand information" and was informed by someone these negotiations have not been productive. He explained the County has been asked by the property owner's attorney, Nick Yonclas, in writing to move forward with at least assigning a zoning and land use category to the property. Commissioner Creamer made a **motion authorizing Mr. Shuler, the County Attorney, to begin the process of assigning a zoning and land use category to the property known as "Lanark Reef" and to schedule any public hearings necessary to facilitate this matter.** Commissioner Mosconis seconded the motion. Commissioners Creamer, Mosconis, and Williams for. Chairman Sanders and Commissioner Putnal opposed. 3-2 **MOTION CARRIED.**

(Tape 2-1089) He informed the Board a final hearing regarding the E. T. Ammons, A. D. Folks, Jr. and Spessard L. Holland, III versus Franklin County and A Materials Group, Inc. has been scheduled by the State of Florida Division of Administrative Hearings for July 29, 2003 and if needed July 30, 2003.

(Tape 2-1097) He said he still does not have any further information on the speed zone issue on Bluff Road in Apalachicola. He stated he is still awaiting the cost estimate on conducting the speed test.

(Tape 2-1098) He explained he is moving forward "expeditiously" on the Sumatra Cemetery purchase. He stated he has not received any word from the Sumatra Community on the status of their establishment of a Non-Profit Organization.

(Tape 2-1109) He informed the Board he has not received an updated lease agreement from Tank Recyclers, LLC.

(Tape 2-1119) He said he had checked into how the Board should handle the issue of vehicles abandoned in the County's right-of-way. He stated there are a number of options available, but he felt the most cost efficient for the County would be to notify the Florida Highway Patrol and ask them "Red Tag" the vehicle. He said then if the owners of the vehicle do not move it then the vehicle could be towed and impounded. He asked the Board if they wanted him to continue pursuing this matter. Commissioner Mosconis said this matter might be included in "some sort" of nuisance ordinance. Mr. Shuler replied he would take care of this matter.

(Tape 2-1203) He said he wasn't clear on the matter of whether the Board wanted him to research the creation of a Code Enforcement Board in Franklin County. He stated the Board would need to consider the potential consequences of enacting a Code Enforcement Board. He said this might divest the Commissioners of certain decision-making authority. He explained he was asking for clarification this morning. Commissioner Mosconis said he was thinking the County could use their "in-house" staff to enforce the Code Enforcement Ordinance. Mr. Shuler said he would continue to check into this matter as well.

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(Tape 2-1227) Mr. Shuler said he needed to discuss the request by the Circuit Judge regarding travel and attorney fees for attorney's employment in Dependency Cases. He explained currently no local attorneys are accepting any Dependency Cases, which means the Court has no choice other than to look to out-of-town attorneys. He stated those attorneys are requesting to be paid for their travel time to travel to Apalachicola. He said most of the attorneys are traveling from Wakulla and Leon Counties. He stated currently Dependency Attorneys are paid at the rate of \$60.00 an hour and the Judge requested that this Board, although the Administrative Order doesn't require the payment of travel time, pay these attorney's for their travel time. He said the Judge is asking the Board to consider paying these fees. Commissioner Mosconis said he thought this matter should be discussed at the Budget Workshop. Mr. Wade stated he really had a problem with this. He said he didn't think the County should have to pay mileage for attorney's to come to Franklin County to work, plus an hourly rate. He explained if they were being paid an hourly rate the County shouldn't have to pay them mileage or travel time. He said he thought the Order reflected the County had to pay attorney's one or the other. Mr. Shuler stated the current Administrative Order does not provide for travel fees in Dependency cases. He informed the Board, to his knowledge, the Order would require travel expenses only in Capital Death cases. Mr. Wade said the County was facing several "high profile" criminal cases, which would cost the County quite a bit of money. He stated there is already a problem with conflict attorneys. He said he did have a problem with paying attorneys an hourly rate and mileage. He stated he didn't think Franklin County taxpayer's should have to "foot" that bill. Commissioner Mosconis said this was just a request not something the County had to do. Mr. Wade stated if the Judge signs an order it has to be done even if the Board doesn't want to. Chairman Sanders stated, at the FAC Meeting she attended last week, it was a stand all of the Counties were going to take during this budget year that unless something is mandated by the Constitution then the Board of County Commissioners would not necessarily fund it. She stated she knew they were probably referring to a lot of this Article V funding too. Mr. Wade said this is another problem the County would be facing with all of the Article V changes. Dana Dowling, FLAP, said most attorneys tend to stay away from Dependency Cases. She stated this is because of all of the issues involved in Dependency Cases. She said it is also hard to get private attorneys to do "Pro Bono" work on Dependency Cases. Mr. Shuler asked the Board to "empower" him to go back and talk to the Circuit Judge to see what exactly can be done about these issues. Commissioner Putnal made a **motion authorizing the County Attorney to meet with the Circuit Judge regarding the issue of paying travel time-mileage fees and an hourly rate for out-of-town attorneys appointed by the Circuit Judge to work in Dependency Cases and try to come to some resolution to the problem.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1476) Commissioner Mosconis said this past week there was another fatality on the "Grave Yard" curve in Apalachicola, or he thought the person died, and he wanted to discuss this dangerous stretch of road this morning. He stated there have been a number of fatalities caused by this dangerous curve. He said there were probably more fatalities caused by this curve than any other spot in Franklin County. He stated in 1978, if he remembers correctly, the FDOT turned all of the secondary roads over to each County.

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He said they gave the County money to maintain the roads for a while. He stated the County did not build this road, FDOT did. He said he would like for the County Attorney to send FDOT a letter asking them to send their traffic engineer to Franklin County to look at this intersection and come up with some recommendations. He suggested a 3-way STOP sign be placed there or something similar. Commissioner Williams stated Commissioner Mosconis was talking about the intersection of 24th Avenue and Bluff Road near the cemetery. Commissioner Mosconis stated where 24th Avenue runs into Bluff Road is on a 90-degree curve, a sharp 90-degree curve. He said this is a great concern for him because there didn't need to be any more fatalities out on that curve. Commissioner Mosconis made a **motion directing the County Attorney to send a letter to FDOT request they send a Traffic Engineer to Franklin County to study the intersection at 24th Avenue and Bluff Road-"Grave Yard" curve in Apalachicola.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said he knew the Traffic Safety Committee created by the City of Apalachicola was concerned about this type of traffic safety issues. He stated this committee could check into this situation as well. He said the committee also has the ability to seek grants to fix the problem when a resolution is found. Commissioner Mosconis said this problem needed to be fixed pretty soon. He stated there are 2 problems he sees out there, one is there is deep open ditches on both ends of the curve on the outside of the curve, the ditch needs to be closed up and culvert pipes used underneath the road, and the other problem is the traffic from 24th Avenue pulling into the Road. He suggested a 3-way Stop would be the best way to handle the problem. Amelia Varnes, Board Secretary, said she uses 24th Avenue to come to work sometimes. She stated she felt one of the problems is the overgrown brush to the left of the STOP sign on 24th Avenue. She said if a person is stopped on 24th Avenue, which dead-ends into Bluff Road on the Curve being discussed, when you look to the left you cannot see anything traveling down Bluff Road on the curve because the bushes are so high and thick you can't see around them. She stated a person just has to ease out into this dangerous intersection to see if anything is coming around the curve. She said she thought this might solve some of the problem as well. She suggested the bushes be cleaned up or cut down so there is a clear view at this STOP sign. Commissioner Mosconis said he had the brush cleaned out one time and the private property owner, Ms. Sutton, "reamed" him out from one side to the other. A member from the audience asked if there was some sort of County right-of-way on Bluff Road so the brush could be cleaned out to a certain point. Commissioner Mosconis replied he thought a 3-way STOP would eliminate the problem. He said most people who died on this curve did not hit another vehicle they simply overcorrected or went into the ditch. He stated it is a wonder someone hasn't gotten killed pulling out onto the road. He said anybody could be "ambushed" by a vehicle coming down Bluff Road and around the curve. Commissioner Mosconis said he wanted the County Attorney to try and coordinate the solving of this problem with the City of Apalachicola Traffic Study Committee. He asked Mr. Pierce and Mr. Shuler to solve this problem as soon as they could.

(Tape 2-1637) Mr. Shuler said he would like to clarify something on the travel time issue regarding appointed Dependency Case attorneys. He explained he has asked the FAC to see what other Counties are doing in regards to this problem. He said he was informed

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by a FAC representative that when local attorneys within a County cannot be retained to handle these type of cases they do in fact pay attorneys who have to travel from another County for their travel time. He asked the Board what dollar amount he could discuss with the Judge. Commissioner Mosconis replied he sure didn't want this left "open ended". Mr. Shuler suggested the hourly rate of \$45.00 or \$50.00 an hour, which is slightly less than their actual Court time, be allowed for these attorney's travel time. Commissioner Creamer asked why they couldn't be paid the standard thirty-two cents a mile like everybody else gets. He said they are no different than anybody else traveling for County or State business. Mr. Shuler said he would discuss these options with the Judge and report back to the Board at the next meeting with his recommendations.

HARRY BUZZETT-SGI

(Tape 2-1701) Mr. Buzzett said he wanted to thank the Board for the opportunity to represent them at meetings with the State to try and save some of the old SGI Bridge causeway for recreational purposes. He stated Lord Tennyson wrote "My strength is as the strength of ten because my heart is pure". He said with a pure heart and with Commissioner Williams he and his wife journeyed to Tallahassee to meet with Senator Al Lawson and Representative Will Kendrick to discuss allowing the County to keep the causeway of the existing SGI Bridge. He stated after meeting with them and three officials from the FDOT it was decided, due to the funding issues, several million dollars, that this matter no longer be pursued. He said he knew the County did not have the funds to maintain this causeway and so regretfully, after no one came forward with the money or a way to get the money, he was going to say he has finished with this matter. He stated he wished the very best for the County Commissioners and thanked them for the opportunity to try and pursue this matter.

PUBLIC HEARING-CONSIDERATION OF REMOVAL OF AN ALTERNATE MEMBER ON THE PLANNING AND ZONING COMMISSION

(Tape 2-1786) Chairman Sanders said this was a public hearing to consider the removal of an alternate member, Harriett Beach, from the Planning and Zoning Commission. Mr. Pierce said this meeting was scheduled at the direction of the County Commissioners. He stated he had a letter from Ann Maruszak, Alligator Point, requesting the Board keep Ms. Beach on the P&Z Commission and in support of Ms. Beach, as well as her "Report and Commentary" published in the Franklin County Chronicle. He explained the guidelines for this public hearing are included in the Franklin County Zoning Code. Mr. Shuler said he had followed the necessary procedure by advertising the date and time of this public hearing. He stated the procedure should be to allow the public to make brief comments regarding this issue and then the Commissioners would make the final decision as to whether Ms. Beach should be removed from the P&Z Commissioner. He informed the Board he has sent a copy of the Notice of Public Hearing to Ms. Beach too. He said Ms. Beach was present at the last Board meeting when a motion was made directing him to schedule this public hearing and she is present at the Board Meeting today. Chairman Sanders asked if anyone in the audience would like to speak to the Board and instructed anyone who would like to speak to complete a Speaker's Card for her to use in allowing them to speak. Commissioner Mosconis stated he wanted everybody to remember in three days we will be celebrating the birth of our Country. He said the 4th of July is a

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very important day since this is one of the oldest Democracy's in the history of the World and hopefully it will last a lot longer. He said his point was "this is a Democracy in action this morning". Commissioner Mosconis said "We don't have any ropes, we are not going to hang anybody in the public square today, but we are going to have some fun". Chairman Sanders began taking public comment at this time. The following people spoke in support of Ms. Beach and her right to "Freedom of Speech" issues: Rene' Topping, Vicki Barnett, Gayle Dodd, Donna Butterfield, Linc Barnett, Paul Johnson, David Adlerstein, Sheila Robertson, Bruce Hall, and Curtis Spangler. Chairman Sanders, after listening to public comment asked Ms. Beach if she would like to address the Board. Ms. Beach replied she would and stated the following: "I have served on the P&Z Commission for over two years and I do feel I have made a positive contribution to Franklin County. When I began writing for the Franklin Chronicle in April I had an agreement with the Editor, Tom Hoffer, that I would never cover the P&Z Commission issues. If he needed information on that he needed to assign someone else to cover those meetings or he himself should cover them. I was assigned to cover the Redistricting Meeting, which was held on the third of June and I did so. I attended the Workshop, I observed the activities, and recorded the activities, then wrote the article that appeared in the Franklin Chronicle. When I summated it to the Editor I said I really think this belongs on the Editorial Page because the meeting did not go well for the audience in that so many questions were left unanswered. The needed information was not available at that meeting. The Redistricting Workshop had no connection with her activities on the P&Z Board. Should you remove me from the P&Z Board, I do feel that this would an infringement on my First Amendment rights. I feel that I have the right to serve my County on a Board such as the P&Z and also hold a job, which happens to be that of a reporter. I really feel, at this time, with the 4th of July coming up, as Mr. Mosconis said, it is time to really remind yourselves we have a Constitution and a Bill of Rights. The Constitution and the Bill of Rights came about at the time the Declaration of Independence was declared. Thank You." Chairman Sanders thanked Ms. Beach for her comments. Commissioner Mosconis said he had thought there had been some good "Free Speeches" made this morning. He stated Tom Hoffer's paper has attacked him before and probably more than once. He said "I won't say attack, maybe shed me in a negative light, maybe should have sometimes, the problem is when you deal with the Press they can buy ink by trainload and we don't". He stated Ms. Topping was right when she quoted President Harry Truman, "If you can't stand the heat get out of the kitchen". He said he thought most of the article was pretty good satire. He stated he is not going to pick the article apart here in public, but there have been some good information shared here today. He said he thought this type of discussions bring the community closer today and makes everyone more understanding of each other. He stated he was not going to vote to remove Ms. Beach from the P&Z Commission. He said Ms. Beach has as much right to say what she wants as he does. Chairman Sanders said she tries to remind people of the fact "You can't disenfranchise yourself up here on this Board. She said I am one Commissioner there another, but we are all one Board so whatever idiosyncrasies this Board has they are mine too no matter whether I like it or not. It didn't upset me because Ms. Beach wrote the article, and I don't personally think this has anything to do with it, what it did was cause the Old Time People in Carrabelle to get upset. They have come up to me and say Cheryl, you know this woman disrespected

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us and I said, but she didn't, that was her view. A lot of people think certain statements Ms. Beach made was a slap in their face because you all, along with them, are the ones who put us on this Board. It is like when you get saved you ask the Lord to take you as you are because this is who you are. We are all human so whatever the pleasure of the Board is I will do. I am Chairman and I have to conduct the meetings. When you have this Board it is not Eddie Creamer, Cheryl Sanders, you paint us with one brush and that's the way it is. Sometimes it's a hard stroke to take, but we get through it". Commissioner Creamer said "I just want to say I think it was uncalled for what Ms. Beach done and I am not going to flower it up. It was wrong and I know I've got people out in the audience that does not agree with me, but that's their opinion. We appointed her and the disrespect she has shown, she has shown her appreciation to this Board for appointing her to that position. It was wrong and I am going to stand on it and I made a motion to have this hearing and I am going to make a **motion to remove Harriett Beach from her alternate position on the Planning and Zoning Commission.** I think it was unbecoming, she should not have done it, if she wanted Mr. Hoffer to critique her report it should have not been wrote in that fashion. She knew what she was doing when she done this. This is inappropriate and I think it's wrong we appointed her to this Board and I think she has shown to us her appreciation by doing this article. Disrespected this Board period". Chairman Sanders asked for a second to Commissioner Creamer's motion. After no second was made the motion **DIED FOR LACK OF A SECOND.** Chairman Sanders stated she would like to take note of this. She said in the P&Z Commission is like the Commissioners in that they had to learn to work together. She encouraged Ms. Beach to work with the other P&Z Commission members and remember they are all painted with "the same brush". She stated the members of P&Z answer to the people just like they do and asked them to remember this fact. She said if this ever comes up again she is sure Mr. Creamer will have more support than he has today. Tom Hoffer, Editor Franklin Chronicle, asked the Board when they would be proceeding with the Redistricting before the end of December. He said this is the issue, which stirred this entire matter. He said he would like an answer to this question, as a taxpayer and a publisher, when is this Commission going to Redistrict in accordance with State law. He asked if a workshop was scheduled. Chairman Sanders replied to her knowledge there had not been one scheduled. Mr. Hoffer stated he had not heard anything from Mr. Mosconis who promised many meetings ago that he would have a plan. He said there are two plans developed by a committee on SGI and Curt Spangler was very instrumental in getting this underway. He asked if these plans had been studied and said everyone needs to get back to the real issue here, when is the Commission going to address this issue and get it done with. He said that is the thing he is going to pin on each one of the Commissioners. He stated there is a citizens group already forming on SGI and asked the Commissioners if they wanted them to take the matter to the Federal District Court and have the Court redistrict the County. He stated Mr. Mosconis was so adamant about the Commissioners not allowing this to happen. He said you can't ignore this issue. Chairman Sanders said she didn't think anybody has advised the Board on any of these issues. She said she lived in Franklin County when the district lines were changed years ago. She stated there might be another meeting, but she didn't know of one right now. Mr. Hoffer reminded the Board there is only six months remaining in the year. Mr. Hoffer said he knew there were two plans submitted to the County. Mr. Pierce said the

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Clerk's Office, Board Secretary had them. Commissioner Creamer said the Board talked about those plans that day and they weren't anything to look at. Mr. Pierce asked the Chairman to adjourn the Public Hearing so the Board could continue with the regular Commission Meeting. Chairman Sanders adjourned the Public Hearing. She reconvened the Commission Meeting. She asked Mr. Shuler to give some input into this discussion. Mr. Shuler replied the first public hearing regarding Redistricting was to listen to the public when giving their suggestions in the Redistricting issue. He explained the purpose of the hearing was not for the Board to make any particular decision. He informed the Board could schedule another meeting so the Commissioners could make a formal decision about the Redistricting question. He said he would suggest the Board authorize him to get in touch with the School Board members and schedule a final workshop. Commissioner Putnal asked Mr. Shuler if this was "legal to do this" because the County was under a Federal Court Order to be in the districts we are now. He said until that Judge tells us otherwise we are still under the Court Order. Mr. Shuler stated he has read the Court Order and no plan other than the one currently adopted can be implemented without further Federal Court approval. He reminded the Board this was a separate issue than the reapportionment issue. He said they are two different things. Commissioner Mosconis said the Court couldn't "hamstring our Government either". He stated the County is operating under another set of laws that state you will redistrict on the odd year after the Census is completed. He said he thought these old Court Orders have been declared Unconstitutional anyway. Commissioner Williams replied they had not been. Commissioner Putnal said if the County had done it to start with instead of a Judge having to do it the County could go change it without any problem, but because the Court Order is in effect we had better wait until the Judge approves it. Commissioner Mosconis said if there are going to be any more meetings the facts need to be available. He said he wanted the Supervisor of Elections provide a list of all the registered voters in Franklin County. He said the Census is not "real data". Mr. Shuler reminded the issues are different. He said there is a redistricting issue and a reapportionment issue. Mary Lou Short, SGI, said she has read the original Court Order, which caused Franklin County to redistrict in 1980. She stated she wasn't sure it was still legal or not, however she did understand the mandate this County is under. She asked the Board to be sensitive to the fact redistricting was created to provide a minority Board in the County. She stated she has talked to several minority leaders in this County and we are charged to protect the minority voice. She said she didn't think people, citizens in this County understand the intent of the redistricting done in the 80's. She stated she thought this is important to talk about since the County is under this mandate. She said even if the County wasn't under a mandate the people have an obligation to protect the minority voice in this County. Commissioner Mosconis said this is how it was left at the Redistricting Workshop. Mr. Shuler said, once more, he wanted to address this issue. He explained the Redistricting issue is a separate issue apart from At-Large issues, which is the race issue being discussed. He informed the Board and the audience all they are talking about is reapportionment issues and not the At-Large issue. He stated he wanted this to be very clear, since it is about the third time he has had to say it. He said the County is not looking at changing the County District Wide voting to At-Large County wide voting. Chairman Sanders said the issue, as brought up by Ms. Short, is if Commissioner Clarence Williams had to gain six hundred and something votes it would have to come

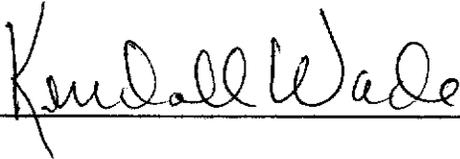
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out of the white population that would dilute the minority vote. She stated this is what the concern was about. Commissioner Williams agreed this was correct. He said at the FAC Convention they said reapportionment, according to Florida Statutes can't be done. He said he has a fellow Commissioner in another County that is going to send him a copy of the Statute. He stated he should have the information at the next Board Meeting. Commissioner Mosconis assured Commissioner Williams everybody was sensitive to this issue. Commissioner Williams said he understood that. Commissioner Mosconis said he is trying to "appease Tom Hoffer and company, mainly Tom Hoffer" in this issue. He stated "he is the spearhead behind this deal".

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK