

FCBCC REGULAR MEETING JUNE 1, 2004

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JUNE 1, 2004**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman, Bevin Putnal, Jimmy Mosconis, Clarence Williams, Eddie Creamer, Commissioners, Kendall Wade, Clerk, Connie McKinley, Deputy Clerk, Mark Curenton, County Planner, Michael Shuler, County Attorney.

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

(Tape 1-48) Commissioner Putnal made a **motion to approve the minutes of the meeting held May 18, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-54) Commissioner Williams made a **motion to pay the county bills.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-80) Mr. Kendall Wade introduced Colonel Sayles, and other members from Tyndall Air Force Base to explain the circumstances surrounding the May 21st crash of an F-15 in the Plantation of St. George Island. The members gave details of the training programs offered at Tyndall Air Force Base. Several members of the team from Tyndall gave in-depth details of the recovery efforts being undertaken. It was noted that a board is convened by the Air Force that will determine exactly what happened. This usually takes about 30 days. There was discussion concerning possible environmental impacts. Commissioner Putnal expressed his concern over any contaminants getting into the Bay and affecting the oyster beds.

(Tape 1-780) There was some discussion concerning how the recovery effort would impact St. George Island during the summer season. Members of the Tyndall team said that the impact should be limited to the crash site area and there were no homes in the immediate vicinity.

(Tape 1-920) Chairman Sanders asked if they have recovered the ejector seat. It has not yet been found. When found, this will help to explain what happened.

(Tape 1-1045) Commissioner Mosconis thanked the Air Force team for coming and also stated how much he appreciates all the military is doing to help preserve the American way of life and freedom.

HUBERT CHIPMAN – SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-1071) Mr. Chipman told the Board that the deck on the trailer at the Emergency Management Building has been completed and the painting of the building should be completed before the end of the week.

FCBCC REGULAR MEETING JUNE 1, 2004

Commissioner Mosconis asked if the potholes created by the dry weather have been repaired. Mr. Chipman stated that they are trying to keep up with the repair.

(Tape 1-1109) Mr. Curenton reported that the Legislature restored funding for the Small County Outreach Program. This is a DOT program that will pay for road improvements. Franklin County is qualified for this program and needs to submit one new candidate project to DOT by July 1, 2004. Last year the County submitted CR-30 west of Apalachicola. He has spoken with David Kennedy about this matter and he suggested resubmitting CR 30A again. Commissioner Mosconis made a **motion to resubmit CR 30 for the Small County Outreach Program with DOT.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

VAN JOHNSON – SOLID WASTE DIRECTOR

(Tape 1-1161) Mr. Johnson reported that based upon instructions given at the last board meeting to have the Senior Citizen's Group in the National Guard Armory by June 1, last week the Chairman signed a temporary rental agreement for use of the Armory to house the Group until the County can take possession of the facility on July 1. Commissioner Putnal made a **motion to approve the Chairman's signature on the Armory Rental Agreement dated May 20, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Commissioner Creamer asked what portion the City of Apalachicola would pay for utilities. It was agreed that the Board would set this up based on Mr. Johnson's recommendation. It was agreed that Mr. Johnson would report back and the city would be responsible for offsetting these costs.

(Tape 1-1227) Mr. Johnson went on to report that he has submitted a debris pickup schedule for the Month of June. The schedule shows which areas of the county and when crews will be picking up debris from the right-of-way. During the month, Mr. Johnson will have one truck working the eastern end of the county and the other on the western end. Should anyone receive calls concerning trash pickup, please share with the caller the pickup schedule or direct them to contact the office of Solid Waste for assistance. He went on to say that he will give these schedules to the media for publication.

BILL MAHAN – COUNTY EXTENSION DIRECTOR

(Tape 1292) Mr. Mahan reported that the ground breaking for the new Oyster Industry Lab was held Friday, May 28th and everything went well. He thanked everyone for their help. He went on to say that the job announcement for the Biological Scientist to conduct the testing at the lab has been advertised.

He reported that Scott Jackson and he taught a TAA Shrimp Training workshop in Panama City on May 27th at the Gulf Coast Community College's Student Union Building. The workshop was attended by 22 fishermen from Bay, Gulf and Franklin Counties as well as Alabama. After speaking to the fishermen it seems that the

FCBCC REGULAR MEETING JUNE 1, 2004

information on the workshops and qualifications for the TAA program are slowly getting out. The last two Panhandle Shrimp TAA Workshops are scheduled for today, June 1st in Niceville and June 15th in Cantonment. There has been a problem with all shrimpers being notified of these workshops.

(Tape 1-1364) Mr. Mahan went on to say that Charles Golden with the District USDA Farm Services Agency Office will be coming to the Franklin/UF-IFAS Extension Program Office on June 8th and June 15th from 10:30-3:00 and June 23rd if needed, to assist shrimp fishermen with completing the required paperwork to file for the TAA Program. Any shrimper interested in assistance should contact Mr. Golden at 1-800-243-9912 option 6. He will be available at the Bay/UF-IFAS Extension Office on June 10th and June 17th.

(Tape 1-1403) Mr. Mahan gave an update on the Bluff Road/Box R Fish & Wildlife Commission Boat Ramp, he reported that he has not yet received any information from FWC on the Boater's Improvement Program. He checked their website and they still have last year's application form and program information on the site. He suspects they may have been waiting for the State's final budget approval before they release the grant application form and information for the 2004-2005 program year.

Both Mr. Wade and Chairman Sanders stated they have checked on this matter and still have not heard anything concerning this application.

(Tape 1-1452) Mr. Mahan told the board that attached to his report is a revised copy of the current Memorandum of Understanding agreement between the County and the University of Florida for the Extension Program. UF is currently in the process of updating and standardizing their MOU agreements across the state. The MOU has some minor changes from the current MOU and updates some language relative to new Florida Statutes.

Mr. Shuler has reviewed the document and made some corrections to this document.

(Tape 1-1505) Commissioner Putnal made a **motion to proceed with final approval of the MOU contingent upon final review by the attorney.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1572) James Harris, Tax Collector, Doris Pendelton, Property Appraiser, Doris Gibbs, Supervisor of Elections and Kendall Wade, Clerk, appeared before the Board regarding the Courthouse Expansion. Mr. Wade said that there is a real problem with room in the Courthouse. They are asking that the old Jail be demolished and propose locating a modular unit on this site. Mr. Wade suggested locating the Property Appraiser and Tax Collector in this facility because their computers work together. It will also make it more convenient for older people to visit these offices. Doris Gibbs could then move into Doris Pendelton's office, and upstairs, Mr. Wade could relocate the recording

FCBCC REGULAR MEETING JUNE 1, 2004

department in Jimmy Harris' office. They are asking for permission to tear down the old jail and build a new building on this site. Currently, the county has about \$60,000 in Capital Outlay, and by the end of the year the County should have about \$90,000. Mr. Harris added that the old courthouse was not designed for the computer age. Frequently, there are power outages which cause the computers to go down. The problem needs to be addressed.

Commissioner Putnal asked that Mr. Wade and these three constitutional officers get together and come back to the board with a plan. Mr. Wade said that he would like permission to get a survey of the property the county purchased from Ben Watkins so that they can proceed with planning for a new building.

Commissioner Mosconis asked that the county's engineering firm come up with some cost proposal.

(Tape 1-2057) Commissioner Mosconis made a **motion to have the county's engineering firm look into locating a building on this property and come back with a proposal.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2140) Commissioner Mosconis made a **motion to have a survey done on the Watkins property**. Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2160) Mr. Ace Haddock, New Administrator for the Department of Agriculture, Tate's Hell Swamp appeared before the Board. He will be responsible for supervising all aspects of the State Forest and the Forestry Fire Control. He basically just wanted to introduce himself and let the Board know that they can contact him if they have any needs. They have had a couple of fires recently. The fire hazard rate is very high right now, but hopefully, we will get some rain.

Commissioner Putnal said that he has spoken to FWC about opening a firing range, and Mr. Putnal would like to see this range created.

(Tape 1-2364) Commissioner Sanders said she would like to see the water accesses in the Tate's Hell State Forest open and available to the public.

Commissioner Mosconis asked if there was going to be any logging done in Tate's Hell, if so, some lime rock needs to be provided to keep the roads in shape.

There were questions about the five year plan. Mr. Haddock stated that it is still in the development process.

FCBCC REGULAR MEETING JUNE 1, 2004

(Tape 1-2532) Janice Hicks with the Franklin County Health Department appeared before the Board asking for a letter of support for the Health Department to participate in a Steps to a Healthier US grant. The grant is roughly \$15,000. Commissioner Mosconis made a **motion to write a letter of support for the Franklin County Health Department to participate in a Steps to a Healthier US grant.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** It was agreed that Mark Curenton would write the letter. Ms. Hicks was asked about the primary care issue discussed at a previous meeting. Ms. Hicks stated that this matter has been resolved.

(Tape 1-2620) Mr. Steve Watkins appeared before the board stating that previously his client, Tarpon Crossing, LLC has received commercial site plan review to expand the RV Park just east of Carrabelle. His client wants to develop a RV Park Model Resort using RV park models and RV sites which conform to the C-3 zoning. His client is proposing to sell these units and have the individuals select the site they want to set up on. It has been the opinion of the county attorney that this proposal is a "nonconforming use that violates the C-3 zoning classification" because these individuals would actually own these units rather than these units being used as temporary stay facilities. He went on to say that the only zoning for RV parks in Franklin County is C-3. RV Park Models are constructed using the national standards which conform with Florida law regarding the construction of RV's. The park models are road-ready units which will be installed according to the manufacturer's standards with quick disconnect features for expedited removal, if necessary. The RV Park Model Resort concept was presented to the Planning and Zoning Commission and the Franklin County Board of County Commissioners who both unanimously approved this commercial site plan for the project. The only contingencies to final development approval was the form of ownership of the units and obtaining state permits for expansion of the RV park from 22 sites to 50 sites. As the board will recall, this project is to hook up to the City of Carrabelle Sewer System and will either hook up to City water or provide its own well system.

Mr. Watkins went on to say that the Tarpon Crossing RV Park Model Resort is not going to be a residential subdivision intended to further subdivide commercial property. The Park Model Resort is a premier RV park community with strict controls over placement, design, use, landscaping, and maintenance of the RV park by declaration of covenants and other restrictions. The best form of ownership to accomplish this based on his research is a condominium form of ownership. There is no authority which states that a "condominium" has to create a subdivision of land. This proposal does not include the fee simple conveyance of a subdivided parcel of land to the owner of the park model. This is really a "quasi-condominium" proposal.

The purchasers will be purchasing an RV park model and allowed to choose the site for installation of their unit. The site will not include the land, but only the right to use the land for an indefinite period of time.

FCBCC REGULAR MEETING JUNE 1, 2004

There has been a difference of opinion as to the form of ownership of these RV park models between Tarpon Crossing LLC and the county attorney.

The county attorney said that he has a problem with the fact that this property is zoned C-3 which allows for limited stay facilities. What the developer is proposing is a residential subdivision. Mr. Shuler feels that the proposal is not, in his opinion, a limited stay facility, but is a residential subdivision. Mr. Shuler went on to say that he spoke with his father, Al Shuler, who was in the past the county attorney and he concurred with this determination.

There was much discussion concerning the use of the lots as residential in comparison to commercial zoned RV parks.

Chairman Sanders asked Mr. Shuler what advice his father had for him concerning this issue. Mr. Shuler stated that his father suggested that if the board is not comfortable with this proposal to consult a land use attorney.

Mark Curenton explained that because these units are in a flood zone, they will have to remain road ready which would prevent any additions being added them.

Commissioner Mosconis asked that these two parties get together and come up with a workable situation.

Mr. Shuler said that he could consult a land use attorney for an opinion on this matter.

(Tape 2-115) Commissioner Creamer made a **motion to come back at the next regular meeting with an opinion from a land use attorney.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-212) Beverly Conners with the Franklin Promise was not present.

(Tape 2-126) Michael Moron with the SHIP Program appeared before the Board and presented the information requested at the last meeting. He submitted the waiting list that he has been working from. He went over the current proposal and two options which would take money from down payment assistance and put it into emergency repairs and also take money from the new homes and move it into emergency repairs.

He explained how the SHIP program assistance funds are distributed, saying that it is currently based on income.

Commissioner Creamer said he would like to see the down payment and the new home be removed and put this money into rehab and emergency repair.

FCBCC REGULAR MEETING JUNE 1, 2004

Mr. Moron stated that he thinks the down payment assistance is a good program because it helps someone who might not otherwise be able to, to buy a house. He did suggest reducing this assistance to \$5,000. He recommended doing away with the new house and move this money into rehab and emergency repair.

The Board discussed reducing down payment assistance to \$5,000 per applicant and doing away with the new house moving these funds into emergency repair and rehab.

Commissioner Mosconis made a **motion to decrease down payment assistance from \$8,500 to \$5,000 per applicant and remove the new home putting all these monies into emergency repair and rehab.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

Mr. Moron asked who would be responsible for signing documents for the county. Commissioner Mosconis made a **motion to have Mark Curenton take Alan Pierce's place in signing all SHIP documents.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

MARK CURENTON – COUNTY PLANNER

(Tape 2-495) Mr. Curenton made the following report to the Board: Mr. Curenton reported that he has a Revised Notice to Proceed on the Twin Lakes Paving and Water Line Extension Project sent to C.W. Roberts Contracting, Inc. Their start date has been revised to July 12 and the completion date is January 8, 2005.

Mr. Curenton asked if the Board wants to submit any new landscaping projects along any state roads to DOT for possible future funding? The board is encouraged to submit new projects as DOT has money to spend.

He went on to report that the County has received notification from the Florida Department of Environmental Protection that they are reviewing a proposal to drill up to four exploratory wells 122 miles south of Mobile.

Mr. Curenton reported that Mr. Ron Brower, the owner of Lots 6 and 7, Osprey Village in the Plantation has requested approval for reconfiguring these lots. Currently Lot 6 has an easement across Lot 7 to reach the shoreline of the Bay. Mr. Brower would like to deed Lot 6 this property in exchange for an identical square footage to be deeded from Lot 6 to Lot 7. The Board has approved reconfiguring lots in the past, most recently on December 2, at St. James Bay. Commissioner Creamer made a **motion to reconfigure Lots 6 and 7 of Osprey Village, St. George Plantation.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Mr. Curenton told the Board that the Comprehensive Plan finally arrived from FSU on Friday at 3:00 p.m. He has briefly looked through it. There are a few items that he noticed were not correct. The Coastal High Hazard Area Map included was not what the

FCBCC REGULAR MEETING JUNE 1, 2004

Board adopted. There is also no Future Land Use Map included in the plan. He is working with Professor Harrison Higgins to try to get these problems corrected so that he can take copies of the plan to the state agencies.

Chairman Sanders told the Board that she has been contacted by Brock Wong with FEMA and apparently John Erigman with the COE contacted him stating that the county had adopted the 1997 Storm Surge Evacuation Maps. He has some concerns and asked that a workshop be scheduled so that he can come down and discuss this with the Board. Commissioner Putnal made a motion to schedule a workshop, this motion died for lack of a second.

(Tape 2-749) Commissioner Creamer made a **motion to contact Mr. Wong and inform him that he can address his concerns to the Department of Community Affairs.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-779) Mr. Curenton told the Board that he had one other item. Thad Brett, owner of Blue Water Bay east of Lanark has asked that Progress Energy locate street lights on the road leading into their subdivision. This is a county road and Progress Energy will need an easement from the county to place these lights. Commissioner Putnal made a **motion to direct Mr. Shuler to contact Progress Energy and ask why they need an easement from the county to place street lights, and if there is a need for this easement, that Mr. Shuler be allowed to draw up the easement. He was also instructed to make sure the developers incur any associated costs.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Chairman Sanders asked if David Kennedy had contacted Mr. Curenton on the paving bids. He told the Board that sometime in June these would be ready. She asked that Mr. Curenton contact Mr. Kennedy so that paving can start in July.

Also Chairman Sanders asked about the Lanark Storm Drainage. Mr. Curenton stated that they are applying for a grant from FEMA. They are trying to work up a cost to redesign the grant to accommodate a 100 year storm.

Commissioner Putnal told the Board that the Bay is getting into the same situation as last year with the Red Tide from the lack of fresh water. There are reservoirs of water to the north of the county, in Georgia, that could help to prevent this from happening. Commissioner Putnal wants to send a letter to Governor Bush asking him to send the message to the Governor of Georgia that if they can't help us during the lack of water not to open those flood gates when they have too much rain. Mr. Wade told the Board that the Governor doesn't control this, the Corp of Engineers controls this. Tom Hoffer suggested that the General Counsel of the Department of Environmental Protection be contacted. Commissioner Putnal made a **motion to have Mark Curenton write a letter for the Chairman's signature to the appropriate agency, and both state and federal legislation delegates concerning releasing water from the reservoirs in Georgia.**

FCBCC REGULAR MEETING JUNE 1, 2004

asking that they not wait until a flood happens, but to release water now to help prevent damage to the Bay. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

KENDALL WADE – CLERK

(Tape 2-1103) Mr. Wade told the Board that he received a call from Dr. Photis Nichols concerning donating an X Ray Machine and a scanner to the county, so that the county can then donate this to Dana Holton. Commissioner Putnal made a **motion to authorize Mr. Shuler to investigate the legality of this and report back to Mr. Wade for action.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1175) Mr. Wade reported to the Board that Beverly Connors with Franklin Promise has asked both he and Ms. Williams to sign off on invoices for services they have rendered under the Franklin Promise Grant. He has refused stating that the county has no way of knowing what has been provided and he feels that if the county is audited, there could be problems. Mr. Shuler said that he is aware of the situation and has since found out that Bob and Beverly Connors most likely will be able to sign off on these invoices and all the county will be responsible for is depositing these funds, the county will have no oversight or auditing responsibilities. Mr. Wade said that he will need something in writing from the grants people authorizing the county to release these funds. There was some discussion concerning a letter threatening to withdraw grant funds if the Franklin Promise does not come into compliance. Mr. Shuler told the Board that this letter is out of date, the program will be in compliance before that time.

(Tape 2-1335) Ms. Williams asked who is going to administer the FAA Grant. Mr. Curenton said that he has conducted interviews for the grants writer position. He is in the process of making calls on references. This person will be responsible for writing and administering grants.

(Tape 2-1400) Mr. Curenton reported that the final plat for Crooked River Plantation has been submitted by Jimmy Meeks. The report on the roads has been complete, and the roads look good. There are a couple of errors on the final plat and these should be corrected. Chairman Sanders said that the property owners near this property have concerns and would have been present if they had known that this would be coming up today. Chairman Sanders asked that this be tabled until the property owners could be present. There are concerns that this project will increase the flooding problems already in existence.

Dan Garlick appeared representing Jimmy Meeks, stating that he thought he was scheduled for final plat approval on this project. It has gone through the necessary review.

Chairman Sanders asked that this be addressed at the next meeting because she has property owners calling her and she would like them to have the opportunity to be

FCBCC REGULAR MEETING JUNE 1, 2004

present. There was much discussion concerning whether to approve the final plat or hold off for two weeks.

(Tape 2-1897) Commissioner Mosconis made a motion to approve the final plat contingent upon Mr. Shuler reviewing the final plat. Commissioner Mosconis later withdrew his motion. He asked that this be presented at the next regular meeting.

Mr. Curenton said that he has reviewed the final plat and there were a few technical problems and he therefore did not want to present the final plat today. It was agreed it would be presented at the next meeting.

Mr. Wade submitted a copy of the Centennial Healthcare bankruptcy proceeding for the board's information.

MICHAEL SHULER – COUNTY ATTORNEY

Mr. Shuler reported that he has reviewed the resolution presented at the last meeting from the Lanark Water & Sewer board expressing their desire to extend their district boundaries. He went on to say that he has looked at the issue of electing or appointing the water & sewer board members.

Mr. Shuler stated that he met with both parties on the St. George Island landscaping controversy. There was damage done to a property and because of this the final payment to the contractor was withheld. After meeting with the parties it can not be determined who caused the damage, therefore, the property owner's remedy may come through the courts. Mr. Shuler asked that Mark Curenton go ahead and release the final payment to the contractor. There was some discussion concerning whether this action had been authorized by the board.

Mr. Shuler continued concerning the 2 inch waterline on the right-of-way of Bald Point Road on Alligator Point, he was prepared to make a recommendation this morning, but has received a letter from the attorney for Mr. Kennedy asking that it be tabled until the next meeting.

Concerning the 911 contracts, the attorneys for Franklin, Gulf and Gadsden Counties all had problems with the Hold Harmless clause in these contractors. After a telephone conference with GT Com, they are reviewing these contracts and will come back with possible revisions.

Concerning the Thom Lewis claim, this has been settled. The terms of the settlement include payment of \$19,000 for damages, and the county will construct a low water crossing. Unless there are other concerns, these should satisfy the settlement of this matter.

FCBCC REGULAR MEETING JUNE 1, 2004

Chairman Sanders asked if the county should readvertize the position for the water and sewer board. Mr. Shuler reported that unless someone is being appointed to fill a current position, they need to be elected. There was much discussion concerning how these positions have been filled in the past. The positions need to be included in the November ballot.

(Tape 2-2570) Commissioner Mosconis made a **motion to write the Lanark Water & Sewer Board telling them that new members to the water & sewer board need to be elected.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2610) Mr. Meeks asked that the original mylars be returned to him. He submitted these originals to Mr. Pierce and now they appear to have disappeared.

(Tape 2-2660) Commissioner Williams asked permission for he and Chairman Sanders to attend the County Commission convention to be held in Fort Lauderdale from June 22 through June 25, 2004. Commissioner Putnal made a **motion to approve travel for attendance to the County Commission Conference in Fort Lauderdale for Commissioner Williams and Chairman Sanders on June 22-25, 2004.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2698) Chairman Sanders said she has received a letter from Opportunity Florida stating their next meeting will be held at the Gibson Inn on Friday, June 18, 2004. They are inviting all the county commissioners to attend.

Chairman Sanders asked the status of the Carrabelle Sports Complex. Dan Garlick stated that he has not yet completed the wetland delineation on this property.


(Tape 2-2758) Ben Watkins appeared before the board to discuss AIATC , which is currently looking for investors. AIATC has been receiving letters from a private individual who received service years ago and was dissatisfied, and is threatening a law suit. These investors are reluctant to invest money with the threat of a lawsuit. Mr. Watkins asked that the county put an end to the threats and stated that this is a problem between the party and AIATC.

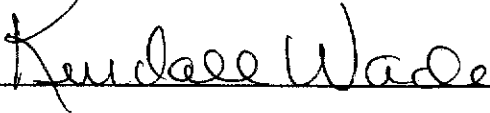
Mr. Shuler stated that he has talked with both parties and more information has come in. It is Mr. Shuler's opinion that this is a problem between the AIATC and a private individual and not a problem with the county.

It was agreed that this matter be deferred until the next meeting

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

FCBCC REGULAR MEETING JUNE 1, 2004


_____ **CHERYL SANDERS, CHAIRMAN**


_____ **KENDALL WADE, CLERK**