

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 1, 2008
9:00 AM**

MINUTES

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

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

Call to Order (9:00 AM)

Chairman Lockley called the meeting to order.

Pledge and Prayer (9:00 AM)

There was a Prayer followed by the Pledge of Allegiance.

Approval of Minutes (9:01 AM)

Motion by Sanders, seconded by Crofton, to approve the minutes for the March 18, 2008 Regular Meeting; Motion carried 5-0.

Payment of County Bills 9:02

Motion by Sanders, seconded by Crofton, to approve payment of the County Bills with the exception of G & N Painters; Motion carried 5-0.

Motion by Sanders, seconded by Crofton, to approve payment to G & N Painters; Motion carried 4-0, Lockley abstained.

Doris Pendleton – Property Appraiser – Discussion on Lawsuit 9:03

Mrs. Doris Pendleton, Property Appraiser, updated the Board on current lawsuits involving the Property Appraisers office. Mrs. Pendleton explained that one of the lawsuits was on a dual homestead exemption which was denied coverage by the County's Liability Insurance Company, because they do not cover tax lawsuits, so she had to retain another attorney and needed approval for an invoice submitted by this attorney. Mrs. Pendleton also discussed the lawsuit with St. James Bay Golf Course and stated that it might be possible to have attorney fees recovered from the opposing party.

Commissioner Sanders stated that in order to save the County money it was important that all County Departments and Constitution Officers to use the General Liability Insurance first before seeking outside council and suggested that Mrs. Pendleton include some funds for Attorney's Fees in her budget. The Board agreed and discussed this matter further.

Mrs. Pendleton stated that the Tax Collector is also represented by this attorney in these lawsuits but has not been billed. Attorney Shuler explained that the representation of the Tax Collector might actually be just a technical matter and perhaps that is why he is not billed.

Commissioner Parrish asked if the Levy Law firm could possibly provide some estimate of the total cost of the lawsuit. Attorney Shuler stated that an estimate is possible but should not be used as a sure figure.

Commissioner Crofton asked what was currently owed for Attorney's fees and what fund was the money going to be paid from. Mrs. Johnson stated that the payments for the attorney fees would come from the Reserve for Contingency funds. Mrs. Pendleton and the Board discussed budgeting for future litigation.

Commissioner Putnal suggested creating a line item for all County litigation and Attorney fees.

Mrs. Johnson explained how the liability insurance works.

Commissioner Parrish suggested increasing the amount of money budgeted for all County litigation and attorney fees.

Motion by Putnal, seconded by Sanders, to pay the Levy Law Firm \$457.89 invoice for the Dual Homestead litigation; Motion carried 5-0.

Motion by Sanders, seconded by Parrish, to cap the attorney's fees cost for the Dual Homestead litigation to \$5000 and direct Mrs. Pendleton to request Board authorization if the amount exceeds the \$5000 cap; Motion carried 5-0.

Commissioner Parrish stated that because of the appraisal amount claimed by the owners of St. James Bay, this lawsuit should be considered frivolous.

Motion by Parrish, seconded by Putnal, to direct Attorney Shuler contact the Levy Law firm and discuss the possibility of the lawsuit being frivolous and perhaps the County recouping attorney fees; Motion carried 5-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:44 AM)

Mr. Chipman presented the following report for the Board's review.

Would like to inform the board of the following:

- A safety meeting was conducted on Tuesday, March 25, 2008 at 7 a.m.
- Parking lot was built with mill asphalt on St. George Island on W Bay shore Drive.

Work Performed

- ❖ 32 loads of lime rock was hauled from Gulf Coast Aggregates and stock piled at the Carrabelle pit, 636.44 tons.
- ❖ 3 loads of lime rock was hauled from Gulf Coast Aggregates and used on Light House Roads in Carrabelle, 62.52 tons.
- ❖ 12 loads of lime rock was hauled from Gulf Coast Aggregates and used on Mill Road in Carrabelle, 239.16 tons.
- ❖ 8 loads of lime rock was hauled from Gulf Coast Aggregates and stock piled at the Eastpoint Shop.
- ❖ 2 loads of debris/dead trees was hauled from Alligator Point.
- ❖ 8 loads of debris was hauled from Apalachicola.
- ❖ 1 loads of debris was hauled from Carrabelle.
- ❖ 3 loads of debris was hauled from Eastpoint.
- ❖ 3 large bags filled and hauled from Lanark by our state crew.
- ❖ 46 loads of screened fill dirt was hauled from Gulf Coast Aggregates to the 9 mile project, 900.62 tons.

- ❖ 7 loads of black screened dirt was hauled from Air Port Road to the 9 mile project, approximately 126 cubic yards.
- ❖ 12 loads of black screened dirt was hauled from Gulf Coast Aggregates to the Carrabelle Pit, 239.16 tons.
- ❖ 21 loads of black screened fill dirt was hauled from Gulf Coast Aggregates to the Will S. Kendrick Ball Park.
- ❖ Cut grass and edged sidewalk at Courthouse in Apalachicola with the state crew.
- ❖ Cut grass at Emergency Management and the Botanical Garden in Apalachicola with the state crew.
- ❖ Laid sod at Will S. Kendrick Ball Park in Carrabelle.
- ❖ Cut grass at the Jail House field for the Easter Egg Hunt.
- ❖ Litter Control at the Florida Highway Patrol station in Eastpoint by the state crew.
- ❖ Graded & Tilled roads in Apalachicola, Carrabelle, Eastpoint and St. George Island.
- ❖ Repaired driveways in Apalachicola.
- ❖ Packed roads in Carrabelle.
- ❖ Fixed washout with lime rock in Eastpoint and St. George Island.
- ❖ Cut down/Leveled and Raked shoulders on Ave A in Eastpoint.
- ❖ Swept Ave A in Eastpoint.
- ❖ Put mill asphalt on driveways on St. George Island.
- ❖ Litter Control in Apalachicola, Carrabelle and Eastpoint.
- ❖ Cut grass and picked up trash from the Ochlocknee River State Park Boat Ramp.
- ❖ Pulled/Cut/Raked and cleaned ditches in Apalachicola, Carrabelle and Eastpoint.
- ❖ Fixed culvert pipe in Eastpoint.
- ❖ Sign Inspection/Cleaned and straightened around needed signs in Carrabelle.
- ❖ Put up a dead end sign on Woo dill Road in Carrabelle.

Mr. Chipman stated that all of his resources are currently tied up with the project at 9 mile.

Commissioner Putnal stated that the cemetery in Eastpoint was vandalized and asked Mr. Chipman to do some maintenance and asked Mr. Pierce to ask the Sheriff to increase his patrols in the area. Mr. Pierce and Attorney Shuler stated that the County is limited on how much work they can do at the cemetery because most of it is private property.

Van Johnson – Solid Waste Director (9:48 AM)

Mr. Johnson presented the following report for the Board's review.

CARRABELLE BEACH PARK ELECTRICAL WIRING:

FOR BOARD ACTION: After removing the concrete from the floor of the restrooms at the Carrabelle Beach Park, it was discovered that the electrical wiring is approximately 40-years old and need to be replaced before pouring the new slab.

I have attached a quote from a local electrician in the amount of \$2,965.00, to provide the necessary material and labor to complete the task. The work will be payable from the Parks & Recreation Repair and Maintenance line item budget if approved by the Board. ACTION REQUESTED: Motion approving the expenditure of \$2,965.00, from the Parks & Recreation Budget to replace the electrical wiring at the Carrabelle Beach Park.

Motion by Sanders, seconded by Crofton, to approve the expenditure of \$2,965.00 from the Parks and Recreation Budget to replace the electrical wiring at the Carrabelle Beach Park; Motion carried 5-0.

Paul Osterbye gave an update on the progress of Carrabelle Beach Park, which is being done mostly by volunteers with the exception of the assistance from Parks and Rec.

Board thanked Mr. Osterbye for all of his efforts and hard work on this project.

Mr. Johnson reminded everyone of the dedication and grand opening of the Will S. Kendrick Park on Friday at 4 PM.

Dan Rothwell – County Engineer (9:56 AM)

Mr. Rothwell submitted the following report for the Board's review.

1. - BOARD ACTION - URS Design Contract for Runway 06/24:

Staff wishes to correct the request from last Board meeting that the board permit the Chairman to execute the design contract for this grant funded project. The cost for this portion of the grant for design only is \$49,770.00 of the \$750,000.00 grant.

Motion by Crofton, seconded by Sanders, to authorize the Chairman's signature on the design contract for Runway 06/24; Motion carried 5-0.

2. - BOARD ACTION - URS Inspection Contract for Runway 06/24:

Staff requests that the board permit the Chairman to execute the inspection contract for this grant funded project, subject to County Attorney's approval. The cost for this portion of the grant for inspection only is \$29,535.00 of the \$750,000.00 grant.

Motion by Putnal, seconded by Sanders, to authorize the Chairman's signature on the inspection contract for Runway 06/24; Motion carried 5-0.

3. - CR-30 Road Bank Re-Nourishment & Revetment Installation:

The contractor has removed the existing lime rock revetment and Public Works will start hauling the embankment fill this week.

4 - Eastpoint County Landing Park Project:

Bailey, Bishop & Lane have prepared and submitted preliminary plans for BOCK and staff review and approval.

5 - Ochlockonee Bay Boat Ramp Project:

Bailey, Bishop & Lane have prepared and submitted preliminary plans for BOCC and staff review and approval.

6 - Lake Morality Road:

C. W. Roberts hopes to start work on the structural overlay for 3,000 feet of the road this week.

7 - St. George Island (SGI) Multi-use Path Bids:

C.W. Roberts hopes start construction this week.

8 - Carrabelle Sports Complex Football Field:

The new Ken Cope Ave Right of Way entrance has been staked by staff saving Franklin County \$1,500.00 survey fees. Once St. Joe Company's approval of the parcel transfer is completed, Public Works may start right of way clearing and construction staking may begin.

9 - Squire Road:

Staff will work on the plans and field marking prior to Public Works cleaning of the south side ditches and lowering and/or replacing drive way culverts as required from Peachtree Road to Linden Road. The creation of the construction drawings and engineering done by staff saved the County approximately \$4,000.00. (See Attachment 1)

10 - Linden Rd Survey:

Staff will work on the plans and field marking prior to Public Works cleaning of the east side ditches and lowering and/or replacing drive way culverts as required. The creation of the construction drawings and engineering done by staff saved the County approximately \$4,000.00 drafting and engineering fees. (See Attachment 2)

11 - Peachtree Rd Survey:

Staff will work on the plans prior to the Boards decision for Public Works to clean the east side ditch and lowering and/or replacing drive way culverts as required from the west end and north side of Long Road to the west end and south side of Squire Rd. The staff survey work saved the County approximately \$1,500.00 in survey fees. The creation of the construction drawings and engineering to be done by staff will save the County approximately \$4,000.00 drafting and engineering fees. (See Attachment 3)

12 - Long Rd Survey:

Staff will work on the plans prior to the Boards decision for Public Works to clean the ditch and lowering and/or replacing drive way culverts as required from the east end and south side of Long Road @ Linden Road to the west end of Long Road @ Peachtree Road. The staff survey work saved the County approximately \$1,500.00 in survey fees. The creation of the construction drawings and engineering to be done by staff will save the County approximately \$4,000.00 drafting and engineering fees. (See Attachment 4)

Commissioner Putnal asked Mr. Rothwell to look at a standing water problem on Beacon Street.

Commissioner Sanders asked Rothwell to include Hathcock Road to his list of roads he is working on.

Bill Mahan – County Extension Director 10:02 AM

Mr. Mahan presented the following report for the Board's review.

**Board Action Requested* Red & Gag Grouper Letter:* As requested by Board, a letter has been written to send to Congressman Allen Boyd and Senators Bill Nelson & Martinez requesting that they contact the Gulf of Mexico Fisheries Management Council to request information on how some of the provisions in the reauthorization of the Magnusson-Steven Fisheries Management Act are preventing the Gulf Council from working with the recreational and commercial fishermen to manage the fish stocks in the Federal waters of the Gulf. I present the letter for Board approval and the Chairman's signature.

Motion by Sanders, seconded by Crofton, to authorize the Chairman's signature on the letter about Red & Gag Grouper addressed to Congressman Boyd and Senators Nelson and Martinez; Motion carried 5-0.

Gulf of Mexico Fisheries Management Council Update:

Early Closure of the Red Snapper Season - In Federal Waters: NOAA's National Marine Fisheries Service (NOAA Fisheries Service) announced March 25th, that the recreational fishery for red snapper in federal waters of the Gulf of Mexico will close effective 12:01 a.m. local time August 5, 2008, through December 31, 2008, the end of the current fishing year. The recreational fishery in federal waters will reopen on June 1, 2009, the beginning of the 2009 federal recreational fishing season. NOAA Fisheries Service has determined this action is necessary to prevent overfishing

and to keep the recreational fishery from exceeding its quota during the 2008 fishing year. Please see attached press release for additional information. The red snapper season in FL waters for 2008 is April 15th – October 31st.

Commissioner Crofton discussed the abundance of red snapper in the local waters and the ridiculous rules that are made regarding fishing for red snapper. Board discussed this matter further.

FSU Coastal & Marine Conservation 2008 Lecture Series Update:

Florida Black Bear Lecture: A lecture titled; "The Florida Black Bear - Achieving Successful Co-Existence," will be presented by Stephanie Simek, Florida Fish and Wildlife Conservation Commission. On April 10th, from 7:00 – 9:00 pm at the FSU Marine Lab at Turkey point. Part of Stephanie's presentation will focus on examples of communities that had unwanted bear encounters that have since developed simple and highly successful strategies to discourage foraging bears. To achieve successful co-existence and viable bear populations in Florida, we will need solutions to human-made problems. Come out to the presentation by the state coordinator for Bear Management to hear more about this amazing animal and how you can help encourage your neighbors and friends to incorporate the small changes that make a big difference. Please see attached flier for additional information.

UF – IFAS Extension Updates:

UF IFAS/DACS Oyster Forum: The UF IFAS Extension Program and the Florida Department of Agriculture would like to invite the Franklin County Board of Commissioners and their staff, Franklin County Oyster & Seafood Task Force members and representatives of the Franklin County Seafood Worker's Association to an "Oyster Forum," from 3:00 – 5:00 pm April 24th at the Apalachicola Community Center. The purpose of the Forum is to discuss pending and mandatory "Vibrio" regulations that could have historical impacts on the commerce of Florida oysters. In addition, we want to discuss with the industry representatives some research projects that we would like to do with them. Including: onboard product storage and handling (shading & cooling methods), time-temperature studies for *Vibrios* immediately after harvest and transport to processors, determine the *Vp* vessel to dock time-temperature curves and additional PHP methods for processors. Please see attached agenda for additional information.

National Oyster Tasting Contest: On April 7th, at the Westin Hotel in Providence, RI. There will be a National Oyster Tasting Contest complete with a panel of celebrity chefs as the judges. The competition has 20 entries from around the US competing. As part of the competition, Tommy Ward (13-Mile – Buddy Ward & Sons Seafood and Trucking) will send some of his "Big Bayou" oysters up to RI for the contest. In support of the competition and special thank you goes out to the Apalachicola Bay Chamber of Commerce for paying the \$200 entry fee for the contest; and Chef David Carrier, owner of the Gibson Inn's Avenue Sea Restaurant who be attending the competition as one of the celebrity chef judges.

Bear –Crossing Sign Update: I have received confirmation from the FL Department of Transportation, that the County's request for placing bear-crossing signs at strategic locations along US 98 has been approved. The signs will be located in the following areas as recommended by the Bear Management Section of Fish & Wildlife: 1. SR 377 (US 319), approximately 0.6 of a mile north of the intersection of SR 30 & SR 377: Install one sign facing southbound traffic. 2. SR 30 (US 98), approximately 4.1 miles west of the intersection of SR 30 & SR 377: Install one sign facing eastbound traffic. 3. SR 30 (US 98), approximately 2.5 miles east of the intersection of SR 30 & SR 377: Install one sign facing westbound traffic.

Mr. Mahan stated that the Oyster Forum will be on April 24, 2008 at 4 PM at the Community Center in Apalachicola.

Public Hearing – Amend the Turtle Ordinance (10:10 AM)

Mr. Pierce gave some history on the original Turtle Ordinance and stated that Bruce Drye and Bruce Hall would discuss the proposed amendments to the ordinance. Bruce Drye explained the need, especially the amount of disoriented nests, for the amendments to the Ordinance. Bruce Hall, of Sea Turtles at Risk, stated that the changes are needed because of the changing environment in the County and discussed the need for changing the lighting portion of the ordinance to further protect the turtle nests. Ms. Hall then reviewed the proposed major changes to the Ordinance, and discussed in detail the changes to the type of bulbs and lights that will be allowed.

The Chairman opened the floor for public comment.

Dr. Robin Trindell of FWC discussed where the State is currently with adopting new guidelines for turtle lighting. Commissioner Sanders asked when new rules would be adopted by the State. Dr. Trindell stated that in the near future, the proposed guidelines will go in front of DEP for review. The Board and Attorney Shuler discussed why the County should adopt these amendments, especially if they have not been adopted by the State or if they are more restrictive than the State.

Commissioner Putnal stated that he doesn't want the turtle ordinance lighting amendments to interfere with either public safety or businesses on St. George Island.

Commissioner Sanders suggested tabling this item until the State amends and adopt new rules for turtle nests.

Ken Osborne, of Alligator Point Taxing Association, agreed with Commissioner Sanders and asked the Board to delay adopting these amendments because some of the areas affected was not given fair notice, the format of the amendment is confusing. Mr. Osborne asked if a County beach does not have turtle nesting, if it would be affected by the ordinance, if grants that are received for homeowners and businesses to change their lighting will be disbursed equally throughout the County, stated that enforcement rules have to be changed, asked who is the official enforcement officer, and suggested that the Board only includes rules that are mandatory, not suggestions.

Steve Carney, St. George Island homeowner, was not in favor of the proposed amendments, and did not think the problems were serious enough to change the ordinance.

David Allen, St. George Island homeowner, didn't think that there was a need to change the ordinance, especially the expansion of the affected area, and asked what studies has actually been done to support the need for changes.

Mr. Pierce stated that he received 3 letters in favor of the proposed amendments and 6 letters against the proposed amendment.

Steve Rash, St. George Island business owner, stated that there are many other issues that cause problems for the sea turtle nests, stated that the current lighting section of the ordinance does not allow for businesses to provide safe lighting for their customers; discussed loss of insurance because of the restrictions on lighting in the ordinance.

Chairman Lockley suggested asking a neutral party to write the amendments to the ordinance that would take into consideration the Commercial owners and the turtle permit holders.

Paul Riegelmayr, a St. George Island homeowner, discussed some of his experiences with turtle nest disorientations, and hoped that some middle ground is reached on this matter.

Walter Armistead, a St. George Island business owner, stated that each County has different ordinances with different standards, that the current ordinance requires lights that cost at least \$35 per bulb and that are not readily available in local stores, and asked for some better alternative that is not more restrictive than the State requirements

Dan Tonsmeire, of Apalachicola Bay and River Keepers, supported the proposed amendment and asked the Board to find some middle ground on this matter.

Dr. Trindell stated that her agency did not want to regulate lighting at the local level, but her agency does realize that public safety is important. Dr. Trindell offered her assistance to help the Board in reaching some middle ground for both public safety and the turtles.

Chairman Lockley and Dr. Trindell discussed how to make lighting rules that would provide public safety and safe lighting for the turtles.

Lorna Patrick, with the Fish and Wildlife Commission, distributed a statement that said that Franklin County still has the highest number of turtle nests, and suggested using new lighting technology in the County.

Alice Collins, St. George Island business owner, stated that the current turtle ordinance does need some adjusting and alternatives, but asked that the Board not expand the affected area, discussed the need to consider public safety, and asked that the amendment not be approved as it is currently written.

Terry Brewer, St. George Island business owner, stated that more facts are needed regarding expanding the affected area and a change in lighting.

Susan Bassett, St. George Island homeowner and business owner, supported the amendment and stated that there is a workable solution for both parties.

Bruce Hall stated that the amendments did include some of the concerns of the business owners, and discussed the enforcement and injunction relief section of the proposed amendments.

Commissioner Crofton expressed his concerns regarding the injunction relief language in the proposed amendments. Steve Carney had additional comments.

Motion by Sanders, seconded by Putnal, to table this item until a workshop is held by Planning and Zoning which will include comments from the residents of the affected areas, representatives from the Fish and Wildlife Commission and the Department of Environmental Protection, and to compare the proposed amendment to the current State rules; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (11:35 AM)

No report but will have comments on an item on Mr. Pierce's report.

Alan Pierce – Director of Administrative Services – Report (11:37 AM)

1- Board action to approve a Resolution of Appreciation for April 2008 as Library Appreciation Month.

Motion by Crofton, seconded by Sanders, to approve the Resolution of Appreciation for Library Appreciation Month; Motion carried 5-0.

2- Inform the Board that the TDC will be here at the April 22 meeting to seek approval for Infrastructure grant requests, and other budget items. Based the guidance from the Board, and input from the TDC, I revised the request for this year (2008) infrastructure funds. I requested the county receive \$30,000 to light an additional baseball field at Vrooman Park in Eastpoint, and \$10,000 to be reserved for improvements at the Lombardi site. Then on April 22, the TDC will announce they are going to have additional infrastructure funds and I presume those additional funds will also go toward improving the Lombardi property.

The Board is also utilizing \$10,000 of the interest of the TDC funds for 3 scoreboards at various baseball complexes in the county.

Commissioner Crofton stated that the Tourist Development Council has informed him that Camp Gordon Johnston will continue to be funded by them.

3- The National Association of Counties is contacting its members and requesting that we write a letter to certain members of Congress opposing cuts to Medicaid funding. Board action on letter to Chairman Dingell, Chairman of the Committee on Energy and Commerce.

Motion by Sanders, seconded by Crofton, to authorize the Chairman's Signature on a letter to Chairman Dingell, Chairman of the Committee on Energy and Commerce; Motion carried 5-0.

4- Regarding Lombardi acquisition, the TDC wants the Board to know that it has previously allocated \$100,000 one year, and \$50,000 in another year for a total of \$150,000 towards land acquisition that has not been spent. In the

Lombardi purchase the county agreed to pay \$500,000 down payment, of which \$400,000 will be out of the county land acquisition fund, and \$100,000 from TDC land acquisition. The Clerk has identified a fixed rate lending source for mortgage payments of \$77,000 a year. The TDC will raise its annual land acquisition to \$77,000 in its next budget year, but for the remaining 5 or 6 months of this fiscal year we will use the remaining \$50,000 of TDC land acquisition funds to make the monthly mortgage payments of approximately \$6500.

The purchase contract is now ready for the Board to sign. Mr. Lineberger has signed it. The Board needs to act expeditiously because the contract will expire on Friday, April 4th. If the Board is prepared to sign the contract, the motion to direct the Chairman needs to include authorization to:

(A) sign the contract for a purchase price of \$1.55 Million; (B) sign the addendum to the contract which covers the splitting of the closing costs agreed to by both parties, provides the county the right to inspect the property which we already have done, and acknowledges that the buyer will sign the IRS Form 8283, charitable donation letter, which by signing the buyer does not accept what the seller is claiming to be the fair market value of the property, and (C) sign a letter stating that while the seller is claiming the property to be worth a certain value, Franklin County makes no representation to either the appraised value provided by the seller, or the tax treatment of the charitable contribution.

The Board can act now, or hold a special meeting before April 4 to act.

Commissioner Sanders wanted to make sure that the County will not be liable or negatively affected because of the donation letter. Attorney Shuler, while discussing this matter, stated that the donation letter will not affect the County in any way.

Mrs. Johnson distributed some notes on this matter.

Motion by Putnal, seconded by Crofton, to approve signing of the contract for the purchase price of \$1.55 million, authorizing the Chairman's signature on the addendum to the contract which addresses the right to inspect the property, IRS Form 8283, and the charitable donation letter, and authorize the Chairman's signature on the letter that addresses the County not making any representations to the appraised value provided by the seller or the tax treatment of the charitable contribution; Motion carried 5-0.

5- Direction from Board on potential utilization of School Board recreational facilities. I have met with various representatives of the school system and it appears the school would like for the county to take over all its recreational facilities. While the Board has gone on record requesting use of the Apalachicola High School football field, and one inside basketball court, there has not been any discussion about all the other facilities at the school. I have spoken with Mr. Van Johnson, Parks and Rec. Director, and unless the Board plans to expand his budget he can not take over additional facilities. In the event the School Board would like to package all their facilities so that one group is responsible everything, does the county commission have an opinion on an all or nothing proposition from the School Board on its recreation facilities?

Board stated that more specific information is needed from the School Board, and asked Mr. Pierce to contact the school Board and discuss this matter.

6- Airport Committee activity- At a recent Board meeting, the Board authorized the re-advertising for Request for Proposals to construct a 10,000 square foot hanger. This was the hanger that Dr. Bone was going to use and then backed out. The Notice of receiving the Proposals was properly advertised, and I have a copy of the ad, but the opening of the proposals was not inadvertently left off the agenda. It was stated in the ad that the Requests would be opened at 9 AM. Board action to open the Requests and turn them over to the Airport Committee for review and recommendation.

Motion by Crofton, seconded by Sanders, to authorize Mr. Pierce to open the request for proposals; Motion carried 5-0.

Motion by Sanders, seconded by Crofton, to forward the Request for Proposals to the Airport committee for a recommendation; Motion carried 5-0.

T. Michael Shuler – County Attorney – Report 11:55 AM

Attorney Shuler reviewed the following report with the Board.

1. Franklin County Affordable Housing Initiative

DCA advises that the Affordable Housing Initiative was been approved March 25, 2008. They will publish the notice of intent approving the transfer. Following publication, any interested party will have 20 days to object. If no objection is filed with the court, then the approval will be final and we can record the deed to the affordable housing site.

I have provided St. Joe with the easement deed needed for an access easement across their land from Highway 98 to the affordable housing site. St. Joe has the easement and should present the executed deed shortly.

BOARD ACTION NEEDED: None

2. WEEMS HOSPITAL:

The Agency for Health Care Administration has filed an administrative complaint against the hospital for an alleged violation of a Federal Rule governing healthcare. I am working on a response. I have made initial contact with the AHCA attorney. Based on that contact, I am hopeful that they will dismiss the complaint without cost to the County, though that has not been decided yet. If the case is not dismissed and the County should lose the case, AHCA wants the hospital to pay a \$5,000.00 fine.

BOARD ACTION NEEDED: None

3. Eastpoint Water and Sewer

There are two issues concerning the District:

First, I am still waiting on the lease from the District for part of the 5th Street right of way you have previously approved leasing to them for a lift station.

Second, the County recently granted a set back variance on private property for the District to install another lift station on private property in Eastpoint. We are awaiting evidence of the landowners consent to the lift station before issuing the variance. We believe the owner has granted the District such consent; we just need a letter for our file from the landowner

4. Potential Franklin County Lawsuit Concerning Apalachicola River

I would like to speak with the Seafood Task Force about their thoughts on this before making a recommendation to you.

BOARD ACTION: None.

5. Alligator Drive

.On March 25, 2008, Alan and I met with Steve Fling and his attorney, Jay Adams, to continue discussions concerning relocating Alligator Drive. Although many issues were discussed, no resolution was reached. Mr. Fling is going to discuss with his partners granting access though both South Shoals and Se Con Cove, the entire length needed for relocating Alligator Drive to Harry Morrison's Island Drive. We are waiting on the outcome of that discuss.

BOARD ACTION: None.

6. Relevant Litigation Status

A. Albany Bank and Trust v. Jeff Galloway, Franklin County, et al. (08-135-CA).

I was served last week on behalf of Franklin County in a private mortgage foreclosure suit. I have reviewed the public record and the County has a \$42.00 tax bill outstanding.

BOARD ACTION: None, unless you want me defend this suit. I do not recommend defending the lawsuit. This means that your fire tax bill will be extinguished.

B. Ashley v. Franklin County

On March 14, 2008, the First District Court ruled against the Ashley's Request for Rehearing. This means that the Ashley's unsuccessfully contested the Court's December 31, 2007 ruling in favor of the County on all points in the comprehensive plan. The one point in the comprehensive plan not approved by the court concerns the fact that the Court believes that Rural Village and Conservation Residential were not mixed use categories. The Court ruled that Rural Village and Conservation Residential are mixed use categories. This means that the County will have to amend the plan to assign percentages of allowable uses within those districts.

If we cannot settle with the Ashley's on this one issue, then process from here is to go back before the Governor and Cabinet, who will then send it back to Franklin County for remedial action specifying the percentages of use.

Rural Village allows seven uses:

1. River House
2. Outfitters Center
3. Facilities to accommodate recreational uses.
4. Nature Center and Library.
5. Boat ramp and dock.
6. River Cottages.
7. Single Family Residences.

Conservation Residential allows six uses:

1. Single family residential
2. Passive recreational uses
3. Active recreational uses
4. Related infrastructure, silvaculture and accessory uses, such as a community gathering center
5. Commercial uses for non-residents not allowed (this means commercial for residents)

6. Other similar and compatible uses.

BOARD ACTION NEEDED: None.

Commissioner Putnal asked the staff to get written permission from the St. Joe Company for beach access on some of their property. The Board, Attorney Shuler, and Mr. Pierce discussed this issue.

Commissioners' & Public Comments (12:03 PM)

Motion by Putnal, seconded by Parrish, to have Attorney Shuler contact Mr. Chipman, of the Road Department, and Mr. Polous, of Mosquito Control, to discuss a complaint letter regarding an employee at the Road Department; Motion carried 5-0.

Commissioner Sanders asked for a copy of the recommended changes from DCA regarding Port Haven before the Comp Plan Public Hearings scheduled for April 22, 2008 at 1pm.

Commissioner Putnal wants in writing all of the guarantees and promises the representatives from the Port Haven project made such as helping Eastpoint Water and Sewer District expand their sewer system and providing an area for the seafood workers to load and unload.

Commissioner Sanders discussed Apalachee Planning Regional Council meeting that she attended and at this meeting it was stated that the County would be better served regarding the 'water wars' if we commented at the Corp of Engineers public hearings on their new water management plan. The Board discussed this matter further, also discussed financial assistance for the seafood workers, and the lost of funding for some programs that will affect the County.

Dan Tonsmeire, of the Apalachicola Bay and River Keepers, provided some additional information on the 'water wars'. Kevin Begos, of the Seafood Task Force, also commented on the 'water wars'.

Bill Ruic, who works at the Apalachicola Airport, read from an article that discussed using oysters for an alternative use and suggested the County investigate this matter.

Adjourn (12:25 PM)

Chairman Lockley adjourned the meeting.

Noah Lockley Jr., Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts