

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
NOVEMBER 17, 2009
9:00 AM**

MINUTES

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

Others Present: Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, (Marcia Johnson – Clerk of Court & Michael Moron – Board Secretary were attending a conference) Renee Stone – Deputy Clerk, Penny Sutton – Deputy Clerk

Call to Order (9:02 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:02 AM)

A Prayer was followed by the Pledge of Allegiance.

Payment of County Bills (9:03 AM)

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

Election of Chairman and Vice Chairman (9:03 AM)

Commissioner Sanders requested the Chairman and Vice Chairman positions stay as they are because Chairman Parrish and Vice Chairman Putnal are doing a good job, but Commissioner Lockley suggested the Board continue with a rotation as usual and if someone did not desire the position to pass it to the next Commissioner in line.

Commissioner Jackel stated that she wanted more experience before serving as the Vice Chairman.

Motion by Sanders, seconded by Jackel, to reappoint Commissioner Parrish as Chairman and appoint Commissioner Lockley as Vice Chairman; Motion carried 5-0.

Presentation of Oyster Petitions (9:07 AM)

Katie Green, Franklin County Seafood Workers Association secretary, presented petitions with over 4,000 signatures that were acquired at the Seafood Festival opposing the FDA proposal which would require sterilization of raw oysters. Ms. Green said the response was overwhelming and there would have been more signatures if there had been more people out collecting signatures. She also said there were still petitions out at various places and believed it wouldn't hurt to have more signatures opposing the FDA's proposal.

Commissioner Jackel thanked Ms. Green and the Franklin County Seafood Workers Association for collecting the petitions.

Ms. Green announced the next FCSWA meeting to be held January 7th, 2010 and officers will be elected at that time and asked that the Board help FCSWA get more people involved because the last meeting only had 15 people in attendance.

Mr. Pierce said the petitions will be turned over to Cindy Clark so that she can create a database of names, addresses, and email addresses of those individuals who are interested in supporting the seafood industry.

Sandy Hengle – Big Bend Hospice – Proclamation naming November as “National Hospice Month” (9:12 AM)

Sandy Hengle and Beverly Hewitt, Franklin County Big Bend Hospice Advisory Board, asked the Board to adopt a proclamation declaring November as Big Bend Hospice Month. Ms. Hengle said Big Bend Hospice joins all Hospices in the nation to raise awareness of availability of Hospice Care during November, and then read part of the proclamation to the Board.

Motion by Putnal, seconded by Lockley, to adopt the resolution proclaiming November as National Hospice Month; Motion carried 5-0.

Commissioner Putnal told Ms. Hengle that Big Bend Hospice does a good job.

Beverly Hewitt, Big Bend Hospice volunteer for 15 years, invited the Board to Tree of Remembrance Service honoring those who have passed at Riverfront Park on November 29, 2009 @ 3:00 PM.

Discussion (Continued) - Proposed FDA Oyster Policy Changes 9:15 AM

Chairman Parrish informed the Board that the FDA had backed off some regarding the proposed oyster policy change for 2011 and he read the following information from an FDA Press Release concerning future oyster harvesting policy changes.

**Some action the FDA will undertake in the next weeks and months will include continuing to discuss future collaboration with the Interstate Shellfish Sanitation Conference to address Vibrio Vulnificus in the region, including the discussion and scope of needed studies in meeting with the board March 2010.*

**Working in conjunction with the National Marine Fisheries Service, the FDA will offer technical assistance to facilitate implementation of post harvest processing or equally effective alternatives, including validation of processing parameters that can be applied to post harvest processes to achieve non-detectable levels of Vibrio Vulnificus while also preserving acceptable taste and texture and ensuring this information is in the public domain so that all processors can use it.*

**Studying alternatives to post harvest processing, including offshore relaying in which oysters are harvested and moved to salty water where the high salinity kills the Vibrio.*

**Provide technical assistance to firms and development of the post harvesting processes and HASA plans.*

**FDA will work with other Federal agencies such as USDA and National Oceanic and Atmospheric Administration and Dept. of Commerce to review what types of grants or other forms of economic assistance may be available to support establishment of processing cooperatives or other mechanisms to ensure wide spread access to post harvest processing facilities.*

**As USDR and the oyster industry work to foster wider access to international markets that are now closed because of concerns to Vibrio Vulnificus, FDA's new approach to provide public health and science data to support the safety of these products for human consumption in the US and abroad.*

Chairman Parrish said basically the FDA is trying to enlist other agencies to support their sought after regulation changes and said he believed the State of Florida was going to limit the amount of time allotted between harvesting and refrigeration. Chairman Parrish also stated that Senators Nelson and Boyd, along with all of the other senators from the five states, have worked hard on the side of the seafood industry and brought about this change but he believed the FDA will continue to try to move forward through different mechanisms to implement the drastic changes. The Chairman said the oyster industry must move forward to try to eliminate some of the illnesses by adopting new procedures and to be able to prove that these new procedures have reduced Vibrio borne illnesses. He said the FDA issue had not gone away; this is just on the backburner as they try to build up more public support for their issue.

Commissioner Putnal believed there might be a potential problem with the new harvesting policy due to FWC writing tickets to oystermen who are out on the oyster bar at daylight ready to work and suggested asking FWC if they would work with the oystermen to implement these new policies.

Alan Pierce – Director of Administrative Services – Report (9:21 AM)

Mr. Pierce presented the following item from his report.

Item 9

Direction on request made by the Seafood Task Force for financial assistance. The Task Force has asked for \$30,000. The last assistance the Board made to the Task Force was for \$20,000 in 2008. This current request was made at the time the oyster industry was facing a full frontal

attack by the FDA to limit oyster harvesting along the Gulf coast. Over the weekend the FDA announced that they were revisiting the issue. I spoke to Mr. Mike Voisin, GOIC representative, from Homa, Louisiana. He says the GOIC view the FDA news as a "retrenchment not a retreat." He believes the FDA will be back at it again but this latest FDA news has given the Gulf oyster industry time to regroup. Mr. Voisin says all the Gulf States are implementing time and temperature controls with the goal of getting oysters from harvesting to cooler in 2 hours. He said this 2 hour goal came out of the FDA's own analysis of steps to take to reduce illnesses. Board direction on Task Force request.

Mr. Pierce said that David Heil, Florida Department of Agriculture and Consumer Services, would be at the Board meeting on December 1st, which is what Chairman Parrish wanted the oyster workers to be aware of, and Mr. Pierce assumed Mr. Heil would give more insight as to how the information would be distributed to the oyster workers.

Commissioner Putnal believed that if oyster workers were allowed to work from sundown to sunrise the issue with *Vibrio Vulnificus* would be decreased because of cooler temperatures after dark.

Chairman Parrish said these issues can be addressed with David Heil at the December 1st meeting.

Commissioner Sanders agreed that the FDA is not going to back off but she believed the driving force was the Center for Science in the Public Interest. She believed they were the ones really pushing this issue but she said the numbers they provide concerning illnesses was a lot different than those the Board has been given and Chairman Parrish said the FDA gets their numbers from the Center for Disease Control so those numbers should be the most accurate. He didn't understand why the Center for Science in the Public Interest would have different numbers.

Mr. Mahan explained that each state makes its own rules for oyster harvesting policies and that the traced illness data comes from the FDA and is Gulf of Mexico specific.

Commissioner Lockley suggested implementing a plan now so that there will be a bargaining tool when the FDA does come back again.

Commissioner Jackel agreed that this was the time to be pro-active. She also believed that the Center for Science in the Public Interest was going to downplay the oyster industry because of a letter they sent out, which stated that the oyster industry was only a 60 million dollar industry but she believed that the numbers are much larger and the economic impact would be much greater. Commissioner Jackel believed if the FDA is successful in changing the oyster policies it would be an economic crisis for the Gulf Coast States.

Ron Yurko, of Eastpoint, also suggested opening the oyster bars earlier.

Commissioner Sanders wanted to know if the Gulf Oyster Industry was going to help fund any of this and Mr. Pierce said that each state was working individually.

Commissioner Sanders wanted the Seafood Task Force to be aware that she didn't mind helping with funding for this issue but that she wanted to be clear that the money the Board gives would be used specifically for this issue only.

The Board discussed Florida Sunshine Laws with Ottice Amison, of the Seafood Task Force, and Attorney Shuler.

Commissioner Putnal suggested asking for stimulus money to help the Seafood Task Force. Commissioner Jackel believed the Department of Agriculture could also help with funding. Chairman Parrish said he is in contact with the Seafood Task Force and as the Board's representative is kept informed as to what is going on with the oyster industry matters. He said this money would help the Seafood Task Force in keeping the oyster industry a viable economic driver in Franklin County.

Commissioner Lockley asked if the Seafood Task Force secretary could give the Board a report each month and Mr. Amison said they would.

Motion by Jackel, seconded by Putnal, to approve \$20,000 in funding for the Seafood Task Force who will submit a monthly report to the Board; Motion carried 5-0.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:42 AM)

Mr. Chipman had no action items for Board approval and/or discussion.

Mr. Chipman discussed the Road Department's most recent project which had been hauling lime rock for the ongoing paving projects in Carrabelle and Apalachicola.

Commissioner Putnal asked Mr. Chipman to keep an eye on Ridge and Wilderness Roads in Eastpoint because he wasn't sure if they would be able to get them paved.

Commissioner Lockley asked Mr. Chipman to trim the palm trees around the driveway at the hospital.

Commissioner Jackel and Commissioner Sanders thanked Mr. Chipman for the work the Road Department is doing in their districts.

Commissioner Sanders and Mr. Chipman discussed issues with Jacob's Way off of West Drive in Carrabelle.

Motion by Sanders, seconded by Putnal, to have Mr. Chipman, Attorney Shuler and Mr. Rothwell discuss a solution to drainage issues on Jacob's Way; Motion carried 5-0.

Van Johnson – Solid Waste Director (9:48 AM)

Mr. Johnson had no action items for Board discussion and/or approval.

Dan Rothwell – County Engineer (9:49 AM)

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

1. BOARD ACTION: 2009 Road Paving Project:

Staff desires Board approval to pay the current invoice #4 for \$118,790.98 with balance to finish including retainage is \$2,505,903.55.

Motion by Jackel, seconded by Lockley, to pay invoice #4 in the amount of \$118,790.98; Motion carried 5-0.

2. BOARD ACTION: SGI Park Entrance Signage:

The SGI Park manager requests the County to install appropriate signage to the park entrance. A "REDUCE SPEED AHEAD", "25 MPH", and "15 MPH" signs on the east bound lane. (See attached drawing)

The Board discussed the importance of installing this signage.

Mark Knapke, SGI State Park Manager, updated the Board on ongoing projects at the SGI State Park and also on the Orman House.

Commissioner Jackel commented that it would have been nice if a local contractor had been given the contract to do these projects and Mr. Knapke said the job was put out for state wide bidding and the lowest bid was taken by a contractor out of Orlando.

Chairman Parrish complimented the ongoing projects with the Orman House in Apalachicola.

There was discussion between Commissioner Jackel and Mr. Knapke concerning illuminating the entrance to the Park.

Mr. Knapke said there will also be traffic calming devices installed within the Park and that he would entertain any recommendations concerning safety issues at the entrance of the Park.

Motion by Jackel, seconded by Putnal, to take Mr. Rothwell's recommendation to install a reduce speed ahead, 25 MPH & 15 MPH signs on the East bound lane approaching the St. George Island State Park entrance; Motion carried 5-0.

3. BOARD ACTION: Water Management Services, Inc. Sawyer Street Cuts:

Water Management Services, Inc. desires 2 road cuts on Sawyer Street, one at Bradford and one at Nedley St. The use of flowable fill is recommended at the road cuts considering the adverse environment of the site.

There was discussion between the Board and Mr. Rothwell concerning the need for these cuts.

Commissioner Jackel asked that once the Road Dept. is finished with C W Roberts that they install more rocks and reinforce what has been done already at the end of Sawyer Street.

Motion by Sanders, seconded by Jackel, to allow road cuts on Sawyer Street as recommended by Mr. Rothwell; Motion carried 5-0.

4. BOARD ACTION: SGI Multiuse Path Solar Lighting Final Invoice:

Staff requests Board approval to pay the final invoice of \$4,517.50 of a total contract amount of \$45,175.00, once the last repairs are made this week.

The Board discussed this project and possible impact on turtles with Mr. Rothwell.

Motion by Jackel, seconded by Sanders, to pay final invoice in the amount of \$4,517.50 upon completion of installation of solar lighting; Motion carried 5-0.

5. Indian Creek Park Breakwater Project:

Project phase has been completed except for the oyster shell parking at the ramp and the marsh grass planting this spring.

The Board and Mr. Rothwell discussed the aesthetics of several boat ramps in the County.

Mr. Rothwell said palm trees were going to be removed at the Old Ferrydock ramp area and Commissioner Jackel asked that those trees be replanted somewhere else. She also said the soil in the parking area was very soft and needed oyster shell reinforcement.

Commissioner Jackel told Mr. Rothwell that she planned to resurface Old Ferrydock Rd. and said it would continue across North Bayshore to the foot of the ramp so no oyster shells needed to be put there and could be used in the parking area.

There was further discussion concerning boat ramp parking lots and working order by Commissioner Jackel and Mr. Rothwell.

6. West Gorrie Dr Drainage Project:

The project should have been expanded to include drainage culvert replacement from the east side of the Buccaneer to the newly enlarged retention pond at W 1st ST @ W Gulf Bch Dr.

7. East Gorrie Dr Drainage Project:

Contract and drawing have been delivered to BMI of Franklin County for signatures. This is to drain the flooding issue from E. 1st the south end of N. Franklin Blvd.

8. Hurricane Ida Damage:

Alligator Dr from Clemens Dr to Tom Roberts Rd appears to be the main damages to infrastructure at this time. Other areas may be found though out the County after inspections are completed.

Commissioner Sanders thanked Mr. Rothwell for meeting with the Alligator Point Taxpayers Association and discussed the issue with the 1,200 foot of Alligator Point Road that is exposed. She said FEMA gave the County money to repair the rock revetment, but the people of Alligator Point along with herself, don't want the rocks back down there. She has asked Mr. Pierce, Mr. Rothwell, Preble-Rish and Mike Dombrowski to get permission from FEMA to modify the plan and come up with something similar to what has been done on Highway 98 between Carrabelle and Eastpoint.

Mr. Pierce said the County might have to look at funding mechanisms beyond what FEMA has allocated.

Motion by Sanders, seconded by Jackel, to direct County Staff to look at a new plan of action on the Alligator Point Road problem, do a cost analysis, send a request to FEMA asking that they allow the County to modify the current plan of action and report back to the Board as quickly as possible. Mr. Pierce is also directed to send Congressman Allen Boyd a letter requesting that he help the County in their request to FEMA to change the plan of action; Motion carried 5-0.

The Board discussed this matter further.

Chairman Parrish informed Mr. Rothwell that the road leading to the new Abercrombie Boat Ramp needed speed limit signs posted.

Motion by Sanders, seconded by Jackel, directing Mr. Chipman to post speed limit signs of 25 MPH on the road leading to the Abercrombie Boat Ramp; Motion carried 5-0.

Chairman Parrish asked Mr. Rothwell to relay this message to Mr. Chipman.

Pam Brownell- Emergency Management (10:24 AM)

Mrs. Brownell had no action items for Board approval and/or discussion.

Mrs. Brownell gave the Board members a handout concerning the Jackson Bluff Dam Spillway and Commissioner Sanders asked permission from the Board to attend the meeting concerning this issue. Commissioner Sanders said she had received a packet of information concerning the Jackson Bluff Dam Spillway from Commissioner Jane Sauls of the Leon County Board of County Commissioners and asked Mr. Pierce to go through this packet and write letters of support to anyone the Leon County Board of County Commissioners had written letters to on behalf of this project.

Motion by Putnal, seconded by Lockley, authorizing Commissioner Sanders to attend the upcoming Jackson Bluff Dam Spillway meeting and also have Mr. Pierce send letters of support for this project to concerned parties; Motion carried 5-0.

Bill Mahan- Extensions (10:27 AM)

Mr. Mahan presented the following items for discussion.

Franklin - UF IFAS Updates:

1. *Center for Science In the Public Interest & Make Our Food Safe – CSPI and MOFS (a coalition of public health organizations, consumer organizations and groups representing the families of people who had food borne illnesses), have distributed press releases and begun lobbying Congress in support of FDA's proposed HACCP guidance and the Post Harvest Processing of raw oysters harvested in the Gulf of Mexico during the summer months. Please see the attached CSPI press release from November 9th and the MOFS letter sent to the members of the U.S. Senate on the same day.*
2. *Expansion of Clam Aquaculture in Franklin County – As requested by the Board, I spoke to Mark Berrigan, Bureau Chief; FL DACS Bureau of Aquaculture Development about the possibility of expanding clam aquaculture opportunities in Franklin County. Mark said that currently the Bureau is unaware of any potential new aquaculture sites in classified shellfish harvesting waters. However, if there is interest in the County to look for additional sites, he would like to schedule a meeting with everyone who is interested to discuss the current state of the clam industry and the idea of identifying potential new sites for some clam grow-out studies and begin the process of collecting water quality data to classify the water as a shellfish harvesting area.*

The Board and Mr. Mahan discussed scheduling a meeting with Mr. Berrigan. Commissioner Sanders said some of the people who have leases are not utilizing them and she thought this should be addressed at the meeting. There was further discussion on this matter.

Motion by Jackel, seconded by Lockley, to schedule and advertise a public meeting with Mark Berrigan, Bureau of Aquaculture, to discuss all issues concerning clam lease issues and also find out how the current clam leases are being used; Motion carried 5-0.

Mr. Mahan said there will be a meeting concerning the Red Snapper regulations.

Alan Pierce – Director of Administrative Services – Report

Mr. Pierce presented the following item from his report.

8 - Remind Board that the National Marine Fisheries Service is meeting here at the Courthouse on Thursday, Nov. 19, 6-9 PM to conduct a workshop about Individual Fishing Quota (IFQ) for the Grouper-Tilefish IFQ system. The workshop will also discuss recent regulatory changes to the Red Snapper IFQ program and provide an opportunity for attendees to ask questions.

Chairman Parrish said this was a very important meeting for those who are affected by these regulations and would like to see people attend this meeting and voice their concerns.

Recess (10:40 AM)

Chairman Parrish called for a recess.

Reconvene (10:59 AM)

Chairman Parrish reconvened the meeting.

Discussion – Steve Fling or Jay Abbott – MSBU allocations (10:59 AM)

Jay Abbott, Franklin County United Firefighters Association, informed the Board of upcoming Firefighter's meetings on December 1st @ 6:00 PM in Lanark Village and the 911 Communications meeting will be December 2nd @ 9:00 AM at the Franklin County Sheriff's Office.

Mr. Abbott informed the Board about the Franklin County Toy Project for this year, which is a united effort with the fire departments, sheriff's department, churches and schools to collect toys, clothing and money for those in need. He said drop off areas are St. George Island, Eastpoint and Carrabelle Fire Departments and Trinity Church in Apalachicola. He said interested families will be required to turn in an application, which has a deadline of December 4th and may be obtained at the Franklin County Health Department or any of the public schools and applications. This application will be reviewed by a committee, which will determine who qualifies for the donations. Mr. Abbott also said the Salvation Army is donating 250 \$25 gift cards for purchasing food from grocery stores and this project will be advertised on the radio and in the newspaper.

Mr. Abbott also mentioned a Toys Run for Franklin County from the Carrabelle IGA to the Three Soldiers statue in Apalachicola on November 21st at 11:00 AM. All participants must bring a toy or \$10 per person and can ride a motorcycle or drive a vintage car.

Steve Fling, of the Alligator Point Volunteer Fire Department, addressed the Board concerning new requirements the fire departments are facing and projected budget shortfalls for 2010. He gave the following budget deficits for each fire department; Alligator Point - \$650,000, Lanark/St. James - \$25,000, Eastpoint - \$102,000, St. George Island - \$90,000 and Dog Island - \$82,000. Mr. Fling said Alligator Point's large deficit amount is due to the ISO mandated purchase of a ladder truck and housing for the ladder truck. He gave details on other reasons for these deficits.

Mr. Fling said he was there to address the budget deficit for the Lanark/St. James VFD, which is currently operating out of savings. He said this is the only department that may have to discontinue operations if additional funds are not found. He said the recent MSBU increase will help maintain the day to day operational costs but not the upgrade mandates and said this funding would have to come from other sources.

Mr. Fling gave a photo demonstration explaining the need for ladder trucks in certain areas of the County. He asked the Board if a committee could be formed with the departments and a commissioner.

Chairman Parrish and Commissioner Sanders expressed concerns about the County's ability to come up with funding to purchase and house these ladder trucks, especially since the budget had been cut by \$1.7 million dollars for this year.

Chairman Parrish said this is a bad situation and he sees no way for the County to raise taxes to make up for these fire department budget deficits, especially since the MSBU amount had already been increased. Mr. Fling said the departments wanted to sit down with the Board and try to come up with different ideas for additional funding and ways to resolve these issues. Commissioner Putnal said this seemed to be another example of unfunded mandates and it is putting an unnecessary burden on local government.

Commissioner Sanders suggested discussing these issues at the upcoming meeting with the members of the Legislative Delegation but she also thought there might be help through Governance.

Mr. Pierce spoke about possible grants available for the fire departments and said he would be glad to meet with the departments to try to find solutions for their needs.

Motion by Sanders, seconded by Putnal, to direct Mr. Pierce to join with the fire departments and formulate a presentation to present to the Legislative Delegation at the meeting on November 30th; Motion carried 5-0.

Commissioner Sanders and Chairman Parrish asked Mr. Fling about the amounts each fire department will receive from MSBU funds.

Mike Rundel, Chief of Lanark/St. James VFD, addressed the Board concerning the fire departments budget deficit. He said the department has been operating from savings and the depletion of their savings account has put them in violation of the terms of their building/loan agreement with the USDA. Mr. Rundel gave the Board additional information on mandates imposed on the department and the need for additional funding in the amount of \$8,895.00. Mr. Pierce said the fire department was asking the Board for this amount in addition to their MSBU payment.

There was further discussion between the Board and Mr. Rundel concerning the annual operating budget and MSBU payments.

Commissioner Jackel suggested funding the \$8,895.00 as an advance on MSBU payments, with the option of coming back before the Board in the future, if necessary.

Commissioner Putnal said what concerned him most were the departments with the larger deficits because there was no way to add a million dollars to the County's budget.

Motion by Jackel, seconded by Sanders, to give Lanark/St. James VFD an advance against January MSBU earnings in the amount of \$8,895.00, which includes the previous approved amount of \$5,000, with the possibility of revisiting this matter in January; Motion carried 5-0.

The Board discussed the County's need for more stimulus money to fund these requirements and the possible need for a grant writer.

Chairman Parrish wanted the Board to be aware that they are funding unbudgeted items and may be opening the door for the other departments, who have larger deficits, to also request funding.

Commissioner Lockley pointed out that the MSBU income might not meet the amount that the Board is advancing to the fire department.

Alan Pierce – Director of Administrative Services – Report (11:42 AM)

Mr. Pierce presented the following item from his report.

3- Board consideration of request from Mr. Jim Green, represented by Ms. Barbara Sanders, to allow a 3 acre parcel zoned R-6, one unit per 10 acres, to be grandfathered in for the purposes of building on residential unit. The parcel appears to have been left out or overlooked when the state bought the surrounding land from Mr. Green. The Planning and Zoning Commission recommends the parcel is allowed as one house.

At the last Board meeting, staff was directed to contact the Division of Forestry to see if they would like to buy the parcel. Forestry staff did a site visit and has informed the county that the property is essentially an old borrow pit and does not have enough environmental significance to warrant purchase.

County staff recommends the Board recognize that this parcel was left out from a public purchase of the surrounding land. This land is not waterfront and is on the north side of US 98. County staff recommends the parcel be treated as a lot of record and be allowed the minimum density allowed which would be one house on the 3 acres. The comprehensive plan states a lot of record is a lot in existence as of April 3, 2001. This lot was created in July 1993 so it meets the county's criteria for being a lot of record. Board direction.

Barbara Sanders, representing Mr. Jim Green, informed the Board that Mr. Corey, a joint owner, might come back before the Board at a later date for a different request for the contiguous land to this parcel.

Commissioner Sanders said this item was discussed at a previous meeting and at that time she expressed concerns about this request opening the door for other three acre parcels to come into this area.

There was discussion by the Board and Attorney Shuler concerning the zoning codes for this property.

Attorney Shuler explained that anyone who currently purchased a nonconforming parcel would have no right to build on that lot today but because this parcel has a "grandfathered" nonconforming use prior to the adoption of the zoning code it retains the pre-existing zoning use, which in this case is residential. Attorney Shuler said the State of Florida required the County to change the zoning of this area from agricultural to residential as one of the comp updates in the past.

Mrs. Sanders wanted the Board to know that she was only informing them that there might be plans in the future asking for changes which the County's codes would allow but not any other three acre units.

Commissioner Sanders said she is concerned about approving this because Mrs. Sanders is giving the Board knowledge that her client might come back before the Board for additional requests but Mrs. Sanders said if such a request was made in the future the Board could deny it through their process because she wasn't asking the Board to commit to anything specific.

Commissioner Putnal said there had been previous issues in this area with “grandfathered” properties in which the Governor forced the County to allow a home to be built and it could be done in this case also and Mr. Pierce said that is what the zoning commission was trying to avoid.

Commissioner Lockley asked if anything in the future would have to go through the entire approval process and Mr. Pierce said that would be required.

Chairman Parrish said he was opposed to approving this request.

Commissioner Putnal asked Attorney Shuler if this was the same kind of case that the Governor might get involved in and Attorney Shuler said he believed it was because he said it was his recommendation that the property owner be allowed to proceed forward with this request at this time as a nonconforming parcel with a residential use.

Commissioner Jackel wanted to know why the Board needed to vote to move this request forward if the code provides for this use already.

Attorney Shuler said it was his recommendation because he didn’t want staff to send out letters saying what the Board’s code means and he felt like it was appropriate that it be brought back to the Board level, although it was not his intention to create the situation that has lead to a lot more discussion than he thought it would require. He said it seemed clear to him that it should move forward with an approval.

Commissioner Jackel wanted to know if this was an isolated out parcel or if the property owner had contiguous properties to this three acre parcel.

Attorney Shuler said until today he thought it was an isolated three acre parcel but now he is hearing there are more potential properties surrounding it but he wasn’t in the position to confirm or deny this information.

Mrs. Sanders explained that the original owner, who is deceased, owned a lot of land in this area but that this three acre parcel came out of a large parcel of land that was sold to several universities in the past. She said there was some confusion with this three acre parcel and it was overlooked over the years but she had been commissioned to do a title search to find who the owner was.

There was further discussion on the approval of this request.

Chairman Parrish wanted to know if the property owner could proceed with building plans on this property without Board approval and Attorney Shuler said he believed it could.

Motion by Putnal, seconded by Sanders, to table approval of this request and have Attorney Shuler research all options and report back to the Board; Motion carried 5-0.

Advisory Board of Adjustment – Report (12:05 PM)

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

- 1. Consideration of a request for a variance to construct a Rip Rap Revetment within the Critical Habitat Zone on the Carrabelle River on property described as lying in Section 18, Township 7*

South, Range 4 West, North of Carrabelle, Franklin County, Florida. The request was submitted by Wade Brown, agent for Timothy C. and Alice Christina Saunders, owners.

Commissioner Sanders asked Mrs. Saunders if she owned the area of the boat ramp and wanted to know if she would give access to the boat ramp. Mrs. Saunders said they had not denied access to the ramp so far but there have been problems with destruction of property in the area. She said it was private property and not a public ramp.

Motion by Sanders, seconded by Jackel, to approve a request by Timothy C. and Alice Christina Saunders for a variance to construct a rip rap revetment on the Carrabelle River; Motion carried 5-0.

Consideration of a request for a variance to construct a public restroom 8 feet below the 12 feet elevation requirement as determined by the flood insurance rate maps of Franklin County, on property described as Lombardi Boat Ramp lying in Section 11, Township 9 South, Range 8 West, owned by Franklin County Board of County Commissioners. The request was submitted by Alan Pierce, Director of Administrative Services, as agent.

Motion by Sanders, seconded by Jackel, to approve a request for a variance to construct a public restroom at the Lombardi Boat Ramp; Motion carried 5-0.

Commissioner Lockley wanted to know if the City of Apalachicola was going to allow the County to connect to the sewer and Mr. Pierce said even though they had approval for a septic tank he would inquire about having a grinder pump installed if it was equal in cost.

Planning & Zoning Commission – Report (12:10 PM)

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

CRITICAL SHORELINE APPLICATION:

1-Approve (Unanimous) Consideration of a request to construct a Single Family Pier located at Lot 8, Driftwood Subdivision, 2698 Highway 98 East, Carrabelle, Franklin County, Florida. The pier will be 460' x 4' and have an 8' x 20' platform for fishing and observation only. This application meets all state and local requirements. Request submitted by Sylvia Keith, Docks 4 Less, agent for James Kent, applicant.

Chairman Parrish said this was for fishing and observation only, no mooring would be allowed.

Motion by Sanders, seconded by Lockley, to approve construction of single family pier at lot 8 Driftwood Subdivision; Motion carried 5-0.

LOT RECONFIGURATION:

2-Approve (Unanimous) Consideration of a request to allow property owners to shift property lines in the Old McKissack Beach Properties. Request submitted by Wilson and Patricia Wright, applicant.

Motion by Putnal, seconded by Sanders, to allow property owners to shift property lines with Ben Watkins; Motion carried 5-0.

SITE PLAN APPROVAL:

3-Approve (Unanimous) Consideration of a request to relocate gas pumps from Lots 11 and 12, Block 1 West, Unit 1 and demolish offices on Lots 14, 15 and 16, Block 1 West, Unit 1 and relocate gas pumps to Lots 15 and 16, Block 1 West, Unit 1, St. George Island, Franklin County, Florida. Request submitted by Walter Armistead, applicant.

The Board discussed the improvements this project will allow for this area.

Motion by Jackel, seconded by Lockley, to approve request to relocate gas pumps from lots 11 & 12 to lots 15 & 16, Block 1 West, Unit 1, on St. George Island; Motion carried 5-0.

4-Approve (Unanimous) Consideration of a request to construct a 5,460 square foot commercial office building on Lots 10-21, Block 1 East, Unit 1, St. George Island, Franklin County, Florida. Request submitted by Inovia Consulting Group, Jimmy Waddell, agent for Walter Armistead, applicant.

Motion by Jackel, seconded by Lockley, to approve request for construction of 5,460 sq. ft. commercial office building on lots 10 – 21, Block 1 East, Unit 1, on St. George Island; Motion carried 5-0.

5-Approve (Unanimous) Consideration of a request to construct an additional 1800 square foot storage space at the Dollar General Store located at 176 Highway 98 East, Eastpoint, Franklin County, Florida. Request submitted by Garlick Environmental Associates, agent for Dollar General Properties, LLP, applicant.

Motion by Sanders, seconded by Jackel, to approve request for construction of 1,800 ft storage space at Dollar General in Eastpoint; Motion carried 5-0.

Marcia M. Johnson- Clerk of Courts – Report (12:15 PM)

Mr. Pierce presented items from Mrs. Johnson's report for discussion and/or approval.

1. For information, the balance in the hospital's operating account as of the end of October was \$308,279.22.

2. I have 2 resolutions for adoption on unanticipated revenue. This is revenue that wasn't included in the budget last year initially because we didn't know it was going to be received. The resolutions need to be adopted in order for the money to be appropriated and expended for the purposes it was received to comply with Florida Statute 129. This is part of the end-of-the-year bookkeeping being completed by the Finance Department. The first resolution:

**RESOLUTION
FRANKLIN COUNTY
BOARD OF COUNTY COMMISSIONERS**

WHEREAS, Franklin County is a political subdivision of the State of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets, and

WHEREAS, FS 129.06 provides for budget amendments for unanticipated revenues, and

WHEREAS, Franklin County has received unanticipated revenues in the amount of \$307,441.07 from the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2008-2009 relative to the CR376 Airport Road Resurfacing Project, and

WHEREAS, FS 129.06(2)(d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and

WHEREAS, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of:

<i>141.41.541.3100</i>	<i>Professional Services</i>	<i>\$ 44,802.97</i>
<i>141.41.541.4600</i>	<i>Repair and Maintenance</i>	<i>\$262,638.10</i>

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$307,441.07 in the LOGT ROAD PAVING FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 17TH day of November 2009.

Motion by Lockley, seconded by Sanders, to approve Airport Resurfacing Resolution as described; Motion carried 5-0.

The second resolution:

**RESOLUTION
FRANKLIN COUNTY
BOARD OF COUNTY COMMISSIONERS**

WHEREAS, Franklin County is a political subdivision of the State of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets, and

WHEREAS, FS 129.06 provides for budget amendments for unanticipated revenues, and

WHEREAS, Franklin County has received unanticipated revenues in the amount of \$1,828,425.95 from the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2008-2009 relative to the CR300 Gulf Beach Drive Resurfacing Project, and

WHEREAS, FS 129.06(2)(d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and

WHEREAS, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of:

141.41.541.3100	Professional Services	\$ 267,301.95
141.41.541.4600	Repair and Maintenance	\$1,561,124.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$1,828,425.95 in the LOGT ROAD PAVING FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 17TH day of November 2009.

Motion by Sanders, seconded by Jackel, to approve Gulf Beach Drive Resurfacing Resolution as described; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (12:16 PM)

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

1- Remind the Board that on Monday, Nov. 30, at 4 PM, the county Legislative Delegation meeting will occur here in the annex. The Speaker of the House has already announced there will be no local funding requests being accepted.

At 7 PM Congressman Allen Boyd will be at the Apalachicola City Hall to discuss his efforts to fight the FDA on the oyster issue.

Commissioner of Agriculture Charlie Bronson, or his aide Mike Salario, will either be at the Delegation meeting or the Congressman's meeting. We are waiting for confirmation on which meeting.

Mr. David Heil is on the Board agenda for Dec. 1 to give an update on what steps the Florida will be imposing on the oyster industry.

2- Inform the Board that there is apparently some effort underway at the state level to allow water to be moved from one drainage basin to the next in south and central Florida. While the immediate threat is low to Franklin County and Apalachicola River, the Board has been so active in keeping the water coming to the Apalachicola Bay from Georgia it needs to go on record opposing any shifting of water in state that affects the Apalachicola River. The message could then be relayed to the Legislative Delegation on Nov. 30.

Motion by Sanders, seconded by Lockley, to approve presenting this message to the Legislative Delegation on November 30th; Motion carried 5-0.

3- Board consideration of request from Mr. Jim Green, represented by Ms. Barbara Sanders, to allow a 3 acre parcel zoned R-6, one unit per 10 acres, to be grandfathered in for the purposes of building on residential unit. The parcel appears to have been left out or overlooked when the state bought the surrounding land from Mr. Green.

The Planning and Zoning Commission recommends the parcel is allowed as one house. At the last Board meeting, staff was directed to contact the Division of Forestry to see if they would like to buy the parcel. Forestry staff did a site visit and has informed the county that the property is essentially an old borrow pit and does not have enough environmental significance to warrant purchase.

County staff recommends the Board recognize that this parcel was left out from a public purchase of the surrounding land. This land is not waterfront and is on the north side of US 98. County staff recommends the parcel be treated as a lot of record and be allowed the minimum density allowed which would be one house on the 3 acres. The comprehensive plan states a lot of record is a lot in existence as of April 3, 2001. This lot was created in July 1993 so it meets the county's criteria for being a lot of record. Board direction.

This item was discussed earlier in the meeting.

4- Ms. Debbie Belcher is here to talk about a proposed CDBG grant application using special disaster recover funds to raise the approaches to the Crooked River Bridge. CDBG funds must be used to serve at least 51% low and moderate income which limits the areas the county can use CDBG funds. Since these funds are coming partly due to the flooding associated with Tropical Storm Fay it seems appropriate to try to improve a structure vulnerable to flooding. Board discussion with Ms. Belcher.

Commissioner Sanders discussed grant applications and raising the elevations of the Crooked River Bridge on Hwy. 67.

Ms. Belcher said this grant was allocated to Franklin County specifically for any area of the County affected by the 2008 storms Gustav and Ike and there is some flexibility with it in that it could be split into different projects. She thought the approaches to the Crooked River Bridge would be a good option.

Mr. Pierce said Alligator Point was a good candidate for these funds since it was affected by Gustav and the County was looking into ways to provide funding for repairs. Ms. Belcher said the funds allocated were in the amount of \$299,946.00.

Ms. Belcher said for this particular grant there has to be an advertised meeting with each city to receive suggestions as to where the funding will be used, even though the County has the final say in determining which project will be approved.

Commissioner Jackel pointed out that there is an application deadline of January 15, 2010 and a public meeting needed to be scheduled.

Motion by Jackel, seconded by Sanders, to schedule a public hearing at the regular Board Meeting on December 15th @ 4:15 PM concerning this grant application; Motion carried 5-0.

Commissioner Sanders thanked Ms. Belcher for her service to the County.

5- The Board has previously discussed TDC infrastructure funds but taken no action. The Board has not resolved its use of the \$19,000 of 2008/2009 funds, nor has it discussed its use of the \$58,000 of 2009/2010 funds. So by TDC records the county has \$77,000 worth of infrastructure funds to utilize. The TDC has also allotted \$77,000 to both Apalachicola and Carrabelle for infrastructure projects.

The St. George Island Lighthouse has made a request of \$28,000 to complete the interior of the Lighthouse. The Lighthouse has become a significant tourist attraction and has raised some \$140,000 on its own, but does need \$28,000 to complete the building before the start of the 2010 tourist season. The project needs to be completed before next June so that the county park does not look like a construction site next summer.

Board direction.

Mr. Pierce said the December 15th TDC meeting was scheduled to address the use of TDC funds and Mrs. Johnson, Clerk of Court, had suggested holding off on making a decision on this request until that meeting.

Commissioner Jackel said the Lighthouse had done a great job in putting together almost \$149,000.00 for this building but they had almost exhausted all efforts for fundraising. She said there would still be funds needed for the purchase of museum displays and furniture, which would be another \$60,000.00.

Terry Kemp, SGI Lighthouse Association, said there has been an average of 1,700 visitors to the Lighthouse each month but in the peak summer months it was closer to 3,000.

Commissioner Jackel pointed out that without this funding it would put the completion of the project at almost a two year project. She said there are hundreds of volunteer hours being put into this project and they have been working on as tight a budget as they possibly can. Chairman Parrish said he didn't mind giving these funds to the Lighthouse but reminded the Board that there are ongoing projects at Lombardi's which also need funding.

Motion by Jackel, seconded by Sanders, to approve TDC funds in the amount of \$28,000 to the St. George Lighthouse project; Motion carried 5-0.

6-Board action on GulfCoast Workforce contract to provide transportation services. The Finance Office has verified that the county's bond will cover. Mr. Shuler has reviewed the contract. The Board needs to be aware that the contract is written that Gulf Coast has final approval on any sub-contract. The specifics of the contract requires that someone must have a 15 passenger van, have a back-up driver, and a written plan to deal with students who miss the bus returning to Franklin County.

The Board and County Staff discussed possible implementation of a plan for the County to provide transportation to the GulfCoast Workforce Center.

Motion by Lockley, seconded by Sanders, to have Attorney Shuler present to the Board a plan of action to implement the County providing transportation to the GulfCoast Workforce Center; Motion carried 5-0.

7-Discussion of Alligator Point road situation.

This item was discussed earlier in the meeting.

8- Remind Board that the National Marine Fisheries Service is meeting here at the Courthouse on Thursday, Nov. 19, 6-9 PM to conduct a workshop about Individual Fishing Quota (IFQ) for the Grouper-Tilefish IFQ system. The workshop will also discuss recent regulatory changes to the Red Snapper IFQ program and provide an opportunity for attendees to ask questions.

This item was discussed earlier in the meeting.

9- Direction on request made by the Seafood Task Force for financial assistance. The Task Force has asked for \$30,000. The last assistance the Board made to the Task Force was for \$20,000 in 2008. This current request was made at the time the oyster industry was facing a full frontal attack by the FDA to limit oyster harvesting along the Gulf coast. Over the weekend the FDA announced that they were revisiting the issue. I spoke to Mr. Mike Voisin, GOIC representative, from Homa, Louisiana. He says the GOIC view the FDA news as a "retrenchment not a retreat." He believes the FDA will be back at it again but this latest FDA news has given the Gulf oyster industry time to regroup. Mr. Voisin says all the Gulf States are implementing time and temperature controls with the goal of getting oysters from harvesting to cooler in 2 hours. He

said this 2 hour goal came out of the FDA's own analysis of steps to take to reduce illnesses. Board direction on Task Force request.

This item was discussed earlier in meeting.

10- Mediacom has responded to the Board's FCC complaint. The essence of the response is that Mediacom reminds the Board that its franchise agreement is with the State of Florida, and that only as a courtesy is the Board being made aware of changes.

Chairman Parrish asked Mr. Pierce to put this item down for discussion with the Legislative Delegation.

11- Board action to award a six month extension to an existing contract for 2K Web group as recommended by the TDC. 2K Web provides internet support for the TDC.

