# FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING FRANKLIN COUNTY COURTHOUSE ANNEX APRIL 18, 2006 5:00 PM

### **MINUTES**

**Commissioners Present:** Cheryl Sanders-Chairman, Bevin Putnal Vice-Chairman, Russell Crofton, Noah Lockley, and Jimmy Mosconis

**Staff Present:** Van Johnson - Solid Waste Department, Hubert Chipman - Road Department, Bill Mahan - County Extension Director, Marcia Johnson - Clerk of Courts, Alan Pierce - Director of Administrative Services, Michael Schuler - County Attorney, Michael Moron - Board Secretary

### Call to Order

Chairman Sanders called the meeting to order at 5:00 PM.

### **Pledge and Prayer**

There was a Prayer followed by the Pledge of Allegiance

### **Approval of Minutes**

Motion by Lockley, seconded by Crofton, to approve the minutes for the April 4, 2006 Regular Meeting and the April 12, 2006 Special Meeting; Motion carried 5-0.

### **Payment of County Bills**

Motion by Putnal, seconded by Crofton to approve payment of the County bills as presented; Motion carried 5-0.

#### **Department Supervisor Report**

**Hubert Chipman – Superintendent of Public Works** 

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

Item 1 – Employee resigned and authorization needed to advertise to fill the vacant position.

Motion by Mosconis, seconded by Putnal, to authorize advertisement to fill vacant position at an annual salary of \$20,000; Motion carried 5-0.

Item 2 – Pipes are in at Otter Slide

Item 3 – Boat ramp is almost complete but road needs work

Item 4 – Crews will be back on the ball field in Carrabelle next week

Commissioner Sanders stated that property owners in St. Teresa asked for the County to drag the road, but about 50ft of the road is private property. Board discussed this request.

Motion by Lockley, seconded by Putnal, directing Mr. Chipman to 'drag' the road; Motion carried 4-1, Crofton voting Nay.

#### **Alan Pierce – Director of Administrative Services**

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

Item 10 – Inform Board that VMS has sent in a request to the county to utilize 3 sites in the county for debris storage. Two sites are county property, being an area around Airport Road west of Apalachicola, and the other being the old borrow area near the Carrabelle Sewer Plant. Does the Board want to allow VMS to utilize these sites as a temporary staging area for hurricane debris?

Motion by Putnal, seconded by Crofton, to allow VMS to utilize the discussed sites as temporary staging areas for hurricane debris; Motion carried 5-0.

#### Van Johnson – Solid Waste Director

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

Item 1 – Public restrooms on St. George Islands are temporarily closed for maintenance

Item 2 – Tourist Development Council at their April 4, 2006, regular meeting unanimously moved to subsidize Parks & Recreation budget.

Motion by Lockley, seconded by Crofton, to ratify and endorse the TDC's plan and funding for hiring 2 staff members and purchasing equipment to conduct additional cleanups at beaches, shores, piers, and boat ramps throughout the County; Motion carried 5-0.

Item 3 – Annual Full Cost of Solid Waste Management Report and Public Notice

Motion by Mosconis, seconded by Lockley, to approve and authorize the Chairman's signature on the Annual Full Cost of Solid Waste Management Report

### and Public Notice detailing the full costs incurred by Franklin County for the Solid Waste Management; Motion carried 5-0.

Item 4 – Parks & Recreation Staff with the Boys & Girls club is planning to conduct a series of sports and enrichment camps throughout Franklin County.

### **Bill Mahan – County Extension Director**

Mr. Mahan did not attend the meeting.

### **Curt Blair – Tourist Development Council**

Mr. Blair distributed and reviewed a report from the TDC. This report included the list of applicants that received funding from the second round of the small grant program.

Carrabelle Lighthouse Association	\$ 15,000			
Holiday on the Harbor	\$ 20,000			
Oyster Spat Festival	\$ 55,000			
Florida Seafood Festival	\$ 10,000			
Dixie Seafood/Fall Winter Season	\$ 42,000			
Historic Apalachicola Christmas Celebration	\$ 3,000			
Historic Apalachicola Antique & Classic Boat Show	\$ 5,000			
Historic Apalachicola Promotional Brochure	denied			
Apalachicola Seasonal Promotional Campaign	denied			

The report also discussed an ordinance that would allow the creation of an emergency marketing fund. Commissioner Mosconis asked the TDC to consider the possibility of purchasing waterfront property with unanticipated funds.

Motion by Mosconis, seconded by Crofton, to direct Attorney Shuler to begin the process of creating an Ordinance to allow an emergency marketing fund; Motion carried 5-0.

### **Public Hearing – Land Use Change**

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

Item 1 – A 17.22 acre parcel lying in Section 10, Township 8 South, Range 7 West, north of Eastpoint, Franklin County, Florida be changed from Agriculture to Residential. Chairman Sanders opened the floor for public comment.

Dan Tonsmeire, of the Riverkeepers, suggested that the Board establish a work group on East Bay Properties because it is a very sensitive area to the Bay.

Charles Brannen voiced his opposition to the request because that area is used to hunt. Attorney Pat Floyd representing the owners stated that the property is well away from the Bay.

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

Item 2 – A 6.94 acre parcel lying in Section 32, Township 6 South, Range 1 West, near Alligator Point, Franklin County, Florida be changed from Agriculture to Residential. Chairman Sanders opened the floor for public comment.

Dan Tonsmeire reiterated his request for the Board to create works groups to look at these requests ahead of time.

Motion by Putnal, seconded by Crofton, to approve Item 2; Motion carried 5-0.

### **Public Hearing – Zoning Change**

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

Item 1 – A 17.22 acre parcel lying in Section 10, Township 8 South, Range 7 West, north of Eastpoint, Franklin County, Florida be changed from A-2 Forestry Agriculture to R-3 Single Family Estate Residential.

Chairman Sanders opened the floor for public comment.

Motion by Mosconis, seconded by Crofton, to approve Item 1; Motion carried 5-0.

Item 2 – A 6.94 acre parcel lying in Section 32, Township 6 South, Range 1 West, near Alligator Point, Franklin County, Florida be changed from A-2 Forestry Agriculture to R-1 Single Family Residential.

Chairman Sanders opened the floor for public comment.

Motion by Putnal, seconded by Crofton, to approve Item 2; Motion carried 5-0.

#### **Planning and Zoning Report**

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

Item 1 - No Recommendation from P&Z – Chester Krawczuk to construct a Single Family Private Dock on Lot 8, Sand Dollar Cove at Emerald Point, 1421 U.S. Highway 98 West ,Eastpoint, Franklin County, Florida. This dock meets all state and local requirements. This request was submitted by GEA, Inc., agent for applicant.

Item 2 - No Recommendation from P&Z – Chester Krawczuk to construct a Single Family Dock on Lot 7, Sand Dollar Cove at Emerald Point, 1471 U.S. Highway 98 West, Eastpoint, Franklin County ,Florida. This dock meets all state and local requirements. This request was submitted by GEA Inc., agent for applicant.

Dan Tonsmeire asked the Board to table items 1 & 2 until further research could be done on these two request.

Motion by Mosconis, seconded by Crofton, to table Items 1 & 2; Motion carried 5-0.

Item 3 - No Recommendation from P&Z – Rex and Anne Anderson to construct a Single Family Dock on Lot 6 Indian Mound Shores, 813 U.S. Highway 98, Eastpoint, Franklin County, Florida. This application meets all state and local requirements. This request was submitted by GEA, Inc., agent for the applicant.

Motion by Putnal, seconded by Mosconis, to approve Item 3; Motion carried 5-0.

### **Advisory Board of Adjustment Report**

Ms. Rachel Ward presented the following items for discussion and/or approval:

Item 1 – Approved by BOA (unanimous- but contingent upon mitigating with River Keepers to come up with a plan to preserve natural resources) Consideration of a request to construct an open shed 15 feet into the setback line off of Bayshore Drive and 40 feet into the Critical Habitat Zone on property described as Lots 1-4, Block 3, Unit 1 East, St. George Island, Franklin County, Florida. Request submitted by Wild Women, Inc, owners.

Jean McMillian, of Wild Women, Inc., stated that the stormwater pond could be built on County property.

Dan Tonsmeire stated the eRiverkeepers opposition to this variance.

Alan Feifier stated that only hardships should be considered when variances around or on the critical habitat zone is requested and allow a holding pond on County property is a major issue and could start a bad precedent.

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

Item 2 – Approved by BOA (unanimous) Consideration of a request for a variance to construct a seawall within the Critical Habitat Zone on property described as Lot 11, Block V, Unit 1, Lanark Beach, Franklin County, Florida. Request submitted by Docks 4 Less, agent for Paul Paulizzi, NB Investments, LLC.

Item 3 – Approved by BOA (unanimous) Consideration of a request for a variance to construct a seawall within the Critical Habitat Zone on property described as Lot 12, Block V, Unit 1, Lanark Beach, Franklin County, Florida. Request submitted by Docks 4 Less, agent for Scott Roberts, NB Investments, LLC.

Item 4 – Approved by BOA (unanimous) Consideration of a request for a variance to construct a seawall within the Critical Habitat Zone on property described as Lot 13, Block V, Unit 1, Lanark Beach, Franklin County, Florida. Request submitted by Docks 4 Less, agent for Scott Roberts, NB Investments, LLC.

Dan Tonsmeire, regarding Items 2, 3, & 4, suggested offshore breakwater as a better solution or moving the seawall further back.

Commissioner Sanders expressed her concerns regarding any of these seawalls encroaching on county Right-of-way.

Sylvia Keith, of Docks-4-Less, addressed Commissioner Sanders' and other concerns.

### Motion by Mosconis, seconded by Putnal, to approve Items 2, 3, & 4; Motion carried 5-0.

Item 5 – Approved by BOA (unanimous) Consideration of a request to construct a single family dwelling 18 feet into the Critical Habitat Zone on property described as Lot 4, Block 74, Unit 5, St. George Island, Franklin County, Florida. Request submitted by GEA, Inc, agent for David Walker, owner.

Mrs. Ward stated that this request was for an interior lot.

### Motion by Crofton, seconded by Lockley, to approve Item 5; Motion carried 5-0.

Item 6 – Approved by BOA (unanimous) Consideration of a request to construct an addition to an existing dwelling 20 feet into the front setback line off of Alligator Drive, on property described as 1439 Alligator Drive, Section 1, Township 7 South, Range 2 West, Alligator Point, Franklin County, Florida. Request submitted Jim McCloy, owner.

### Motion by Lockley, seconded by Mosconis, to approve Item 6; Motion carried 5-0.

Item 7 – Denied by BOA (unanimous) Consideration of a request for a variance to exceed the nine foot height limit by constructing a single family house 11 feet above grade, also to encroach five feet into both side lot lines on property described as 1804 Highway 98, Carrabelle Beach, lying in Section 25, Township 7 South, Range 5 West, Franklin County, Florida. Request submitted by Randy and Ann Langston, owners. Randy Langston explained the need for the variance request.

#### Motion by Crofton to deny this request; Motion failed, there was no second.

### Motion by Crofton, seconded by Putnal, to table Item 7 until it can be researched further; Motion carried 5-0.

Item 8 – Denied by BOA (unanimous) Consideration of a request for a variance to construct a swimming pool 17 feet into the front setback line off of Bayshore Drive on property described as Lot 1, Block 2, Unit 1 East, St. George Island, Franklin County, Florida. Request submitted by Larry and Angela Troy, owners.

### Motion by Crofton, seconded by Mosconis, to approve Item 8; Motion carried 5-0.

Item 9 – Approved by BOA (unanimous) Consideration of a request for a variance to relocate an existing dwelling to the front property line off Gulf Shore Drive on property described as Lot 16 (unrecorded), Dog Island, Franklin County, Florida. Request submitted by Bill Houston, agent for Christian Amuroux, owner.

The Nature Conservancy and Barrier island Trust both objected to this variance request. Chris Teaf, a Dog Island Homeowner and President of the Dog Island Conservation District, stated that they do not support homes encroaching on the road, which may be owned by the District who where not notified of this variance request.

It was stated that two other similar request were approved and permitted by the County.

Motion by Putnal, seconded by Crofton, to table this item; Motion carried 5-0.

### **Bid Opening – Lake Morality**

Mr. Pierce opened the following bids: C. W. Roberts - \$1,547,292.00 Peavy & Sons - \$1,734,638.50

### Bid Opening – C-30A

Mr. Pierce opened the following bids: C. W. Roberts - \$2,194,509.00 Peavy & Sons - \$2,319,723.00

### Bid Opening - Bluff Road Bike Path

Mr. Pierce opened the following bid: C. W. Roberts - \$424,960.00

Motion by Mosconis, seconded by Putnal, to forward the bids for all three of the projects to the Engineer for his recommendation; Motion carried 5-0.

Mr. Pierce stated that all of the Bids were over the DOT grants and the County's set aside amounts.

Motion by Mosconis, seconded by Crofton, to allow Mr. Pierce to negotiate with the Bidders to get the bids within the County's budget; Motion carried 5-0.

### **Inter-local Agreement – County & Cities Sales Tax**

Attorney Shuler stated that the proposed County and Cities sales tax would be for health care, ½ indigent and ½ to infrastructure, but it has to be approved by the County first. Dr. Marsh asked that the Health Care Committee is allowed to review the agreement before Board approval.

Todd Beiterman, of Blackhawk, stated that if the Board agrees to go with Blackhawk as the management company for the Hospital, this tax needs to be tied in to their indigent care agreement.

Mayor Kelly, of Carrabelle, asked it the indigent care provided by North West Florida will conflict with this agreement. Attorney Shuler stated this is separate matter which would apply to Weems but could also serve the needs of the same people.

Motion by Putnal, seconded by Lockley, to table this matter; Motion carried 5-0.

Conceptual Approval – Observation Pier – Lakes on the Bluff

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Attorney Steve Watkins, representing the applicant, requested conceptual approval contingent on DEP review and permitting.

Kenny Harrell, adjacent property owner, and Frank Venable expressed their opposition to this request.

Dan Tonsmeire and George Allen, adjacent property owners, asked the Board to table this matter until further questions could be answered.

Wayne Thomas expressed some of his concerns and also asked the Board to table this request.

Motion by Mosconis, seconded by Crofton, to table this request; Motion carried 5-0.

### **Department Supervisor Report (Continued)**

### **Alan Pierce – Director of Administrative Service**

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

Item 1 – Inform Board that Progress Energy has notified county it has modified its lights on St. George Island to bring them into compliance with the turtle lighting.

Item 2 – Ms. Maria Crump, Emergystat requests the Board submit a \$3262 grant application to purchase EMS equipment. I have also been advised that Emergystat has submitted a grant application for a new ambulance, at a 90-10 cost share. Emergystat has not provided the county with a copy of the grant yet. Board action on EMS equipment grant and Resolution authorizing Chairman's signature.

### Motion by Lockley, seconded by Crofton, to submit the requested grant to purchase EMS equipment; Motion carried 5-0.

Item 3 – Several years ago the Board and the Northwest Florida Water Management District agreed to pursue joint funding and construction of some structures to reduce stormwater pollution in the Eastpoint area. This project was started while Mr. Eddie Creamer was in office. The District now has the \$369,000 worth of EPA funds to install up to 8 mechanical devices in the US 98 right-of-way in Eastpoint. The District will secure all the necessary permits and pay for the installation of the devices. The county will have to maintain them, which involves a periodic removal of debris that the devices collect. The City of Apalachicola has one installed and has not had any problems with it. Board action to approve the Agreement contingent upon the County Attorney reviewing it.

### Motion by Mosconis, seconded by Crofton, to approve the requested Agreement contingent on Attorney Shuler's review and approval; Motion carried 5-0.

Item 4 – Board action to approve the submission of CR 370/Alligator Point Road for resurfacing and widening under a DOT SCOP matching grant. The total construction costs are estimated at \$3.6 Million. If the grant is awarded the state pays 75%, which

would be approximately \$2.4 Million, and the county pays \$1.2 Million. This would need to be funded in next year's budget. Board action.

### Motion by Mosconis, seconded by Lockley, to approve the requested submission under a DOT SCOP matching grant; Motion carried 5-0.

Item 5 – Provide Board with copy of letter sent to TDC regarding infrastructure improvements desired to be funded through the TDC grant funds.

Item 6 – Mr. Ted Mosteller recommends the Board sign Fuel Farm Renovation Contract with Southern Petroleum Systems. Southern Petroleum was the low bidder on the DOT funded project rehabilitating the fuel farm at the airport and this contract allows them to move forward consistent with the terms of the DOT grant. Board action.

## Motion by Mosconis, seconded by Crofton, to authorize the Chairman's signature on the Fuel Farm Renovation Contract with Southern Petroleum Systems as recommended by Ted Mosteller; Motion carried 5-0.

Item 7 – Inform Board I have a copy of telephone survey being used by the Oppenheim Group on behalf of Franklin County Public Health Unit and Franklin County Health Council.

Item 8 – Inform Board that I have spoken to a Professional Engineer who is interested in relocating to Franklin County. As soon as his visit is arranged I will inform the Board.

Item 9 – Board action to approve Chairman to sign grant application to the Florida Communities Trust program to purchase part of the Indian Creek Bayfront Park. There are no local funds being used in the land acquisition.

### Motion by Lockley, seconded by Putnal, authorizing the Chairman's signature on the grant application to FCT; Motion carried 5-0.

Item 10 – Inform Board that VMS has sent in a request to the county to utilize 3 sites in the county for debris storage. Two sites are county property, being an area around Airport Road west of Apalachicola, and the other being the old borrow area near the Carrabelle Sewer Plant. Does the Board want to allow VMS to utilize these sites as a temporary staging area for hurricane debris?

#### This item was addressed earlier in the meeting.

Item 11 – Inform the Board that the CDBG grant the Board has allowed Mr. McLain to utilize has extended the application period now to June 30. I have informed Mr. McLain of this.

Item 12 – Mr. Billy Moses, Courthouse custodian, has informed me that he would like to retire at the end of May. Board action to authorize me to advertise for a replacement with

a salary agreed by the Board. I am proposing to seek someone with a minimum of 5 years maintenance experience in commercial operations. My suggested starting salary is \$26,500. Board action.

### Motion by Mosconis, seconded by Putnal, to authorize an advertisement to fill the vacant custodian position starting at \$26,500; Motion carried 5-0.

Item 13 – Update on Alligator Point. The FEMA office in Orlando called last week and congratulated the county on agreeing to relocate the Alligator Point Road. They had become aware of a cost analysis I had submitted some months ago where it showed that over \$3 Million dollars in public funds had been spent over the last 20 years trying to maintain the road. Mr. Robert Seibert, FEMA, asked that the county move forward with an appraisal of the land, because he is prepared to move forward with authorization for funds to buy the land, and to build the road, but he needs a land cost. Board action to hire an appraiser. FEMA will reimburse.

On April 8, I attended an Alligator Point Taxpayer Association Meeting with the Chairman and Mike Dombrowski. Mr. Dombrowski made a power point presentation regarding several options for beach renourishment and I made a presentation regarding a funding possibility.

APTA is going to have another meeting in June to vote on what option of beach restoration they prefer, but all of the options include millions of dollars. The state will pay up to 50% of the cost, and then the county has to pay the other share. I suggested that one way to fund the project would be to roll in some other large scale road resurfacing projects with a beach renourishment and fund it through an MSBU-a Municipal Service Benefit Unit. An MSBU is a uniform fee applied to all the lots within a certain area, it is uniform because of the presumption that everyone gets an equal benefit. The county fire assessment is an MSBU. In order to do some paving and the beach renourishment project I calculated the county would need \$3.5 Million dollars. That money would need to be bonded/financed over an 8 year period because it is expected that every 8-10 years beach renourishment would have to re-occur. If all the lots on Alligator Point and Bald Point were included, which is approximately 1200, the annual assessment would be around \$400.

There was much discussion about this, with some people very much in favor and some very much opposed.

The Board may choose to wait until after the June APTA meeting to discuss the beach renourishment project, but I still need final direction on the Board for the utilization of \$158,000 of Bald Point Trust Fund money to finish paying for the engineering and design. Board action.

Motion by Crofton, seconded by Lockley, to hire an appraiser and pay for the services from professional services first and if needed then out of the Bald Point Trust Fund; Motion carried 5-0.

Ken Osbourne, of APTA, expressed his concerns about the spending of Bald Point Trust Fund and suggested that County funds should be utilized for the Alligator Point project at this time.

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Dan Barnett, Alligator Point resident, expressed his concerns of how the MSBU payments will be among the property owners.

Ken Osbourne stated that APTA will be reviewing and discussing the option during the 2<sup>nd</sup> Saturday in May and then sending an opinion poll to the property owners. Mr. Osborne asked if only the property owners of Alligator Point should pay for this beach renourishment project when these same property owners were not given a choice of paying, thru taxes, for the hospital.

Motion by Lockley, seconded by Crofton, to pay for the Engineering and Design cost for the Alligator Point Beach renourishment project from the Bald Point Trust Fund; Motion carried 5-0.

#### Marcia Johnson - Clerk of Court

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

At the Board's direction, I have met with Attorney Shuler and Ron Wolfe as well as Curt Blair from the Hospital Advisory Board . I presented an Information Sheet regarding Weems Memorial Hospital as well as a list of issues for discussion with the Hospital Advisory Board. Curt Blair and Mr. Wolfe had no problems with the issues for discussion but need some time to get the data requested together.

From a financial standpoint regarding the hospital today, you should consider taking several courses of action:

- 1- The balance in your hospital account after approval of bills this evening is only \$101,171.71. To continue the operation of the hospital, you need approval of a budget amendment in the amount of \$500,000 from your paving fund.
- 2- You need to direct county staff to meet with the Governor's office to discuss an application for a \$600,000 rural revolving loan through Enterprise Florida at 3% interest
- 3-The June 30th deadline on hospital employees temporary status is still an issue; however, Ron Wolfe did immediately provide information to the Board's labor attorney, Lucy Turner. Mr. Shuler can report more on that matter
- 4- The Board needs to convene a special executive session to discuss the GE litigation.

Motion by Mosconis, seconded by Crofton, to approve the transfer of \$500,000 from the paving fund to the hospital fund; Motion carried 5-0.

Motion by Mosconis, seconded by Lockley, to direct Mr. Pierce to meet with the Governor's office to discuss a \$600,000 rural revolving loan through Enterprise Florida; Motion carried 5-0.

Motion by Lockley, seconded by Mosconis, to authorize a special attorney-client executive session to discuss the GE litigation; Motion carried 5-0.

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Todd Beiterman, of Blackhawk, asked the Board for some direction regarding a management contract between the County and Blackhawk for Weem's Hospital. Commissioner Sanders expressed her desire for the County to go to RFPs for the management of the Hospital.

Commissioner Mosconis stated that he was in favor of entering into an agreement with Blackhawk, especially since they are familiar with the GE and Medicare issues the County is currently facing.

There were comments from the floor regarding the viability of the Hospital, the possibility of the hospital costing the County close to \$5 million to remain open, the amount of current receivables, and also comments in favor of keeping Blackhawk. Commissioner reminded the Board that if Blackhawk left, the County was not in a position to manage the hospital.

Commissioner Crofton stated that at the present time the County has to make the best decisions that it can to keep the Hospital open.

Commissioner Lockely verified that the contract with Blackhawk to manage the Hospital would cost the County \$25,000 plus \$10,000 for the CEO, Mr. Ron Wolfe, monthly.

Motion by Lockley, seconded by Mosconis, to enter into a management agreement with Blackhawk to manage Weem's Memorial at a rate of \$35,000 per month starting May 1, 2006; Motion carried 4-1, Sanders voting Nay.

### Michael Shuler - County Attorney Report

Attorney Shuler presented the following item for discussion and/or approval:

Item 1 – GE Litigation update

### **Commissioners' and Public Comments**

Bruce Hall discussed turtle lighting issues that needed to be resolved by Progress Energy, the Critical Habitat areas in the County, the earlier requests for seawalls, and stated that she is now certified in stormwater management.

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The	ere being no	further	business	Chairman S	Sanders	adjourned	this meeting	g at	9:16	5 P	M.
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	Cheryl Sanders, Chairman FCBCC
Attest:	
Marcia M. Johnson, Clerk of Courts	