

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MAY 15, 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 (5:00 PM)

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

Prayer and Pledge (5:00 PM)

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes (5:01 PM)

Regular Meeting: May 1, 2007

Motion by Lockley, seconded by Sanders, to approve the Minutes for the May 1, 2007 Regular Meeting; Motion carried 5-0.

Payment of County Bills (5:01 PM)

Motion by Sanders, seconded by Lockley, to approve payment of the County's bills as presented; Motion carried 5-0.

Department Supervisor Report (5:02 PM)

Hubert Chipman – Superintendent of Public Works

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

Item 1 – Repairs and maintenance done at Old Ferry Dock Boat Ramp, Fred Millender's Boat Ramp in Eastpoint, Leonard's Landing, Alligator Point Landing, and Sun-n-Sand Landing in Alligator Point.

Item 2 – Repairs done at West Pine Road on St. George Island

Item 3 – Landscaping maintenance, including grass cutting and tree stump removal, done at George E Weems Memorial Hospital and at the Apalachicola Airport.

Commissioner Putnal suggested that the County consider leasing a smaller water truck to help with maintaining the roads, especially with dust control, since the County's only water truck was actually causing more harm than good.

Commissioner Crofton suggested checking with the airport for the possibility of using one of their tanker trucks.

Mr. Chipman stated that the water shortage is also adding to the problem.

Alan Pierce – Director of Administrative Services (5:08 PM)

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

Item 10 –Commissioner Cheryl Sanders and I attended a meeting with DEP this morning in Tallahassee to review the Alligator Point Beach Renourishment project. The good news is that the section of the project that had lost its designation as critically eroded has regained that designation thanks to the efforts of Rep. Kendrick and DEP Secretary Mike Sole. The bad news is that in order to maximize the state participation that county must make significant increases in public parking on the east end of the project, and most likely provide a bathroom on the east end, as well as the west end. Board discussion.

Commissioner Sanders stated that, at the Alligator Point Taxing Association meeting, there were concerns raised about parking on the right-of-way and asked Mr. Chipman to start filling the north side of the road with lime rock.

Motion by Sanders, seconded by Lockley, directing staff to send Department of Environmental Protection a letter regarding public access and the bathrooms and parking spaces needed to allow the Alligator Point beach renourishment project to continue; Motion carried 5-0.

Commissioner Sanders directed Mr. Chipman and Mr. Fonda Davis to work together to complete the Carrabelle Park Recreation Center project.

Commissioner Putnal asked if the public could utilize the Sportsman Lodge property; Mr. Pierce stated that the property is still private property but owner may continue to allow public use. Commissioner Putnal stated that he would contact the owner.

Van Johnson – Solid Waste Director (5:17 PM)

Fonda Davis presented the following items for discussion and/or approval:

Update on Mr. Johnson's condition.

Item 1 – Board action to approve the Consolidated Solid Waste Grant Application

Motion by Lockley, seconded by Sanders, to authorize the Chairman's signature on the Consolidated Solid Waste Grant Application; Motion carried 5-0.

Item 2 – Board action to allow the Big Bend Hospice use of the armory

Motion by Lockley, seconded by Putnal, to allow the Big Bend Hospice use of the armory and to waive the rental fees for their fund raiser; Motion carried 5-0.

Item 3 – Recommendation for a curfew at the County's Sports Complexes

Commissioner Parrish recommended that the curfew remains flexible to allow for the different type of sports being played and the season in which the sports are being played.

Motion by Putnal, seconded by Sanders, to allow the department head to decide an appropriate curfew for the County's Sports Complexes; Motion carried 5-0.

Item 4 – Department of Environmental Protection Wildfires Recommendations

- Operate facility with a small working face
- Apply cover to working face everyday
- Stockpile soil at facility to aid in combating fires
- Be prepared to implement your Contingency Plans in the event of a fire.

Dan Rothwell – County Engineer (5:23 PM)

Item 1 - Airport Access Road Observations:

Perform construction observations on the new Airport Access Road.

Item 2 - Road Department Maintenance Shop:

Work on the stormwater report and site construction plans is still in progress. Staff has contacted Florida Department of Natural Resources for permitting information.

Item 3 - Airport Access Road Equipment Grant:

With Florida Department of Transportation grant funds, in conjunction with the Airport Access Road, we desire to purchase a Leica TCR405 Total Station surveying device for \$7,990.00. I request that the BOCC waive the bid requirements. The equipment must, in part, be used on the Access Road project. The equipment will become Franklin County's at the completion of the project. The approval from FDOT for the equipment was secured by Ted Mosteller, Apalachicola Airport Manager.

Motion by Lockley, seconded by Sanders, to approve the purchase of the Leica TCR405 for \$7,990.00 with FDOT grant funds contingent on the County Attorney's approval; Motion carried 5-0.

Commissioner Sanders and Mr. Rothwell discussed a drainage problem that was located at Mr. Butler's property in Lanark Village.

Bill Mahan – County Extension Director (5:28 PM)

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

Item 1 - Florida Fish and Wildlife Conservation Commission Update: The FWC's Alligator Management Team will present new draft proposals to the commissioners at their June 13-14 meeting in Melbourne. No vote will be taken however feedback and direction to FWC staff will be given so any proposals requiring rule changes can proceed.

Item 2 - Boating Safety: Gov. Crist and the Cabinet today signed a proclamation designating May 19-25 as Florida's National Safe Boating Week. The proclamation encourages Floridians and visitors to stay alert for danger approaching from any direction; develop a life jacket habit, take an approved safe boating course and get a vessel check.

Item 3 - Gulf of Mexico Fishery Management Council Update: The Gulf of Mexico Fishery Management Council's Red Snapper Advisory Panel (AP) in Metairie, Louisiana today to review and comment on the Gulf Council's Draft Joint Reef Fish Amendment 27/Shrimp Amendment 14. The AP will review the document, which contains potential management measures to modify the rebuilding plan for red snapper in order to end overfishing and help the stock recover. These measures would further reduce commercial and recreational red

snapper harvest, as well as bycatch from both the directed fishery and the shrimp fishery. The AP will also prepare comments on the document, to be considered by the Council prior to final action.

Item 4 - Vermilion Snapper Proposal: The GMFMC has determined that current vermilion snapper regulations are more restrictive than necessary at this time. The proposed rule would reduce the minimum size limit for vermilion snapper to 10 inches, eliminate the 10-fish recreational bag limit for vermilion snapper within the existing 20-fish aggregate reef fish bag limit, and eliminate the 40-day commercial closed season for vermilion snapper (from April 22 through May 31 each year). These measures are designed to achieve a 25% increase in vermilion snapper harvest fairly and equitably across the commercial and recreational sectors.

Item 5 - Aquaculture Panel to Meet May 30-31: The GMFMC's Ad Hoc Aquaculture Advisory Panel will meet May 30-31 in Tampa. The panel will review an options paper for a "generic amendment" for regulating offshore marine aquaculture. The options paper provides alternatives and conditions for permitting offshore facilities to conduct aquaculture of species of fish endemic to the Gulf of Mexico.

Item 6 - Next GMFMC Meeting: The next Council meeting will be June 6-7, 2007 in New Orleans. Topics to be covered include; Ad Hoc Aquaculture Advisory Panel comments, Red Snapper AP comments, assessment for gag & red grouper, grey triggerfish management, vermilion snapper, and convening an Ad Hoc recreational Red Snapper AP. GMFMC Committees will meet June 4-6, in New Orleans.

Item 7 - Gulf and South Atlantic States Shellfish Conference: The GSASSC will be held in Corpus Christi, Texas on June 26-28. Topics on the draft agenda include: *Vibrio* monitoring, general *Vibrio* discussions, ISSC proposals (Taskforce I, II, III) and Biotxin discussions.

Item 8 - UF/IFAS IMPACT Magazine: Attached for your information is the new issue of IMPACT Magazine that is published by UF. Updates/Features include; organic farming opportunities, building a better peanut (nonallergenic peanuts), Fire Ants, New partnerships for Growth Management Issues, Designer Genes for Grass, and Stopping Scale on Sagos.

Item 9 - 4-H Tropicana Public Speaking Program: This morning the school winner of the 4-H Tropicana Public Speaking Program spoke up in the Countywide Competition. The winners in the 4th/5th Grade Division were: 1st – Jessica Shields (ABC School), 2nd – Tevis Page (Chapman Elem.), 3rd – Kendall WhiteEagle (Brown Elem.) & 4th – Mikeal Lewis (Carrabelle Elem.). The winners in the 6th Grade Division were: 1st – Rebecca Prickett (ABC School), 2nd – Carla Lewis (Carrabelle Middle School) & 3rd – Kyndl Schoelles (Apalachicola Middle School).

Commissioner Lockley stated that he had received some complaints that there was a possibility of chemicals being used upriver which was affecting the County and asked Mr. Mahan to check on this situation.

Planning & Zoning Report (Attached to Agenda) (5:37 PM)

Mr. Pierce presented the following items and recommendations from the Planning and Zoning Commission for discussion and/or approval:

Item 1 – Approved by P&Z (unanimously) a request to construct a private dock at 136 New River Lane, Carrabelle as requested by Garlick Environmental Associates, agent for Jimmy Meeks. Sanders expressed concerns of amount and size of docks at the upper end of the new river.

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

Item 2 - **Approved by P&Z** (unanimously) a request to construct a private dock at 142 New River Lane, Carrabelle as requested by Garlick Environmental Associates, agent for Jimmy Meeks.

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

Item 3 - **Approved by P&Z** (unanimously) a request for Final Plat of an 8 lot subdivision named "New River Run Phase 4", a parcel located in Section 1, Township 7 South, Range 5 West, Carrabelle as requested by Garlick Environmental Associates, agent for Jimmy Meeks.

Motion by Putnal, seconded by Lockley, to approve Item 3, contingent on the County Attorney's approval; Motion carried 5-0.

David Morse – Div of Forestry/Butch Baker – Director of Emergency Services (5:42 PM)

Franklin County Wild Fire Risk Assessment

David Morse, of the Division of Forestry, discussed the status of the wild fires occurring within the State. Mr. Morse stated that State is not issuing any burn permits, allowing any campfires on State lands, and is enforcing a ban on the burning of yard waste. Mr. Morse said that no single rain event will fix the dry spell situation but a fire in Tate's Hell will not put the County in danger. Mr. Morse gave an update on the door to door campaign that will address fires on private property.

Ms. Jennie Hurt, a Tate's Hell park ranger, also discussed the door to door campaign regarding burn ban and other fire restriction currently in effect, and mentioned what other Counties are doing about yard waste removal to avoid the need to burn.

Commissioner Putnal and Ms. Hurt discussed the information, regarding fire safety, that is presented when someone applies for a 4 wheeler permit.

Commissioner Sanders and Ms. Hurt discussed the State's effort to enforce the no campfire rule.

Commissioner Sanders and Mr. Morse discussed the fire currently burning on little St. George Island.

Commissioner Sanders and Mr. Butch Baker, Director of Emergency Services discussed the status of the radio communication problems.

Ms Hurt informed Commissioner Crofton that State's Division of Forestry does not have an end date for it's fire ban but the US Forestry Division has set an end date of August 9 for their fire ban.

There was Board discussion regarding the possibility of instituting a County Burn Ban Ordinance.

Mr. Baker stated that Gulf County has enacted their own fire ban including outdoor cooking, the State's ban only applies to State lands, and recommended a County ban on campfires, outdoor burning, and only allow supervised outdoor cooking.

Steve Fling, of the Franklin County fire departments, recommended a County wide outdoor burn ban.

Motion by Commissioner Putnal to support the State's fire ban as sent by Commissioner Bronson of the Department of Agriculture and Consumer Services; Motion failed, no second.

Motion by Sanders, seconded by Lockley, to declare an emergency, based on recommendation of Butch Baker Director of Emergency Services, Mr. Morse of the Division of Forestry, and Mr. Steve Fling of the United Franklin County Firefighters, to declare a state of emergency and enact an emergency ordinance to ban all outdoor fires, fireworks and only allow supervised outdoor cooking on all County land, private and public, until further notice; Motion carried 5-0.

Mr. Morse stated that the Division of Forestry gave the School Board a check in the amount of \$136,000.00 which is 15% of Timber receipts.

Discussion (5:53 PM)

Property (Roy Solomon) Acquisition for Weems Hospital

Alan Pierce – Director of Administrative Services

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

Item 9- Hospital land acquisition- Mr. Roy Solomon's offer is \$300,000, with \$50,000 down, and \$250,000 financed over 5 years at 6%. I have spoken to the Clerk, and the Board could authorize the purchase. If the Board does the purchase, the attorney needs to draw up a contract, and then ask the Clerk to work out the details with Mr. Solomon.

Richard Harper asked if it is critical to purchase this tract of land at this time.

Commissioners Lockley and Parrish stated that this property is needed for future expansion of the Hospital and it is also an investment for the County.

Mr. Pierce and Attorney Shuler discussed another piece of land that was previously given to the mental health department but never used and suggested that the County reacquire this particular property.

There was Board discussion regarding funding sources for the purchase of the property.

Commissioner Sanders questioned the timing of this purchase with the possibility of tax cuts and reduced budgets facing the County in the upcoming budget year.

Commissioner Parrish stated that he hopes the hospital can make payments on this property starting next year. Board recommended that the purchase agreement include a "no prepayment penalty" to avoid paying any finance charges on this purchase.

Motion by Lockley, seconded by Parrish, to direct the County Attorney to create an agreement to purchase the property, adjacent to the Hospital currently owned by Mr. Roy Solomon, for \$300,000 which will be financed over 5 years at 6% interest annually, with a \$50,000 down payment, and with a no early payment penalty clause, as agreed to by Mr. Solomon; Motion carried 5-0.

Motion by Lockley, seconded by Parrish, directing staff to approach the mental health department regarding the possibility of reacquiring the property given to them by the County; Motion carried 5-0.

Public Hearing (Continued) (6:40 PM)

Affordable Housing Comp Plan Element

Alan Pierce – Director of Administrative Services

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

Item 8- Board action to transmit affordable housing policies. Policies are attached to the report. This will conclude the transmittal hearing, and now DCA will have some 45 days to review the proposed land use changes the Board approved two meetings ago.

Rev. Sink, Chairman of the Affordable Housing Advisory Board, expressed his support for the affordable housing policies.

Mr. Pierce stated that the Affordable Housing Advisory Board will be under the direction of the Board of County Commissioners

Motion by Sanders, seconded by Putnal, to authorize the transmittal of the affordable housing policies to the Department of Community Affairs; Motion carried 5-0.

Advisory Board of Adjustment Report (Attached to Agenda) (6:47 PM)

Mr. Piece presented the following items and recommendations from the Advisory Board of Adjustment for discussion and/or approval:

Item 1 – **Denied by ABOA** (2 yeas, 1 nay) a request for an after-the-fact variance to construct porch and decks 4.6 feet into the right side lot line and 3 feet into the left side lot line on Lot 32, Alligator Harbor, Unit 3, Alligator Point as requested by Frank Gomez.

Frank Gomez, the applicant, stated that this action was not intentional; it was a mistake on his part.

Richard Harper, of the ABOA, stated that there are actually 4 variances needed, the HVAC unit and pylons variances were not included in this request and read from the County's ordinance that applied to this variance. Mr. Gomez stated that Mr. Harper was incorrect regarding the additional variances that were needed and stated that other variances have been approved in the past that do not abide by the same County ordinance Mr. Harper read.

Motion by Sanders, seconded by Putnal, to approve Item 1; Motion carried 4-1, Crofton voted nay.

Item 2 – **Approved by ABOA** (unanimously) a request to locate a portable building 3.5 feet into both side lot lines on Lot 21, Block 5, Unit One East, St. George Island, as requested by John Shultz.

Motion by Sanders, seconded by Lockley, to approve Item 2; Motion carried 5-0.

Department Supervisor Report (Continued)

Marcia Johnson – Clerk of Courts (7:04 PM)

Mrs. Johnson did not present any items for discussion and/or approval.

Alan Pierce – Director of Administrative Services (7:04 PM)

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

Item 1- Inform Board that through the efforts of Lampl/Herbert Franklin County is apparently in the funding for \$50,000 from DEP Coastal Partnership Initiative (CPI) for a continuation of the Seafood Landing Study just completed. There is no action needed by the Board yet because we have not yet received an award notification from DEP. After we receive the notification, we will then solicit consultants to perform the work. Lampl/Herbert will have to apply even though they wrote the grant at no cost to the county.

Item 2- Board action to sign \$25,000 Planning Grant from DCA, which also is a continuation of the Seafood Landing Study just completed. The grant has a very short time line, as all the work must be completed by Sept. 1. Because of the shortness of the grant, it is most likely the Task Force will recommend that Board declare an emergency because we do not have time to advertise for consultants. DCA is aware of the time line problem, as it is their time line. Board action to sign grant and to request Seafood Task Force to recommend process for getting work done.

Motion by Sanders, seconded by Lockley, to sign the \$25,000 Planning Grant from DCA; Motion carried 5-0.

Item 3- Summary of meeting with City of Carrabelle and County staff concerning merger of Lanark Village Sewer and Water and City of Carrabelle. The meeting was attended by Mayor Mel Kelly, City Attorney Dan Cox, City Administrator John McInnis, County Attorney Michael Shuler, and myself. The meeting was held on May 9th at city hall and lasted approximately 2 hours. The meeting did not conclude with a solution, but did leave a window open for future discussions. The main sticking point is the hold harmless issue. Carrabelle is willing to hold the county harmless for known liabilities, such as the costs of sewer and water upgrades, but is unwilling to hold the county harmless for unknown costs, such as environmental and health liabilities that might

arise because of the way Lanark has run its sewer and water systems over the last few years. Mr. Shuler and I are concerned about that because we have no experience in what those liabilities might be, or how real the risks are, but if an old problem does surface, my experience as Mayor of Apalachicola tells me that solutions can become expensive.

The attorneys also disagreed on whether a second referendum is necessary, and I will let Mr. Shuler respond to that in a minute.

On a final note, the Dept. of Community Affairs has notified Lanark Village that the District must dissolve in order for Carrabelle to take over the system. Provide Board with copy of letter.

Item 4- Board action adopting a Resolution clarifying that the hotel building in Resort Village on St. George Island can be torn down and rebuilt as 12 condominiums in accordance with the Amended Development Order for the St. George Island Plantation.

Mr. Wilder, applicant, stated that the building will be built to almost the same footprint as it is now.

Motion by Sanders, seconded by Lockley, to adopt a Resolution clarifying that the hotel building in Resort Village on St. George Island can be torn down and rebuilt as 12 condominiums; Motion carried 5-0.

Item 5- Provide Board with copy of SHIP waiting lists as maintained by Ms. Lori Switzer.

Item 6- Board action on two additional Resolutions to clarify past SHIP program decisions.

A) Board action to approve Resolution increasing the purchase price limit for house through the Down Payment assistance to \$85,000 for the LHAP in 2001-2004 and for \$175,000 in the LHAP in 2005 and for all years after until Board changes it.

Motion by Lockley, seconded by Sanders, to approve a Resolution increasing the purchase price limit for a house through the SHIP program down payment assistance strategy to \$85,000 in 2001-2004 and \$175,000 in 2005 and after until changed by the Board; Motion carried 5-0.

B) Board action to approve maximum award limit to \$35,168.00 for Ms. Charley King for a project done in 2005. This project started out as a new home construction and then was switched over to rehabilitation and the total allocated to one recipient was greater than the SHIP Plan allowed.

Motion by Parrish, seconded by Lockley, to approve the maximum award limit to \$35,168.00 for a rehab project done in 2005 for Ms. Charley King; Motion carried 5-0.

Item 7- Inform Board that the Planning and Zoning Commission has finished their work on a definition of a hotel/motel. Provide Board with copy. When the Board is ready it will need a public hearing to amend the zoning code.

Motion by Parrish, seconded by Sanders, to set a public hearing to amend the zoning code to include the definition of a hotel/motel at the June 19 Regular Meeting; Motion carried 5-0.

Item 8- Board action to transmit affordable housing policies. Policies are attached to the report. This will conclude the transmittal hearing, and now DCA will have some 45 days to review the proposed land use changes the Board approved two meetings ago.

This item was addressed earlier in the meeting.

Item 9- Hospital land acquisition- Mr. Roy Solomon's offer is \$300,000, with \$50,000 down, and \$250,000 financed over 5 years at 6%. I have spoken to the Clerk, and the Board could authorize the purchase. If the

Board does the purchase, the attorney needs to draw up a contract, and then ask the Clerk to work out the details with Mr. Solomon.

This item was addressed earlier in the meeting.

Item 10- Commissioner Cheryl Sanders and I attended a meeting with DEP this morning in Tallahassee to review the Alligator Point Beach Renourishment project. The good news is that the section of the project that had lost its designation as critically eroded has regained that designation thanks to the efforts of Rep. Kendrick and DEP Secretary Mike Sole. The bad news is that in order to maximize the state participation that county must make significant increases in public parking on the east end of the project, and most likely provide a bathroom on the east end, as well as the west end. Board discussion.

This item was addressed earlier in the meeting.

Item 11 – Recommend that the Board follows the architect recommendation to advertise for qualifications for a Construction Manager at Risk for the courthouse renovation project.

Motion by Sanders, seconded by Putnal, to authorize an advertisement for a request for qualifications for a Construction Manager at Risk for the courthouse renovation project; Motion carried 5-0.

Item 12 – Board action on Bruno Colb request, which was previously tabled, to allow the expansion of multi slip facility in the 2 mile area which is zoned commercial.

Mr. Pierce talked about an earlier discussion he had with Mr. Joe Shields, of the Department of Agriculture, regarding this proposed project.

Mr. Garlick, representing the applicant, stated that Mr. Colb did in fact consent to the contingency regarding the change of use.

Motion by Parrish, seconded by Sanders, to approve this request for expansion of the current use, which is for the local seafood workers, but if the use is changed to a recreational facility, only 7 slips will be allowed based on the current rules, which has been agreed to by the applicant; Motion carried 5-0.

County Attorney Report (7:26 PM)

T. Michael Shuler

Attorney Shuler did not present any items for discussion and/or approval.

Commissioners' & Public Comments (7:27 PM)

Commissioner Parrish commented on the continued requests for variances that are presented to the Board for approval and stated that the Board should not approve anymore variances and enforce the County's rules.

Commissioner Sanders suggested that County should impose stiffer penalties for violations.

Commissioner Crofton invited the Board members to a Mosquito Control Black Fly Symposium in Panama City tomorrow between 10 AM and 2 PM and to the St. George Island Civic Club dedication for the dune walkovers at 6 PM at the western boundary of the County Park.

Commissioner Sanders stated that the conference she attended with Commissioners Lockley and Parrish was very informative and provided an excellent opportunity for networking.

Sister Jeanne Drea, of the Food Pantry, gave an update of the current status and actions of the Franklin County Food Pantry and stated that they will submit a budget request this year.

Tamara Allen and Beverley Connors discussed why there has been an increase of services in the City of Carrabelle.

Adjourn (7:43 PM)

There being no further business Chairman Crofton adjourned the meeting at 7:43 PM

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts