

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
NOVEMBER 20, 2001**

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

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

(Tape 1-44) Commissioner Putnal made a **motion approving the minutes of the meeting held on November 6, 2001.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-51) Commissioner Williams made a **motion to pay the County bills.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

STEVE FLING-PRESIDENT-FC UNITED FIREFIGHTERS ASSOCIATION

(Tape 1-65) Mr. Fling said the Board had asked him to oversee and evaluate the current Municipal Service Benefit Unit (MSBU) Ordinance, which was adopted in 1987. He stated the original Ordinance 87-2 was amended on June 4, 1996 to include rescue efforts as well as fire protection. He stated Ordinance 96-8 is the current ordinance they are following at this time. He said this ordinance expanded the fire department roles to include medical rescue. He stated on November 16, 1999 the Commissioners asked him to form a committee to study the existing MSBU ordinance and then, if the committee felt necessary, to make assessment increase recommendations. He stated on May 16, 2000 he presented the Board with the MSBU Assessment Evaluation Increase Report. Mr. Fling said the report contained recommended increases of the MSBU assessments. He stated when he presented the report to the Board in May the Board asked him several questions. He reported he answered all those questions for them in the report. He stated the services the Volunteer Fire Departments offer have increased dramatically. After finishing his presentation Mr. Fling said he was here to ask the Board to consider amending the ordinance to reflect the increases he has presented to the Board this morning. He said the following changes or increases are recommended: Single Family Residence from \$28.00 to \$70.00; Multi-Family Rental Units from \$28.00 per unit-maximum \$250.00 to \$70.00 per unit-no maximum-will repay each units owner \$5.00 for each dollar spent; Mobile Home Park-Rental Spaces-\$10.00 per unit-minimum \$100.00-maximum \$250.00 to \$20.00 per space-minimum \$200.00-maximum \$500.00; Travel Trailer and Recreational Vehicle Rental Spaces \$50.00 minimum-\$3.00 per space over 10 spaces-\$250.00 maximum to \$100.00 minimum-\$6.00 per space over 16 spaces-\$500.00 maximum; Motels, Hotels, Inns \$5.00 per unit-minimum \$50.00-maximum \$250.00 to include Bed & Breakfast \$10.00 per unit-minimum \$100.00-maximum \$500.00; Commercial Establishments \$50.00 per building-maximum \$150.00 to \$100.00 per building-maximum \$300.00; Multiple Business Activities \$250.00 to \$500.00; Platted Vacant Lots-Accessible by Roads-no assessment to \$20.00. Mr. Fling said the MSBU only covers 33% of the VFD's budget. He stated there had been a 322% increase in the

expenditures of the VFD's. He asked the Board to schedule a public hearing to consider amending the MSBU Ordinance to adopt these new assessments. After discussion Commissioner Mosconis made a **motion authorizing the scheduling of a public hearing, in January, to consider amending the MSBU Ordinance to adopt these new assessments as presented by the Franklin County United Fire Fighters Association.**

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

Commissioner Putnal said he knew this assessment was needed, but he also knew there were people who absolutely could not pay it. He reminded the Board the Bay had been closed to oystering and the 300 or so oyster harvesters couldn't even pay it if it was increased twenty-cents. Jay Abbott, Chief, SGI VFD, was present at the meeting and presented a fully equipped, fully dressed volunteer fire fighter to the Board. He informed the Board of the costs of outfitting just one fire fighter. He reminded the Board the citizens of Franklin County save a substantial amount on their homeowners insurance because of the VFD's. Mr. Fling and Mr. Abbot thanked the Board for their time this morning.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-549) Mr. Chipman reported the Road Department had completed the repairs at the end of Oak Street in Lanark Village. He said it has lime rock on it and people can drive through it and he hopes this would solve all of the problems on Oak Street.

(Tape 1-561) Commissioner Sanders asked Mr. Chipman if he was going to begin the placement of additional lime rock on McIntyre Road. Mr. Chipman replied he had started that project yesterday.

(Tape 1-566) Commissioner Putnal asked Alan Pierce, Director of Administrative Services, if he had heard anything about the culverts in Eastpoint. He reminded Mr. Pierce that one of the mitigation projects for the bridge project was the purchase of culverts for several areas in Eastpoint. Mr. Pierce replied he had not heard anything from anyone about these culverts. He assured Commissioner Putnal he would check into the matter. Commissioner Putnal said he thought this was just another broken promise. Mr. Pierce stated he thought the culverts were supposed to be purchased by the end of September.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-604) Mr. Mahan said he had attached several different press releases from IFAS on the current budget situation. He informed the Board, at this time, IFAS administration does not have all of the specifics on the cuts, however, they have announced the closing of two of the four 4-H Camps located in the state and the expected closing of facilities like the UF Blountstown Aquaculture Farm.

(Tape 1-637) He said the DACS, Bureau of Aquaculture Development, held their "Clam Aquaculture Lease" Workshop on November 14th at the Carrabelle Senior Center for the clam lease applicants to select their lease site. He said the leases were selected in the order in which the Bureau received the application. He explained the selection process went smoothly and the 46-aquaculture lease sites were distributed. He stated the next

step is for DACS to finalize the list of lease applicants with their lease site and submit it to the Governor and Cabinet for their approval. He said Mark Berrigan, DACS, informed him that due to submission deadlines, the list might not be presented to the Governor and Cabinet until next year. He said, in the meantime, the lease applicants agreed to work as a group to get the lease area surveyed. He stated Leslie Sturmer, UF, would be working with several representatives from the lease applicants to write up the survey specs and send it out to perspective surveyors for bids. Commissioner Sanders stated all 46 applicants were from Franklin County and were awarded the leases.

(Tape 2-703) Mr. Mahan reported he had been working with Dave McClain, ABARK, and Susan Reeder, an oyster dealer in Eastpoint, to identify a certified laboratory to conduct an independent bioassay of the oyster meat in the bay to determine the level of Red Tide toxicity in the meats. He said, at this point, it would seem the FDA's laboratory in Maryland is the one, which should be used. He stated Bob Dickey, FDA, is the contact person for the testing. He said David Heil, Florida DACS, is also assisting in this matter. Commissioner Putnal said he asked the scientist, when they held the meeting in the Franklin County Courthouse, if he would do something for him. Commissioner Putnal said the scientist agreed, but he hasn't heard another word from him. He said he asked him if he would get some good meat from another location and do the same testing on the mice with the good meat. Mr. Mahan stated he thought this had been done. David Heil, Florida DACS, said they did extract the meat along with two samples extracted from the Apalachicola Bay-Cat Point and Platform Oyster Bars-and they have not injected the mouse at this time. Mr. Heil explained the procedure for injecting and testing these mice to perform the toxicity tests on them. Sandra Allen, Eastpoint, explained to the Board and Mr. Heil the seriousness of this situation with so many people being out of work. She urged the Board to write the Governor and asked him to help with having the Bay opened or some other form of testing to prove the toxicity of the oysters. After a lengthy discussion and explanations by Mr. Heil regarding the testing and rumors concerning the closure of the Bay due to Red Tide the Board assured Ms. Allen and the audience they would keep on trying to work with the oyster industry in having the Bay reopened as soon as possible. The Commissioners thanked Mr. Heil for his attendance at the meeting today. The Board also instructed Mr. Pierce to send another letter to the Governor asking him to declare Franklin County an Economic Disaster Area due to the closure of the Apalachicola Bay because of the Red Tide. Mr. Pierce said he would prepare the letter for the Chairman's signature.

PUBLIC HEARING-REQUEST TO AMEND CDBG

(Tape 1-2143) Mark Curenton, Assistant Planner, said the request to amend the CDBG consisted of submitting a request to shift \$15,605.00 from the Drainage Activity Budget to the Engineering Activity Budget to pay for the engineering necessary to successfully complete this project. He said he needed a motion to authorize the shifting of these CDBG Hurricane Earl Drainage Improvements-Contract 01DB-27-02-29-01-G30 funds. Mr. Curenton informed the Board the Citizens Advisory Committee created by the Board to review these matters is recommending approval of this request. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the amendment to the CDBG Contract 01DB-27-02-29-01-G30, Hurricane Earl Drainage**

Improvements-which allows \$15,605.00 from the Drainage Activity Budget to be shifted to the Engineering Activity Budget to pay for the engineering necessary to successfully complete this project. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-2208) Mr. Johnson informed the Board Mary Mathis, the Solid Waste Department Secretary/Clerk, had resigned effective November 26th. He said Ms. Mathis is moving to Panama City to be near her new husband and where she will now be employed by Waste Management as a Customer Service Representative. He asked the Board to allow him to advertise this vacancy and to offer the selected applicant the budgeted salary of \$18,500.00. Commissioner Putnal made a **motion authorizing Mr. Johnson to advertise the Secretary/Clerk for the Solid Waste Department vacancy and to offer the selected applicant the budgeted salary of \$18,500.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2233) Commissioner Sanders asked Mr. Johnson if he had taken care of that problem. Mr. Johnson replied he had and promised her it would not happen again.

SKIP CHORMICLE-EMERGYSTAT, INC. MANAGER

(Tape 1-2246) Mr. Chormicle said he would like to introduce Joe Donovan, Chief Financial Officer for EmergyStat, Inc., to the Board. He stated Mr. Donovan would like to address the Board at this time. Mr. Donovan presented a Demand Analysis for Emergystat, Inc. for the last few months. He said operationally things are going well, but he was here to ask the Board for direction regarding some public policy. He explained currently they staff 2-24 hour paramedics units, 7 days a week, 365 days a year. He stated when you look at the total revenue generated by the total number of transports, which is considerably less than EmergyStat had anticipated; it is not enough to support the service. He said basically he is here today to inform the Board they can no longer afford to keep 2-24 hour paramedic units running in the County. He stated the run volume would indicate the need for 1-24 hour truck and 1-day truck. He said the problem with that is geographically the County is extremely long, which could cause longer response times. He said either the service needed to be dropped down to 1 24-hour truck and 1-day truck, which is what the demand analysis reflects, or they would need an additional subsidy from the County to pay for the additional hours unsupported by the run volume. Commissioner Mosconis said when EmergyStat assumed responsibility for the ambulance service the run volume was a known fact. He stated EmergyStat knew what they were getting into. He said the County is already subsidizing EmergyStat \$2,500.00 a month in addition to what the County agreed to in the contract and then the other subsidy provided by DasSee, the company operating the hospital. He stated EmergyStat knew what the obligations were to run the ambulance service. He asked them if they utilize the Volunteer Fire Department and their First Responder team. Mr. Donovan replied they did use them. He suggested Mr. Donovan and Mr. Chormicle meet with these people and make sure their services are being maximized by EmergyStat. Commissioner Sanders said she knew the First Responders assist the ambulance service

in Lanark Village. Commissioner Mosconis said the County furnished the equipment, the ambulance, etc. and all EmergencyStat had to do was to staff the emergency vehicles. He asked them if they have to rent a place. Mr. Chormicle replied the rent in Eastpoint is \$575.00 per month and the rent in Lanark Village is \$325.00 per month. Commissioner Mosconis said he thought that was very reasonable. He informed Mr. Donovan and Mr. Chormicle they would have to rely on DasSee, who they have a contract with for the ambulance service for additional funding. He suggested they approach DasSee to ask them for an additional subsidy. Mr. Donovan said he would approach the hospital to see if they will increase EmergencyStat's subsidy. He asked for a contact person to contact after he called DasSee. The Commissioners informed Mr. Donovan to contact the Clerk, Kendall Wade. Mr. Donovan said he would call Mr. Wade and give him an update.

DORIS PENDLETON-FRANKLIN COUNTY PROPERTY APPRAISER

(Tape 1-3187) Ms. Pendleton said she had some money left over from her last year's General Fund Budget. She asked the Board if they would permit her to move the money, \$9,000.00, into her Mapping Fund. She said the money would be used as matching funds for a grant already approved by the Department of Revenue. Commissioner Mosconis made a **motion authorizing the Franklin County Property Appraiser to move \$9,000.00 remaining in the General Fund Account to the Mapping Fund Account to be used for a grant already approved by the DOR.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

BILL MCCARTNEY-BASKERVILLE-DONOVAN ENGINEERS

(Tape 1-3233) Mr. McCartney, Baskerville-Donovan Engineers, said he was here to ask for the County's approval for a joint resolution to allow the City of Apalachicola to continue to use existing County right-of-way. He stated the City of Apalachicola is in the process of upgrading the water and sewer system and are planning to spend approximately 2.4 million dollars on the project. He said most of the lines would just be replaced, but there are a few new lines to be installed. He stated they needed the County's authorization for use of the right-of-ways. Mr. Shuler, the County Attorney, said he wanted to be sure the County was protected and the right-of-ways would be restored to their present condition. Commissioner Putnal made a **motion approving the Chairman's signature on a joint resolution with the City of Apalachicola for use of the County's right-of-way for upgrading the City of Apalachicola's water and sewer system contingent on the County Attorney reviewing the document.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal asked Mr. McCartney if this had been done for the City of Carrabelle's water and sewer upgrades. Mr. McCartney replied they had, as far as he knew. Commissioner Mosconis said he would like the record to reflect he would not be participating in the discussion or voting because his wife, Ella Mosconis, was the Project Engineer and was employed by Baskerville-Donovan. Ms. Varnes, the Board Secretary, asked Commissioner Mosconis if he would sign a Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. Commissioner Mosconis said he would sign the document. Commissioner Putnal asked Mr. Shuler if the Board could go ahead and do this for the City of Carrabelle since he did not want their project held up. Mr. Pierce suggested the Board wait until the City of Carrabelle or Baskerville-Donovan requested for it to be

done. He said the City of Carrabelle might not need to request anything since most of their upgrades are on city streets. Commissioner Putnal said he didn't want their project held up in any way. Commissioner Sanders reminded the Board and Mr. Pierce the County does a lot of maintenance on the streets in Carrabelle. Commissioner Sanders said she wanted to let Mr. McCartney know that out by the school in Carrabelle the street is in terrible shape. She stated they have gone and cut the road and not repaired the area. She said the road is bad enough as it is. Chairman Creamer said his niece had an accident there yesterday. Mr. McCartney assured the Board he would check into this matter.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-3420) Mr. Pierce reported that at the last Board Meeting he was instructed to verify with Roddenberry Surveyors they could perform the same type of survey needed to get a DEP permit for a sand groin system to be used on Alligator Point for \$3,000.00. He said he spoke to Mr. Roddenberry last week and he said he had given someone a quote of \$3,000.00 for a survey of a beach 6,000 feet long with a transit every 500-feet, going out 100-feet from the shore, he would not guarantee such a survey would be adequate for an experimental DEP permit. He said Mr. Roddenberry has never actually performed such a survey, but was told by Mr. Roddenberry, in his opinion, taking transits every 500-feet was not enough to develop an adequate profile of the beach. He said he had attempted to contact Catherine Florko, DEP, to go over the surveying requirements, but have been unable to do so. He stated, at this point, he would ask the Board not to proceed with the survey until some assurances are made the survey would be adequate to apply and receive a DEP permit for the project. He explained he felt, at the last Board Meeting, there were two potential contractors who shifted the responsibility for acquiring the necessary DEP permit from them to the County. He said he felt they did this because the permitting process is very time consuming. Commissioner Sanders informed the Board she was able to attend the Franklin County Soil and Water Conservation meeting concerning the soil erosion. She stated this sounds promising if the beach can be renourished. She said she agreed with Mr. Pierce about this survey.

(Tape 1-3527) Mr. Pierce said the Board directed him to send a letter to the Governor about the USCOE's plan to remove sand from the Apalachicola River and have it taken to Miami for beach renourishment. He presented the Board with a copy of the letter he sent to the Governor. He said he sent a copy of the letter to our Federal representatives as well. Commissioner Sanders stated there was a doctor at the meeting who talked about doing a pilot project if the beach could be renourished. She said he was talking about beach renourishment using plants such as sea oats, etc. Mr. Pierce stated he felt now was the time if the County was going to get any help from the USCOE and the Federal Government on the Alligator Point issue. He said he would hope the leverage would now be placed on the Fed's. Commissioner Sanders stated, in the meantime, she wanted to find out what Ms. Florko thought. Mr. Pierce replied Ms. Florko had a traffic accident and this is why he has not been able to reach her. He said he would continue to try and reach her.

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(Tape 1-3587) He presented the Board with a letter from DCA informing the County they had no objection to the County's Comprehensive Plan change on the wetland definition. He said this was their official notice and no action was required by the Board.

(Tape 1-3603 Continued on Tape 2) He provided the Board with a copy of the Notice to Proceed issued to C. W. Roberts for the Apalachicola Airport Access Road. He informed the Board a pre-construction meeting has been scheduled for November 28th by the airport engineers, URS, formerly known as Dames and Moore. He said Mr. Shuler would need to advise the Board on whether the Board can cancel the County's contract with URS and allow the project to be completed by Preble-Rish, Inc., the County's engineering firm. He stated this is an action that needs to be taken now so Preble-Rish, Inc. can supervise all aspects of the construction phase of the project. Commissioner Mosconis said he made a motion at the last meeting to "fire" them. He directed Mr. Shuler to proceed with this matter. Mr. Shuler said he has got to review the contract first to see what kind of cancellation provision is in it. He stated he should get it this week. Commissioner Mosconis instructed Mr. Shuler to send them a letter canceling the contract as soon as possible. He said the County needs to "cut the ties" with those folks and move forward with the project. Mr. Shuler assured the Board he would immediately pursue this matter.

(Tape 2-133) He asked for Board approval to award the resurfacing of CR 67 to C. W. Roberts as recommended by Preble-Rish, Inc. He stated their bid, \$759,000.00 is more than the money the State has budgeted for the project. He said Preble-Rish, Inc. had included a deductive alternative clause in their bid package, which means there is a price per ton for the actual asphalt used, so if the project does not utilize the asphalt the County would pay less than the bid award. He explained even if the project requires the full amount the County has the additional funds in the Gas Tax Fund. He informed the Board the State share is approximately \$680,000.00, so as designed the County would be obligated for approximately \$80,000.00. Commissioner Putnal made a **motion to award the CR 67 Resurfacing Project to C. W. Roberts Contracting, Inc. as recommended by Preble-Rish, Inc.** Commissioner Mosconis said the gas tax money that has been accumulated has to be used in Carrabelle and Apalachicola as promised. Commissioner Williams concurred. Commissioner Mosconis stated this money could not be obligated. He said maybe a portion of it could be used, but not \$80,000.00. Mr. Pierce replied he didn't expect the full \$80,000.00 to be paid from the Gas Tax Fund, only a portion or whatever is needed after the project is completed. He said David Kennedy, County Engineer, and engineer for this project expects the project would not use much more than \$80,000.00 for the project. Commissioner Mosconis said if any extra money, other than the \$80,000.00, is to be spent on the project the Board should be notified first. Commissioner Sanders asked about in-kind services. Mr. Pierce replied he didn't know of any. Commissioner Sanders asked about some culvert work. Mr. Pierce remembered there was some culvert work could be done. Mr. Pierce said he and Mr. Kennedy would monitor the expenses very carefully. Commissioner Mosconis seconded Commissioner Putnal's motion. All for. **MOTION CARRIED.**

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(Tape 2-212) He presented a copy of a letter he sent to Mr. Tony Taglaris, Panacea, regarding a violation of County Ordinance 97-17, Lanark Village Nuisance Ordinance. He said supposedly Mr. Taglaris allowed a renter to create a nuisance, which is an alleged violation of the ordinance.

(Tape 2-225) He asked the Board to accept the recommendation of the CDBG Selection Committee in ranking Roumellis Planning and Development Services number one and authorizing him to negotiate with the firm on the CDBG administration services. He said he would be guided and advised by Mr. Shuler in the negotiations. He stated once a consultant has been selected then the consultant would come back to the Board with a list of prospective projects. He said then the Board would authorize the submission of one. Commissioner Mosconis made a **motion accepting the recommendation of the CDBG Selection Committee in ranking Roumellis Planning and Development Services number one regarding CDBG application services and CDBG administration services.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Ms. Debbie Roumellis thanked the Board for allowing her the opportunity to serve Franklin County.

(Tape 2-257) Mr. Pierce said the Planning and Zoning Commission met in regular session on November 13, 2001 and recommends the following action. Approval for Charles Tiffin to construct a private dock on Lot 27, Sandpiper Village, SGI. Commissioner Sanders made a **motion approving a private dock for Charles Tiffin.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Approval for Sidney Dumas to construct a private dock on Lot 26, Sandpiper Village, SGI. Commissioner Sanders made a **motion approving a private dock for Sidney Dumas.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Robert Layton to construct a private dock at 1031 Mill Road, north of Carrabelle. Commissioner Putnal made a **motion approving a private dock for Robert Layton.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Donald Kirksey to construct a private dock on Lot 9, Block 65, Unit 5, SGI. Commissioner Sanders made a **motion approving a private dock for Donald Kirksey.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for James and Marilyn May to construct a private dock on Lot 3, Holiday Beach, Unit 1, Alligator Point. Commissioner Sanders made a **motion approving a private dock for James and Marilyn May.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Approval for Thomas Nance to construct a private dock at 187 Harbor Circle, Alligator Point. Commissioner Sanders made a **motion approving a private dock for Thomas Nance.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Carl Updyke to construct a private dock at 2634 west Hwy 98, Lanark Village. Commissioner Sanders made a **motion approving a private dock for Carl Updyke.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Approval for Don Boyd to construct a private dock on Lot 18, Windjammer Village, SGI. Commissioner Putnal made a **motion approving a private dock for Don Boyd.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal asked Mr. Pierce who was responsible for lighting these docks. He said some fishermen who flounder and fish at night are concerned about

not being able to see a dock protruding into the water. Mr. Pierce replied the County didn't have an ordinance setting standards for dock construction. He stated the County presumes if the State issues the dock permits then the County's jurisdiction ceases at the mean high tide. He said so the State of Florida should be responsible to see the docks have the proper lighting. Commissioner Putnal then made a **motion directing Mr. Shuler to check into the matter of lighting of private docks in the County.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Request to rezone a parcel of land from R-2 Mobile Home to C-4 Home Industry to allow for an automotive repair shop on CR 67 north of Carrabelle was denied by a unanimous vote. The request was submitted by Angela Sheridan. P&Z was advised this property had been used for a automotive repair business for the last two years over the objections of the neighbors, and P&Z has requested the Board direct the County Attorney to take the necessary steps to have the use cease in the residential district. Commissioner Sanders made a **motion directing the County Attorney to send a letter to Ms. Sheridan notifying her she is violating the Zoning Code.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he would not participate in this discussion or vote on the matter since Ms. Sheridan was his niece. He informed Ms. Varnes he would sign a Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. Approval for preliminary plat approval for St. James Bay for Phase I of its DRI project, which will consist of 161 single-family lots. The developer has not decided whether the roads would be built and the final plat recorded or whether they will seek a bond for the cost of construction and record the plat sooner. Freda White, developer and realtor for the project, stated she thought they would go ahead and build the road. Commissioner Williams made a **motion approving the "St. James Bay" Phase I Preliminary Plat-the DRI project for 161 single family lots.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Ms. White said she would like the Board to know how much her group appreciated everything the Board has done for them to bring this project to reality. She said it has taken three years to get to this point. Approval for a sketch plat "The Preserve" located at Eleven Mile. Request submitted by Larry Witt, agent for Richard Parvey. The 15-lot subdivision will use aerobic systems, but there will be a common drain field approximately 2,000 feet from St. Vincent Sound. Commissioner Mosconis made a **motion approving a 15-lot subdivision sketch plat "The Preserve".** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** The Commission tabled a request for sketch plat approval for a 35-lot subdivision called "Hidden Harbor", located on Alligator Point, until November 27th. This action was taken to make sure everyone had at least 14 days to review all of the submitted material. The November 27th meeting will also act as the December Planning and Zoning meeting as the Commission traditionally fails to have a quorum in December because of Christmas. There was a great deal of discussion at the meeting about whether proper notice had been given, which is why the Commission decided to hold another meeting, but there was also a great deal of discussion as to whether a developer can really claim all the land that everyone recognizes as marsh land. I have written a letter to Ms. Eva Armstrong, Division of State Land, asking her opinion, because the main concern or debate was about the land ownership issue. He presented a copy of the letter he sent to Ms. Armstrong to Commissioner Sanders and to the Board for their file. The Commission

recommends the Board set a public hearing to consider a land use and rezoning change for a 2.39-acre parcel on Begonia Street in Eastpoint, request submitted by Tom Hoffer. The requested change is from Commercial to Residential land use, and from C-4 Commercial Residential zoning to R-7 Multi-Family Medium Density Residential zoning. Mr. Hoffer is requesting the changes so he can build some apartments associated with his prospective commercial enterprise. The parcel is located behind the Eastpoint Nursing Home, and next to the new building supply store. Commissioner Sanders made a **motion authorizing Mr. Pierce to schedule a public hearing to consider the land use and rezoning request submitted by Mr. Tom Hoffer.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce informed the Board the public hearing probably wouldn't be scheduled until the first of the year.

(Tape 2-727) He informed the Board he met with representatives of St. Joe Land Development last week and reviewed with them the procedures for submitting a large scale land use change for 600-acres at the intersection of 319/98 intersection. He stated they plan to request a transmittal hearing in January. He said the proposal would change the land use from Agriculture to Mixed-Use Residential with a density of less than one unit per acre. He explained while the density would allow one-acre lots on aerobic systems they plan to build a central sewer system and pump the sewage away from St. George Sound.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 2-780) Mr. Shuler said he needed a motion to approve the Chairman's signature on the amendment to the Dog Island Settlement Agreement, which relates to docks on Dog Island. He stated there was some language in the agreement and he has had it changed. He said the order would state, "This order should not be construed to require Franklin County to approve the permit or work, nor to apply to any part of Franklin County other than Dog Island". Commissioner Sanders made a **motion authorizing the Chairman to sign the amendment to the Dog Island Settlement Agreement with these approved changes.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-814) He stated he read the Medicare Supplement paperwork relating to the insurance Burt Vallery, Vallery & Associates, presented at the last meeting regarding a supplemental insurance for retirees.

(Tape 2-826) He informed the Board the hearing scheduled for this morning regarding the Alexis Group lawsuit against Franklin County was cancelled. He said it would be rescheduled at a later date.

(Tape 2-845) Commissioner Putnal asked if anyone had heard anything from MediaCom regarding the Commission's request they attend a Board Meeting in the near future. Ms. Varnes said a representative of MediaCom did call and schedule a date on the December 4, 2001 meeting agenda. She said they would be here at 10:30 a.m. Commissioner Sanders said she has several constituents who were denied cable television. She stated she wanted to ask them several questions.

KENDALL WADE-CLERK

(Tape 2-892) Mr. Wade presented the following Resolutions of Unanticipated Revenues to the Board for approval; 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 \$75,000.00 from the State of Florida, Division of Library and Information Services, Proceeds from Grant No. 00-PLC-01 for the construction of the library building in Carrabelle, Florida, and Whereas, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2000-2001, 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: 001.37.571.6200 Buildings \$75,000.00 Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$75,000.00 for use in the General Fund in order to comply with FS 129.06(2)(d). This Resolution Adopted by the Franklin County Board of County Commissioners this 20th day of November, 2001. Eddie Creamer, Chairman; Attest Kendall Wade, Clerk. Commissioner Putnal made a **motion authorizing the Chairman's signature on this Resolution of Unanticipated Revenues in the amount of \$75,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-947) 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 \$5,150.90 from the State of Florida, Division of Elections, proceeds from Voter Education and Poll Worker Recruitment Training 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: 001.24.581.9100 Budget Transfer Supervisor of Elections \$5,150.90 Now Therefore Be It Resolved Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$5,150.90 in the General Fund in order to comply with FS 129.06(2)(d). This Resolution Adopted by the Franklin County Board of County Commissioners this 20th day of November, 2001. Eddie Creamer, Chairman; Attest Kendall Wade, Clerk. Commissioner Sanders made a **motion authorizing the Chairman's signature on this Resolution of Unanticipated Revenues in the amount of \$5,150.90.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1010) He reported he had received a letter from the City of Carrabelle informing the County they had appointed Raymond L. Williams, as member, and Wilburn Messer, as alternate, as their representatives on the Apalachee Regional Planning Council. He

asked the Board to make a motion accepting these appointees. Commissioner Sanders made a **motion accepting Raymond L. Williams, as member, and Wilburn Messer, as alternate, for the City of Carrabelle representatives on the ARPC.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1027) Mr. Wade said he had met with Ms. Ruth Williams, Finance Officer, and they decided that since the Legislature has not made any decision regarding cuts to County Funding, the Board needs to address the other requests for funding which are being held. He said the following funds or monies have not been disbursed: Carrabelle Chamber of Commerce \$11,500.00; Apalachicola Bay Chamber of Commerce \$11,500.00; Guardian Ad Litem \$3,337.75; Croom's Transportation/Disadvantaged \$9,415.00; Humane Society \$22,332.00; Lanark Village Association \$3,687.00; Camp Gordon Johnston Association \$3,000.00; Dog Island Conservation District \$7,500.00; for a total of \$72,271.75. He informed the Board the Lanark Village Association, Camp Gordon Johnston Association, and the Dog Island Conservation District had not requested their money yet. He asked the Board for direction. Commissioner Mosconis said he knew these groups needed their money. Mr. Wade agreed. Commissioner Sanders asked if could be released item by item. Mr. Wade said he would do whatever the Board directed him to do. Commissioner Mosconis made a **motion to go ahead and release these funds to these groups.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

SABRINA HICKS-EASTPOINT-OYSTER HARVESTING MATTERS

(Tape 2-1147) Ms. Hicks said most of the information she needed was covered this morning. She stated she just wanted the Board to know the oyster harvesters do not want hand outs, they just want to work. She said she wanted the County to use an independent laboratory to test the oyster meat as well. She stated she was very concerned about the oyster harvesters and their families. She said many people have done without paychecks for many, many weeks. She stated she, as well as many others, were very humiliated when they were told they should apply for food stamps. She said she did go to the local food stamp office and many of her fellow oyster harvesters were there. She stated many of them were very humiliated by having to sit in line and wait to ask for assistance. Commissioner Putnal said the Board is trying to get something done. He stated he hopes to have some State and Federal agencies come to Franklin County to assist with food, money, etc. She reported she knew there were approximately 72 oyster harvesters without electricity. She said she just wanted the Board to know how serious this situation is. Linc Barnett, Alligator Point, asked how he could help and if there was a voluntary fund for people to contribute to. He said he knew of a lot of people who would contribute to a fund to help pay light bills, food bills, etc. Commissioner Mosconis said the churches were helping. He said the Catholic and the Pentecostal Churches were helping out. Ms. Hicks said she just wanted the Bay opened so they could oyster and make a decent living. Chairman Creamer said the Board had written several letters to the Governor and members of the County's State and Federal representatives asking them to declare Franklin County an area of economic disaster area. He said until the Governor does his job the County or State could not do much. Commissioner Mosconis said another letter could be written with a copy going to all of the Federal and State

representatives who represent Franklin County. He said the media could also vocalize the problem. Commissioner Mosconis made a **motion to send another letter to Governor Bush, with a copy going to the State and Federal Representatives of Franklin County, requesting he declare Franklin County an area of economic disaster due to the Red Tide.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said the media in Panama City and Tallahassee needed to know about this situation as well. Ms. Hicks said she was meeting with a news crew from Channel 7 in Panama City tomorrow. Mr. Barnett suggested people send e-mails to the Governor regarding this important matter.

COMMISSIONER SANDERS-GULF SHORE DRIVE-ALLIGATOR POINT

(Tape 2-1642) Commissioner Sanders said she forgot to mention to Mr. Chipman the problem with the berm on Gulf Shore Drive at Alligator Point. She asked Mr. Pierce what his suggestion was. He stated, after speaking to the County Engineer, he said the problem is someone keeps removing the poles and there is no "STOP" sign there. Mr. Pierce asked if the asphalt was still there. Commissioner Sanders and Vickie Barnett, Alligator Point, answered it was mostly dirt. Mr. Pierce said the suggestion was to plant bushes in that area. He said if a berm is there and someone has an accident because of the berm then the County might be liable. Ms. Barnett said she thought they would have to be big bushes to keep people from driving through there. Commissioner Sanders asked Mr. Pierce to take the County Engineer out to the site to see exactly what needs to be done to alleviate this problem. Ms. Barnett said she would be glad to show Mr. Kennedy and Mr. Pierce the area.

MATTERS FROM THE BOARD

(Tape 2-1715) Commissioner Mosconis said he thought it was "time to change our form of government here and go with a County Manager type form of County Government." He continued "so all of the Board's record keeping and minutes could be run through the County Manager's Office." He stated "he thought it was time we did that." Commissioner Putnal questioned "County Manager?" Commissioner Mosconis said "it would not cost the County any money this year since the Board already had the staff to do this." He said "it would just be a matter of changing protocol." He said "Mr. Shuler could tell the Board what or how the statute works to do this." He stated "there is another reason beside record keeping, the Board has a new library coming on board, Animal Control, Bill Mahan and his aquaculture operation, Emergency Management has grown..there are a lot of things going on in this County, Solid Waste, and none of it is centrally coming to the Board and asked if everyone was following him?" He said "this way everybody would be accountable to this person and route everything through this person for this Board." Chairman Creamer said "this person would answer to the Board, as a Board." Commissioner Mosconis agreed and said "in his mind and his vision it would be just like it is done right now..just move the record keeping over to the County." He said "he would streamline and have a more straight line of communication between the people we are funding right now and the people who actually work for the County." He said "he tried to push for this 2 or 3 years ago." He asked Commissioner Putnal "if he remembered that?" Chairman Creamer replied "yes he did." Commissioner Putnal said "he didn't know if he the Board needed to start hiring people right now with everything

like it is." Commissioner Mosconis said "nobody would have to be hired." Commissioner Sanders asked Mr. Shuler "what did he advise?" Mr. Shuler replied "there is a section in the County Commissioner Law, which provides that you can hire a County Manager who takes care of the County Departments, makes a lot of decisions the Board presently makes." He continued by saying "he would be glad to bring the statute to the next meeting and read it to the Board." Commissioner Sanders asked "if a motion needed to be made to direct Mr. Shuler to do this?" Commissioner Mosconis said "he would like to make a motion to do this at this meeting and don't wait until the next meeting." He said "he talked to Mr. Shuler yesterday and thought he was up to speed on this matter enough to go ahead and do it." Commissioner Mosconis asked "if the procedure is so that the Board can just do it this morning?" Mr. Shuler said "he believed it would have to be done by passing an ordinance." He said "the Board would probably want him to read the statute in detail to the Board to see exactly what it does involve." He said "alternately he could prepare an ordinance and start advertising it." He stated "he thought the Board would be better advised to know exactly what you can do because once it is advertised people are going to be asking the Board questions." Commissioner Mosconis said "that is why he called Mr. Shuler yesterday so he would be able to tell the Board what they could do today." Mr. Shuler said "he would be glad to go get the statute right now." Commissioner Mosconis said "there was 40 minutes left in the meeting and the Board had time." Mr. Shuler left to go get a copy of the statute. Ms. Varnes asked "if the Board was in recess at this time?" Chairman Creamer replied "yes." Ms. Varnes turned the tape machine off. During this time Commissioner Mosconis talked to the media about the matter. Ms. Varnes turned the tape back on at this time. Mr. Shuler presented each Commissioner with a copy of his documents. (Tape 1-1963) Chairman Creamer reconvened the meeting at this time. Mr. Shuler said "I just gave the Board a copy of Section 125.17 the General Statute regarding the Clerk." He read the following into the record: "The Clerk of the Circuit Court for the County shall be clerk and accountant of the Board of County Commissioners. He or she shall keep their minutes and accounts and perform such other duties as their clerk as the Board may direct. The clerk shall have custody of their seal, shall affix the same to any paper or instrument to which it shall be proper or necessary that the same shall be affixed, and may give copies of writings in his or her custody as the clerk of said board, attested by his or her signature and authenticated by said seal." He said "there is also a provision for Charter Government, which means you write your own statute and government according to an adopted charter instead of the regular statutes the Board currently operates under." He explained "this would require a referendum." He said he was going to read 125.70, County Administration; known as the County Administration Law of 1974 in it's entirety to the Board at this time: "It is the Legislative intent that it is necessary to authorize a form of County Administration that best assures an adequate and efficient provision of services to the citizens of the State, that provides for coordinated administration of county departments to better protect the health, welfare, safety, and quality of life of the residents in each of the more urbanized counties, and that places in the hands of a County Administrator the multitude of details which must necessarily arise from the operation of a county as a unit of local government and, thus, enables the Board of County Commissioners to perform freely, without unnecessary interruption, its fundamental intended purpose of making policies within the framework of law applicable to County

government in this State. It is the further legislative intent to provide a formula and structure for the economic and efficient conduct of County affairs by making the County Administrator established by this act responsible for handling of all things necessary to accomplish and bring to fruition the policies established by the Board of County Commissioners. The provisions of this part may apply to any county in this state, which has not adopted a charter form of County government upon passage of a County ordinance by the governing body of such county expressly adopting this part. Each County to which this part applies shall appoint a County Administrator, who shall be the administrative head of the County and shall be responsible for the administration of all departments of the County government which the Board of County Commissioners has authority to control pursuant to this act, the general laws of Florida, or other applicable legislation. The County Administrator shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the County. He or she shall be appointed by an affirmative vote of not less than three members of the Board of County Commissioners and may be removed at any time by an affirmative vote, upon notice, of not less than three members of the board, after a hearing if such be requested by the County Administrator. The administrator need not be a resident of the County at the time of appointment, but during his or her tenure in office shall reside within the County. The compensation of the administrator shall be fixed by the Board of County Commissioners unless otherwise provided by law. The administrator may be responsible for the administration of all departments responsible to the Board of County Commissioners (BCC) for the proper administration of all affairs under the jurisdiction of the board. To that end, the administrator may, by way of enumeration and not by way of limitation, have the following specific powers and duties to: A. Administer and carry out the directives and policies of the BCC and enforce all orders, resolutions, ordinances, and regulations of the BCC to assure that they are faithfully executed. B. Report to the Board on action taken pursuant to any directive or policy within the time set by the BCC any directive or policy within the time set by the Board and provide an annual report to the board on the state of the County, the work of the previous year, and any recommendations as to actions or programs the administrator deems necessary for the improvement of the County and the welfare of its residents. C. Provide the Board, or individual members thereof, upon request, with data or information concerning County government and to provide advice and recommendation on County government operations to the Board. D. Prepare and submit to the BCC for its consideration and adoption an annual operating budget, a capital budget, and a capital program. E. Establish the schedules and procedures to be followed by all County departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process. F. Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the County for the preceding year and submit his or her recommendations. G. Supervise the care and custody of all County property. H. Recommend to the Board a current position classification and pay plan for all positions in County service. I. Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures. J. Organize the work of County departments, subject to an administrative code developed by the administrator and adopted by the BCC, and review the departments, administration, and operation of the County and make recommendations pertaining thereto for reorganization

by the Board. K. Select, employ, and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the Board. However, the employment of all department heads shall require confirmation by the BCC. L. Suspend, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the BCC. M. Negotiate leases, contracts, and other agreements, including consultant services, for the County, subject to the approval of the BCC, and make recommendations concerning the nature and location of County improvements. N. See that all terms and conditions in all leases, contracts, and agreements are performed and notify the BCC of any noted violation thereof. O. Order, upon advising the Board, any agency under administrator's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the County government to do so. P. Attend all meetings of the Board with authority to participate in the discussion of any matter. Q. Perform such other duties as may be required by the BCC. It is the intent of the Legislature to grant to the County Administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the BCC as the governing body of the County pursuant to s. 1(e), Art. VII of the State Constitution. To that end, the above specifically enumerated powers are to be constructed as administrative in nature, and in any exercise of governmental power the administrator shall only be performing the duty of advising the BCC in its role as the policy-setting governing body of the County." He said he just read the Florida Statute Chapter 125, Part III, County Administration, 125.70, 125.71, 125.72, 125.73, and 125.74. Commissioner Mosconis stated "that fills the bill". He said "some of it the Board can get into gradually, but he thought, the immediate future, record keeping and report ability by the people, excluding the Constitutional Officers, who work for the Board, who get money from the Board...this could all be centralized and let Alan Pierce do this since he is already doing all this anyway." He stated "he would have the same salary and be responsible for keeping the minutes and preparing an agenda for this Board." Mr. Wade said "there is one thing the Board had to keep in mind." "He said whoever keeps the minutes would have to be deputized by him as a Deputy Clerk." Commissioner Mosconis said "that would be no problem." Mr. Wade agreed, but said "it was very clear in FS 125.17 that the Clerk shall take the minutes." He said "he could deputize whoever the Board decided needed to keep the minutes." Mr. Pierce said "he thought there were a number of things in the statute the Board doesn't necessarily want to get into right now." Commissioner Mosconis said "he would put this in the form of a motion "elevate Alan Pierce to County Manager specifically..."" Chairman Creamer interrupted Commissioner Mosconis and said "he thought Mr. Pierce deserved something though, he deserves a little bit of compensation for what he is fixing to get into...I don't think he should..." Commissioner Mosconis said "We don't need to get into that today. Now hear me out." He stated "The last sentence, the last paragraph, that Shuler read sums it up, it is really at what the wishes of this Board are...he cannot go out and make policy, he cannot go out and make law, he cannot go out and do an ordinance..We, this Board, are not giving up anything, what we are trying to do here is number one, the information that comes to us, the Board, will come though a Board employee; number two all the activities that the Board is funding now, we are getting bigger every year, like that...this past budget we got into has gotten bigger and those activities will be monitored

by this person and supervised by this person...now we don't hire anybody anyway... Van Johnson came up here this morning said he had an opening and we gave him our blessing to fill it..." Mr. Pierce said "I presume you still want your department heads to report to you." Commissioner Mosconis said "Absolutely, I don't want to change anything there...this part about the budget part...this is something spelled out in the statutes and we'll have to gradually get into...we will probably leave all that with the Clerk." Mr. Wade said "This is a very common form...Gulf County does the same thing." Mr. Wade said "The Clerk has to take the minutes...that is no problem...whoever you determine you want to do it...then he would have to consider deputizing them." Ms. Varnes asked "Are you talking about me...would Alan be my supervisor?" Mr. Wade replied "You are my employee." Mr. Pierce said "So it may or may not be you, Amelia.. if the Board doesn't want you." Commissioner Sanders said "So what you're doing Jimmy is specifically appointing Alan as the County Manager to oversee the minutes and the going on of the Board?" Commissioner Mosconis said "The record keeping of this Board including making sure the ordinances are ready and so forth and the agendas put together, the agenda would run through him, the minutes, now the minutes deal...the deputizing by the Clerk..now that's purely a technical issue as far as he can see." Mr. Wade said "The minutes have to be recorded." Commissioner Mosconis said "This will immediately take place...as soon as we leave this meeting and Alan will notify all of these other departments, all of our departments what's happened here and they will start, according to a schedule he sets up, on a timely fashion will report to him on their duties, activities, or what have you...problems, good things, bad things, you know." Commissioner Sanders said "that's where I have a problem...I know we've got a problem with...down the line, but what I am talking about is...I'm a Commissioner in Franklin County and I like to be able...Does that mean we will still be able to stay in contact with department heads?" Commissioner Mosconis replied "Oh no! you, you...once we do this you cannot do that, absolutely not...can she Mr. Shuler?" Commissioner Sanders said she wouldn't agree to that. Commissioner Mosconis said "What we are doing is stream lining our government...this is something I have tried to get done about 4 or 5 years ago...I think the time has come...we need to do this." Commissioner Putnal said "Just like we made Alan our Administrative Assistant to the Board...well, he was doing the same thing he had been doing and everything stayed the same...we didn't accomplish a thing...so I don't know what we're doing here...I don't think we are going to accomplish anything by doing this." Commissioner Sanders said "If we want to change the way the minutes or the way the agenda for the Board or whatever is going on...isn't there some other way?" Mr. Pierce said "I need to be a very limited County Administrator...I need to be careful for a number of reasons...I would only want to do this in a very limited role as a County Administrator...specifically just dealing with those duties that you all feel need to be dealt with." Commissioner Mosconis said "It's not going to have any affect with our relationship with our constituents...we can still fire you today with a 3-0 vote even if you got that elevation or not." Mr. Pierce said "No, right now I am an employee of the Board...you cannot fire me unless it is for malfeasance.." Commissioner Mosconis said "No, you are a department head and we can fire you right here today." Mr. Pierce said "Well, I don't want to test it." Commissioner Mosconis said "Let's try that and see what happens." Commissioner Putnal said "He's already doing that Jimmy except for taking the minutes and keeping the record....he is already doing it." Commissioner Mosconis

said "Well, no, no he's not, the people, these other little outlying things that we are funding are not really reporting to him, they are not reporting to us either, not reporting to anybody...our auditors sees them at the end of the year...maybe once a year." Chairman Creamer said "Right" Commissioner Mosconis said "I want these things "oversaw" or some oversight on those activities...and I am not talking about Hubert's operation and Van's operation...I am talking about the other one..." Commissioner Sanders said "Oh" Commissioner Mosconis said "There is just somebody, I am not suspecting anybody of anything, but I can see problems coming down the road because we are getting bigger every year...every year we are getting bigger...this County is growing...and we have growing pains...and you know somebody might get in a rut and say I just used to doing this, this way and I am used to it that way and there is no "collusion" here in conductivity here." Mr. Pierce said "Right!" Commissioner Putnal said "I don't like for anybody to be in a position to tell me what I can and cannot do because I am elected by the people and I have to please them and if this man got that kind of authority that we are talking about he could..." Commissioner Mosconis said "You are reading something into this Bevin that is not there..." Commissioner Putnal said "I can't believe that!" Chairman Creamer recognized Michael Allen, WOYS Radio, at this time. Mr. Allen asked "Why, what is the reason...why has it got to be done today...what happened between last meeting and this meeting to make this suddenly so important...that you would want to change your whole form of County government that you have lived under for 25 years...to suddenly today...after everybody has left the meeting...you could have mentioned this at the beginning of the meeting when there was a bunch of people here, you would have certainly gotten some public input on this." Commissioner Mosconis asked "Public input on what?" Mr. Allen said "That's the whole point...you should have listed it on the agenda, at least, that you were considering changing your whole form of government." Chairman Creamer said "It doesn't have to be on the agenda, Michael." Mr. Allen said "Well, it doesn't have to be, but it certainly is nice when the citizens know what's going on." Chairman Creamer said "I'm sure they will know!" Mr. Allen said "I am sure they are going to find out, but again why?" Commissioner Mosconis said "There is not...what I am proposing here ya'll...there's not any change in what we are doing right now." Commissioner Putnal asked "Why do it?" Commissioner Mosconis said "Because...well wait there is one thing...Alan will have the responsibility of providing somebody to take the minutes of this meeting and also to put the agenda together for this meeting." Chairman Creamer said "And that person will answer to this Board and not anyone else!" Commissioner Mosconis answered "That's right!" Chairman Creamer said "They will answer to this Board." Commissioner Mosconis said "They would have to be deputized by Kendall." Chairman Creamer said "They would have to be deputized by the Clerk...but, we would be able to...that would be our employee." Mr. Pierce said "Let me make a suggestion if I can...I can get with Mr. Shuler and the Clerk to sort of discuss some of these details and come back to you all with a recommendation as to address the issues that you are focusing on...cause I think I have a solution, but I want to talk to the County Attorney and the Clerk to be sure it is legal...essentially I am looking at is to see if it is legal for me to recommend to you all a person who could become a Deputy Clerk who could fill the role for the Board, but could also be deputized...that person would then be a Board employee..." Mr. Wade said "That's no problem I have 2 Deputy Clerk's who live in Tallahassee and I had to assume them when I came into office...when

we had the John Stock's Lawsuit." Commissioner Mosconis said "I don't know why we can't go ahead and do it today...the details can be worked out just like was said." Commissioner Sanders said "I feel like we, as elected officials, are the ones accountable to the people...you see what I am saying...I don't want to circumvent the people by putting somebody in this position...that would keep them from speaking to me as a Commissioner...I don't want people trying to get to me and having to go through Mr. Pierce or anybody else." Commissioner Mosconis said "Cheryl, Cheryl, this is not what we are doing." Commissioner Sanders said "I know it, but I think we need to think or come out with the real reason why you are wanting to do it...and lets go ahead and get it done." Commissioner Mosconis said "Accountability, I meant from the people that we are...those people that we are doling money out to...I am not talking about your constituents...that's not what I'm talking about...that's not going to happen...this will stream line our government...it will make it run more efficiently...and more smoothly, I think, if it don't, by Joe, all we gotta do is change it..." Commissioner Putnal said "I do know the more people you get involved in some situations the worst it gets...cause if you tell this man you want something done and he forgets about it then they come jump on you cause this or that wasn't done...if they call or contact me I see that it is done or try to." Commissioner Sanders asked "Is there going to be any difference in that?" Commissioner Putnal said "Yea, because if you put that load on Alan with the responsibilities he already has...I don't see how he can handle it without going completely nuts." Commissioner Sanders said "Well Alan kind of acts like he is indecisive about this." Mr. Pierce said "I just want clarification that this is just a limited role because I don't want to mislead the Commission or the public...I also don't want to get myself in the position that I am acting administrator for the Board and also the Mayor of the City of Apalachicola." Commissioner Williams said "Mr. Pierce will have to have his duties spelled out so he will know whether he can do this or not...we don't need to rush something on through here." Commissioner Sanders said "At the same time I can understand where Jimmy is coming from...because we need to have our secretary to be accountable to us, nobody else, but to us, now I can understand that." Mr. Wade asked "Can I make a suggestion...for example Gulf County has a contract with their manager...let's get a copy of the contract and see what duties they lay out." Chairman Creamer said "I would like to have a County Administrator, myself, and I just...if ya'll want to act on it today we will, if not then we can bring up at the next meeting and see what..." Commissioner Mosconis said "We need to move forward...we are reading too much into this...we can make it real narrow...just like it says...like Mr. Shuler read...if we don't like it we can change it this afternoon...you follow me...it's not something we are going to do that's going to take election or the Supreme Court to overturn this Board...this Board can make it and this Board can unmake it...that's one prerogative to having a little small government...we can do things without having the Supreme Court act." Chairman Creamer asked Mr. Shuler "What is your input on this?" Mr. Shuler replied "Well, what we had discussed besides the statutory thing is some sort of an informal or non-statutory procedure...I believe that is what Alan has mentioned...to go to what is in this statute that I read to you, you have to advertise and pass a County ordinance...and if I understood what Alan has mentioned, he is thinking about something more or less on the plan that Gulf County has...I don't think they have adopted this statute, but they do have a County Administrator who has some duties, but I don't think

they are following this statute.” Commissioner Mosconis said “I am not saying follow or adopt the statute because that is a whole different “Bailey Wick” ...we are not big enough for that...and we are not getting into that...you follow me.” Mr. Pierce said “I had a very brief conversation with the Gulf County Administrator, Don Butler, has a basic contractual obligation between the Clerk and the Board for certain duties...they sort of agree on what the Clerk will provide for the Board and the Board has some oversight of those duties...that is what I am saying...let’s create that same sort of arrangement.” Commissioner Sanders said “Okay, but the secretary or whoever takes the minutes is going to be responsible to the Board or be overseen by the Clerk?” Mr. Wade replied “They would be responsible to the Board, but they would have a responsibility to turn over to the Clerk anything that needed to be recorded...” Mr. Shuler said “You don’t need to give somebody a title without a job description...I think you are creating a problem for that individual.” Commissioner Mosconis said “I’ll make a motion to do that...” and I have it real clear in my mind what to do after this discussion...that is to elevate Alan Pierce, no money involved, to the position of County Manager...Franklin County style...make that real clear...not according to that statute 1201 or something...in his new duties...his additional new duties will be to provide minutes and agendas for this Board...” Mr. Pierce tried to interrupt Commissioner Mosconis and Commissioner Mosconis said “Now wait a minute Alan I talked to you about this yesterday about this so you’ve got me a little bit...I am a little bit like Cheryl about whether you really want to do this or not...so let me get on down to what I am saying here...that’s the other change...the second change would be that these other people, not the Road Department and not the Solid Waste Department, but these other agencies that we give money to the Library, the Humane Society, etc. you would be a liaison with those people to keep in close communication so we know what is going on...all these other folks that is involved...that’s the only two changes...and that is absolutely not threatening my status as a County Commissioner or elected official. Chairman Creamer recognized Vickie Barnett, Alligator Point, at this time. Ms. Barnett said “I just have a couple of questions about this...one is if you have to hire someone else to take the minutes then that person will have to be paid correct...so that’s an additional expense for the County?” Commissioner Mosconis said “We have that person on staff Ma’am...trust me this is all covered...all I need to do...and I put that in the form of a motion Mr. Chairman.” Ms. Barnett said she had one more question and asked “Right now Alan is also the only Code Enforcement person in the County and I am wondering if that won’t impact that because that is a big job in itself especially if we are a County that is obviously growing by leaps and bounds.” Commissioner Mosconis said “I thought Mr. Shuler was really our Code Enforcer with those nasty letters he writes.” Ms. Barnett said “Alan is the one...” Chairman Creamer said “Actually, the secretary is going to take a lot of this off of Alan...Alan won’t be doing all of this himself...his secretary will.” Mr. Pierce said “I am going to realign some work load I have, but there...all I can say is let’s...if the Board wants to do this then I am certainly not opposed to trying and trying to work...I work for the Board and I want to do what you all want I just want a very limited power.” Commissioner Mosconis said “It’s very limited what I just suggested and if it doesn’t work then we can go back to what we’ve been doing.” Commissioner Putnal said “Instead of doing all of this why don’t you just find somebody, whoever ya’ll got in mind, to set there and take the minutes and let Kendall appoint them... I mean there is no

big deal...why go creating new jobs and positions...if that's the problem appoint somebody to do it." Chairman Creamer said "I have a motion on the floor by Mr. Mosconis to appoint Mr. Pierce as County Manager." Commissioner Williams said "Read that motion please." Mr. Barnett asked could he ask a question before a vote was taken. Chairman Creamer replied "Quickly, go ahead, yes." Mr. Barnett said "One thing is that he would like to state that as a member of the community I think there needs to more public discussion on this before you do it...having said that I have a question and that is only that Alan serves in the position of Mayor of the City of Apalachicola and you are also now suggesting that you would want him to be the County Administrator or County Manager and I think that if you have not already done it you need to look and say can he do both of these or is there going to be a divided loyalty...which raises an issue for either Alan in his position of Mayor or in his position as administrator...I think you need to get someone and if Mr. Shuler is the right person then get a legal decision on whether there is any potential conflict issues here...specifically with Alan."

Commissioner Mosconis said "Mr. Chairman let me clear up what I said earlier and I used the wrong term trying to reinvent Franklin County Government...I didn't mean that...I mean...what this boils down to is some internal housekeeping is what we are doing it hadn't got anything to do...what we are doing here is trying to serve the public better...we don't need a public hearing per say to do this...we do these things all the time...it's just a high profile people we are dealing with here...in answer to your question about his Mayor ship I think if you asked him if would you take your Mayor ship or your job...I think he would decide on his job...and this is his job...this is where the guy makes his money....am I right Alan." Mr. Barnett said "There are legal questions that needed to be addressed up front." Mr. Pierce said "I would rather be title as Administrative Assistant to the Board...and get with the Clerk and get sort of a limited role played out and then have it defined...have it written down...and give it to you all and say yes this is the role I want you to play." Commissioner Putnal said "I agree to that...why change the whole system when you can make a little adjustment and solve a problem?"

Commissioner Mosconis said "That's what we are doing Bevin." Commissioner Putnal said "No, you are wanting to hire somebody and give him a big title...and put an extra load on him." Commissioner Mosconis asked "Who am I going to Hire? When did I say I wanted to hire somebody?" Commissioner Putnal said "You are trying to put him into a different position than he is already in and put more of a load on him...I don't see how he can handle it." Commissioner Sanders said she is not going to second the motion. She said "I understand where he is coming from on the minutes and stuff like that and I wish there was some other way rather than give Alan more of a workload and I am concerned not only is he Mayor, answers to the Board, but he is County Planner, Code Enforcement, he is everything...the man can only shoulder so much...he is trying to be nice to us right now...is there a way." Commissioner Putnal said "He said he had a suggestion that would solve our problem." Commissioner Sanders asked "Alan, is that the suggestion you would make?" Mr. Pierce replied "Yes, my suggestion is, at this point to allow him to get with the Clerk and the County Attorney and try to deal with what we see is a Board problem and come to you with a solution...which might involve my title change, which might involve and probably will involve my supervision in a different format in this room...where I would be more involved with setting the agenda and you know perhaps assisting in the meeting in a more important format." Mr. Wade said "We can do this and

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have it ready for ya'll at the next meeting." Commissioner Mosconis said "I so move"
Chairman Creamer said "motion by Commissioner Mosconis; seconded by Ms. Sanders,
all in favor, all opposed, **MOTION CARRIED.**

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

Eddie Creamer

EDDIE CREAMER, CHAIRMAN

Kendall Wade

KENDALL WADE, CLERK