

**FCBCC REGULAR MEETING MAY 4, 2004**

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
MAY 4, 2004**

**OFFICIALS IN ATTENDANCE:** Cheryl Sanders, Chairman, Bevin Putnal, Jimmy Mosconis, Clarence Williams, Commissioners; Absent: Eddie Creamer, Commissioner, Kendall Wade, Clerk; Rachel Ward, Secretary; Mark Curenton, County Planner; Michael Shuler County Attorney.

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

(Tape 1-41) Commissioner Putnal made a **motion to approve the minutes of the meeting held April 20, 2004, and Public Hearing held April 20, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-48) Commissioner Putnal made a **motion to pay the county bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-51) Dr. Steve Otwell with the University of Florida was present telling the Board of a number of activities currently taking place concerning the oyster industry. He told the Board how much they appreciated being able to use the facilities at the Emergency Operation Center at the Airport for their research lab. He detailed a number of new technologies currently in the works for processing oysters. Recent federal mandates by FDA have set additional regulations that could threaten the welfare of the oyster industry. The new regulations are calling for mandatory adoption of new processing methods known as post harvest treatments (PHT's) that could provide even safer oysters. The mandates are justified on concerns for serious illnesses that could occur when certain immuno-compromised consumers eat raw oysters. The adverse consequences are very rare, but in some instances they have been fatal. The first mandated deadline for industry compliance is December 2004, at which time the Florida processors must have at least 25 percent capacity for effective PHT's. The schedule for compliance becomes progressively more restrictive through 2007. If PHT's are not effectively adopted, the regulatory plans call for restricted harvests including closures of the Bay.

Congressman Allen Boyd, Jr. has responded to requests from the Apalachicola Bay Oyster Dealers Association with technical assistance to develop and implement appropriate PHT programs. Since the Spring of 2002, he has helped direct funds through the University of Florida's Aquatic Food Products Program in the Institute of Food & Agricultural Sciences (IFAS) and the Florida Sea Grant Program in cooperation with the Florida Department of Agriculture and Consumer Services to investigate new processing methods to reduce the problematic bacteria, *Vibrio vulnificus* which occurs naturally in

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raw oysters. This work has been investigating methods with high pressure, pasteurization, rapid freezing and even controversial irradiation. In addition to reducing bacteria, this work has considerable influences on product quality and market acceptance. The initial results indicate some innovative and unique freezing techniques may be the most cost effective approach for Apalachicola.

Dr. Otwell went on to say that the Oyster Dealers Association wants this lab to be known as the Allen Boyd – Franklin County Oyster Industry Lab. The ground breaking for this new lab will be held May 28, 2004 with a special visit by Congressman Boyd.

(Tape 1-235) Mr. Grady Leavins spoke to the board about these new processing methods. He encouraged everyone to attend the ground breaking ceremony and went on to say that there will be cookout at the park in celebration of this ground breaking. There was discussion concerning the new air park being created at the airport. Mr. Leavins stated that he is considering locating a new oyster processing facility in this air park.

Commissioner Mosconis asked if the county would be able to meet the December deadline on the 25% mandate. Dr. Otwell felt that this deadline would be met. The greater concern is the 2006 mandate of 50%. He also said that we have a great opportunity to expand this industry by locating a facility to the Air Park.

Commissioner Mosconis made a **motion to name the lab, the Allen Boyd – Franklin County Oyster Industry Lab.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-550) Dr. Otwell was asked about the USDA Trade Adjustment Assistance Program. He reported that the Extension Office will be conducting a training program for shrimp fishermen who want to participate in the USDA's TAA Program. The training is mandatory for those wishing to participate. It will be held at the Apalachicola National Estuarine Research Reserve in Apalachicola on May 13<sup>th</sup> from 2-4 P.M. Commissioner Putnal asked if this pertained to bay shrimpers as well as gulf shrimpers. Bill Mahan stated he thought it pertained to off-shore shrimpers, but he would let Commissioner Putnal know.

### **HUBERT CHIPMAN – SUPERINTENDENT OF PUBLIC WORKS**

(Tape 1-624) Mr. Chipman reported to the board that the airport fencing has been completed. He went on to say that he is going to sign the contract with VMS for work to be done from North Bayshore Drive to 5<sup>th</sup> Street in Eastpoint, and from the Ho Hum RV Park to Putnal Street in Lanark.

He told the board that he is having trouble with log trucks damaging Mill Road east of Carrabelle. Commissioner Putnal asked that the state be asked to help with keeping these roads up, because these logs are coming off of State property. The Board asked Bill

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Mahan to finding out who is charge of selling this timber and asked them to come discuss this matter with the board at the next meeting.

**VAN JOHNSON – SOLID WASTE DIRECTOR**

(Tape 1-791) Mr. Johnson submitted a copy of a letter from Denise Butler dated April 26, 2004. Ms. Butler expresses her concerns over the proposed changes in the use of the National Guard Armory. She fears that the public uses of the building maybe lost in the changes being currently proposed. She also expressed her concerns that the facility's hardwood floors may be compromised should daily use be allowed. She asks that the board take whatever steps necessary to preserve the facility for use for special events. She noted in the letter that there are currently wedding receptions and other events being planned at the facility up to April 2005.

Mr. Johnson also submitted, for the board's review, the sublease agreement from the Armory Board for subleasing the National Guard Armory. The sublease details the condition of the lease and set the initial term at five (5) years with a five (5) year renewal option. The annual rental payment is set at \$1, payable on or before July 1 of each year. The Board will be responsible for the payment of all utilities and the submittal of an operational report to the Armory Board within ten (10) months of the effective date of the sublease. The Armory Board also wants to have an opportunity to participate in all phases of preparing and developing the Operational Report. The sublease also states that the Board provide access and use to the local Senior Citizens Group.

Commissioner Mosconis stated that he is concerned about who will be responsible for taking care of renting the armory, paying the bills, cleaning the facility. Mr. Johnson said that this would be handled by the Parks and Recreation Department. Mr. Johnson went on to say that this is the first time the National Guard has considered leasing to a county or city. It is a great opportunity for the community.

Michael Shuler, board attorney, stated that he wants an opportunity to review the lease and report back at the next board meeting. Commissioner Mosconis made a **motion to have the county attorney review the proposed lease and report back at the next meeting.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

Mr. Johnson went on to say that the plan for the Armory consists of the City relocating the Police Department to the office spaces available in the front of the armory. Leave the main floor open for community rental usage for weddings, school functions, family get-togethers, etc. Possibly relocate the city fire department vehicles to the outside area of the armory if funds could be secured to put up some type of cover to house them. During the process of renovating the city hall building, city offices could be temporarily relocated to the armory and city commission meeting could possibly be held at the armory.

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The Senior Citizens Center is interested in using the air conditioned portion of the building Monday through Friday from 9:30 until 2:30 for arts and crafts and to use the kitchen to prepare hot meals.

(Tape 1-1048) Chairman Sanders told the board, for their information, that at the last meeting a petition was given to the board concerning relocating the recycling bins in Lanark. The Chairman of the Lanark Village Association told Chairman Sanders that this was just a draft and was not suppose to be given to the Board.

**BILL MAHAN – COUNTY EXTENSION DIRECTOR**

(Tape 1-1092) Mr. Mahan reported that concerning the USDA Trade Adjustment Program, it is his understanding that bay shrimpers may not be eligible, all those eligible were sent notices concerning the program. He went on to say that unfortunately, there will be a lot of paperwork involved with this program.

(Tape 1-1171) Mr. Mahan reported that he has been in contact with the Fish & Wild Life Conservation Commission about developing a Memorandum of Understand for the Bluff Road/Box R Boat Ramp project. Dr. Madkour told Mr. Mahan that he would work with Mr. Mahan in developing the MOU and that he expects the request for proposals to be released any day. Mr. Mahan was also told by Phil Manor that David Kennedy with Preble-Rish Engineering, Inc., has been given a key to the gate so he can get onto the site to begin developing a plan for the site.

**TED MOSTELLER – AIRPORT CONCERNS**

(Tape 1-1216) Mr. Ted Mosteller appeared before the board to discuss several issues concerning the Airport. First, he said that the sign on Highway 98 giving directions to the airport has been removed and they would like to have it replaced. He also told the board that there is an abandoned aircraft at the Airport that they would like to turn over to the county attorney for removal. Mr. Shuler stated that removal of this aircraft should be pursued by the tenant leasing the airport facility.

(Tape 1-1340) Mr. Mosteller asked if the county would be interested in basing a Medi-Helicopter at the airport. The Board asked Mr. Mosteller to get more detail and come back to the board.

(Tape 1-1370) Mr. Mosteller stated that the Board had given them 30 days to settle the parking lot rate questions. Mr. Mosteller stated that the Committee recommends \$150.30 for the parking rate. Commissioner Putnal made a **motion to charge the rent rate of \$150.30.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1401) Mr. Mosteller asked that the Board allow the committee more time concerning the rate rent of the hangar facility. The current fee is \$1,000. The Board had no problem with giving the Committee more time to discuss this matter.

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(Tape 1420) Kendall Wade told the Board that there are several airport grants and the board needs to get someone to manage these grants. There are at least four active grants and several grants are pending.

Commissioner Mosconis told the Board that a dedication ceremony needs to be scheduled for the new air commerce park. He suggested having the Airport Committee come up with a name for the park.

**WESLEY TICE, FRANKLIN COUNTY HEALTH DEPARTMENT**

(Tape 1-1499) Mr. Wesley Tice, Franklin County Health Department Administrator appeared before the Board requesting additional funding for the Fiscal Year 2003-2004. He is asking for \$15,000 to continue the Adult Primary Care Contract with Bayline Medical Center, Inc., of Carrabelle to provide adult primary care services from July to September 2004. \$750 to continue paying for laboratory services for the clients of the Adult Primary Care Contract, and \$2,340 to continue using the nursing staff to provide the Drug Assistance Program to clients of the Adult Primary Contract. There was much discussion concerning why this money was needed and the fact that there are indigent in Franklin County which are not receiving necessary medical treatment. Both Janice Hicks and Joann Thomason spoke about the Health Department's need for this money and the programs that the Health Department now provides but will not be able to if the money is not available.

There was some discussion concerning North Florida Medical Center located in Eastpoint and their inability to take on more indigent patients. The Board expressed its concern with North Florida Medical Center not taking on those who are indigent and can not find medical care else where. The Board asked Mr. Tice if would check into this matter further and report back to the Board at its next meeting.

**MARK CURENTON – COUNTY PLANNER**

(Tape 1-2550) Mr. Curenton reported to the Board that the payment in lieu-of-taxes has come in. The state has sent the county a check in the amount of \$196,389.96. The amount of funds the state sends will be diminishing next year, unless the 10 year payment period is extended.

(Tape 1-2589) Mr. Curenton told the Board that a site plan and survey is being developed for the Carrabelle Recreation Park. Dan Garlick and Chris Clark are assisting the county in flagging the wetlands on the property, then Preble-Rish Engineers will update the survey to include the wetlands, and try to fit the desired recreational facilities on the property. Mr. Garlick and Mr. Clark intend to be on the property Monday, May 10<sup>th</sup> to flag the wetlands. David Kennedy has stated that the wetlands around the proposed boat ramp at the end of Bluff Road need to be delineated. Mr. Curenton reported that Preble-Rish Engineers does not do wetland delineations and their subcontractor would cost approximately \$3,000 to flag these wetlands, Dan Garlick

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proposed \$1,000 to do the wetland delineations. Commissioner Mosconis made a **motion to have Dan Garlick flag the wetlands for \$1,000.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2713) Mr. Curenton continued by telling the Board that Gayle Dodds will be resigning from the Planning & Zoning Commission after the May 11<sup>th</sup> meeting. She has family interests she needs to attend to and does not feel she can continue to devote the time to the Commission. The Board needs to fill five seats on the Commission. Currently, if only one person is absent at the June meeting, the Commission will not be able to have a quorum. There are two at large seats, one science seat, and two alternate seats that are vacant. It was agreed to advertise the seats, and put this item on the May 18<sup>th</sup> agenda.

(Tape 1-2900) Commissioner Mosconis made a **motion to send a letter of appreciation to Gayle Dodds, Vicki Barnett, and Harriet Beach for their service to the Planning and Zoning Commission.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2908) Preble-Rish Engineering is moving forward on the design of the bike path from the Apalachicola city limits to D.W. Wilson Park. Since state and federal money is involved, an environmental assessment has to be done on the route. Commissioner Mosconis made a **motion to approve payment of \$5,845.00 to Preble Rish to contract for an environmental assessment for the bike path.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2974) The City of Apalachicola is pursuing an FCT grant application to purchase some waterfront lots underneath the bridge. The county received, years ago, ownership of a ½ lot that is next to some of the property the city is trying to buy. It will help the city's grant application if the county is willing to cooperate with the city. The cooperation the city needs is a letter from the county saying the county will participate in the project by allowing its ½ lot to be part of a management plan, if the grant is approved. The grant is to create a waterfront park and the county would still retain ownership, but there are points to be gained by having another jurisdiction participate in the project. Later on the city and county can discuss swapping property, but at this time, only a letter is necessary. Commissioner Putnal was concerned about the amount of parking and wants this ½ lot to remain open for parking. Commissioner Mosconis made a **motion to write a letter authorizing this ½ lot to be included in the FCT grant application with the City of Apalachicola.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1- 3091) Mr. Curenton told the board that the next item was very complicated. Franklin County received a \$100,000 grant from DOT to beautify the St. George Island entrance. The county bid out the project and awarded the bid to Brooks Wade's company, Island Home Landscaping, for an \$85,000 contract. Since the county had

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received \$100,000, and the money has to be used to buy plants or landscaping material, Brooks received permission from DOT for a change order to add approximately \$14,700 worth of Pendo Palm trees around the retention area. Since he was doing most of the planting between county commissioner meetings, Alan Pierce authorized him to proceed with the planting material based on this change order that had been approved by DOT. At the county level the entity to approve the change order is the Board. Mr. Curenton went on to tell the Board that a second change order has been received which did not affect the monetary value of the contract. Commissioner Mosconis made a **motion to approve both change orders.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Commissioner Putnal asked that a dumpster be located at the public boat ramp on St. George Island. He felt this would help to alleviate the litter problem in this area. Mr. Curenton said he would talk with Van Johnson about locating a dumpster in this area. There was some discussion concerning the grant application to purchase property on the west side of the bridge. When the county obtains this grant we can work out garbage disposal in this area.

(Tape 1-3099) Mr. Curenton went on to tell the Board that unrelated to approving the change order for Pendo Palms around the retention area, the Board needs to be aware of a serious dispute about where the boundary of the landscaping project is. The landscaping project extends from the retention basins toward the new bridge along the west side of the causeway. Ms. Helen Spohrer, owner of Resort Realty, owns land along the west side of the causeway and believes that part of the landscaping is on her property. While sabal palms were being planted along the west side of the causeway, a large billboard for Resort Realty was cut down with chainsaws and vandalized. Ms. Barbara Sanders, representing Ms. Spohrer, considers the vandalism a serious act by itself, but she is also concerned about the alleged encroachment on her client's property. The Board is involved to the extent that it received DOT funding and hired a contractor to plant trees on St. George Island. The contractor used a 1960 DOT right-of-way map as a basis for determining the boundary. Mr. Brooks Wade, who is present this morning, says his employees were not involved in the vandalism.

(Tape 1-3307) Ms. Barbara Sanders appeared before the Board representing Prudential Realty and Pheonix Harbor, the owner of the vandalized sign. Ms. Sanders said there is a dispute concerning whether the sign is on the right-of-way or private property. Her clients feel that they own the property.

(Tape 2-203) Brooks Wade was also present and stated that he had used the DOT right-of-way maps to determine the right-of-way. They have already planted palms and laid irrigation lines. He went on to say that none of his employees were responsible for the removal or the vandalism. After much discussion concerning who owns the property, the board agreed to the following: Commissioner Mosconis made a **motion to have the**

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**architect for the project personally appear at the next meeting to discuss this matter.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-409) Mr. Curenton informed the Board that the Department of Environmental Protection has issued a Notice of Intent to re-permit the air curtain incinerator at the landfill.

(Tape 2-419) Mr. Curenton provided the board with a copy of a letter Alan Pierce wrote to Kim Wren, the current sea turtle permit holder on Alligator Point, stating the county allows these permit holders to use ATV's on the county's beaches.

(Tape 2-427) Mr. Curenton reported two items related to CDBG. One was to provide a status report developed by Ms. Deborah Belcher and secondly, the Board needs to take action to approve the antidisplacement and relocation policy for federally funded projects. The county had adopted a similar if not identical policy 1995, but nobody can find a copy of it. This policy is a federal requirement. Commissioner Putnam made a **motion to have the chairman sign the antidisplacement and relocation policy.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-484) Chairman Sanders asked if there was any way to speed up the CDBG project for the Lanark Village drainage. The report states that the surveys have been sent to the attorney. Mr. Shuler stated he isn't aware of receiving these surveys but would contact Ms. Belcher concerning the surveys.

(Tape 2-578) Mr. Curenton told the Board that the Alligator Point Water Resources District would like Board assistance in solving a dispute on Bald Point. In 1999, a district customer on Bald Point paid for a water meter and then paid to have 2500 feet of 2" water line run to his new home. The line was run in the county right-of-way by the property owner. The district did not seek permission from the county since it was not running the line. Also, the district serves Bald Point but on a voluntary basis because Bald Point is outside the district boundaries. Now other property owners in the area want to use this 2" line to serve their homes. The individual who paid for the line says that he owns the line and does not want anyone else using it. Neither the District nor the county wants multiple water lines running to individual houses. The district would like to reimburse the individual for the line and then place a larger line to serve more customers. The customer says that the line is his line and he likes the service he has. The district would like the county to weigh in on this, by agreeing that only the district has the right to place water lines in the county right-of-way. Commissioner Putnam made a **motion to turn this matter over to the county attorney for his review.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**



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(Tape 2-678) Mr. Curenton asked that the board authorize the Chairman's signature on the transmittal letter for the Eight Mile FCT Project. Commissioner Mosconis made a **motion to authorize the Chairman's signature on the transmittal letter for the Eight Mile FCT Project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Chairman Sanders asked that when FCT grant funding comes up next year, this board needs to seriously consider acquiring property for future traditional uses between Eastpoint and Carrabelle or there will be no place to throw a cast net or fish.

(Tape 2-715) Mr. Curenton asked the board for action to authorize the Sheriff's Office to go out for bid for the needed generator. Several meetings ago Alan announced that there would be money left over from emergency management to go with a grant from Homeland Security to buy a generator. The problem is that it will be several more months before the grant is awarded. Alan recommends the Board utilize the recently received payment-in-lieu of tax funds instead of the Homeland Security grant. The funding source for the generator will be \$15,000 from payment-in-lieu tax funds, and the remainder not to exceed \$25,000 from emergency management funds. If the total cost of the generator exceeds \$40,000 the Board will have to take more from the payment-in-lieu of tax program before awarding the bid. If the Homeland Security grant is awarded in time, it can still be used, but if it does not arrive until August or September, which is very likely, then the generator can be bought now, and the grant funds can be used for something else. Mr. Shuler stated he recalled that several months ago the Board had earmarked the payment-in-lieu funds for the two lots across from the courthouse annex for parking. He would have to check into this matter. Commissioner Mosconis made a **motion to authorize the Sheriff's Office to go out for bid for the generator contingent upon determining if the payment-in-lieu funds have been obligated to purchase property for parking.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2- 775) Mr. Curenton reported to the Board that in the future, he will be making a report every county commissioner meeting updating the Board on the progress of planning related projects and programs. He will make the presentation at the public hearings for rezoning and land use changes. Rachel Ward will make a monthly report on what happened at the Planning and Zoning Commission meeting. Unless the Planning and Zoning Commission changes its regular meeting day, Rachel will make a report at the second county commission meeting of every month. He also reported that Rachel Ward will be the office manager determining duties related to building permit issuance. There was some discussion concerning who Michael Moron would deal with at the county level concerning the SHIP program.

(Tape 2-896) Commissioner Mosconis asked why a survey is required for a building permit, if the property is located in a platted subdivision. Mr. Curenton responded that any time a permanent foundation is built on a lot, a survey is required to prevent someone from building on the wrong lot, as well as the survey gives information concerning elevations and flood zones.

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(Tape 2-1074) Mr. Curenton reported that Mr. Fred Hart has resigned from the Lanark Water & Sewer Board. Lanark Water & Sewer will have to advertise to fill this position.

(Tape 2-1089) Concerning the letter of Appreciation for Alan Pierce, it was agreed that it would be presented at the next regular meeting.

**KENDALL WADE - CLERK**

(Tape 2-1106) Mr. Wade told the Board that there needs to be a budget amendment for the Mosquito Control budget for additional software and hardware which is compatible with the GPS equipment required by the State. The amendments are as follows:

Increase	142.42.562.4000	Travel & Per Diem	\$944.00
Increase	142.42.562.5200	Operating Supplies	\$2,144.00
Increase	142.42.562.6400	Capital Outlay	\$3,000.00
Decrease	142.42.562.5220	Pesticides	\$6,088.00

Commissioner Putnal made a **motion to approve the budget amendments for the Mosquito Control budget.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1136) Mr. Wade reported that he has received from Tax Collector, Jimmy Harris, an update on the status of George E. Weems Memorial Hospital taxes. As of May 3, 2004, he has in escrow the sum of \$15,188.67 to be applied to the taxes owed by the hospital. The total amount due in taxes as of this date is:

2002 – Ad Valorem Taxes Due:	\$30,473.73
2003 – Ad Valorem Taxes Due:	\$23,096.52
Total Due	\$53,570.25
Less Money in escrow:	\$15,188.67
Balance due as of this date:	\$38,381.58
(Will change after May 27, 2004)	

**MICHAEL SHULER – COUNTY ATTORNEY**


(Tape 2-1189) Mr. Shuler told the Board that he has been given a list of the committee members for the Technical Committee reviewing the waste water treatment systems as they relate to the Critical Shoreline Ordinance. Chris Clark was appointed to this committee when he was a county employee. He has no longer working with the county but has gone to work with Garlick Environmental Associates, Inc. The Board wants him to remain on the committee. Commissioner Mosconis made a **motion to approve the technical committee to review wastewater treatment systems as they relate to the**

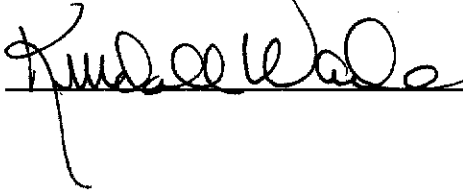
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**Critical Shoreline Ordinance.** Commissioner Putnal seconded the motion. All for.  
**MOTION CARRIED.**

(Tape 2-1236) Mr. Shuler reported that he has received a letter from Ben Watkins concerning an airport matter. He went on to say that he is not prepared to discuss this matter today, but will report back at a later date.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD IT WAS AGREED TO ADJOURN.**

  
\_\_\_\_\_ **CHERYL SANDERS, CHAIRMAN**

  
\_\_\_\_\_ **KENDALL WADE, CLERK**