

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 16, 2008
9:00 AM**

MINUTES

Commissioners Present: Noah Lockley Jr. – 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 Director, 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 Minutes: September 2, 2008 (9:01 AM)

Motion by Crofton, seconded by Putnal, to approve the minutes of the September 2, 2008 regular meeting; Motion carried 5-0.

Payment of County Bills (9:02 AM)

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

Department Supervisors Report

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

Mr. Chipman stated that many of the employees in his department are asking for double pay, which he agrees with, for working on Labor Day during the storm.

Alan Pierce – Director of Administrative Services

Mr. Pierce submitted this item from his report as it pertained to this discussion.

1- Provide Board with explanation on how overtime pay is calculated when employees are asked to work on a Holiday. This issue was reviewed by Ms. Lucy Turner, Franklin County Labor Attorney, several years ago when

Ms. Ruth Williams was Finance Officer. The end result was that employees in Animal Control had to pay money back to the county because the county procedure was inconsistent with the county rules, as interpreted by Ms. Turner.

Normal overtime work is 1.5 times regular pay, or time and a half. There is no confusion about that. Holiday pay is double time, or twice regular pay. What is hard to understand is that the pay every employee receives for a Holiday counts as the regular pay, so working on a Holiday represents a doubling of regular pay. If the normal work day is 10 hours, then Holiday pay would be 20 hours worth of pay. The confusion is what “double” means. Before Ms. Turner’s evaluation, the county was paying triple time for Holiday pay, meaning an employee got the regular work day pay and then double time on top of that, which really means the employee earned triple time for a holiday. Ms. Turner said the county was misinterpreting its rules.

The Board accepted this interpretation several years ago, so unless there is some new development there is no need for Board action.

Commissioner Sanders stated that she feels the Road Department deserved to be compensated for responding to emergencies, especially on a holiday.

The Board, Mrs. Johnson, and Mr. Pierce discussed the difference between including holiday pay in double time payment or excluding the holiday pay and paying twice for the same amount of hours worked. Mr. Johnson, the Animal Control Director, who experienced this same situation in previous years, provided some additional information.

Attorney Shuler suggested tabling this issue until the County’ labor attorney has a chance to review it and render some type of recommendation.

Butch Baker, Emergency Management Director, explained FEMA rules relating to reimbursement during storms.

Fred Nichols, a County employee, didn’t think it was fair the way the Road Department employees were compensated for working on Labor Day during the storm.

Commissioner Parrish asked Attorney Shuler to review the rules along with the labor attorney and present recommendations of his own.

Motion by Sanders, seconded by Crofton, to ask Lucy Turner, the County’s labor attorney, and Attorney Shuler to provide some recommendations on this matter at the next meeting; Motion carried 5-0.

Mr. Chipman discussed the “wash out” problems on the road to the new boat ramp on St. George Island. Commissioner Crofton, Mr. Pierce, and Mr. Rothwell discussed some possible solutions to this problem which included a rock revetment.

Alan Pierce – Director of Administrative Services – Report

Mr. Pierce presented this item from his report as it pertained to this discussion.

14- Inform Board that DOT is letting the county obtain 10,000 cubic yards of milled asphalt from the re-surfacing job that C.W. Roberts is currently doing on US 98 east of Carrabelle.

Van Johnson – Solid Waste Director (9:32 AM)

Mr. Johnson did not have any items for Board approval.

Commissioner Sanders directed Mr. Johnson to get with members of the Dog Island District to discuss the possibility of the “knuckle truck” going to Dog Island for trash pickup and present a recommendation at the next meeting.

Commissioner Crofton asked about yard trash pickup in the County. Mr. Johnson explained that 2 of his 3 trucks are out of service for repairs, which is delaying yard trash pickup in the County.

Dan Rothwell – County Engineer (9:34 AM)

Mr. Rothwell presented the following report for the Board’s review.

1. BOARD ACTION: Indian Creek Park:

Dan Tonsmeire of the Apalachicola Riverkeeper requests the Board to direct the Road Department to remove and dispose of 300’ concrete pile seawall, extract and dispose multiple wood pilings, and excavate approximately 600 cubic yards (30 truck loads) of material and grade for marsh grass planting area 300’ along the west shore of the Indian Creek Park. **(See attached photo sheet).**

Commissioner Putnal asked Mr. Rothwell to look into the possibility of widening the boat ramp that is located just up the creek from Indian Creek Park so that it could be better utilized by the County’s seafood workers.

Mr. Chipman stated that he could assist with the removal and disposal of the material at Indian Creek Park.

Dan Tonsmeire, Apalachicola Bay and Riverkeepers, stated why the pilings were originally installed. Mr. Tonsmeire explained that this project was slated for another location but due to some issues, asked Fish and Wildlife to move this project to Indian Creek Park, and asked the County to be a co-applicant on this project. Commissioner Putnal and Mr. Rothwell discussed the possibility of this project affecting the use of the Park including parking.

Commissioner Parrish stated that since this project is part of the Park’s management plan, the County should be part of the application, but suggested hiring a contractor to haul the concrete boulders and granite rock so that the county trucks are not destroyed in the process.

Motion by Sanders, seconded by Parrish, to accept the shoreline restoration project; Motion carried 5-0.

Commissioner Putnal asked Mr. Rothwell if it is possible to add 2 pilings at Lombardi Dock which would allow two boats to dock there. Mr. Rothwell stated that he would discuss funding for this request with Mr. Pierce.

2. BOARD ACTION: St George Island Boat Ramp Amendments:

Staff requests Board permission for the Chairman to sign Amendment No. 3 to Agreement to allow: Construct overflow parking lot to provide 14 over additional boat trailer spaces stabilized with woven geotech fabric. Install 4 wooden piles adjacent to the seawall for temporary mooring. Install stainless dock ladder on seawall adjacent to boat ramp to provide access to parking lot. Construct and install ADA compliant access ramp adjacent to boat ramp. Providing sufficient funds are available.

Motion by Crofton, seconded by Sanders, to authorize the Chairman to sign Amendment 3 to the St. George Island Boat Ramp Agreement; Motion carried 5-0.

3. BOARD ACTION: Enabob St Recommendations:

Staff requests to report to the Board that appears to be no traffic capacity reason for opening Miller Ave from Jubilee Street to Enabob Street, residents were polled and approximately 50% for - 50% against having the road reopened. Staff does recommend that all manmade structures within the right of way of Enabob Street or Miller Ave which hampers traffic flow be moved out of the right of way due to safety considerations (**see attached sketch**).

Billy Snyder, of Lanark Village, discussed some right of way problems at that location and asked that all of the property owners are treated fairly when the Board decides to make any changes to that area.

Mr. Rothwell confirmed that one of the property owners has trucks and trailers parked on the County right of way.

Commissioner Sanders directed Mr. Rothwell to have a recommendation at the next meeting, which should include removing all encroachments from the County's right-of-way, but consider all of the property owners and treat each of them fairly when recommending any changes to the area.

4. BOARD ACTION: SR30 in Carrabelle CIGP Grant Application:

Staff request board approval to apply for a County Incentive Grant Program to resurface SR30 from US98 at CR67 on the west end to 1617 US98 on the east end.

Motion by Sanders, seconded by Crofton, to authorize the County to apply for a County Incentive Grant Program to resurface SR30; Motion carried 5-0.

5. BOARD ACTION: Carrabelle Airport Road Notice to Proceed SCOP:

The notice to proceed on the Airport Road resurfacing project has been received for FDOT and staff desires Board direction which Engineering firm is to be selected for the design and inspection of the project.

Motion by Putnal, seconded by Crofton, to select Preble-Rish as the Engineering Firm for the design and inspection of the project; Motion carried 5-0.

6. Eastpoint County Landing Park Project:

Bailey, Bishop & Lane responding to the Request for Additional Information from the Army Corps of Engineers and revising contract drawings accordingly.

7. Ochlockonee Bay Boat Ramp Project:

Bailey, Bishop & Lane responding to the Request for Additional Information from the Army Corps of Engineers and revising contract drawings accordingly.

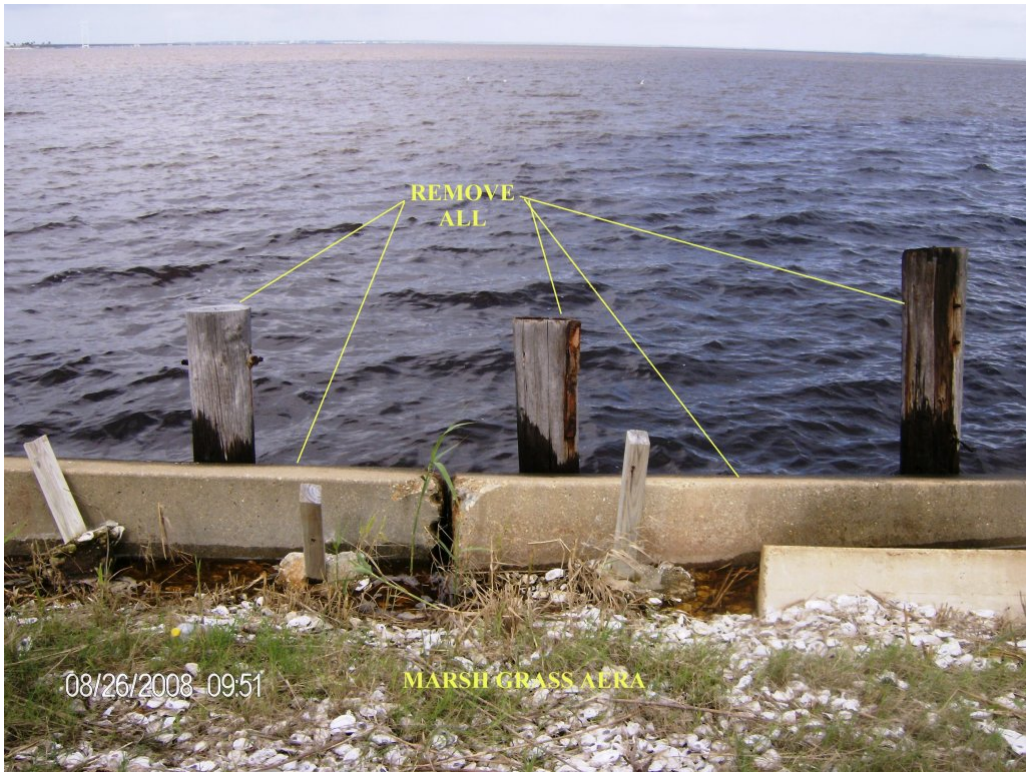
8. St. George Island (SGI) Multi-use Path Bids:

Paving has been completed and sod should be completed by 9/16/2008, with only minor finish to be finished prior to full completion.

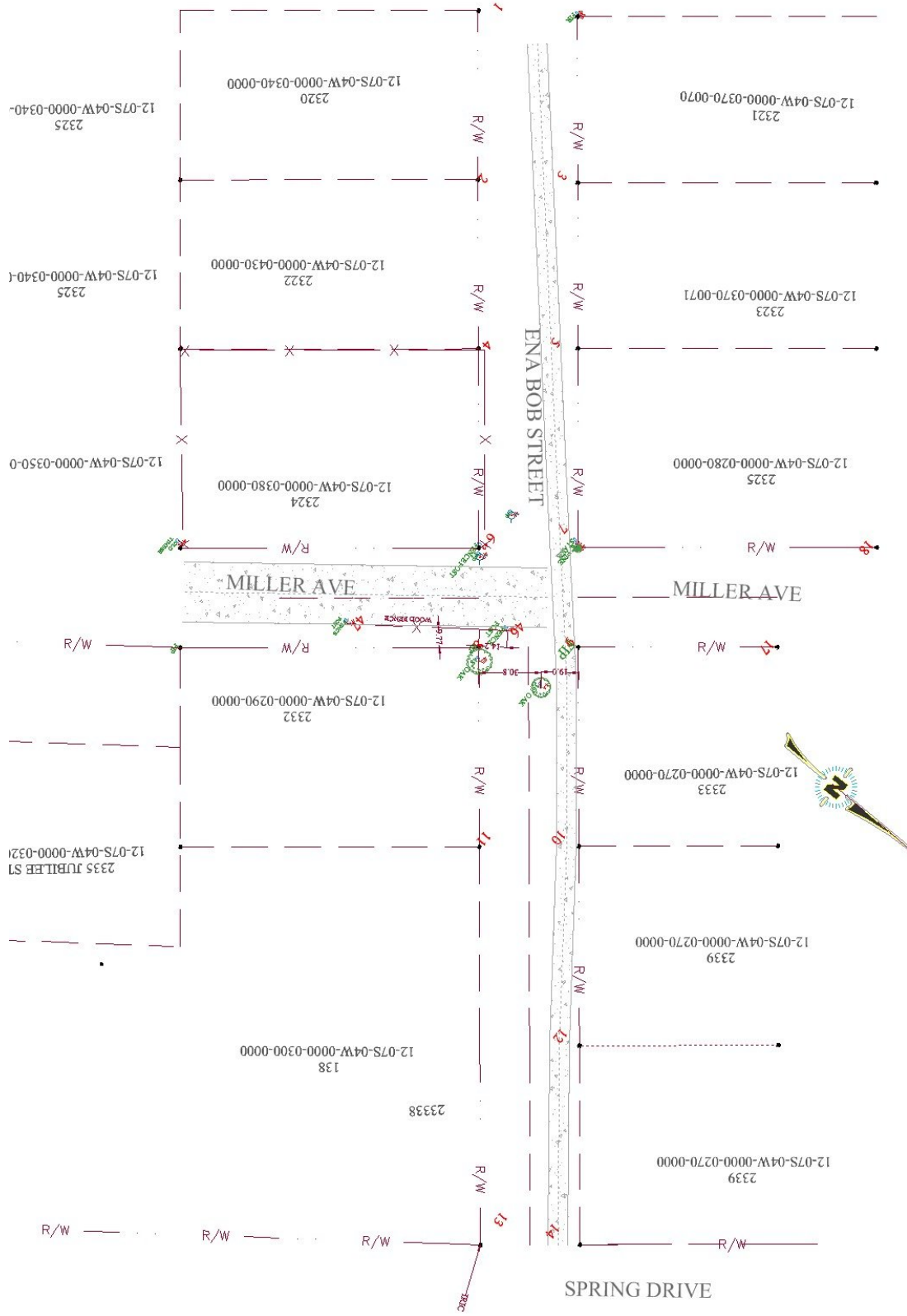
9. Franklin Blvd at West Gulf Beach Dr Drainage:

Staff is continuing work seeking contract revisions with Fish & Wildlife Conservation Commission and acquiring permits from FDOT & FDEP for the expanded parking.

INDIAN CREEK PARK PHOTOS



ENABOB STREET SKETCH



The Board and Mr. Rothwell discussed the 31.4% rate increase that Progress Energy will impose which will affect Franklin County.

Board discussed Progress Energy leaving on one man in the Carrabelle Service Center, and how it will negatively affect response time for emergencies in Franklin County.

Motion by Crofton, seconded by Putnal, to send a letter to the Public Service Commission opposing Progress Energy rate increase, and send copies of this letter to the Mayors of the City of Apalachicola and the City of Carrabelle, the Governor's Office, and our Legislative Delegation; Motion carried 5-0.

Commissioner Sanders inquired as to when Eastpoint and Ochlockonee Bay will receive new boat ramps. Mr. Rothwell and Mr. Pierce stated that the slow permitting process is boat ramps for these areas.

Butch Baker – Emergency Management Director (10:16 AM)

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

Action Items:

1. Approval of 08-09 EMPG award.

This grant award represents the 2007 EMPG Supplemental Award as well as the additional funding in the 2008 EMPG award.

Motion by Putnal, seconded by Sanders, to accept the 08-09 EMPG award; Motion carried 5-0.

Information Items:

1. September 10: The BOCC declared a Local State of Emergency, at 2:45 p.m., in response to severe weather threatening our coastline.
2. Progress Energy donated 30 backpacks, complete with toiletries, to be distributed to our Special Needs citizens that require public transport. Pam Register and I spent most of the day, on September 9th, handing them out to the appropriate people. **THANK YOU, PROGRESS ENERGY!!!**

Mrs. Pam Register, of the Emergency Management Office, and the Board discussed the registration list of special needs citizens in the County.

3. Our office will be attending a regional evacuation study workshop, on September 25th, in Tallahassee. The purpose of the workshop is to establish new evacuation times for the counties in our region, and to develop coordinated evacuation procedures.

4. Mr. Spencer Tolbert has requested our office to assist with the judging of the annual Hurricane Construction Contest, at the new school, on September 26th.

The Board, Mr. Baker, and Mr. Pierce, discussed FEMA process for reimbursing the County for overtime.

Mr. Pierce gave an update on Franklin County's state of emergency declaration application for reimbursement and stated the importance of the State receiving a presidential state of emergency declaration in order for the County to receive its declaration.

Board discussed the County doing mosquito spraying on private roads.

Bill Mahan – Extension Agent (10:29 AM)

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

Florida Fish & Wildlife Commission (FWC) Updates:

Next FWC Meeting is scheduled for September 17-19: The next FWC Meeting will be held on September 17-19 in Jacksonville. Many of the marine fisheries-related topics will be discussed on September 18th. Agenda items for the 18th includes: 1). A report on the transfer of the Invasive Plant Section from the Department of Environmental Protection to the FWC; 2). Federal Consistency Reef Fish Rules - 68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper - Proposed draft rule changes would bring state rules into consistency with federal rules per the Gulf of Mexico Fishery Management Council's Reef Fish Amendment 30A (greater amberjack and gray triggerfish). Proposed draft rules would increase the minimum size limit for recreationally caught greater amberjack from 28 inches to 30 inches fork length and increase the minimum size limit for commercially and recreationally caught gray triggerfish from 12 inches to 14 inches fork length; 3) Proposed regulations from the Federal Fishery Management Councils - (A) Review and discussion of proposed regulations from the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council addressing commercial and recreational harvest of several species of grouper in the Gulf and grouper, vermilion snapper and red snapper in the Atlantic—review and discussion of specific applications of Individual Fishing Quotas (IFQs) for the commercial harvest of red snapper and grouper species in the Gulf of Mexico and tilefish in the Gulf and Atlantic. (B) Review and discussion of scheduled actions of the Council regarding the gulf aquaculture amendment, update on harvest allocation issues, minimum size limits for imported spiny lobster, and the grouper individual fishing quota program.

Agenda items of local interest to be discussed on the 19th include: 1). Increase the age requirement for completing the boating safety education course from 21 to 25 on January 2010 for operating a motor boat (10 Hp or greater). Then increase the age requirement by 5-years each January 1, until January 1, 2019 at which point it becomes everyone; 2). Increase the age requirement, from six to 13 years of age, for wearing a personal flotation device to be

consistent with federal law; 3). Create a violation and penalty for boaters who damage seagrasses; 4). Modify and clarify how law enforcement handles evidence in wildlife and fishing cases; 5). Modify boating under the influence statutes to be consistent with driving under the influence; 6). Designate new State bird (currently northern Mocking Bird), students in grades 4th – 8th will vote in a statewide election on November 4th to decide. The results will be submitted to the Legislature for adoption.

Gulf of Mexico Fisheries Management Council Updates:

Next Gulf of Mexico Fisheries Management Council Meeting: The next GMFMC Meeting is scheduled for October 27-30, in Mobile, AL.

UF – IFAS Extension Updates:

Africanized Bees - Don't Worry Bee Happy Program: We hosted an Africanized Bee workshop for beekeepers and pest control operators on Thursday, September 4, 10:00 am - NOON at the Extension Office. The workshop was conducted as a video conference and our equipment worked well. The program participants in Franklin & Wakulla Counties were able to have a very productive discussion about bee issues during the program.

UF IFAS North Florida Research & Education Center's Fall Field Day: The UF IFAS North Florida Research and Education Center will host its 2008 Fall Field Day on Thursday September 25th with registration beginning at 8:00 am eastern daylight time. Featured tours target the wildlife enthusiast; the tomato grower; fruit tree and berry crop devotees; and bio-fuel aficionados. For the wildlife admirer, the NFREC will highlight Bat Houses, Butterfly Gardening, and Deer feeding on Wildflowers. Tomato growers will see the latest in managing bacterial spot, worms, and bacterial wilt; along with a look at variety effects on yellow leaf curl.

The Field Day is for professionals and non-professionals alike, who are interested in gardening, landscape, farming, family health and the quality of life in north Florida. The NFREC field days provide the most current research information on agricultural practices and highlight the importance of agriculture and health science to North Floridians and their friends.

Pre-registration is \$10.00 and will increase to \$15 after September 19th; so register early. The registration fee covers tours, breakout sessions, and lunch. To register, please call 850-875-7100 ext 0. Payment in cash or personal/agency check should be made payable to University of Florida and sent to NFREC Quincy, 155 Research Road, Quincy Florida 32351, - Attn: Event Coordinator. No credit cards can be accepted for this event.

For more information on the North Florida Research and Education Center or on the UF/IFAS NFREC Fall Field Day, please visit <http://nfrec.ifas.ufl.edu> or call (850) 875-7100 ext. 0.

Estuaries Day Program: I will am working with Research Reserve staff on their 9TH Annual Estuaries Day Program. The program is scheduled for September 26th from 2:00 – 6:30 PM. Activities include boat trips (need to be at least 8-years old), guided nature walks, touch tanks, arts & crafts, door prizes and a live reptile display.

Shellfish School: The year's Shellfish School (oysters & clams) "What buyers need to know to be successful," is scheduled for October 7th – 9th. Each of the County Commissioners is invited to

attend the program's reception on October 7th from 6:00 – 8:00 pm and the afternoon (4:00 – 6:00 pm) Seafood Demonstration and Sensory Evaluation at Ward and Sons Seafood (13-Mile).

Forgotten Coast Bear Festival Planned: The "Forgotten Coast Bear Festival," is scheduled for October 18th, from 9:00 am – 4:00 pm at the Kendrick Sports Complex.

4-H Camp 2009 Planning: We are already making plans for next year's 4-H Summer Camp. Next year's camp will be on July 6th – 10th, 2009.

Tami Wray, Meridian Planning, Discussion of Expanding the OTTED funded Feasibility study to include Stormwater and St. George Island Sewer options (10:31 AM)

Mr. Pierce stated that he asked Ms. Wray to attend the meeting to discuss utility improvements on St. George Island and the water quality in the Bay

Ms. Wray discussed the possibility of adding storm water and wastewater improvements on St. George Island and its affect on the Bay to the feasibility study, which would require board action to amend the study.

Board discussed long term plan versus short term planning for wastewater improvements for St. George Island and obtaining grants to help pay for some of these improvements.

Motion by Putnal, seconded by Sanders, to amend the feasibility study to include storm water and St. George Island sewer options; Motion carried 5-0.

Open Bids – Sawyer Street Shoreline Stabilization (10:37 AM)

Mr. Pierce discussed the Sawyer Street Shoreline project, which is grant funded by the North West Florida Water Management District, but stated that a property owner, Mr. Troy, was against the part of the project.

Larry Troy, Sawyer Street property owner, didn't think that paving Sawyer Street was a good idea, did not agree with the proposed manner to stabilize the street, but agreed that stabilization is needed for Sawyer Street and preferred installing breakwaters, because the existing breakwaters are working.

Warren Yeager, Preble-Rish, stated that when the design for the road was done, which included water quality concerns, issues that Mr. Troy stated were considered. Mr. Yeager also stated that the grant required both stabilization and water quality.

Mr. Pierce explained the project in more detail.

Angela Troy, Sawyer Street property owner, stated that she is asking the County to cancel the project because any paving will just erode quickly and will be harder to maintain, but wanted the County to create a breakwater, because it will help with erosion.

William Kollar, who has lived at different locations on Sawyer Street, stated that based on his experience in that area, creating a breakwater will be the best solution for protecting Sawyer

Street, made some other recommendations for the stabilizing the road, but was against most of the project, except for the breakwater.

Commissioner Crofton stated that something needs to be done or this will turn into another Alligator Point Road erosion problem, and if only the breakwater was done, the County would have to pay for it.

Dan Tonsmeire, of the Apalachicola Bay and Riverkeepers, favored the County trying to purchase property along the shoreline to help with this problem and suggested contacting the Water Management District for more information and options.

The Board discussed the necessity for the road to be elevated.

Mr. Yeager stated that portions of the road will be elevated.

Commissioner Parrish asked the staff to get the cost on just creating a breakwater in that area. Board discussed whether or not to open the bids.

Attorney Shuler recommended opening the bids and sending the bids to Preble-Rish for a recommendation.

Mr. Pierce opened and read the bids.

C W Roberts – \$305,864.00 – with bid bond

GAC – \$379,289.00 – with bid bond

Motion by Parrish, seconded by Crofton, to forward bids to Preble-Rish for a recommendation; Motion carried 5-0.

Open RFQ's – Architectural Services for Courthouse Addition (11:09 AM)

Mr. Pierce opened the Request for Qualifications and read the name of the firms.

Barnett Fronczak Architects

Conn & Associates

CRA Architects

EMO Architects

Johnson/Peterson

Hicks Nation Architects, Inc

4 M Design Group PA

Commissioner Parrish asked that flooding and storage was considered when creating the plans for the building, and also wanted a meeting room for the commissioners.

Commissioner Lockley asked that someone verified that this space was dedicated for county offices and not for court operations.

Motion by Putnal, seconded by Sanders, to appoint Mr. Pierce, Mr. Curenton, and Mrs. Johnson or a designee as the members of the review committee and forward the RFQs to this committee for a recommendation; Motion carried 5-0.

Joseph Rickards – Countywide Voting Discussion (11:16)

Mr. Rickards stated that he is in favor of countywide voting and asked the Board to commit to reverting to countywide voting since there was a majority vote to end single member districts during the November 7, 2006 referendum.

Chairman Lockley explained that the County was under a Federal Injunction which required single member district voting, and the Board did not have the authority to change this status on their own.

Clarence Williams, of Apalachicola, stated that moving to county wide voting would be a step backwards for Franklin County, and would negatively affect the African-American community living in the County.

Rose McCoy-Thomas, of Apalachicola, supported single member district and stated that the Board has a commitment to continue to enforce the 1986 ruling handed down by the Federal Judge and that there was an additional ruling in 2003 regarding redistricting that supported the original 1986 ruling. Mrs. McCoy-Thomas gave some history on the 1986 ruling, stated that the County should not spend taxpayers money on trying to overturn this Federal ruling as there are other issues that are more important to spend these funds on, and also clarified the fact that a majority of the registered voters in the County did not support the 2006 non-binding referendum, as there are 7458 registered voters in the County and only 2633 voters were in favor of the non-binding referendum. Mrs. McCoy-Thomas stated that the system provides fair representation to all of the residents in the County as it is now and changing to at large voting would disenfranchise a lot of the residents in the County especially the African American community.

Maxine Creamer, of Eastpoint, stated that she supports single member district voting.

Granville Croom, of Apalachicola, stated that Mr. Rickards has never discussed this matter with him or others in his neighborhood, even though Mr. Rickards stated earlier that he has talked to a majority of the voters in the County.

Clifford Williams who was one of the plaintiffs that was part of the injunction, stated that county wide voting would be going backwards.

D. T. Simmons stated that the best way to serve the people of the Community was to be part of that community and that is one reason why she supported single district voting.

Joseph Rickards stated that he did not want to give the impression that he represented everyone in the community but only the citizens that have complained to him about it.

Chairman Lockley stated that the County Commission was not in a position to address this matter as it was a federal matter and should be addressed in Federal Court.

Commissioner Sanders discussed her experiences with redistricting and was of the opinion that single member district voting can represent the entire county. Commissioner Sanders stated that redistricting was needed to represent not only the minorities of the County, but residents living on the eastern end of the County.

Transmittal Hearing on EAR Based Amendments for Comp Plan (11:49 AM)

Mr. Pierce discussed the EAR amendments.

Commissioner Putnal warned that changing some of the properties allowed uses from commercial to recreational might exclude some of the commercial fishing boats from using boat ramps on these properties.

The Board discussed this matter further and decided to exclude Indian Creek Park and Lombardi Park from this transmittal report.

Dan Tonsmeire asked if the Governors review of the challenge to the comp plan would affect any of the past amendments to the comp plan if he rules in favor of the challenge; Attorney Shuler said it wouldn't.

Board discussed how zoning or 'labeling' of some of the properties in the County would affect the use of these properties and asked Attorney Shuler to investigate this matter further.

Mark Curenton, of the County's Planning Office, stated that based on the grant, Indian Creek Park would have to be changed to recreational use but that change would not exclude commercial use of the park, because it is part of the park's management plan.

Attorney Shuler recommended that he and staff is given the opportunity to discuss this matter further and report back to the Board.

Motion by Parrish, seconded by Crofton, to table this item until the October 7, 2008 regular meeting at 10 AM; Motion carried 5-0.

Recess (12:10 PM)

Chairman Lockley called for a short recess.

Reconvened (12:22 PM)

Chairman Lockley reconvened the meeting

P & Z Report (12:22 PM)

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

The Planning and Zoning Commission met on Tuesday, September 9, 2008 with the following recommendations:

CRITICAL SHORELINE APPLICATIONS:

- 1- **Approved by Planning and Zoning (unanimous)** Consideration of a request to construct a Single Family Private Dock on Lot 7, Block L, Peninsular Point, 1466 Alligator Drive, Alligator Point, Franklin County, Florida. The walkway will be 4' x 320 and have an 8' x 20 platform. This dock meets all state, federal and local requirements. Request submitted by Docks 4 Less, agent for Barbara Taff, applicant.

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

FINAL PLAT APPROVAL:

- 2- **Approved by Planning and Zoning (unanimous)** Consideration of a request for Final Plat Approval of a four (4) lot subdivision named "Hidden Cove" a 4+ acre parcel lying in Section 32, Township 8 South, Range 6 West, Eastpoint, Franklin County, Florida. Request submitted by GEA, Inc, agent for Rick Plessinger, applicant.

Motion by Crofton, seconded by Sanders, to approve Item 2 of the Planning and Zoning report; Motion carried 5-0.

LAND USE CHANGE:

- 3- **Approved to schedule public hearing by Planning and Zoning (4 to 3 vote)** Consideration of a request for Large/Small Scale Land Use Amendment, The land use change request would be from Agricultural to Residential with the zoning changed to 360 acres, R-3 Estate Residential (1 unit/5acres) and 15 acres to R-1 Single Family Residential (1unit/acre-the affordable housing area). The density proposed for this site would be 87 units, including 15 acres near the SR 65 entrance to this site, while 72 units would be clustered on 72 acres along Whiskey George. The 72 units and the 15 units could be clustered onto a total of 90 acres while our proposal would include the remainder 289+ acres, to be a community recreation area. Request submitted by GEA, Inc., agent for George Mahr, applicant. **Motion: to approve 69- 5 acre tracts, 5-1 acre tracts for affordable housing, and 1-1 acre tract as a bonus for a total of 75 units. Motion by Member Dodds, Seconded by Member Ward and by the following vote: YEAS: Member Dodds, Member Ward, Member Perryman and Chairman Millender for the breaking vote. NAYS: Member Davis, Member Murphy and Member Laine.**

Mr. Murphy, of the Planning and Zoning Board, said the clustering and the runoff into the creek was the major objection of the Board.

Mr. Mahr discussed the project in more detail.

Motion by Putnal, seconded by Parrish, to schedule public hearing for Item 3 of the Planning and Zoning report; Motion carried 5-0.

Advisory BOA Report

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

The Advisory Board of Adjustment met and made the following recommendations:

(1) **Approve by the Advisory Board of Adjustment** A request for a variance to build a boat ramp within the Critical Habitat Zone on Lot 24, Alligator Point. Request submitted by Gary Fritz, agent for Walker Bickerstaff.

Mr. Fritz explained the request and stated that the boat ramp will be built on a large lot that has a house.

Motion by Sanders, seconded by Crofton, to approve Item 1 on the Advisory Board of Adjustment report; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (12:35 PM)

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

1-The financial report for the hospital for the month ending August indicated a balance in the account in the amount of \$466,171.18.

2-The Division of Libraries presented the State Aid to Libraries Grant Agreement for board approval. The County could possibly receive around \$90,000 if the grant is approved.

Motion by Putnal, seconded by Crofton, to authorize the Chairman's signature on the State Aid to Libraries Grant Agreement; Motion carried 5-0.

3-I need a motion to approve a line-item budget amendment. The Tourist development funds have been used to make the loan payments to Ameris Bank for the purchase of the Lombardi property. The budget amendment is needed to move the funds from the TDC's Reserve for Contingencies to Principal and Interest for the payments from May to September 2008 totaling \$31,666.75. We would increase 130.33.552.7100 Principal by \$14,403.95 and increase 130.33.552.7200 Interest by \$17,262.80 and decrease 130.99.584.9600 Reserve for Contingencies by the total of \$31,666.75.

Motion by Putnal, seconded by Parrish, to approve the requested line item budget

amendment; Motion carried 5-0.

4- I need a motion to approve a line-item budget amendment. The Tourist Development Council requested and received approval at the April 22, 2008 meeting to reallocate \$337,500.00 from their Reserve Account. These funds were to be used to fund the St. George Lighthouse and Visitor Center, Donnie Wilson Park, Three Servicemen Statue South, Grants to the County and Cities, Website Construction and Maintenance, Other promotional activities, and to purchase Land. We would increase 130.33.552.3401 Other Contractual Services by \$133,000.00, increase 130.33.552.6300 Infrastructure by \$70,000.00, increase 130.33.552.4800 Promotional Activities by \$34,500.00, and Increase 130.33.552.6100 Land by \$100,000.00, and we'd decrease 130.99.584.9600 Reserve for Contingencies by the total of \$337,500.00.

Motion by Crofton, seconded by Sanders, to approve the requested line item budget amendment; Motion carried 5-0.

5- Please remember, the final budget hearing is scheduled for next week, Tuesday, September 23rd at 5:30 p.m. here in the annex.

Alan Pierce – Director of Administrative Services – Report (12:40 PM)

1- Provide Board with explanation on how overtime pay is calculated when employees are asked to work on a Holiday. This issue was reviewed by Ms. Lucy Turner, Franklin County Labor Attorney, several years ago when Ms. Ruth Williams was Finance Officer. The end result was that employees in Animal Control had to pay money back to the county because the county procedure was inconsistent with the county rules, as interpreted by Ms. Turner.

Normal overtime work is 1.5 times regular pay, or time and a half. There is no confusion about that. Holiday pay is double time, or twice regular pay. What is hard to understand is that the pay every employee receives for a Holiday counts as the regular pay, so working on a Holiday represents a doubling of regular pay. If the normal work day is 10 hours, then Holiday pay would be 20 hours worth of pay. The confusion is what "double" means. Before Ms. Turner's evaluation, the county was paying triple time for Holiday pay, meaning an employee got the regular work day pay and then double time on top of that, which really means the employee earned triple time for a holiday. Ms. Turner said the county was misinterpreting its rules.

The Board accepted this interpretation several years ago, so unless there is some new development there is no need for Board action.

This item was addressed earlier in the meeting.

2- Inform Board that county finally received stormwater permit for Bluff Road boat ramp expansion, and the DEP Submerged Land Permit for Eastpoint. We are still waiting on the permit for Ochlockonee Bay boat ramp.

This item was addressed earlier in the meeting.

3- Inform Board that even though the county had declared a local state of emergency, and had to take protective action to save Alligator Point Road, I received a phone call from DEP stating that the county was working without a permit seaward of the Coastal Construction Control Line immediately after Gustav went by. Upon submission of a letter requesting authorization, DEP has issued a field permit for the county to do its temporary emergency work. Permanent work, including asphalt or any repairs or improvements to the revetment will require a permit from DEP.

Board discussed options for repairing Alligator Point Road, including the cost for sheet piling which could be around \$1000 per foot.

Mr. Yeager, of Preble-Rish, stated that \$1000 per foot is the average cost but will try and get a better estimate for the Board.

Michael Shuler – County Attorney – Report

Attorney Shuler presented the following item from his report as it pertained to this discussion.

2. South Shoals

Your surveyor shows that the existing paving extends within five feet of Harbor Circle. South Shoals has agreed that the County may enter upon its property to complete the five feet of paving to connect Tom Roberts Road with Harbor Circle when C.W. Roberts gets to that point.

Therefore, I will not ask the court to expedite the litigation as it is not necessary.

The Water District states that they have FEMA funding deadlines and other issues important to them so they are moving forward with a request that the Court expedite the litigation. If their motion is granted, practically speaking it will expedite the litigation for all the parties, including the County.

The Water District and South Shoals have entered into a temporary agreement concerning the District's testing and use of the water line. That agreement is temporary and subject to the Court's final ruling as to ownership of the line.

No other hearings have been scheduled.

I would like the Board to authorize me to schedule a litigation meeting with the Board to discuss settlement and litigation costs. The press and public are excluded from that meeting; however a certified court reporter will transcribe the meeting.

BOARD ACTION: Motion authorizing me to schedule a litigation meeting with the Board.

Attorney Shuler did not recommend expediting the case because there are not enough facts to support this action.

The Board, Mr. Pierce, and Attorney Shuler discussed whether or not to expedite the litigation.

Motion by Parrish, seconded by Sanders, authorizing the scheduling of an attorney – client executive session; Motion carried 5-0.

Mr. Pierce suggested asking C. W. Roberts to do a temporary surface in front of South Shoal starting at Tom Roberts Road going west, which the Board agreed to.

Alan Pierce – Director of Administrative Services – Report – Continued

4- Provide Board with copies of letter City of Carrabelle has written to Progress Energy. I have provided a similar letter to Carrabelle with copies in the commissioner's boxes last week. I believe Progress Energy will be at the Oct. 7 Board meeting to respond to these letters.

5- Inform Board that the Reserve is finally going to begin construction on its new facility in Eastpoint. The Notice to Proceed was issued Sept. 10, 2008. GAC Contractors is the general contractor for the job.

6- Board action to approve SHIP annual reports as prepared by Ms. Lori Switzer, and as required by the state. As an overview, the SHIP program provided the following benefits in the past years:

Fiscal Year: 2005/2006 13 Down Payment Assistance, 25 Emergency Repairs or Minor Rehab, 1 Major Rehab, and 265 Red Tide Special Assistance.

Fiscal Year 2006/2007: 10 Down Payment Assistance, 20 Emergency Repairs or Minor Rehab.

Fiscal Year 2007/2008 0 Down Payment Assistance (Funds are still available), 12 Emergency Repair or Minor Rehab (Funds are still available).

Motion by Putnal, seconded by Crofton, to approve the SHIP annual report; Motion carried 5-0.

7- Board action to approve Community Rating System Report (CRS), as prepared by Ms. Rachel Ward. This is the annual recertification report which upon approved by FEMA allows homeowner's a 10% reduction in their flood insurance premiums.

Motion by Sanders, seconded by Crofton, to approve the Community Rating System; Motion carried 5-0.

8- Board direction on issue from last meeting. At the last meeting, the Board heard a request from Garlick Environmental on a proposed rezoning of 4 acres of land in Eastpoint to R-1A for the Apalachicola State Bank. The motion to approve died for lack of action. The Board has an unwritten policy that if a rezoning request is voted down that property cannot be revisited until a year has passed. Technically, the Board did not vote this issue down as the motion to approve was rescinded and no vote was ever taken. The applicant is requesting the Board set another

public hearing for this issue. The applicant hopes to present a better explanation of what its client is trying to accomplish.

If the Board so approves a re-consideration the public hearing could be held either Oct. 7 or 21.

Motion by Putnal, seconded by Sanders, to schedule public hearing on this matter; Motion carried 3-1, Crofton opposed, Parrish abstained.

9- Letter from Apalachicola Airport Advisory Committee Chairman Ted Mosteller to Board informing Board that Airport failed last Airport Inspection, and providing a list of items that need to be improved in order to pass inspection.

Mr. Mosteller, the Airport Manager, stated that the issues that caused the failed inspection are being addressed.

Commissioner Lockley discussed an opportunity for some of the residents to be trained in welding free of charge along with free transportation.

Commissioner Parrish stated that trained mechanics are also needed in the County. Mr. Mosteller stated that he would discuss Commissioner Parrish's request with the Workforce Board, as he sits on that Board.

Chairman Lockley asked Mr. Mosteller to work closer with Mr. Bill Ruic which could help in providing more jobs opportunities at the Airport for the County.

The Board and Mr. Mosteller discussed ways of increasing economic opportunities at the Airport that would benefit the entire County, including involving the new airport engineer firm in all of the activities at the Airport, as the main selling point of the new airport engineer firm was to increase the economic opportunities at the Airport.

10- Inform Board that Camp Gordon Johnston is participating in the 4th Annual Museum Day, as presented by the Smithsonian Magazine. Sept. 27 is Museum Day and there will be free admission to the Museum on that day if you have a Museum Day Admission Card which is available on the Smithsonian Magazine website, or in the Sept. 2008 issue of the Magazine. Only 651 Museums nationwide were selected to participate and Camp Gordon Johnston Museum is honored to be invited to participate.

11- Board action to close West Bayshore Dr., on Friday, Oct 11, 3PM-Midnight, and Sat., Oct. 12, 3PM-Midnight, from Franklin Blvd to 3rd St. for the Oyster Spat Festival.

Motion by Crofton, seconded by Sanders, to close West Bayshore Drive, from Franklin Blvd to 3rd Street for the Oyster Spat Festival; Motion carried 5-0.

12- Board action to sign Preble-Rish Engineering Scope of Service Agreements for the DOT SCOP project on Gulf Beach Drive, Carrabelle Airport.

This item was addressed during Mr. Rothwell's report (Item 5).

13- Board action to sign Preble-Rish Engineering Scope of Service Agreement for county-wide paving program.

Motion by Parrish, seconded by Crofton, to authorize the Chairman's signature on Preble-Rish's Scope of Service Agreement for a county-wide paving program; Motion carried 5-0.

14- Inform Board that DOT is letting the county obtain 10,000 cubic yards of milled asphalt from the re-surfacing job that C.W. Roberts is currently doing on US 98 east of Carrabelle.

This item was discussed earlier in the meeting.

Michael Shuler – County Attorney – Report 1:31

Attorney Shuler presented the following item for discussion and/or approval.

1. Carrabelle Urgent Care Facility

A. Property Purchase

On September 10, 2008, the date of closing, the School indicated that the surveyed description of my hand-drawn outline of the parcel being purchased was 5.5 acres, not 5 acres. In short, the School says the parcel is one-half an acre more than they thought they were selling. I want to go back to the hospital board to discuss this matter further before closing.

BOARD ACTION NEEDED: None recommended at this time. I will come back with a recommendation from the hospital board.

B. Temporary Lease at former Carrabelle High School Site

I have prepared and delivered the proposed lease to the City Attorney for Carrabelle. I suspect that they will not sign the lease with the County until they have.

BOARD ACTION NEEDED: None. This is for your information only.

C. Architect Contract

Mr. Colvert has notified them to send a copy of their proposed contract and fees to me. As you instructed, I will negotiate with them regarding the costs of their services once I receive their proposal.

BOARD ACTION NEEDED: None.

2. South Shoals

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No other hearings have been scheduled.

I would like the Board to authorize me to schedule a litigation meeting with the Board to discuss settlement and litigation costs. The press and public are excluded from that meeting; however a certified court reporter will transcribe the meeting.

BOARD ACTION: Motion authorizing me to schedule a litigation meeting with the Board.

This item was addressed earlier in the meeting.

3. Airport

AVCON and I have worked out the terms of the contract.

The last contract for engineering services at the airport was for a five year term. I have drafted this contract as a five year term. Either party may cancel the contract without cause upon 14 days notice.

BOARD ACTION: Motion Authorizing the Chairman to sign the five year contract with AVCON.

Motion by Sanders, seconded by Parrish, to authorize the Chairman's signature on a 5 year contract with AVCON; Motion carried 5-0.

4. Progress Energy Meeting Update

Attorney Shuler stated that the meeting with Progress Energy was a waste of time, as none of the information requested by the Board at the previous meeting was made available and there was no real discussion of alternate routes for the transmission lines.

The Board stating their dissatisfaction with Progress Energy, and asked Attorney Shuler to present some plan of action to fight Progress Energy on the proposed route for the transmission line.

Commissioners' and Public Comments (1:46 PM)

Commissioner Sanders introduced Mr. John Murphy the new president of the Alligator Point Taxing Authority.

Motion by Putnal, seconded by Sanders, to direct the Road Department to assist the City of Carrabelle with tree cutting; Motion carried by 5-0.

Commissioner Sanders asked about the possibility of using funds that the St. Joe Company gave the County, as part of the settlement agreement, for boat ramps to have CW Roberts put some skirting at the S-Curve Boat ramp. Attorney Shuler said that he would verify that the funds could be used in this manner.

Commissioner Crofton asked Mr. Pierce to try and reduce the County's cell phone cost and also verify who has authority to drive County vehicles on a 24 hour basis.

Harriet Beach, of the Franklin Chronicle, asked the Commissioners to allow one hour of the Lanark Village forum on Oct 16, 2008 to be televised on the government access station. Attorney Shuler said he would discuss this matter with the Forgotten Coast TV and respond to this request.

Adjourn (1:57 PM)

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

Noah Lockley Jr., Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Court