

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JUNE 3, 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, Linda Phillips – Finance Officer, Michael Morón – Board Secretary

Call to Order (9:00 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:00 AM)

There was a Prayer followed by the Pledge of Allegiance.

Approval of Minutes – Regular Meeting – May 20, 2008 (9:01 AM)

Motion by Sanders, seconded by Crofton, to approve the Minutes of the May 20, 2008 Regular Meeting; Motion carried 5-0.

Payment of County Bills (9:01 AM)

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

Motion by Crofton, seconded by Sanders, to approve payment for G & N Painting; Motion carried 5-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:02 AM)

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

Action Requested Remove building and clean new county property at the Lombardi's boat ramp in Apalachicola. Completed

Board asked Mr. Chipman to add some road base material, perhaps lime rock, at the entrance and the parking area of the property.

Work Performed Summary

- ❖ Hauled 28 loads 497 tons of lime rock from Gulf Coast Aggregates for stock pile
- ❖ Hauled 51 loads 916 tons of screened black dirt from Gulf Aggregates for stock pile/shoulder work
- ❖ Ground Maintenance at Courthouse, Weems Memorial Hospital, EOC, and the Health Dept in Apalachicola, Learning Center in Eastpoint, Carrabelle Courthouse Annex
- ❖ Built parking lot for City of Carrabelle at water tower
- ❖ Cleaned Eastpoint Cemetery
- ❖ Graded roads in Carrabelle
- ❖ Box dragged roads in Eastpoint
- ❖ Cut bushes back off of county right of way in Apalachicola and Eastpoint
- ❖ Repaired driveways in Eastpoint
- ❖ Pot hole repair in Apalachicola and Carrabelle
- ❖ Watered roads in Carrabelle
- ❖ Shoulder work in Carrabelle
- ❖ Picked up litter in Alligator Point, Apalachicola, Eastpoint, Carrabelle and Lanark
- ❖ Cut grass in Alligator Point, Apalachicola, Eastpoint and Lanark
- ❖ Cleaned ditches in Eastpoint
- ❖ Cut/ dig ditches in Apalachicola
- ❖ Installed and cleaned out culverts in Carrabelle and Eastpoint
- ❖ Build street signs for the City of Apalachicola and City of Carrabelle
- ❖ Cut grass and cleaned around signs in Carrabelle

Replaced signs and Painted cross walk signs on St. George Island

Commissioner Putnal stated that he liked the shoulder work that was done at River Road and Highway 67 and discussed the cracks on the new paved portion of River Road.

Dan Rothwell – County Engineer (9:05 AM)

1. BOARD ACTION – Final Payment for Airport Access Road:

Upon recommendation of the County Attorney staff requests authorization to make payment to Ben Withers, Inc. for \$17,709.00.

Motion by Sanders, seconded by Crofton, to authorize the payment to Ben Withers for \$17,709.00; Motion carried 5-0.

2. Affordable Housing Survey:

Staff has completed the marking of the proposed Right of Way for the airport housing access road.

3. Eastpoint County Landing Park Project:

Bailey, Bishop & Lane are working on the final plans and specifications and construction grant applications are completed.

4. Ochlockonee Bay Boat Ramp Project:

Bailey, Bishop & Lane are working on the final plans and specifications and construction grant applications are completed.

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

C.W. Roberts surveying and staking are complete but, has not yet started work.

Mr. Rothwell stated that this project started yesterday.

6. Squire Road, Peachtree Road Survey and Long Road:

Work on the plans and field marking are still pending prior to Public Works projects on these roads.

7. South Shoal Village Survey and Plat Plots:

Staff has completed field survey work and prepared plat plots for the County Attorney. The estimated savings for in house work is \$2,500.00 for survey and plat drawings.

Commissioner Putnal stated that Carrabelle Lighthouse Association wants to apply for a FDOT ISTE A grant to assist with the museum location. Mr. Rothwell will contact someone from the Lighthouse Association to discuss this matter further. Mr. Pierce suggested using the traffic safety funds as an option.

Chairman Lockley asked for update on affordable housing. Mr. Rothwell stated that the project area has been flagged and would like to invite the Commissioners to visit the site. The Board discussed the availability of sewer and water for the area. Mr. Pierce stated that he will discuss this matter further with the City of Apalachicola. Attorney Shuler stated that he has already discussed this matter somewhat with the City.

Commissioner Putnal expressed some concerns with the project being so close to the best oyster producing section of the Bay, and stated that City sewer is very important for this area.

Commissioner Sanders asked for an update and if there was a problem with the dune walkover project on Alligator Point. Mr. Rothwell and Mr. Pierce stated that there was a restriction regarding the coastal control line. Commissioner Sanders directed Dan to contact DEP on this matter because she didn't think that the project would infringe on the coastal control line.

Bill Mahan – County Extension Director (9:16 AM)

Gulf of Mexico Fishery Management Council (GMFMC) Updates:

Next GMFMC Meeting: The next GMFMC meeting is June 2-6 in Houston, TX.

Red Snapper Season in Federal Waters: The recreational harvest season for red snapper in Gulf of Mexico federal waters opened on June 1 and will close on Aug. 5. Gulf federal waters extend beyond nine nautical miles from shore off of Florida.

The red snapper sport harvest season opened on April 15 in Gulf state waters and will close on Nov. 1. Florida Gulf waters extend from shore out to nine nautical miles.

The daily red snapper bag limit for sport anglers in all Gulf waters off of Florida is two fish per person, and the captain and crew of for-hire vessels in the Gulf may not keep the recreational bag limit. The minimum size limit for recreational red snapper in the Gulf is 16 inches total length.

Florida Fish & Wildlife Commission (FWC) Updates:

Next FWC Meeting: The FWC will meet at the International Game Fish Association Fishing Hall of Fame and Museum in Dania Beach June 11-12.

Agenda items include: Considering proposed rule changes concerning taking, possession and sale of freshwater turtles. These proposals would help protect freshwater turtle populations while the FWC develops a comprehensive management strategy for wildlife species that are not regulated under current rules. On Thursday, a final public hearing on a proposed rule to allow commercial fishermen to harvest striped mullet on weekends will be held. Another final public hearing will take place on a proposed rule to extend the Stone Crab Advisory Board to July 1, 2011 and allow the use of galvanized 16-gauge or thinner degradable staples to construct the degradable panel on wire stone crab traps.

In other marine fisheries action, the FWC will review and discuss the use of fishing nets and net-related issues, Gulf of Mexico Fishery Management Council gag and red grouper regulatory actions and South Atlantic Fishery Management Council vermilion snapper and gag grouper management alternatives. The Commission will also consider other federal fishery management issues.

Hot Sheet: I discovered a new feature on the FWC Website called Hot Sheet. The "Hot Sheet" summarizes the current FWC "Hot Fisheries Management Topics." I have attached the May 2008 "Hot Sheet" for your information.

UF – IFAS Extension Updates:

New approved BRDs: The new federally approved By-catch Reduction Devices (BRDs) for shrimp trawls are the “Modified Jones Davis,” “Composite Panel;” and the “Extended Funnel.” At this time, none of these are approved for use in inshore state waters.

4-H Tropicana Public Speaking Program: The Countywide 4-H Tropicana Public Speaking Contest was held at the West Campus Auditorium on May 22nd. The results for the 4th/5th Grade Division are: 1st Place – Mikel Lewis (5th Grade) East Campus, Mrs. Marshall – “Mikel Lewis for President;” 2nd Place Adriane Elliot (4th Grade) ABC School, Mrs. Poloronis – “Global Warming;” 3rd Place Cha’Maiya Williams (5th Grade) West Campus, Mrs. Gay – “Movin’On Up;” and 4th Place Jared King (4th Grade) Central Campus, Ms. Lumberto – “A Great Inventor.” The 6th Grade Division results were: 1st Place Jessica Shields – ABC School, Mr. Banks – “Boys & Girls;” 2nd Place Holden Foley – West Campus, Mrs. Parrish – “Hunting Dog.” A big THANK YOU goes out to all the students, teachers and judges who participated in this year’s program to make it a success!

4-H Butterfly Development Program: This year’s 4-H Butterfly Development Program is complete. The painted lady caterpillars have all hatched and been released. This is our largest 4-H youth program in the County with more than 600 students participating in the program.

UF’s Wedgworth Leadership Institute for Agriculture and Natural Resources: The 30-members of the Wedgworth Leadership Institute’s Class VII visited Franklin County on May 20 -21 as part of their two-year training program. The participants had a great time oystering, eating oysters and learning more about local issues.

New Franklin County UF Master Gardeners: The Franklin UF-IFAS Extension Program is proud to announce that the following county residents have recently completed the UF Master Gardener Training Program. They are Wanda Barfield, Katie & Tom Herzog, Arlene Oehler and Kim Reijers. Congratulations to our new Franklin County Master Gardeners!

4-H County Camp: Planning for our annual 4-H County Summer Camp continues. This year’s camp will be the week of July 14th – 18th at 4-H Camp Timpoochee. We will again be camping with Covington County, AL and Walton County, FL. We are the only multi-state summer 4-H camp held during the summer. If you would like additional information about summer camp, please give me a call at 653-9337.

FWC Division of Marine Fisheries Management HOT SHEET – May 2008
(Valid through May 31st, 2008)

Issues covered in this posting: Reef Fish, Red Snapper, Grouper & Mullet

Issue: REEF FISH

Action: New Gear Requirements for Reef Fish in the Gulf of Mexico

Information: The new rules listed below require certain gear and devices to be used when fishing for any reef fish (including snappers, groupers, amberjacks, sea bass, gray triggerfish, hogfish, golden tilefish and red porgy) in the Gulf of Mexico in federal and state waters. These rules take effect June 1, 2008:

Commercial and Recreational

- ☐ Require the use of non-stainless steel circle hooks when using natural bait (live or dead) when fishing for any of the reef fish species
- ☐ Require venting tools and de-hooking devices to be onboard all vessels and to be used while releasing any of the reef fish species

Timeline: New reef fish requirements for federal and state waters take effect June 1, 2008.

Links for more information:

Marine Fisheries Information Page - <http://www.myfwc.com/marine>

FWC News Release - Red Snapper and Reef Fish - <http://www.myfwc.com>

Reef Fish Rule - Chapter 68B-14, F.A.C. - www.flrules.org

Issue: RED SNAPPER

Action: Seasonal changes and regulations

Information: Red snapper fishing opened in state waters on April 15, but remains closed in federal waters beyond nine nautical miles from shore until June 1. Recreational harvest is limited to two fish per person per day, with minimum size limits of 20 inches total length in the Atlantic and 16 inches TL in the Gulf of Mexico.

Links for more information:

FWC Press Release – Red Snapper Season - www.myfwc.com

FWC Red Snapper Information Page - www.myfwc.com/marine

Early Closure in Federal Waters - <http://sero.nmfs.noaa.gov>

Federal Red Snapper Final Rule <http://sero.nmfs.noaa.gov>

Issue: BLACK, GAG and RED GROUPE

Action: Still pending Federal regulations

Information: Gulf of Mexico: Grouper regulations for state and federal waters of the Gulf of Mexico remain unchanged. The Gulf of Mexico Fishery Management Council is scheduled to address the proposed regulations for gag, black, and red grouper at their June 2-6, meeting in Houston, TX. Proposed changes to the Gulf grouper regulations include reduction in bag limit to 3 grouper aggregate per person with various combinations of black, gag, and red grouper bag limits and a closed season of up to four months during spawning season.

Links for more information:

Grouper Fishery Information <http://myfwc.com/marine/grouper/index.htm>

Issue: MULLET (Striped or Black)

Action: Public Workshops

Information: The Commission voted at the April 2008 meeting in Tallahassee to allow the commercial harvest of striped or black mullet on weekends year round. A final public hearing will be held June 12th, in Fort Myers.

Links for more information:

FWC News Release from April 2008 meeting - www.myfwc.com

Mullet Background Report April 2008 - <http://www.myfwc.com/commission>

Board and Mr. Mahan discussed economic impacts to the seafood workers with the cost of the new nets that are required.

Commissioner Putnal discussed the possibility of a meeting regarding this matter.

Marcia M. Johnson – Clerk of Courts – Report (9:22 AM)

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

1- My office has been looking at budget issues, and we've found that we only have two payments left on the jail bonds issued back in 1989. We can save interest in the amount of \$7,893.39 if the Board agrees to go ahead and pay the bonds off from funds accumulated in the jail bond account. To this end, I would like to request a line item budget amendment to move the needed funds from the Jail Bond Reserve for Contingencies to Principal. There would be an increase to account 202.81.582.7100 Principal in the amount of \$118,000.00 and a decrease to account 202.99.584.9600 Reserve for Contingencies for the same amount of \$118,000.00.

INCREASE	202.81.582.7100	Principal	\$118,000.00
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DECREASE	202.99.584.9600	Reserve for Contingencies	\$118,000.00
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Michael Allen, of WOYS, asked for the original amount of the jail bond. Mrs. Johnson stated that it was approximately \$1.99 million.

Motion by Putnal, seconded by Sanders, to approve the line item budget amendment which would allow the County to pay off the Bonds early; Motion carried 5-0.

2-I've given you each a copy of my report with an attached list of property items from our inventory that can no longer be used - most of which are obsolete. I need board action to approve the removal of the items from our property records.

Property #	Dept/Office	Description	Original Value	Reason Item Removed
A003969	Finance	AS400 Server	\$35146.28	Obsolete
A003659	Clerk	3 Com Hub 24 Port	\$2405.00	Obsolete
A003662	Clerk	Dual Pentium II Server	\$8687.70	Obsolete
A003971	Finance	Dell Computer	\$3625.23	Obsolete
A003972	Finance	Dell Computer	\$3625.23	Obsolete
A004188	Clerk	Dell Computer	\$1364.82	Obsolete
A003955	Clerk	Compaq Computer	\$1331.00	Obsolete
A003707	Clerk	Gateway Computer	\$1374.00	Obsolete
A003706	Clerk	Gateway Computer	\$1434.00	Obsolete
A004187	Civil	Dell Computer	\$1364.82	Obsolete
A004189	Civil	Dell Computer	\$1364.82	Obsolete
A003689	Clerk	Gateway	\$1367.00	Obsolete
A003871	Clerk	Bulletin Board	\$874.00	Val<1000.00
A003872	Clerk	Bulletin Board	\$874.00	Val<1000.00
A004372	Clerk	Dell Computer	\$1298.68	Obsolete
None	Courthouse	Phone System	\$52,769.00	Donated
A003808	Courthouse	Phone System Upgrade	\$12987.00	Donated
A003809	Courthouse	Phone System Upgrade	\$1510.00	Donated
A003675	County Judge	Apple Computer & Printer	\$1892.99	Obsolete
A003970	Finance	Dell Computer	\$3625.23	Obsolete

Motion by Putnal, seconded by Crofton, to approve the removal of the items on the list from the property records; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (9:27 AM)

1- Board action to adopt a Resolution of support for obtaining high-speed broadband access to Weems Hospital, along with broadband access for eight other rural hospitals. The Big Bend Regional Health Informational Organization’s Rural Health Care Program. The BBRHIO is seeking a grant from the Governor’s Office to provide high-speed broadband access to rural hospitals and Weems is one that will receive it if the Board so desires. Board action will be to support the grant application.

Motion by Putnal, seconded by Sanders, to adopt a Resolution of support to obtain high-speed broadband access for Weems Hospital; Motion carried 5-0.

2- Board action to clarify and finalize Board revenue stream for Hospital and ambulance service for the remainder of this fiscal year. These numbers have been verified by the Clerk’s Office, and the allocations have been reviewed for legal consistency by Mr. Shuler. At this time the Board is in receipt of 3 months’ sales tax revenues. The revenues are: Jan- \$70,000; Feb.-

\$88,000; March- \$119,000, and then an additional \$20,000 representing sales tax from firms allowed to pay on a quarterly basis. The total revenue for 3 months is approximately \$297,000.

In keeping with the 50/50 split of tax revenue between hospital operations and capital outlay/infrastructure, the Board will write a check for \$148,500 to the Hospital for operational uses. The Board will keep the capital outlay share, also \$148,500, until the Hospital makes a request for those funds that the Board approves. Interest generated by tax revenues will be allocated to capital outlay/infrastructure.

The Board will disburse the last quarter of ambulance subsidy to the Hospital but will not disburse the last quarter of operational subsidy to the Hospital, as the sales tax revenues are intended to replace the Hospital operational subsidy. Thus, the ambulance service will receive approximately \$99,000 in the last quarter, but the Board will retain approximately \$151,000 of ad valorem revenues that had been budgeted for Hospital operational subsidy this year.

In next year's budget, there will be no Board subsidy of hospital operations, so there will be a savings of \$600,000, but there will be a continued subsidy for the ambulance service of approximately \$400,000.

The Board will disburse future operational funds to the Hospital as they are received, which should be on a monthly basis.

**Motion by Putnal, seconded by Sanders, to approve the recommended allocation as stated;
Motion carried 5-0.**

3- Update on FEMA Alligator Point situation. I have submitted to FEMA the final documentation entitled Request for Improved Project that identifies the route for the relocated Alligator Point Road to follow. A summary of this document needs to be in the Board minutes, so I will now explain the proposed route.

For over two years the county has negotiated with a private land owner, Mr. Steve Fling and several entities he represents, to provide the necessary right-of-way (ROW) to relocate a section of the Alligator Point Road and a section of Alligator Point Water District main water line to avoid future storm damage. With the opening of the Tom Roberts section the county will have relocated approximately 1800 feet of road, but there still remains some 350 linear feet of road that needs to be moved. The county's negotiations have failed, and FEMA has been unwilling to commit funds to finance the condemnation of private land. At this point, I have filled out the proper paperwork to notify FEMA that the county will be rebuilding the road using existing county right-of-way. This means that approximately 350 feet of vulnerable road will not be relocated. The county has no choice but to proceed to rebuild the road because we must turn in a Request for Improved Project by July 1.

In a letter to Mr. Jim Brewer, I have provided FEMA an opportunity to select an alternate route, which means they would also agree to provide additional funding. But if they choose not to select an alternate route, the county's preferred route will be Tom Roberts to Harbor Circle, south on Harbor Circle to the existing Alligator Point Road and then follow the

existing road. The Water District has chosen to go west on Harbor Circle and loop their water line to the water tower. This was their decision.

For the record, the alternate routes are across private land owned by an entity called Secon Village, for which Mr. Steve Fling has been its representative. If FEMA wants to use an alternative route we will need to condemn land in Secon Village.

I am making this report part of the Board minutes.

Ken Osborne, of Alligator Point Taxing Association, stated some of the points that was discussed at a meeting with the Water District, pointed out the area of the road that will still be exposed to storms including the newly paved area, and also stated that the debris that is still there is causing accelerated erosion at certain points in Alligator Point.

Board discussed Mr. Pierce's efforts to force DEP to assist the County with providing a safe road for Alligator Point.

The Board discussed their preference to relocating the Alligator Point road through the Secon Village property rather than along the shore.

Ken Osborne stated that the next complaint the Board will receive will about all of the 90 degree turns on the relocated road, discussed the actions of the water district including swapping land to get the water lines relocated, and warned of the problems with moving the rocks and exposing more of the roads on Alligator Point.

Attorney Shuler asked about status and source of funding for the debris removal. Mr. Pierce stated that the \$1 million of the Legislative Appropriation can be used for debris removal.

Commissioner Sanders suggested contacting FEMA, contacting the Water District about the reconfiguring of the road, was opposed to relocating the road behind Harbor Circle where the Water District was considering relocating the water lines.

Commissioner Putnal warned of the increase in traffic on the road especially around the South Shoal development.

Attorney Shuler stated that, after surveys and title work were done, he discovered that there is an existing public right of way on South Shoal.

The Board discussed this matter further.

Motion by Sanders, seconded by Putnal, to proceed with the existing public right of way option on South Shoal and discontinue the eminent domain lawsuit that was previously authorized; Motion carried 5-0.

Attorney Shuler stated that there might be a problem with using the funding for debris removal if the County is not moving forward with the beach re-nourishment project.

Motion by Sanders, seconded by Putnal, directing Mr. Pierce to contact DEP about using the beach re-nourishment funds for debris removal; Motion carried 5-0.

Attorney Shuler stated that Mr. Wargo, who filed a challenge to the permit the County was seeking for debris removal, is willing to look at the challenge as two separate issues, one for beach re-nourishment and the other for debris removal at Alligator Point.

Ken Osborne commented on Mr. Wargo's challenge to the permit, discussed the erosion control line, and asked that Alligator Point residents are notified of any actions that may be taken on this matter.

Attorney Shuler stated that no action has been taken as yet, but will notify the public if that happens.

4- Provide Board copy of notice from Progress Energy on the public information meeting to be held June 12, 5:30 to 7:00 PM, at the Living Waters Church at 1580 Bluff Road. The meeting will be to discuss the construction of a new transmission line.

Commissioner Parrish and Attorney Shuler suggested posting an ad that some or all of the Commissioners might attend this meeting.

Motion by Parrish, seconded by Crofton, to authorize advertising that some or all of the County Commissioners will attend the Progress Energy meeting; Motion carried 5-0.

5- Remind Board that the June 10 Planning and Zoning meeting will be mostly comprised of a turtle education workshop. The P and Z members will be in attendance. County Commissioners are invited, as well as the public.

6- Board action to approve a change order for St. George Island Boat Ramp so that BCL Contractors, the contractors for the boat ramp itself, will build the concrete stairs and handi-cap ramp for \$26,992.00. This will allow the project to be opened to the public sooner. There will still be another minor bid for some wood work to be done later, but this change order will get all the heavy construction done by the same contractor. There are grants funds available for this. Board action.

Board discussed parking at this location.

Attorney Shuler discussed a funding possibility for parking at Timber Island Boat Ramp.

Commissioner Putnal stated that parking should be negotiated before the project starts.

Motion by Crofton, seconded by Sanders, to approve the change order for St. George Island Boat Ramp; Motion carried 5-0.

T. Michael Shuler – County Attorney – Report (10:05 AM)

Attorney Shuler submitted the following report for the Board's review.

1. Carrabelle Urgent Care Facility

I have delivered to Mr. Gander, the School Board Chairman, a letter requesting that they accept \$25,000 for five acres next to the Carrabelle health department for the urgent care facility in Carrabelle. A copy of the letter is attached.

Mr. Gander will schedule a public hearing in the near future for the school board to make a decision on this offer. Either I or Chuck Colvert (or both) will attend that hearing.

BOARD ACTION NEEDED: None recommended.

2. Landfill Scales

Phoenix Construction is using the scales at the Landfill to weigh lime rock being hauled by local contractors for the DOT project constructing a revetment on Highway 98 between Eastpoint and Carrabelle.

The Landfill and Phoenix Construction have agreed that all repairs and maintenance on the scales shall be split 50/50.

BOARD ACTION NEEDED: None recommended. You authorized Van Johnson to resolve this matter at your May 20, 2008 meeting.

3. Eastpoint Boat Ramp

Franklin County desires to purchase private property next to the Eastpoint Boat Ramp on Patton Drive. That property is presently in litigation involving a local lender and the owner of the private property. My law partner represents the local lender.

The lender filed suit May 23, 2008. I do not expect this matter to be resolved any sooner than 6-8 months. If any appeals are filed, it will extend that time frame.

We cannot act to purchase the property until the litigation is resolved or a settlement is reached.

BOARD ACTION NEEDED: None recommend.

4. Cogan Grass @ Mr. Hinton's property

On May 20, 2008, you authorized Bill Mahan and me to address DOT's request for County permission to spray grass killer on some cogan grass on DOT right of way at Mr. Hinton's property.

Mr. Mahan's research indicates proper treatment is to burn, till and later spray the area with a "Round-Up" equivalent. Since this treatment seemed to meet the Board's policy limiting spraying, I informed Mr. Mahan to proceed.

BOARD ACTION NEEDED: None recommended. You authorized Mr. Mahan and myself to resolve this at the May 20, 2008 meeting.

5. Alligator Drive

Edwin Brown and Associates Surveying have completed their field work. They inform me that a publicly dedicated right of way runs through South Shoals Subdivision from Alligator Drive to Harbor Circle. Generally speaking, this right of way runs in the general direction and alignment of Tom Roberts Road.

Since the facts indicate that the County already owns a right of way connecting Tom Roberts Road and Harbor Circle, I recommend that the County abate the eminent domain lawsuit and pursue the right of way as it saves money if not time. If unsuccessful, you can re-activate the eminent domain lawsuit.

BOARD ACTION: If the Board agrees, I recommend the following:

First, a Motion abating the eminent domain lawsuit.

Second, a Motion authorizing me to pursue connecting Alligator Drive and Harbor Circle along existing public rights of way, including filing a lawsuit.

6. Relevant Litigation Status

a. Wargo vs. DEP and the Board of Trustee of the Internal Improvement Trust Fund

The parties continue to work on splitting the permit into two parts. One part for beach cleanup and a second part for beach re-nourishment.

DEP is willing to split the permit, but says that the County may not be able to use any of the beach re-nourishment money just for debris clean up only. They inform me that the State Funds were for beach cleanup combined with beach re-nourishment.

I am waiting on DEP to inform me in writing of their position on this matter.

I am also waiting on the electronic form of the debris cleanup plan so that it can be circulated with DEP and Mr. Wargo's attorney.

Mr. Wargo has not decided whether he is going to require the county to formally give up the beach re-nourishment permit as a condition of settlement. I will keep you informed if he does.

BOARD ACTION: None Recommended.

b. Franklin County vs. White

This is the zoning enforcement case on North Franklin Street, in Eastpoint.

The White's lender has foreclosed on them. The Summary Judgment of Foreclosure hearing was held May 28, 2008. Although the lender had some technical problems involving proof of service of process, the judgment should be entered shortly.

I will then negotiate with the lender to resolve the zoning issue.

BOARD ACTION NEEDED: None

Commissioners' & Public Comments (10:08)

Commissioner Sanders discussed a request from the Florida Tax Watch Group asking Governor Crist to veto funding for Vrooman Park and the Seafood Landing Park.

Commissioner Putnal stated that these parks will be used by the public for so many reasons.

The Board directed Mr. Pierce to contact the Governor's Office and express the importance of both of these projects and ask him not to veto these items.

Commissioner Sanders stated that the seafood workers will also use these parks and suggested some people in the Governor's Office for Mr. Pierce to contact.

Kevin Begos, of the Seafood Task Force, stated that the letter should include the fact that the County put forth its own funding to purchase the Seafood Landing Park.

Linda Raffield, of the Franklin County Seafood Workers Association, stated that her organization will also contact the Governor's Office on this matter.

Commissioner Putnal asked the Seafood Task Force to also contact the Governor's Office.

Motion by Sanders, seconded by Crofton, to direct Mr. Pierce to contact as many organizations in the County and ask them to contact Governor's Office about the funding for these parks; Motion carried 5-0.

Commissioner Sanders stated that she received complaints from some of the residents that the County's name was used when they were contacted to pay past due hospital bills. Attorney Shuler stated that he will look into this matter.

Commissioner Crofton stated that the Humane Society needs cleaning supplies and are asking for donations. Commissioner Crofton also said that there was trash all over the St. George Island Bridge, but after discovering that this was due to an uncovered section on the Waste Pro truck, he contacted Waste Pro and they immediately sent a cleanup crew who cleaned the entire bridge for which he was very appreciative.

Commissioner Crofton also stated that he was recently contacted by some residents who asked for an Eastpoint golf cart ordinance.

Commissioner Parrish suggested creating a County wide golf cart ordinance restricting all golf cart activity from Highway 98 or any State right-of-way.

Motion by Crofton, seconded by Putnal, directing staff to start the process of creating an County wide, to include all unincorporated areas of the County, golf cart ordinance; Motion carried 5-0.

Commissioner Parrish stated that he attended a meeting in Blountstown regarding the ACF water wars and Senator Bill Nelson was in attendance and was very supportive of the County's efforts. Commissioner Parrish also stated that Mr. Dave McLain was here to provide some information on a decision made regarding the water wars.

Dave McLain stated that there was a decision made by the Army Corp of Engineers to reduce the water flow to the Apalachicola River, making the minimum amount of 5000 cfs the maximum. Mr. McLain continued by stating that Congressman Boyd will hold Congressional Hearings in Chattahoochee on this matter and the Apalachicola Bay and River Keepers will host some officials from the Army Corps of Engineers on July 7 here in Franklin County to discuss this matter.

Board discussed this matter and Chairman Lockley again recommended joining the City of Apalachicola with their lawsuit on this matter.

Commissioner Putnal asked Mr. McLain to keep the Board informed as the Board is willing to provide any assistance they can.

Attorney Shuler and Mr. McLain stated that joining the City of Apalachicola will not stop or slow down the Corps of Engineers, only a federal injunction can, which has to be filed by the State.

Motion by Putnal, seconded by Parrish, to send a letter to the Governor's Office urging him to make a decision, intervene on this matter as soon as possible, and visit the area so that he witness the destruction the reduced water flows will cause first hand; Motion carried 5-0.

Chairman Lockley and Mr. Pierce discussed the County seeking grants for affordable housing.

Adjourn (10:32 AM)

There being no further business, Chairman Lockley adjourned the meeting.

Noah Lockley Jr., Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts