

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
OCTOBER 16, 2007
5:00 PM**

MINUTES

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

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

Call to Order (6:22 PM)

Chairman Crofton called the Regular Meeting to Order at 6:22 PM.

Prayer and Pledge (6:23 PM)

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes (6:24 PM)

Motion by Sanders, seconded by Lockley, to approve the Minutes for the Public Hearings held on June 5, 2007 and September 11, 2007; Motion carried 5-0.

Payment of County Bills (6:25 PM)

Commissioner Lockley inquired into the payment for Bay Medical Center. After further discussion Commissioner Lockley stated that he would go to the Finance Office and research the payment.

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

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (6:26 PM)

Mr. Chipman stated that so far, with the assistance of the Landfill, the County has hauled 1494 tons of milled asphalt from the FDOT in Tallahassee.

Commissioner Sanders asked Mr. Chipman to inform Mr. Polous of the Mosquito Control Department that Alligator Point is in need of mosquito spray treatment.

Commissioner Putnal thanked Mr. Chipman for assistance with the recent road paving in Carrabelle.

Van Johnson – Solid Waste Director (6:30 PM)

Mr. Johnson was not in attendance but left his report for review which did not have any items that required Board action.

Dan Rothwell – County Engineer (6:31 PM)

Mr. Rothwell submitted the following items for discussion and/or approval.

Item 1 - Airport Access Road Observations:

The access road contract was completed on 9-8-2007 and Ben Withers, URS and staff will work to close out the project. Final inspection is due this week and will be scheduled.

Item 2 - Lake Morality Road:

Negotiations with the design firm have been made and a resolution has not been developed yet to submit to the BOCC.

Item 3 - Survey Carrabelle Sports Complex Parking and Football Field:

Survey has been completed last week and proposed grading plans for the football field have not been complete yet. The survey saved approximately \$1,200.00 in survey fees and staff will save approximately \$4,000.00 in Computer Aided Drafting (CAD) and design fees.

Item 4 - Desire to change Speed Limit Signs on US-98 East of Ken Cope Road:

Staff requests Board approval to approach FDOT to move 45 MPH and 35 MPH signs from just west of Ken Cope to just east of the curves prior to Carrabelle Annex. This should prepare motorists to reduced speed to the Annex and easterly approach to the entrances for Carrabelle Sports Complex and the Annex.

Motion by Putnal, seconded by Sanders, to allow Mr. Rothwell to request FDOT to move the speed limit signs from just west of Ken Cope to just east of the curves prior to Carrabelle Annex; Motion carried 5-0.

Item 5 – Update on Consolidated School Access Road:

Still in the process of discussing the additional access road from the consolidated school with the School Board.

Commissioner Putnal asked Mr. Rothwell to investigate the different speed limits on Otter Slide Road and the adjoining roads.

Bill Mahan – County Extension Director (6:35 PM)

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

Item 1 - FL Red Tide Status: A bloom of *Karenia brevis*, the Florida red tide organism, is currently occurring in northwest Florida with greatest impacts in Bay County. Water samples collected last week from Bay County contained *K. brevis* at concentrations ranging from not present to high.

Highest concentrations are currently alongshore and immediately inside St. Andrew Bay. Samples collected from Hathaway Bridge to the west, and DuPont Bridge to the east, contained no *K. brevis*. Multiple reports of fish kills and respiratory irritation have been received from Bay County. Offshore samples collected south of Fort Pickens (Escambia County) contained *K. brevis* at very low to low concentrations. Additional offshore samples, collected south of Shell Point (Wakulla County) contained no *K. brevis*. Reports of fish kills and respiratory irritation have been received from St. Joseph Bay (Gulf County), however no samples were received this week for analysis. Respiratory irritation remains possible in areas with above background concentrations of *K. brevis* and fish kills are possible at concentrations above 50,000 – 100,000 cells/liter.

Item 2 - Brazilian Pepper Trees: Just over a week ago, Franklin County had a report that a Brazilian Pepper Tree was growing on St. George Island. The tree has since been removed by Thom Lewis with the USFWS. This is the second report of this invasive plant growing in Franklin County. The first tree was reported growing at Bald Point and it is still there. This tree's northern –most range is now Franklin County. It is a common pest plant in Central & South FL where it competes with mangrove trees and disrupts the mangrove ecology in the coastal areas there.

Item 3 - Oyster School Update: The Oyster School begins tomorrow at 1:00 p.m. at the Apalachicola Community Center. We expect to have 15-17 seafood buyers attend.

Item 4 - Biofuels Sustainability Workshop: The FAMU Statewide Small Farms Program is holding a two-day workshop on biofuel sustainability, October 27 & 28 at Crescent Moon Organic Farm in Sopchoppy. Topics include converting and operating an internal combustion engine on straight vegetable oil (SVO) and waste vegetable oil (WVO). Registration by October 19th is \$55.00 and \$70.00 after. For additional information, please contact Jennifer Taylor at 850-412-5260 or Jennifer.taylor@famuedu

Item 5 - USDA NAP Insurance Sign-up: USDA has issued a reminder that it is sign-up time for their Non-Insured Crop Disaster Assistance Program (NAP). The program provides financial help to producers of non-insurable crops when a low yield, loss of inventory or prevented planting occurs because of natural disasters. Honey producers have until December 1st, to sign-up. For more information, Contact the Calhoun/Liberty/Gulf/Franklin County USDA Service Center in Blountstown at 850-674-8388 or 1-800-674-5099.

Curt Blair – Tourist Development Council – Update (6:40 PM)

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

Item 1 – Submitted Carrabelle's requests for Allocation of Infrastructure Grants

- Harbor Master Building (New Waterfront Florida Office) to be repaired - \$41,000.00
 - Camp Gordon Johnston Museum equipment - \$2,200.00
 - Water Quality Study - \$8,400
 - Crooked River Lighthouse survey and road work (inc. land clearing) - \$58,000.00
- Total Allocation Request - \$110,000.00

Item 2 – New Cycle of Allocations for Non-profits

Commissioner Putnal asked about the water quality study requested by Carrabelle. Mr. Blair stated that the water quality study was needed before the dredging project could be done, and because the funds were limited the City of Carrabelle opted to request funds for the water study quality rather than the dredging project.

Mike Rundel – EOC – RFP's (6:43 PM)

Butch Baker and Mike Rundel, of Emergency Management, informed the Board that the following five firms responded to the RFP for Debris Management:

1. Ashbritt Environmental
2. Grubs Emergency Services, LLC.
3. Crowder Disaster Recovery
4. BAMACO, Inc.
5. Johnson Construction

Mr. Rundel requested Board approval to allow the review committee to review the proposals and return with a recommendation at the next meeting.

Motion by Lockley, seconded by Parrish, to forward the proposals to the review committee who will return with a recommendation at a future meeting; Motion carried 5-0.

Planning & Zoning Report (6:50 PM)

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

CRITICAL SHORELINE APPLICATION:

Item 1 - Approved by Planning and Zoning (unanimous): Consideration of a request to construct a single family dock lying in Section 10, Township 8 South, Range 7 West, Blounts Bay, Apalachicola Bay, Eastpoint, Franklin County, Florida. Request submitted GEA, Inc, agent for Barrs Floyd, applicant.

Motion by Sanders, seconded by Lockley, to approve Item 1 of the Planning and Zoning report; Motion carried 5-0.

Commissioner Putnal and Mr. Pierce discussed docks being built over marsh lands

Advisory Board of Adjustment Report (6:52 PM)

Item 1 - Denied by the Advisory Board of Adjustment: A variance to construct a single family dwelling within a jurisdictional wetland and an aerobic system 29 feet into the Critical Habitat Zone at 4181 St. Teresa Avenue, St. Teresa, Franklin County. Request submitted by Barbara Moeller and Joel Clark,

owners.

Rod Moeller, the applicant, asked that the Board continue this item so that he can be afforded the opportunity to provide information that would allow the Board to consider changing the County's rules that apply to this request.

Commissioner Putnal asked how the applicant ended up with a lot that was not allowed to be built on. Board and Mr. Pierce discussed this matter. Mr. Pierce informed Mr. Moeller that upon the property owner's request, the County has a process that would significantly reduce the taxes on any property that cannot be built on as determined by the Building Department.

Motion by Parrish, seconded by Sanders, to uphold the Advisory Board of Adjustment denial on Item 1 of their report; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts (7:08 PM)

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

Item 1 – I received a report from the hospital for the month ended September, and there was a balance in the account of \$161,614.66.

Item 2 – I need Board action to advertise for RFPs for the design and hosting of the County's website.

Motion by Lockley, seconded by Sanders, to authorize advertisement for RFPs; Motion carried 5-0.

Alan Pierce – Director of Administrative Services (7:10 PM)

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

Item 1- Board action to ask DOT to allow the Eastpoint Christmas parade to ride down US 98 on Saturday, Dec. 8th at 10:00 am. Ms. Pam Watson, Eastpoint, has made this request.

Motion by Lockley, seconded by Parrish, to ask FDOT to allow the Eastpoint Christmas parade to ride down US 98 on Saturday, December 15th at 10 AM; Motion carried 5-0.

Item 2- Provide Board copy of proposed ordinance on beach warming fires requested last winter by Mr. Don Lively. If language is acceptable to Board, it will go to public hearing. Copy of ordinance is attached to report.

Motion by Sanders, seconded by Lockley, to declare an emergency and enact the proposed ordinance to allow beach warming fires from October to December on Old Carrabelle Beach; Motion carried 5-0.

Item 3- Inform Board that the Nursing Home next to St. James Bay is moving ahead and they have decided not to pursue the CDBG grant, so the Nursing Home will pay for its own infrastructure

improvements.

Item 4- Seek direction from Board on custodial services for courthouse. Only one applicant applied as a contract. I recommend the Board reject the one contract on the basis there were not enough to compare. The advertisement for contract required the service be bonded and have insurance because some of the cleaning would be done after hours which might have caused other cleaning services not to apply. Does the Board want to continue to seek a contractual arrangement, or re-advertise for an employee?

Motion by Sanders, seconded by Parrish, to re-advertise for contract custodial services; Motion carried 5-0.

Item 5- Board action to schedule a public hearing to adopt an ordinance for a 5 year Capital Improvement Schedule. This is a requirement of the Ashley settlement. The hearing will be scheduled consistent with the required advertising.

Motion by Sanders, seconded by Parrish, to authorize staff to schedule and advertise a public hearing for a 5 year Capital Improvement Schedule; Motion carried 5-0.

Item 6- Board action to sign the JPA for \$50,000 to pay entire costs of survey and appraisals for the potential acquisition of property from DSW to protect the approach to runway 13. There is no matching requirement from the county. And this funding is only to protect the existing approach. This is not a step in runway extension. DSW is still interested in selling land to protect the approach so this survey and appraisal would be the first step.

Motion by Lockley, seconded by Sanders, to authorize the Chairman's signature on the JPA for \$50,000 to pay for the entire costs of survey and appraisals for the potential acquisition of property from DSW and the Shulers to protect the approach to runway 13; Motion carried 4-0, Parrish abstained due to a conflict of interest.

Item 7- Inform Board that the City will not maintain the \$200,000 sewer extension for the airport discussed at the last meeting. Mr. Mosteller has a verbal agreement from Mr. John Bone, the occupant of the building utilizing the sewer that Mr. Bone will pay for the maintenance of the sewer line. That verbal agreement needs to be put in writing in the lease. The Board has previously directed the County Attorney to be involved with this issue, so I am just providing an update for the Board at this time. The JPA still has not been signed for this project.

Item 8- Inform Board that Peter Brown Construction will be providing tours of the new consolidated school this Friday, Oct. 19, starting at 10:00 am. All the commissioners, clerk, and other officials, and the press are invited to attend. There will be some refreshments served at noon.

Item 9- Inform Board that Mr. McClain met with Commissioner Parrish yesterday to seek support from other county commissions along the River for better analysis of the necessary water-flows that the Apalachicola Bay needs. Mr. McClain hopes to have a Resolution before the Board at the Nov. 6 Board

meeting.

Commissioner Parrish discussed the Resolution in more detail.

Item 10 – Inform Board that the Citizens Advisory Committee had submitted an update for review. The CAC will be on the next regular meeting agenda to discuss the report.

Item 11- Board action to support the Franklin County Humane Society grant application relating to the Ferrell Cat Alliance.

Motion by Sanders, seconded by Lockley, to authorize the Chairman's signature on a letter supporting the Humane Society's grant application for the Ferrell Cat Alliance; Motion carried 5-0.

Michael Shuler – County Attorney – Report (7:32 PM)

Attorney Shuler submitted the following written report.

Commissioner Sanders reminded Attorney Shuler to work on the legal issues raised earlier regarding the Alligator Point MSBU for beach re-nourishment.

Item 1. Lanark Village Water and Sewer District

Attached is a letter dated October 10, 2007 from Brian Armstrong, the District's attorney, to me. In summary, the letter states that:

- a. Carrabelle and Lanark have re-opened discussions on many issues, including mutual aid and joint workshops.
- b. Lanark is considering rate increases, but has not acted to double rates.
- c. Lanark hopes that the County will allow time for its discussions with Carrabelle to continue.

Item 2. South Shoals

Attached are letters from the Alligator Point Water District attorney, Ron Mowrey, concerning both South Shoals (the Steve Fling development) and Franklin County. It is clear to me that the district is accusing the County of something, but they have failed to clearly state what. The District incorrectly believes that the County amended the South Shoals PUD. That may be part of their misunderstanding. If you will recall, the County considered amending the PUD, but ultimately did not do so because the County and Mr. Fling could not agree upon the terms, including especially the abandonment of Alligator Drive in front of the development.

Item 3. Apalachee Mental Health Deed to Franklin County

On October 11, 2007, I followed up with Mr. Falk, the chairman of the Apalachee Mental Health board, regarding their reconveyance to the County of approximately one acre of land located behind Weems Memorial Hospital. On August 6, 2007, I delivered a deed to them for this purpose. To

date, they have not signed and returned the deed to me. A copy of my October 11, 2007 letter is attached.

Item 4. Airport JPA for Water and Sewer

On 10/2/07, the County asked me to determine whether the City of Apalachicola would take on the maintenance of the water and sewer lines this grant will install on airport property. The water and sewer lines will serve a new hanger to be built by Global Jet. Mr. Mosteller, the airport manager, is continuing to work on this, though he informs me that the City is hesitant to take over maintenance of lines they do not own.

Item 5. One Additional Cent to the Tourist Tax

The Supervisor of Elections informs me that she can piggy back a referendum onto the January 2008 Presidential primary, but will need to have instructions from the Board no later than the first meeting in November 2007.

Item 6. Relevant Litigation Status (other cases exist, but only the pertinent cases are discussed below) :

a. Ashley vs. Franklin County (The appeal)

The District Court has issued an order directing the Ashley's to provide a supplemental brief explaining why their appeal is properly before the court. I find that the Court's order tracks the County's arguments explaining why the Ashley appeal is not properly before the court. Although it is difficult to predict the Court's ruling, I take this as a positive sign for the County.

b. Franklin County vs. Jason White Construction and Stuart White

On October 10, 2007, the County and the Whites agreed to a continuance of the final hearing scheduled for October 25, 2007 for the purpose of continuing settlement discussions. If a settlement is not reached the final hearing will be rescheduled, most likely in early 2008.

Commissioners' and Public Comments (7:34 PM)

Commissioner Putnal discussed the bear problems the County is experiencing, especially in Carrabelle.

Commissioner Lockley wanted to know who is responsible for School resource officers in the County. Mr. Pierce stated the School Board and the Sheriff Department.

Commissioner Putnal asked for an update on the purchase of the Lombardi property; Mr. Pierce stated that there was no new information to discuss.

Billy Snyder, of the Concerned Citizens of Lanark Village (CCLV), stated that the City of Carrabelle is willing to start new merger discussions with the Lanark Water and Sewer district and the CCLV is ready to present new petitions at the next regular meeting on November 6, to start the process to dissolve the Lanark Water and Sewer District.

Attorney Shuler suggested that City of Carrabelle and Lanark Village Water and Sewer District should jointly make a request to the Board to initiate the process to dissolve the Lanark Water and Sewer District.

Commissioner Sanders commented on the situation that is going on Lanark Village Water and Sewer District.

Commissioner Putnal stated that until there is some request from both the City of Carrabelle and Lanark Village Water and Sewer District, the County should not consider any procedures to dissolve the District, so that the County doesn't become responsible for the managing the Lanark Village Water and Sewer District.

Barbara Lasher stated that Lanark Water and Sewer District has stated in so many terms that they are not interested in merging with Carrabelle and intervention is needed from the County Commission. Barbara Rhors, Chairman of Lanark Water and Sewer District, stated that District's attorney and herself have met with the City of Carrabelle administrator and discussed a merger of both districts. After further discussion on this matter the Board agreed to give both the City of Carrabelle and the Lanark Village Water and Sewer District an opportunity to discuss and negotiate a merger.

Adjourn (8:08 PM)

There being no further business, Chairman Crofton adjourned the meeting at 8:08 PM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts