

**FRANKLIN COUNTY BOARD
OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
OCTOBER 4, 2005
9:00 A.M.**

MINUTES

Commissioners Present: Cheryl Sanders – Chairman, Bevin Putnal – Vice Chairman, Russell Crofton – Commissioner, Noah Lockley – Commissioner, Jimmy Mosconis – Commissioner

Staff Present: Hubert Chipman – Superintendent of Public Works, Van Johnson – Solid Waste Director, Bill Mahan – County Extension Director, Marcia M Johnson – Clerk of Courts, Alan Pierce – Director of Administrative Services, Thomas M. Shuler – County Attorney, Michael Morón – Board Secretary

Chairman Sanders called the meeting to order at 9:00 AM

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes

Motion

Commissioner Crofton motioned to approve the minutes for the Regular Meeting held on September 6, 2005 and the Budget Public Hearing held on September 26, 2005. Commissioner Lockley seconded and the motion carried 5-0.

Payment of County Bills

Motion

Commissioner Crofton motioned to authorize payment of the County Bills except for payments to G & N Contractors. Commissioner Putnal seconded and the motion carried 5-0.

Payment of G & N Contractor's Bill

Motion

Commissioner Mosconis motioned to authorize payment for G & N Contractor. Commissioner Putnal seconded and the motion carried 4-0 with Commissioner Lockley abstaining due to a conflict.

Department Supervisor Report

Hubert Chipman distributed his report but had no specific issues to discuss with the Board. Mr. Chipman stated that he would conduct interviews for the vacant positions tomorrow October 5, 2005.

The Board discussed the recent illegal removal of traffic signs and the cost for the County to replace these signs.

Van Johnson had no report or issues to discuss with the Board.

Bill Mahan reviewed his report with the Board and discussed the following items:

- 4H Mock Deployment Weekend
- Recreational Red Grouper Fishing Update
 - The Board discussed the amount of red and black grouper allowed
- Boat Ramp Update for 8-Mile
 - Informed the Board that Preble-Rish & Dan Garlick assisted with obtaining estimated cost of project
 - Board asked if permit will be granted after study is done. Mr. Mahan stated that the permit was not guaranteed even if the study was completed.
 - Board was informed that the Department of Environmental Protection was not supportive of dredging for the dock at 8-Mile
 - Board stated that before any funds were spent a guarantee on the permit was needed.
 - Attorney Shuler updated Board on status of the deeds for the property at 8-Mile
 - The Board directed Mr. Mahan to make this project a priority

Motion

Commissioner Mosconis motioned to send a letter to the Apalachicola Estuarine National Reserve asking for their support of the boat ramp project at 8-Mile. Commissioner Lockley seconded and the motion carried 5-0.

- Board discussed encouraging the Governor's office to associate the County's "Red Tide" issues with Hurricane Katrina
- Apalachicola Watershed Invasion Exotics Working Group Meeting
- UF-IFAS 2005 Annual Report/2006 Calendar

Butch Baker informed and discussed the following with the Board:

- Introduced Mr. Michael Rundel as the new coordinator for the Emergency Operation Center
 - Mr. Rundel introduced himself to the Board
- Acceptance of applications for the secretary position will close on Friday October 7, 2005
- Board commented on National Weather Service failure to predict surges during storms

Motion

Commissioner Lockley motioned to approve DCA grants for training and planning as requested by Mr. Butch Baker. Commissioner Putnal seconded and the motion carried 5-0.

- Mr. Baker informed the Board that he was also researching options for financial help for the seafood workers

Marcia Johnson discussed the following with the Board:

- Requested authorization for the Chairman's signature on a FDLE grant for the Sheriff's Department

Motion

Commissioner Putnal motioned to authorize the Chairman to sign the FDLE grant. Commissioner Lockley seconded and the motion carried 5-0.

- Health Department Budget Revision
- Small County Courthouse Funds Grant \$300,000.00

Branch Mahaffey

Branch Mahaffey was not in attendance

Attorney Nick Yonclas, who was representing the County because of a stated conflict with Attorney Shuler, discussed this issue with the Board. Attorney Yonclas recommended granting Mr. Mahaffey's request for a Public Hearing, but Mr. Mahaffey would also pay for all costs associated with the Public Hearing.

Motion

Commissioner Mosconis motioned to approve Attorney Yonclas recommendation to grant Mr. Mahaffey's request for a Public Hearing at Mr. Mahaffey's expense. Commissioner Putnal seconded and the motion carried 5-0.

Department Supervisor Report Continued

Alan Pierce reviewed his report with the Board.

Item 1 Resolution on seeking state assistance on Bay closure.

- The Board decided to address this matter later in the meeting during the discussion with the Department of Agriculture.

Item 2 Mr. Travis Stanley would like to address the Board on support for an easement from the County maintained Teat Road to a parcel of land east of Teat Road.

- Travis Stanley and Ms Elva Peppers Environmental Land Services asked the Board to support their request for an easement or public access, from the Department of Fish and Wildlife Commission, to a parcel of land east of Teat Road. A map was used to further explain the location of the property.

Motion

Commissioner Lockley motioned to have the County send a letter of support to the Fish and Wildlife Commission asking for public access to Mr. Stanley's property east of Teat Road. Commissioner Mosconis seconded and the motion carried 5-0.

Item 3 Discussion of relocation of Alligator Point Road, modification and expansion of the South Shoal PUD, and abandonment of part of the Alligator Point road right-of-way. At this time, the county has 3 FEMA Project Worksheets for Alligator Point road. One, for approximately \$75,000 for a feasibility study on the type of protection recommended by a coastal engineer on that part of the road that is not going to be relocated. That recommendation would be used as justification for the design and the ultimate costs FEMA would pay to protect the remaining road. Currently the county has a PW for approximately \$1.3 million to rebuild 3000 feet of the road (which is the second PW). DOT has given a rough estimate of \$3.1 million for a pile supported roadway for only 1200 feet of road. The

third PW is for additional emergency repairs on the road in its current location and that is for \$178,000. But for whatever FEMA pays, at this time the county is obligated to pay 25%. So if the final design recommended by the engineer is for a pile supported roadway, and that roadway cost was \$4 million dollars for the 1200 feet of road, then the county's share of costs is \$1 million dollars, which is virtually all the money the county set aside for road paving for all of the next year. A pile supported roadway is probably the most effective design, but it is also probably the most expensive. A rough estimate of an asphalt road on grade with a rock revetment, or sheet pile, was about \$2.1 million for 1200 feet. The county's share of that is \$500,000. I spoke to David Kennedy, of Preble Rish Engineers, last week on how long it will take for him to give us a engineer's recommendation on the protective action needed on that segment of the road. If he can produce such a report within 60 to 90 days does the Board want to authorize Preble-Rish to perform the feasibility study. They would employ Mike Dombrowski as a sub for the coastal part. Board direction.

- Attorney Steve Watkins commented on this item and requested a public hearing for a PUD amendment for South Shoal.

Motion

Commissioner Putnal motioned to schedule a Public Hearing on November 1, 2005 for a PUD amendment for South Shoal. Commissioner Mosconis seconded and the motion carried 5-0.

- The Board further discussed the conceptual plans and other issues regarding the new Alligator Point Road.

Resolution of Need

- Mr. Pierce requested approval and read a Resolution of Need that, due to the devastation by the effects of Hurricane Dennis and a red tide that has lingered for months, seek any and all public assistance for the seafood industry and its workers in order that the tradition and heritage of the seafood worker in Franklin County remain an active part of the county economy.

Motion

Commissioner Putnal motioned to approve the Resolution of Need as read by Mr. Pierce. Commissioner Crofton seconded and the motion carried 5-0.

David Heil, of the Department of Agriculture, discussed the following with the Board:

- Congratulated the Board on approving the Resolution of Need
- Red Tide will cause the Bay to remain closed for another 2-3 months due to current high cell counts
- Connecting the "Red Tide" with Hurricane Katrina so the closing of the Bay can be considered a disaster
- Availability of programs to assist displaced seafood workers
- Discussed economic situation of County, especially seafood workers and owners

Mark Berrigan, of the Department of Agriculture, discussed the following with the Board:

- Relay program, especially why the program is restricted to 1 day only
- Clarified statements made to seafood workers on agencies type of assistance and services
- Discussed other work opportunities besides relay program
- Board advised public to call Red Cross for assistance and additional contact numbers
- Board recommended more days for relay, possibly 2 days

RFP – Ambulance Service

Mr. Pierce informed the Board that there was 1 sealed RFP from Emergystat and 1 letter of interest from Bay Medial. Mr Pierce read Bay Medical's letter of interest regarding ambulance service. The Board and Dr. Marsh of the Health Council discussed this matter further.

Motion

Commissioner Mosconis motioned to extend the dates for the RFP for ambulance service to November 1, 2005 @ 10:00 AM. Commissioner Lockley seconded and the motion carried 5-0.

Motion

Commissioner Mosconis motioned to approve the \$15,500 payment for Emergystat. Commissioner Crofton seconded and the motion carried 5-0.

Mr. Clanton DuBose, of Emergystat, agreed to provide ambulance service to the County until the RFP process is completed.

Department of Agriculture continued

Billy Dalton, a seafood worker, spoke on relay program and the negative affect on all seafood workers.

Toby Dalton, a seafood worker, addressed Board regarding the economic situation of the seafood workers.

Pauline Sullivan asked about the cost of not relaying daily. Mr. Berrigan responded.

Mr. Berrigan stated that funds were the only determination in deciding amount of days for relay.

Motion

Commissioner Lockley motioned to direct the Department of Agriculture to increase the relay program to 2 days. Commissioner Mosconis seconded and the motion carried 5-0.

The Board asked and Mr. Heil replied that, due to the red tide, there was no set date for the Apalachicola Bay to reopen.

The Board discussed the Revolving Loan program.

Motion

Commissioner Mosconis motioned to write a letter to the Apalachee Regional Planning Council asking for action, including pursuing applicants that have not paid on their loans, on the Revolving Loan Program. Commissioner Lockley seconded and the motion carried 5-0.

Williard Vinson commented on the relay program and discussed asking the Govenor's Office for more funds for the relay program.

The Board informed the public that Mr. David Heil was instrumental on fighting for the local seafood industry against new proposed restrictions from other State agencies.

The Board asked the Department of Agriculture to support the County efforts, by contacting the Department of Environmental Protection, for additional boat landings.

Mr. Heil commented on additional boat landings for the County.

The Board requested an update from the Department of Agriculture at every regular meeting on the “red tide” situation.

Curt Blair - TDC

Mr. Curt Blair, of the Tourist Development Council, discussed the following with the Board:

- TDC will meet this afternoon
- Grant Cycle is open – deadline for applicants is October 31
- Information on available funds will be provided at the December 6 regular meeting
- Board expressed their concerns of potential “double dipping” of applicants; no applicant should have already received County funds
- Barbara Rohrs asked for location to pick up packets for Grant; Mr Blair stated that packets were available at the Chamber offices and can be downloaded from the Chambers website.

Department Supervisor Report Continued

County Attorney Report

Michael Shuler discussed the Lanark Village Water and Sewer Board issues with the Board.

- Updated Board on Lanark Water and Sewer issue
- Email from Brian Armstrong, Lanark Village Water and Sewer attorney, was discussed
- Special Election will be held to fill Water & Sewer Board vacancy in November
- Pauline Sullivan, of Lanark Village, discussed water quality and sewer issues in Lanark village
- Discussed what could be done if Lanark Water and Sewer does not hold elections
- Bob Millar, a Lanark Water and Sewer board member, commented on the water and sewer charges to unimproved lots in Lanark Village
- Barbara Rolle commented on the Lanark water and sewer district and asked if this special district can be dissolved and join Carrabelle water and sewer district
- Bob Millar stated that communication is the major problem between the Lanark Water and Sewer Board and the community and discussed the process of which the water is distributed
- Board discussed and the Carrabelle Mayor commented on merging Lanark Water and Sewer with Carrabelle Water and Sewer

Motion

Commissioner Mosconis motioned to direct the Lanark Water and Sewer Board to have a full sitting Board by January 1, 2006. Commissioner Crofton seconded and the motion carried 5-0.

- Gerald Judge, a Lanark resident, commented on the Lanark Water & Sewer Issue

Department Supervisor Report Continued

Alan Pierce continued

Item 4 On October 7, the current DEP emergency order expires for hurricane related repair activities seaward of the CCCL. Board action to ask DEP to extend the emergency order 30 days to

give property owner's time to complete storm related repairs.

Motion

Commissioner Putnal motioned to request an extension, from the Department of Environmental Protection, of the emergency order for 30 days. Commissioner Crofton seconded and the motion carried 5-0.

Item 5 Give Board copy of DEP operating permit for the Landfill.

Item 6 Give Board copy of Phase 1 Environmental Assessment of Bluff Road Boat Ramp. This was necessary for the lease and the DEP permit. Also the county has received notice that the grant has been forwarded to county for implementation now that the sublease has been completed. There is still a battle with DEP about the permit. A DEP staff person had made a decision that because the county was modifying the size of the boat ramp to avoid additional environmental review, that the county would be submitting a new DEP permit. Therefore, the staff person had not reviewed the permit that was submitted, and properly modified by the county engineering firm and by the county attorney.

Item 7 The deed to the Carrabelle wayside park will be recorded today. The original deed will be kept in this Board file.

Item 8 Mr. Billy Buzzett is here to provide deed to Lake Morality Road.

- Mr. Buzzett addressed Board and distributed copies of the Deed
- Mayor Kelly, of Carrabelle, discussed the paving of Morality Road with the Board

Motion

Commissioner Putnal motioned to approve payment for recording of deed for Lake Morality Road. Commissioner Crofton seconded and the motion carried 5-0.

Item 9 Provide copy of letter from Mr. Adam Thompson to Board.

Item 10 Inform Board that Ms. Bonnie Segree and Ms. Susan Howze has resigned as an alternate from the Board of Adjustment. Mr. Joe Hambrose is currently an alternate. Does the Board want to move Mr. Hambrose to full member, and then seek to fill the two alternate positions. Mr. Mike Schneider, State Attorney, who lives on St. George Island, has offered to serve as an alternate. It is convenient to have an alternate, who works in the courthouse, that way if the Board is lacking a quorum it is easy to get the alternate to the meeting. Board direction.

Motion

Commissioner Crofton motioned to appoint Mr. Joe Hambrose as a full member of the Board of Adjustment and appoint Mike Schneider as an alternate member. Commissioner Putnal seconded and the motion carried 5-0.

Item 11 Board action on Resolution of support for the application to DEP for beach erosion funds for Alligator Point. Even though the Board voted to submit the application, the DEP wants a separate Resolution indicating the Board's support.

Motion

Commissioner Mosconis motioned for a Resolution showing the Board's support for beach erosion funds for Alligator Point. Commissioner Crofton seconded and the motion carried 5-0.

Item 12 Board discussion on legislative delegation issues. The Board is submitting several requests through various agency budgets: FRDAP, DEP beach renourishment program, Northwest Florida Forever Florida. The county has yet to ask our legislative delegation for support for an inland seafood processing facility, or for state funds to purchase water access points for the seafood industry. Does the Board want to seek a legislative appropriation of \$2 million dollars for the seafood processing facility, and \$2 million dollars for water access for the seafood industry? Does the Board also want to support the Scipio Creek initiative and support a request for \$1 Million dollars for the Mill Pond project as it is called?

- Board indicated to Mr. Pierce that it supported all of his suggestions

Item 13 Inform Board that there was only one applicant to the advertisement I put in the paper for airport grant manager/airport manager. Board direction on next step.

- Board directed Mr. Pierce to set up an interview of the applicant at the next regular meeting

Item 14 Remind Board that if it did not act on the ambulance RFP, then the Board needs to approve an October payment to Emergystat consistent with previous Board payments, which would be in the amount of \$15,500.

- Board addressed this issue earlier in the meeting

Item 16 Michael Moron, Affordable Housing Coordinator, is leveraging USDA funds to provide more money for rehabilitation of existing dwellings. The process will work by the USDA funds being sent to the county and then paid out to the contractor in accordance with the work USDA approves. A motion is needed by the Board to accept the USDA funds as they come in and have the Board agree to disburse the funds to the contractor. Board action.

Motion

Commissioner Putnal motioned to approve the agreement with USDA to assist with the rehabilitation of existing dwellings. Commissioner Crofton seconded and the motion carried 5-0.

Item 15 Inform Board of discussion the Planning and Zoning Commission is having regarding the definition of hotel/motel. The Commission is not ready to make a recommendation on the issue, but they want the Board to be aware of the direction the discussion has been going.

There are three items:

- a) The Commission is considering restricting hotels/motels from the Coastal High Hazard Zone. This is being considered in response to the devastation the recent hurricanes have caused. I have advised the Commission that I did not know of any community that banned an otherwise allowable use just because of its proximity to the water. The City of Cedar Key has placed additional restrictions on the extent of development in the CHHA, but all the allowable uses could be built.

- b) The Commission is considering continuing the ban on hotels/motels in the C-1 zone even if hotels/motels are allowed in the Coastal High Hazard Zone. Mr. Pete Wilson has submitted a request for the Board to consider hotel/motels in the C-1 zone at a density of one unit per 25 feet of road frontage.
- c) The Commission is considering a definition of hotel/motel that has been developed by the City of Treasure Island. This definition is also the basis for the definition the City of Apalachicola has been working on. Essentially, the definition focuses on how a property is used. It covers hotels, motels, and condo-hotels. From the City of Treasure Island, Florida: *“The City of Treasure Island recognizes that the condo-hotel is a hybrid form of ownership of the traditional hotel/motel concept. It must be recognized that the condo-hotel is considered to be a transient hotel/motel use, and not a residential use. It is the intent of this regulation to ensure that condo-hotels are operated and governed in substantially the same manner as conventional hotel-motel. ...The operation of condo-hotels, hotels, motels is strictly a commercial activity and is inconsistent with residential use. Transient and business related activities have different impacts on governmental facilities and infrastructure (e.g. density, traffic, parking, schools). As such this regulation is to ensure that the use and operation of condo-hotels, hotels, motels, remain exclusively a commercial enterprise, and not a residential use.”* Treasure Island provides 14 criteria which help control the use. The Commission is comfortable with adopting a definition based upon use so long as it has the tools available to make sure that, as an example, a hotel that is built with kitchen facilities continues to be used as a hotel and is not converted to residential uses. Specifically, the Commission wants and needs code enforcement of the hotel industry if it is going to develop a definition based upon use. Otherwise, it will have to develop a definition based upon design, which is much more limiting. The developers representing the hotel industry who have been at the meeting support a definition based upon use, and support code enforcement as a tool. Is the Board willing to apply code enforcement to the hotel/motel industry? The difference is whether you regulate the size of hotel rooms, the presence of kitchens, the size of closets, etc, or whether you let the developer build the size and type of hotel room they think is needed in the county, and the provide enforcement mechanisms to make sure the rooms do not turn into permanent dwellings. Board direction.

- Board discussed the impact of residential versus commercial use
- Board discussed enforcement mechanisms that should be in place for a condo-hotel ownership style
- Mr. Bob Millar commented on the issue

Motion

Commissioner Crofton motioned to recommend design and code enforcement as mechanisms to make sure condo-hotel rooms do not turn into permanent dwellings to the Planning and Zoning Board. Commissioner Lockley seconded and the motion carried 5-0.

County Attorney Report continued

Attorney Shuler discussed the following with the Board

- Informed the Board of a new lawsuit – Willam H & Dorothy C Wilson vs Alexis Marketing and Franklin County

Motion

Commissioner Putnal motioned to have Attorney Shuler to accept service of process in the Wilson vs Franklin County and Alexis Marketing. Commissioner Crofton seconded and the motion carried 5-0.

- Informed Board of the Notice of Lien regarding Carroll's Trucking and Shadetree Towing–

Motion

Commissioner Mosconis motioned to include this information in the letter to the Apalachee Regional Planning Council. Commissioner Lockley seconded and the motion carried 5-0.

- Contract with Sammy Simmons for the purchase of 2 acres over in Lanark Village for \$10,000

Motion

Commissioner Putnal motioned to approve the Contract as described by Attorney Shuler. Commissioner Crofton seconded and the motion carried 5-0

- Agreement to provide County Ordinance violation prosecution services as described at the last meeting with the State Attorney Office.

Motion

Commissioner Lockley motioned to approve the agreement with the State Attorney's office for prosecution of County Ordinance violations. Commissioner Crofton seconded and the motion carried 5-0.

- C-4 Ordinance proposed changes reviewed

Board Comments

- Board directed Mr. Pierce contact Wakulla County regarding their Billboard Ordinance

Motion

Commissioner Putnal motioned to approve Commissioner Lockley's travel expenses for the Health Council Meeting he attended. Commissioner Crofton seconded and the motion carried 5-0

Motion

Commissioner Mosconis motioned to send a letter of support regarding the Suwannee County letter about fuel gouging. Commissioner Crofton seconded and the motion carried 5-0.

- Mr. Clanton DuBose, of Emergystat, distributed a handout to the Board and asked for and received his proposal that was submitted earlier for the scheduled opening of the RFP's for ambulance service.

There being no further business to discuss, Chairman Sanders adjourned the meeting at 12:09 PM.

Cheryl Sanders, Chairman FCBCC

Attest:

Marcia Johnson, Clerk of Courts