

FCBCC REGULAR MEETING MARCH 2, 2004

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MARCH 2, 2004
9:00 A.M.**

OFFICIAL IN ATTENDANCE: Cheryl Sanders, Chairman, Bevin Putnal, Jimmy Mosconis, Eddie Creamer and Clarence Williams, Commissioners, Kendall Wade, Clerk, Connie McKinley, Deputy Clerk, Michael Shuler, County Attorney, and Alan Pierce, Director of Administrative Services.

9:00 A.M. Chairman Sanders called the meeting to order.

Chairman Sanders thanked Commissioner Creamer for representing the Board at the Bridge Dedication last week.

(Tape 1-11) Commissioner Putnal made a **motion to pay the county bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN, SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-18) He had nothing to report to the Board. He has just about caught up with all the road repair. Commissioner Putnal asked when the county would start doing some paving. Both Commissioners Mosconis and Williams said they are waiting on the City's list. Mr. Pierce said he has received a revised list from Carrabelle. He hopes to have the lists ready by the next board meeting. The Commissioners are anxious to get started with the paving projects. Commissioner Mosconis said that Apalachicola has not yet completed their utility work, that is going to be a hold up. Commissioner Mosconis said that C-30 between Apalachicola and Port St. Joe badly needs stripping. Commissioner Mosconis made a **motion to hire C.W. Roberts to stripe C-30, Alligator Point Road, Mill Road and Gulf Beach Drive for safety reasons.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON – SOLID WASTE DIRECTOR

(Tape 1-179) Van Johnson told the Board that Mayor Brown of the City of Carrabelle has found a new site for the recycling location. The location is off of Avenue B by the City's new vacuum station. A fence will be constructed and landscaped. It will be locked at night to prevent illegal dumping. Also, Mayor Brown has agreed to have city police officers patrol the site to prevent illegal dumping. For the Board's information, a letter has been received from Mr. Jim Parrish, Project Manager with the Small County Technical Assistance Program, approving a Supervisory and Management skills training course for county employees. The course is scheduled for April the 27th at the Sheriff's Department conference room on Highway 65. The last item, Mr. Johnson is still trying to calculate the feasibility of reducing the tipping fees on construction and

FCBCC REGULAR MEETING MARCH 2, 2004

demolition debris, as requested by Chad Gunter. I should have the final figures by the next Board meeting. Commissioner Mosconis mentioned that the new airport road has been finished and he would like to have the debris which has been dumped cleaned up. Chairman Sanders asked if any of the other Commissioners were having problems with contractors placing building debris on the side of the road and expecting the county to pick it up. The Board is not in the business of picking up commercial debris only residential, household garbage. The Board needs to develop a policy concerning this problem. Commissioner Creamer made a **motion to have the county attorney draft a policy concerning commercial and site prep debris dumping.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-335) Bill Mahan told the Board that he is planning out this year's 4-H summer camp. There will be three camps scheduled for Camp Timpooshee, a marine camp, an environmental education camp and shooting sports camp. Over the years, local 4-H'ers have gone to all three camps but not all in the same year. Also, Mr. Mahan gave an update on the post harvest treatment work that is being done. Last week they ran another set of time/temperature records on oyster being frozen in blast freezers. All this information will be put together to check time verses freezing verses Vibrio kill. Also, there is research going on under a separate grant. National Sea Grant at the University of Florida is funding a proposal to use bacteriophages, which are naturally occurring viruses that attack and kill Vibrio in oysters.

(Tape 1-418) Commissioner Putnal informed the Board that where they are demolishing the bridge, last week when the tide was low, the tug boat hauling debris was running aground on one of our richest oyster bars. They were tearing this bar up because the tide was too low and killing the oysters. Commissioner Putnal asked Al Lawson and Will Kendrick to see if they could get this bar temporarily open so that they could work this area. If they wait until the summer all of the oysters are going to be dead. Commissioner Putnal wanted the Board to be aware that he was not working behind their back; it was the only time he could talk to these people. He went on to say they are working on it.

(Tape 1-464) Commissioner Mosconis asked about the boat ramp updates. Bill Mahan didn't have any updated information. Concerning the boat ramp on St. George Island, he is awaiting updated appraisals.

(Tape 1-579) While Mr. Mahan is still present Mr. Pierce brought up a request for Board action to allow the University of Florida to develop, staff, and maintain a seafood analytical lab at the Emergency Operation Center at the Airport. The space to be used would be the break room and the kitchen. Mr. Pierce read the letter from Mr. Victor Garrido. Mr. Pierce told the Board there is room for this operation. Commissioner Mosconis made a **motion to approve the utilization of the Emergency Operation**

FCBCC REGULAR MEETING MARCH 2, 2004

Center for the University of Florida lab. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-599) Pam Lewis with the Apalachicola Police Department asked to address the Board about the Special Olympics. Ms. Lewis gave a brief history of the Special Olympics and asked to use the courthouse steps for the torch passing ceremony. Commissioner Putnal made a **motion to allow the Special Olympics to use the Courthouse step for their torch passing ceremony.** Commissioner Williams seconded this motion. All for. **MOTION CARRIED.**

(Tape 1-670) Mr. Wade was asked about the update on the boat ramp at the end of Bluff Road. Mr. Wade reported he had spoken to Mr. Poindexter with the FWC yesterday and he explained that the new application for the grant process should be in hand by the end of this month. It will be a joint participation grant agreement between the county and the Florida Wildlife Commission. Once this is approved we will be ready to go.

(Tape 1-698) Mr. Pierce reported that he has spoken with District Secretary Edward Prescott and there might be funds available to resurface Island Drive on St. George Island with state funds. Commissioner Mosconis made a **motion to request funds from the state to resurface Island Drive on St. George Island.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-720) Mr. Pierce reported that there was a reception organized by the St. George Island Civic Club after the ribbon cutting ceremony for the new bridge that was attended by various state and local officials. He suggested a letter of appreciation be sent. Commissioner Creamer made a **motion to send a letter of appreciation to the St. George Island Civic club for the reception for the ribbon cutting ceremony for the new bridge.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-727) Mr. Pierce informed the Board that he has received notice from the Alligator Point Water Resources District that they are imposing a 120 day moratorium on water connections outside the district boundaries. Mr. Pierce told the Board that those outside the district can use private wells for their water source.

(Tape 1-746) Mr. Pierce informed the Board that Captain Pat McWhinnie is still trying to negotiate with GT COM over 911 service costs. The costs have gone down some, and there is some small hope that Representative Boyd will be able to find some federal funds to assist. This issue will likely come back to the board at the next meeting.

(Tape 1-761) Mr. Pierce provided a copy of a letter written to Apalachee Mental Health Clinic regarding the development of a parking lot.

FCBCC REGULAR MEETING MARCH 2, 2004

(Tape 1-770) Mr. Pierce provided the Board with two Notices to Proceed for projects at the airport. One project is the 60x60 hanger. The other is the addition to the Maintenance Hanger.

(Tape 1-778) Mr. Pierce asked the Board to approve a Joint Participation Agreement with DOT for full state funding for a project to install radio equipment to communicate with Tyndall. The cost of the project is \$20,000, and the state will pay all costs.

Commissioner Putnal made a **motion to approve a Joint Participation Agreement with DOT to install radio equipment to communicate with Tyndall.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-867) Mr. Pierce reported to the Board that Mr. Jack Taylor, St. George Island owns a street end that is approximately 92x120. He obtained the street end in the mid 1980's and he owns the property on one side. Mr. Taylor would like to build a residence in this street end, and sell his existing residence because he has developed health problems that make his existing house unsuitable. The street end is a parcel by itself, but it was created after the county adopted the one acre rule. Commissioner Creamer said he can not see the county giving up the road and then allowing someone to build on it. Michael Shuler addressed the Board, and stated that he did not feel it is a buildable lot. He felt this road way simply became part of the existing lot. Commissioner Creamer feels the county should never have abandoned this road. Commissioner Williams made a **motion to have the county attorney review this request and communicate with Mr. Taylor and advise the Board.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-882) Mr. Pierce provided the Board with a copy of the OAR artificial Reef Permit, as well as the DEP Permit.

(Tape 1-893) Mr. Pierce provided the Board with a fully executed lease for the Army National Guard building at the airport. Mr. Shuler had a couple of questions for the Board. Mr. Shuler reported to the Board that the City had faxed a proposed lease agreement. They have a request for a 99 year lease term. Does the Board want a lease for that length of time. Chairman Sanders asked if anyone was aware that OTED was planning to employ about 30 people out at the airport? There is no office space available out there now. She went on to say that to give the City a lease for the maintenance building is one thing, but if OTED can employ 20 to 30 people out at the airport, she would like to check into this. The Board feels that 99 years is too long. Also the lease does not address who is going to maintain the building. The Board assumed the leasee would be responsible for that maintenance.

FCBCC REGULAR MEETING MARCH 2, 2004

PUBLIC HEARING FOR LAND-USE OF A 54.3 ACRES EAST AND SOUTH OF THE ST. GEORGE ISLAND PLANTATION AIRPORT AND WEST OF SEA PALM VILLAGE FROM RESIDENTIAL 39.7 ACRES AND RESORT 14.6 ACRES TO MIXED USE RESIDENTIAL.

(Tape 1-1027) Mr. Pierce told the Board that he has advertised a public hearing to consider transmittal of this proposal. He submitted a series of letters that he has received. Most of the letters are opposed to the rezoning. He went on to say that this morning's hearing is the first of a two part hearing. You will be considering transmittal of a large scale landuse change to the DCA who will then review it and report back to the Board with their recommendations. This report is called an ORC Report, Objections, Recommendation and Comments Report. The county will then hold a second hearing to consider whether they want to change the land use or not. Even if the county wants to change the land use, two things will have to happen. The Development Order (DRI) will have to be amended to allow particular uses to be allowed, and seconded, if the land use is changed, zoning will have to be applied. Currently, 40 acres is zoned R-1 Single Family Residential and the other 14 acres is zoned Resort Village PUD. The site plan for phase one includes about 110 hotel rooms, fairly intense resort style use. The county has approved Phase I. Some of the amenities have already been constructed. The proposal this morning is the change the residential land use and change the Resort land use to Mixed Use Residential, then all 54 acres would come under one land use. Potentially, you would then have one PUD applied to this parcel. This PUD has not yet been written. There are still some unknown elements concerning this development, but I understand that residential development would be approximately two units per acre. How much commercial is not yet known.

(Tape 1-1199) Mr. David Wilder appeared before the board representing Phipps Ventures, Managing Partner for SGI Limited Partnership. He thanked Mr. Pierce for his presentation. He elaborated on some of the items of this project. We are sensitive to the property owners concerns. We have decided to go with a residential development. He feels that they have worked with the Plantation Homeowners and feel they have come to an agreement with most of the homeowners. One very important element that has been discussed is what affect our project would have on the environment. As agreed upon, we have constructed a 30,000 gallon Advanced Waste Water Treatment facility. This plant is six times more affective than most systems of this type. This plant was approved by DEP for the Nick's Hole area, Apalachicola Bay and the Gulf of Mexico. The plant will provide the highest level of treatment available to waste water development. This would not cause any degradation to any of these water bodies. With respect to stormwater, we are prepared to deal with this to exceed state requirements. He detailed these requirements. Commercial development is another point of contention. They have reduced commercial development to minimal facilities. We feel that condominiums would be well received. We have considered converting the existing hotel to no more than 12 units and revert this property to residential property. If this continues to be a source for concern we will leave the hotel as is. Concerning property values, we strongly

FCBCC REGULAR MEETING MARCH 2, 2004

object to any suggestion that our development will diminish the property values of our neighbors. We have no desire to build any of the "skinny minis", that have concerned our neighbors. We have agreed to incorporate in our covenants most of the design standards required by the Plantation Architectural Control Committee. Last, we are anticipating a density of all residential at no more than two units per acre. Mr. Wilder presented a concept for the Board to review. He went on to say that this is a neighborhood center concept. What we are anticipating is less density than is actually available. Currently, without any change we could construct 114 hotels units on the Resort property and 40 residential units on the remaining property for a total of 154 units. On the other hand, what we are proposing is a residential development that will contain no more than 108 units. He went on to say that in the Plantation there are 150 ½ acre lots within the Plantation already. We feel that this proposal will work well for all. Commissioner Mosconis asked Mr. Wilder to tell the Board about the commercial area that is being requested. We are asking for no more than a convenience store to be utilized by the residents. There would be no outside traffic coming into the Plantation to shop. Chairman Sanders told the Board that the guard at the Plantation gate would not let her into the Plantation to look at the land that they would be considering today.

(Tape 1-1740) Ms. Cari Roth appeared before the board. She is an attorney representing Howell Ferguson and Sharon Maxwell who are close neighbors to this property. The applicant is urging you to go ahead to day and transmit this proposal to DCA. Ms. Roth thinks that this transmittal is premature. The Department is going to look to the county for answers to some of the major concerns. You also do not have the Planning & Zoning Commissions recommendations to this proposal. She felt there was more information needed prior to transmittal. We urge you to consider these comments and not transmit this proposal.

(Tape 1-1886) Lee Sewell is a member of the Plantation Homeowners Association Board. She read a statement prepared by Homeowners' Board. This Board has no statement of support or opposition.

(Tape 1945) Tom Adams told the Board he is an owner of property adjacent to this property. The developers have refused to meet with Mr. Adams. I would ask the Board to consider the application as self defeating. He read sections from the Development Order to support his statements. You see the plans first then you rezone the property, not the reverse. He spoke in detail about the density he feels is being proposed. He felt this development could be clustered if their true density is as they propose. Mr. Adams spoke at length about the proposed density. He went through the proposal item by item. He proposes to enter into the record all the items cited as evidence that this project does not conform to the necessary requirements. Commissioner Mosconis asked that if the developer went to the Building Department for permits under the current zoning, would this be acceptable? Mr. Adams said these items were agreed upon previously. There was much discussion concerning what is actually permissible under the present Development Order and what would be approved under the new proposal. There was much discussion.

FCBCC REGULAR MEETING MARCH 20, 2004

(Tape1-2600) Bob Apgar told the Board that the developer is not planning to building 4.3 units per acre, the developer has agreed to two units per acre. He told the Board that we have heard that people want to see more detail. We will be happy to do this, but we can't now. We have to amend the Comprehensive Plan and the Development Order. We are at the beginning of the process. All the detail will start once the proposal has been transmitted. We will commit to you at the bottom of this process that you will have the same proposal as presented. This transmittal in no way commits this Board. You will still have the ability to approve or deny this project. All of this information will be presented, when we get to that point.

(Tape 1-2828) Shirley Adams told the Board that she had sent out a notices to the property owners in the Plantation. They have received many many comments from property owners who are opposed to this transmittal. Commissioner Mosconis told the Board that many Americans have died to protect individual legal rights. The decision we make today is not changing anything. All we are doing is allowing someone the right pursue this project. It does not mean we are rubber stamping anything. Commissioner Creamer added that by transmitting this we are not bound to approve what they submit. This only allows them to start the process.

(Tape 1-3051) Commissioner Creamer made a motion to transmit this proposal to DCA. Commissioner Mosconis seconded the motion. Commission Mosconis pointed out that in 1993 a South Florida developer wanted to turn the Plantation into a "Disney World". This is not the direction we want to go. Just because someone makes a proposal, we do not have to approve the project. Commissioner Williams voted yes. Commissioner Putnal and Chairman Sanders voted no. **MOTION CARRIED.**

(Tape 1-3240) Monica Harris representing Terry Peacock, St. Vincent Wildlife Refuge appeared before the board. Michael Shuler reported several months ago that St. Vincent Wildlife requested permission from the County to allow a fence encroachment and several other minor encroachments remain on the C-30 right-of-way contingent upon the Refuge give the county a Hold Harmless agreement. He has spoken with council for the Refuge and they say there is a federal law prohibiting them from giving such an agreement. Mr. Shuler told the Refuge he felt the Board would allow the encroachments to remain but he wanted them to come back before the Board. These are small encroachments and are behind the tree line. Commissioner Putnal said he read in the letter that the Refuge has insurance to cover these structures. Commission Mosconis made a motion to allow the encroachments to remain without a Hold Harmless agreement. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3400) Brad and Brittany Singleton, Florida Counseling and Behavioral Services, Inc. are present today requesting that the Board support their company so that they can become a Medicaid Provider within Franklin County. She explained to the Board their services, which included behavioral problems with children. This is a much needed

FCBCC REGULAR MEETING MARCH 2, 2004

service in Franklin County. Commissioner Mosconis told Ms. Singleton that we need someone from Medicaid to come and explain this situation.. There was some discussion concerning what role Apalachee Mental Health has in this process. We need more information concerning this contract prior to approving it. Mr. Wade said he wants to make sure the county is not going to be involved in paying bills, etc. Chairman Sanders said she felt Mr. Shuler should review the documents prior to any decisions being made. Mr. Wade wants to see the contract to see what is involved before making any decisions. Chairman Sanders asked that the paperwork be given to the county attorney for his review.

(Tape 2-140) Commissioner Mosconis made a **motion to table this request.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal told the Board members that this is a service the county needs. We will discuss this matter at the next regular meeting.

PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE REGULATING DOCK AND PIER CONSTRUCTION IN FRANKLIN COUNTY

(Tape 2-177) Chairman Sanders told Mr. Pierce that she has not seen a copy of this proposed ordinance. He went on to say that the Planning & Zoning Commission has worked long and hard preparing this ordinance. Mr. Pierce told the Board that he hopes to get public comment on this proposal. He said one item that has not been addressed and may be something that will need to be incorporated into the ordinance is public access across these docks to access the water. The county is interested in establishing rules that the state does not address. A couple of issues of concern are what lots can support a dock. A lot that cannot support a resident may not be able to support a dock. Also the lighting requirements have been incorporated into this proposed ordinance.

(Tape 2-266) Ken Osborne from Alligator Point stated he is concerned with the lighting requirements. Do these lighting requirements conform to the Turtle lighting? It is expensive and do we want docks on the river having to meet these same requirements? There is a cost factor. The other potential problem is lots that do not have a house on them. We have lots that run from Gulf to Bay with Alligator Drive running through the middle. These folks are going to be upset if you tell them they cannot build a dock on their property on the Harbor.

(Tape 2-320) Larry Joe Colson, a local dock builder addressed the Board. He said there are problems with this ordinance. Federal and State laws give waterfront property owners riparian rights. He was concerned about the width requirement for a canal. Are these people not going to be able to build a dock on their property? I don't think this is right. What about no landscaping? Does this mean if you build a dock on your property with a house, you can't landscape? Another issue, when you are issued a permit you are going to have to submit an electrical diagram. He is not an electrician. Is he going to be able to do this? A lot of times, the homeowners will lay out their own wiring. There are a lot of issues that need to be look at. Commissioner Creamer asked about the survey

FCBCC REGULAR MEETING MARCH 2, 2004

requirements. Mr. Colson told the Board that these surveys are expensive and what does he do with contracts he already has. There many concerns over this ordinance. Commission Mosconis asked about the prohibition of dry dock facilities. Mr. Pierce said we are trying to prevent dry storage of many boats. There were more comments concerning the lighting requirements. Another issue is the height requirement. Anyone going underneath the dock can go under a five ft. high dock just as well as a six ft. high dock.

(Tape 2-630) Steve Davis spoke to the Board concerning the number of docks being permitted each year. Gillnet fisherman can't go under a five ft. dock because of the rigging on the boat. The reason we required the survey is because there were problems with dock running into each other out in the water.

(Tape 2-682) Leo Smith appeared before the Board and comment on the lighting. I have suffered from neighbors who have excessive lighting on their docks. I would encourage some specifics concerning the lighting such as height limits, using shields, etc.

(Tape 2-734) Ken Osborne asked if there is a grandfather clause for existing docks. Mr. Pierce said that any existing docks would not be affected by this ordinance.

Mr. Pierce told the Board he would take their comments and incorporate them into the ordinance and bring it back to the board.

(Tape 2-773) Commissioner Creamer asked that Larry Joe Colson be included in revising this proposed ordinance.

FRANKLIN COUNTY SHERIFF'S DEPARTMENT

(Tape 2-768) Sheriff Bruce Varnes appeared before the Board and gave an update on the inmate medical budget. He presented a printout. The medical expense is eating up his budget. We have already spent \$41,271.66. A lot of this is due to one situation in the jail He has been in contact with the State Attorney's office and it will be at least another 30 days before this can reach resolution. Commissioner Mosconis questioned the Sheriff about insurance. Sheriff Varnes said that his insurance policy has a \$10,000 deductible per inmate, per incident and the inmate has to be in the hospital. We have had lengthy discussion concerning the insurance coverage. Mr. Wade commented that the Board is going to have to bid this insurance out again. After some discussion, Mr. Wade said that he would look into the insurance and report back. The Commissioners asked if the inmate in questions has a bond set. Sheriff Varnes said he was not sure, but that the inmate is in jail on serious charges. The Board noted that there is about \$33,000 left in the medical budget. You are not going to get insurance to cover everything.

(Tape 2-1007) Sheriff Varnes presented to the board a study regarding the lightning problem at the jail. We found a company from Tallahassee that is willing to come ground the tower, the radio building and the fence, but not the building itself. They feel

FCBCC REGULAR MEETING MARCH 2, 2004

like they could help the problem. They are willing to do the job for \$38,332.00. I think this is reasonable for the work they are going to have to do. Mr. Pierce read a report prepared by Mr. Plessinger. There are three main components of the study. Initial replacement of the fiber optic wiring from the tower to the building, some inside wiring, and then some additional outside work around the tower. Mr. Plessinger is researching electrical contractors that may be interested in bidding the job. His estimate is between \$125,000 and \$175,000 for the entire job. This will improve the situation, but it may not prevent further strikes. There was discussion concerning the grounding of the fence and buildings.

(Tape 2-1007) The Board thanked Mr. Plessinger for donating his time to do this research. Commissioner Mosconis made a **motion to ask Mr. Plessinger to get with the contractor from Tallahassee and see what can be done.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis asked that Mr. Plessinger be asked to come to the next meeting to discuss this matter. Sheriff Varnes said he would be here or have a representative present.

(Tape 2-1265) Sheriff Varnes told the Board that the jail needs a generator. At this time, we do not have a generator. We have received generator bids. Albritton Electric gave us a bid on a Ring Power Generator 100 Kilowatts for \$38,500.00 installed. I asked him to give a bid on a 200 kilowatt generator. This generator would operate everything while the 110 kilowatt would not operate everything. The 200 kilowatt was \$55,447.00 installed. Commissioner Mosconis asked about the size of the existing generator. Sheriff Varnes said the one that was installed when the building was built was less than 100 kilowatts. Commissioner Putnal asked where the money would come from. Mr. Wade said it would come from contingencies. Commissioner Mosconis asked how much money is available in the jail maintenance. Sheriff Varnes could not tell how much is in the jail maintenance funds. Sheriff Varnes said the Perkins Generator was \$21,284.16 for 100 kilowatt but it didn't include freight and installation. The third one is Cummings Generator is \$27,000.00 and didn't include installation. The last one is Kohler \$24,725.00 and didn't include installation. Sheriff Varnes recommends that we go with the 200 kilowatt generator. There was some discussion concerning the existing generator. Commissioner Putnal said he would like to see who ever we get the generator from to install it because of the warranty.

Commissioner Creamer asked that Sheriff Varnes go back to each company and get a bid which includes freight and installation. Commissioner Mosconis made a **motion to RFP for bids for 100 and 200 kilowatt generators including installation and freight.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

Commissioner Putnal asked that Mr. Wade research the best way to pay for this generator.

FCBCC REGULAR MEETING MARCH 2, 2004

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 2-1655) At the last board meeting the Commissioners asked that Mr. Shuler send a letter to the City of Carrabelle and the Lanark Water & Sewer District requesting the district allow the City of Carrabelle to run a transmission main down the right of way of US Highway 98 through their District in order to service the new prison site. The LW&SD filed an injunction to prevent the city from laying this line. Mr. Shuler told the Board he sent this letter and also attended the court hearing in Tallahassee. The court basically took no action concerning the injunction requested by the LW&SD. The court did order the parties into mediation to see if these problems could be resolved. I have asked both parties to be at this meeting to see what the status is. To see if they have been able to work out an agreement and have the board take action if necessary.

(Tape 2-1745) Mayor Brown with the City of Carrabelle is here. He told the board that they had reached a tentative agreement; however, DEP stated the license fee of \$8,000 is not eligible to be funded as a party of the costs of disposal of the City's reclaimed water. It is not eligible to be funded with state funds. This in affect set aside any agreement these two entities had reached. On Friday following this hearing, Mr. Brown received a call from Tom Brian, the LW&SD engineer stating that the district was withdrawing its injunction and he would send a letter.

(Tape 2-1811) Mike Palaki the attorney for the LW&SD appeared before the board and said he thinks he can shortcut this thing and save the board some time. He said the district requested him, as their attorney, to withdraw the injunction. He feels this should resolve any issues concerning this matter. We are not going to insist upon any conditions setup in the agreement. The project can move forward. Commissioner Mosconis said we need to get a clear cut decision. We want to make sure there is nothing that will prevent the job from proceeding. At the suggestion of the Michael Shuler, the two parties will get together now and come back at the end of the meeting to assure this board there are no other issues.

(Tape 2-1900) Doug Guidry told the board that he had also received a call from Mr. Brian and he feels that just because the injunction has been withdrawn is not good enough. We need an agreement or letter from the LW&SD board agreeing to the city laying these lines along US Highway 98 in their district. He also felt that just withdrawing the suit is not good enough. We need to have this suit dismissed with prejudice to put an end to it.
We need something resolved here today.

(Tape 2-1988) Terry Lewis representing Carrabelle Properties, the developer appeared before the board. He feels that there needs to be an amendment to the order which created the LW&SD. Mr. Shuler has a copy of the language. It is his opinion that the board can limit the power of the district. If you amend the order, the district would not have the authority to regulate or permit, in any way, utilities and other lines that are merely passing through this district. He would like to know when the district intends to

FCBCC REGULAR MEETING MARCH 2, 2004

withdraw the suit and will it be with prejudice. Mr. Palaki responded saying he doesn't feel any action is necessary from this board; the LW&SD has already withdrawn their suit. He did say that several of the LW&SD members feel that there will be problems with this line. Every time the district lays a new line, they will have to go over, under or around this line. The LW&SD board has made several alternate suggestions but the city insists on using the Hwy 98 right of way. But LW&SD has finally decided that they are not going to fight it, they are going to let the line go through. Chairman Sanders addressed the issue of using alternate routes. No one has asked the board to use county right of ways as an alternate route. There was much discussion. Mr. Palaki assured this board that he is going to withdraw the injunction and he can assure this board it will not be refiled

(Tape 2-2339) Doug Guidry said that Mr. Paliki has assured us that the suit will not be refiled and the best way to do that is dismiss with prejudice. Mayor Brown again spoke to this issue. Mr. Michael Shuler agreed with Mr. Guidry that the suit should be dismissed with prejudice; this means it could not be reinstated. Mr. Paliki said his only reason for not wanting to request dismissal with prejudice is in the event of a disaster or something like it.

Commission Mosconis asked if the construction crew is working this morning. Mr. Paliki confirmed that they are indeed working.

(Tape 2-2730) Freda White, St. James Bay, addressed the board reiterating a statement that Commissioner Sanders made. Commissioner Sanders was with the LW&SD board members last night and this matter had not been settled. Having dealt with the LW&SD board, she felt that it is not a settled issue; it will never be settled until the Board takes action to settle the issue. You have a proposed amendment to the ordinance and Mr. Shuler feels comfortable with. She asked that the board take action to amend the establishment of LW&SD.

(Tape 2-2850) Phil Shiver appeared before the board stating that he lives in Gulf Terrace, and asked that before any decisions are made, he would like to see how this expansion conforms to the county's Comprehensive Plan and the State's Comprehensive Plan. This is a designated a Coastal High Hazard area. He read from the Comp Plan that no new infrastructure should be allowed in the CHHA. He feels another route should be considered.

(Tape 2-2932) Mayor Brown told the board that he would attend the next meeting to discuss this issue.

ALAN PIERCE CONTINUED

(Tape 2-2949 Mr. Pierce Provide the board with the original deed for Lot 6, Block B, Unit 1, Peninsular Point, Alligator Point. This is the first closing on lots the county is trying to acquire. One or two more have been scheduled.

FCBCC REGULAR MEETING MARCH 2, 2004

Mr. Pierce submitted a letter to Robin Trindell with the Fish & Wildlife Conservation Commissioner concerning the proposed beach renourishment projects.

(Tape 2-3148 Mr. Pierce told the board that John Soule is still trying to make headway on the fishing pier issue. For the board's information, Prebble-Rish Engineers say they have no specialty in evaluating existing bridges for vehicular traffic and do not wish to be involved. They recommend the board deal directly with Mr. Soule. Improvements need to be made for lighting by a contractor and improvements need to be made on the railing unless the county attorney has any suggestions. These improvements need to be bid out and both could cost together \$270,000 with the railing issue being the most expensive. At this point, the county will use its funds from DOT for these improvements. The bids will not have to be accepted if other arrangements can be made.

The Health Department has received comments from St. George Island residents about the presence of Port-o-lets as bathroom facilities on the bridge. While Mr. Soule proposes to screen them with lattice, unless the board wants to go to considerable expense to install water and build a septic system and drainfield somewhere, port-o-lets are the only alternative. If the board ever builds a permanent building on the bridge, permanent bathrooms probably will be required. He requested board discussion on issues, including any direction about length of license to operate the fishing pier. He requested board action to authorize for bids for lighting and railing improvements.

(Tape 2-3148) Mr. Soule feels that he and the board are getting close to an agreement concerning the old bridge. Commissioner Mosconis, Michael Shuler and Mr. Soule will meet today at 1:15p.m., after this meeting. Mr. Shuler is concerned about the length of the lease. Mr. Shuler stated because of litigation concerning other bridges in other counties, that Franklin County issue a license agreement with a right of termination so that we won't get caught up in something similar to what other counties are experiencing. No board action is necessary at this time. Mr. Pierce suggested that we go ahead and let the project out for bid. There was some discussion concerning about letting these bids out and not having the monies in hand. It was agreed that this would be discussed at this afternoon's meeting.

(Tape 2-3405) Paul Riegelmayr is concerned about using port-o-lets. He suggested the use of some type of construction trailer be considered for bathroom facilities. He didn't feel the port-o-lets would work well.

KENDALL WADE, CLERK

(Tape 2-3453) Mr. Wade reported the final resolution and real estate purchase between the St. Joe Company and Franklin has been received. This is 89 acres to be used for the Carrabelle Park.

FCBCC REGULAR MEETING MARCH 2, 2004

THOMAS M. SHULER, COUNTY ATTORNEY CONTINUED

(Tape 2-3497) Mr. Shuler reported that the constitution allows for the legislature to provide for an additional Homestead Exemption for individuals aged 65 or older and with an annual income of \$20,000 or less. The legislature did adopt this law and provided that the local County Commission could enact this law. Commissioner Mosconis asked who would police this homestead exemption law.

(Tape 2-3561) Doris Pendelton, Franklin County Property Appraiser appeared before the Board and said she would be the one to police this law. There are forms that will need to be filled out. You will have to turn in a financial disclosure and turn in a copy of your income tax return. This qualification will have to be filed every year. This is really needed in the county. Commissioner Putnal made a **motion to schedule a public hearing to consider adopting an ordinance providing an additional 25,000 Homestead Exemption for persons 65 and older and meeting the financial qualifications.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Ms. Pendelton told this board that once approved, this will not become affective until 2005.

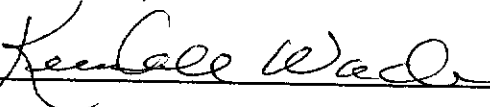
(Tape 2-3794) Chairman Sanders told the board she forgot to mention while Hubert Chipman was present that she has been asked by residence on Ruth Drive in Carrabelle to have the county come in and upgrade the road. It is in bad shape. It is not a county road. Does the board have a problem with this. The board had no problems with this request.

(Tape 2-3905) Mayor Brown asked that the board follow suit with the City of Carrabelle and ask Sen. Graham and Rep Lawson to support a resolution that a marriage is considered to be between a man and a woman. Commissioner Putnal made a **motion to support a resolution defining marriage as an institution between a man and a woman.** Commissioners Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 3-126) Commissioner Putnal asked that the county host another appreciation day at the Capitol. It was agreed that the board will have to get with our legislative delegation and find out when a good time would be.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD
THE MEETING WAS ADJOURNED.**


_____ **CHERYL SANDERS, CHAIRMAN**


_____ **KENDALL WADE, CLERK**