

BOARD MINUTES FOR 02/22/01

FEBRUARY 22, 2001

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET ON THE ABOVE DATE AT 8:00 A. M. AT THE WASHINGTON COUNTY ANNEX, COUNTY COMMISSION MEETING ROOM, 1331 SOUTH BOULEVARD, CHIPLEY, FLORIDA WITH COMMISSIONERS BROCK, COPE, ENFINGER, FINCH AND HALL PRESENT. ATTORNEY HOLLEY, ADMINISTRATIVE ASSISTANT PETER HERBERT, CLERK LINDA COOK AND DEPUTY CLERK DIANNE CARTER WERE ALSO IN ATTENDANCE.

SHERIFF FRED PEEL PROCLAIMED THE MEETING WITH COMMISSIONER COPE OFFERING PRAYER AND LEADING IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO ADOPT THE MINUTES OF THE JANUARY 25, 2001 BOARD OF COUNTY COMMISSION MEETING.

CONSENT AGENDA FOR FEBRUARY 22, 2001-COMMISSIONER BROCK QUESTIONED ITEM B REGARDING THE BOARD PURCHASING SEVEN SURPLUS VEHICLES FROM THE FL-DOT FOR THE WASHINGTON COUNTY PUBLIC HEALTH DEPARTMENT AT A COST OF \$24,300.00 WITH THE HEALTH DEPARTMENT TO REIMBURSE THE COUNTY. THE BOARD WAS ADVISED THE HEALTH DEPARTMENT HAD A MANDATORY 12.5% CUT IN THEIR TRANSPORTATION BUDGET; THE PURCHASE OF THESE VEHICLES WILL ALLOW THEM TO REDUCE THEIR TRANSPORTATION COST AS WELL PROVIDE ADEQUATE TRANSPORTATION.

CONSENT AGENDA FOR FEBRUARY 22, 2001-COMMISSIONER BROCK ALSO QUESTIONED ITEM C REGARDING THE ADOPTION OF A RESOLUTION PROCLAIMING FEBRUARY 25TH THRU MARCH 3, 2001 AS EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW WEEK; HE WAS ADVISED OF THE PURPOSE OF THE RESOLUTION.

CONSENT AGENDA FOR FEBRUARY 22, 2001-COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO ADOPT THE CONSENT AGENDA:

- A. WAIVE AG CENTER FEE FOR PROJECT GRADUATION FOR 2001 AND EACH CONSECUTIVE YEAR.
- B. PURCHASE SEVEN SURPLUS VEHICLES FROM FL-DOT FOR WASHINGTON COUNTY HEALTH DEPARTMENT AT COST OF \$24,300 WITH HEALTH DEPARTMENT REIMBURSING BOARD.
- C. RESOLUTION ADOPTING THE WEEK OF FEBRUARY 25-MARCH 3, 2001 AS EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW AWARENESS WEEK.
- D. PROPOSAL FROM WEST FLORIDA REGIONAL PLANNING COUNCIL OF \$2,150 FOR CONTINUATION OF LOCAL MITIGATION STRATEGY COORDINATION.
- E. MAINTENANCE EASEMENT GRANTED BY THE LANDOWNER TO ALLOW THE COUNTY A TEMPORARY EASEMENT ACROSS DESCRIBED LANDOWNERS PROPERTY.
- F. SURVEYING SERVICES CONTRACT FEES WITH SOUTHEASTERN SURVEYING AND MAPPING CORPORATION: PROFESSIONAL SURVEYOR AND MAPPER-\$74.94/HR; SENIOR TECHNICIAN/DRAFTSMAN-\$47.14/HR; TWO-PERSON SURVEY FIELD PARTY-\$76.56/HR; THREE-PERSON SURVEY FIELD PARTY-\$102.67/HR.
- G. SHUTTER GRANT CHANGE ORDER TOALLING \$10,015 TO OUTFIT CERTAIN DOORS WITH ROLL DOWN SHUTTERS RATHER THAN ACCORDIAN STYLE/TOTAL CONTRACT PRICE \$39,817.25.
- H. TRANSFER OF A 1991 FORD TAURUS TO THE ARC CENTER: ID # 1FACP55U8MA180688.

SURPLUS PROPERTY-ADMINISTRATIVE ASSISTANT PETER HERBERT READ OFF A LIST OF SURPLUS EQUIPMENT BEING RECOMMENDED TO BE SOLD AT PUBLIC AUCTION AT MASON AUCTION COMPANY ON FEBRUARY 24, 2001:

1. 1985 CHEVROLET/PARK & REC. ID# 1GCHK33M5FS190002

2. 1992 DODGE VAN/PARK & REC. ID# 2B5WB35Z9NK138793
3. 1982 F700 DIESEL TRUCK/R&B ID# DNK74N4CVA11939
4. 1986 CHEVY DUMP/R&B ID# 1GBT7D4Y6GV104199
5. 1986 FORD FLAT BED/R&B ID# 1FDXK74N6GVA13321
6. 1984 DODGE PICK UP/R&B ID# 1B7FD14T7ES344753
7. BROWN TRAILOR 8'X 24'/R&B ID# COMMISSIONER ENFINGER OFFERED A

MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO APPROVE OF THE RECOMMENDATION TO SALE THE SURPLUS EQUIPMENT AT MASON AUCTION COMPANY.

PUBLIC HEARING ON PLAT VACATION/WASHINGTON COUNTY EQUITIES/RORY ROHAN-RANDY PARKER, COMPREHENSIVE PLANNING CONSULTANT, BRIEFED THE BOARD ON THE PROPOSED REQUEST FOR A PLAT VACATION: IT IS A PART OF LEISURE LAKES, APPROXIMATELY 13.7 ACRES, LISTED ON THE TAX ROLLS AS TWO PARCELS BUT THERE ARE REALLY TWELVE LOTS, PERSONS ATTENDING THE PLANNING COMMISSION HEARING WERE ALL IN FAVOR OF IT BEING VACATED AS PART OF THE PLAT, AND THE REASON GIVEN BY PETITIONER ON THE VACATION OF THE PLAT WAS HE FELT THERE WAS A BETTER MARKET TO SELL THE LOTS AS ONE BIG PARCEL. THE PETITIONER WAS NOT PRESENT FOR THIS PUBLIC HEARING.

SHARRON HOBBS, PRESIDENT OF THE LEISURE LAKES PROPERTY OWNERS ASSOCIATION, PROVIDED THE BOARD A LETTER FROM THE ASSOCIATION'S ATTORNEY AND ADVISED THEM OF A WORKSHOP HELD BY THE ASSOCIATION'S BOARD OF DIRECTORS. HOBBS EXPRESSED THEIR CONCERNS WITH COMBINING THE LOTS INTO ONE BIG LOT: IT WOULD GREATLY AFFECT THE INFRASTRUCTURE OF THE SUBDIVISION DUE TO THE ASSOCIATION HAVING YEARLY ASSESSMENTS OF \$200 PER LOT; ROHAN'S ASSESSMENT WOULD BE REDUCED FROM \$2,400 TO \$200.00; THIS WOULD AFFECT HOW THEY OPERATE THEIR SUBDIVISION. OTHER POINTS STRESSED BY HOBBS WERE:

1. ROHAN WAS THE PERSON WHO SUBDIVIDED THE PROPERTY
2. ROHAN WAS ULTIMATELY RESPONSIBLE FOR PUTTING THE ROAD IN
3. ROHAN, FOR SOME REASON, DID NOT FOLLOW THROUGH WITH PUTTING THE ROAD IN
4. ROHAN HAS ASSOCIATION FEES THAT HAVE NOT BEEN PAID
5. ROHAN'S REQUEST FOR PLAT VACATION SHOULD BE ACTED ON BY THE LEISURE LAKE PROPERTY OWNERS ASSOCIATION

PARKER ADVISED STATE LAW REQUIRES EVIDENCE HAD TO BE PROVIDED THAT ALL TAXES WERE PAID PRIOR TO A REQUEST FOR A PLAT VACATION BEING ADVERTISED; HE HAS NOT SEEN AN AFFIDAVIT ON ROHAN'S REQUEST. IN REFERENCE TO THE PAST DUE ASSOCIATION FEES, STATE LAW DOES NOT REQUIRE THIS BE REVIEWED; HOWEVER, THIS MAY BE AN ISSUE THE BOARD MAY WANT TO ADDRESS.

AUDRY WOMACK, MEMBER OF BOARD OF DIRECTORS OF LEISURE LAKES HOMEOWNERS ASSOCIATION, ADDRESSED THE BOARD ADVISING THIS ISSUE WAS BROUGHT UP THREE TIMES AT ASSOCIATION MEETINGS AND IT WAS THE GENERAL CONSENSUS FOR THE LOTS TO BE COMBINED; HOBBS ADDRESSED THERE HAD NEVER BEEN AN OFFICIAL VOTE.

WHEN QUESTIONED ON ASSOCIATION FEES, HOBBS ADVISED FEES HAD BEEN COLLECTED ON ALL BUT 24 OF THE 473 LOTS IN THE SUBDIVISION; HOWEVER, THERE HAVE BEEN NO FEES COLLECTED ON THE TWELVE LOTS ROHAN IS WANTING TO COMBINE.

PARKER ADDRESSED A PORTION OF A LETTER FROM THE ATTORNEY REPRESENTING THE LEISURE LAKES PROPERTY OWNERS ASSOCIATION PERTAINING TO RESTRICTIONS IN LEISURE LAKES PROHIBITING THE RE-SUBDIVIDING OF LOTS; THIS MAY ALSO BE APPLICABLE WHERE SOMEONE IS ATTEMPTING TO COMBINE EXISTING LOTS TO CREATE ONE LARGER LOT. PARKER ADVISED ROHAN HAD APPLIED TO VACATE A PLAT AND IF THIS WERE DONE, HE WOULD REMOVE HIMSELF FROM LEISURE LAKES; THEREFORE, HE WOULD NOT BE COMBINING LOTS OR RE-SUBDIVIDING AS THE ATTORNEY'S LETTER STATES.

DISCUSSION CONTINUED WITH PARKER STATING IF ROHAN VACATED FROM THE PLAT, HE DID NOT FEEL ROHAN WOULD BE BOUND BY THE RESTRICTIONS IN LEISURE LAKES. WOMACK ADVISED ROHAN'S INTENTION WAS NOT TO VACATE FROM THE PLAT BUT TO VACATE THOSE TWELVE LOTS. PARKER ADVISED IF THAT WAS ROHAN'S INTENTION, HE SHOULD HAVE FILED FOR A REPLAT AND NOT A PLAT VACATION.

SOMEONE IN THE AUDIENCE QUESTIONED IF THE SUBDIVISION WAS ABANDONED, WHAT WOULD HAPPEN TO THE 60' STREET THAT GOES AROUND IT THAT IS OWNED BY THE LEISURE

LAKE HOMEOWNERS ASSOCIATION. ATTORNEY HOLLEY ADVISED IT WOULD REVERT TO WHOMEVER OWNS THE RIGHT OF WAY.

COMMISSIONER ENFINGER OFFERED A MOTION TO SEND ROHAN'S REQUEST TO THE HOMEOWNERS ASSOCIATION FOR REVIEW; THEY WILL SUBMIT IT TO THE WASHINGTON COUNTY PLANNING COMMISSION AND THE PLANNING COMMISSION WILL MAKE A RECOMMENDATION TO THE BOARD.

DISCUSSION CONTINUED WITH PARKER RECOMMENDING THE BOARD DENY THE PETITION AND INCLUDE COMMISSIONER ENFINGER'S MOTION AS PART OF THE DENIAL. COMMISSIONER ENFINGER WITHDREW HIS MOTION.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER HALL FOR DISCUSSION TO DENY ROHAN'S REQUEST FOR PLAT VACATION AT THIS TIME. WOMACK ADDRESSED ROHAN MAY OR MAY NOT DECIDE TO LEAVE THE PLAT AS TWELVE LOTS; IT WILL BE UP TO HIM TO BRING THIS ISSUE BACK UP IF HE SHOULD WANT TO DEVELOP THE PROPERTY. THE MOTION CARRIED UNANIMOUSLY.

PLAT VACATION/PORION OF LAKEVIEW ACRES/WILLARD L. MOSELY- THE PLAT VACATION WAS ADVERTISED FOR A PUBLIC HEARING IN THE WASHINGTON COUNTY POST. ATTORNEY HOLLEY QUESTIONED IF THE BOARD HAD NOT TAKEN ACTION FOR THE OWNER PETITIONING THE BOARD TO BE PRESENT AT THE PUBLIC HEARING. DISCUSSION WAS HELD WITH COMMISSIONER COPE QUESTIONING ATTORNEY HOLLEY IF THE BOARD WAS REQUIRED TO GO THROUGH THE PUBLIC HEARING IF THE PETITIONER WAS NOT PRESENT. HOLLEY ADVISED IF IT WERE BOARD ACTION FOR THE OWNER TO BE PRESENT, THEY WOULD NOT HAVE TO HOLD THE HEARING SINCE MOSELY WAS NOT PRESENT. HOLLEY QUESTIONED DEPUTY CLERK CARTER IF THE BOARD HAD TAKEN ACTION; CARTER ADVISED SHE RECALLED SOMETHING PERTAINING TO THIS MATTER. COMMISSIONER HALL OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO DENY THE PETITION DUE TO THE FACT THE PERSON REQUESTING THE PLAT VACATION WAS NOT PRESENT.

ATTORNEY HOLLEY RECOMMENDED THE PETITIONER NOT BE REQUIRED TO GO BEFORE THE PLANNING COMMISSION AGAIN; THEY ONLY BE REQUIRED TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS.

KEVIN PARKER/FIRE SAFETY AND LIFE SAFETY INSPECTIONS ON COUNTY BUILDINGS- PARKER BRIEFED THE BOARD ON THE STATE LEGISLATURE MAKING MODIFICATIONS TO THE STATE BUILDING CODES; ONE COMPONENT OF THIS REQUIRES FIRE SAFETY AND LIFE SAFETY INSPECTIONS BOTH DURING CONSTRUCTION AND ON AN ANNUAL BASIS, ESPECIALLY ON STATE OWNED OR STATE LEASED BUILDINGS. PARKER ADVISED, IN THE PAST, THE STATE FIRE MARSHALL HAS ALWAYS DONE THE INSPECTIONS ON THE STATE LEASED BUILDINGS; HOWEVER, IN THE ADMINISTRATIVE RULING, THE LEGISLATURE HAS ASKED THIS BE TURNED OVER TO LOCAL AUTHORITY HAVING JURISDICTION. AT THE PRESENT TIME, THIS RULING APPLIES JUST TO STATE LEASED BUILDINGS, BUT, AS OF JULY 1, 2001, HE ANTICIPATES IT WILL BE ON STATE OWNED BUILDINGS ALSO.

DISCUSSION WAS HELD ON FEES INVOLVED; PARKER ADVISED THE BOARD THE STATE FIRE MARSHAL'S OFFICE HAD TYPICALLY BEEN CHARGING 3 CENTS A SQUARE FOOT; HE PROPOSED TO DO THE INSPECTIONS FOR A LESSER FEE AND NEGOTIATE COST BASED ON THE SIZE OF THE BUILDING. DISCUSSION CONTINUED WITH ATTORNEY HOLLEY ADVISING IT HAD BEEN THE LAW FOR SEVERAL YEARS THE COUNTY BUILDINGS HAD TO HAVE ANNUAL FIRE INSPECTIONS; WHAT HAS CHANGED IS THE STATE IS NOW GOING TO MAKE THE COUNTY PAY FOR INSPECTING THE BUILDINGS THE COUNTY LEASES TO STATE AGENCIES. DISCUSSION WAS HELD ON PUTTING THE FIRE INSPECTIONS UNDER THE BUILDING DEPARTMENT WITH THE BOARD'S CONSENSUS FOR THE SAME COMMITTEE PRESENTLY WORKING ON THE BUILDING DEPARTMENT RULES AND REGULATIONS TO WORK ON THE FIRE INSPECTION REQUIREMENTS.

MILTON STRICKLAND, A MEMBER OF THE BUILDING DEPARTMENT COMMITTEE, ASKED PARKER TO WORK WITH THE COMMITTEE ON HOW TO ENACT AND MEET THE REGULATIONS FOR FIRE AND LIFE SAFETY ISSUES. PARKER AGREED BUT ADVISED THE REQUIREMENT FOR FIRE AND LIFE SAFETY ISSUES ON THE BUILDING SIDE HAD BEEN IN EFFECT SINCE 1988; THE NEW REQUIREMENTS FOR GIVING THE FIRE AND LIFE SAFETY ISSUES TO THE LOCAL JURISDICTION ON STATE OWNED AND STATE LEASED BUILDINGS IS WHAT NEEDS TO BE LOOKED INTO.

COMMISSIONER FINCH REITERATED THE NEED FOR PARKER TO PROVIDE THE COMMITTEE WITH ALL OPTIONS ON THE FIRE AND LIFE SAFETY ISSUES AND ALL THE ISSUES INVOLVED. DISCUSSION WAS HELD ON FIRE INSPECTIONS FOR MUNICIPALITIES WITHIN THE COUNTY; ATTORNEY HOLLEY ADVISED THE BOARD COULD NOT LEGALLY REQUIRE THE CITIES TO USE THE COUNTY INSPECTOR.

PARKER PROVIDED A SCENARIO ON THE DIFFERENCE IN INSPECTIONS FOR PRIVATE BUSINESSES AND COUNTY FACILITIES. HE ADVISED THE COUNTY SCHOOLS WOULD COME UNDER THE INSPECTION REQUIREMENTS EFFECTIVE AS OF JULY 2001 AND THE REQUIREMENT FOR THE COUNTY TO INSPECT COUNTY OWNED STATE LEASED BUILDINGS WAS EFFECTIVE JULY 2000.

BIG PINES CAMPSITES WATER SYSTEM/RICHARD PETERSON/MAX WELLS, REPRESENTING PROGRESSIVE REALTY AND RICHARD PETERSON-WELLS ADDRESSED THE BOARD ON PETERSON, WHO OWNS THE WATER SYSTEM AT BIG PINES CAMP- SITES, INCURRING A CONSIDERABLE LOSS OF INCOME AT THE CAMPSITES DUE TO FEMA BUYOUTS AND HAS DECIDED TO PUT THIS PROPERTY ON THE MARKET. WELLS ALSO ADDRESSED A LETTER WRITTEN TO ROGER HAGAN TO SEE IF THERE WAS A POSSIBILITY FEMA MAY PURCHASE PETERSON'S PROPERTY WHICH WAS ORIGINALLY PURCHASED FROM THE COUNTY. WELLS ALSO THOUGHT THE COUNTY MIGHT BE INTERESTED IN PETERSON'S PROPERTY DUE TO IT ABUTTING THEIR PARK AND IN THE FUTURE, THEY MAY WANT TO PUT IN RESTROOMS, ETC.

ISSUES ADDRESSED BY THE BOARD ON THE WATER SYSTEM INCLUDED:

1. THE LIABILITY OF THE COUNTY TO PROVIDE PERSONS WATER
2. DID LOT OWNERS DEEDS HAVE RESTRICTIONS GIVING THEM AN INTEREST IN THE WELL
3. RESTRICTIONS ON SEPTIC TANKS BEING A CERTAIN DISTANCE FROM THE WELL MAY CAUSE PROBLEMS DUE TO LOTS BEING SMALL
4. THE POSSIBILITY OF PETERSON SELLING WATER SYSTEM TO LOT OWNERS IF COUNTY NOT INTERESTED
5. DUE TO PROPERTY BEING IN FLOOD ZONE AREA, FL-DEP PROBABLY WOULDN'T ISSUE COUNTY PERMIT FOR CONSTRUCTION OF BATHROOM FACILITIES.

MILTON STRICKLAND ADDRESSED BUILDERS BEING ABLE TO GIVE A WATER SYSTEM TO THE POWER COMPANIES AND THIS MAY BE SOMETHING THAT COULD BE LOOKED INTO.

DUE TO THE BOARD FEELING THE COUNTY DIDN'T NEED TO GET IN THE WATER SYSTEM BUSINESS, THEY TOOK NO OFFICIAL ACTION ON PURCHASING THE PROPERTY.

SENIOR HOUSING/MR. SINGLETON AND MR. PETERS-ALLAN CLARK ADDRESSED THE BOARD ON SINGLETON AND PETERS BEHALF AND STATED HE HAD NO FINANCIAL INTEREST IN THIS PROJECT. CLARK BRIEFED THE BOARD ON SINGLETON APPLYING TO ONE OF THE STATE AGENCIES FOR FUNDING FOR A RETIREMENT CENTER IN WASHINGTON COUNTY. SINGLETON WAS REQUESTING THE SAME COMMITMENT OF SHIP FUNDING THE BOARD HAD PREVIOUSLY GIVEN WHEN HE MADE APPLICATION LAST YEAR; BUT, FUNDING WAS NOT RECEIVED DUE TO APPLICATIONS NOT SCORING HIGH ENOUGH. IT WAS ALSO REQUESTED THE COUNTY PROVIDE FILL DIRT FOR THE SITE; CLARK EXPLAINED THE COUNTY HAD TO MEET A CERTAIN PERCENTAGE OF THE 4.8 MILLION DOLLAR PROJECT IF IT WAS TO BE APPROVED AND THE CITY OF CHIPLEY HAD COME UP WITH \$250,000 WORTH OF INKIND CONTRIBUTIONS.

COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH FOR DISCUSSION TO DESIGNATE THE SAME AMOUNT OF SHIP FUNDING AS APPROVED IN THE PREVIOUS YEAR FOR THE SENIOR RETIREMENT CENTER. DISCUSSION WAS HELD WITH CLARK ADVISING:

1. THE CITY OF CHIPLEY HAS TO MAKE THE SAME COMMITMENT AS THE COUNTY AS FAR AS MONETARY COMMITMENT
2. THE RETIREMENT FACILITY WILL BE AVAILABLE FOR EVERYONE IN THE COUNTY AS LONG AS THEY MEET THE CRITERIA ESTABLISHED.

DISCUSSION CONTINUED ON THE SHIP FUNDING TO BE USED COMING FROM THAT PORTION OF MONIES DESIGNATED FOR REPAIR AND MAINTENANCE. FRANK CORSO QUESTIONED THE FUNDING AVAILABLE UNDER THE SHIP FIRST TIME HOMEOWNER PROGRAM AND VOICED OPPOSITION TO TAKING FUNDING AWAY FROM A PROGRAM ALREADY IN PROCESS.

MILTON STRICKLAND ADDRESSED:

1. THERE BEING CERTAIN PERCENTAGES OF THE SHIP FUNDING WHICH HAVE TO BE USED FOR FIRST TIME HOMEOWNER PROGRAM
2. THE DEVELOPER OF THESE PROJECTS MAKE THEIR MONEY FROM TAX CREDITS THEY ARE ALLOWED
3. CONCERNS WITH TAMPERING WITH A PROGRAM IN PLACE DESIGNED TO HELP EVERYBODY
4. CONCERNS WITH THE HIGH PERCENTAGE OF SHIP FUNDING WHICH WOULD BE USED FOR SENIOR RETIREMENT CENTER

AUDRY WOMACK SPOKE IN FAVOR OF THE RETIREMENT CENTER AS IT WOULD GIVE THE ELDERLY AN OPTION TO NOT STAY IN A HOME THAT CONTINUOUSLY NEEDS PATCHING AND TO LIVE IN A NICE PLACE.

THE MOTION CARRIED UNANIMOUSLY.

CHAIRMAN COPE CALLED FOR A TEN MINUTE RECESS.

PURSUANT TO A RECESS, SHERIFF PEEL BRIEFED THE BOARD ON AN ORDINANCE REGULATING ABANDONED AND NUISANCE ANIMALS WHICH WAS DRAFTED BY THE COMMITTEE APPOINTED BY THE BOARD. PEEL ADDRESSED THE ORDINANCE NOT BEING NEAR AS RESTRICTIVE AS THE ONES THAT EXIST IN THE CITIES BUT IT DOES GIVE THE BOARD AN OPTION WITH DEALING WITH SITUATIONS THAT DEVELOP.

ADDITIONS TO THE PRIOR ORDINANCE ADOPTED BY THE COUNTY INCLUDED:

1. DOGS AND CATS ARE REQUIRED TO HAVE RABIES SHOTS IN COMPLIANCE WITH EXISTING FLORIDA STATUTES.
2. LIVESTOCK CONTROL STATUTE AND HOW THESE ANIMALS WILL BE DEALT WITH.

PEEL ADVISED THE RECOMMENDATION OF THE COMMITTEE WAS TO ADOPT THE ANIMAL CONTROL ORDINANCE THEY DRAFTED. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH TO ADVERTISE FOR A PUBLIC HEARING ON THE ORDINANCE.

DISCUSSION WAS HELD ON THE ENFORCEMENT OF THE ORDINANCE IN THE CITIES; PEEL ADVISED THE ORDINANCE WAS WRITTEN TO SAY IF THERE WAS AN EXISTING ORDINANCE IN THE CITY AND THERE WAS A COOPERATIVE AGREEMENT AMONG THE COUNTY AND CITY, THE COUNTY ORDINANCE WOULD BE ENFORCED IN THE UNINCORPORATED AREAS OF THE COUNTY AND THE CITY ORDINANCE WOULD BE ENFORCED IN THE CITIES.

ATTORNEY HOLLEY ADDRESSED THE ORDINANCE, AS IS, COVERS ONLY THE UNINCORPORATED AREAS OF THE COUNTY AND, IF THE BOARD AGREED, A PROVISION COULD BE ADDED FOR INCORPORATED AREAS TO ELECT TO COME UNDER THE ORDINANCE BY ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY.

DISCUSSION CONTINUED WITH THE BOARD'S CONSENSUS FOR THERE TO BE AN AMENDMENT ADDED TO THE ORDINANCE TO ALLOW CITIES TO COME INTO IT THROUGH AN INTERLOCAL AGREEMENT.

ED PELLETIER QUESTIONED IF THERE WERE ANY FEES REQUIRED FOR LICENSING DOGS; PEEL ADVISED THIS WAS NOT ADDRESSED IN THE ORDINANCE. THE MOTION CARRIED UNANIMOUSLY.

THE BOARD'S CONSENSUS WAS FOR THE SAME COMMITTEE APPOINTED TO DRAFT THE ANIMAL CONTROL ORDINANCE TO SEE WHAT COULD BE WORKED OUT WITH THE MUNICIPALITIES, SEE WHAT THE COST WOULD BE AND GET WITH BOARD FINANCE TO SEE IF FUNDING CAN BE FOUND TO OPERATE THE ANIMAL CONTROL ORDINANCE.

SHERIFF FRED PEEL-BUDGET AMENDMENT FOR 1.5 POSITIONS TO OPERATE THE JAIL FOR THE REMAINDER OF THIS FISCAL YEAR; THE POSITIONS ARE NEEDED DUE TO TRANSPORTING PEOPLE TO MENTAL HEALTH, TRANSPORTING PEOPLE TO COURT, HAVING TO GO TO OTHER STATES AND COUNTIES AND PICK UP PEOPLE WHO HAVE COMMITTED CRIMES AND RUN AWAY, BAKERS ACT, MYERS ACT, MENTAL HEALTH AND ALCOHOL TRANSPORTS TO BAY COUNTY, ETC.

PEEL ADVISED THE BASIS FOR HIM ASKING FOR THE AMENDMENT WAS DUE TO HAVING PROJECTED \$30,000 OF INCOME FROM HOUSING INMATES AT THE JAIL FACILITY; THUS FAR, AN AVERAGE OF \$45,000 PER MONTH HAS BEEN EARNED. HE ADDRESSED HAVING NEGOTIATED A CONTRACT FROM WALTON COUNTY TO HOUSE THEIR JUVENILES WHICH HOPEFULLY WILL BRING IN AN ADDITIONAL \$6,000 PER MONTH; WHEN THE HOLMES COUNTY CONTRACT ENDS,

THIS MAY TAKE PRESSURE OFF AND IT MAY BE POSSIBLE TO OPERATE AFTER THIS FISCAL YEAR BACK TO THE NUMBER THEY ARE PRESENTLY AT; HE HAS SUBMITTED AN APPLICATION TO THE U.S. MARSHALL SERVICE TO HOUSE THEIR INMATES AND IS WAITING TO HEAR FROM THEM NOW. HE AGREED TO GIVE MONIES RECEIVED FROM THE BUDGET AMENDMENT BACK TO THE BOARD IF IT IS NOT ALL SPENT.

DISCUSSION WAS HELD ON THE HIGH UTILITY EXPENSES AT THE NEW JAIL FACILITY.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO APPROVE OF THE BUDGET AMENDMENT FOR THE DETENTION AND CORRECTIONS BUDGET TOTALLING \$41,071.68 .

SICK LEAVE POLICY—WHEN QUESTIONED ON HIS SICK LEAVE POLICY, SHERIFF PEEL ADVISED HE PAYS HIS EMPLOYEES NO LESS THAN 10% OF THEIR ACCRUED SICK LEAVE AND HAS THE OPTION TO GO HIGHER; PEEL ALSO ADVISED HE HAD LIMITS IN HIS PROCEDURES FOR ANNUAL LEAVE AND COMP TIME BUT HAS NEVER NOT PAID AN EMPLOYEE WHAT THEY WERE DUE. HOLIDAY SCHEDULES WERE DISCUSSED WITH PEEL ADDRESSING THE NEED TO GET A SCHEDULE FOR ALL COUNTY EMPLOYEES AND STICK TO IT.

TRAFFIC SAFETY GRANT—SHERIFF PEEL UPDATED THE BOARD ON THE GRANT FUNDING THE POSITION, EQUIPMENT, CAR, ETC. AND THEY TRY TO LIMIT IT TO SERIOUS TRAFFIC OFFENDERS. PEEL ALSO ANTICIPATED ANOTHER POSITION WOULD BE FUNDED NEXT YEAR.

HIGH WATER MARK/FLORIDA CATTLEMENS ASSOCIATION—MIKE ROSEN, EXECUTIVE DIRECTOR OF THE FLORIDA LEGAL FOUNDATION, ADDRESSED THE BOARD ON SOVEREIGNTY LANDS AND THE ORDINARY HIGH WATER MARK:

1. SOVEREIGNTY LANDS ARE LANDS UNDER NAVIGABLE WATERS.
2. WHAT ARE NAVIGABLE WATERS AND WHAT LANDS ARE UNDER NAVIGABLE WATERS IS WHAT CREATES DISPUTES AND CONTROVERSY.
3. PROVIDED BRIEF HISTORICAL BACKGROUND TO EXPLAIN DISAGREEMENTS BETWEEN THOSE WHO REPRESENT THE LAND OWNERS AND THOSE WHO REPRESENT THE STATE AND ENVIRONMENTAL ADVOCATE GROUPS.
  - A. IN 1845, FLORIDA BECAME A STATE AND BY VIRTUE OF BEING SOVEREIGN, ACQUIRED THE TITLES TO NAVIGABLE WATERS THROUGHOUT THE STATE AND THE LANDS UNDERLYING THE WATERS.
  - B. IN 1850, FEDERAL GOVERNMENT GRANTED TO FLORIDA ALL THE WATERS CHARACTERIZED AS SWAMP AND OVERFLOWED LANDS THROUGHOUT THE STATE/SWAMP LAND ACT OF 1850.
  - C. AFTER THE SWAMP LAND ACT, THERE HAD TO BE A WAY TO DISTINGUISH THE SOVEREIGNTY LANDS UNDER NAVIGABLE WATERS FROM THE SWAMP AND OVERFLOWED LANDS THAT WERE NOT RESERVED TO THE STATE AND TRUST FOR THE USE OF THE PEOPLE BUT WERE TO BE PUT TO USE, SOLD AND PUT INTO PRIVATE OWNERSHIP.
  - D. THE FEDERAL GOVERNMENT SURVEYED THE ENTIRE STATE AND THE SURVEYORS WERE INSTRUCTED TO DESIGNATE OR SEGREGATE THE NAVIGABLE WATER AREAS THAT WERE NOT SUBJECT TO SALE UNDER PRIVATE OWNERSHIP FROM THE SWAMP AND OVERFLOWED AREAS THAT WERE; THIS WAS DONE BY MEANDERING THE NAVIGABLE WATERS. AT THAT TIME, NAVIGABLE WATERS WERE DEFINED AS THOSE THAT WERE USEFUL AS HIGHWAYS OF COMMERCE FOR WHICH TRADE AND TRAVEL COULD BE CONDUCTED WHEN THEY WERE IN THEIR ORDINARY AND NATURAL CONDITION.
  - E. THE SWAMP AND OVERFLOWED LANDS WERE DEFINED AS THOSE THAT WERE PERIODICALLY INUNDATED OR UNDER NON-NAVIGABLE WATERS AND WERE UNFIT FOR CULTIVATION DUE TO INUNDATION.
  - F. AFTER ALL THE SURVEY WORK, FLORIDA TURNED OUT TO HAVE AND RECEIVED BY GRANTS FROM FEDERAL GOVERNMENTS OVER 20,000,000 ACRES OF SWAMP AND OVERFLOWED LANDS; THE STATE OF FLORIDA AUTHORIZED THE TRUSTEES INTERNAL

IMPROVEMENT FUND TO SELL THE LANDS TO PRIVATE PURCHASERS IN ORDER TO GENERATE INCOME FROM THE SALE OF THE LANDS, GET THEM ON THE TAX ROLL AND GET THEM IN PRODUCTIVE USE. BY 1920, THE STATE HAD SOLD OFF 95% OF THE 20,000,000 ACRES OF SWAMP AND OVERFLOWED LANDS.

- G. THE STATE NEVER WENT BACK AND TRIED TO CLAIM ANY OF THE LANDS IT HAD DEEDED OUT AND TAXED ALL THESE YEARS AS SWAMP AND OVERFLOWED LANDS WERE MISCLASSIFIED, SHOULD HAVE BEEN TREATED AS SOVEREIGNTY LANDS AND SHOULD HAVE BEEN HELD IN TRUST AND NOT DEEDED OUT.
- H. IN THE 1970'S AS A RESULT OF THE GREATER INTEREST IN THE ENVIRONMENT AND MORE CONCERN WITH LIMITING GROWTH AND DEVELOPMENT AND AWARENESS OF POLLUTION AND THE NEED TO PRESERVE HABITAT, THE STATE'S POLICY STARTED TO SHIFT AND THEY DIDN'T WANT TO PROMOTE DEVELOPMENT OR GREATER CULTIVATION. AS A RESULT THE STATE STARTED IMPOSING A LOT OF REGULATIONS ON LAND USE; CLEAN WATER ACTS, ENDANGERED SPECIES ACT, COMPREHENSIVE PLANNING ACTS, ETC.
- I. IN THE 1980'S, THE COURT SAID IF THE STATE IMPOSES REGULATORY RESTRAINTS WHERE YOU ACTUALLY PREVENT SOMEBODY FROM USING THEIR LAND, THIS IS A TAKING UNDER THE CONSTITUTION AND THE LANDOWNER HAS TO BE COMPENSATED. AS PART OF THE POLICY CHANGE, SOMEBODY WENT BACK AND SAID THE SWAMP AND OVERFLOWED LANDS, A LOT OF THEM NOW ARE CALLED WELANDS THAT ARE IN THE FLOODPLAINS, NEED TO BE CLOSELY REGULATED TO PROTECT THE ENVIRONMENT. HOWEVER, IF THE OWNER IS THE PERSON WHO HAS THE DEED FROM THE STATE, THEY CAN'T DO ANYTHING WITH THE LAND; THE COURT SAYS THE STATE HAS TO COMPENSATE THEM FOR IT. THE STATE THEN CAME UP WITH THE IDEA, THESE LANDS MAYBE COULD BE TREATED AS SOVEREIGNTY LANDS; IN THEORY, IF THE STATE OWNS THESE LANDS, THEY DON'T HAVE TO PAY TO REGULATE IT. IN THE MID 70'S, THE STATE STARTED ASSERTING CLAIMS ON TWO AREAS: NAVIGABILITY--THE OLD DEFINITION BEING THEY HAD TO BE USEFUL FOR COMMERCIAL NAVIGATION; THE STATE STARTED THINKING NAVIGABILITY OUGHT TO INCLUDE SOME OF THE AREAS THE FEDERAL SURVEYORS DIDN'T DESIGNATE AS NAVIGABLE AND NOW THE ATTORNEY GENERAL, ON BEHALF OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, IS APPLYING A NAVIGABILITY DEFINITION THAT IS DIFFERENT; IF IT WILL FLOAT A CANOE DURING THE HIGH WATER STAGE, IT WOULD BE CONSIDERED NAVIGABLE FOR PURPOSES OF STATE SOVEREIGNTY; ON THE NAVIGABILITY SIDE, THE STATE IS NOW ASSERTING CLAIMS TO AREAS THAT WERE REGARDED AS NON-NAVIGABLE AND TREATED AS SWAMP AND OVERFLOWED LANDS THAT WERE SOLD AND DEEDED OUT 100 YEARS AGO.
- J. WHAT IS UNDER NAVIGABLE WATERS--ORIGINALLY THE BOUNDARIES WERE SET BY THE FEDERAL GOVERNMENT AND WAS CALLED THE ORDINARY HIGH WATER MARK; THE ORDINARY HIGH WATER MARK WAS NOT DEFINED BY THE FLORIDA COURTS UNTIL 1927 WHICH WAS AFTER ALL THE SWAMP AND OVERFLOWED LANDS HAD BEEN DEEDED OUT. IT WAS DEFINED THEN AS THE MARK MADE BY THE CONTINUOUS PRESENCE AND ACTION OF THE WATER IN ITS CUSTOMARY AND USUAL STAGE; ESSENTIALLY WHERE THE WATER STANDS FREE FROM DISTURBING CAUSES AND THE MARK MADE

BY THE CONTINUOUS PRESENCE AND ACTION OF THE WATER AT ITS ACCUSTOMED STAGE. IT IS THAT PORTION THE STATE OWNS, THE BED OF THE WATER BODY, WHERE THE CONTINUOUS PRESENCE AND ACTION OF THE WATER REST THE BED OF VEGETATION SO AS TO PREVENT ITS USE FOR AGRICULTURAL PURPOSES.

- K. AS A RESULT OF THE POLICY CHANGE, THE STATE BEGAN TO ADVOCATE A NEW DEFINITION OF THE ORDINARY HIGH WATER MARK THAT WAS FINALLY ADOPTED IN A CASE IN 1994 WHICH WAS THE NORMAL REACH OF WATER DURING THE HIGH WATER SEASON. THE LAND OWNER SIDE PUTS EMPHASIS ON THE ORDINARY AND ON THE HISTORICAL TREATMENT OF THAT. THE DISPUTE IS ABOUT THE PEOPLE REPRESENTING THE STATE ON BEHALF OF THE TRUSTEES SAY THEIR DEFINITION OF NAVIGABILITY AND ORDINARY HIGH WATER MARK IS WHAT IT HAS ALWAYS BEEN; HOWEVER, PAST HISTORY DOESN'T SUPPORT THIS NOR SURVEYS DONE AND APPROVED BY THE STATE DOESN'T APPROVE THIS.
- L. THE DIFFERENCE IN TWO POSITIONS: THE TRADITIONAL HIGH WATER MARK IS WHERE THE WATER STANDS FOR MOST OF THE YEAR WHERE THE CONTINUOUS PRESENCE AND ACTION OF THE WATER BASICALLY SCOURS THE BANK OF VEGETATION AND LEAVING THE SOIL WHERE IT IS NOT USEFUL FOR AGRICULTURAL PURPOSES. THE NEW TEST THE STATE IS ADVOCATING IS THE NORMAL REACH OF WATER DURING THE HIGH WATER SYSTEM, DURING THE ANNUAL FLOODS; THIS IS WHAT DEFINES THE LIMIT OF THE STATES OWNERSHIP. THE STATE IS SAYING NOW THE DEEDS GIVEN ON THE SWAMP AND OVERFLOWED LANDS DEEDED TO PRIVATE LANDOWNERS OVER 100 YEARS AGO, TAXING THEM AND TREATING THEM AS PRIVATE PROPERTY, THEY MADE A MISTAKE IN CLASSIFYING THE LANDS AND THEY DIDN'T HAVE AUTHORITY TO DEED THOSE LANDS OUT BECAUSE EVEN THOUGH THEY THOUGHT THEY WERE SWAMP AND OVERFLOWED LANDS BASED ON THE SURVEYS, THEY NOW SEE THEY ARE REALLY SOVEREIGNTY LANDS AND SINCE THEY WERE HELD IN TRUST FOR THE BENEFIT OF THE PEOPLE, THE STATE DIDN'T HAVE THE AUTHORITY TO SELL THEM OR DEED THEM OUT; THOSE DEEDS ARE ALL VOID; THOSE LANDS NEVER BELONGED TO THE PRIVATE LANDOWNER HOLDING THE DEED; THEY WERE ALWAYS STATE OWNED AND PUBLIC PROPERTY; AND THE LANDOWNER HOLDING THE DEED IS NOT ENTITLED TO RECOVER ANY COMPENSATION.
- M. ROSEN BRIEFED THE BOARD ON A CASE WHERE A MAN WAS DEEDED LAND THAT WAS SWAMP AND OVERFLOWED LAND IN 1906 AND USED BY HIS FAMILY FOR CATTLE GRAZING AND FARMING SINCE THE 1950'S; NOT ONLY IS THE STATE TELLING THE MAN HE DON'T OWN THE LAND BUT THEY ARE SAYING SINCE THE MAN HAS BEEN USING THE LAND ALL THESE YEARS, HE HAD BEEN TRESPASSING AND HAS TO PAY THE STATE DAMAGES FOR TRESPASSING ON STATE PROPERTY.
- N. HE SHOWED THE BOARD A USGS QUAD SHEET SHOWING WHERE THE STATE DEPICTS THE LAKE AND WHERE THE LANDOWNERS EXPERTS HAVE PLACED THE TRADITIONAL HISTORICAL ORDINARY HIGH WATER MARK; WHERE THE STATE IS CLAIMING THE ORDINARY HIGH WATER LINE BOUNDARY IS, IN SOME PLACES, LOCATED SOME THREE MILES FROM THE EDGE OF THE WATER.
- O. A LANDOWNER CAN ONLY RECOVER THREE YEARS OF TAXES; THEORETICALLY, IF THE STATE IS RIGHT, THE LANDOWNER WOULD JUST GET TO DEDUCT THIS FROM WHAT HE OWES THE STATE FOR TRESPASSING USING THEIR PROPERTY ALL THESE YEARS.



- P. UP UNTIL 1986, THE FLORIDA COURTS CONSISTENTLY REJECTED THE STATES CLAIMS TO TRY AND RENIG ON THEIR DEEDS AND SAID THE STATE WAS PRECLUDED FROM CONTESTING THE VALIDITY OF ITS OWN PRIOR DEEDS; IN 1986 THE FLORIDA SUPREME COURT CHANGED THIS AND SAID THE STATE COULD COME IN AND ATTEMPT TO SHOW AS A FACTUAL MATTER, IF THERE WAS NAVIGABLE WATER THERE IN 1845, THE STATE CAN ASSERT THIS IS SOVEREIGNABLE LANDS AND THE DEEDS ARE NULL AND VOID.
- Q. IN 1986, THERE WAS CONSIDERATION WHERE THE MARK OF A RECORD TITLE ACT NEEDED TO BE AMENDED BECAUSE COURTS AT THAT TIME WERE APPLYING THE MARK OF A RECORD TITLE ACT AGAINST THE STATE SAYING THEY COULD NOT CLAIM OWNERSHIP TO LANDS IT HAD GIVEN DEEDS TO. THERE WERE HEARINGS HELD ON THIS ISSUE AROUND THE STATE, A COMMISSION WAS FORMED; HOWEVER, THE COURT RULED BEFORE THE COMMISSION HAD A CHANCE TO FINISH ITS BUSINESS. AT THAT TIME, THERE WERE A FEW COUNTY COMMISSIONS THAT SENT LETTERS TO THE STATE COMMISSIONS OPPOSING ANY AMENDMENT TO THE MARK OF A RECORD TITLE ACT THAT WOULD PREVENT IT FROM BEING USED AGAINST THE STATE; THE COUNTIES WERE CONCERNED IF THE STATES CLAIMS PREVAILED, IT WOULD REMOVE SO MUCH LAND FROM THE TAX ROLLS THAT IT WOULD REDUCE AD VALOREM TAXES AND FORCE THE COUNTIES TO COME UP WITH OTHER SOURCES TO MAKE UP THE DIFFERENCE.
- R. IF YOU TAKE THE ORDINARY HIGH WATER MARK DEFINITION AND THE METHODOLOGY THE STATE IS NOW ADVOCATING AND APPLY IT TO CREEKS, STREAMS, PONDS, ETC. THEY CAN CLAIM DURING THE HIGH WATER SEASON COULD FLOAT A CANOE, AND THEN APPLY THE BOUNDARIES THE STATE IS CLAIMING, AS FAR AS THE WATER REACHES OR AT LEAST SOME PERCENTAGE OF AREA, LANDS THAT ARE EXPOSED, DRY AND USEFUL FOR FARMING, RANCHING, ETC. FOR EIGHT TO TEN MONTHS OUT OF THE YEAR, AND CLAIM THAT IS LAND UNDER NAVIGABLE WATER, THE FLORIDA LEGAL FOUNDATION, ON BEHALF OF THESE LANDOWNERS HOLDING THESE DEEDS, FEELS THIS IS UNFAIR AND UNJUSTIFIED CLAIMS. IF THE STATE WANTS TO PROTECT WETLANDS BY REGULATING AND PREVENTING THE USE OF IT, THE FOUNDATION'S POSITION IS, IN FAIRNESS, THE LANDOWNERS SHOULD BE COMPENSATED FOR THE PROPERTY BEING CONVERTED FROM PRIVATE USE TO PUBLIC USE.

COMMISSIONER BROCK ADDRESSED THE SEVERE DROUGHT THE COUNTY HAD BEEN EXPERIENCING AND THERE BEING APPROXIMATELY 300 ACRES OF LAKES WITH 200 ACRES WHERE THE WATER BED IS SHOWING; THERE HAS BEEN CONCERN THE DEVELOPERS ARE SAYING, ONCE THEY BUY THIS PROPERTY, THEY OWN THE WATERBED AND THEY ARE SELLING PROPERTY THAT WAS A WATERBED PRIOR TO THE DROUGHT.

ROSEN ADVISED SOMEONE WOULD HAVE TO DETERMINE IF THE WATERBODY IS NAVIGABLE; IF THE WATERBODY IS NAVIGABLE, IT DOESN'T MATTER WHAT KIND OF PAPER TITLE A PERSON HAS, THE PUBLIC OWNS IT. ROSEN ADDRESSED NAVIGABILITY AND BOUNDARY IS DETERMINED BY LOOKING OVER A LONG PERIOD OF TIME AT THE CHANGES IN THE WATER BODY; A TEMPORARY DROUGHT WON'T AFFECT OWNERSHIP RIGHTS. IF THE LANDOWNER WANTS TO CONTEST THE DETERMINATION THAT IT IS NAVIGABLE OR WHERE THE BOUNDARY IS, THEY WOULD HAVE TO GO TO COURT; IT WOULD BE FACTUAL ISSUES THEN TO BE DETERMINED BY A JUDGE AND SOMETIMES A JURY AND A LOT OF LANDOWNERS CAN'T AFFORD TO DO THIS.

COMMISSIONER BROCK ADDRESSED HIS CONCERN PEOPLE WERE MOVING FROM OTHER AREAS, PURCHASING PROPERTY AND CROSSING WATER BED PROPERTY TO GET TO WHERE THEY ARE BUILDING, WITH THIS BEING THE ONLY WAY FOR THEM TO GET IN AND OUT.

ROSEN ADDRESSED THE LAWS BEING DIFFERENT REGARDING NON- NAVIGABLE WATER BODYS AND NAVIGABLE WATER BODYS AS FAR AS OWNERSHIP RIGHTS AND THE RIGHTS OF THE PEOPLE AROUND THE LAKE TO USE IT.

COMMISSIONER FINCH QUESTIONED THE DIFFERENCE IN A PERSON HAVING A DEED WHICH STATES THEIR BOUNDARY GOES TO THE MIDDLE OF THE CREEK VERSUS A DEED WHICH STATES THEIR BOUNDARY GOES TO THE HIGH WATER LINE AS FAR AS WHO ACTUALLY OWNS THE WATER UNDER THE CREEK.

ROSEN EXPLAINED IF THE WATERBODY IS NAVIGABLE, THE DEED DOESN'T CONTROL BECAUSE A PERSON CAN ONLY OWN TO THE ORDINARY HIGH WATER MARK UNLESS THE STATE ITSELF DEEDED IT TO YOU AND MADE A SPECIFIC STATEMENT IN THE DEED SAYING THEY WERE DEEDING SOVERIGN STATE OWNED LANDS; IF THE CREEK IS NON-NAVIGABLE, IT COMES IN THE CATEGORY OF SWAMP AND OVERFLOWED LANDS AND THE DEED MIGHT CONTROL; THEN, GENERALLY IF THERE IS NO MENTION OF WHERE THE BOUNDARY IS, THE OWNER IS PRESUMED TO OWN TO THE MIDDLE OF THE CREEK; IF THE DEED SPECIFICALLY SAYS TO THE WATER LINE, THE PERSON WOULD NEED TO LOOK AT WHAT THE DEED THE PERSON ON THE OTHER SIDE SAYS.

FINCH QUESTIONED IF A PERSON OWNED THE LAND ON BOTH SIDES OF THE CREEK AND IT IS NAVIGABLE, THE PERSON STILL DOES NOT OWN THE CREEK BOTTOM. ROSEN AGREED AND ADVISED A PERSON COULD NOT CUT OFF PUBLIC USE OR PUBLIC ACCESS.

ATTORNEY HOLLEY ADDRESSED FOUR WHEELERS AND FOUR WHEEL DRIVE TRUCKS TEARING UP EXPOSED LAKE BOTTOMS AND QUESTIONED IF THE STATE SHOULD BE CONTROLLING THIS; ROSEN AGREED THE STATE SHOULD BE CONTROLLING THIS AND ENFORCING THEIR REGULATIONS. ROSEN ALSO REITERATED WHEN ADDRESSING EXPOSED LAKE BOTTOMS THAT AN UNUSUAL DROUGHT OR UNUSUAL FLOOD DOES NOT AFFECT THE NAVIGABILITY OWNERSHIP ISSUE OR THE BOUNDARY; CHANGES OVER A LONG PERIOD OF TIME WILL CHANGE THE BOUNDARY BUT SHORT TERM DROUGHTS OR FLOODS WON'T.

COMMISSIONER ENFINGER QUESTIONED WHO OWNS PROPERTY IF IT IS A NON-NAVIGABLE LAKE. ROSEN ADDRESSED IN MOST CASES, ALL THE PROPERTY OWNERS AROUND THE LAKE OWN A PIE-SHAPED PIECE TO THE CENTER OF THE LAKE AND EVERY OWNER ON THE LAKE HAS AN EQUAL RIGHT TO USE THE LAKE FOR RECREATIONAL PURPOSES. COMMISSIONER ENFINGER QUESTIONED IF THE LAKES WERE NOT NAVIGABLE, IT WOULD BE UP TO THE PRIVATE INDIVIDUALS WHO OWN THE PROPERTY TO POLICE IT TO KEEP PEOPLE OFF OF IT WITH FOUR WHEEL DRIVES; ROSEN AGREED AS FAR AS HE KNEW BUT ADDRESSED THERE BEING SO MANY REGULATIONS, THERE ARE CERTAIN AREAS THAT ARE OUTSTANDING AS FAR AS WATER AND PROTECTED AREAS WHICH MAY HAVE SOME AFFECT ON WATER MANAGEMENT, DEP, GAME AND FISH COMMISSION RULES.

CLIFF KNAUER/COUNTY ENGINEER/1998 CDBG ROAD GRANT PROJECT- CDBG PROJECT HAS BEEN COMPLETED AND PROJECT HAS BEEN CLOSED OUT BY JULIAN WEBB'S OFFICE; TWO ISSUES WHICH NEED TAKING CARE OF:

1. ON ORANGE HILL ROAD, THERE IS NO SOD FROM THE EDGE OF PAVEMENT TO THE DITCH
2. THERE ARE TWO MITERED END SECTIONS THAT WERE POURED BUT NEEDED TO BE DRESSED UP. DEADLINE FOR CLOSEOUT IS FEBRUARY 26TH OR 27TH.

NEW CDBG ROAD GRANT-KNAUER UPDATED THE BOARD ON SURVEYING HAVING ALREADY BEEN DONE ON THE PROJECTS AND HE HAS BEEN WORKING ON ALIGNMENTS FOR RIGHT-OF-WAY ACQUISITIONS.

JULIAN WEBB, GRANTSMAN, ADDRESSED THE GRANT SCORE GOING DOWN DUE TO HAVING RECEIVED THE PRIOR GRANT AND THE COUNTY MATCH WILL BE \$150,000, WHICH CAN COME FROM COUNTY FUNDS, AND \$200,000 WILL HAVE TO COME FROM ANOTHER SOURCE FOR THE NEW CDBG WHICH INCLUDES HOLMES VALLEY ROAD AND JOINER ROAD PROJECTS.

DISCUSSION WAS THEN HELD ON THE SCRAP AND SCOP PROJECTS; KNAUER ADVISED THE SCRAP PROJECT WAS FUNDED AT 100% AND THE COUNTY HAS TO MATCH \$276,000 FOR THE SCOP PROJECTS. KNAUER ADDRESSED IF THE COUNTY IS GOING TO USE INKIND SERVICES ON THE TWO SCOP PROJECTS TO COME UP WITH \$276,000 EFFORT, THERE WAS ENOUGH TIME FRAME TO DO ONE OF THEM NOW, COMPLETE IT AND THEN DO THE OTHER ONE.

DISCUSSION CONTINUED ON THE CDBG MATCH WITH WEBB ADVISING IT WOULD BE THE NEXT FISCAL YEAR BEFORE THE FUNDING WAS NEEDED. DEPUTY CLERK CARTER ADVISED NOTHING WAS BUDGETED FOR THE CDBG COUNTY MATCH THIS FISCAL YEAR DUE TO HAVING BEEN TOLD NO FUNDS WOULD BE NEEDED UNTIL THE 2001-2002 FISCAL YEAR. COMMISSIONER ENFINGER OFFERED A MOTION TO OBLIGATE THE AMOUNT OF MONEY NEEDED FOR THE CDBG FOR THIS YEAR AND BUDGET IT IN NEXT YEAR'S BUDGET. WEBB ADDRESSED THERE BEING TWO DIFFERENT SOURCES: \$150,000 FROM THE COUNTY FUNDS AND \$200,000 FROM ANOTHER SOURCE. DISCUSSION WAS HELD ON ALL FUNDS FOR THE COUNTY MATCH ON THE PRIOR GRANT BEING COUNTY FUNDS WITH WEBB STATING \$200,000 WAS FROM A LOAN; ATTORNEY HOLLEY ADDRESSED THE LOAN WAS STILL COUNTY FUNDS. THE BOARD'S CONSENSUS WAS TO BORROW MONEY FOR THE \$200,000 MATCH AND BUDGET TO PAY IT RIGHT BACK. COMMISSIONER BROCK SECONDED THE MOTION. DISCUSSION HELD ON LEGALITY OF BORROWING MONIES THIS YEAR AND PAYING IT BACK NEXT YEAR; ATTORNEY HOLLEY ADVISED ALL THE BOARD WAS DOING WAS STATING THEIR INTENT TO OBLIGATE THE MONIES. THE MOTION CARRIED UNANIMOUSLY.

ST. JOSEPH COMMUNITY PARK LIGHTS-KNAUER ADVISED ONE BID WAS SOLICITED AND TWO BIDS WERE FAXED TO PEOPLE WHO SAID THEY WERE INTERESTED IN BIDDING. HE ASKED ATTORNEY HOLLEY TO ADVISE HIM WHAT TO DO; HOLLEY ADVISED KNAUER THE COUNTY POLICY WAS TO ADVERTISE FOR BIDS.

KNAUER ADDRESSED HIM UNDERSTANDING THE COUNTY POLICY ALLOWED BIDS TO BE OBTAINED BY OTHER MEANS THAN ADVERTISING; HOLLEY STATED ONLY IN AN EMERGENCY. HOLLEY THEN ADDRESSED THE BOARD NOT WANTING TO GET IN A SITUATION WHERE THEY HAVE TO PAY BACK GRANT MONIES BECAUSE THEY DID NOT FOLLOW THE GRANT REQUIREMENT TO FOLLOW COUNTY POLICY. HE RECOMMENDED THE BOARD ADVERTISE FOR BIDS IF TIME ALLOWED, ADVERTISE IT FOR ONE WEEK AND SEND NOTICES TO EVERY VENDOR IN THE AREA.

FUNDING LETTER FROM FL-DOT ON THE SCRAP PROJECT-KNAUER BRIEFED THE BOARD ON SCRAP BEING 100% FUNDED FROM THE STATE AND THE PROJECTS TO BE FUNDED WERE HIGHWAY 284 AND PIONEER ROAD; HE ADDRESSED THE SUPER ELEVATION ON HIGHWAY 284 LOOKED MUCH BETTER THAN HE HAD THOUGHT AND THE PIPES ON 284 ARE IN GREAT CONDITION; IT HAS GOT ALL CONCRETE HEADWALLS AND ONLY ONE METAL PIPE ON THE ENTIRE ROAD WHICH NEEDS TO BE REPLACED WITH AN APPROPRIATELY SIZED PIPE. HE DID AN INVENTORY ON THE PIPE ON THE ROAD; A BASE & DELENIATION ON ALL THE WATER THAT COMES ACROSS THE ROADWAY; THERE ARE FOUR CONCRETE PIPES THAT ARE ON THE ROAD THAT ARE UNDERSIZED FOR A 25 OR 100 YEAR STORM AND ASKED WHAT STORM WOULD THE BOARD LIKE THE PIPES TO HANDLE ON THE ROADWAY. COMMISSIONER HALL REQUESTED PIPES BE INSTALLED TO HANDLE A 100 YEAR STORM.

KNAUER THEN ADVISED THERE WAS \$1,451,000 ALLOCATED FOR THE HIGHWAY 284 PROJECT WHICH WAS PLENTY OF MONEY TO DO EVERY IMPROVEMENT IMAGINABLY ON THE ROAD. HE WOULD LIKE TO SET UP, AS AN ALTERNATE ON THE BID SCHEDULE, CUTTING OUT SOME OF THE BASE AREAS ON THE ROAD AND REPLACING THE BASE. COMMISSIONER COPE RECOMMENDED USING MITERED ENDS ON THE PROJECT WHENEVER POSSIBLE.

KNAUER WENT OVER THE INFORMATION HE HAD PROVIDED ON SHOULDERS AND SHOULDER WIDTHS; THE SHOULDERS ON HWY 284 AND PIONEER ROAD MINIMUM WIDTH WAS 6'; MINIMUM LANE WIDTHS WAS 11'; BUT, ACCORDING THE THE FL-DOT GREENBOOK, PAVEMENT WIDTHS MAY BE REDUCED FOR THE PAVING OF CERTAIN EXISTING UNPAVED SUBDIVISION STREETS AND LOW VOLUME RURAL ROADS; MINIMUM WIDTH OF PAVEMENT ON SHOULDERS ON TWO LANE RURAL ROADS IS GOVERNED BY THE DESIGN SPEED AND DAILY FLOW OF TRAFFIC. KNAUER ESTIMATED THE BOARD WAS LOOKING AT PUTTING A 22' ROADWAY WITH A 6' SHOULDER ON THE HIGHWAY 284 PROJECT.

HE ADDRESSED INDEX 700 FROM THE FL-DOT GREEN BOOK WHICH DICTATES WHAT CLEAR ZONE IS REQUIRED ON ROADWAYS FOR SIGNS, TELEPHONE POLES, ETC.

HE THEN ADDRESSED PIONEER ROAD FROM HIGHWAY 77 TO ORANGE HILL ROAD; THE ROAD IS NOW 18' WIDE AND IT WOULD HAVE TO BE WIDENED 2' ON EACH SIDE IF THEY GO BY THE GREENBOOK STANDARDS; 6' SHOULDERS AT 6% IS NEEDED; THE PROBLEM ON PIONEER ROAD IS A LOT OF THE CONCRETE DITCHES ARE POURED ON EACH SIDE OF THE ROAD FROM ONE END TO THE OTHER AND ARE SO DEEP AND SO CLOSE TO THE EDGE OF THE ROAD BY THE TIME THEY ARE WIDENED 2' AND GET A SHOULDER OF 6' AT 6% IT WOULD HAVE TO GO

STRAIGHT DOWN TO THE CONCRETE AND THIS CAN'T BE DONE. HIS CONCERN ON THIS ROAD IS A LOT OF THE CONCRETE DITCHES ON PIONEER ROAD ARE GOING TO HAVE TO BE FILLED, REGRADED AND REPOURED. HE ALSO ADDRESSED THERE BEING A COUPLE OF METAL CORRUGATED METAL PIPES WHICH WILL NEED TO BE REPLACED WITH CONCRETE PIPES. CONCERNS ON THE PIONEER ROAD PROJECT ARE THE CONCRETE DITCHES AND CONCRETE BOX CULVERTS. THIS PROJECT WILL BE A LOT MORE DIFFICULT THAN THE HIGHWAY 284 PROJECT DUE TO THE MONEY ALLOTTED.

COMMISSIONER BROCK QUESTIONED THE PIPES, BOX CULVERTS FOR THE GUARD RAILS FOR CLAYTON ROAD; KNAUER ADVISED HE HAD NOT DONE A FULL INVENTORY ON THOSE PIPES.

KNAUER ADDRESSED HIGHWAY 279: THE EXISTING ROADWAY IS 24' AND IF THEY WANT TO ADD A TURN LANE, THE DISTANCE FROM THE ECKERD BALLFIELD TO ABOUT A THOUSAND FEET FROM THE SCHOOL IS ONLY ONE-HALF MILE AND HE FEELS THIS PROJECT WILL COME UNDER PROJECT.

ON CLAYTON ROAD, THE INKIND THE COUNTY IS CONSIDERING DOING CAN MOSTLY BE USED WITH FILLING THE SHOULDERS AND GETTING THE SHOULDERS STABILIZED.

COMMISSIONER BROCK ADDRESSED THE BIGGEST CONCERN HE HAS ON HIGHWAY 279 WAS THE WATER AND SEWER LINES THAT WAS PUT IN FOR ECKERDS. DISCUSSION WAS HELD WITH KNAUER ADVISING THE THIRD LANE ON THIS PROJECT NEEDS TO GO OPPOSITE THE SCHOOL; IT WAS ALSO ADDRESSED FOR KNAUER TO CONSIDER THE WATER COMING OUT OF THE RETENTION POND COMING ACROSS THE ROAD.

PURSUANT TO A LUNCH BREAK, KNAUER CONTINUED WITH HIS REPORT:

NED BROCK BRIDGE-THIS IS THE LAST ACTIVE DSR WITH FEMA AND THE SECOND TIME IT HAS BEEN PUT OUT FOR BID:

PHOENIX CONSTRUCTION	\$345,000.00
TRI-STATE ROADWAY	\$128,140.90
SOUTHERN CONCRETE	\$122,400.00 THE BIDS,

SPECIFICATIONS AND PLANS HAVE ALL BEEN SENT TO FEMA AND HE HAS NOT HEARD WHAT THEY WILL PROVIDE AS FAR AS FUNDING ON THE PROJECT. THE BOARD'S CONSENSUS WAS TO TABLE THE BID AWARD UNTIL THE INFORMATION IS RECEIVED FROM FEMA.

BLUE POND PARK-KNAUER UPDATED THE BOARD ON BIDS RECEIVED FOR THE BLUE POND PARK PROJECT:

HEAVY EARTH CONSTRUCTION	\$57,403.00
PAUL CONTRACTING	\$55,337.00
CARR ENGINEERING & CONSTRUCTION	\$50,853.00
GULF ASPHALT	\$72,956.00 THE GRANT FOR THE

PROJECT IS FOR \$50,000.00 AND THERE WERE ITEMS SUBMITTED IN THE APPLICATION THAT WERE NOT COVERED IN THESE BIDS: BARBEQUE GRILLS, REPAIRING SOME OF THE PAVILLIONS, SOME PLAYGROUND EQUIPMENT AND REVAMPING THE WELL. THERE WAS AN ALTERNATE FOR THE RECYCLED ASPHALT WALKWAYS BUT THEY WERE SUBSTANTIAL. ON THE CARR ENGINEERING & CONSTRUCTION BID THERE WAS \$15,000 BID FOR A 60' DOCK, RESTROOM \$32,000, CLEAN UP AND EROSION CONTROL, MOBILIZATION AND BONDS AND A CONCRETE HANDICAP PARKING SPACE AND CONCRETE HANDICAP AISLE TO GET TO THE DOCK FOR \$1,200.00.

KNAUER ADDRESSED THE ENGINEERING SERVICE WOULD BE THE SAME AS FOR THE ST. JOSEPH PROJECT; NO CHARGE.

KNAUER ADVISED HE HAD WORD FROM FL-DOT THE PERMIT HAS BEEN APPROVED FOR WORKING INSIDE THEIR EASEMENT AND THEY ARE MAILING IT TO HIM, HOWEVER, HE IS WAITING FOR THE DREDGE AND FILL PERMIT FROM DEP.

COMMISSIONER COPE WENT OVER THE ITEMS INCLUDED IN THE GRANT APPLICATION FOR THE BLUE POND PARK PROJECT:

BOAT DOCK	\$16,000
PLAYGROUND EQUIPMENT	\$ 8,000
WALKING TRACK	\$ 3,000
COOKING GRILLS	\$ 1,000

RESTORATION:

FIVE REFURBISHED EXISTING PICNIC

PAVILLIONS \$ 1,000  
FIVE COVERED EXISTING PICNIC \$ 4,000  
TABLES

ONE REFURBISHED WATER WELL TANK \$ 4,000 DISCUSSION WAS HELD WITH COMMISSIONER FINCH OFFERING A MOTION, SECONDED BY COMMISSIONER ENFINGER TO ACCEPT THE BID FROM CARR ENGINEERING ON THE BOAT DOCK AND CONCRETE SLAB FOR HANDICAP PARKING. KNAUER ADVISED THIS WOULD HAVE TO BE ACCEPTABLE TO THE BIDDER. THE MOTION CARRIED UNANIMOUSLY.

DISCUSSION CONTINUED WITH THE BOARD'S CONSENSUS TO GO WITH THE TWO ITEMS THEY HAD AGREED TO ACCEPT THE BID ON AND WORK IN THE OTHER ITEMS FOR THE PROJECT USING COUNTY INMATE CREW LABOR.

KNAUER RECOMMENDED THE PARK & RECREATION COMMITTEE GO INSIDE AND OUTSIDE OF ANYTHING AND EVERYTHING THAT IS BID OUT TO MAKE SURE EVERYTHING IS DONE THAT IS SUBMITTED.

SCRAP PROJECT/GRANGER ASPHALT-KNAUER ADVISED THE BOARD GRANGER ASPHALT WAS REQUESTING THEIR FINAL PAY REQUEST; THERE IS \$115,700 IN RETAINAGE. COMMISSIONER HALL ADDRESSED PROBLEMS ON HIGHWAY 280; RIP RAP ON CULVERT NEEDS FIXING, DAMAGE DONE DUE TO GRANGER DIVERTING WATER TOWARD HOME, MORE SHOULDER WORK IS NEEDED. KNAUER ADVISED FALLING WATERS WAS ON THE PUNCH LIST AND IT HAD NOT BEEN CORRECTED. DISCUSSION WAS HELD WITH COMMISSIONER ENFINGER OFFERING A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO RETAIN \$30,000 AND GIVE GRANGER ASPHALT THE REMAINDER OF THE RETAINAGE.

WHITE CONSTRUCTION/ST. MARYS PIT-AGREEMENT SUBMITTED BY WHITE CONSTRUCTION ON EXCHANGING OF MILLED ASPHALT FOR COUNTY ALLOWING THEM TO USE SAND FROM ST. MARYS PIT FOR FL-DOT PROJECTS WAS DISCUSSED; THE AGREEMENT SUBMITTED WAS FOR THEM TO RECEIVE 180,000 CUBIC YARDS OF SAND IN EXCHANGE FOR THEM GIVING THE COUNTY APPROXIMATELY \$13,500 WORTH OF MILLED ASPHALT. DISCUSSION WAS HELD ON THERE POSSIBLY BEING A MISUNDERSTANDING ON THE NUMBER OF JOBS THAT WHITE CONSTRUCTION WAS WANTING TO GET SAND FOR FROM THE ST. MARYS PIT; THE AGREEMENT SUBMITTED BY WHITE WAS FOR THREE FL-DOT PROJECTS. COMMISSIONER ENFINGER OFFERED A MOTION TO GIVE WHITE CONSTRUCTION THE SAND FOR THE ONE I-10 JOB THEY ARE WORKING ON NOW FROM THE ST. MARYS PIT WITH THE ADMINISTRATIVE ASSISTANT TO FIND OUT WHICH JOB IT IS. COMMISSIONER FINCH SECONDED THE MOTION.

COMMISSIONER ENFINGER ADVISED THE BOARD THE MILLED ASPHALT HAD ALREADY BEEN RECEIVED BY THE COUNTY.

THE BOARD'S CONCENSUS WAS FOR ATTORNEY HOLLEY AND COMMISSIONER ENFINGER TO DRAW UP A CONTRACT TO INCLUDE: SAND ONLY TO BE GOTTEN FROM ST. MARYS PIT FOR ONE FL-DOT PROJECT; ROUTE TO BE USED TO HAUL MATERIAL OUT OF PIT WOULD BE BRUNSON ROAD, IF THE ROAD IS TORN UP, WHITE CONSTRUCTION WILL FIX IT AND THE SPECIFIC LOCATION WHITE CONSTRUCTION IS TO EXCAVATE SAND FROM IN THE PIT BE FLAGGED.

DALE MACUMBER-COUNTY VETERANS SERVICE OFFICERS ASSOCIATION FAX ON FL STATUTE 110.119 ALLOWING STATE EMPLOYEES TO HAVE ADMINISTRATIVE LEAVE TIME TO BE USED WHEN REPORTING TO DEPARTMENT OF VETERANS AFFAIRS MEDICAL TREATMENT FACILITY FOR SERVICE CONNECTED DISABILITIES. MACUMBER WAS REQUESTING THE BOARD ADOPT A POLICY ALLOWING COUNTY EMPLOYEES THIS SAME PRIVILEGE OF SIX DAYS OF ADMINISTRATIVE LEAVE PER YEAR. HE BRIEFED THE BOARD ON THE DISTANCE TO THE LOCATIONS OF THE VETERANS MEDICAL FACILITIES AND THE OTHER COUNTIES THAT HAD IMPLEMENTED THIS POLICY. COMMISSIONER HALL OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO ADOPT THE SIX DAYS PER YEAR ADMINISTRATIVE LEAVE TIME AS PART OF THE COUNTY POLICY. ATTORNEY HOLLEY AGREED TO DRAFT THE POLICY AND GET IT TO THE ADMINISTRATIVE ASSISTANT.

ATTORNEY HOLLEY BEGAN WITH HIS REPORT:

1. ATTORNEY HOLLEY READ A LETTER FROM BILL HUTTO RELATING TO PINE HILL ROAD; HUTTO OFFERED TO GIVE THE COUNTY, IF THEY WOULD PREPARE A QUIT CLAIM DEED FROM PINE HILL, A QUIT CLAIM DEED TO THE ROAD IN DISPUTE. DISCUSSION WAS HELD ON THE BOARD'S POLICY ON ACCEPTING ROADS;

- ATTORNEY HOLLEY ADDRESSED HUTTO WAS NOT ASKING THE COUNTY TO ACCEPT THE ROAD BUT WAS JUST OFFERING TO GIVE IT TO THEM. COMMISSIONER HALL OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO ACCEPT HUTTO'S OFFER.
2. RESOLUTIONS ON SCRAP AND SCOP PROJECTS/ATTORNEY HOLLEY HAD PREPARED FOUR RESOLUTIONS THE BOARD NEEDED TO ADOPT ON THESE PROJECTS EXPLAINING THE RESOLUTIONS WERE AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT WITH FL-DOT:
    1. HWY 284
    2. PIONEER ROAD-INTERSECTION HIGHWAY 77 IN WAUSAU TO ORANGE HILL ROAD
    3. CLAYTON ROAD FROM STATE ROAD 277 TO THE VERNON ROAD TO 77
    4. CR 279 FROM SR79 TO ECKERDS SCHOOLCOMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO ADOPT AND AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTIONS.
  3. ADOPT A ROAD POLICY-ATTORNEY HOLLEY HAD REDRAFTED THE POLICY TO INCLUDE THE CHANGES THE BOARD HAD REQUESTED: THE PERSON OR ORGANIZATION ADOPTING THE ROAD WILL BE RESPONSIBLE FOR PAYING THE COST OF THE SIGN AND THE COUNTY OR THE PERSON OR ORGANIZATION ADOPTING THE ROAD MAY CANCEL THE ADOPTION OF A ROAD AT ANY TIME IN WHICH EVENT THE SIGN WOULD BE REMOVED FROM THE ROAD. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO ADOPT THE WASHINGTON COUNTY POLICY ON ADOPTION OF ROADS.
  4. AGREEMENT BETWEEN THE PROPERTY APPRAISER AND THE COUNTY ON THE MSBU FOR OAK HILLS AND SUNNY HILLS/ATTORNEY HOLLEY BRIEFED THE BOARD ON THE AGREEMENT: THE PROPERTY APPRAISER DOES NOT ANTICIPATE CHARGING FOR HIS SERVICES ON THIS BUT THE AGREEMENT WOULD ENTITLE HIM TO DO SO; IT ALSO PROTECTS THE PROPERTY APPRAISER FROM BEING HELD LIABLE FOR ANYTHING IN CONNECTION WITH THE MSBU; THE COUNTY WOULD BE HOLDING HIM HARMLESS FROM ANY LIABILITY SHOULD SOMEONE FILE SUIT REGARDING THE MSBU. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH TO APPROVE THE AGREEMENT. COMMISSIONER HALL QUESTIONED ATTORNEY HOLLEY IF THERE WAS A POSSIBILITY THE COUNTY COULD BE SUED IF THEY ENACT THE MSBU. ATTORNEY HOLLEY ADVISED THE COUNTY DID HAVE LIABILITY DUE TO WASHINGTON COUNTY RELYING ON INFORMATION FROM GLEN ZANETIC AS OPPOSED TO HAVING A CONSULTANT. HE ADDRESSED THE LIABILITY COMING ABOUT WHEN YOU TREAT DIFFERENT KINDS OF PROPERTY INEQUITABLE; THERE HAS TO BE A SYSTEM OF RELATING THE ASSESSMENT TO THE BENEFIT TO THE PROPERTY; A CONSULTANT HAS EXPERTISE TO DO THIS PROPERLY. ATTORNEY HOLLEY ADVISED THE AGREEMENT WITH THE PROPERTY APPRAISER WAS FOR ONE YEAR AT A TIME. THE MOTION CARRIED UNANIMOUSLY. ATTORNEY HOLLEY ADVISED THE AGREEMENT NEEDED TO BE SENT TO THE PROPERTY APPRAISER FOR HIS SIGNATURE.
  5. OLD ROULHAC SCHOOL PROPERTY-ATTORNEY HOLLEY HAD TALKED WITH THE SCHOOL BOARD ON THE PROPERTY AND THE DEED SHOULD BE SIGNED TRANSFERRING THE PROPERTY TO THE COUNTY TODAY; THE SCHOOL BOARD DID NOT RENEW THEIR INSURANCE ON THE PROPERTY AND BUILDINGS. COMMISSIONER COPE ADVISED ALLAN CLARK HAD STATED THE CURRENT COUNTY INSURANCE WOULD PICK UP THIS

- PROPERTY. THE ADMINISTRATIVE ASSISTANT IS TO CONTACT CLARK ON THE IFAS PROPERTY RECEIVED FROM THE STATE TO MAKE SURE IT IS COVERED UNDER THE COUNTY INSURANCE POLICY ALSO. ADMINISTRATIVE ASSISTANT PETER HERBERT BEGAN WITH HIS REPORT:
1. BIDS ON DEBRI REMOVAL FOR THE PROBATION AND PAROLE OFFICE:
 

GRIFFIN HEAVY EQUIPMENT	\$ 5,000
GUETTNER & GUETTNER	20,500
ENOLA CONTRACTING	17,425
MIDDLEBROOKS	5,800
LEON WARD CONTRACTING	6,900

HERBERT RECOMMENDED THE BOARD AWARD TO GRIFFIN HEAVY EQUIPMENT FOR \$5,000.00; THEY WILL REMOVE EVERYTHING BUT THE SLAB. COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO APPROVE OF HERBERT'S RECOMMENDATION.
  2. AG CENTER GRANT PROJECT-STATE BID ON CARPETING IN AUDITORIUM AT AG CENTER FROM SHAW INDUSTRIES, INC. AND ANDY ANDREASON'S OFFICE FOR \$4,390.61. THE PROPOSAL INCLUDED THE REMOVAL OF THE EXISTING CARPET FROM THE BLEACHER AREA AND ALL NECESSARY EDGE MOLDINGS, TRIM AND COVE BASE. HERBERT RECOMMENDED THE BOARD ACCEPT THE BID. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSINER FINCH AND CARRIED TO APPROVE OF HERBERT'S RECOMMENDATION.
  3. JANITORIAL SERVICES FOR LIBRARY-HERBERT PROVIDED THE BOARD INFORMATION HE HAD OBTAINED ON HOW MUCH MONEY WAS SPENT FOR CLEANING SUPPLIES TO CLEAN THE LIBRARIES WHICH WAS \$980.00 A YEAR. HE HAD CHECKED WITH NORTON AND SHE HAS ALREADY SPENT ALL THE MONEY THAT IS BUDGETED AND HAS GOT CLEANING MATERIALS STOCKPILED SHE COULD USE FOR SEVERAL MONTHS. HERBERT HAD RECOMMENDED TO NORTON SHE CONTINUE CLEANING THE LIBRARIES UNTIL THE NEW BUDGET YEAR AND THEN THE BOARD WOULD TRY AND WORK WITH TODD ABBOT ON GETTING IT INCLUDED WITH THE JANITORIAL CONTRACT; NORTON HAD AGREED TO HERBERT'S RECOMMENDATION. THE BOARD'S CONSENSUS WAS TO APPROVE OF HERBERT'S RECOMMENDATION.
  4. INSURANCE ON PUBLIC WORKS BUILDING AND CHILD SUPPORT BUILDING-HERBERT ADVISED ROGERS INSURANCE AGENCY HAD SUBMITTED A LETTER STATING AS OF APRIL 1, 2001 THEY WOULD NO LONGER INSURE THESE TWO BUILDINGS DUE TO THE LOSS RATIO. DUE TO ALL THE OTHER COUNTY BUILDINGS BEING COVERED UNDER HARTFORD INSURANCE, ALLAN CLARK AGREED TO ADD THESE TWO FACILITIES. HERBERT RECOMMENDED PLACING COVERAGE ON THESE TWO BUILDINGS UNDER HARTFORD. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO ACCEPT HERBERT'S RECOMMENDATION.

PROBATION AND PAROLE-ATTORNEY HOLLEY QUESTIONED IF ANYTHING HAD BEEN DECIDED ON WHAT THE CHARGE WAS GOING TO BE TO HOUSE PROBATION AND PAROLE AT THE OLD CHIPLEY HIGH SCHOOL LIBRARY. HERBERT ADVISED THE SCHOOL WAS GOING TO CHARGE WASHINGTON COUNTY \$2,500 PER MONTH FOR USE OF THE FACILITY. HE ADVISED IT WAS NOT KNOWN YET WHAT THE STATE WOULD BE PAYING THE COUNTY PER MONTH AS THEY ARE STILL WORKING ON THE DIFFERENCES IN THE SQUARE FOOTAGE OF THE LIBRARY BUILDING VERSUS THE AMOUNT OF SQUARE FOOTAGE THEY WERE PAYING FOR; HOWEVER, IT SHOULD BE CLOSE TO THE \$3,200 THEY WERE PAYING PRIOR TO THE PROBATION AND PAROLE BUILDING BURNING.

BAT WING MOWER-COMMISSIONER ENFINGER ADDRESSED TWO QUOTES ROAD AND BRIDGE HAD RECEIVED ON A NEW BROWN BAT WING MOWER:

J. D. SWEARINGEN \$8,295

CLARK

\$8,200 ATTORNEY HOLLEY ADVISED IF THE

MOWERS ARE ON STATE CONTRACT THE BOARD CAN PURCHASE THEM BUT IF NOT, THEY NEED TO PUT THEM OUT FOR BID. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO PURCHASE ONE BROWN BAT WING MOWER; ADVERTISE FOR BIDS IF THESE QUOTES ARE NOT STATE CONTRACT PRICES; IF EITHER OR BOTH OF THESE QUOTES ARE STATE CONTRACT PRICE, PURCHASE THE BAT WING MOWER AT THE LOWEST PRICE.

GULF POWER-COMMISSIONER FINCH OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO WAIVE THE FEE AT THE AG CENTER FOR GULF POWER ON MARCH 7, 2001 FOR A FUND RAISER FOR RELAY FOR LIFE; THIS IS CONDITIONED UPON THE FACILITY BEING VACANT ON THAT DATE.

LIASON/WEST FLORIDA REGIONAL PLANNING COUNCIL-COMMISSIONER BROCK RESIGNED HIS POSITION AS LIASON FROM THE WEST FLORIDA REGIONAL PLANNING COUNCIL AND REQUESTED COMMISSIONER FINCH BE APPOINTED TO THIS POSITION. WITH COMMISSIONER FINCH AGREEING TO ACCEPT THE POSITION, CHAIRMAN COPE APPOINTED COMMISSIONER FINCH AS LIASON TO THE WEST FLORIDA REGIONAL PLANNING COUNCIL AND REMOVED COMMISSIONER BROCK.

RECREATION GRANT-COMMISSIONER BROCK ADDRESSED HIM HAVING GRANT FUNDING COMING NEXT YEAR FOR A RECREATIONAL CENTER IN THE RED HEAD VACINITY ON STATE ROAD 79 AND REQUESTED AUTHORIZATION TO PROCEED WITH GETTING PROPERTY SURVEYED TO GET A LEGAL DESCRIPTION. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED TO AUTHORIZE BROCK TO PROCEED WITH GETTING THE PROPERTY SURVEYED.

SCOP-COMMISSIONER BROCK REQUESTED THE BOARD ASK FOR FUNDING UNDER THE NEXT SCOP PROGRAM FOR RESURFACING AND WIDENING OF PIONEER ROAD FROM VERNON TO WAUSAU. COMMISSIONER ENFINGER ADDRESSED THE NEED TO INCLUDE ALFORD ROAD BUT AGREED TO TRY AND OBTAIN FUNDING FOR IT UNDER THE NEXT SCRAP PROGRAM; ENFINGER THEN REQUESTED SOUTH BOULEVARD FROM HIGHWAY 277 TO BRICKYARD ROAD BE ADDED TO THE NEXT SCOP PROGRAM. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO APPROVE OF REQUESTING FUNDING FOR RESURFACING AND WIDENING OF PIONEER ROAD FROM VERNON TO WAUSAU AND SOUTH BOULEVARD FROM HIGHWAY 277 TO BRICKYARD ROAD UNDER THE NEXT SCOP PROGRAM.

ED PELLETIER ADDRESSED THE BOARD ON WASHINGTON BOULEVARD FROM DELTONA BOULEVARD GOING EAST NEEDING TO BE RESURFACED.

GREENHEAD FIRE STATION-COMMISSIONER FINCH ADDRESSED IF GRANT FUNDING IS RECEIVED FOR THE EMS FACILITY FOR THE SOUTHERN END OF THE COUNTY, HE HAD SPOKEN WITH THE GREENHEAD FIRE DEPARTMENT AND THEY WOULD LIKE TO SEE THE NEW FACILITY PLACED WHERE THEIR EXISTING FIRE STATION IS AND ADDITIONAL ACREAGE BE PURCHASED. DISCUSSION WAS HELD ON THE COUNTY HAVING TO OWN THE LAND THE FACILITY WILL BE BUILT ON AS THIS IS A GRANT CONDITION. COMMISSIONER FINCH AGREED TO BRING BACK MORE INFORMATION ON WHETHER THE ADDITIONAL PROPERTY CAN BE PURCHASED, THE COST OF THE PROPERTY AND WHETHER THE COUNTY WILL BE ABLE TO ACQUIRE OWNERSHIP OF THE PRESENT GREENHEAD FIRE DEPARTMENT PROPERTY.

LIGHTS AT AG CENTER FOR HORSE SHOES-CHAIRMAN COPE ADVISED LLOYD BRUNER, BUILDING MAINTENANCE SUPERVISOR, HAD SAID HE HAD ENOUGH MONEY IN HIS BUDGET TO COVER THE COST FOR THE LIGHTS WHICH WAS APPROXIMATELY \$250.00. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO APPROVE OF THE LIGHTS IN BACK OF THE AG CENTER FOR HORSE SHOES.

MILEAGE/COUNTY EMPLOYEES-CHAIRMAN COPE RECOMMENDED WHEN A COUNTY VEHICLE IS AVAILABLE, EMPLOYEES USE THE COUNTY VEHICLE RATHER THAN USING THEIR PERSONAL VEHICLE FOR TRAVEL. DISCUSSION WAS HELD WITH COMMISSIONER ENFINGER OFFERING A MOTION, SECONDED BY COMMISSIONER FINCH AND CARRIED FOR EMPLOYEES TO USE COUNTY VEHICLES FOR TRAVEL IF A VEHICLE IS AVAILABLE.



INMATE SUPERVISORS/SATURDAY WORK CREWS-CHAIRMAN COPE ADDRESSED INMATE SUPERVISORS' SATURDAYS JUST AS IMPORTANT AS OTHER EMPLOYEES AND RECOMMENDED HIRING SOMEONE TO WORK ON SATURDAYS WITH THE SATURDAY WORK CREW. DISCUSSION WAS HELD WITH COMMISSIONER ENFINGER VOICING HIS OPPOSITION TO EXPENDING COUNTY MONEY WHEN AN EMPLOYEE IS ALREADY HIRED TO DO THE JOB; THE SUPERVISORS ROTATE SATURDAYS AND EACH ONE ONLY HAS TO WORK ONE SATURDAY OUT OF THE MONTH. THE BOARD'S CONSENSUS WAS TO LEAVE AS IS.

RECOGNITION OF DON WALTERS-ATTORNEY HOLLEY QUESTIONED IF THE BOARD CONSIDERED RECOGNIZING THE PEOPLE WHO DID THE LANDSCAPING AT THE AG CENTER. THE BOARD'S CONSENSUS WAS TO HAVE DON WALTERS PRESENT AT THE NEXT MEETING TO RECOGNIZE HIM FOR HIS EFFORTS WITH THE BEAUTIFICATION PROJECT AT THE AG CENTER.

COMMISSIONER HALL OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO APPROVE OF VOUCHERS SIGNED AND WARRANTS ISSUED FOR THE MONTH OF JANUARY 2001 TOTTALLING \$1,762,756.09.

BAY MEDICAL CENTER-ATTORNEY HOLLEY ADVISED THE BOARD AFTER THE LAST MEETING AND AFTER TALKING WITH EACH OF THE COMMISSIONERS AND THEM AGREEING TO SETTLE IT, HE CANCELLED THE HEARING ON THE INDIGENT CARE CASE INVOLVING GERALD JARARD. DISCUSSION WAS HELD WITH COMMISSIONER HALL OFFERING A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO APPROVE OF PAYING THE BILL TO BAY MEDICAL CENTER TO SETTLE THIS CASE.

WEST TRACO BILLS-COMMISSIONER BROCK QUESTIONED ATTORNEY HOLLEY AS TO WHOM PEOPLE WOULD CONTACT IF THEY WANTED TO SETTLE THEIR BILLS WITH WEST TRACO. COMMISSIONER BROCK WAS ADVISED IF THESE BILLS WERE INCLUDED ON THE PERSON'S TAX BILL, THEY WOULD NEED TO CONTACT THE TAX COLLECTOR'S OFFICE.

ORANGE HILL ROAD-CLIFF KNAUER ADVISED ON THIS ROAD PROJECT, THERE WERE TWO MITERED END SECTIONS GULF ASPHALT HAD ON THEIR PROPOSAL FOR \$650 AND \$550; SAMMY HAYES WHO HAD A CONTRACT ON FALLING WATERS ROAD SENT HIM A PROPOSAL AND ADVISED HE WOULD DO THEM FOR \$225 A PIECE BUT WAS NEVER NOTIFIED TO DO THE WORK. HOWEVER, HAYES WHILE DOING THE CONCRETE DITCHES, FORMED AND POURED THE TWO MITERED ENDS. DISCUSSION WAS HELD WITH COMMISSIONER FINCH OFFERING A MOTION, SECONDED BY COMMISSIONER HALL AND CARRIED TO PAY THE \$450.00 TO SAMMY HAYES FROM COMMISSIONER FINCH'S ROAD AND BRIDGE MATERIAL BUDGET.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO ADJOURN. ATTEST:\_\_\_\_\_

\_\_\_\_\_  
CLERK  
ATTEST:\_\_\_\_\_

CHAIRMAN

DEPUTY CLERK

\*END OF MINUTES\* FOR 02/22/01