Motion by Jackel, seconded by Lockley, to award a six month extension to an existing contract with the 2K Web Group; Motion carried 4-0, Sanders abstained.

12- DOT has approved the Notice to Proceed for the design of the multi-use path for Carrabelle Beach. The Board can now award the design work to Preble-Rish. Board action.

Motion by Lockley, seconded by Putnal, to award the design work to Preble-Rish for the Carrabelle Beach multi-use path; Motion carried 5-0.

13- Representative Bemby has responded to the Board's resolution about the annex at the Correctional Institute at Carrabelle. He reports that at a Sept. 29, 2009 Criminal Justice Estimating Conference DOC has reduced the estimates for prison beds so the addition to the prison will not be staffed until August 2011. Apparently the construction is on schedule but the use of the beds has been pushed back.

Motion by Sanders, seconded by Jackel, to direct Mr. Pierce to send letters or make phone calls to any Representatives or Senators who have not formally responded back to the Board, asking what their plan of action is going to be to secure these funds for the Franklin County Correctional Institution; Motion carried 5-0.

14- I have spoken to Mr. Mark Berrigan, DACS, regarding the support for improvements at the recently acquired Eastpoint property. After understanding that the site will provide better water access by rebuilding the docks, putting a roof on the loading area, reworking the parking, and perhaps adding a bathroom, he agreed to try and find some funding.

Board action to request \$60,000 from Dept. of Agriculture and Consumer Services for the above referenced improvements at the old Allen Bros. property tentatively to be called the Eastpoint Waterfront Pavilion.

Motion by Putnal, seconded by Jackel, to approve a request of \$60,000 from the Dept. of Agriculture and Consumer Services for improvements at the old Allen Brothers property/Eastpoint Waterfront Pavilion; Motion carried 5-0.

Michael Shuler – County Attorney – Report (12:52 PM)

Mr. Shuler had no report for the Board.

Commissioner Sanders asked for a public hearing to be scheduled for the St. Joe FLUM's at the December 15th Board Meeting. She said that she would like for Attorney Shuler and Mr. Pierce to be in contact with the Joe Spratt Consulting Company, which helped write the legislation for the Bert Harris Act, for their expertise in this matter before the December 15th meeting.

Motion by Sanders, seconded by Putnal, to schedule a public hearing at the December 15th Regular Board Meeting concerning the remaining two St. Joe FLUM's; Motion carried 5-0.

Attorney Shuler said it was his recommendation that the Board let the attorneys finish the consulting, add the Joe Spratt Consulting Company's input and present a recommendation to the Board and then move forward with the FLUM's.

Commissioner Sanders said she appreciated Attorney Shuler's recommendation but said she informed Attorney Shuler several months ago that she wanted to take care of this matter before the first of the year and said she recommended the December 15th meeting because it will be in Carrabelle and closer to those who are affected by this issue. She said if Attorney Shuler didn't have enough information gathered by this time they would reconsider scheduling the public hearing but she did want to have this issue in the works before the first of the New Year.

Mr. Pierce said Commissioner Sanders had asked him to investigate and he had asked the DCA to allow Attorney Shuler and himself to schedule a senior staff level meeting to get a risk assessment of where the County stands on this issue. He doesn't have the meeting set up yet. Chairman Parrish said this will take up a lot of time at the next meeting and asked that Mr. Pierce scale down the agenda and only allow items that are necessary.

Mr. Pierce recommended that the CDBG funds discussed earlier in the meeting with Ms. Belcher requires that 14% of these funds had to go to repairs to affordable rental housing affected by the storm. He said it is his recommendation that the SHIP Committee look at this and give the Board input between now and the December meeting.

Commissioners and Public Comments (1:02 PM)

Commissioner Jackel said she had been contacted concerning the Eastpoint Water & Sewer no longer providing water to the Eastpoint Cemetery. She said the Cemetery Committee had

contacted George Allen about this matter and he said they had to pay for the water. Commissioner Jackel said the committee had called around and found out that Carrabelle and Apalachicola provide water for their community cemeteries. She wanted to bring this to the Board's attention and find out what the Board can do to make it possible to provide water to the Eastpoint Cemetery.

Motion by Jackel, seconded by Putnal, directing Attorney Shuler investigate this matter and report back to the Board; Motion carried 5-0.

Commissioner Jackel wished everyone a Happy Thanksgiving and hoped that everyone takes the time to be thankful.

Commissioner Putnal discussed an issue with the Brown Elementary sidewalk.

Commissioner Sanders mentioned the passing of Carolyn Sparks, who was an employee of Carrabelle Branch of the Franklin County Library and said she would be sorely missed.

Commissioner Lockley reiterated the need for a County grant writer because Mr. Pierce and his staff have a full plate. He said a grant writer could get in there and find some of the funds that are available.

The Board and Mr. Pierce further discussed investigating the possibility of hiring a grant writer or using a firm to write grants for the County and Chairman Parrish asked Mr. Pierce to research and bring a recommendation before the Board.

Commissioner Sanders asked Mr. Pierce to make the agenda for the December 1st meeting as light as possible because some of the commissioners were going to a meeting in St. Petersburg.

Nita Molsbee, Water Management Services, thanked the County and Mr. Rothwell for the help with the water line on Sawyer Street. She also hand delivered a response to Attorney Shuler's letter to their attorney asking for abandonment of Mr. Gene Brown's petition for the sewer.

Andy Smith, ABARK, thanked the Board for insisting the hearings for the St. Joe FLUM's be held in December because they had contracted with a firm in Tallahassee who has a lot of experience on land use issues and the Bert Harris Act and he said it looked really good for the County that St. Joe would not prevail on the Bert Harris Act.

Attorney Shuler reminded Chairman Parrish that there was to be a public hearing concerning Boat Ramp Ordinance and he wanted to be sure they still wanted to proceed with this hearing because they had asked to scale that meeting down. The Board didn't believe it would take up much time and wanted to proceed with the public hearing.

Adjourn (1:14 PM)

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

Joseph Parrish – Chairman FCBCC

Attest:

Marcia M. Johnson – Clerk of Courts