

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 5, 2005
9:00 A.M.**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman; Bevin Putnal, Noah Lockley, Jr., Jimmy Mosconis, and Russell Crofton, Commissioners; Marcia M. Johnson, Clerk; Alan Pierce, Director of Administrative Services; and Thomas M. Shuler, County Attorney.

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

(Tape 1-33) Commissioner Crofton made a **motion to approve the payment of county bills with the exception of payment to G & N Painting.** Commissioner Putnal seconded. All for. **MOTION CARRIED.** Commissioner Crofton then made a **motion to approve payment to G & N Painting from the March 15th bill voucher.** Commissioner Putnal seconded. Commissioner Lockley abstained. All others for. **MOTION CARRIED.** Commissioner Crofton then made a **motion to approve payment to G & N Painting today in the amount of \$6,333.33.** Commissioner Putnal seconded. Commissioner Lockley abstained. All others for. **MOTION CARRIED.**

BOBBY PICKLES-DISTRICT REPRESENTATIVE-CONGRESSMAN ALLEN BOYD

(Tape 1-61) Mr. Bobby Pickles, area District Representative for Congressman Allen Boyd, appeared before the Board with several issues. The first was to inform the Board about the formation of a regional health care council and ask for county participation in same by the appointment of a representative within sixty days. Commissioner Mosconis made a **motion to ask Dr. Tamara Marsh, who is currently chairman of the county's health care committee, to appoint a representative from that committee to the Congressman's council.** Commissioner Crofton seconded. All for. **MOTION CARRIED.** Mr. Pickles went on to report the Congressman is working diligently with the Corps of Engineers and Department of Environmental Protection on the Eastpoint Breakwater to make sure the dredging project is moving forward. Commissioner Mosconis inquired on the possibility of getting the Department involved with beach restoration at Alligator Point. Mr. Pickles wanted to know if he was requesting beach renourishment. Alan Pierce explained the county is hoping the Corps will move some sand, but while waiting, the county is in the midst of studying available options. Mr. Pickles assured the Board they will work with the county on this issue and he agreed to meet further with Mr. Pierce to follow up on this matter. Mr. Pierce then brought into discussion the Two-Mile Channel in Apalachicola. He informed the Board he'd already advised Mr. Pickles of a problem whereby the Coast Guard was unable to get it's vessel into the channel because of shoaling and reported to the Corps that the channel was not navigable by their standards. Mr. Pickles felt there might be FEMA funds to help with dredging the channel, but also said there was an issue as to the Corps' authority to de-commission a channel. He said his office would be

contacting the Corps on the county's behalf. Commissioner Putnal mentioned another waterway in the area of St. George Island; however, Mr. Pickles suggested it may have to be considered at some other time in order to move forward on these other, more pressing, issues.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-535) Hubert Chipman, Road Superintendent, appeared before the Board and presented a written report of the activities of his department during the month of March. Commissioner Putnal asked him about replacing a culvert for a homeowner in Carrabelle where flooding has occurred. Mr. Chipman was of the opinion the pipe should be placed deeper or the water re-routed over the road, which would require cutting the road twice. He said he'd take care of it. The Board then discussed problems at Woodill Road in Carrabelle. Commissioner Putnal made a **motion to install a culvert on Woodill Road**. Commissioner Lockley seconded. All for. **MOTION CARRIED.**

FONDA DAVIS-ASSISTANT SOLID WASTE DIRECTOR

(Tape 1-743) Fonda Davis, Assistant Solid Waste Director, appeared before the Board with a written report. As requested, Commissioner Putnal made a **motion authorizing the transfer of \$22,150.00 from the Recycling Fund to the Solid Waste budget to purchase five (5) new recycling containers from Pro-Tainer, Inc.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** As requested, Commissioner Lockley made a **motion to authorize the transfer of \$14, 850.00 from the Landfill Tipping Fee Account to pay Preble-Rish Inc. for engineering work to expand the Class III disposal area at the landfill and to renew the permit.** Commissioner Crofton seconded. All for. **MOTION CARRIED.** Mr. Davis continued by informing the Board of the landfill's summer hours which began on April 1st. From April 1st through September 30th, the landfill will be open from 7:00 a.m. upon 5:00 p.m. on Monday through Friday and from 9:00 a.m. until 1:00 p.m. on Saturdays. To conclude, Mr. Davis reminded the Board the Annual Day of Baseball and dedication of the D.W. Wilson Sports Complex is set for Saturday, April 9th at 8:30 a.m.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-827) Bill Mahan, Extension Director, appeared before the Board with a written report. He provided copies of "The Bivalve Bulletin" and DACS' "Florida Aquaculture Newsletter". He went on to let the Board know the 2005 Annual Gulf & South Atlantic States Shellfish conference will be held May 22-25 in Myrtle Beach South Carolina. He also reported a special shellfish safety meeting is being held on August 10-12 in Point Clear, Alabama to be followed by the 2005 Biennial ISSC meeting on August 13-19 at the same place. Lastly, Mr. Mahan advised the Board a garden expo is being held April 16th at the Bay County Fair Grounds. All the items mentioned in Mr. Mahan's report were for information only.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-986) Alan Pierce, Director of Administrative Services, appeared with his written report. He first presented the Board with a copy of a report entitled, "Analysis of Revenue Options for Franklin County" as submitted by Mr. Jim Parrish, Project Manager, Small County Technical

Assistance Services. He continued by informing the Board it appears the VMS Company will take care of the paving needs on Bay Street in Eastpoint where it looks as if that part of the street that needs paving is within the US 98 right-of-way. Mr. Pierce went on to thank Van Johnson, Recreation Director, for his assistance in providing two offices for the county extension service at the Armory. He then told the Board he'd been contacted by Mr. and Mrs. Jimmy Rickards about problems they experience by being the closest neighbor to the D.W. Wilson Sports Complex. At this time, they are having an appraisal performed on their property, and they may be interested in selling same to the county. They will provide a copy of the appraisal to Mr. Pierce for the board's consideration. Mr. Pierce informed the Board that Mr. Larry Parsons, Corps of Engineers, has scheduled a pre-application meeting with the Department of Environmental Protection for dredging of the Eastpoint channel on April 20, 2005. Since this is the first step forward in two years, he will attend the meeting. He continued by stating the Department of Transportation informed Rich Reeves, county grant writer, that the City of Parker is not going to use its \$150,000 DOT landscaping grant and suggested our county may wish to receive the funds to continue to landscape St. George Island. Commissioner Crofton made a **motion to accept the funds from DOT to finish landscaping St. George Island and to adopt a resolution to this effect.** Commissioner Mosconis seconded. All for. **MOTION CARRIED.**

On another matter presented by Mr. Pierce, Commissioner Crofton made a **motion to pursue a FCT application to buy water access points along US 98 specifically to provide access points for mullet fishing.** Commissioner Putnal seconded. All for. **MOTION CARRIED.**

Mr. Pierce said Board action was needed to direct Preble-Rish Engineers to prepare and advertise a request for proposal to build the boat ramp and parking area at the new Bluff Road Boat Ramp. Commissioner Mosconis made the **motion to direct Preble-Rish to prepare and advertise a request for proposals.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Upon the recommendation of Alan Pierce and Butch Baker, Commissioner made a **motion to adopt the Local Mitigation Strategy created by the Apalachee Regional Planning Council as approved by the State.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

At this point in Mr. Pierce's report, there was some discussion from Commissioner Putnal about researching the possibility of the Tax Collector turning over to the county property on which taxes are owed, preferably property with water access. It was pointed out the Tax Collector has legal procedures that must be followed. On another matter, Mr. Pierce advised the Board he and Commissioner Lockley had met with Mr. Hampton May last week regarding the Senior Citizen Center and the development of a broader county affordable housing program to be discussed in the future. It was also reported the Senior Center is seeking new board members. At this point, Mr. Michael Moron, SHIP Administrator, appeared with Mr. Pierce to ask guidance from the board on a request he'd received to provide SHIP funds for Mrs. Louise Thompson in Eastpoint.

According to Mr. Moron, she lives in a mobile home, which is not covered under the SHIP program; however, the county could use SHIP funding to build a house if they want their policy to include constructing houses again. Commissioner Lockley made a **motion to put a plan back in the SHIP Program to build houses in order to construct a small home for Louise Thompson.** Commissioner Putnal seconded. All for. **MOTION CARRIED.** Mr. Pierce stopped his report at this time to allow the Supervisor of Elections to appear.

DORIS S. GIBBS-SUPERVISOR OF ELECTIONS

(Tape 1-1479) Mrs. Doris S. Gibbs, Supervisor of Elections, appeared before the Board. She first advised the Board that under the "Help America Vote Act" (HAVA), requirements are in place to make sure equipment is available for disabled voters by January 2006. At this time, the only equipment certified is the touch-screen, but there is another option being explored. She quoted a price now of between \$70,000 and \$73,000. She requested permission to negotiate with vendors on the equipment, which is necessary by law, and informed the commissioners she will be needing additional money in her future budget. Commissioner Mosconis made a **motion to direct the Supervisor of Elections to negotiate with vendors on the voting equipment.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Mrs. Gibbs then brought into discussion her need for additional office space. She stressed the need for more space for storage of the voting equipment as well as room to accommodate early voting and the people who present themselves for the vote tabulations. Commissioner Mosconis made a **motion to work toward a solution to the Supervisor's office space needs.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1689) Alan Pierce resumed his report to the Board. He stated Mr. Ryan Dwyer would like to construct sidewalks along both sides of Pine Street in Eastpoint. Pine Street is the entrance to this subdivision, Lakes on the Bluff, and leads down to the water. He would construct the sidewalks for public use at his expense. The commissioners agreed to defer this matter for action until the next meeting to see if any of the adjacent property owners wish to be heard. Mr. Pierce continued by informing the Board that Preble-Rish Engineers are still evaluating the canopy idea between the courthouse and the annex, and a recommendation is forthcoming. On another matter, Commissioner Crofton made a **motion to allow Chad Gunter to erect a rock revetment about 20 feet into Wing Street on the bay side of St. George Island subject to Mr. Gunter signing an agreement prepared by the County Attorney.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Mr. Pierce carried on by saying the Board was receiving another drainage easement for the Lanark Village Drainage Project granted by the Teasleys and the Mileys. After discussion, and on another matter, Commissioner Mosconis made a **motion to petition the Department of Transportation to lower the speed limit in the Two Mile Area of Apalachicola from 55 mph to 45 mph as requested by the Two Mile Property Association.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

PUBLIC HEARING

(Tape 1-2171) The Board proceeded to hold a Public Hearing on advertised rezoning requests. There were no public comments on any of the requests. Commissioner Crofton made a **motion to approve the rezoning of Lots 7 and 8, Block 4, Unit 1 East, St. George Island from C-2 Commercial Business to C-4 Mixed Use Residential.** Commissioner Mosconis seconded. All for. **MOTION CARRIED.** Commissioner Crofton made a **motion to approve the rezoning of**

Lots 26 and 27, Block 1, Unit 1 East, St. George Island from C-2 Commercial Business to C-4 Mixed Use Residential. Commissioner Lockley seconded. All for. **MOTION CARRIED.** Commissioner Crofton made a **motion to approve rezoning of Lots 1 and 2, Block 2 Unit 1 West, St. George Island from C-2 Commercial Business to C-4 Mixed Use Residential.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Finally, Commissioner Lockley made a **motion to approve the rezoning of Lots 20 and 21, Block 3, Unit 1 West, St. George Island from C-2 Commercial Business to C-4 Mixed Use Residential.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-2326) Alan Pierce continued with his report by saying Mr. Bobby Siprell had requested that the extension of Squire Road in Southland Subdivision in Apalachicola be opened. Attorney Shuler stated that area of the road belonged to his family, but Mr. Siprell was present and said he'd been told the county owned the road. Mr. Shuler assured him his family owned it and they were going to open it real soon. For information, Mr. Pierce told the Board he'd contacted Ms. Marcia Harris, aide to Senator Nelson, for help in getting FEMA to approve the county's Hazard Mitigation Funds for Alligator Point. According to him, until FEMA signs off on the rock revetment extension, the project is not eligible for FEMA funds. Mr. Pierce went on to request Board authorization for Ms. Paula Luberto to place lime rock base and put down an asphalt surface on Kentucky Street in Lanark Village at her own expense. Commissioner Lockley made a **motion to allow Paula Luberto to place a lime rock base and put down asphalt at her own expense on Kentucky Street in Lanark Village provided the improvements meet county standards.** Commissioner Mosconis seconded. All for. **MOTION CARRIED.** Mr. Pierce continued by saying Ms. Janet Llewellyn, DEP Deputy Director, has written a letter to the Board that DEP is releasing additional funds to initiate a geo-technical investigation of an alternative source of sand for the Alligator Point beach renourishment project. He asked Mike Dombrowski, county beach consultant, to develop the scope of work to essentially evaluate the quality and quantity of the sand directly off the Point. Commissioner Mosconis made a **motion to submit a scope of work for funding a source for the sand at Alligator Point.** Commissioner Crofton seconded. All for. **MOTION CARRIED.** Proceeding, Mr. Pierce provided the commissioners with copies of VMS contract renewal for the end of the calendar year, which pays the county for mowing down in Eastpoint and Lanark Village. Mr. Pierce brought into discussion membership on the Construction Licensing Board. Commissioner Mosconis made a **motion to appoint Franklin King and Jimmy Thompson as full members and to appoint Bruce Sansom and Dick Fisher as alternate members of the Construction Licensing Board.** Commissioner Lockley seconded. All for. **MOTION CARRIED.**

(Tape 1-2781) For information, Alan Pierce, Director of Administrative Services, provided the Board and County Attorney with copies of a letter from Carlisle Syn Tec, Inc. regarding a meeting held on the courthouse roof leaks. The letter points out other non-warranty work as a potential source of the roof leaks. The County Attorney and Mr. Pierce are going to seek an independent opinion before recommending any particular course of action. Referring to the Apalachicola Airport, Mr. Pierce informed the Board the new date for license renewal is May

31st. At his request, Commissioner Mosconis made a **motion to approve signing resolutions and contracts for three airport projects: fence and gate, fence and brush cutter, and action to bid the fuel farm.** Commissioner Crofton seconded. All for. **MOTION CARRIED.** In finalization of Mr. Pierce's report, Commissioner Lockley made a **motion to approve the Lanark Village drainage project.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-2869) Commissioner Lockley brought back into discussion the health care issue mentioned earlier by Bobby Pickles with Congressman Allen Boyd's office. He felt we should have the county's health care council involved. Alan Pierce agreed and said the name of the local council should probably be changed; however, the input from Dr. Tamara Marsh and her group was needed. He will request their presence at the next commission meeting.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 1-2938) County Attorney, Michael Shuler, appeared before the Board. He first discussed the need to advertise an ordinance that would amend the zoning code to add a definition for hotel/motel. Ms. Freda Moore stated she'd like to know what definition is proposed prior to a public hearing being held. She thought the attorney was going to present a definition at today's meeting. Mr. Pierce said the county attorney should develop the definition because of legal issues that could arise. Attorney Shuler did say a condominium form of ownership would be allowed in defining a hotel/motel as agreed upon earlier by the Board. Commissioner Mosconis made a **motion to advertise an ordinance for a public hearing at the next meeting to amend the zoning code to add a definition for hotel/motel.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Proceeding, Attorney Shuler told the Board he'd received a request from the school board to receive the fill from the dredging of the Eastpoint Channel. Several commissioners voiced the opinion that the county was going to use the fill behind the breakwater to shore it up, but they would keep the request in mind. Attorney Shuler continued by advising the Board he'd recorded the deed from J. R. Fowler III, Ann Bramblett Fowler, J. R. Fowler IV and Ann Fowler Sheldon to the County on March 22, 2005. On another deed matter, Attorney Shuler reported a survey has been ordered, and as soon as he receives it and the legal description, a quitclaim deed will be prepared to the County from his family for Shuler Street property to provide water access in Eastpoint. The Board thanked Mr. Shuler. To conclude his report, Mr. Shuler brought up the matter of the county constructing a low water crossing on St. George Island at the request of Mr. Thom Lewis to alleviate flooding. He reported he'd received an amended drawing and had sent it to the road department and county engineer for approval. Commissioner Crofton reported the work was scheduled now to be completed tomorrow.

(Tape 2-148) Alan Pierce, Director of Administrative Services, brought into discussion the public hearings scheduled for 10:30 on land use and rezoning requests. He reported there was a question as to whether or not all the adjacent landowners got proper notice. He said his office had received the list of names from the Property Appraiser's office. Mr. Neil Braswell was present in the audience and stood to say he did not receive notice in the mail. Attorney Shuler advised the Board that Florida Statutes don't require the certified mailings although it has been

the Board's policy. Because of this issue and because one of the public notices had been advertised for 11:30 instead of 10:30, Commissioner Crofton made a **motion to amend the agenda for this item to be addressed at 11:30 along with the pertinent land use issue advertised for 11:30.** Commissioner Lockley seconded. All for. **MOTION CARRIED.** Chairman Sanders inquired if it would be possible to post notice on the properties being rezoned in the future. Mr. Pierce said this could certainly be considered.

(Tape 2-454) Chairman Sanders made everyone aware there is a public hearing being held on Thursday at 7:00 P.M. regarding a management plan for the Box R Ranch property outside of Apalachicola.

FINAL PLAT APPROVAL-"RIVER CREST"

(Tape 2-477) Alan Pierce, Director of Administrative Services, directed the Board's attention to the agenda item for approval of the final plat of "River Crest" which was tabled at an earlier meeting. Attorney Shuler recommended approval subject to his review with the proper 60' right-of-way being worked out. Attorney Pat Floyd appeared to say minor adjustments would be made to meet the county attorney's approval. Mrs. Toni Taranto asked if Mr. Jim Waddell was satisfied with this resolution on the plat since he wasn't present in the meeting at this time but had been present earlier and had issues with the corner marker. Commissioner Crofton made a **motion to approve the plat of "River Crest", a 14 lot subdivision on Bay City Road in Apalachicola, subject to the review of the County Attorney to make sure the right of way is proper.** Commissioner Mosconis seconded. All for. **MOTION CARRIED.**

OTHER BUSINESS FROM THE FLOOR

(Tape 2-712) Chairman Sanders inquired if the Pendleton/Hill property issue on Bluff Road in Apalachicola had been resolved. Attorney Shuler replied the county's offer had been delivered, but he had not received a response as yet. The Board asked him to follow up with the property owners.

(Tape 2-767) Chairman Sanders enlightened the Board about a trip she and Commissioner Lockley went on to attend the legislative day in regard to small county initiatives. She stated she was pleased with the legislature's efforts on small county projects which included: juvenile justice; solid waste grants; road assistance programs; outreach programs; county incentive grant programs; indigent care bills; jurisdictional transfer of roads; payment in lieu of taxes; and courthouse renovation funding. She also commended Commissioner Lockley for his preparations to become a certified commissioner.

(Tape 2-946) Referring to a matter previously discussed, Attorney Michael Shuler provided the Board with a proposed definition of hotel/motel. Alan Pierce requested the addition of a requirement for two parking spaces for each unit. He felt this should at least be an item for discussion at the public hearing. The Board had no objection.

PUBLIC HEARING

(Tape 2-993) The Board proceeded to hold a public hearing on a request to adopt an ordinance to amend the zoning code and establish “Tuckers Landing Planned Unit Development” for 18.08 acres known formerly as Breakaway Lodge. There were no public comments. Commissioner Mosconis made a **motion to approve the request for an ordinance amending the zoning code and changing the zoning from C-3 to “Tuckers Landing PUD”**. Commissioner Crofton seconded. All for. **MOTION CARRIED.**

CONSENT AGENDA MATTERS

(Tape 2-1058) In reference to the “River Crest” plat approved earlier in the meeting, Alan Pierce advised the Board Mr. Jim Waddell was present and wished to address the Board. This brought into discussion the agenda and the times set for certain items on the agenda. Apparently, Mr. Waddell knew this item was set for 11:45, but the Board chose to address it earlier. Mr. Pierce felt that items deferred from earlier meetings shouldn’t be set for a specific time but just addressed at the beginning of the meeting at the will of the Board. Marcia Johnson, Clerk, stated she wasn’t sure this would work because people need to know what time matters are set for in order to make arrangements themselves. Commissioner Mosconis made a **motion for the Clerk and the Director of Administrative Services to work on the agenda issue**. Commissioner Lockley seconded. All for. **MOTION CARRIED.** Mr. Waddell let the commissioners know that the final plat had been submitted in its entirety to the Planning and Zoning Commission in March. Attorney Shuler reported the road may have to be shifted; however, he thinks such a minor adjustment shouldn’t have to go back to the P&Z. Mr. Waddell said if there were any problems, he may have to file an appeal. Dan Garlick reported the roads are private roads, and Attorney Steve Watkins assured the Board the issues would be worked out with the owners.

PUBLIC HEARING

(Tape 2-1370) The Board proceeded to hold a public hearing on a rezoning and land use request from Willie and Maxie Carroll for a .46-acre parcel on Washington Street in Eastpoint from residential to commercial and from R4 to C4. Mrs. Terry Hilton appeared before the Board and stated she owned property adjacent. She was not against the rezoning; however, she requested the Board require ten (10) foot buffer zones for fire safety reasons. Mr. Pierce advised Mrs. Hilton that multi-family uses aren’t allowed. He stated that only business or residences or both combined will be allowed. He also said site plan reviews would be done and hopefully, buffers would be discussed at that time because there are setbacks now in place. Commissioner Crofton made a **motion to approve the land use change requested from residential to commercial**. Commissioner Putnal seconded. All for. **MOTION CARRIED.** Commissioner Crofton made a **motion to approve the request for rezoning from R4 to C4**. Commissioner Putnal seconded. All for. **MOTION CARRIED.**

PUBLIC HEARING

(Tape 2-1824) The Board proceeded to hold a public hearing on a rezoning and land use request from Mr. A. J. Taylor for a .79-acre parcel on Washington Street in Eastpoint from residential to commercial and from R4 to C4. This is within the same area of the above request. Mr. Pierce

did say there was a tendency now to move commercial zoning up from Highway 98 in Eastpoint. There were no public comments. Commissioner Crofton made a **motion to approve the land use change requested from residential to commercial**. Commissioner Putnal seconded. All for. **MOTION CARRIED**. Commissioner Crofton made a **motion to approve the request for rezoning from R4 to C4**. Commissioner Putnal seconded. All for. **MOTION CARRIED**.

PUBLIC HEARING

(Tape 2-1898) The Board proceeded to hold a public hearing on a rezoning and land use change request for a 5.04 parcel of land west of Carrabelle from agricultural to residential and from A-2 Forestry Agriculture to R-1 Single Family Residential. There was no public comment. Commissioner Putnal made a **motion to approve the land use change from agricultural to residential**. Commissioner Crofton seconded. All for. **MOTION CARRIED**. Commissioner Putnal then made a **motion to approve the request for rezoning from A-2 to R-1**. Commissioner Crofton seconded. All for. **MOTION CARRIED**.

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

CHERYL SANDERS, CHAIRMAN

MARCIA M. JOHNSON, CLERK

FCBCC REGULAR MEETING-APRIL 5, 2005