

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MAY 5, 2009
9:00 AM**

MINUTES

Commissioners Present: Joseph Parrish – Chairman, Bevin Putnal – Vice Chairman, Cheryl Sanders, Noah Lockley, Pinki Jackel (via Telephone)

Others Present: Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Linda Phillips – Finance Clerk, Michael Moron – Board Secretary, Renee Stone – Deputy Clerk

Call to Order (9:04 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:04 AM)

A prayer was followed by the Pledge of Allegiance.

Proclamation (9:05 AM)

Alan Pierce presented a proclamation for Board approval, on behalf of Elizabeth Kirvin, a founding member of the Apalachicola Bay Charter School. Ms. Kirvin is in attendance and is requesting a proclamation to celebrate May 3 – 9, 2009 as Teacher Appreciation week and National Charter School week for Franklin County. Mr. Pierce read the proclamation to the Board.

Motion by Lockley, seconded by Sanders, to approve the proclamation stating May 3 – 9, 2009 Teacher Appreciation Week and National Charter School week; Motion carried 5-0.

Resolution (9:07 AM)

Mr. Pierce presents a resolution honoring the Philaco Women's Club of Apalachicola which is celebrating 100 years of association to the Florida Federation of Women's Clubs. Mrs. Joyce Estes, representing the Philaco Women's Club, addressed the Board. Mr. Pierce read the resolution to the Board.

Motion by Lockley, seconded by Sanders, to approve the Resolution honoring the Philaco Women's Club for 100 years of association with the Florida Federation of Women's Club and offering sincere thanks and appreciation for the civic and charitable services it has provided for Franklin County residents; Motion carried 5-0.

Mrs. Joyce Estes thanked the Board for supporting the Philaco Club throughout its years of service.

Commissioner Sanders informed the Board that May 3 – 9 is also County Government Week.

Payment of County Bills (9:09 am)

Motion by Putnal, seconded by Lockley, to approve the payment of the County's Bills as presented; Motion carried 5-0.

Approval of the Minutes – Regular Meetings: April 7, 2009 & April 21, 2009 (9:10 AM)

Motion by Sanders, seconded by Lockley, to approve the minutes from April 7, 2009 & April 21, 2009 regular meetings; Motion carried 5-0.

Ms. Dorothy Inman-Johnson – CAP Office – Available Stimulus Funding (9:10 AM)

Ms. Dorothy Inman Johnson, Executive Director of Capital Area Community Action Agency, thanked the Commission for supporting the CAP office, especially with providing office space that helps with the match that must be provided with local dollars. She advised that Franklin County will receive stimulus funding which will be used for job creation, retention, training and education, to assist Franklin County citizens during these hard economic times. Mrs. Inman-Johnson stated that Franklin County will also receive stimulus funding of about \$1.7 million for the weatherization program, through the CAP office. This funding will help residents by bringing housing up to efficiency standards, which will reduce utility bills, and is also meant to create more jobs in the community. Ms. Johnson discussed having projects "hammer and nail ready" before the funding is available, and that notices have been posted in the community and local newspapers requesting contractors who would like to be added to the current lists.

Ms. Johnson would like to partner with the SHIP program and explains what types of services the CAP agency can do versus what the SHIP program can do.

Ms. Johnson said that jobs are being created for a weatherization manager and coordinators in the counties where these programs are being implemented.

Commissioner Sanders thanked Ms. Johnson for making Franklin County aware of stimulus funding and for her "champion" efforts for helping people.

Alan Pierce told Ms. Johnson that he will inform the SHIP coordinator of the CAP agency's request to work in partnership on these projects.

Commissioner Lockley inquired about locations of CAP offices for those who need to apply for assistance. There are offices located at the old Health Department in Apalachicola and on 12th Street East in Carrabelle.

Ms. Johnson pointed out that this weatherization program is the only program that will do these measures on both rental housing, mobile home units and owner occupied housing. Commissioner Putnal agrees that the partnership of the SHIP and CAP programs will be beneficial to the county.

Chairman Parrish agrees with Commissioner Putnal and thanked Ms. Johnson for providing this information to the Board.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:22 AM)

Mr. Chipman congratulated his crew for the completion of quite a few projects outside of his department's normal schedule, which was possible because they worked so well together. Mr. Chipman stated that because it is time to start the grass mowing project, the size of his crew will be reduced. Chairman Parrish thanked Mr. Chipman and the road crew for the work being done.

Alan Pierce discussed a proposed contract with VMS which would require the Road Department to remove litter and mow the grass on Highway 98 in Eastpoint. Mr. Chipman said that he had no problem with the Board agreeing to this contract.

Motion by Putnal, seconded by Sanders, to approve the VMS contract that would require the Road Department to remove litter and mow the grass on Highway 98 in Eastpoint; Motion carried 5-0.

Commissioner Putnal asked about VMS previously hiring contractors to clean out ditches between Carrabelle and Lanark Village, because he doesn't want to get in the same situation that caused citizens to have to clean out the ditches themselves because of mosquito problems. Mr. Chipman said he believes the Department of Transportation takes care of those ditches. Commissioner Sanders discussed the fiber cloth that was left in these ditches by DOT that is keeping rain water from draining through the ditches.

Commissioner Sanders and Mr. Chipman discussed drainage issues with water backing up onto Highway 98 at Ell's Court in Carrabelle.

Commissioner Putnal mentioned a pond on County Road 30 in Carrabelle that is creating an ideal place for mosquitoes to breed and wanted to have the water removed from the pond. Commissioner Sanders recommended Mr. Pierce write a letter to VMS requesting to have ditches cleaned and fiber cloth removed which would allow the ditches to drain correctly and stop any mosquito issues.

Motion by Sanders, seconded by Putnal, to send a letter to VMS requesting to have ditches between Carrabelle and Lanark Village cleaned, which would include removing the fiber cloth; Motion carried 5-0.

Commissioners Sanders and Putnal commended the Road Department for their efforts, especially as they are shorthanded on employees.

Van Johnson – Solid Waste Director (9:27 AM)

Mr. Johnson presented the following items for discussion.

RECYCLING INITIATIVE:

FOR BOARD INFORMATION: A month ago, I met with Commissioner Jackel and Fred Genter from St. George Island to discuss ways to increase the awareness and percentage of people who recycle in the county.

We discussed the implementation of a beach recycling program where we install customized wood recycling bins with compartments for glass, aluminum, plastic, and trash. The bins will be located at the end of each dune walkovers on St. George Island, Alligator Point and at the Carrabelle Beach Wayside Park.

We also discussed implementing a buyback program where we start by buying back aluminum cans from the public and starting a education program aimed at increasing the awareness and important of recycling. We have funds available in the consolidated grant to start up the program. ACTION REQUESTED: None.

Mr. Johnson read the beach recycling initiative agreement.

ALLIGATOR POINT DUNE WALKOVERS:

FOR BOARD INFORMATION: The construction of the three dune walkovers at Alligator Point are 95% finished, the project should be 100% completed by the end of this week. ACTION REQUESTED: None.

QUOTE FOR BATTING CAGE, PICNIC PAVILION, AND BALL FIELD LIGHTING:

FOR BOARD INFORMATION: As requested by the Board, staff obtained the following quotes for the construction of batting cages at Kendrick Sports Complex in Carrabelle, a large picnic pavilion at Vrooman Park in Eastpoint, and ball field lighting at D.W. Wilson Sports Complex in Apalachicola. Total cost to construct all three projects: \$79,900.00.

BATTING CAGE	PICNIC PAVILION	BALL FIELD LIGHTING
<i>Fence Material - \$7,200</i>	<i>Concrete - \$1,500</i>	<i>Turn Key Bid Project - \$60,000</i>
<i>Concrete - \$2,500</i>	<i>Building Material - 2,600</i>	
<i>Labor to build the batting cage - 3,800</i>	<i>Roof Trusses - \$1,800</i>	
<i>Misc Supplies - \$200</i>	<i>Misc Supplies - \$300</i>	
TOTAL - \$13,700	TOTAL – \$6,200	TOTAL - \$60,000

ACTION REQUIRED: None.

Dan Rothwell – County Engineer (9:28 AM)

Mr. Rothwell presented the following items for Board discussion.

Item 1 - Linden Road and Peachtree Road Survey work:

The survey work is complete for east side of Peachtree Rd and west side of Linden Rd and construction drawings are being made, at an estimated value to Franklin County of \$1,500.00 for survey and \$3,000.00 for design and drawings.

Item 2 - E Gorrie @ E 5th St Topographic Survey:

Survey work for this intersection has been completed and construction drawings will be made, at an estimated value to Franklin County of \$1,500.00 for survey and \$3,000.00 for design and drawings.

Item 3 - W. 3rd St to Franklin Blvd on W. Gorrie Dr Topographic Survey:

Survey work for this intersection has been completed; design work and construction drawings will be made at an estimated value to Franklin County of \$3,500.00 for survey and \$10,000.00 for design and drawings.

Item 4 - Survey Weems Hospital Drainage Topographic Survey:

Survey Weems Hospital Drainage has been completed and design recommendations, construction drawings and bill of materials will be prepared for the Hospital, at an estimated value to Franklin County of \$1,500.00 for survey and \$6,000.00 for design and drawings.

Item 5 - Eastpoint Boat Ramp Project:

The ramp area has been dredged and the Tedder boat ramp has been installed. Other work is on going.

Item 6 - Squire Road Drainage Project:

The survey and construction had previously been prepared and the Road Department has removed, lowered and replace three driveways on Squire Road to help increase the drainage capacity of the south side of the road.

Mr. Rothwell also complimented the Road Department on work being done throughout the County.

Commissioner Putnal mentioned complaints that he is receiving about tall grass planted along Highway 98 at Woodill Road at Lighthouse Estates. This grass is causing an obstruction that doesn't properly allow drivers to view traffic conditions to the West of Woodill Road.

Commissioner Putnal is concerned that the grass obstruction might cause someone to have a serious accident.

Mr. Pierce said the owner planted the grass as a buffer but also as a butterfly attraction. He will contact VMS to be sure that this is not a traffic hazard.

Commissioner Sanders mentioned that there are residents of Alligator Point who have an autistic child and need traffic warning signs in the area of their home. The Commissioner requested that Mr. Rothwell and Mr. Chipman research the installation of proper signage for this area.

Andy Smith, of Apalachicola Bay and Riverkeepers (ABARK), requested that the Board direct Dan Rothwell to continue to work on an ongoing project at Indian Creek Park.

Pam Register-Brownell – Emergency Management Director (9:32 AM)

Mrs. Register-Brownell presented the following items for Board discussion.

Item 1 - Franklin County Emergency Management met with FEMA on April 15, 2009 to perform their preliminary damage assessment for Public Assistance and the county should be added on the declaration sometime next week.

Item 2 - Mike Rundel and I will be attending the 2009 Governor's Hurricane Conference May 10, 2009 through May 15, 2009 for training.

Item 3 - Franklin County Emergency Management meeting to discuss the flooding in the Tri-County Area on Wednesday, April 22, 2009 at 6:30 PM at the Wakulla County Senior Citizen Center in Crawfordville has gotten some results. See Attachments.

Mrs. Brownell informed the Board that Progress Energy is doing LIVEWIRE presentation at the Consolidated School today.

Mrs. Brownell informed the Board that Franklin County has received its presidential FEMA declaration. FEMA will be at the Emergency Operations Center on Wednesday, May 6, 2009 at 10:00 AM for an applicant briefing.

Mrs. Brownell said there are now reported cases of the Swine Flu in Florida and she gave a toll free number, 1-800-342-3557, to call about flu concerns.

Commissioner Lockley inquired as to whether Apalachicola Bay has been assessed for disaster relief and who assesses the damages.

Alan Pierce stated that the assessment for disaster relief should be included in the FEMA disaster request now that the County is eligible, and that the Department of Agriculture would probably do the difficult task of assessing the damages, but this item could be brought to the attention of FEMA for further instructions.

Commissioner Parrish mentioned that the request to modify the water level at Lake Talquin was not mentioned in an email he received concerning the meeting listed on Item 3 of Mrs. Brownell's report. Commissioner Sanders also mentioned that this topic was not discussed at the meeting and she did not receive any information pertaining to this topic.

Alan Pierce – Director of Administrative Services – Report

Item 5- Board direction following the Tri-County flooding meeting the Board had on April 22 in Crawfordville. At Commissioner Sander's request, I have called Ms. Mollie Palmer, Interim Chief of Staff at DEP, and informed her of the Board's intent on requesting the Dept. modify the lake level behind Talquin Dam to allow for greater storage capacity to buffer these heavy rains. I have also spoken to Liberty Co. Commissioner Stoutamire who said he thought Liberty County would support Franklin County if we sent them a copy of the letter. Commissioner Stoutamire also suggested the letter include a request that the Dam operators be more attentive to rain events and respond sooner since the lake has such limited storage capacity. Mr. Mike Rundel, Franklin Co. EM, has additional information so he could be asked to provide draft letter for Chairman's signature.

Commissioner Sanders supported sending a letter to DEP and Liberty County Board of County Commissioners.

Motion by Sanders, seconded by Lockley, directing Mr. Pierce to send a letter to the Department of Environmental Protection and the Liberty County Board of County Commissioners requesting modifications to the water levels of Lake Talquin; Motion carried 5-0.

Bill Mahan – County Extension Director (9:38 AM)

Bill Mahan was unable to attend meeting due to family illness, but ask the Chairman to discuss the following items with the Board.

Item 1 - Black Bear Letter (Board Action Requested) – At the last BCC Meeting , the Board requested that a letter be written to FL Fish & Wildlife and the FL Department of Transportation approving their request to install solar-powered, yellow caution light, bear crossing signs instead of the bear crossing signs with a bear's silhouette on them. The letter is written for your review, approval and the signature of the Chairman of the Board.

Chairman Parrish informed the Board that Mr. Mahan is still in the process of locating the proper person to send a letter requesting the new signage regarding Black Bear.

Item 2 - BCC Vv/Vp Update Response Workshop (Reminder) – The Board's Vv/Vp Workshop will be held on May 12th, at 6:00 – 8:00 PM at the Apalachicola Community Center. The following is the draft agenda for the workshop.

Mr. Mahan asked Chairman Parrish to remind the Board of the upcoming Vv/Vp workshop.

Alan Pierce – Director of Administrative Services – Report (9:39 AM)

Mr. Pierce presented the following items for board discussion and/or approval.

1- Board action to approve a Resolution of Appreciation to the Philaco Club for 100 years of affiliation with the Florida Federation of Women's Clubs.

This item was addressed earlier in the meeting.

2- Provide Board with copy of letter from Gov. Crist regarding assistance for Franklin County through the Stimulus package. The response does not contain any specifics. Commissioner Putnal had asked that a letter be sent.

3- Provide Board with copy of letter from Commissioner Bronson regarding shell planting in the Miles. The Commissioner said the Dept. appreciates the Board's input and is investigating the request. The letter also says the Dept. has sought Stimulus funds to enhance the re-shelling program.

Commissioner Sanders stated that she would like, in the future, to plan a public hearing for the purpose of determining how the County can help the Franklin County Seafood Workers Association (FCSWA) set up some type of trust fund through the Department of Agriculture. This trust fund would allow the seafood workers to have some type of assistance when emergency situations arise due to bay closures, etc.

Motion by Sanders, seconded by Lockley, to schedule a public hearing within the next month discuss the creation of a trust fund for the Franklin County Seafood Workers Association through the Department of Agriculture; Motion carried 5-0.

