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BOARD MINUTES FOR 09/14/00

SEPTEMBER 14, 2000

THE BOARD OF COUNTY COMMISSIONERS IN AND FOR WASHINGTON COUNTY MET ON THE ABOVE DATE AT 9:00 A. M. AT THE WASHINGTON COUNTY ANNEX 1331 SOUTH BOULEVARD, CHIPLEY, FLORIDA WITH COMMISSIONERS BROCK, CARTER, COPE, HALL AND ENFINGER PRESENT. ATTORNEY HOLLEY, ADMINISTRATIVE ASSISTANT PETER HERBERT AND DEPUTY CLERK DIANNE CARTER WERE ALSO IN ATTENDANCE.

CHAIRMAN CARTER RECONVENED THE RECESSED MEETING STATING THE PURPOSE OF THE MEETING WAS FOR A PUBLIC MEETING WITH THE BOARD AND OTHERS. HE THEN TURNED THE MEETING OVER TO ATTORNEY HOLLEY TO GO OVER THE GUIDELINES THAT WOULD BE FOLLOWED.

ATTORNEY HOLLEY ADVISED THIS WAS A PUBLIC MEETING THAT THE CHAIRMAN HAD JUST CONVENED. DUE TO THE COURT REPORTER AND THE LITIGATION ATTORNEY BEING PRESENT, ATTORNEY HOLLEY REQUESTED THE BOARD SUSPEND THE PUBLIC MEETING FOR APPROXIMATELY ONE HOUR AND GO INTO A PRIVATE ATTORNEY CLIENT MEETING TO DISCUSS THE LITIGATION STRATEGY AND LITIGATION EXPENSES RELATING TO THE PENDING ADMINISTRATIVE CASE CONCERNING BECTON SPRINGS. AFTER THAT, THE PUBLIC MEETING CAN BE RECONVENED AND THE BOARD CAN DEAL WITH WHATEVER PUBLIC BUSINESS THEY MAY HAVE. CHAIRMAN CARTER STATED THE MEETING WOULD BE SUSPENDED TO GO INTO THE PRIVATE ATTORNEY CLIENT SESSION WITH THE FOLLOWING PERSONS BEING PERMITTED TO ATTEND: THE FIVE WASHINGTON COUNTY BOARD OF COUNTY COMMISSION MEMBERS, COUNTY ATTORNEY GERALD HOLLEY, THE COUNTY ADMINISTRATIVE ASSISTANT PETER HERBERT, LITIGATION ATTORNEY SUSAN STEPHENS AND THE COURT REPORTER PHOEBE BOLIN. UPON COMPLETION OF THE PRIVATE SESSION, THE PUBLIC MEETING WOULD BE RECONVENED.

CHAIRMAN CARTER TERMINATED THE PRIVATE SESSION AND WENT INTO THE PUBLIC SESSION OF THE MEETING. HE ADVISED PERSONS WHO WANTED TO SPEAK ON BEHALF OF THE BECTON SPRINGS ISSUE COULD DO SO AND REQUESTED THEY LIMIT THEIR TIME TO THREE MINUTES AND TRY NOT TO BE REPETITIOUS ON WHAT HAD ALREADY BEEN SAID.

MILTON STRICKLAND-OPPOSED TO PERMITTING OF BECTON SPRINGS; HOLMES CREEK MAY BE ARTERY OF LIFE; HOPES WHEN HE WANTS A COOL DRINK OF WATER, IT WILL BE THERE.

LARRY CARTER-READ FROM DEP MANUAL, SECTION 373.414-ADDITIONAL CRITERIA FOR ACTIVITIES IN SURFACE WATERS AND WETLANDS; HE READ THE SEVEN CRITERIA FOR PERMITTING THAT DEP WAS TO USE AND STATED HE FELT LIKE DEP'S INTENT TO ISSUE VIOLATES ALL SEVEN OF THE CRITERIA. AS PRESIDENT OF THE CPC AND WITH THE FULL CONSENT OF THE BOARD, HE REQUESTED THE COUNTY DO WHATEVER IT TAKES TO CONVENE A GRAND JURY TO INVESTIGATE DEP IN THEIR ISSUING AND PERMITTING PRACTICES.

SHIRLEY BROWN OF PANAMA CITY BEACH, FLORIDA-HAVE BEEN DIVING IN THIS SPRING MANY TIMES AND HAVE SEEN THE IMPROVEMENTS MR. VICKERS HAS MADE; SHE IS A MEMBER OF SAVE OUR SPRINGS AND ADDRESSED BRAD WILLIS FROM THE ORGANIZATION HAVING COME AND CHECKED THE SPRINGS OUT. SHE READ A LETTER HE HAD WRITTEN PERTAINING TO THE SPRINGS: HE DIDN'T SEE ANY UNUSUAL, ABNORMAL ALLERGIES, BLACK ALLERGY, SLIME, ETC. AT CYPRESS SPRINGS; HE REFERENCED A LETTER FROM MR. STERLING REGARDING THE SAND COVERING THE PLANTS BUT FOUND THIS NOT TO BE TRUE; THE AREA VICKERS IS WANTING TO DREDGE IS MINIMAL, ALREADY AN EXISTING OVERFLOW AND IT BRANCHES OUT INTO THE CREEK ANYWAY; THE WATER GOES FROM HOLMES CREEK INTO HOLMES CREEK; THERE IS NO INTERFERENCE WITH THE WATER AND THE FLOW IS STILL GOING; PERMITS HAVE ALREADY BEEN ISSUED BY DEP BUT JUST AREN'T SIGNED.

BROWN ADDRESSED CYPRESS SPRINGS BEING LISTED IN NATIONAL GEOGRAPHICS AND OVER 30,000 PEOPLE FROM ALL OVER THE WORLD VISIT THE SPRINGS WHICH BRINGS REVENUE INTO THE COUNTY.

AL PURER-RETIRED RESEARCH CHEMIST-HAS SEEN NO STUDIES WHICH SHOW ANYTHING HAROLD VICKERS IS GOING TO DO AT THE SPRINGS WOULD HAVE ADVERSE AFFECTS; IT WOULD PROLONG THE LIFE OF THE SPRINGS, MAKE IT ATTRACTIVE AND DESIRABLE FOR PEOPLE TO VISIT, BE A GOOD INCOME FOR THE AREA AND WOULD NOT AFFECT BOATING.

HARRY JOHNSON-WASHINGTON COUNTY IS WASTING THEIR MONEY AND HIS MONEY IN FIGHTING VICKERS AND DEP; VICKERS WILL BRING IN MORE REVENUE TO THE COUNTY AND MORE JOBS.

WILLIAM SHIRLING-NOT RESIDENT OF WASHINGTON COUNTY BUT IS DRAWN TO HOLMES CREEK AND SPRINGS; ALL CITIZENS PRESERVATION COUNCIL HAS ASKED IS FOR AN IMPACT STUDY TO BE DONE ON THE SPRINGS. HE ADDRESSED DR. FRED G. THOMPSON OF THE FLORIDA MUSEUM OF

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NATURAL HISTORY HAVING DONE RESEARCH ON THE ENTIRE LENGTH OF HOLMES CREEK FROM THE VERY FIRST SPRING TO THE CHOCTOHATCHEE RIVER. SHIRLING BRIEFED THOSE PRESENT ON THE DIFFERENT TYPES OF SPECIES AND PLANT LIFE FOUND IN THE SPRINGS. HE ADDRESSED THERE BEING AN INVASION OF A YELLOW TYPE SAND WHICH WAS COVERING THE MAJORITY OF THE PLANT LIFE AT CYPRESS SPRINGS; SOMETHING IS GOING ON THAT NEEDS TO BE CORRECTED.

KEVIN NEWBERRY-WASHINGTON COUNTY RESIDENT QUESTIONED WHAT WAS KILLING THE PLANTS, SNAILS, AND WHERE IS THE YELLOW SAND COMING FROM.

JANICE MANN-ADDRESSED THE WATER LEVEL BEING LOWER THAN IT HAS BEEN DUE TO THE DROUGHT.

SHIRLING-ADDRESSED DIFFERENCE IN WATER LEVELS WHEN YOU GET PAST THE YELLOW SAND; ONLY WANTS FACTS TO BE PRESENTED AND SOMETHING TO BE DONE ABOUT IT.

JOYCE HANGRIFF-BONIFAY-QUESTIONED IF IT COULD BE BECAUSE OF SOME OF THE MOTORBOATS IN THE WATER STIRRING UP THE SAND.

CURT STOUT-WASHINGTON COUNTY-AGREES TO BEING CONCERNED WITH THE ENVIRONMENT; HOWEVER, EVERYONE NEEDS TO BE WORRIED ABOUT ALL OF HOLMES CREEK, NOT JUST CYPRESS SPRINGS, DUE TO ALL TYPES OF GARBAGE, BEER BOTTLES, ETC. BEING ALL ALONG THE ENTIRE CREEK.

JAN MANNEY-WANTED TO LEAVE THE WHOLE CREEK AS IT IS; IF VICKERS IS ALLOWED TO DO WHAT HE WANTS TO DO, SOMEONE ELSE WILL DO THE SAME.

DAVID MUSHOLE-WASHINGTON COUNTY RESIDENT-TRY TO KEEP THE SPRINGS AS THEY ARE NOW.

JIM SPEARS-LIVES IN HOLMES AND WASHINGTON COUNTY-IF PEOPLE WANT TO KEEP THE CREEK AS IT USE TO BE, DON'T ALLOW LOGGING, FISHING, ETC; BUT THEN, WE WOULD HAVE TO RAISE TAXES TO SEND OUR CHILDREN TO SCHOOL AS THERE IS NO BUSINESSES AROUND HERE.

CHAIRMAN CARTER ASKED THE BOARD MEMBERS TO ADDRESS THE ISSUE. COMMISSIONER BROCK OFFERED A MOTION FOR THE COUNTY TO FURTHER PROCEED AND AT THE SAME TIME IN THE MOTION, THE COUNTY ALSO PROCEED LITIGATION WITH OTHER PARTIES. COMMISSIONER ENFINGER QUESTIONED IF THE MOTION WAS TO PROCEED WITH LITIGATION AND IN THE MEANTIME, START NEGOTIATIONS WITH THE OTHER PARTY HOPING THE COUNTY CAN MITIGATE. ATTORNEY HOLLEY ADVISED THE ACTION WOULD BE TO CONTINUE TO CONCLUSION. COMMISSIONER ENFINGER SECONDED THE MOTION AND IT CARRIED. WHEN QUESTIONED ON WHAT THE ACTUAL MOTION WAS, ATTORNEY HOLLEY ADVISED, IF HE UNDERSTOOD IT, WAS TO CONTINUE WITH THE PRESENT LITIGATION AND AT THE SAME TIME THE COUNTY HAS AUTHORIZED THE LITIGATION ATTORNEY, SUSAN STEPHENS, TO ATTEMPT TO NEGOTIATE A SETTLEMENT AGREEABLE TO THE COUNTY; ANY SETTLEMENT WOULD COME BACK BEFORE THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC MEETING FOR THE PUBLIC TO BE HEARD AND IT WOULD BE VOTED ON AT A PUBLIC MEETING. THE CHAIRMAN ASKED FOR THE VOTE AGAIN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION.

CHAIRMAN CARTER CALLED FOR A TEN MINUTE RECESS.

PURSUANT TO A A RECESS, CHAIRMAN CARTER ADDRESSED DEANCO AUCTION COMPANY REQUESTING HIS BID FOR THE THREE MOTORGRADERS BE LOWERED BY \$5,000 EACH DUE TO THEM BEING A 1996 MODEL BASED ON THEIR SERIAL NUMBERS RATHER THAN 1997 MODELS; HIS BID WOULD STILL BE THE HIGH BID WITH THIS DEDUCTION. THE BOARD'S CONSENSUS WAS FOR THE CHAIRMAN TO CHECK WITH CATERPILLAR ON THE YEAR MAKE OF THE MOTORGRADERS AND IF IT IS DETERMINED BY THE SERIAL NUMBER.

CHAIRMAN CARTER BRIEFED THE BOARD ON A NOTICE OF AVAILABILITY OF FUNDS THROUGH THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR WELL OWNERS, WATER SYSTEMS, ETC. HE RECOMMENDED AUTHORIZING JULIAN WEBB, TRI-COUNTY COMMUNITY COUNCIL, OR SOMEONE TO PURSUE FUNDING AVAILABLE TO ASSIST PEOPLE WHO ARE HAVING PROBLEMS WITH THEIR WELLS GOING DRY. COMMISSIONER COPE OFFERED A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO AUTHORIZE JULIAN WEBB TO PURSUE THE GRANT FUNDING AND WHEN FUNDING BECOMES AVAILABLE ADDRESS APPLICATIONS IN THE ORDER THEY WERE RECEIVED.

COMMISSIONER BROCK REQUESTED HAVING SOME TYPE OF CONTACT WITH THE OWNERSHIP OF THE TOWER AT MOODYS FOR THE POSSIBIITY OF THE COUNTY INSTALLING A REPEATER FOR COMMUNICATIONS FOR THE SOUTH END OF THE COUNTY, ESPECIALLY FOR PAGERS FOR THE FIRE DEPARTMENTS. COMMISSIONER BROCK REQUESTED THE ADMINISTRATIVE ASSISTANT GET WITH MR. GARRETT TO CONTACT THE OWNERS OF THE PROPERTY TO SEE IF THEY ARE WILLING TO LEASE THE COUNTY A SPOT ON THE TOWER.

ED PELLETIER RECOMMENDED THE BOARD BRING THIS MATTER BEFORE THE COMMUNICATIONS COMMITTEE PRIOR TO TRYING TO PURCHASE IT TO SEE IF IT IS SUITABLE FOR THE COUNTY COMMUNICATIONS. COMMISSIONER BROCK ADVISED HE HAD GOTTEN WITH ROGER HAGAN, RANDALL TRUETTE AND COMMUNICATIONS; THEY WENT AND OBSERVED THE SITE AND THEIR RECOMMEND-ATION WAS TO TRY AND LEASE OR PURCHASE A SPOT ON THE TOWER.

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PETER HERBERT, ADMINISTRATIVE ASSISTANT, BRIEFED THE BOARD ON DR. NELSON, MEDICAL EXAMINER FOR THE 10TH CIRCUIT AND THE CHAIRMAN OF THE MEDICAL EXAMINERS COMMISSION, HAVING A MEETING TO EXPLAIN THE PROCESS FOR FINDING A REPLACEMENT FOR A MEDICAL EXAMINER DUE TO DR. HERMAN'S RESIGNATION. HERBERT ADVISED THE BOARD IF THEY KNEW OF ANYONE WHO MAY BE INTERESTED IN THE POSITION TO CONTACT JIM APPLEMAN, STATE ATTORNEY, AS HE WOULD BE RESPONSIBLE FOR APPOINTING AN INTERIM MEDICAL EXAMINER. HE THEN EXPLAINED THE PROCESS FOR A PERMANENT REPLACEMENT FOR MEDICAL EXAMINER:

1. A SEARCH COMMITTEE WILL BE FORMED.
2. THE SEARCH COMMITTEE WILL MAKE THEIR RECOMMENDATION TO THE MEDICAL EXAMINERS COMMISSION.
3. THE MEDICAL EXAMINERS COMMISSION WILL THEN MAKE A RECOMMENDATION TO THE GOVERNOR.
4. THE GOVERNOR WILL MAKE THE APPOINTMENT OF THE MEDICAL EXAMINER.

CHAIRMAN CARTER RECESSED THE MEETING UNTIL 5:05 P. M. ON SEPTEMBER 26, 2000.

ATTEST: _____

DEPUTY CLERK

CHAIRMAN

END OF MINUTES FOR 09/14/00