

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 11, 2007
9:00 AM**

MINUTES

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

Others Present: Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order

Chairman Crofton called the hearing to order at 9:00 AM.

Public Hearing

Alan Pierce informed the Board that Ms Camile Tharpe, of GSG, and Attorney Heather Encinosa, of Nabors, Giblin, & Nickerson, both the County's consultants on this project, would be giving the opening statements. Mr. Pierce stated that because of advertising problems, the Board would not vote on this matter today, but instead would vote at a rescheduled public hearing. Mr. Pierce also stated that the rate structure would actually be lower than the amounts that were recently circulated and gave the new amounts. Mr. Pierce informed everyone that if the proposal was passed by the Board, because of the rescheduling of the Public Hearing, the assessment would not be on the tax bill but be a separate notice.

Commissioner Putnal asked about using Bald Point Trust Fund to offset some of the cost of this project. Mr. Pierce stated that the Trust Fund currently has a balance of about \$350,000 and it is the Board's discretion to use this fund to offset some of the cost for the renourishment project.

Commissioner Sanders suggested using the balance of the 1.2 million dollars which was appropriated as a match for the FDOT road paving project on Alligator Point.

Mr. Pierce informed the Board that all that type of road paving projects have been frozen by the Governor's office so it will be awhile before we are able to use any of those funds.

Mr. Pierce stated that Mr. Steve Fling wanted a letter read into the record but the letter did not apply to the MSBU proposal that was being discussed today.

Attorney Encinosa stated that Tax Increment Funding is not included in the plan she is going to discuss today, so it is not affected by recent court decisions and the project repayment is an assessment, not a tax.

Ms. Tharpe stated that since the Public Hearing will be continued until Oct 16 she will have more firm numbers at that time. Ms. Tharpe reviewed the process for the program including prepayment notices, delinquent notices, deferments and unity of title.

Mr. and Mrs. Fields, who have a house on Alligator Point, stated that their taxes have tripled, the storm did nothing to their house or to the beach in front of their house, and feels that the \$18,000 assessment is unfair because they will not benefit from this project, but will cause them to sell their house which was intended to be a gift for the children.

Ruth Van Adams, of Alligator Point, stated that she supported the beach re-nourishment project, but thinks that the funding portion of the project is flawed and doesn't meet the requirements of Florida law, and gave specific reasons why she felt that way.

Daniel Withers, of Alligator Point, discussed some of the damage done by storms to Alligator Point in the past, stated that beach restoration project is a waste because nature will cause the sand to shift, and disagreed with Attorney Encinosa regarding the affect of the supreme court ruling on TIF. Mr. Withers stated that he did not like the process of notice used for these public workshops and hearings, and also stated that the maintenance of the road is more important than the restoration project to Alligator Point.

Randy Miller, of Alligator Point, stated some of his qualifications, voiced his opposition to the project, stated that the project is actually a 30 year not an 8 year project referring to statements made by the County's Consultants. Mr. Miller also stated that the project will not stabilize the beach, the County is not financially participating in the project, and explained why he didn't think the proposed project met the legal standards to show that the benefit is special and peculiar to the specific property owners. Mr. Miller said that the 45 "gap" property owners object to this project and will not realize the gain as other property owners in Alligator Point will and should not have to pay the assessment.

Chairman Crofton and Attorney Shuler discussed property owners taking possession of property that benefited from accretion.

Attorney Encinosa discussed a procedure, bond validation, that will allow the County to go to the Florida Court and request validation on the fairness and a recommendation of this project, and recommended this validation procedure. Attorney Encinosa stated that this process would start after October 16 if the Commission decided to move forward with the project at that time, and that this process will start in the local Circuit Court and once completed, which could include opinions from the Florida Supreme Court, would include a prohibition from any further challenges.

Dan Miller, of Alligator Point, stated that the storm caused sand damage to his property but was replaced at his own expense, discussed some of the damage that has happened in the past, stated that over the years the sand is migrating west, stated what damage he thinks increasing the sand would do, and was against the project.

Dan Peuckurt, of Alligator Point, stated that he cannot afford both windstorm and the assessment, which will not benefit his property, and will have to move as soon as the market picks up.

Andy Kandel, of Alligator Point, stated that along with his increased taxes, he didn't think the assessment was fair since it doesn't affect him, and discussed many mistakes that have been made by

the property appraiser regarding the valuation of his property, and the discussed the importance of a maintained road to the property owners.

Bill Largo stated that he was proud of his Alligator Point neighbors for attending and speaking out on this issue, discussed a meeting that was held many years ago that discussed solving the erosion problems on Alligator Point which included removing the rock revetment, stated that he did not think taxing the residents for the re-nourishment project was fair because the County was responsible for the erosion because of the rocks the County has placed on Alligator Point over the years, discussed the County buying property from the Alligator Point residents for low prices, and stated his objections to some of the County's actions relating to Alligator Point.

Commissioner Sanders and Mr. Pierce discussed the County's acquisition of the Sellers property, which Mr. Wargo referred to previously, where the the owner approached the County about purchasing the property, the County did not approach the property owner.

Mr. Mike Chavis, of Alligator Point, stated that in his area that doesn't face the Bay or the Gulf, no one was for the project, and the property owners of Alligator Point should have the opportunity to vote on this project before it is enacted.

Ann Murzack, of Alligator Point, was in favor of the Project and thanked the Board and County staff for all of their efforts with this project, and asked the County to continue to work with the property owners to get this project approved.

Gerald Hinson, a Alligator Point property owner, stated that this assessment will only be funding and benefiting the new proposed development.

Keith Sumner stated that some solution is needed to repair the erosion, but the solution has to be affordable for all of the property owners.

Steve Risman, of Alligator Point, stated that his house was lost during Dennis but because a public park would be created by this project, the public that will use this park should help pay for this project, not only the property owners. Mr. Risman also complained of the recent increase in property taxes on Alligator Point.

Jim Wetherton, of Alligator Point, asked if the Fish and Wildlife Commission (FWC) opinion on this project was submitted yet. Mr. Pierce said that FWC requested an extension until Sept 31 to submit their opinion. Mr. Witherton stated that the timetable would be invalid due to all of the reports and approvals that are required from the State on this project.

Commissioner Sanders left the meeting at 10:16 AM.

Bill Haughton, of Alligator Point, stated that he is against the re-nourishment project and gave information on how other beach restoration projects has affected counties in other parts of the State and how this relates to Franklin County. Mr. Haughton also discussed the economic situation on

Alligator Point, especially the lack of property sales, and stated that repairing and maintaining the road is more important than a beach restoration project.

Attorney Ron Mallory, representing property owners who live in the "gap", stated that the apportionment of the assessment is not fair, especially for the property owners who live in the "gap", and didn't think that the courts would look favorably at expanding a MSBU. Attorney Mallory asked the Board to verify the apportionment and fairness of the proposed assessment, especially for the property owners living in the "gap", before proceeding with the project.

Ken Osborne, president of the Alligator Point Taxing Association (APTA), stated how APTA has tried to get the opinion of all of the Alligator Point property owners on this re-nourishment project, including mailing 1100 information packages to property owners on Alligator Point. Mr. Osborne also discussed the study that was the starting point for this project, and pointed to some of the options like doing nothing, a bridge, less rocks, and the beach restoration, that were considered during the study. Mr. Osborne also discussed the road, and other efforts of APTA to get the Alligator Point community involved in this and other matters relating to Alligator Point, and stated that if some of these critical comments were heard earlier in the process, maybe the project could have gone in a different direction. Mr. Osborne reviewed some points that were raised by other speakers earlier in the meeting, such as the Alligator Point lounge that actually burned down and was not destroyed by a storm, accretion of the land in the "gap", the condition of the channel, rock revetment and induced erosion, plans to remove rocks, and the County pursuing property owners to buy their land. Mr. Osborne stated that it is an error on the County's behalf not to participate with the funding in this project and if the health care sales tax is passed, funds that are not obligated for the hospital should be shifted to this project.

Commissioner Putnal stated that if the County did not put the rocks when they did in the past, the situation at Alligator Point, especially the road, would have been worse after all of the storms. Commissioner Putnal also stated that the beach re-nourishment project would slow down the erosion not stop it, but if there is a better solution to stop the erosion and protect the road the County should go back to the drawing board and review it.

Ken Osborne expressed his dissatisfaction with the manner in which some of the property owners have criticized the re-nourishment project.

Commissioner Crofton stated that he didn't think the road protection and the project were directly related.

Mr. Pierce explained that there was a portion of the road that was affected by the project.

Gloria Rally stated that the project is needed but does not agree with the proposed funding for the project, and if the projects protected a County beach and road, everyone in the county should participate in repaying the debt.

Keith Sumner stated that once the rocks were placed close to his properties in the 90's, erosion started in front of this property, and now something has to be done about it.

Mrs. Fields stated that only the property owners that benefit from the project should pay for the project, and she has been told that approval of the project is a done deal and the public opinion really doesn't matter.

Mr. Pierce explained that because of inadequate advertising, the public hearing will be continued until October 16 @ 3pm and at that time, the Board would vote on that matter.

Bill Haughton stated that the new proposed road will not allow for tractor trailers to turn at certain points and discussed options to avoid this, and asked if a concrete revetment would be an option to protect the road.

Mike Chavis stated that he has only gotten negative responses on this matter from property owners that live in his area and asked that the property owners be allowed the opportunity to vote on this matter before the Commission acts.

**Motion by Lockley, seconded by Parrish, to continue this public hearing until October 16 @ 3 pm;
Motion carried 4-0 Sanders was absent.**

Adjourn (11:04 AM)

There being no further business Chairman Crofton adjourned the Public Hearing at 11:04 AM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts