

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
TUESDAY JULY 5, 2005
9:00 AM**

MINUTES

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

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

Call To Order (1 – 06)

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

Prayer and Pledge (1 – 09)

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes (1 – 35)

Motion by Crofton, seconded by Putnal, to approve the minutes for the January 4, 2005, February 1, 2005, April 19, 2005, May 3, 2005, and June 7, 2005 Regular Meetings; Motion carried 5-0.

Payment of County Bills (1 – 45)

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

Terry Peacock – St. Vincent Refuge – Presentation (1-65)

Ms. Terry Peacock, of St. Vincent Refuge, presented the revenue sharing check in the amount of \$269,704.00. Ms. Peacock explained that the amount of the check increased because the Refuge's appraised value increased.

Board stated that they would decide at a later date what to spend this money on.

Commissioner Mosconis informed the Board that Ms. Peacock was leaving her post at the Refuge.

Ms. Peacock explained that she would be moving to the St. Marks Refuge, where the St. Vincent Refuge will be managed from now on.

Motion by Mosconis, seconded by Crofton, to authorize the Chairman's signature on a Resolution of Appreciation for Ms. Terry Peacock for her service at the St. Vincent Refuge; Motion carried 5-0.

Grady Leavins (1-163)

Mr. Leavins stated that the next ISSC meeting will be held in Point Clear, Alabama on August 16, 2005 and thanked the Board for sending Chairman Sanders and Ms. Charlene Burke, from the our Oyster Lab, to previous ISSC meetings, as other States are very well represented at these meetings. Mr. Leavins asked the Board to sponsor a "Florida Room" along with the Apalachicola Bay Oyster Dealers Association, which will cost the County approximately \$1500. Mr. Leavins explained the benefits having this room will provide for the County's seafood industry, especially the oystermen.

Motion by Lockley, seconded by Mosconis, to approve a \$1500 expenditure to assist the Apalachicola Bay Oyster Dealers with hosting a "Florida Room" at the ISSC meeting; Motion carried 5-0.

Board and Mr. Leavins discussed post harvested oysters, their health risks and how they are labeled.

Alan Pierce – Director of Administrative Services – Report (1 – 357)

Mr. Pierce presented the following item from his report as it related to the discussion. Item 13- Two Commissioners have potential conflicts for the August 16th meeting. I recommend the Board move the second meeting back one week to August 23rd, which is also a Tuesday. Board action.

Motion by Mosconis, seconded by Lockley, to reschedule the August 16, 2005 regular meeting to August 23, 2005 at 9 am; Motion carried 5-0.

Motion by Mosconis, seconded by Crofton, to authorize the payment of travel expenses for Commissioners to attend the ISSC meeting in Alabama during the week of August 16, 2005; Motion carried 5-0.

Department Supervisor Reports

Hubert Chipman – Superintendent of Public Works (1-424)

Mr. Chipman informed the Board that many of the newly paved roads are being cut and not repaired correctly by different Contractors, without the Board's permission. The Board discussed the need for some type of enforcement and penalty of the current rules on this matter.

Motion by Mosconis, seconded by Crofton, directing Attorney Shuler to research this matter and enforce the current County rules and penalties regarding the illegal cutting of the County roads; Motion carried 5-0.

Mr. Chipman then requested permission to cut Squire Road to help with a drainage problem in that area.

Motion by Mosconis, seconded by Crofton, to authorize Mr. Chipman to cut Squire Road; Motion carried 5-0.

Mr. Chipman explained a parking problem that users of the Timber Island boat ramp were experiencing. Commissioner Putnal and Mr. Pierce discussed creating and enforcing a "No Parking Zone" in that area that would allow an area for anyone using that boat ramp to turn around.

Motion by Putnal, seconded by Crofton, to create a "No Parking Zone" in the area described at the Timber Island boat ramp; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (1 – 621)

Mr. Pierce presented the following items from his report as related to this discussion.

Item 1- At the June 21 Board meeting, Mark Curenton was asked to investigate the ownership of a road known as West Drive, located north of Carrabelle. Mark has determined it is not a county road. The road was never constructed to county standards, and the right-of-way is only 30 feet, which is half of the width required under the Subdivision Ordinance.

The Board discussed this matter and decided that because it was not owned by the County paving this road could not be discussed.

10- Inform Board that I have consulted with Mr. Van Johnson, Recreation Director, and Mr. Ted Mosteller, Airport Advisory Committee Chairman, about the best location for overflow parking for D.W. Wilson Park. The Airport Committee is fully supportive of the Park, but after reviewing the traffic flow on Airport Road, I believe it will be better, and safer, to create the overflow parking on the same side of Airport Road. That area can also be expanded to create a soccer area that might help reduce the conflicts between the Park and the neighbors.

The Board supported Mr. Pierce's recommendation and directed Mr. Chipman and Mr. Johnson to work together on this project.

Mr. Pierce stated that after talking to David Kennedy, the County is going to place some stop signs around the "Lakes on the Bluff" area to help with traffic control with the turning lane and the bike path.

Commissioner Sanders and Mr. Pierce discussed the need to move forward with the new Carrabelle ball park project and the exercise track project.

Motion by Crofton, seconded by Putnal, to appoint Mr. Van Johnson, Parks and Recreation Director, as the project manager for the new Carrabelle Recreation Park Project; Motion carried 5-0.

Item 3 - The Board has received a Cease and Desist Order from DEP regarding the emergency action taken by the county during the recent Tropical Storm. I have spoken to Mr. Jim Martinello and to Mr. Mike Sole. Any construction debris that does not meet DEP CCCL standards will be removed during the construction of the FEMA funded revetment. Board action to direct Road Department to erect "Keep off Rocks" signs or other warning signs in the area where the Road Department took the emergency action. The fill in that area is unconsolidated and contains voids which may collapse if someone parks a car or walks in the area.

Board and Mr. Pierce discussed the difference of what the State is allowed to do versus what the County is allowed to do.

Mr. Chipman stated that he will erect as many warning signs as possible in that area.

Mr. Pierce stated that the County will open the bids for this project on July 19, 2005.

Dewitt Polous – Mosquito Control Director (1 – 1038)

Mr. Polous stated that due to the escalated mosquito season in the County, he has run short on funds to purchase chemicals, and is asking the Board for an additional \$20,000 to purchase chemicals.

Motion by Lockley, seconded by Putnal, to authorize \$20,000, from Reserve for Contingency, for the Mosquito Control Department to purchase chemicals; Motion carried 5-0.

Van Johnson – Solid Waste Director (1 – 1095)

Mr. Johnson stated that he didn't have any items to report.

Commissioner Sanders stated that the City of Carrabelle wanted to have another "Clean-up" day.

Commissioner Crofton asked if the County will pick up old washing machines, stoves, and other "white goods". Mr. Johnson stated that as long as there are not any electrical lines above, all he needs is notification and the County will pick it up.

Bill Mahan – County Extension Director (1 – 1174)

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

Youth Marine Science Programs

Project Impact Marine Program: On July 23rd, I was one of the instructors who taught a program on estuarine and oyster ecology to a group of 30 elementary school and middle school children enrolled the County's Project Impact Program. The program was taught at the St. George Island Park. Erik Lovestrand and Lisa Bailey from the Apalachicola NERR were the other two instructors for the program.

21st Century Grant Marine Program: Next week on July 12th, I will be teaching 70 students enrolled in the Port St. Joe 21st Century Grant's Summer Program. The program will involve several stops in Apalachicola including the Apalachicola National Estuarine Research Reserve. Lisa Bailey at the ANERR will be assisting with the program.

Commercial & Recreational Fishing

Current Grouper Fishing Regulations: As requested by the Board at the last meeting, I reviewed the current grouper fishing regulations due to the confusion over the recent rule changes. Attached for your information is a copy of an outline I prepared on the current federal and state commercial and recreational grouper fishing regulations. Board discussed recreational fishing and jurisdiction of international boats.

In-Service Training

Community Growth Readiness Workshop: Watershed Protection & Stormwater

Planning: I attended the one-day training at the Apalachicola NERR. The training was presented by the staff of the Southeast Watershed Form. Topics included; Impacts of Development & Economic Benefits of Low Impact Site Design, Stormwater Regulations & Tools for Watershed Protection, Best Management Practices, And Identifying Opportunities for Improvement. Approximately 30 people attended the workshop from our area.

Program Administration

Derelict Vessels: As requested by the Board at their June 21st meeting I have reviewed the State's derelict vessel removal program guidelines. Currently the state has more vessels on its derelict vessel removal list than it has money for, for example just last year more than 400 vessels were added statewide due to last year's hurricanes. So at best, getting any vessels in Franklin County listed will be a multi-year process. Using current state guidelines, the first step is to have FWC law enforcement officers begin the process of declaring a vessel as abandoned/derelict. Once the vessel has been legally documented as abandoned/derelict through the court system, the next step is to submit the vessel to the state's removal list.

To help quicken the process several counties are currently considering adopting local county ordinances on declaring a vessel as abandoned or derelict. To date, Lee County is the only

county I was able to identify which has adopted a county ordinance on abandoned/derelict vessels. I have attached a copy for your review.

From assorted communications I've had with people around the state, abandoned/derelict vessels are statewide and national problems, especially getting the vessel declared as abandoned/derelict and identifying funding sources for the removal of the vessel. Currently; other avenues being explored around the state to solve the abandoned/derelict vessel problems include; adopting a local ordinance, funding their own vessel removal program' using local funds; and documenting vessels that are damaged by tropical storms and hurricanes, removing the vessels and charging the costs to FEMA as part of the county's cleanup costs.

As a result of the current situation Florida Sea Grant is also going to ask its "Marine Law Team" at the UF Law School to review the current legal aspects of vessel removal in the state in the hopes of providing counties with additional legal information.

At this point I would like to recommend that the Board direct the County Attorney to review the Lee County ordinance and to consider the formation of a County Abandoned/Derelict Vessel Task Force to evaluate the local situation and make recommendations to the Board.

Mr. Pierce explained that the process to have FWC declare your vessel as a derelict or abandoned is very restrictive and suggested that the County create its own ordinance that will state when a vessel can be declared derelict or abandoned. The Board discussed this matter further.

Chairman Sanders left the meeting at 9:45 AM; Vice Chairman Putnal assumed the responsibilities of the Chair.

Motion by Crofton, seconded by Lockley, to direct staff to start the process of creating a derelict and abandoned vessel ordinance; Motion carried 4-0.

Bluff Road Boat Ramp Update: I spoke with Rich Mospens with FWC Land Acquisitions last week about the delay in getting the lease agreement with the state for the Bluff Road Boat Ramp. Rich explained that several things have resulted in the delay, they include: DEP uses a "standard" lease agreement and if substantial changes are requested it needs to go to their legal department for review; The County requested that both the uplands and sovereign submerged lands leases be incorporated into the current lease agreement. However the FWCIDEP lease agreement can only cover the uplands. The submerged lands lease/permit must be submitted separately to DEP of approval. Also, he said that he had to finish a number of land acquisition transactions that he was told to finish by the end of the state's fiscal year. He added that he hoped to hear back for the DEP legal department early this week on the requested changes that the County made in their last correspondence.

Board and Mr. Pierce discussed this matter further. Mr. Pierce suggested writing a letter to Ms. Castille, of DEP, as she is familiar with Franklin County and owns a house on Alligator Point.

Motion by Mosconis, seconded by Lockley, to send Ms. Castille a letter as recommended by Mr. Pierce; Motion carried 4-0.

Marcia M. Johnson – Clerk of Courts (1 - 1805)

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

Item 1 – Board action on budget amendment for Sheriff

Increase	120.80.581.9100	Sheriff	\$18,500
Decrease	120.99.584.9600	Reserve for Contingencies	\$18,500

Motion by Mosconis, seconded by Crofton, to authorize the budget amendment to transfer funds for the Sheriff; Motion carried 5-0.

Item 2 – Board action to reschedule the Regular Meeting that was set for August 23, 2005.

Motion by Mosconis, seconded by Lockley, to reschedule the meeting set for August 23, 2005 for August 30, 2005 at 9am, and direct staff to advertise the date for the rescheduled meeting; Motion carried 4-0.

Board discussed scheduling some of the Regular Meetings at night. Board directed Mrs. Johnson and Mr. Pierce to recommend a schedule for the remaining regular meetings.

Dr. Lewis, of Carrabelle, stated that the Board should look for public input before setting the regular meeting schedule.

Alan Pierce – Director of Administrative Services (1 – 2200)

1- At the June 21 Board meeting, Mark Curenton was asked to investigate the ownership of a road known as West Drive, located north of Carrabelle. Mark has determined it is not a county road. The road was never constructed to county standards, and the right-of-way is only 30 feet, which is half of the width required under the Subdivision Ordinance.

This item was discussed earlier in the meeting.

2- Inform the Board that plans have been received from Mike Dombrowski for the Alligator Point revetment project. Bids for the project will be opened July 19th

Mr. Pierce and Mr. Butch Baker commented on the possibility of a Mr. Sumner, of Alligator Point, going through the Hazard Mitigation process which will allow the County to obtain his property with FEMA funds.

Motion by Mosconis, seconded by Crofton, to authorize the submission of an application for HMGP to obtain Mr. Sumner's property on Alligator Point, based on a voluntary sale, once an agreement has been reached; Motion carried 4-0.

3- The Board has received a Cease and Desist Order from DEP regarding the emergency action taken by the county during the recent Tropical Storm. I have spoken to Mr. Jim Martinello and to Mr. Mike Sole. Any construction debris that does not meet DEP CCCL standards will be removed during the construction of the FEMA funded revetment. Board action to direct Road Department to erect Keep off Rocks signs or other warning signs in the area where the Road Department took the emergency action. The fill in that area is unconsolidated and contains voids which may collapse if someone parks a car or walks in the area.

This item was discussed earlier in the meeting

4- On Friday July 1, Commissioner Lockley, Michael Moron, and I met with Donnie Golden and Randall Webster, two consultants who are assisting Gulf County develop an affordable housing program. I believe it will be beneficial to the Board to hold a workshop and invite these gentlemen to make a presentation.

Board action to invite Mr. Golden and Mr. Webster to an affordable housing workshop at a time convenient to both parties, which will mostly likely be August or September.

Motion by Lockley, seconded by Mosconis, to invite Mr. Golden and Mr. Webster to an affordable housing workshop sometime in August or September; Motion carried 4-0.

5- Board action to authorize Mr. Moron to continue as SHIP administrator but to present a plan for re-organizing the SHIP administration under the Board's direction.

Motion by Crofton, seconded by Lockley, to authorize Mr. Moron to continue as the SHIP administrator and allow him to re-organize the SHIP program; Motion carried 4-0.

6- Inform Board that Progress Energy would like to formalize the agreement allowing Progress Energy to use the Apalachicola Airport as a staging area during storm events. A draft agreement has been sent to Mr. Shuler for his review.

7- Inform Board that the City of Carrabelle has forwarded on a request for the abandonment of the Carrabelle Seafood Commerce Park DRI to the ARPC. There is no county land involved in this request, so there is no action needed by the Board.

8- Inform the Board that the City of Carrabelle has paved the parking lot behind the Post Office so the county will not have to pave it.

9- Inform Board that the Franklin County Health Council has been notified by the Eastpoint FQHC that there will be a FREE COMMUNITY HEALTH FAIR at the Eastpoint FQHC on August 11, from 2 to 5 pm. Six different types of health screening will be available free.

10- Inform Board that I have consulted with Mr. Van Johnson, Recreation Director, and Mr. Ted Mosteller, Airport Advisory Committee Chairman, about the best location for overflow parking for D.W. Wilson Park. The Airport Committee is fully supportive of the Park, but after reviewing the traffic flow on Airport Road, I believe it will be better, and safer, to create the overflow parking on the same side of Airport Road. That area can also be expanded to create a soccer area that might help reduce the conflicts between the Park and the neighbors.

This item was discussed earlier in the meeting.

11- Remind the Board that there are actually two separate challenges to the county comp plan. To use the description created by DCA, there is little Franklin and big Franklin. Little Franklin is the DCA driven appeal of the property represented by Mr. Dan Cox and Mr. James Waddell on approximately 25 acres of land in the Yents Bayou area. Big Franklin is the third party challenge to the County's revised comp plan. Little Franklin is working toward a settlement. Big Franklin is still in the early stages. Mr. Shuler and I have consulted on the third party challenge to the County comp plan. We believe that until the challenge is resolved the county should not make additional changes to the comp plan, except for those changes that are settlement driven for little Franklin.

Motion by Lockley, seconded by Crofton, for the County not to make additional changes to the comp plan, except those that are settlement driven for little Franklin, until the challenge is resolved; Motion carried 4-0.

12- Several months ago, after a series of heavy rains caused extensive flooding on Sawyer St. I spoke to Commissioner Crofton about the need to provide some relief for that part of St. George Island. The Road Dept. has been called out but can do little because there is not a developed drainage plan for that part of the Island. After speaking to Commissioner Crofton I then asked Preble-Rish to design a drainage system for that area. Preble-Rish is working on the plan, but the Board needs to authorize the project. Board action to direct Preble-Rish to develop a drainage plan for the Sawyer Street area.

Motion by Crofton, seconded by Mosconis, to authorize Preble-Rish to develop a drainage plan for the Sawyer Street area; Motion carried 4-0.

13- Two Commissioners have potential conflicts for the August 16th meeting. I recommend the Board move the second meeting back one week to August 23rd, which is also a Tuesday. Board action.

This item was addressed earlier in the meeting.

Mr. Pierce discussed a letter, which he distributed to the Board, which addresses some concerns about the manner in which the County sprayed for mosquito problems.

The Board and Mr. Pierce discussed the status of the County's paving project.

Michael Shuler – County Attorney (1 – 2643)

Attorney Shuler stated that Dasse has informed him that their loan should be closed soon, which would allow them to bring their account with the ambulance service current.

Attorney Shuler asked for Board action to respond to a lawsuit from Bank of America that involved the County probably through a SHIP loan.

Motion by Lockley, seconded by Crofton, to authorize Attorney Shuler to respond to the Bank of America lawsuit; Motion carried 4-0.

Attorney Shuler stated that Chuck Spicer asked for Board permission to survey a County owned lot, at his expense, that is next to his lot in the Cottage Hill area.

Motion by Crofton, seconded by Lockley, to allow the County lot to be surveyed at Mr. Spicer's expense, but the County must get a certified copy of the survey; Motion carried 4-0.

Larry Watson – Progress Energy (1- 2851)

Mr. Watson introduced himself as the new Community Relation Manager for Progress Energy in the North Florida area. Mr. Watson discussed his credentials and experience, and his role with Progress Energy as it related to Franklin County. Mr. Watson distributed a storm information handout and pointed out some important information included in this brochure, especially the emergency contact phone numbers. Mr. Watson also discussed the sea turtle lighting issue in Franklin County.

The Board discussed some lighting issues that the County has been experiencing with Mr. Watson. Mr. Pierce stated that Gorrie Drive on St. George Island is in need of immediate attention.

Commissioner Mosconis stated that customer service, contact numbers, and community public service, are issues that needs to be addressed by Progress Energy as soon as possible.

Mr. Pierce also discussed Progress Energy's tree trimming program with Mr. Watson.

Ms. Bruce Hall discussed some of the problems she has experienced in the past regarding Progress Energy and sea turtle lighting. Mr. Watson addressed some of Ms. Hall's comments and concerns.

Other Business from the Floor (2 – 152)

Mr. Butch Baker, Director of Emergency Management, stated that he was able to get the Storm Readiness Certifications for Franklin County and the National Weather Service Office will present these certifications to the Board at the next meeting.

Mr. Dave McLain, of the Apalachicola Bay and River Keepers, updated the Board on the ACF "water wars". Mr. McLain stated that there were some challenges, by the State of Georgia and the Army Corps of Engineers, to the injunction that was placed by a Judge restricting any further sale of water from Lake Lanier to the City of Atlanta or anyone else and stated that there will be a ruling to this challenges on July 11. Mr. McLain stated that it is possible that mediation will be ordered on this matter, and if it is, it will be the responsibility of Florida to state what water flow is needed to keep its rivers and wildlife healthy, but he will keep the Board informed. The Board discussed this matter with Mr. McLain.

Mr. Ted Mosteller, of the Apalachicola Airport, asked the Board to inform him when the airport will be used as an emergency staging area for Progress Energy.

Ms. Jackie Ethridge stated her complaints of her neighbor having crab traps on his property, which is against the County zoning laws, causes health problems, damage to her utilities, and is the source of a constant bad smell. Ms Ethridge then discussed how the lot, that she currently lives on, was divided.

Mr. Maxwell, the neighbor with the crab traps, stated that this is actually a property problem as Ms. Ethridge's trailer is not sitting where it should be on that lot and because of the shape of his lot it is difficult to place his traps where Ms. Ethridge won't see them. Mr. Maxwell also stated that he has been visited by the County zoning office and complied with the Building Inspector's requests, and also has had discussions with DEP, FDA, and other State agencies and has complied with all requests. Mr. Maxwell stated that the ditch Ms. Ethridge has been complaining about was dug to help with drainage problems on Hathcock Road, and discussed some of the drainage problems that the other neighboring property owners experience. Attorney Shuler restated his recommendation on this issue, from the last meeting, which is that even though Mr. Maxwell may be in violation of the County zoning laws, he doesn't think the County should take any action at this time because the complaints from Ms. Ethridge is about the noise from the pumps and the lights which are all on Mr. Maxwell's property, not from the soft shell crab activity. Attorney Shuler thinks that the problem is more of a personal neighbor problem.

Mr. Ethridge stated that since Mr. Maxwell's activity violates County zoning laws, he should be stopped.

The Board discussed the need for some type of compromise, such as moving the crab house to the other side of the lot.

Commissioner Mosconis said that he is willing to meet with both of the property owners and Attorney Shuler on Friday, July 8, at 1pm to discuss this matter and possibly agree to some compromise.

Attorney Shuler stated that since the Franklin Senior Citizens Center (FSCC) has ceased providing the services to the elderly of the County, as they were contracted to do, he is seeking Board authorization to contact the FSCC board and discuss the return of the unused funds that was given to them by the County to provide the services to the County's Senior Citizens.

Motion by Lockley, seconded by Crofton, authorizing Attorney Shuler to contact the FSCC Board and request the return of any unused public funds given to them by the County, which was for the use of providing services to Franklin County Senior Citizens; Motion carried 4-0.

Board discussed the transfer of management of the senior services from the Franklin County Senior Center to the Wakulla Senior Center.

Adjourn (2-1473)

Vice Chairman Putnal adjourned the meeting.

Cheryl Sanders, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts