

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 17, 2007
5:00 PM**

MINUTES

Commissioners Present: Russell Crofton – Chairman, Noah Lockley – Vice Chairman, Cheryl Sanders, Joseph Parrish, Bevin Putnal

Staff Present: Marcia Johnson – Clerk of Courts, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order (8:00 PM)

Chairman Crofton called the meeting to order at 8:00 PM.

Prayer and Pledge (8:00 PM)

There was a Prayer followed by the Pledge of Allegiance.

Approval of Minutes (8:01 PM)

Regular Meetings: March 20, 2007, April 3, 2007

Public Hearing: March 20, 2007

Public Workshops: April 3, 2007, April 5, 2007

Motion by Lockley, seconded by Sanders, to approve the Minutes for the March 20, 2007 and April 3, 2007 Regular Meeting, the March 20, 2007 Public Hearing, and the April 3, 2007 and April 5, 2007 Public Workshops; Motion carried 5-0.

Payment of County Bills (8:01 PM)

Motion by Putnal, seconded by Lockley, to approve the bill list as presented; Motion carried 5-0.

Commissioners Sanders and Putnal stated that they will meet with the County Engineer, in the near future to discuss the Road Paving project.

Bid Opening – Courthouse Renovations (8:03 PM)

Mr. Pierce stated that no bids were submitted for this project and discussed the possibility of using the Construction Manager At-Risk option.

Mark Carroll, a local contractor, shared some of his knowledge on the information on the Construction Manager At-Risk option.

Mrs. Johnson asked where additional funds come from if this option would increase the cost of the project. Board asked about additional funds from the State on this project. Mrs. Johnson, Mr. Pierce and the Board discussed this project further.

Motion by Sanders, seconded by Putnal, to table this item until the next meeting and asked staff to provide more information at that time; Motion carried 5-0.

Doris Gibbs – Supervisor of Elections

Legislative Update

Mrs. Gibbs notified the Board earlier that she had a scheduling conflict and could not attend the meeting.

Doris Pendleton – Property Appraiser (8:14 PM)

Legislative Update

Mrs. Pendleton discussed a new initiative that would provide low income seniors an additional \$25,000 of extra exemption on property taxes.

Motion by Lockley, seconded by Sanders, to support this initiative and start the ordinance process; Motion carried 5-0.

Planning and Zoning Report (Attached to Agenda) (8:20 PM)

Mr. Pierce presented the following items for discussion and/or approval:

CRITICAL SHORELINE APPLICATIONS:

Item 1 – Approved by P&Z (unanimous) Consideration of a request to construct a Single Family Private Dock on Lots 6 & 7, 4406 St. Teresa Avenue, St. Teresa, Franklin County, Florida. This application meets all state and local requirements. Request submitted by Frank Bickerstaff, applicant.

Item 2 – Approved by P&Z (unanimous) Consideration of a request to construct a Single Family Private Dock on Lot 4, Tarpon Bay, 1220 Alligator Drive, Alligator Point, Franklin County, Florida. This application meets all state and local requirements. Request submitted by Gene Strickland, LLC, agent for Judith Emmons Bretts, applicant.

Item 3 – Approved by P&Z (unanimous) Consideration of a request to construct a Single Family Private Dock on Lot 45 Holiday Beach, 27 Carnival Lane, Alligator Point, Franklin County, Florida. This application meets all state and local requirements. Request submitted by William Rouse, applicant.

Item 4 – Approved by P&Z (unanimous: this project was approved to modify existing dock up to 60 feet in length) Consideration of a request to modify a Single Family Private Dock on Lot 4, Block 81, Unit 5, 405 East Sawyer Street, St. George Island, Franklin County, Florida. This application meets all state and local requirements. Request submitted by Docks 4 Less, agent for James Geissinger, applicant.

Motion by Putnal, seconded by Sanders, to approve Items 1 – 4; Motion carried 5-0.

FINAL PLAT APPROVAL:

Item 5 – Approved by P&Z (unanimous) Consideration of a request for Final Plat approval of a 10 lot subdivision named “Angler’s Point” on 10.69 acres parcel lying in Section 23, Township 8 South, Range 6 West, Eastpoint, Franklin County, Florida. Request submitted by Paul Osterbye, applicant.

Motion by Putnal, seconded by Parrish, to approve Item 5 contingent on the County Attorney's approval; Motion carried 5-0.

Advisory Board of Adjustment Report (Attached to Agenda) (8:22 PM)

Mr. Pierce presented the following items for discussion and/or approval:

Item 1 – **Approved by ABOA** (unanimously) a request for a variance to construct decks nine feet into the side setback lines on property described as Lot 19, Block 87, Unit 5, St. George Island, Franklin County, Florida, as submitted by Mason and Marilyn Bean, owners.

Motion by Lockley, seconded by Putnal, to approve Item 1; Motion carried 5-0.

Item 2 – **No action by the ABOA** (motion to approve failed for lack of majority vote) on a request for a variance to the Franklin County Flood Ordinance to construct a single family house 6.5 inches below the required base flood elevation of 18 feet above mean high water on property described as Lot 19, Block C, Unit One, St. James Island Park, Franklin County, Florida, as requested by William P and Kathleen Kinser, owners. Commissioner Sanders asked that some kind of disciplinary action is taken against contractor; Mr. Pierce stated that the contractor was already disciplined

Mr. William Kinser explained why this variance request was necessary.

Mr. Pierce and Attorney Shuler stated that there is a possibility that FEMA might reduce the discount on flood insurance that is offered to the property owners of Franklin County if this variance is approved.

Paul Riegelmayr expressed his concerns of the tax payers of the County having to pay a higher flood insurance premium because of the contractor's mistake in this matter.

Andy Smith asked for the name of the contractor; Attorney Shuler stated that the Contractor's name is public record and can be obtained from other sources.

Commissioners Parrish and Crofton expressed their concerns of the possibility of the entire County losing the premium discount in the Federal subsidized flood insurance program.

Board discussed the possible increase in flood insurance and possible litigation on this matter in the future.

Motion by Sanders, seconded by Putnal, to approve Item 2, grant the variance, contingent upon FEMA not reducing the County's premium discount or eligibility to participate in the Federally subsidized flood insurance program and to have Mr. Kinser sign a hold harmless agreement that is approved by the County Attorney; Motion carried 3-2 Crofton and Parrish opposed.

Item 3 – **Approved by ABOA** - (3 to 1 vote) a request for a special exception to cluster 21 lots on 21.16 acres on property described as lying in Section 35, Township 7 South, Range 5 West, between Eastpoint and Carrabelle, Franklin County, Florida, as requested by Shell Bay Development Corporation, owner.

Dan Garlick talked about this variance request.

Richard Harper, of the ABOA, commented on this request mentioning that this configuration of the lots is different from when it was originally submitted by the developer.

Mr. Garlick responded to Mr. Harper's comments and stated that the boat storage on the plans was not for commercial use, only for the homeowners. Mr. Garlick and the Board discussed the stormwater issues and retention ponds regarding the plans for this project.

Motion by Putnal, seconded by Sanders, to approve Item 3 contingent upon the Board receiving approved stormwater plans; Motion carried 5-0.

Department Supervisor Report (Continued)

Marcia Johnson – Clerk of Courts (9:12 PM)

Mrs. Johnson presented the following items for discussion and/or approval:

Item 1 – A letter was received from the FL Dept. Of Agriculture advising the Division of Forestry has completed an updated acreage assessment cost report for fire protection in Franklin County for the fiscal year 2007/2008. For your budgetary purposes, our assessment has been increased by \$705.39 for a total of \$1,828.08. From the paperwork, it appears the Division of Forestry protects 69,936 acres within Franklin County.

Item 2 – For information, Mrs. Barbara Rohrs has presented her public official bond as a Commissioner of the Lanark Village Water and Sewer District. Pursuant to her instructions from the FL Department of State, the bond is filed with the Board.

Item 3 – A letter was received from the Office of the Medical Examiner. The Board entered into a contract with them for services in April of 2004 and they are now increasing their fees associated with performing autopsies and external examinations and are going to charge the County for cremation investigations as well. The changes will be implemented October 1, 2007. They have not increased fees in several years, and they estimated the total increase for the next budget year to be approximately \$3,051.00. F.S. 406.08 requires that the fees be paid from the funds of the County. I need a motion approving the changes to the contract.

Motion by Lockley, seconded by Sanders, to approve the requested changes to the contract with the Office of the Medical Examiner; Motion carried 5-0.

Item 4 – I've presented you each with a report I received from the hospital for the month of March. There was a balance in the bank account of \$548,897.78. It appears from their report that expenditures were higher than revenues during the month of March. Revenues totaled \$311,977.02 and Expenses totaled \$578,759.03 during that period.

Commissioner Lockley requested that someone from the Hospital administrative staff is present at the next regular meeting.

Advisory Board of Adjustment Report (Attached to Agenda) (9:18 PM)

Mr. Pierce presented the following items for discussion and/or approval:

Item 4 – **Approved by ABOA** - reconsideration of a request for a variance to relocate an existing dwelling 15 feet into the front setback line on property described as Lot 2, Block 12, Unit One Dog Island, Franklin County, Florida. Request submitted by Michael S. McGarry, Owner.

Motion by Sanders, seconded by Lockley, to approve Item 4; Motion carried 5-0.

Department Supervisor Report (Continued)

Alan Pierce – Director of Administrative Services (9:20 PM)

1- Inform Board that a local resident of Apalachicola, Mr. Mackenzie Williams has been named Youth of the Year from out of 3000 Boys and Girls Club members in the Big Bend region. Board action to send Mr. Williams a letter of congratulations.

Motion by Sanders, seconded by Parrish, to send Mr. Williams a congratulatory letter; Motion carried 5-0.

2- The Board has selected Meridian Planning Group (MPI) to negotiate a contract for the regional water supply analysis. MPI has submitted a contract for review. Board action to turn the contract over to the County Attorney for his review.

Motion by Sanders, seconded by Putnal, to forward the MPI contract to the County Attorney for his review; Motion carried 5-0.

3- Board action to designate April 15-21, 2007 as National Libraries Week. Request submitted by Ms. Judy Rundel, Franklin County Librarian.

Motion by Lockley, seconded by Putnal, to designate April 15-21, 2007 as National Libraries Week; Motion carried 5-0.

4- Several months ago the Board was awarded a CDBG planning grant of \$65,800 to provide planning funds for Eastpoint Sewer and Water to work out the details of needed sewer and water improvements on Wilderness and Ridge Road. It is our understanding that upon completion of the planning grant, the county will automatically receive \$644,000 of CDBG construction funds for the same project. Board action to approve agreement between the county and Eastpoint Sewer and Water District for the CDBG funds. The \$65,800 is available now, with the \$644,000 to come later. Board action.

Motion by Sanders, seconded by Putnal, to approve the agreement between the County and Eastpoint Sewer and Water District for the CDBG funds; Motion carried 5-0.

5- Inform Board that the Planning Department has written a letter objecting to a proposed multi-slip dock in Eastpoint because it would be considered a marina which might cause shellfish harvesting areas to be closed.

6- On a related note, the Board tabled action on a multi-slip facility in the Two Mile area at Mr. Bruno Kolb's property for a similar concern. I met with Mr. Joe Shields to discuss this issue and he said that because there is already a large restricted area around Two Mile, adding marina type facilities will not have the same impact on shellfish harvesting areas as adding marina type facilities in Eastpoint. Basically, the area around Two Mile is already closed to shellfish harvesting, so allowing marinas will not expand the closed areas. He made it clear that adding marina type facilities in Eastpoint will cause the Dept. of Agriculture to reconsider classifying shellfish harvesting areas. Board action on the Bruno Kolb request to reconfigure an existing multi-slip facility.

Motion by Parrish, seconded by Sanders, to table this item until the next regular meeting; Motion carried 5-0.

7- Inform Board that Crooms Transportation has agreed to serve as a pay station for Progress Energy.

8- Inform the Board that the Seafood Task Force met on April 10, and does recommend the Board accept the landings phase of the Feasibility Study. Specifically, the Task Force does support the Lombardi site in Two Mile as the initial site for a county landing facility to be developed. The Task Force also recommends that if more than one property can be purchased, the purchases should be split evenly between Apalachicola and Eastpoint. The Task Force would like to point out that given the seasonal limitations on the Sportsman's Lodge property, the county should seek an Eastpoint waterfront landing park.

The Task Force also recommends that in any landing park, seafood workers must have right of access, and damage to the bay should be prohibited. Landing parks should be for parking and boat launch, and not for building marinas or permanent boat slips. The later could result in closure of harvesting areas, even if the slips were used by commercial fisherman.

Board and Mr. Pierce discussed the option of the County purchasing the Rickard and Spohrer properties.

Motion by Putnal, seconded by Parrish, to accept the landing phase of the Feasibility Study; Motion carried 5-0.

9- While the county is applying for two boat ramp grants with Fish and Wildlife, the consultants Lampl/Herbert are applying for a boat ramp on behalf of the county at the Lombardi site. The county ramps are considered Tier 1, and the Lampl/Herbert grant will be considered Tier 2. Tier 1 and Tier 2 grants do not compete against each other. Lampl/Herbert is volunteering their time to write the grant. The Board has already taken action on the grant application last meeting, but I just wanted to explain in the minutes that Lampl/Herbert were volunteering their time.

10-As the Board is aware, Mr. Dave McClain is no longer acting as the Coordinator for the Seafood Task Force. His replacement has been selected, and met with the Task Force. His replacement is Mr. Kevin Begos, a current resident of Apalachicola, and former reporter with the Apalachicola Times. Mr. Begos most recently was a reporter in Tallahassee for the Tampa Tribune. Mr. Begos will be submitting a contract for the Board's consideration, and that contract will be specific to the funds that are still remaining.

To that end, Mr. McClain had been receiving funds from the Univ. of Florida. The University has contacted me and they prefer to enter into a contract with the Board so that their remaining funds become available to the Board, and Coordinator would just get paid from one source.

11- Mr. McClain had made contact with Mr. Charlie Gautier, DCA, on some \$25,000 worth of planning money that could be made available to county. Mr. McClain has developed a scope of work that would begin the implementation of part of Feasibility Study. If the county is interested in obtaining this grant from DCA, it will need to authorize the submittal of a request to DCA.

There is a debate about who should actually do the work, and it is my recommendation that the Board direct the Task Force to decide who should do the work. Board action to submit the request and to direct the Task Force to make a recommendation regarding the administration of the grant, assuming the Board receives it.

Linda Raffield, of the Franklin County Seafood Workers Association, commented on the efforts of the Seafood Task Force, but discussed some internal problems that the task force was experiencing including the firing of David McLain, and how it is affecting the life of the task force.

Motion by Lockley, seconded by Putnal, to submit the request for the grant to DCA and direct the Task Force to make a recommendation regarding the administration of the grant, if received; Motion carried 5-0.

12- At the last meeting, the Board heard an allegation from a member of the public that an employee in a county department was being subject to racial discrimination. I have investigated the situation and find no basis for such allegation.

13- With the appointment of the Franklin County Housing Board to oversee the SHIP program, as well as the development of the affordable housing program, Michael Moron will no longer be assisting Ms. Lori Switzer, SHIP Coordinator. She will be in charge of administering the SHIP program, and the Housing Authority will provide her guidance and recommendations on changes to the SHIP plan, when necessary. The Board needs to enter into a contract with Ms. Switzer for her work, since she will no longer be a subcontract under Mr. Moron. Her proposed fee is equal to the fee she was getting plus the fee that Mr. Moron was getting since she is now doing his work. She is being paid as a consultant and does not receive any county benefits. Board action to approve her Memorandum of Understanding as SHIP Administrator. I have attached a copy of her Memorandum to the end of my report. Board action.

Motion by Sanders, seconded by Lockley, to approve the Memorandum of Understanding with Ms. Switzer for the administration of the SHIP program contingent on attorneys approval of the agreement; Motion carried 5-0.

14- Inform Board that DOT has provided a letter of support for the Ochlockonee Boat Ramp.

15 – Board action to approve of Progress Energy’s Hold Harmless Agreement to use the Apalachicola Airport as a temporary staging area.

Motion by Sanders, seconded by Parrish, to approve Progress Energy’s Hold Harmless agreement to utilize the Apalachicola Airport as a temporary staging area; Motion carried 5-0.

16 – Per Van Johnson – Board action to allow an easement for Progress Energy at Kendrick Park

Motion by Sanders, seconded by Putnal, granting Progress Energy an Easement to run underground power to Kendrick Park in Carrabelle contingent upon the County Attorney completing the documentation; Motion carried 5-0.

County Attorney Report (9:44 PM)

T. Michael Shuler

Attorney Shuler had no items to report but stated that a grievance hearing might be scheduled next week and would notify the Board if needed.

Commissioners’ & Public Comments (9:46 PM)

Commissioner Sanders discussed the letter of appreciation that was sent to Mr. Scott, the Veterans Service Officer. Commissioner Sanders stated how much she enjoyed the beach renourishment public workshop that was held in Alligator Point and suggested that the Board schedule quarterly public workshops throughout the County and that she has received letters and calls regarding the future plans for maintenance of the beach renourishment project. Mr. Pierce discussed this matter.

Commissioner Crofton stated that Forgotten Coast TV was formally inviting all of the Commissioners to do a 5 minute segment for broadcast.

Richard Harper suggested that different dates are set for public hearing so that the regular meetings don’t run to late and thanked the Commission for their patience and allowing the public to be heard in the manner that they are.

Adjourn (9:50 PM)

There being no further business Chairman Crofton adjourned the Regular Meeting at 9:50 PM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts