

FCBCC REGULAR MEETING SEPTEMBER 21, 2004

FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 21, 2004

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

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

(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 1-56) Mr. Chipman reported that the Road Department has been working on cleaning up debris and working to repair damage done during storms. The county is short of lime rock but the road department is working on repair any damage. Alligator Point Road probably received more damage than any other road. Commissioner Mosconis said that he had asked Mr. Chipman why he wasn't at the emergency meeting called by the Board. Mr. Chipman said he was not aware of any special meeting. Commissioner Mosconis said that the county needs better coordination between it's departments.

(Tape 1-109) Doris Pendleton, Property Appraiser, appeared before the Board stating that she has a special Supply Account into which she deposits money her office brings in for copies, etc. During the year she pays for paper and supplies from her general funds and each year she has to come before the Board requesting that she be allowed to use the funds from this supply account. The amount is about \$6,500. She is now requesting these funds. Commissioner Mosconis made a **motion authorizing Ms. Pendleton to use the funds in her Supply Account.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-145) Michael Shuler, Board Attorney, told the Board that a public hearing has been scheduled for 1:00 p.m. today. He has received a letter from Nick Yonclas requesting that this public hearing not be held, that he and his client would not be present. Mr. Watkins, representing Mr. Ruic sent a letter saying he has no objection to canceling this hearing. Commissioner Mosconis made a **motion to cancel the public hearing scheduled for 1:00p.m. today.** Commissioner Putnal seconded this motion. All for. **MOTION CARRIED.** Commissioner Putnal said that this appears to be a civil case and until charges have been brought against Mr. Ruic, this Board does not need to address this matter.

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**VAN JOHNSON – SOLID WASTE DIRECTOR**

(Tape 1-222) Mr. Johnson told the Board that during Hurricane Bonnie and Ivan, the operation of County Government partially shutdown, with nonessential employees receiving time off with pay. However, essential personnel within the Road and Solid Waste Departments were required to remain on duty. Speaking for Superintendent Chipman and himself, they are requesting the Board's approval to compensate those employees who remained on duty during the storms. They are requesting to use either FEMA funds if eligible or compensatory time to compensate employees a day off for each day worked.

Mr. Wade read a report prepared by the Finance Department detailing what these compensation amounts would be. Tropical Storm made landfall on St. George Island and nearly all employees of the Road Department, Mosquito Control, Solid Waste, Parks & Recreation and Animal Control worked that day. Because all other county offices were closed that day, should August 12<sup>th</sup> be treated as a holiday for payroll calculation purposes. (i.e. pay employees for actual hours worked on that day)

He continued by saying that on August 11<sup>th</sup>, in preparation for Tropical Storm Bonnie, 16 employees worked during Bonnie for 1 hour to 2 and ½ hours in excess of their regular work week. In a regular work week this would be considered comp time earned at 1.5x the time actually worked. Because this extra time was related to the storm, should this time remain on he books as comp time or would the county like to treat this time as overtime and pay the employees for this time? If this is declared a holiday the cost to pay employees is \$5,560.02, if this is considered a regular work day, the cost will be \$1,236.37. He went on to say there is money in the contingency fund to pay these employees. Commissioner Mosconis asked if these funds will be reimbursed by FEMA. There was some discussion concerning this matter. Commissioner Creamer made a **motion to authorize comp time for the time worked by these departments.** Commissioner Putnal seconded the motion. Chairman Sanders, Commissioner Creamer, Commissioner Williams and Commissioners Putnal voted for, Commissioner Mosconis, voted against. **MOTION CARRIED.**

(Tape 1-412) Mr. Johnson asked the Board to approve waiving the tipping for storm debris caused by Hurricane Ivan until the end of August. Residents were busy making preparations for the hurricanes and were unable to take advantage of the recent Amnesty Day. Added to that, the storm scattered leaves and broken tree tops throughout Franklin County. Commissioner Mosconis brought up debris left by the tree trimmers. Mr. Johnson said that these trimmers have a contract with Progress Energy and Progress Energy is supposed to be responsible for picking up this debris. Commissioner Mosconis wanted to know if Progress Energy is going to pay the county to pick up this debris. They discussed sending a letter to Progress Energy concerning this pick up. Commissioner Creamer made a **motion to write a letter to Progress Energy requesting they pick up the debris caused by these tree trimmers.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-509) Commissioner Mosconis made a **motion to waive the tipping fees for residential debris until the end of August.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-522) Mr. Johnson reported that on September 13<sup>th</sup>, the Franklin County Animal Adjudicatory Board held two Dangerous Dogs Hearings and ordered the destruction of the dogs involved. Following the hearings, the owners of the dogs filed an appeal to the County Court. Because of this, he requested Board approval for the County Attorney to represent the County's interest during the appeals. Commissioner Putnal made a **motion to authorize the County Attorney to represent Franklin County interests at the Dangerous Dogs Appeal Hearings before the County Judge.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-537) Mr. Johnson told the Board that the County Attorney has reviewed the documents from the Florida League of Cities concerning the finance of Landfill Equipment through their Master Lease Program. A requirement of the program is to pass a resolution authorizing the execution and delivery of the Master Lease/Program Agreement. The resolution gives the Chairperson the authority to sign all documents concerning the Purchase Agreement. The closing date for the loan has been set for October 4, 2004. Therefore, Mr. Johnson requested Board approval to adopt the resolution and move forward with financing the equipment.

(Tape 1-562) Mr. Shuler said that he has reviewed this document and there is a lot of language included by the IRS, and he requested authorization to review this matter with the county CPA, Michael Tucker. Commissioner Creamer made a **motion authorizing Mr. Shuler to discuss this matter with the County's CPA, Michael Tucker.** Commissioner Mosconis seconded this motion. All for. **MOTION CARRIED.**

(Tape 1-576) Mr. Johnson told the Board that he has promoted Catherine "Nikki" Barrack to fill the new Coordinator's position in the Parks & Recreation Department. She will be moving over from the Secretary/Clerks position in the Solid Waste Department and will assume the duties in the new position on October 1<sup>st</sup>.

Mr. Johnson went on to say that with the promotion of Catherine "Nikki" Barrack, the Solid Waste Department will be minus a Secretary/Clerk. He is requesting authorization to advertise to fill the vacancy for the Secretary/Clerk position with a starting salary of \$22,900. Chairman Sanders stated that this is more than the entry level salary for the county. Mr. Johnson said this position requires experience in bookkeeping and handling large amounts of money. Commissioner Mosconis made a **motion to authorize advertisement for the position for Secretary/Clerk for the Solid Waste Department at a salary of \$22,900.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-609) Mr. Johnson informed the Board that the Finance Office had notified him that it appeared someone within his department may have used the recently installed fax number at the Armory to make excessive long distance telephone calls. Upon further investigation Mr. Johnson called AT&T, the long distance carrier listed on the account. A customer care associate informed Mr. Johnson that the local carrier GT Com issued the County a recycled residential number. The recycled number was still in use by the prior customer as a calling card number. Every time the customer used their calling card, the County got billed. The number was issued to an individual that used to reside at 401-25<sup>th</sup> Avenue, but has since moved to Oak Ridge, Tennessee. The majority of the calls placed were made from this Tennessee address and billed to the calling card. Mr. Johnson went on to say that he is in the process of getting the matter resolved with AT&T and the County reimbursed.

(Tape 1-651) Mark Curenton told the Board that he has one item of interest to Mr. Johnson. He told the Board that the National Guard contacted him recently about the grant application for the Armory. They were disappointed that the County did not agree to supply the match for their grant application, and asked if the County would reconsider. The Guard is spending about \$10,000 to hire the grant writer to prepare the grant application. They have asked the County and the City of Apalachicola to provide the 50% match, which would be \$20,000 for the grant. Mr. Johnson has stated that he could contribute \$10,000 from the recreation budget toward this grant. This leaves \$10,000 for the county to come up with. Mr. Curenton said he spoke to City Clerk, Betty Webb concerning the possibility of having the City help to contribute the remainder, she was not hopeful. Commissioner Putnal suggested that they contact the Senior Citizens group as they may be able to contribute some money. Commissioner Creamer made a **motion to authorize \$10,000 from the Parks & Recreation budget for the Armory grant.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-797) Commissioner Creamer made a **motion to authorize \$5,000 from the Contingency Fund for the Armory grant.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**RACHEL WARD - PLANNING & ZONING COMMISSION**

(Tape 1-823) Ms Ward reported that the Planning and Zoning Commission met on September 20<sup>th</sup> with the following recommendations:

Donna McBride to construct a private boardwalk on Lot 3, Hidden Beaches, 2904 Hidden Beaches Road, west of Carrabelle. Commissioner Putnal made a **motion to approve construction of this boardwalk.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Edward & Susan Epp to construct a private dock on Lot 40, Alligator Point Subdivision, 1630 Alligator Drive. Commissioner Creamer made a **motion to approve construction**

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of this private dock. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Karen McGraw to construct a private dock on Lot 10, Block 81, Unit 5, 319 East Sawyer Street, St. George Island. Commissioner Creamer made a **motion to approve construction of this private dock.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

John Houghton and Susan Taylor to construct a private dock on Lot 23, Holiday Beach, Unit 1, 24 Mardi Gras Way, Alligator Point. Commissioner Creamer made a **motion to approve construction of this private dock.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

For the Board's information, Ms. Ward told the Board that Mark Curenton presented a site plan for the new Carrabelle Sports Complex to the Commission for their review. This was necessary for extra points on the grant application.

Ms. Wards reported that the following commercial site plans were reviewed and approved: Florida State University requested site plan approval to relocate a portable office structure at their Turkey Point site in Section 35, Township 6 South, Range 3 West, St. Teresa. Commissioner Putnal made a **motion to approve this commercial site plan.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

The Commission recommends approval for L&W Engineering, agent for Dean Development for a commercial site plan for Lots 24-30, Block 6 West, Unit 1, St. George Island. Commissioner Creamer made a **motion to approve this commercial site plan.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Ms. Ward reported that the Commission reviewed the following rezoning requests:

Anthony and Antoinette Taranto request a public hearing to rezone Lots 29 and 30, Block 1 West, Unit One, St. George Island from C-2 Commercial Business to C-4 Mixed Use Residential. Commissioner Creamer made a **motion to schedule a public hearing.** Commissioner Mosconis seconded this motion. All for. **MOTION CARRIED.**

Cassandra Kelley requests a public hearing for a land use change and rezoning for 580 Brickyard Road off of Highway 65, Eastpoint from R-6 Rural Residential to R-2 Single Family Residential/Mobile Home. Commissioner Creamer made a **motion to schedule a public hearing.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

Douglas Buddy Brown requests a public hearing for a land use change and rezoning for 633 Brickyard Road off of Highway 65, Eastpoint from R-6 Rural Residential to R-2 Single Family Residential/Mobile Home. Commissioner Putnal made a **motion to**

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**schedule a public hearing.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

Walt Driver and Franklin Bailey, agents for Camp Gordon Johnson Association requests a land use and zoning change for a 4.66 acre parcel in Lanark Village from Z-1 Public Facilities to R-5 Multi-family. Commissioner Creamer made a **motion to schedule a public hearing.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1066) Ms. Pam Collins appeared before the Board representing the new owners. They are also requesting a public hearing to consider partially abandoning part of the road in this parcel. Commissioner Creamer made a **motion to schedule a public hearing to address this road abandonment.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

W.L.Hatfield and Larry Hatfield request a land use and zoning change for 257 Hatfield Road in Eastpoint to go from R-1 Single Family Residential to C-4 Mixed Use Residential. Commissioner Creamer made a **motion to schedule a public hearing.** Commissioner Putnal seconded this motion. All for. **MOTION CARRIED.**

(Tape 1-1180) Milton Hancock requests a land use change and rezoning for a 23 acre parcel in Section 18, Township 8 South, Range 5 West, west of Carrabelle from R-6 Rural Residential to R-1 Single Family Residential. Commissioner Creamer made a **motion to schedule a public hearing.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1208) The Commission recommends the following sketch plats: Morris Palmer submitted a sketch plat for a 14 lot subdivision to be known as Las Brisas, Phase II, lying in Section 36, Township 8 South, Range 6 West, Eastpoint. Commissioner Creamer made a **motion to approve sketch plat for Las Brisas, Phase II.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

Albert Cain, agent for GT Com requested that they be allowed to reconfigure Lots 17-20, Block 5 East, Unit One, St. George Island. The applicant asked that they be allowed to abandon this part of the plat and redesign the parcels in to two lots. The Commission recommends denial of this request. Commissioner Putnal made a **motion to deny this request.** Commissioner Creamer seconded this request. All for. **MOTION CARRIED.**

(Tape 1275) The Commission recommends the following Preliminary Plats: Preble-Rish, agent for Steve Newman requests approval of a request for a 30 lot subdivision to be known as Piney Point Subdivision, lying in Section 22, Township 8 South, Range 6 West. Commissioner Creamer made a **motion to approve the Preliminary Plat of Piney Point.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 1-1296) The Commission recommends the following Final Plats: Everett Hawker and William Liddon request final plat approval for Lots 19 and 20, Block Y, Unit One, Lanark Beach. Commissioner Putnal made a **motion to approve the final plat contingent upon the county attorney's review.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Preble-Rish, agent for Magnolia Ridge LLC, requested final plat approval for an 81 lot subdivision to be known as The Reserve, lying in Section 30, 31, and 36, Township 8 South, Range 6 West, Eastpoint. Commissioner Creamer made a **motion to approve the final plat for The Reserve contingent upon the county attorney's review.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

Morris Palmer, agent for Olivier Monod requests final plat approval for a 40 lot subdivision to be known as Grammercy Plantation, Phase II. The property is located at the corner of Highway 98 and Highway 65 east of Eastpoint. Commissioner Putnal made a **motion to approve the final plat for Grammercy Plantation, Phase II, contingent upon the county attorney's review.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1355) Ms. Ward told the Board that Toni Taranto appeared before the Planning & Zoning Commission concerning boat storage facilities being allowed in R-4 zoning categories. Ms. Taranto was told that the Commission has generally accepted this type of use in the home industry category provided that the principal use is residential. However, the Commission asked that the Board allow the county attorney to give a legal opinion concerning this issue. Ms. Taranto said that she is concerned with property they own on Bay City Road. They understand that an adjacent neighbor plans to build boat storage and they are opposed to this. There was some discussion concerning this matter. Travis Stanley representing the other property owner said that as of today, no one has made application to build anything and when they do, they will adhere to all zoning codes and requirements.

(Tape 1-1799) Commissioner Mosconis asked that the Board readdress the GT Com request. Ms. Ward showed the Board exactly what was being proposed. There are four lots that GT Com wants to abandon and recreate two lots. Mary Lou Short spoke concerning this matter. The Commission was concerned with access if these lots were reconfigured and setting a precedent by reconfiguring these lots.

**BOARD OF ADJUSTMENT**

(Tape 1-1992) Ms. Ward told the Board that the Board of Adjustment met on September 21<sup>st</sup> with the following recommendations: The Board of Adjustment recommends approval of a request to construct a commercial building five feet into both side setback lines on property described as Lot 10, Block 9, Unit One West, St. George Island, as requested by Stacy DeBord, agent for Frederick White. Commissioner Creamer made a **motion to approve this variance request.** Commissioner Mosconis seconded the

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motion. All for. **MOTION CARRIED.** There was some discussion by the Board concerning how often these types of variances are requested. Mr. Shuler told the Board that since a lawsuit many years ago allowed the first "skinny minis" to be built, the Board of Adjustment has granted these types of variances because of the lot size.

**PUBLIC HEARING – AN ORDINANCE LEVYING AND IMPOSING A TOURIST DEVELOPMENT TAX; ADOPTING THE FRANKLIN COUNTY DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

(Tape 1-2232) Mr. Shuler told the Board that the public hearing today is to consider adopting the Tourist Development Ordinance and prior to today, the Board has adopted two other ordinances leading up to this final ordinance before the proposal goes to a referendum vote on the ballot. The Board created the Tourist Development Council, and this Council has prepared a two year plan which would impose a 2% tax.

(Tape 1-2337) Commissioner Mosconis asked that if the Tourist Development Council goes out and borrows money, and can't pay back these funds, who will be responsible. Curt Blair, Vice Chairman of the Tourist Development Council, explained that every year the TDC will be required to submit a budget, so there should be no indebtedness expected. If there was a request, the Board would have to approve this indebtedness. Mr. Blair reminded the Board that this ordinance presented has already gone through two public hearings and been given approval. He went on to discuss the TDC in detail.

Commissioner Mosconis asked if, in the future, they decide to do away with the TDC, how would they go about this. It was agreed this matter would have to go back to the voters.

(Tape 1-2786) Mr. Wade asked the Board to be aware that there needs to be administrative fees included. Mr. Blair told the Board that there is an administrative fee included up to 9% in the budget.

Commissioner Putnal made a **motion to approve the ordinance levying and imposing a Tourist Development Tax.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2877) Chairman Sanders said that Barbara Bonowicz, Director of Community and Government Affairs for Mediacom Communications will not come before the Board today, she called and cancelled her appearance.

(Tape 2903) Ms. Ward continued her report from the Board of Adjustment. She reported that the Board of Adjustment recommends approval of a request to construct a commercial building five feet into both side setback lines on property described as Lot 11, Block 9, Unit One West, St. George Island as requested by Stacy DeBord, agent for Frederick White. Commissioner Creamer made a **motion to approve this variance**



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**request.** Commissioner Mosconis seconded this motion. All for. **MOTION CARRIED.**

The Board of Adjustment recommends approval of a request to construct a commercial building five feet into both side setback lines on property described as Lot 12, Block 9, Unit One West, St. George Island, as requested by Stacy DeBord, agent for Frederick White. Commissioner Creamer made a **motion to approve this variance request.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2945) The Board of Adjustment recommends approval of a variance to place a septic system within the 75 ft. setback required by county ordinance. Lee Mullis, the property owner has agreed to build one house on Lot 10 and 11, Sandpiper Village, St. George Island. By consolidating the lots, he will be able to build his house to meet all county setbacks, but cannot meet the county setback for the septic system. The system he plans to use will be an engineered drip system, which the state allows to be placed closer to wetlands. This request was submitted by Larry Taylor, agent for Lee Mullis. Chairman Sanders asked whether it is possible there are lots in the county that are not buildable.

(Tape 1-3016) Larry Taylor, agent for Mr. Mullis appeared before the Board and told the Board that Mr. Mullis, had an environmental survey done before he bought the property which indicated that he could build two houses on these lots. After he purchased the property, the environmental survey changed. Mr. Mullis then applied for and received variances to build two houses on these two lots and was approved, however, he let these variances lapse without building. He went on to say that Mr. Mullis plans to build one house on these two lots which will be used for his personal use, it will not be a rental house.

(Tape 1-3116) Barbara Sanders spoke concerning this request. There are many environmental concerns when dealing with wetlands. There is a report out now that is telling people not to swim because of bacteria in the water. She is concerned with continuing to grant variances like this. She asked that if this variance is approved, that something be entered into the public records not allowing it to be rented.

(Tape 1-3270) Dan Tonsmeire, ABARK, spoke in opposition to granting these types of variance, because of the cumulative effect systems so close to wetlands can have on the environment.

Commissioner Mosconis asked if the applicant has a permit for the septic system. Mr. Taylor said that the Health Department has not yet issued the permit because of the county ordinance which requires a setback of 75 feet, however, if the variance is granted he would be able to get an HRS permit.

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Mr. Shuler, after explaining that the Board of Adjustment has typically not granted these types of variances, stated this is one of the reasons that the Board of County Commission decided to take over the final decisions on variance. Mr. Shuler recommended against approving this type of variance. Commissioner Mosconis said he felt this type of decision should be left up to the Health Department, as they issue permits for these systems.

(Tape 1-3571) David Brumbaugh, Environmental Health Director, Department of Health, appeared before the Board and basically told the Board that he would have to follow county ordinance, even though state requirements are less stringent concerning setbacks. There was some discussion concerning updating this ordinance.

(Tape 2-163) Commissioner Creamer made a **motion to deny this variance request.** Commissioner Mosconis seconded this motion. All for. **MOTION CARRIED.**

(Tape 1-173) Commissioner Mosconis made a **motion to ask David Brumbaugh to work with the Planning Department on revising this ordinance to make it more compatible with state requirements.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-196) Chairman Sanders asked that Mr. Brumbaugh keep the Board updated on what is going on concerning the bacteria counts and swimming. Mr. Brumbaugh told the Board that these warnings are more for the tourist beach environment and is more state wide. He explained the Healthy Beach program to the Board. Commissioner Creamer said he is concerned that this type of information is getting out to the public and is not for a specific site. He went on to say that these types of warnings do not relate to development, that it is strictly beach water monitoring. These high bacteria counts can be caused by wildlife.

(Tape 2-369) Ms. Ward continued with the report from the Board of Adjustment by telling the Board that the Board of Adjustment recommended denial of a request for a variance to construct an elevator tower two feet above the 35 ft. height limit set by county ordinance. The property is described as Lots 10-15, Block 6, Unit One West, St. George Island and requested by Walton H. Chancey & Associates, architects for One New Orleans Place, LLC. Commissioner Putnal made a **motion to deny this variance request.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-438) The Board of Adjustment recommends approval of a request for a variance to construct a metal storage building five feet into the side setback line on property described as Lot 30 and 31, Block A, Unit One, Lanark Beach. The applicant has spoken to his neighbor and the neighbor has no objections. Commissioner Creamer made a **motion to approve this variance request.** Commissioner Williams seconded this motion. All for. **MOTION CARRIED.**

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**MARK CURENTON – COUNTY PLANNER**

(Tape 2-476) Mr. Curenton reported to the Board that the Board of Adjustment still has two vacancies, one regular and one alternate seat. One member is also in very bad health and has not been able to attend for about nine months. He also needs to be replaced.

(Tape 2-492) One member of the Planning & Zoning Commission, Ms. Edna Hancock, has not attended a meeting since she was appointed in May. Chairman Sanders said that she would talk with Ms. Hancock to see if she is still interested in serving as there are others who have expressed an interest in serving.

(Tape 2-526) Mr. Curenton continued his report by telling the Board that the Department of Community Affairs has notified him that on September 10<sup>th</sup>, a supplemental order had been issued due to Hurricanes Charley and Frances that will delay the Objections, Recommendations and Comments Report on Franklin County's Comprehensive Plan until September 24<sup>th</sup>. He has given the Board copies of this.

(Tape 2-567) He reported that the Department of the Navy has informed him that the Naval Surface Warfare Center in Panama City will be preparing an Environmental Impact Statement to analyze and evaluate the potential impacts their activities will have in the area. There were suppose to be some public meetings last week, but he was sure they were cancelled because of Hurricane Ivan. He gave the Board a copy of the Notice.

(Tape 2-579) In regards to Hurricane Ivan, in the past, the Board has waived permit fees for people repairing storm damage after a major storm. There was not a lot of damage in Franklin County due to Ivan, but he has received some inquiries about storm damage. Commissioner Mosconis made a **motion to waive permit fees for a period of 60 days for storm damage.** Commissioner Creamer seconded this motion. All for. **MOTION CARRIED.**

(Tape 1-607) Mr. Curenton reported that Debbie Belcher, the CDBG Administrator is contacting appraisers trying to get quotes to conduct the necessary appraisals for the Lanark Village drainage easements. Mr. Curenton said that he has received a proposal from one appraiser. To speed the process along he needs Board approval to authorize Ms. Belcher and himself to select the lowest bid with the quickest turn around time. He has not heard any news about FEMA funding for the Lanark Village project. Commissioner Putnal made a **motion to authorize Mr. Curenton and Ms. Belcher to select the lowest appraisal bid to speed the process.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-639) Mr. Curenton gave the following update on the Alligator Point Renourishment Project. He asked the Board if they want to commit to use the Bald Point Trust Fund as match for the T-groin project that is being applied for. The trust fund has approximately \$522,000 at this time. The total match required of the County will be \$1,010,000 for the 2005/2006 budget year. The County does not have to decide right

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now where this extra match, either cash or in-kind services, will come from, but the Board does need to be aware that if the grant is funded the County will need to make provisions in the next budget to provide the match. Mike Dombrowski, the engineer working on designing the beach renourishment project is scheduled to make a presentation to the Alligator Point Tax Payers Association on October 9<sup>th</sup>, updating them on the project. There is one property owner who has contacted the Planning Office concerned about the effect the T-groins would have on her property.

Chairman Sanders asked that a letter be written to Colleen Castille, Secretary of DEP setting up a meeting between representatives of DEP and the county to see where the County stands as there is some confusion before the County commits to anything regarding this project. The County needs to see if there is any scientific proof that these T-groins are effective. Chairman Sanders asked that a copy of this letter be sent to the county's legislative delegation to see if they would like to attend the meeting.

Commissioner Creamer made a **motion to write a letter to DEP requesting a meeting concerning the T-groin project.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-783) Mr. Curenton asked for Board approval for the Chairman to sign the recertification form for the Community Rating System. This is the program that gives property owners in Franklin County a 10% reduction on their flood insurance premiums. Commissioner Creamer made a **motion to authorize the Chairman's signature on the recertification of the Community Rating System.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-793) Mr. Curenton asked the Board to approve the signing of the contract with TCA for signs and runway markings at the Apalachicola Airport, contingent upon approval by the county attorney. The contract is for \$123,664 and is funded 100% by a DOT grant. Commissioner Mosconis made a **motion to authorize the Chairman's signature on the TCA contract for signs and runway markings at the Apalachicola Airport.**

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

(Tape 2-818) Mr. James Earl appeared before the Board to discuss the Mediacom problem, but found that the Mediacom representative was not present. Chairman Sanders said that the representative was not present because most of the representatives have been sent down south because of the hurricanes. They will be coming back before the Board at a later date and it will be advertised.

**KENDALL WADE – CLERK**

(Tape 2-854) Mr. Wade reported that because it was not necessary to hire an extra temporary driver for mosquito control spraying during this fiscal year, the following budget amendment is requested to utilize the funds for other needs: DECREASE 140.41.541.4400 RENTALS & LEASES \$2,000, DECREASE 140.41.541.3400 OTHER

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CONTRACT SERVICES \$12,000, INCREASE 140.41.541.4600 REPAIR & MAINTENANCE \$3,000, INCREASE 140.41.541.5100 OFFICE SUPPLIES \$1,500, INCREASE 140.41.541.5300 ROAD MATERIALS & SUPPLIES \$9,500.

Commissioner Putnal made a **motion to approve these budget amendments.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

The second budget amendment requested was as follows: DECREASE 142.42.562.1300 TRUCK DRIVER SALARIES \$5,980, INCREASE 142.42.562.4600 REPAIR & MAINTENANCE \$3,000, INCREASE 142.42.562.5100 OFFICE SUPPLIES \$150, INCREASE 142.42.562.5220 PESTICIDES \$1,000, INCREASE 142.42.562.5200 OPERATING SUPPLIES \$1,830. Commissioner Putnal made a **motion to approve these budget amendments.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-904) Mr. Wade asked the Board to appoint the Clerk-Elect, Ms. Marcia Johnson to replace Mr. Wade as Chairman of the Disability Transportation Board effective January 1, 2005. Commissioner Putnal made a **motion to replace Mr. Kendall Wade with Clerk-Elect, Marcia Johnson as Chairman of the Disability Transportation Board effective January 1, 2005.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-972) Commissioner Mosconis excused himself from the Board as the Board proceeded to discuss the Airport Ditch property. Chairman Sanders told those present that this issue was first presented to the Board on June 21, 2004 concerning a ditch right-of-way that runs between property owned by Mr. Mosconis and Doris Pendelton. It appears that both property owners had incorporated a portion of this right of way into their property because of surveyor errors. After discussion, the Board agreed to have Lucy Turner, hire a surveyor to survey this property to settle exactly where the ditch right-of-way lays. Chairman Sanders asked both property owners what they want to do to remedy this situation. Nick Yonclas, representing Mr. Mosconis appeared before the Board and stated that Mr. Mosconis has submitted a letter to the Board basically saying that he is willing to accept the finds of the independent surveyor. In this letter, Mr. Mosconis explains that he is prepared to accept these findings and has submitted a revised plat for his subdivision. He is asking that the Board accept his revised plat at the September 21<sup>st</sup> board meeting because he has buyers prepared to close on this property. He has already submitted this revised plat to the Planning Department.

(Tape 2-1057) Jan Heiver appeared before the Board representing Don Ingram, the property owner who sold Ms. Pendelton her property. Mr. Heiver explained that at the time the property was sold he had a survey of the property as well as Title Insurance from Dodd Title Company. He wants this Board to understand that he based his sale on this survey.

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(Tape 2-1095) Chairman Sanders read the letter with recommendations from Lucy Turner. Basically the attorney recommends allowing Mr. Mosconis to replat his property to incorporate the accurate boundaries of his property as found by the independent surveyor. They also recommend Mr. & Mrs. Pendelton be allowed to purchase that part of the County property upon which they inadvertently built encroachments. They have proposed to purchase approximately 25 feet of this property at fair market value.

(Tape 2-1345) Mr. Pendelton appeared before the Board and said he does not agree with the finding of the attorney. He bought the property based on the survey and he wants to either be grandfathered-in or given a long term lease. He said 6 months is not enough time to remove all the encroachments. The Pendeltons asked if the County would simply allow the structures to remain with the understanding they do not own the property. The Pendelton's discussed how this situation has created a problem with providing access to where her daughter's house is located.

(Tape 2-1527) Don Ingram, the original property owner, asked the Board to consider simply allowing the Pendeltons to leave the structures on the property. This would also apply to Bobby Hill, another property owner who has property along this ditch right-of-way.

(Tape 2-1561) Mr. Mosconis suggested that Mr. Roddenberry buy the property for the Pendeltons as it is the surveyor's mistake.

The Board member discussed suggesting the surveyor pay for all costs incurred in this matter.

(Tape 2-1665) Michael Shuler, county attorney told the Board that it appears that all the parties present today are innocent. There are sections in Florida Statute that provide for the county to sell a parcel of land. He recommended the Board sell the property to the Pendeltons and Mr. Hill following sections in the Florida Statutes.

Chairman Sanders said that she is concerned that if this property survey is wrong. There are other parcels in this area that are wrong also. This could be a serious problem.

Commissioner Putnal asked if this would open the door for other people who live next to this ditch to expect the Board to sell county property. It was agreed there was no other property owners on this ditch. Commissioner Creamer made a **motion to sell 25 feet of the property along the ditch per Florida Statutes.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis abstained from the vote.

(Tape 2-1984) Mr. Yonclas asked the Board to allow Mr. Mosconis to go forward with revising his plat. Mr. Curenton said that the revised plat has been turned in to the Planning Office for their review. Commissioner Creamer made a **motion to approve the**

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revised plat of Indian Oaks Subdivision, contingent upon the county attorney.

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**  
Commissioner Mosconis abstained from the vote.

**MICHAEL SHULER – COUNTY ATTORNEY**

(Tape 2-2050) Concerning the TCA Electrical contract for the Apalachicola Airport concerning signs and runway markings, Mr. Shuler recommends that a contingency be included, the county obligation is only finding a funding source. Commissioner Creamer made a **motion to approve Chairman's signature on the TCA Electrical contract with the Apalachicola Airport with the added funding contingency.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2215) Concerning the contract for the St. George Island bike path, Mr. Shuler recommended the Chairman sign this contract with the provision that the indemnity clause be removed. Commissioner Creamer made a **motion to authorize the Chairman's signature on the bike path contract with the provision that the indemnity clause be removed.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2137) Mr. Shuler presented a letter from David Kennedy with Preble-Rish concerning the Pine Street low water crossing. The letter states that the drawings prepared by Thom Lewis appear to be satisfactory with the exception of the depth. Mr. Kennedy said that one foot depth should be sufficient. Mr. Shuler said he is satisfied with the settlement and asks that the Board authorize the Chairman's signature on the agreement with Thom Lewis. Commissioner Creamer made a **motion to authorize the Chairman's signature on the settlement agreement with Thom Lewis.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2177) Concerning the dump truck located on Timber Island Road, Mr. Shuler said his office is working with Shadetree Towing to have the vehicle removed.

(Tape 2-2189) Mr. Shuler reported he has sent the required notices to Mr. Burch concerning eviction of the property located next to the Courthouse Annex. It appears he has not yet moved.

(Tape 2-2201) Mr. Shuler reported that the depositions have been scheduled for the end of November for Alexis Marketing.

(Tape 2-2228) Mr. Shuler reported that the Board has been served with a lawsuit on a mortgage foreclosure. It is either a SHIP Mortgage or a tax lien against someone named Byrd. Mr. Shuler asked for Board approval to review this matter to respond if necessary. Commissioner Mosconis made a **motion to authorize Mr. Shuler to review this lawsuit and respond if necessary.** Commissioner Putnal seconded this motion. All for. **MOTION CARRIED.**

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(Tape 2-2252) Mr. Shuler reported he has placed the ad in the newspaper for the Emergency Management Director. Proposals will be consider at the next meeting at 10:00 a.m.

(Tape 2-2273) Concerning Lake Morality Road, Mr. Shuler said that the City of Carrabelle, Mayor Brown submitted an appraisal done by Northridge Appraisal. It appraises the total length of the road at \$175,000; however, this includes the property owned by Mr. Fowler. Commissioner Putnal said that he has spoken with the Mayor, and Mr. Fowler has agreed to come to Carrabelle to see the property and see if they can come up with a solution.

(Tape 2-2346) Mr. Ted Mosteller appeared before the Board with the results from the annual Airport inspection by FDOT. Mr. Mosteller told the Board that the airport was giggered very badly and the airport lease is in jeopardy. The problem is the vegetation growth next to and in the approaches of the named runways. Mr. Mosteller said it is his understanding that the Road Department now has the equipment to bush hog and chop the brush and equipment to cut the trees. He asked the Board for direction in this matter. Commissioner Mosconis made a **motion to have the Road Department assist in the cleanup of the vegetation around the runways.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2406) Mr. Mosteller reported that The Southern Avionics factory repair facility has declared the transmitter not economical to repair after lightning damage. The antenna coupler and other system infrastructure has been repaired and is awaiting the replacement matching transmitter. The county has received the insurance check and we now need to send a purchaser order for the SA-25 transmitter. Mr. Mosteller asked the Board to declare Southern Avionics as Sole Supplier (manufacturer) for the replacement transmitter for the NDB system. Commissioner Creamer made a **motion to declare Southern Avionics as Sole Supplier for the replacement transmitter for the NDB system.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2451) Mr. Mosteller reported that Larry Parker has left URS for another engineering firm and Joe Smith has taken over at the Chipley office.

The final item was for the Boards information; Progress Energy used the airport last week as a staging area for hurricane restoration. They had some 400 vehicles there at one time or the other.

(Tape 2-2465) Mr. Richard Greneau appeared before the Board concerning the boat ramp at Timber Island. He told the Board that he works as a volunteer keeping the boat ramp clean. He said the county is giving the money to the City of Carrabelle and he wanted to know where the money for the upkeep is going. On another matter, several years ago, he had an aerobic system installed, it has since cracked. He said there has been no maintenance done to this system. The Commissioners asked if he has reported this to the



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Health Department. He said he had not and was instructed to go to the Health Department with his complaint.

(Tape 2-2654) Randall Champion appeared before the Board. He is the owner of Coastal Building Supply in Eastpoint. He said that during the recent hurricane, he was told there was a truck on St. George Island selling plywood. At the time, he called the Sheriff's Department to see if they could stop him from selling this plywood. He contacted the State Attorney's Office to see if something could be done. Mr. Champion is concerned that someone could sell off the side of the road. He has 12 employees who have families and he wants guidance from the county to help stop this. There was some discussion concerning price gouging. Mr. Champion doesn't want to see this type of activity happening in Franklin County. He wants the county to adopt an ordinance governing vendors.

Mr. Shuler said there are statutes that deal with price gouging. Mr. Shuler was instructed to look into the matter to see if there is anything the Board can do.

(Tape 2-3228) Dan Tonsmier spoke to the Board concerning bacterial indicators which were discussed earlier in the meeting. He said these bacteria in high numbers can be harmful to humans.

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

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

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