4- Board action to authorize the Chairman's signature on the Certificate of Participation for the Sheriff to apply for a \$436,000 Stimulus funded Byrne Justice Assistance Grant. I have informed the Sheriff's Finance Office that it will be the Board's desire that the Grant funds be used to reduce the Sheriff's dependence on local tax dollars where possible.

Motion by Lockley, seconded by Sanders, authorizing the Chairman's signature on the Certification of Participation for the Byrne Justice Assistance Grant; Motion carried 5-0.

5- Board direction following the Tri-County flooding meeting the Board had on April 22 in Crawfordville. At Commissioner Sander's request, I have called Ms. Mollie Palmer, Interim Chief of Staff at DEP, and informed her of the Board's intent on requesting the Dept. modify the lake level behind Talquin Dam to allow for greater storage capacity to buffer these heavy rains. I have also spoken to Liberty Co. Commissioner Stoutamire who said he thought Liberty County would support Franklin County if we sent them a copy of the letter. Commissioner Stoutamire also suggested the letter include a request that the Dam operators be more attentive to rain events and respond sooner since the lake has such limited storage capacity. Mr. Mike Rundel, Franklin Co. EM, has additional information so he could be asked to provide draft letter for Chairman's signature.

This item was addressed earlier in the meeting.

6- Inform Board that Franklin County's two dune restoration projects did make the U.S. Fish and Wildlife's list of possible projects for Stimulus funding. Prior to the arrangement with Governance, Mr. Seth Blitch, Research Reserve, had called me back in December and had given me one day to come up with proposed projects that the Fish and Wildlife would submit for funding. The two projects are rebuilding and replanting the dunes at Carrabelle Beach and at St. George Island County Park.

7- Inform the Board that the Planning Office has received a letter from a Mr. Chris Bates requesting the county buy his property on Alligator Point because he believes his property has been damaged by the county's actions to protect the road. Board action to turn this letter over to the County Attorney for response.

Motion by Sanders, seconded by Lockley, to forward this letter to Attorney Shuler for a recommendation; Motion carried 5-0.

8- Inform the Board that the state has signed the Lease for Franklin County to lease the Armory. The Board now has until Feb. 22, 2010 to submit a draft plan to the Division of State Lands for how the county intends to use the building. Since Parks and Rec is in the Building, and has a better idea of the types of uses that have historically been done at the Armory, Mark and I recommend that the Board direct Ms. Nikki Millender to write the Management Plan. We will assist here but she is more familiar with the building and its uses. Board direction.

Mr. Pierce stated that he didn't require any action at this time regarding this item.

9- On Friday, April 24, Mark and I were informed by Mr. Doug Haddaway that the legislature was proposed to radically cut the funding to FCT whereby the maximum award any county could get would be \$1,000,000. In developing our applications for the acquisition of St. George Island tract, we had presumed the maximum award would stay at \$6,000,000. Mr. Haddaway has spoken to Ms. Helen Spohrer about this reduction in funding. The reduction makes the acquisition so lengthy that Ms. Spohrer is not willing to entertain an offer this year. Mr. Haddaway has inquired with the owners of the other tracts the county was considering and all the owners have the same concern. The maximum potential award is not high enough to tie up waterfront property for an extended period of time.

Mr. Haddaway and Mark Curenton are pursuing another funding option and that is through the FWC and the National Coastal Wetlands Grant program.

Commissioner Putnal asked if these properties can be bought in phases.

Mr. Pierce said that the all of the waterfront property owners required all of the money for their property at the time of sale, not in installments, so the idea of purchasing the properties in phases would not be possible.

11- Update on Opportunity Florida meeting regarding their efforts to bring Stimulus funds to Northwest Florida. On April 23, I attended a meeting in Gulf County that was sponsored by Mr. Rick Marcum and Opportunity Florida. Mr. Marcum says Opportunity Florida is poised to assist the region with job creation. He passed out a one page form for every governmental entity if Gulf and Franklin County to use to propose ideas that Opportunity Florida would use to seek Stimulus funds. I have already provided the forms to the City of Apalachicola and Carrabelle.

Mr. Marcum wants them back to him by May 15th. Based on the level of detail provided, Opportunity Florida is just beginning to understand the Stimulus package. Any ideas the Board has please let me know.

12- Mr. Ronnie Page would like permission to place a repeater on the county tower at the old Highway Patrol station in Eastpoint. This repeater would be used by ham radio operators. Board action contingent upon the Sheriff agree that the repeater will not interfere with Sheriff's communication. Board action.

Commissioner Sanders recommended allowing this repeater to be placed on the county tower. Commissioner Putnal expressed concerns of this repeater interfering with Sheriff Department radio signals but has been assured that it will not.

Mr. Page informed the Board that he has already discussed this matter with the Amateur Radio Service to be sure this wouldn't interfere with their frequencies and has concluded that it will not. He also reassures the Board that this will be at no cost to the County. The Amateur Radio Service will pay the cost to have installed.

Commissioner Sanders recommends that Attorney Shuler research the legalities of placing this repeater on the county tower.

Attorney Shuler agrees to get together with Mr. Page to discuss a contract for lease.

Motion by Sanders, seconded by Putnal, to authorize Mr. Page to place a repeater on the county tower, contingent on the Sheriff's approval and upon the execution of a lease that will be created by Attorney Shuler; Motion carried 5-0.

13- Mr. Clay Kennedy, Preble-Rish, is here to recommend the Board award the low bid for the county road paving contract to C. W. Roberts. Board action. Mr. Kennedy is not in attendance.

Chairman Parrish asked Mr. Pierce to inform Mr. Kennedy that he wants the Bluff Road Boat Ramp project completed. The project was halted due to the high river elevation.

Motion by Lockley, seconded by Putnal, to award the paving bid to C. W. Roberts as recommended by Preble-Rish; Motion carried 5-0.

14- Hospital update.

A) Inform the Board that C.W. Roberts has provided the fill for the Carrabelle Clinic and it is in place.

B) Inform Board that sales tax revenues for 2008 are now completely reported. The county had estimated \$1.5M, and the actual number was \$1.44M, so the revenue was only \$60,000 short of the estimate, which is pretty good considering the state of the economy.

C) The Hospital Building Committee has had its first meeting with CRA, the architects designing the Carrabelle Clinic. CRA has recommended the Construction Manager At Risk approach to building the Clinic. This is the approach the County used in the renovations of the courthouse, and it provides for more flexibility in the owner being involved with the design, and it makes the contractor responsible for keeping the project within the budget. In the initial meeting, the discussion is to have 5 exam rooms, 1 procedure room, 2 Doctor's offices, nurses' station, and reception area. TMH has offered to provide at no charge the TMH design person to assist the Building Committee in meeting the needs of the community and the doctors.

Public Hearing – Small Scale Land Use and Re-Zoning (9:52 AM)

Alan Pierce presented and discussed the Small Scale Land Use and Re-Zoning requests.

Parcel (1) A 10 acre parcel lying in Section 30, Township 5 South, Range 7 West, north of Eastpoint, Franklin County, Florida, as shown on the attached map, be changed from Rural Residential to Residential.

Motion by Lockley, seconded by Putnal, to approve the land use change from Rural Residential to Residential; Motion carried 5-0.

Parcel (1) A 10 acre parcel lying in Section 30, Township 5 South, Range 7 West, north of Eastpoint, Franklin County, Florida, as shown on the attached map, be changed from R-6 Rural Residential to R-3 Single Family Estate Residential.

Motion by Lockley, seconded by Putnal, to approve the zoning change from Rural Residential R-6 to Residential R-3; Motion carried 5-0.

Parcel (2) A 10 acre parcel in Section 30, Township 5 South, Range 7 West, north of Eastpoint, Franklin County, Florida, as shown on the attached map, to be changed from Rural Residential to Residential.

Motion by Putnal, seconded by Lockley, to approve the land use change from Rural Residential to Residential; Motion carried 5-0.

Parcel (2) A 10 acre parcel in Section 30, Township 5 South, Range 7 West, north of Eastpoint, Franklin County, Florida, as shown on the attached map, to be changed from R-6 Rural Residential to R-3 Single Family Estate Residential.

Motion by Putnal, seconded by Sanders, to approve the zoning change from Rural Residential R-6 to Residential R-3; Motion carried 5-0.

Parcel (3) A 10 acre parcel in Section 10, Township 8 South, Range 7 West, north of Eastpoint on Blounts Bay, Franklin County, Florida, as shown on the attached map, to be changed from Agricultural to Residential.

Motion by Lockley, seconded by Putnal, to approve the land use change from Agriculture to Residential; Motion carried 5-0.

Parcel (3) A 10 acre parcel in Section 10, Township 8 South, Range 7 West, north of Eastpoint on Blounts Bay, Franklin County, Florida, as shown on the attached map, to be changed from A-2 Agricultural to R-3 Single Family Estate Residential.

Motion by Putnal, seconded by Lockley, to approve the zoning change from Agriculture A-2 to Residential R3; Motion carried 5-0.

Parcel 4:

Parcel (4) A 10 acre parcel lying in Section 10, Township 8 South, Range 7 West, north of Eastpoint on Blounts Bay, Franklin County, Florida, as shown on the attached map, to be changed from Agricultural to Residential.

Commissioner Putnal asked if this property will be a gated community and if so, will it block access to adjacent property.

Attorney Pat Floyd, representing the property owner, says to the best of his knowledge he doesn't think it will be a gated community and that the adjacent property owner will have access to their property.

Commissioner Putnal wanted to be sure that no one will block access to adjacent property owners.

Motion by Lockley, seconded by Putnal, to approve the land use change from Agriculture to Residential; Motion carried 5-0.

Parcel (4) A 10 acre parcel lying in Section 10, Township 8 South, Range 7 West, north of Eastpoint on Blounts Bay, Franklin County, Florida, as shown on the attached map, to be changed from A-2 Agricultural to R-3 Single Family Estate Residential.

Motion by Sanders, seconded by Lockley; to approve the zoning change from Agriculture A-2 to Residential R-3; Motion carried 5-0.

Parcel (5) A 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, north of Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from Agricultural to Rural Residential.

Motion by Sanders, seconded by Putnal, to approve the land use change from Agriculture to Residential; Motion carried 5-0.

Parcel (5) A 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, north of Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from A-2 Agricultural to R-6 Rural Residential

Motion by Sanders, seconded by Putnal, to approve the zoning change from Agriculture A-2 to Residential R-6; Motion carried 5-0.

Parcel (6) A 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, north of Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from Agricultural to Rural Residential.

Motion by Sanders, seconded by Putnal, to approve the land use change from Agriculture to Residential; Motion carried 5-0.

Parcel (6) A 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, north of Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from A-2 Agricultural to R-6 Rural Residential.

Motion by Sanders, seconded by Lockley, to approve the zoning change from Agriculture A-2 to Residential R-6; Motion carried 5-0.

Parcel (7) Lots 10, 12, and 20, Block 14, Gulf Colony Subdivision, Franklin County, Florida, as shown on the attached map, to be changed from R-1 Single Family Residential to R-4 Single Family Home Industry.

Darren Guillotte stated that he submitted this zoning change request to provide a place for his children to have mobile homes next to his. Mr. Guillotte explained that there are other lots in the area with mobile homes on them, and that he wants his children to be able to have starter homes as they are still in college and cannot to afford property in the County. Attorney Kristy Branch Banks, representing Dan Rothwell, who is an adjacent property owner submitted and read the following statement.

May 5, 2009 Franklin County Commission - consideration of request for rezoning Lots 10, 12, and 20, Block 14, Gulf Colony from R-1 single family residential to R-4 single family home industry - Darren & Deborah Guillotte and Debbie Faircloth, applicants. Kristy Branch Banks retained by Daniel Rothwell, adjacent landowner, in opposition to the proposed rezoning.

In Opening:

For the Commission, the question of rezoning is twofold: (1) whether the request is in accord with the county comprehensive plan; and (2) can the request for change be accommodated while protecting the neighbors from undue harm.

(1) Whether the request is in accord with the county comprehensive plan;

In review of the Franklin County Comprehensive plan...the following should be considered in evaluation of this request for rezoning:

Housing goal of the plan provides under Housing Objective #2: the land use and zoning maps shall be reviewed to make sure there is enough suitability classified land for very low, low and moderate income residential development. It shall also include adequate sites for very low, low and moderate income mobile homes as addressed in Objective 3 and its supporting policies. Affordable housing will be distributed equitably throughout the County using strategies which include density bonus programs, establishment of a local community land trust to help develop ways to protect equity and appreciation for affordable housing homeowners but nevertheless insure that affordable homes remain affordable.

Under Housing Objective #3, which recognizes the need for mobile home sites, Policy 3.1 provides that: the land use and zoning maps shall be reviewed to make sure there is enough suitably classified land to contain at least 993 mobile homes by the year 2020.

Florida Statute 163.3194 provides: once a comprehensive plan has been adopted in conformity with the guidelines set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 of Florida Statutes, all future development undertaken by responsible governing bodies is required to be "consistent" with the plan.

ABSOLUTELY no section of the Housing goal of the Franklin County comprehensive plan recognizes SPOT ZONING as an appropriate means to make provision for mobile home sites. The vice of "spot zoning" lies in the fact that it singles out for special treatment a lot or a small area in a way that does not further the original comprehensive plan goals. Action by a zoning authority which gives to a single lot or a small area privileges which are not extended to other land in the vicinity is in general against sound public policy and obnoxious to the law. It can be justified only when it is done in furtherance of a general plan properly adopted for and designed to serve the best interests of the community as a whole. Provisions for affordable housing and mobile home sites have already been allocated in the County comprehensive plan as itemized above and the proposed zoning change would create a use not contemplated at the time the property was originally zoned R-1.

The Comp plan must be reviewed in coordination with the Zoning Ordinance...

The most important parts of any zoning ordinance are the zoning map and the applicable zoning district regulations. The Franklin County zoning Ordinance developed in accordance with the

Franklin County Comprehensive Plan specifically includes within its "Purpose" "to encourage the **most appropriate use of land; and to conserve and stabilize the value of property.**" This language creates the presumption that the R-1 zoning currently in place is applied because it is the most appropriate use of the land and will best conserve and stabilize the value of property. Therefore, it is appropriate, if not incumbent upon the commission; to consider whether the proposed use will adversely affect the value of adjacent property.....Mr. Rothwell acquired his property in July 2006 at a time when property values had reached their peak. He did so after careful inspection of the property and verification of the applicable zoning of the area to assure him that he had a reasonable expectation that the quality of the homes in the properties adjacent to his new home would continue to be that as required by R-1 zoning and exclusive of mobile homes. Had he, and others, realized that they were at risk for "spot zoning," perhaps they would have thought twice about making the purchase. At a time when real property values have plummeted with no true sense of reaching the "bottom," does the county really wish to take such action as to affect property values and create a sense of insecurity in R-1 property owner's expectations of continued value based on the absence of a mobile home and/or R-4 uses adjacent to their R-1 property? The area has grown tremendously and the property values have risen and plummeted several times over the past few years, but I believe that the county has progressed much in the area of responsible planning and just because there was a single exception made almost two decades ago, does not make it prudent to grant the same exception in current times.

In support, I offer Florida Case Law admonishing spot zoning:

Spot Zoning is usually thought of as giving preferential treatment to one parcel at the expense of the zoning scheme as a whole. Moreover, the term is generally applied to the rezoning of only one or a few lots.

In characterizing the elements of spot zoning, a spot zoning challenge typically involves the examination of the detriment to the immediate neighborhood.

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain a future land use map and goals, policies, and measurable objectives to guide future land use decisions. As I referenced earlier, Franklin County's plan does provide for allocating specific numbers of mobile home sites, but does not do so on a spot zoning basis.

(2) Can the request for change be accommodated while protecting the neighbors from undue harm to evaluate this element; you must look to the effect on property values and permissible uses:

Valuation issues / ascetics:

Substantial evidence to support the ultimate conclusion of the Board that the use of the property as MH would adversely affect the value of adjacent properties.

Property Values: (exhibit A)

Permissible Uses Difference between R-1 & R-4:

R-4 allows the following accessory uses, among other things:

1. Storage of non-nuisance equipment such as fishing boats, nets and trailers provided such equipment is owned and operated by the resident of the parcel upon which it is stored;
2. Professional services businesses;
3. Boat and small engine repairs, diesel engine repair and repair of other fishing or seafood related equipment;
4. Cottage industries....?
5. Uses to be determined by the P&Z Commission to be similar to the above.

R-1 surrounding owners did not purchase their lots and pay the premium price that was paid in order to have one of several of the above permitted uses allowed adjacent to their R-1 lot.

Lot 10 has been completely cleared. Normally, it is preferred to clear a lot in preparation of a home site while leaving some landscaping, shrubbery, or other vegetation in place for aesthetic quality. Petitioners stated at the P&Z meeting that their intention was to have the home site available for a mobile home for their child who would be graduating in a year and a half why has the lot been completely cleared? Why not request R-2? R-4 uses are not desirable and will have a detrimental effect on my client and the other adjacent landowners.

P&Z action:

The County Planning and Zoning Commission reviewed the proposed request for rezoning from R-1 to R4 on February 10th and the motion to approve was declined by a majority of the committee – among those disapproving were members who have insight and credentials that enable them to have an appreciation for the valuation principle and effect that the proposed change would have on adjacent property owners.

Does granting the request accomplish a legitimate public purpose?

This request **should not** be confused with the notion of affordable housing. There are property sites available in the Gulf Colony subdivision that is already zoned for mobile homes. This request should be considered and evaluated for what it really is, a request for spot zoning.

*I remind you that the Franklin County zoning Ordinance developed in accordance with the Franklin County Comprehensive Plan specifically defines its "Purpose" "to encourage the **most appropriate use of land**; and **to conserve and stabilize the value of property.**" It doesn't take a lawyer, an appraiser, or a real estate expert to realize that mobile homes and R-4 uses adjacent to R-1 lots, lowers the value of the R-1 residential lots and, arguably, the quality of life associated with the restriction of activities allowed in R-1 zoning as opposed to R-4 zoning.*

On behalf of my client and the many other area property owners opposed to the request for rezoning from R-1 to R-4, I respectfully ask this board to give considerable thought to the information that I have presented and to vote in denial of this request for rezoning. Thank you for your time and attention.

Attorney Nick Yonclas, representing Chris Varnes and Ralph Varnes, said that he echoes the statement of Ms. Banks and also opposes the re-zoning request. He also clarified, for the record, that there are 3 lots instead of 4 to consider for re-zoning. Mr. Yonclas said that he doesn't believe that the Board should be adopting a policy to approve such a request and asked that the Board follow Planning and Zoning's recommendation to deny this request. Commissioner Putnal asked why there are mobile homes already established in the area. Mr. Pierce replied that this has been in place for the past 20 years, which was probably grandfathered in at the time that the zoning rules and regulations were created. Commissioner Sanders recommends upholding denial by Planning and Zoning.

Motion by Sanders, seconded by Putnal, to deny this request for a zoning change from R-1 Single Family Residential to R-4 Single Family Home Industry; Motion carried 5-0.

Attorney Shuler requested Board action to amend the agenda and add the St. James Island overlay map to the Public Hearing.

Motion by Sanders, seconded by Lockley; to amend the agenda and add a public Hearing to discuss the removal of the St. James Bay Island overlay map; Motion carried 5-0.

Recess (10:32 AM)

Chairman Parrish called for a recess.

Reconvene (10:49 AM)

Chairman Parrish reconvened the meeting.

Public Hearing – EAR Based Amendments and Rescinding of 2 St. Joe FLUM Amendments (10:49 AM)

FLUM 1

Alan Pierce presented the first of two maps that displayed a track of land, owned by the St. Joe Company, which permitted Conservation Residential land use. The other track of land permitted Rural Village land use. The two proposed Ordinances, before the Board today, will change these two properties back to Agricultural land use.

Mr. Pierce read the proposed ordinance.

Commissioner Putnal asked if this amendment includes the Summer Camp project. Mr. Pierce stated that this ordinance doesn't affect the Summer Camp project. Commissioner Putnal was in favor of the County monitoring what development was actually needed in the County.

Commissioner Putnal and Commissioner Sanders discussed this issue further and Commissioner Sanders thought it was important for the Board to act on this matter now while the opportunity was still available.

Chairman Parrish opened the floor for public comments.

Attorney Doug Hall, representing the St. Joe Company, presented arguments on why this Ordinance should not be implemented.

Mr. Hall brought the following issues to the attention of the Board.

- 1) The public hearing was advertised as a comprehensive plan amendment. He said the statute doesn't provide for this type of hearing to adopt an ordinance amending the comprehensive plan without proper advertising and two public hearings.
- 2) This matter is in litigation and there is a case pending. He questions whether or not the County has authority to alter the statutory process and legal proceedings. Mr. Hall said the St. Joe Company is a party to the proceeding and has not consented to this type of action being taken outside of the legal process.
- 3) Mr. Hall addressed the memo submitted by Apalachicola Bay and Riverkeepers addressing this estoppel issue. He argues that you cannot have an estoppel based on a land use designation re-zoning. He went on to explain what an estoppel entails.

Mr. Hall urged that the Board not adopt this ordinance and at the very least table it so that both parties can look at these issues in more detail. He fears that proceeding with this ordinance will put both parties into protracted litigation and doesn't believe that will be in the best interest of either party.

Andy Smith, Apalachicola Bay and Riverkeepers (ABARK), informed the Board that Attorney Shuler and Alan Pierce have had extensive discussions with the Department of Community Affairs about the proper process to enact the Commission's will to repeal these land use categories. Mr. Smith said they are following the rules given to them by the Department of Community Affairs for this rescission. He said the parties to the litigation have the right, as all parties in litigation, to settle out another way to resolve the issues before them, besides litigation. He said that the County can decide to change their mind at any time.

Mr. Smith further explained the County's position and said that ABARK believes the County is doing the right thing in adopting this ordinance. He said that the population trends are not showing a need to create additional land use availability that current land uses would offer.

Mr. Smith gave Attorney Shuler copies of an article about recent population trends.

Attorney Shuler forwarded articles to the Clerk.

Mr. Smith assured the Board that ABARK thinks there isn't any liability to the County for the action being taken today.

Motion by Sanders, seconded by Lockley, to approve the ordinance amending the Franklin County comprehensive plan to change the permitted land use on 2500 acres of land located from Cow Creek to Ochlocknee Bay from Conservation Residential to Agricultural and deleting Land Use Policy 2.2(M); Motion carried 5-0.

FLUM 2, Rural Village

Mr. Pierce presented the second map that displayed the 1704.3 acres, owned by the St. Joe Company, which will be changed from Rural Village back to Agricultural.

Commissioner Sanders asked Mr. Pierce to clarify that this proposed ordinance is basically the same as the previous one and Mr. Pierce stated that it was and did not read the complete ordinance.

Commissioner Putnal expressed concerns about dealing with other St. Joe Company projects and including affordable housing components with those developments.

Attorney Shuler stated that Attorney Hall was not in opposition of Mr. Pierce not reading the entire ordinance.

Attorney Shuler was not opposed to Mr. Pierce not reading the entire ordinance.

Chairman Parrish opened the floor for public comment.

Attorney Doug Hall, representing the St. Joe Company, reiterated his objections to this ordinance as he did to the previous one.

Andy Smith, ABARK, also reiterated his points in favor of this ordinance as he did with the previous one.

Motion by Sanders, seconded by Lockley, to approve the ordinance amending the Franklin County comprehensive plan to change the permitted land use on 1704.3 acres of land located around McIntyre from Rural Village to Agricultural and deleting Land Use Policy 2.2(L); Motion carried 5-0.

Commissioner Sanders asked Mr. Pierce exactly how many acres are being rescinded back to a land use from Conservation Residential and Rural Village to Agricultural; Mr. Pierce stated that it is approximately 4,200 acres.

Commissioner Putnal inquired as to how many units this includes; Mr. Pierce estimates that it is approximately 800 to 1,000 Units.

Commissioner Lockley asked Mr. Pierce when Carrabelle East and Marina Village FLUM amendments will be available for public hearing. Mr. Pierce replied that staff is working with the Department of Community Affairs on the procedures to address these FLUMs.

Attorney Shuler recommends that the Board to authorize staff to begin the process of amending Carrabelle East & Marina Village FLUMs later on in the meeting.

Mr. Pierce estimated that these public hearing will be scheduled within the next 30 – 45 days.

Public Hearing - St. James Island Overlay Map (11:14 AM)

Mr. Pierce read the Resolution removing the Overlay, presented Appendix G and the Overlay Map. This applies to all of St. James Island from Carrabelle River East.

Commissioner Putnal asked if Summer Camp is included in this Overlay Map.

Mr. Pierce stated that it was, but since Summer Camp project was approved before the Overlay was approved, the legal standing of Summer Camp will not change.

Attorney Shuler assured Commissioner Putnal that no action taken by the Board this morning will have any effect on Summer Camp because it was enacted as a separate planned urban development ordinance.

Chairman Parrish opened the floor for public comment.

Andy Smith, ABARK, agreed with the County's decision to move forward with this Overlay.

Attorney Doug Hall, representing the St. Joe Company, objected to making a decision of action on this overlay today because he said that it has not been properly advertised or noticed.

Attorney Shuler stated that the Board is following the proper process based on discussions with the Department of Community Affairs.

Motion by Sanders, seconded by Lockley, to approve the resolution removing the St. James Island overlay from Appendix G of the technical data and analysis of the Franklin County comprehensive plan; Motion carried 5-0.

Public Hearing - Evaluation Appraisal Report (EAR) Based Amendments (11:21 AM)

Alan Pierce presented maps that indicated the 5 publicly owned parcels that would be rezoned to Recreational District P-2.

Mr. Pierce recommended approval of EAR updates and changing land use that deal with County and public owned land to recreation zoning.

The 5 Parcels are as follows:

Parcel 1 - Change 4,859.33 acres of Bald Point State Park in Townships 6 & 7 South, Ranges 1 & 2 West, as shown in the attached map, from C-2 Commercial Business, R-1 Single Family Residential, R-6 Rural Residential and A-2 Agricultural to P-2 Recreational District.

Parcel 2 - Change 89 acres of Kendrick Sports Complex, located at 1601 Ken Cope Avenue, Carrabelle, as shown in the attached map, from R-5 Multi-Family Residential to P-2 Recreational District.

Parcel 3 - Change 5.09 acres of Indian Creek Park, located at 93 North Bay Shore Drive, Eastpoint, as shown in the attached map, from C-3 Commercial Recreational to P-2 Recreational District.

Parcel 4 - Change approximately 5.05 acres of St. George Island County Park, located at 2 East Gulf Beach Drive, St. George Island, as shown on the attached map, from C-2 Commercial Business to P-2 Recreational District.

Parcel 5 - Change approximately 15 acres of D. W. Wilson Park, located at 100 Gibson Road, as shown on the attached map, from R-4 Single Family Home Industry to P-2 Recreational District.

Mr. Pierce stated that besides these changes, he is also submitting text changes for the EAR, which has been approved by ABARK. Mr. Pierce stated that all of these changes are consistent with the needs of the community and recommends that the Board approve these EAR updates and future land use map change.

Mr. Pierce explained to Commissioner Putnal that the County waited until after the purchase of these parcels were complete before submitting the land use and zoning changes which can only be done twice a year, and how these changes will affect the County's land use map overall. Commissioner Sanders added that there is now new Legislation that requires this action.

Mr. Pierce stated that there are 8 Key Items that will be added to the Comprehensive Plan. Chairman Parrish opened the floor for public comments.

Andy Smith, of ABARK, recommended adding these 8 items to the Comprehensive Plan, and thanked the County staff for working with ABARK on this project.

Chairman Parrish noted that these key items were not included previously in the Comprehensive Plan and recommended adding them now.

Mr. Pierce stated the 8 Key Items.

Motion by Lockley, seconded by Sanders, to approve an ordinance that would implement changes recommended in the Evaluation and Appraisal Report (EAR) which amends the Franklin County Comprehensive Plan to change the Future Land Use Element, the Traffic Circulation Element, the Housing Element, the Infrastructure Element, the Coastal/Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, and the Capital Improvements Element and to adopt a new Hurricane Evacuation Route Map and a Wildlife Hazard Level of Concern Map; Motion carried 5-0.

Motion by Putnal, seconded by Lockley, to approve an ordinance amending the Franklin County Comprehensive Plan to change the permitted land use on five separate parcels of publicly owned recreational land in Franklin County; Motion carried 5-0.

Motion by Putnal, seconded by Lockley, to approve an ordinance rezoning five parcels of land in Franklin County, which are all public parks, to Recreational District P-2 to conform to the Land Use Map; Motion carried 5-0.

Motion by Sanders, seconded by Lockley, directing Attorney Shuler to start the proceedings for the removal of Carrabelle East and Marina Village FLUM and to seek additional counsel for assistance; Motion carried 5-0.

Commissioner Sanders thanked County Staff for the work that was put into these projects.

Commissioner Putnal wants the best interest of the County to always be considered when making decisions regarding future projects.

Attorney Shuler discussed procedures to follow for the next public hearings.

Alan Pierce – Director of Administrative Services – Report (Continued) 11:32 AM

10- Airport Update. Mr. Mosteller, Airport Advisory Chairman, has been continuing to work on clarifying the process and opportunities for the Board to purchase land from DSW for the protection zone at the end of one of the runways. Mr. Mosteller has acquired two documents to that end.

A) An appraisal dated April 15, 2009 for the original 21 acres of land.

B) A request that the Board approve a Pre-application for a second phase of land acquisition with up to \$263,000 involved.

If the Board moves forward with the land acquisition of the original 21 acres it will need to sign a revised JPA for the hanger to reduce the hanger budget by \$10,458 so that the county will have no local expense in the land purchase. Mr. Mosteller should be in attendance with a representative from DOT, but I understand that if DOT did not support the land acquisition and its price, and the reduction in the hanger budget, then DOT would not have authorized and sent to the county a revised JPA for that very purpose.

Ted Mosteller, Airport Advisory Chairman, appeared before the Board to discuss plans for the purchase of land at the airport.

Al Mirabella, of the Airport Advisory Committee, was also present.

Commissioner Lockley questioned how the proposed reduction in the project funds would affect the proposed new airport hangar. Mr. Mosteller explained that because DOT doesn't have the funds available before the grant deadline, DOT will borrow the \$10,458 from the hangar project and return the funds, along with additional funding, to that hangar project in 2010.

Commissioner Putnal stated that he received complaints asking why these funds couldn't be used to purchase waterfront property, so he explained that these are Federal funds, not County funds that were earmarked for this purchase, and would be returned to the Federal Government if not used for that exact purpose.

Commissioner Sanders wanted to inform Attorney Shuler that she had been contacted by a former Commissioner who is in favor of this land purchase and wasn't sure if any ethical or sunshine laws were violated, so she asked Attorney Shuler to research this matter further to see if any further action was necessary. Attorney Shuler said he would research this matter, and send the Commissioners a memo based on his findings, but didn't think that any rules or regulations were violated.

Mr. Mosteller reviewed, and presented to the Board, the different appraisals he received on this parcel.

Commissioner Jackel expressed her disappointment in the quality of the most recent appraisal done on this property and asked if there was an access road to this property, as one was not indicated in the contract, and she is very concerned about access.

Attorney Shuler stated that the Board has not agreed to the purchase so there is no contract for purchase as yet and no documentation stating anything about property access but he thought that there is a 25 foot road that was dedicated back in the 1920's, named Mitchell Road in the Southland Subdivision for access but it has not yet been constructed.

Commissioner Jackel stated that if this is the case, the appraiser made an error on page 8 of the proposed appraisal. Commissioner Jackel stated that she did not like the comparable sales that were used for this appraisal, as she has done no less than 1,000 appraisals during her career, and recommended that the Board have the appraiser at the next meeting to address some of her concerns regarding the appraisal.

Mr. Mosteller told Commissioner Jackel that the first appraisal fee was \$4,500, the review appraisal was \$2,200, the current appraisal was \$3,800 and there is no review appraisal on the current appraisal.

Commissioner Jackel said she is in opposition to the purchase of this property based on the appraisal that was presented.

Mr. Mosteller stated that the appraisal company in question is Steven R. Griffith of Bell Griffith and Associates Inc. who are located in Tallahassee.

Bobby Miller, of Apalachicola, didn't think that the Board should oppose this land purchase since Federal funds would be used, and the funds would be returned to the Federal Government if not used for the purchase.

Commissioner Sanders said that she had a recent conversation with the property owner and he is willing to negotiate the selling price with the County and inquired as to whether Mr. Mosteller had entered into any negotiations with the seller.

Mr. Mosteller stated that the last negotiated price was \$9,800 and the Department of Transportation agreed that this was a fair price.

Commissioner Lockley stated that he is in favor of the purchase and doesn't understand what the issue is.

Mr. Mosteller reminded the Board that the airport is on "borrowed time" to get this grant approved.

Motion by Lockley, seconded by Putnal, to approve purchase of property from DSW for a protection zone at the end of the runway; Motion failed 2-2, Jackel and Sanders opposed, Parrish abstained.

Mr. Pierce requested no further action on the JPA and there will be no transfer of funds from the hangar project to the land acquisition purchase.

Marcia M. Johnson Clerk of Courts – Report (11:52 AM)

Mrs. Johnson presented her report to the Board.

Item 1- Regarding the Hospital sales tax, the County received \$69,100.99 for the month of January and \$77,181.53 for the month of February, for a total of \$146,282.52. For your information, last year, the county collected \$70,486.56 in January and \$88,398.58 for February for a total of \$158,885.14, so the numbers are down slightly for January and more so for February this year.

Item 2-The Hospital's Capital Fund has a balance of \$677,488.36 through April 30th.

Item 3 - Regarding the Tourist Development Tax, the County received \$22,960.20 for January and \$39,452.32 for February for a total of \$62,412.52. For your information, last year, the county collected \$22,911.37 for January and \$40,835.29 for February for a total of \$63,746.66, so the numbers aren't far off in comparison.

Commissioner Sanders mentioned a letter to the editor Marcia wrote to the Tallahassee Democrat concerning recent legislation affecting Clerks' duties and funding. Commissioner Sanders thanked Ms. Johnson for taking a stand on this issue.

Mrs. Johnson described some of the possible results of this legislation especially if it is passed. Chairman Parrish expressed his concerns of the State passing mandates that affect the Clerk's office but not providing the appropriate funding. The Chairman asked Mrs. Johnson if she will be forced to reduce services.

Mrs. Johnson expressed her concerns and stated that until the legislation is final she isn't sure what services will be funded and how her operation will be affected. Mrs. Johnson asked the Board to be prepared for some adjustments that might be made to her upcoming budget. The Board discussed this matter further.

Commissioner Jackel complimented Mrs. Johnson and her staff for the excellent services that they provide to the Board.

T. Michael Shuler – County Attorney – Report (11:58 AM)

Attorney Shuler discussed two follow up items.

Item 1 – Litigation proceedings with Progress Energy

Mr. Shuler said he was prepared to give an update on the direction the Board should proceed with for the possible litigation with Progress Energy, but Commissioner Putnal believes that he has reached some sort of agreement with Progress Energy.

Commissioner Putnal stated that he spoke to representatives of Progress Energy and they are working on approving overtime hours which would allow an employee to be on "stand-by" status with a bucket truck to respond to any type of emergencies in Franklin County. The

Progress Energy representative assured Commissioner Putnal that this action should result in quicker response time to accidents.

Chairman Parrish stated that Progress Energy was looking at creating a staging area on the Eastern side of the County to address emergency response times, and said he asked Progress Energy to forward some sort of written documentation to Attorney Shuler concerning this matter.

Chairman Parrish stated that he is willing to negotiate and resolve issues without the expense of litigation.

Commissioner Sanders agreed with having a staging area on the eastern end of the County and supported this agreement with Progress Energy.

Commissioner Lockley was also in favor of this action.

Attorney Shuler asked for Board action to delay proceeding with litigation against Progress Energy.

Motion by Putnal, seconded by Sanders, directing Attorney Shuler to delay any further legal action against Progress Energy at this time; Motion carried 5-0.

Item 2 - Public Service Commission application for Waste Water Treatment on St. George Island

Attorney Shuler presented the PSC application for a waste water treatment plant on St. George Island that was tabled at the last meeting and recommended that the Board either respond or object to the application and allow him to hire a utilities attorney to assist him in this matter.

Chairman Parrish discussed the need for an environmental assessment so that he is able to make an informed decision based on statistical data concerning this matter, wants to know the source of the pollution in the surrounding waters, and recommended holding off on making a decision on this application until this assessment is done and more precise information is provided to the Board. Chairman Parrish stated that the public needs the opportunity to be heard regarding the sewage problems and a central wastewater treatment plant on St. George Island, and if a decision is made now, the public won't have the opportunity to express their concerns.

Commissioner Jackel agreed that a public hearing would be beneficial to allow the public to express their concerns and also help the Board make a decision, so Commissioner Jackel proposed scheduling a public hearing on this matter.

Attorney Shuler reminded the Board that there is a short time frame to respond or object to the application.

Commissioner Sanders discussed some of the previous studies done on potable water and sewer systems in the County, questioned the methods of previous water tests, and thinks there might be a fault in the method of testing. The Commissioner stated that she would like for these issues to be addressed at the public hearing.

Commissioner Lockley didn't think a public hearing would solve the problem, instead the State or the County should have some type of code enforcement to oversee these types of issues.

Commissioner Lockley said the citizens of St. George Island should be afforded the opportunity to vote on whether they want a central Waste Water Treatment Plant, in the same manner that

the residents of Lanark Village had the opportunity to vote on their choice of water and sewer providers.

Commissioner Sanders was unsure of the purpose of the public hearing.

Commissioner Jackel felt strongly that any residents who had concerns regarding this issue, especially the St. George Island residents, should have an opportunity to express these concerns, but should have as much information as possible regarding this matter.

Commissioner Jackel also expressed her concerns regarding the protection of the Bay.

Chairman Parrish again stated his recommendation to conduct proper testing on behalf of the residents so that the Board would have more information to make a sound informed decision.

Commissioner Putnal stated that he doesn't have enough information to make a decision, including the application for central waste water system on St. George Island, but didn't think that a public hearing would solve anything until more information is available to the Board and the public.

Deborah Stamatinos, owner of Island Adventures, agreed that a study should be implemented to determine the cause of the water pollution. She is in favor of the Waste Water Treatment Plant application being approved.

Commissioner Parrish stated that there is not any information available that states that the treatment plant will solve the sewage problem, so she should not ask the Board to agree to the central waste water application at this time and explained to Ms. Stamatinos that this is not a public hearing and there are others who have not been given an opportunity to express their views on the central waste water application.

Attorney Shuler reminded everyone that he was only asking for Board action to respond or object to the central waste water application filed by Water Management Inc. and authorization to engage an attorney that specializes in utilities.

Commissioner Lockley believes that the State should also be involved in this matter.

Attorney Shuler stated that he thinks that other State agencies would join in this matter only if the County takes the lead and requests their assistance.

Commissioner Putnal asked if there could be a short term environmental study.

Attorney Shuler said that without doing a study he doesn't believe the environmental agencies would be able to respond to the Board's questions.

Mr. Gene Brown, of Water Management Services, Inc., addressed Attorney Shuler's statements regarding the County's opportunity to be part of the application process if the County did not respond or object to the central waste water application filed. Mr. Brown, while explaining the intentions of Water Management Services, Inc. when filing this application, stated that this will be a voluntary system and the residents of St. George Island will be able to choose whether they want to hook up or not, as WMS would not require everyone to tap into the system. Mr. Brown said he has a list of residents who are in favor of this new facility, and has designated September 1, 2009 as to when the central waste water system will be available, on a limited voluntary basis. Mr. Brown stated that he doesn't want to become an adversary of the County, he is only trying to provide a service that he thinks is needed on St. George Island, and is willing to attend any public hearing along with his engineer and keep the public and the Board informed of what he is doing.

The Board and Attorney Shuler discussed the situation further and Attorney Shuler repeated his recommendation to either respond or object to the central waste water application.

Commissioner Jackel restated the need for a public hearing.

Commissioner Lockley recommended having the environmental assessment done before the public hearing.

Commissioner Jackel agreed with Commissioner Lockley.

Mr. Pierce stated that he was informed by ABARK that the shortest turn around on an environmental assessment would be 60 days.

The Board, Mr. Pierce, and Attorney Shuler discussed this matter further.

Attorney Barbara Sanders, a St. George Island resident, agreed with Attorney Shuler that the County should respond to the application before the deadline, authorize Attorney Shuler to hire an attorney that specializes in utilities, stated that even though Mr. Brown will not make it mandatory to hook up to his waste water system, the State will make it mandatory, and was not in favor of Mr. Brown having a central waste water system on St. George Island.

Lee Edmiston, of the Department of Environmental Protection, agreed that there is not enough information to make a qualified decision at this time and that a central waste water system may not solve the pollution problem. Mr. Edmiston discussed some possible funding sources and agencies that are interested in helping with testing, recommended that the County hold a workshop and invite environmental experts to come down and evaluate what is causing the pollution problems, and design a 4 – 6 month study to track the readings.

Andy Smith, ABARK, also agreed that more information is needed and that the Board should object to Mr. Brown's application.

Jean McMillan, a St. George Island business owner, discussed tests that were conducted in July 2008, admitted that several of the restaurants on SGI are out of compliance, and believes that this could be in part the cause of bad test results.

Walter Armistead stated that he is in favor of the treatment facility if it is going to solve the problem, and thinks that too many people are being put in rental homes on St. George Island which might be another component causing sewage issues on the Island.

Linda Raffield, secretary for Franklin County Seafood Workers Association, stated that there has been ample time for these studies to be done to determine what is causing the pollution, and was in favor of allowing Mr. Brown to apply for the petition for now and decide whether to go forward with the waste water plant later.

Steven Rash, a St George Island business owner, asked the Board to take control of this situation and do whatever it takes to determine what is causing this pollution problem. Mr. Rash is in favor of a central waste water facility, but wanted the State to be more involved in the process.

Attorney Shuler and Mr. Brown discussed whether or not it will be voluntary or mandatory for citizens to tap into a central sewer system.

Vikkie Frost, a St. George Island business owner, agreed that a study is needed because there has to be a solution to the sewage problem.

Attorney Shuler asked the Board for some direction on proceeding with filing a response or objection to WMS application for central waste water on St. George Island before the 30 day time limit expires and the authority to hire an attorney with utilities experience, which he

recommends, and if staff should move forward with gathering information needed for an environmental assessment.

Commissioner Jackel asked if Mr. Brown uses the County's right of way for his system, could the County regulate Mr. Brown's project.

Attorney Shuler stated that that Mr. Brown's application doesn't indicate use of county right of way for his project.

Commissioner Jackel stated that in a report she read, Mr. Brown did include the use of the County's right of way to install his central sewer system.

Mr. Brown stated that the County's right of way is an alternate plan in his proposal.

Commissioner Jackel asked if that would give the County some control over what Mr. Gene Brown is able to do with his system.

Attorney Shuler stated that the use of County right of way may be in the report Commissioner Jackel is referring to but is not in Mr. Brown's application to the PSC, and recommended that the County respond to the application now which would allow the County to be part of the process rather than taking the chance of trying to get in at a later date.

Mr. Brown discussed his project further.

Attorney Shuler stated that if the Board doesn't respond to the application within the time limit, the State will assume that the County has no opposition to the project and grant approval of the application to Mr. Brown.

The Board agreed that this issue has become very confusing.

Commissioner Sanders and Commissioner Putnal suggested tabling this issue and not take any action against Mr. Brown.

Attorney Barbara Sanders urged the Board to hire a utilities attorney, respond to the application, and attend the hearings to oppose the central sewer system. Attorney Sanders agreed with Attorney Shuler, and asked the Board to respond to the application, because if there is no objection, the PSC will think that the County has no objections to the application, and she was opposed to a central sewer system.

Commissioner Sanders stated that this matter has turned in to a public hearing, which wasn't advertised, and recommended that the Board take no action on Mr. Brown's application.

Attorney Shuler restated that if the County does not respond or file some sort of objection before the allotted time, the County will have to deal with whatever decision is made by the PSC. Attorney Shuler reminded the Board that his intention today was to state the facts regarding this application and recommended filing a response to the application and authorizing him to hire a utilities attorney.

Bobby Miller, an Apalachicola resident, asked the Board to object to the application for central waste water and not make it a political situation.

Motion by Sanders, seconded by Putnal, to take no action on Mr. Brown's application to the PSC for central waste water on St. George Island; Motion carried 3-2, Parrish and Lockley opposed.

Commissioner Sanders explained why she decided not to take any action regarding Mr. Brown's application for central waste water on St. George Island.

Attorney Barbara Sanders reiterated that without any objection on behalf of the County this matter is going to turn into a mandatory central sewer system.

Commissioner Jackel asked Attorney Shuler to send a memo that explains the PSC application in more detail along with legal references supporting his recommendation.

Attorney Shuler stated that he would and reminded the Board that he did distribute a memo to the Commissioners at the last meeting detailing this process.

Motion by Sanders, seconded by Lockley, directing staff to confer with Mr. Lee Edmiston and present to the Board for approval a plan that would allow Mr. Edmiston to move forward with his offer to recruit members from different agencies who are willing to do a study that would pinpoint the problem of sewage in the surrounding waters and seek funding to help pay for this study; Motion carried 5-0.

Barbara Sanders asked if the Board would be willing to schedule a special meeting if after reviewing Attorney Shuler's memo, it is agreed that the Board will need to respond to the application before the allotted time.

Chairman Parrish said that he would call for a special meeting if needed.

Commissioners' & Public Comments (1:40 PM)

Commissioner Jackel thanked the Board and County Staff for allowing her to attend the meeting via telephone.

Jean McMillan volunteered to assist with environmental studies for St. George Island.

Gayle Riegelmayr, a resident of St. George Island, thanked Chairman Parrish for his recommendation for an environmental study, and stated her objection for allowing Mr. Brown to proceed with his application without any Board objection.

Adjourn (1:45 PM)

There being no further business, Chairman Parrish adjourned the meeting.

Joseph A. Parrish, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts