

FCBCC REGULAR MEETING JUNE 15, 2004

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JUNE 15, 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 1-30) Commissioner Putnal made a **motion to approve the minutes of the meeting held June 1, 2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-38) 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 1-44) Mr. Chipman reported that the road department is through with milling the old airport road and ended up with about 89 loads. He went on to say that he placed milled asphalt in both the Apalachicola and Lanark area.

Mr. Chipman went on to tell the Board the he met with Jimmy Meeks on Kendrick Road concerning the part of the road that the contractors damaged and Mr. Meeks agreed to repair that part of the road that was damaged.

Chairman Sanders asked about damage done to Apalachee Street in Lanark. Mr. Chipman told the Board that Jimmy Crowders' trucks caused the road to fall in. He went on to say that Mr. Crowder was apparently doing work for Jim Green. Mr. Chipman said that he would go in and repair this road as this is an old military road with very little road base.

VAN JOHNSON – SOLID WASTE DIRECTOR

(Tape 1-167) Mr. Johnson reported at the last meeting the Board instructed him to calculate the portion of utility cost to the City of Apalachicola and the Senior Citizens group to occupy the Armory. The amount of that cost is \$300 per month. This figure is more than enough to offset the Board's cost to provide utility service at the facility. Commissioner Mosconis made a **motion to set the monthly rental rate of \$300 for the City of Apalachicola and the Senior Citizen's group to offset the county's cost of providing utility service to the Armory.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis asked that Mr. Johnson monitor this to make sure that six months down the road the County doesn't get any surprises.

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Mr. Johnson reported, for the Board's information, the County's property insurance carrier Pat Thomas & Associates strongly recommends that the county require individuals wishing to rent the Armory show proof of insurance. In addition they must list the county as an additional insurer on their policy. The company has recommended this measure to ensure that the county would not have to carry the liability burden alone. However, the cost to obtain this coverage is about \$800 per event. When added to the rental fee of \$300, the Armory becomes cost prohibitive to rent by the local market.

However, there is a policy that an underwriter provides to Pat Thomas that the Board can purchase. This type of policy requires that the Board pay a deposit premium up front. Individuals wishing to rent the building, would then have option of buying from this policy. Premiums collected, are then used by the Insurance Company to reimburse the Board's deposit. This type of policy would cost an individual around \$100 instead of \$800. The new Civic Center in Liberty County has just purchased this type of policy and the Franklin County School Board has this type of policy in place.

It was agreed that several school boards use this same type of policy. Mr. Johnson is waiting on a reply from Pat Thomas & Associates requesting a written policy quote for the Board's consideration. No action necessary.

(Tape 1-298) Mr. Johnson continued that during the Board's June 17, 2003 meeting, He reported the need for additional Landfill space to dispose of Class III waste. The County's Engineering Firm (Preble-Rish, Inc.) has proposed a fee of \$17,350 to conduct the necessary engineering work to expand the current site eastward at the Landfill. Once permitted the expanded area should last approximately 15 years. However, the expense for this project is not a budgeted item. Therefore, because of its urgency, Mr. Johnson is requesting Board approval to transfer the money from the Landfill Tipping Fee Account to pay for this expenditure. Also, the Board needs to start looking for new land as soon as possible.

(Tape 1-350) Commissioner Putnal made a **motion authorizing the Solid Waste Director to transfer \$17,350 from the Landfill Tipping Fee Account to pay Preble-Rish, Inc., for engineering work to expand the Class III disposal area at the Landfill and to contact St. Joe concerning locating additional land for the landfill.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-366) Chairman Sanders asked about the Carrabelle Recreation Park. She stated that the County did not get funding from the FRDAP grant. David Kennedy stated that he is waiting for the wetland flags to be placed before he can continue with the site plan. Commissioner Creamer asked that the county apply for additional grants. The Board directed Mr. Johnson to get with David Kennedy to create the site plan.

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BILL MAHAN – COUNTY EXTENSION DIRECTOR

(Tape 1-444) Mr. Mahan reported that the Florida Fish & Wildlife Conservation Commission has finally released their request for proposals for the 2004-2005 Florida Boating Improvement Program. The proposals for these competitive grants will be accepted from June 11-September 10, 2004. He went on to say that Preble-Rish is in the process of doing the wetland delineation. Mr. Billy Buzzett with St. Joe is trying to secure the survey for the property.

(Tape 1-500) Ginger Coulter with the Franklin County Sheriff's Department appeared before the Board concerning the medical portion of the Sheriff's Department budget. The Board approved \$75,000 with the understanding that if more was needed they could come back to the Board. On Thursday, the Sheriff's Department had spent approximately \$73,000 and they are going to need more funds. She went on to say that the insurance they have does not cover such things as dialysis and this is why the Sheriff's Department is running so close. The insurance is only for major medical catastrophic illness. She recommended the county given them an additional \$40,000 and they will agree to give anything unused back to the board.

There was discussion concerning the amount of money in contingency. Commissioner Creamer made a **motion to approve an additional \$25,000 be given to the Sheriff's Department's medical budget.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-715) Quinn York was to appear concerning paving the parking lot at the Hospital. He was not present.

(Tape 1-725) Chairman Sanders told the Board that she received a letter from R.L. Ingram concerning property located on Bluff Road. Mr. Ingram addressed the Board telling them that several years ago, he sold property adjacent to a county drainage right-of-way which, according to his survey is 200 feet wide. Recently, a subdivision has been approved and development commenced. There is a discrepancy as to where this right-of-way is located. He had the property surveyed by Thurman Roddenberry and now another survey has been done by Baskerville-Donovan which shows the easement over 100 feet which would encroach into property Mr. Ingram sold to Doris Pendelton. He asked that the county have this property surveyed by an outside party to settle this dispute and find out where this property is actually located. Mr. Shuler recommended that the board direct him to get with the two surveyors in question and see where the problem is and report back to the Board to determine how to proceed to correct the problem.

Chairman Sanders said that the Board needs to resolve this problem even if a special meeting needs to be called. Commissioner Mosconis told the Board that the property in questions belongs to him. He has spent over \$8,500 in surveys and he wants this problem resolved.

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It was agreed that Mr. Shuler would get with the two surveyors and come back to the Board with possible solutions to this problem.

MARK CURENTON – COUNTY PLANNER

(Tape 1-1010) Mr. Curenton told the Board that they need to approve a letter to the Apalachee Regional Planning Council regarding the Comprehensive Economic Development Strategy Annual Report. This is a report that the Regional Planning Council does and sends in to the Federal Government making them aware that the County may be interested in participating in any economic development grants that become available. Commissioner Putnal made a **motion to approve a letter to the Apalachee Regional Planning Council regarding the Comprehensive Economic Development Strategy Annual Report.** Commissioner Williams seconded the motion. All for.
MOTION CARRIED.

Mr. Curenton reported that the County has received a letter from the U.S. Fish and Wildlife Service relative to the variance from the Turtle Lighting Ordinance issued to the owners of the Blue Parrot Café on April 7th. Mr. Shuler told the Board that the Board of Adjustment granted a variance to Lighting Ordinance and a concerned citizen filed a lawsuit concerning this variance. As a result, the owners have agreed to send a letter to the Board asking them to rescind this variance. The owners feel they can comply with the requirements of this ordinance. Jan Havier is representing the Board and has requested that this letter be sent to the Board of Adjustment.

Mr. Curenton went on to report that he has issued the Notice to Proceed to URS, the airport engineers, for updating the airport master plan and install necessary security fencing and gates at the airport.

Mr. Curenton told the Board that there are three vacancies on the Planning and Zoning Commission: two at large and one alternate. Paul Riegelmayr from St. George Island has written a letter to the Board expressing interest in being appointed to a seat.

Chairman Sanders told the Board that John Murphy has sent a letter requesting to serve on the Planning and Zoning Commission. Commissioner Putnal made a **motion to appoint John Murphy from Alligator Point to an at large position on the Planning and Zoning Commission.** Commissioner Creamer seconded the motion. All for.
MOTION CARRIED.

(Tape 1-1180) Mr. Curenton reported for the Board's information, that he has received a Notice of Proposed Change for the St. George Island Development Order on June 1. This is in regards to the Resort Village property in the Plantation, and changes the permitted uses from commercial to residential. On July 6, Mr. Curenton anticipates asking the Board to set a public hearing to consider this proposed change. The public hearing will probably be in August, At that same August date, the Board should be able to hold the

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adoption hearing on the land use change requested on this property as well as pass the PUD ordinance for this property.

(Tape 1-1205) Mr. Curenton asked the Board to set a public hearing on the amendment to the Comprehensive Plan originally transmitted back in 2003 for "The Soundings". He recommended setting the public hearing for the second meeting in July. This property is located near Yents Bayou between Eastpoint and Carrabelle. The developers have addressed the issues raised by the state. Commissioner Creamer made a **motion to schedule a public hearing for "The Soundings" at the second meeting in July.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Mr. Curenton continued with his report by updating the Board on the Lanark Village drainage work. FEMA has stated that they will not fund the current design for the Lanark Village drainage project because it was only designed to handle a ten-year storm. They have requested that the project be designed to handle a 100-year storm. Mr. Curenton spoke with Debbie Belcher and David Kennedy concerning this matter. Mr. Kennedy estimated that it would take about five weeks to redesign the project and cost about \$5,000, although Preble-Rish would bill on an hourly rate. If FEMA funds the project the County would be reimbursed for this additional cost. Mr. Curenton said this is part of the CDBG grant. Commissioner Creamer made a **motion to proceed with the design of 100-year storm Lanark Village Drainage project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1350) Mr. Curenton reported that he has received the amended contract from DEP for the Alligator Point Feasibility Study and a new contract for the Alligator Point Beach Restoration. These contracts provide the funds necessary to complete the study Preble-Rish is currently doing on designing the beach restoration and T-groins. Because of a lack of public access at the eastern end of the proposed project the State will cost share on 84.44% of the project. The County will end up paying for 57.78% while the state pays 42.22%, unless the project is modified.

Mr. Shuler said the Board previously instructed him to proceed with imminent domain proceedings. If the beach renourishment goes forward, we will not proceed with imminent domain proceedings.

(Tape 1-1450) Commissioner Putnal made a **motion to approve the two beach renourishment contracts subject to review by the county attorney, and not proceed with the imminent domain proceedings.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING – LAND USE AND REZONING OF A 1.84 ACRE PARCEL IN EASTPOINT FROM C-4 MIXED USE RESIDENTIAL TO R-7 MULTIFAMILY HIGH DENSITY.

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(Tape 1-1468) Mr. Curenton reported that this is Aaron's By The Bay property which is being proposed to go from C-4 to R-7 which would be 15 units per acre. Requirements for this district include that the property must be on central water and sewer. There was no public comment. Commissioner Creamer made a **motion to approve the Land Use Change of a 1.84 acre parcel in Eastpoint from Commercial to Residential.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1553) Commissioner Creamer made a **motion to approve the Rezoning of a 1.84 acre parcel in Eastpoint from C-4 Mixed Use Residential to R-7 Multifamily High Density.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1572) Mr. Curenton reported that the Crooked River Plantation Subdivision is ready for final plat approval. There is one minor problem with the legal description in the title letter not matching the legal on the plat, however, Mr. Curenton recommended approving the subdivision contingent upon the county attorney's review. Chairman Sanders asked that Mr. Chipman's comments about Kendrick road be noted for the record. Chairman Sanders also stated that she would abstain from voting and will file the necessary paper work. Commissioner Creamer made a **motion for final plat approval of the Crooked River Plantation Subdivision contingent upon the county attorney's review.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1680) Mr. Curenton told the Board that back in January, Janice Hicks asked if the County would look into providing additional parking for the Apalachicola Health Department building. Mr. Pierce contacted the Apalachee Mental Health Center about using some of their land for the facility. Mr. Curenton stated that Mr. Pierce was suppose to have Chris Clark draw up a plan and submit it to Ron Kirkland, the executive of the Apalachee Mental Health Center, and it appears that this was not done. Mr. Kirkland contacted Mr. Curenton yesterday, still waiting on the plan. Commissioner Mosconis made a **motion to pursue obtaining additional parking at the Health Department.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING FOR LAND USE CHANGE AND REZONING OF A 5.55 ACRE PARCEL IN EASTPOINT FROM R-6 RURAL RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL.

(Tape 1-1698) Mr. Curenton stated that this land is part of the Emerald Point property near Yents Bayou. No public Comment. Commissioner Putnal made a **motion to approve the Land Use Change of a 5.55 acre parcel in Eastpoint from Rural Residential to Residential.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1731) Commissioner Putnal made a **motion to approve the rezoning of a 5.55 acre parcel in Eastpoint from R-6 Rural Residential to R-1 Single Family**

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Residential. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1755) Mr. Curenton informed the Board that he has hired Richard Reeves for the grant administrator's position. He will start work on June 16th. He will be responsible for grant writing and hopefully, he will be able to do some of the planning work in the office such as plat review.

(Tape 1-1801) Mr. Curenton told the Board that Rachel Ward will be giving the report from the Planning and Zoning Commission

Rachel Ward reported to the Board, actions taken by the Planning and Zoning Commission. She told the Board that the Commission met on Tuesday, June 8 in a five hour meeting. The Commission elected Mary Lou Short as Chairman and Tony Millender as Vice Chairman. They welcomed Larry Perryman as a new member. John Murphy was present and it is understood that the Board wishes to appoint him to the Commission. It was noted that Mr. Murphy was appointed earlier in this meeting.

She went on to report that Planning Commission Member Steve Davis stated his concern that the DEP is proposing to build a large building on property they purchased from Bruce Millender several years ago. Mr. Davis said that he understands that the State told Mr. Millender that the property is environmentally sensitive and is not buildable, and yet they are now proposing to build on this property. Commissioner Mosconis stated that this matter has been discussed and the Board is aware of the situation.

The Commission recommended approval of the following applications within the Critical Shoreline District.

Carrabelle Properties Ltd. to construct a Multi-family recreational pier at 3068 US Highway 98, St. James. Commissioner Putnal made a **motion to approve this multifamily recreational pier.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

PUBLIC HEARING – TO REZONE A 1.6 ACRE PARCEL IN APALACHICOLA FROM R-2 SINGLE FAMILY MOBILE HOMES TO R-4 SINGLE FAMILY HOME INDUSTRY.

(Tape 1-1898) Mr. Curenton reported that this is to rezone a 4.0 acre parcel so that the homeowners can operate a business. It was noted that the advertisement correctly advertised 4.0 acres. Charlyn Luster, the property owner, wants to operate a boat storage facility at this site. Commissioner Mosconis made a **motion to approve the rezoning of a 4.0 acre parcel in Apalachicola from R-2 Single Family Mobile Home to R-4 Single Family Home Industry.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-2053) Rachel Ward continued her report: Bijan Neshat to construct a single family pier at 977 US Highway 98, Eastpoint. Commissioner Creamer made a **motion to approve this request to construct a single family pier at 977 US Highway, Eastpoint.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Alvin Morris to construct a single family pier at 435 Mill Road Carrabelle. Commissioner Putnal made a **motion to approve construction of a single family pier at 435 Mill Road.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Donald Hungeford to construct a single family dock on Tract 60-1, North Bayshore Drive, Eastpoint. Commissioner Creamer made a **motion to approve construction of a single family dock on Tract 60-1, North Bayshore Drive, Eastpoint.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Ed Lyon to construct a single family dock on Lot 1, Block S, Peninsular Point, Unit 5, 1550 Alligator Drive, Alligator Point. Commissioner Mosconis made a **motion to approve construction of a single family dock on Lot 1, Block S, Peninsular Point, Unit 5, Alligator Point.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

William and Myra Allmond to construct a single family private dock at 2085 US Highway 98, Carrabelle. Commissioner Putnal made a **motion to approve construction of a single family dock at 2085 US Highway, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Frank Gomez to construct an extension of an existing single family dock at 215 Harbor Circle, Alligator Point. Commissioner Mosconis made a **motion to approve construction of an extension of an existing dock at 215 Harbor Circle, Alligator Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2118) Mrs. Ward reported the Commission recommends approval to hold a public hearing to rezone Lot 5, Gulf View Woods, east of Lanark from R-1 Single Family Residential to R-1A Single Family Residential Subdivision District contingent upon the applicant, Mr. Beecher Lewis, providing evidence that water and sewer is available. Commissioner Putnal made a **motion to schedule a public hearing.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2160) Mrs. Ward reported that the Commission recommends denial of a request for rezoning of a parcel located at 21 and 25 4th Street in Eastpoint as requested by Jamie Crum. Commissioner Creamer stated that he would like to see this addressed at some point in the future because there are other properties adjacent to this that have already been rezoned to R-7. The Planning and Zoning Commission had concerns with density.

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Commissioner Creamer made a **motion to table this request.** Commissioner Mosconis seconded this motion. All for. **MOTION CARRIED.**

PUBLIC HEARING – SOUTH SHOAL VILLAGE PUD REZONING AND LAND USE CHANGE.

(Tape 1-2248) Mr. Curenton told the Board that this is the old KOA Campground on Alligator Point. He presented a copy of the proposed PUD Ordinance. This covers the residential portion of the property. It proposed 23 residential units on 7.44 acres. One of these units will be for the Sheriff's deputy residence. There will be an Advanced Waste Water Treatment System for this site and all units will be required to hook up to this system. Steve Watkins is present representing the developers. The county has received letters in support as well as a couple opposing this request. Mr. Watkins presented a petition in support of this proposal which has 41 signatures. The developers have been working with the Alligator Point Tax Payers Association and have agreed to no building permits being issued until a permit is in hand for the AWT and no Certificates of Occupancy will be issued until the system is up and running. The security gate as shown on the master plan will be moved entirely on to the development. Also the lot connecting Tom Roberts road will be maintained as open space. Mr. Curenton pointed out that those lots already platted will be scheduled for public hearing to go from commercial to residential. There was some discussion concerning who owns the road. Ken Osborne and Alan Pfiefer both spoke of concerns they have regarding road ownership and the requirement for an AWT system. Steve Watkins agreed in the meeting that no building permits would be issued for structures until the Advanced Wastewater Treatment plant is permitted and under construction. He also agreed that the Sheriff's substation/firehouse would be leased to the County for 99 years at no cost. After much discussion Commissioner Putnal made a **motion to approve the South Shoal Village PUD Land Use and Rezoning contingent upon the county attorney's review.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

MIKE PALECKI – ATTORNEY FOR THE LANARK WATER & SEWER DISTRICT.

(Tape 1-3607) Mr. Palecki appeared before the Board asking that the Board reconsider requiring that the Board members of the Lanark Water & Sewer Board be elected. Chairman Sanders asked that the attorney's for both the Board and the Lanark Water & Sewer Board get together and work this matter out. Mr. Palecki contends that requiring these members to be elected is tantamount to impeachment. There was much discussion concerning this matter. If an agreement can not be reached, the Board can asked for an opinion from the Attorney General's Office as to the question of appointment vs election. Commissioner Creamer made a **motion to turn this matter over to the attorneys for resolution.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

JOHN FENNO – LEGAL SERVICES OF NORTH FLORIDA REGARDING ARTICLE V.

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(Tape 2-190) Mr. Fenno appeared before the Board to discuss Article V and Legal Aid. He read the following: He thanked the Board on behalf of the legal aid community for their support in the past of funding for civil legal assistance in Franklin County. Last year Legal Services of North Florida approached this Board to discuss ongoing funding for civil legal aid. At that time, filing fee surcharges had been eliminated after June 2004, and no future requirement or solution for replacement money had been identified. This year the Legislature identified a funding source and applied a requirement on all counties beginning July 1, 2004. Legal Services is pleased to join with the Association of Counties to craft a solution to the source for funding legal aid. The 2004 Legislation eliminated the question of whether the 2003 law created an unfunded mandate for the counties. In Senate Bill 2962, Section 939.185 (F.S.) 2004 authorizes the county to collect \$65 per criminal and traffic conviction to fund this provision of civil legal representation for the poor if an ordinance is passed to authorize these fees. In addition to legal aid, this ordinance allows the collection of funds for law libraries, court services and juvenile justice, principals of which may be contacting you to support this ordinance.

In addition, to the request that you adopt the ordinance, Legal Services has two budget issues that need to be clarified at the first possible county commission meeting. The county will not be collecting the filing fee add-on after July 1, 2004, which previously funded our services to indigent citizens of Franklin county. The law establishes that our funding will not be less than what was provided from your filing fee surcharges in 2003-2004. For the last quarter of the county fiscal year contribution for your county pursuant to the new legislation for one quarter is \$576.25. As there is no specific line item in your 2003-2004 budget for this disbursement, we would ask you to agenda appropriate motions for payment for this last quarter.

The County needs to address legal aid funding for 2004-2005. Pursuant to the new law, the minimum amount to be funded on an annual basis is \$2,305. I would request that you include that amount in your 2004-2005 budget and utilize revenue generated from the ordinance to replenish county funds. There was some discussion.

Mr. Shuler asked for authorization to schedule a public hearing to be heard probably at the second meeting in July. Commissioner Mosconis made a **motion to authorize advertisement for the proposed ordinance dealing with Article V and Legal Aid and to pay the last quarter amount of \$576.25.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Mrs. Ward continued the Planning and Zoning Commission report. The Commission recommended approval, contingent upon the use of aerobic systems, the rezoning of a 3.77 acre parcel from R-3 Single Family Estates to R-1 Single Family Residential and rezone a 6.33 acre parcel from A-2 Forestry Agriculture to R-1 Single Family Residential for property described as lying in Section 13, Township 7 South, Range 5 West, Carrabelle, as requested by Garlick Environmental Associates, Inc., agent for Coastline

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Properties of North Florida. Mr. Garlick explained that this property is located on the New River. Commissioner Putnal wanted to make sure this property is not part of the area that was to be kept as green space. Mr. Garlick stated that he is not aware of this property being a part of the area to be kept in green space. Commissioner Creamer made a **motion to schedule a public hearing**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Mrs. Ward reported that the Commission recommends approval of a request to rezone, contingent upon the use of aerobic systems, a 9.37 acre parcel from A-2 Forestry Agriculture to R-1 Single Family Residential. The property is located in Section 13, Township 7 South, Range 5 West, Carrabelle, as requested by Garlick Environmental Associates, Inc., agent for Coastline Properties, LLC. Again, Mr. Garlick stated this property is located on the New River not far from the previously discussed parcel. Commissioner Creamer made a **motion to schedule a public hearing**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Mrs. Ward presented the next request as a two-fold request, a special exception and a rezoning. The Commission recommends approval to the Board of Adjustment, a Special Exception to the C-1 District to allow a recreational marina with upland support facilities provided that there are no more than 59 slips on this property which is approximately 1,000 feet on the south side of Highway 98 in Eastpoint. The property is located at 449 US Highway 98 in Eastpoint. Request submitted by Garlick Environmental Associates, Inc., agent for Paradise Bay, LLC. Ms. Ward explained that this request will go to the Board of Adjustment for a public hearing in July.

(Tape 2-757) Ms. Ward also told the Board that the Commission agreed to send on to the Board without a recommendation, a request for rezoning from R-4 Single Family Residential to R-7 Multifamily High Density for property located on the north side of Highway 98 in Eastpoint. The Commission discussed at length the density for R-7 which is 15 units per acre. There was some discussion concerning zoning the property R-8 Multifamily Residential Medium Density which would allow 8 units per acre. Mr. Garlick told the Board that his clients could provide water and sewer to the property. Commissioner Creamer made a **motion to schedule a public hearing**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer clarified that the waterfront is for boatslips and north of the Highway is for residential.

Tape 2-1092) The Commission recommends approval of a request for a rezoning and land use change of Lot 26, Cannonball Acres unrecorded from P-1 Preservation to R-1 Single Family Residential. The applicant, John Wood, has been approached by the Dog Island Nature Conservancy about swapping this lot for one Mr. Woods owns described as Lot 29, Block 1, Dog Island, Unit 3 located next to the Nature Conservancy property. This property will be rezoned from Residential to Preservation. The Nature Conservancy

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has submitted a letter of support for this rezoning. Commissioner Putnal made a **motion to schedule a public hearing**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1122) Ms. Ward told the Board that Everett Hawker has approached the county about reconfiguring Lots 18, 19 and 20, Block Y, Lanark Beach, Unit 1. The lots are located on the south side of Highway 98 and because of erosion, the lot running parallel to the shore is unbuildable. He proposed to change the lot lines to run vertical thereby creating buildable lots. Mr. Shuler has determined that if the plat is abandoned, the one acre rule will apply and the owners will lose the density they have with three platted lots. The Commission sent this on to the Board for their consideration. It was determined that reconfiguring lots has been done before and after some discussion, it was agreed that the property owners can apply for a partial plat abandonment. Commissioner Mosconis made a **motion to allow a public hearing to be scheduled for partial plat abandonment**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1205) The Commission recommends approval of the replat of Lots 7, 8, and 9, Palmetto Village, lying in Section 30, Township 8 South, Range 6 West, Eastpoint, as requested by Brandt Rudzinski, agent for Magnolia Ridge, LLC. Mrs. Ward explained that because of stormwater issues, the lots have to be reconfigured. A part of the original plat will have to be abandoned prior to replatting these lots. Mr. Shuler said that the applicant will need to schedule a public hearing.

(Tape 2-1258) The Commission recommends approval of Sketch Plat of an 81 lot subdivision called Magnolia Ridge Estates, The Reserve, lying in Section 30, Township 8 South, Range 5 West, Eastpoint, as requested by Brandt Rudzinski, agent for Magnolia Ridge, LLC. Commissioner Creamer made a **motion to approve sketch plat for an 81 lots subdivision known as Magnolia Ridge Estates, The Reserve**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1288) The Commission recommends approval, contingent upon rezoning of a Sketch Plat for a 30 lots subdivision named The Soundings, lying in Section 18, Township 8 South, Range 5 West, between Eastpoint and Carrabelle, as requested by L&W Engineering, agent for the Soundings, LLC. It was noted that this property has been scheduled for a public hearing for rezoning and land use change. There was some concern from the Board about approving the sketch plat prior to the property being rezoned, however, it was agreed that they would have to come back before the Board with a final plat. Commissioner Creamer made a **motion to approve sketch plat for a 30 lot subdivision known as The Soundings contingent upon the rezoning and land use change**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 2-1365) The Commission recommends final plat approval of Lakes on the Bluff, a 52 lots subdivision in Eastpoint as requested by Preble-Rish agent for Core Development. There was some discussion concerning whether the developers plan to locate a pier on the water side of Bayshore Drive for access of the property owners. Dan Tonsmeier voiced his concern with the developers using lots on the waterside of Bayshore Drive as access to the water for this subdivision. He said there are inconsistencies with statements made at the Planning and Zoning Commission. George Allen voiced his concern with the buffer which is supposed to be maintained between properties on Magnolia Bluff and the Lakes on the Bluff Subdivision. He is concerned with the cul-de-sac that encroaches into the buffer. David Kennedy with Preble-Rish appeared before the Board and explained that the roadbed right-of-way will only encroach minimally. Commissioner Creamer made a **motion to approve the final plat of Lakes on the Bluff Subdivision contingent upon the attorney's review.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1908) Mrs. Ward stated the Commission recommends approval of a small scale land use change and rezoning of a 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, north of Carrabelle from A-2 Agriculture to R-6 Rural Residential as requested by Beverly Sapp. The Commission recommends this change provided the property owner agrees not to request anything less than ten acre tracts. Commissioner Putnal made a **motion to schedule a public hearing.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1976) Mrs. Ward continued stating the Commission recommends approval for site plan review for St. James Bay condos in Block U, which is part of the St. James PUD. Request submitted by Will Freeman, agent for St. James Bay. Commissioner Creamer made a **motion to give site plan approval for the St. James condos in Block U of the St. James PUD.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1996) Mrs. Ward reported there was much discussion concerning which zone would be appropriate for a private recycling and incinerator business which wishes to locate a facility in the county. The Commission determined that an industrial site would be the best location for this type of business.

(Tape 2-2020) Finally, Mrs. Ward stated that she has asked the Planning and Zoning Commission to move the next meeting date up to Thursday, July 8th. They had no problem with doing this. Mrs. Ward will be attending a class the week of July 12-15, which would have fallen on a Planning & Zoning meeting date. She went on to say that she needs this class for continuing education to renew her building inspector and plans examiner's license. Commissioner Mosconis made a **motion to approve changing the meeting date for the Planning and Zoning Commission and for Mrs. Ward to take the continuing education class.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 2-2070) Steve Watkins stated that he had hoped for final plat approval and approval of the PUD Ordinance. The Board agreed that they did approve both earlier in the meeting.

KENDALL WADE - CLERK

(Tape 2-2108) Mr. Wade said that he has contacted Thurman Roddenberry about surveying the property as discussed at the last meeting. In preparation for expanding the courthouse, Mr. Wade asked that he be allowed to increase Capital Outlay to \$200,000 and discuss, at the end of the budget process, possible courthouse expansion.

(Tape 2-2255) James Harris, Tax Collector told the Board that Weems Memorial Hospital is currently in arrears \$41,141 in taxes. Mr. Harris asked if the Board wants the county attorney to notify the hospital about the delinquent taxes. Commissioner Mosconis made a **motion to send a letter to Mike Lake, Hospital Administrator concerning the delinquent taxes and to have him respond by the next meeting.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

Ruth Williams, Finance Officer asked that the Board also notify Mr. Lake that the county has been notified that there is an issue of non-compliance with the insurance. Mr. Shuler said that he has been in contact with Mr. Lake concerning this issue of non-compliance. Mr. Shuler went on to say that the insurance underwriters have responded saying there is no insurance company that will write a policy in the amount the lease requires.

Commissioner Williams said that he is concerned because he has heard that the emergency room may be closing. The Board agreed that Mr. Lake should attend the next meeting.

(Tape 2-2490) Chairman Sanders told the Board she has received an email from the Florida Association of Counties concerning the Department of Juvenile Justice cost shift for small counties.

MICHAEL SHULER – COUNTY ATTORNEY

(Tape 2-2532) Mr. Shuler reported Thad and Debbie Brett asked, at the last meeting, to have the county write a letter allowing Progress Energy to place decorative lighting in the county right-of-way. Commissioner Putnal made a **motion to authorize a letter be written to Progress Energy allowing them to place decorative lighting in the county right-of-way.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Mr. Shuler reported that, concerning Franklin Promise, he has not yet received any written authorization for Ms. Connor to sign off on invoices. There has been no progress.

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Mr. Shuler stated that concerning the Board of Adjustment, that both this Board and the planning staff are comfortable with turning the Board of Adjustment into an advisory board. This would allow the Board of County Commissioners to be the final authority. Commissioner Mosconis is concerned with taking over the BOA's duties. After some discussion, Commissioner Putnal made a **motion to have the county attorney draft an ordinance and set a public hearing to consider making the Board of Adjustment an advisory board to the Board of County Commissioners.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2848) Mr. Shuler told the Board he needs authorization for the Chairman to sign a resolution on the Tourist Tax issue and he should have this ordinance for the Board's consideration by the second meeting in July. Commissioner Creamer made a **motion to sign the Notice of Intent to advertise and give the Supervisor of Elections instructions to place this matter on the ballot.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2930) Mr. Shuler reported that the GT Com contract has been received with the necessary changes and will need the Chairman's signature. Commissioner Putnal made a **motion to authorize the Chairman's signature on the 911 Contract.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2938) Mr. Shuler continued by telling the Board that the Alligator Point Water Resource District brought to the board's attention a matter concerning waterlines in the county right-of-way outside of the water resource district which provided water to a private citizen. The matter of concern is whether this water line belongs to the district or to a private citizen. Apparently Mr. Kennedy, the private citizen in question, laid water lines in the right of way to furnish water to his home. There are other homeowners who would like to tap into this line and have water. Mr. Stan Chapman, Mr. Kennedy's attorney, was present. Mr. Shuler went on to say that he has researched the matter and can not find evidence that Mr. Kennedy had permission from the county to lay these lines. Mr. Shuler said this line has been there since about 1999 or 2000. The question is does Mr. Kennedy own the line and did he have permission from the county to lay the line in the county right-of-way.

Mr. Chapman addressed the board concerning this matter, He told the Board, Mr. Kennedy approached the water district about providing water. He had the lines laid and the water district provides the water. Mr. Chapman went on to say that Bishop Engineers, Taylor Moore, the water resource attorney and Alan Pierce met out on the site before proceeding with laying the lines. Mr. Chapman told the Board that Mr. Kennedy has two concerns, one-that if the water district taps into this line to service others, he will not loose water quality or capacity and two-that he be able to recoup some of the money he spent in laying the lines.

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The Board questioned why this matter is being brought before them. This sounds like a problem that should be resolved between Mr. Kennedy and the Water Resource Board. Mr. Shuler said the only reason the county is involved is because the lines are in the county right-of-way.

(2-3493) Tom Vanderplatts, Chairman of the Alligator Point Water Resource District, appeared before the Board and stated that the line that is in place is a 2" line, and Mr. Kennedy has not been approached about allowing others to tap into this line. There are other lots in the area and the realtors who are trying to market these lots want to market them with central water which they do not have at this time.

There was much discussion concerning the DEP requirements for waterlines. It was stated by the Board that they don't always know or can they always control what happens in the county right-of-way. No action was taken.

(Tape 3-196) Steve Watkins appeared before the Board to discuss the proposed Tarpon Crossing RV Park which the Board discussed at the last meeting. Mr. Shuler told the Board he has consulted a land use attorney, Tim Atkins, as directed at the last meeting, and Mr. Atkins is in agreement with Mr. Shuler's opinion that the RV condo concept does not conform with the C-3 zoning, limited stay facility.

After some discussion, Mr. Shuler suggested that if the Board wants to see this type of development, they might want to create a new district to allow this type of use and development. Mr. Shuler stated that he, Mr. Watkins and Mark Curenton could get together and come up with a proposal for the next meeting.

(Tape 3-590) Mr. Shuler brought to the Board attention, a complaint filed against the Apalachicola Airport by Mr. Ray Moody. The county has leased the airport to A.I.A.T.C. Bill Ruic is a principal in the corporation. The complaint was filed concerning some mechanical work done for Mr. Moody which was not in conformance with FAA standards. There is now an investigation pending and Mr. Moody is asking the county to terminate the lease with A.I.A.T.C. Commissioner Mosconis said he has a problem with this request, because the FAA is the regulator for this type of work, not the county.

(Tape 2-663) Nick Yonclas appeared before the Board representing Ray Moody in this matter. He said that because of past actions, Mr. Ruic has had his mechanics license revoked which affects this particular case. They feel that this is a public issue as this could become a liability issue for the county. Mr. Yonclas briefly told the Board the details of the complaint. Mr. Moody bought an airplane from a third party and as part of this purchase a major overhaul was done by Mr. Ruic. After the purchase of the plane, he twice had the plane inspected at the Apalachicola airport. He then developed an oil leak and was told by someone at the airport that he should not bring the plane back for

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maintenance. He then took the plane elsewhere and was told that no major overhaul had been done and that the plane was not air worthy.

Mr. Moody then filed a complaint with the FAA. The FAA investigated and found that the complaint was justified and started their own investigation as to why civil sanctions should not be filed against Mr. Ruic. They could not revoke his license as this had already been done.

The FAA has made a recommendation based on their investigation, but we have not been able to get a copy of this recommendation because of the Freedom of Information Act. Mr. Yonclas went on to say that his client's is not the only one to file a complain against the airport and Mr. Ruic, others including Art Little and Charles Lardent have also filed complaints.

Ben Watkins was present representing the Airport and Mr. Ruic. He stated Mr. Moody was not happy when he bought the aircraft, but there are numerous people who have been well satisfied with the work done out at the airport.

Mr. Art Little spoke concerning his dealings with Mr. Ruic. He said that he kept his airplane at the airport and paid no tiedown fees, because he flew for the Coast Guard and the Sheriff's Department in assisting with their duties in search and rescue. He went into detail about complaints that Mr. Ruic was using his plane without his permission. He feels the county should look into Mr. Ruic's operation of the airport. There are many complaints concerning his operation of the airport.

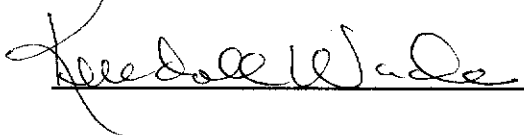
After much more discussion concerning the details of the complaints, Mr. Shuler was instructed to investigate these complaints and that a special meeting will be called to address this matter. The people affected should be notified of the special meeting.

Charles Lardent appeared before the Board and asked if the Board members have a copy of complaints he has filed. The Board agreed that they would address these issues when the special meeting is held.

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK