

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 20, 2011
9:00 AM**

MINUTES

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

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

Call to Order (9:04 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:04 AM)

There was a prayer followed by the Pledge of Allegiance.

Payment of County Bills (9:05 AM)

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

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:07 AM)

Mr. Chipman had no items for Board action.

Commissioner Sanders asked Mr. Chipman to inventory the equipment which was recently bought from St. Joe Rent All and other equipment owned by the Road Department. She asked that the DOC sign off on the inventory lists.

Mr. Chipman stated what has been done to maintain and secure the purchased equipment.

Commissioner Putnal and Mr. Pierce discussed the results from the stolen "Tiller" case. Mr. Pierce said there was never a resolution to this case.

Van Johnson – Solid Waste Director (9:11 AM)

Mr. Johnson had no items for Board action.

Commissioner Jackel thanked Mr. Johnson's Solid Waste Department for the work done at the public parking area on St. George Island and at the pavilion in Eastpoint.

Mr. Pierce updated the Board on the work done thus far to upgrade the Armory.

Commissioner Lockley discussed the mold problems at the Armory.

Commissioner Parrish stated that both a sign and lights are needed to direct the public to the boat ramp at the end of Bluff Road.

Motion by Parrish, seconded by Sanders, to authorize installation of a sign and street light at the Pine Log Boat Ramp at the end of bluff road; Motion carried 5-0.

Mr. Pierce stated that the public parking lot on St. George Island is needed as a dance area for the Oyster Spat Festival.

Pam Brownell- Emergency Management (9:17 AM)

Mrs. Brownell presented her report to the Board.

Mrs. Brownell stated that Congressman Southerland will be at the EOC on 9/29 from 12:30pm to 2:00pm. She said that she was asked to provide lunch and is inviting the Commissioners to attend.

Action Items:

Mrs. Brownell requested board action to approve a contract that would allow mitigation funding for floods in 2009 with a County in kind of \$13,122.

Motion by Parrish, seconded by Jackel, to approve contract; Motion carried 5-0.

Information Items:

1. The Franklin County Emergency Operations Center became a secured facility with the installation of a magnetic lock system on our buildings' front entry. A camera was also installed to view visitors prior to admittance.
2. FCEM began working with Progress Energy to acquire used power poles for our proposed "Citizen River Gages". These simple sight gages, similar to those used in Liberty County, will

complement high tech gages installed by NFWFMD on waterways in our county. County locations will be scouted and confirmed in the near future.

3. FCEM cell tower site search for emergency communications is at an impasse. Operations personnel at the Division of Forestry, our main partner, have been transferred, and plans tabled for the present. Opportunity Florida is proposing building 5 towers throughout northwest Florida for broadband build out, but these locations are coastal and will not help in the central and northern portions of the county. FCEM will be reviewing FY11 EOC grant guidance for funding availabilities in the FY12 grant cycle.
4. FCEM staff along with Law Enforcement and our Property Appraiser office were briefed and trained on the use of Pictometry at the EOC. Pictometry is a computer based visual intelligence program that Emergency Management can use in Damage Assessment.
5. The Florida DEP visited and approved our Temporary Debris Storage and Reduction Sites, used in the storage of storm debris, at locations in Bald Point and Lanark Village.

Commissioner Putnal asked if Leslie Palmer could assist with a cell tower on Highways 67 & 65 to cover the hunting areas.

The Board and Mrs. Brownell discussed this further and the importance of cell service since these are evacuation routes.

Commissioners Jackel and Sanders suggested discussing this with FAC.

Chairman Lockley suggested that Mrs. Brownell discuss this matter with Congressman Southerland at the meeting next week.

Bill Mahan- Extensions (9:26 AM)

Mr. Mahan had no items for Board action but discussed the following item from his report.

Gulf Oyster Meeting, Point Clear, AL – I have been invited to attend the Mississippi/Alabama Sea Grant Consortium meeting of the Gulf Coast oyster community to include industry and regulatory personnel.

The meeting is being held in preparation for the upcoming ISSC meeting, to discuss issues of concern to the Gulf Coast oyster community. The meeting will be held on Saturday, September 24th, at the Grand Marriott in Point Clear, Alabama, from 8:00 am to 12:00 noon (Central Time). The issues that will be discussed include the following items:

- (1) VMC (Vibrio Management Committee) management issues (Vv & Vp);
- (2) Vibrio cholera 075;
- (3) Other ISSC issues;

FL Sea Grant will be covering the travel costs to attend the meeting.

Ken Osborne, of Alligator Point, asked Mr. Mahan if he has any influence with changing the Gag Grouper season dates.

Chairman Lockley asked Mr. Mahan to discuss the Gag Grouper issue at the upcoming ISSC meeting.

Ms. Leslie Palmer- ISSC Update

Leslie Palmer, Director of the Department of Aquaculture, stated that the FDA and the ISSC stated that Florida was highly rated for compliance of shellfish regulations. She said they couldn't be more pleased with what everyone is doing to be in compliance. She said the next step is the ISSC.

Commissioner Putnal discussed the efforts of the local seafood workers to comply with these rules.

Chairman Lockley stated that the oyster count was lower than stated by her department.

Commissioner Putnal discussed this matter also.

Ms. Palmer distributed and discussed a handout relating to a new proposal for harvesting and cooling oysters. She stated some of what will be discussed at the next ISSC meeting, such as risk per serving. She said Florida plans to go in to the ISSC meeting as a unified front.

The Board and Ms. Palmer discussed health and warning standards for oysters versus other foods.

Ms. Palmer stated that 100% of the deaths from vibrio vulnificus were from immunocompromised individuals. She said she has the information from the Department of Health that states the underlying conditions of the deceased.

Mr. Pierce and Ms. Palmer discussed the amount of salinity versus vibrio vulnificus.

Commissioner Putnal said he was told that the freshwater had killed the oysters in Louisiana which would make Apalachicola Bay Oysters in high demand.

Ms. Palmer discussed the new green tags that will be used for shucking, talking to dealers about their inventory, and the change over date for the new tags.

Ms. Palmer stated that Commissioner Putnam will possibly be attending a Board meeting in November.

Planning & Zoning Consent Agenda (9:53 AM)

Mr. Pierce presented these items to the Board.

CRITICAL SHORELINE APPLICATIONS:

- 1. (Recommended Approval by Planning and Zoning- Unanimous) Consideration of a request to construct a Single Family Private Dock at 2468 US Highway 98 East, Carrabelle, Franklin County, Florida. This dock will be 226' x 4' with an 8' x 20' terminal platform with 4 boat pilings. This dock meets all local, state and federal requirements and has all state and*

federal permits. Request submitted by Docks 4 Less, agent for Gary Crow, applicant. (Has House)

2. *(Recommended Approval by Planning and Zoning- Unanimous) Consideration of a request to construct a Single Family Private Dock at 3145 US Highway 98 East, Carrabelle, Franklin County, Florida. This dock will be 210' x 4' with an 8' x 20' terminal platform. This dock meets all local, state and federal requirements and has all state and federal permits. Request submitted by Docks 4 Less, agent for Ken Reynolds, applicant. (Has House)*
3. *(Recommended Approval by Planning and Zoning- Unanimous) Consideration of a request to construct a Non-Mooring Pier across from 1250 US Highway 98 East, Eastpoint, Franklin County, Florida. This pier will be 60' x 6' with an 18' x 21' platform. This pier meets all local, state and federal requirements and has all state and federal permits. Request submitted by Garlick Environmental Associates, agent for The Franklin County School Board, applicant. (School)*
4. *(Recommended Approval by Planning and Zoning- Unanimous) Consideration of a request to construct a Single Family Private Dock at 4368 St. Teresa Avenue, St. Teresa, Franklin County, Florida. This dock will be 400' x 4' with a 10' x 16' terminal platform. This dock meets all local, state and federal requirements and has all state and federal permits. Request submitted by Gene K. Strickland, agent for Miles Watkins, applicant. (Has House)*
5. *(Recommended Approval by Planning and Zoning- Unanimous) Consideration of a request to construct a Single Family Private Dock at 588 River Road, Carrabelle, Franklin County, Florida. This dock will be 150' x 4' with a 20' x 30' covered boathouse holding 1 boat slip with 1 additional boat slip outside the boathouse. This dock meets all local, state and federal requirements and has all state and federal permits. Request submitted by Florida Environmental & Land Services, Inc., agent for Peter & Amy Balzer, applicant. (Has House)*

The Board, Mr. Pierce and Attorney Shuler discussed the installation for lights and reflectors on the docks.

Motion by Sanders, seconded by Putnal, to approve Items 1, 2, 3 & 5; Motion carried 5-0.

Commissioner Sanders and Mr. Pierce discussed Item 4 due to the length of the dock. Commissioner Sanders reviewed the sketch and determined that the length was due to the amount of Marsh Grass in that area.

Motion by Sanders, seconded by Parrish, to approve Item 4; Motion carried 5-0.

RE-ZONING & LAND USE CHANGES:

6. *(Recommended Approval by Planning and Zoning- 4-1 Vote) (Tony Millender Abstaining) Consideration of a request to re-zone a 10 acre parcel lying in Section 22, Township 6 South,*

Range 4 West, also described as Tract D, North of Carrabelle, Franklin County Florida from A-2 Forestry Agriculture to R-6 Rural Residential and a Small Scale Land Use Change from Agriculture to Rural Residential. Request submitted by Virginia D. Millender, applicant.

7. *(Recommended Approval by Planning and Zoning- 5-1 Vote) Consideration of a request to re-zone a 10 acre parcel lying in Section 23, Township 6 South, Range 4 West, also described as Tract 7B, North of Carrabelle, Franklin County Florida from A-2 Forestry Agriculture to R-6 Rural Residential and a Small Scale Land Use Change from Agriculture to Rural Residential. Request submitted by Timothy C. Saunders, Sr., applicant.*
8. *(Recommended Approval- 5-1 Vote) Consideration of a request to re-zone a 10 acre parcel lying in Section 23, Township 6 South, Range 4 West, also described as Tract 8A, North of Carrabelle, Franklin County Florida from A-2 Forestry Agriculture to R-6 Rural Residential and a Small Scale Land Use Change from Agriculture to Rural Residential. Request submitted by Alice Christina Saunders, applicant.*
9. *(Recommended Denial- Unanimous Vote) Consideration of a request to re-zone the south ½ of Lots 1 & 2 (107 Franklin Street), and Lots 3 (2547 US Highway 98 East), 4 (2551 US Highway 98 East) and 5 (2555 US Highway 98 East) Lanark, Franklin County, Florida from R-1 Single Family Residential to R-1A Single Family Subdivision. Request submitted by Eugene and Patricia Amrhein, applicants.*

**Motion by Sanders, seconded by Putnal, to approve a Public Hearing for Items 6, 7 & 8;
Motion carried 5-0.**

Mr. Pierce explained the denial of Item 9.

**Motion by Sanders, seconded by Parrish, to accept the recommended denial of Item 9;
Motion carried 5-0.**

Curt Blair- TDC Update (10:02 AM)

Curt Blair, of the Franklin County Tourist Development Council, asked for Board approval of the 8 contracts, which are submitted for approval each year. He stated that all contracts are the same except for the Geiger Contract, which was reduced to half the amount of last year.

Motion by Jackel, seconded by Putnal, to accept TDC recommendation to accept the renewal of all contracts; Motion carried 5-0.

Mr. Blair stated that he received a public records request from the Associated Press regarding the BP Grant award. He wanted guidance in how best to respond to this request.

Motion by Sanders, seconded by Jackel, to direct Attorney Shuler to coordinate with Mr. Blair and respond to the request from the Associated Press and not waive any fees regarding this request; Motion carried 5-0.

Commissioner Sanders and Mr. Blair discussed the funding for repairs to the Armory.

Recess (10:10 AM)

Chairman Lockley called for a recess.

Reconvene (10:26 AM)

Chairman Lockley reconvened the Meeting.

Open Bids for Daly House in Lanark Village (10:26 AM)

Mr. Pierce stated that there were no bids received for the sale of the Daly House. Attorney Shuler and the Board discussed other options, including auctioning the property.

Motion by Parrish, seconded by Sanders, to direct Attorney Shuler to gather pertinent information regarding this property and make a recommendation to the Board; Motion by 5-0.

Open Bids - Funeral Service Ordinance (10:30 AM)

Mr. Pierce stated that only one bid was received for funeral services for unclaimed bodies. Attorney Shuler explained the bid to the board and discussed issues with cremation and problems with municipalities giving burial plots.

Motion by Sanders, seconded by Parrish, to forward bid information to a committee comprised of Mrs. Johnson, Mr. Pierce and Attorney Shuler for a recommendation; Motion carried 5-0.

Marcia M. Johnson- Clerk of Courts- Report (10:36 AM)

Mrs. Johnson had no items for Board action.

1-For information, the hospital's operating bank balance at the end of August was \$54,270.47. There are also certificates of deposit and a money market account totaling \$354,332.73. The hospital has a grant account with a total of \$93,380.31, and the hospital's capital fund has a balance of \$495,717.91.

The Board discussed problems with the Administration of Weems, especially with giving the Board information and also expressed concerns with the balance of the operating budget.

Commissioners Parrish and Sanders discussed concerns with the Hospital Administrator not having time to meet with Commissioners to discuss Hospital issues.

The Board discussed other health services that should be provided at Weems East and the Health Department in Carrabelle.

Motion by Sanders, seconded by Parrish, to request the attendance of Weems administration, the Hospital Board and a representative from Tallahassee Memorial Hospital at the next BOCC meeting; Motion carried 5-0.

Allen Feifer, Concerned Citizen of Franklin County, agreed that the BOCC should meet with a representative from Weems. He stated some of the financial problems that were discussed at the last Hospital meeting and the apparent communication problems between the Hospital Administration and the Hospital Board.

Alan Pierce – Director of Administrative Services – Report (10:50 AM)

Mr. Pierce presented his report to the Board.

1. At the request of Commissioner Sanders, Board action to recognize Ms. Isobel Odegaard on her 90th Birthday, and for her enthusiasm for Franklin County.

This item will be discussed at the next meeting so that Ms. Odegaard can be in attendance.

2. Board action to close Chili Blvd, East and West, for the Franklin County Oyster Festival on St. George Island, Oct 7-9.

Commissioner Jackel invited everyone to attend the festival and stated that events will be held in Eastpoint and on St. George Island.

Motion by Jackel, seconded by Sanders, to approve the closure of Chili Blvd, East & West, for the Oyster Spat Festival on SGI; Motion carried 5-0.

3. Inform Board that Mr. Charlie Galloway has submitted a letter of resignation as Assistant Veteran's Officer, effective Sept. 30, 2011, but he is willing to work beyond that for a smooth transition. Mr. Galloway's position is a budgeted part-time position, with no benefits. Board action to allow Mr. William Scott to advertise to fill the position.

Motion by Parrish, seconded by Sanders, authorizing Mr. Scott to advertise for the vacant Assistant Veteran's Officer which is a part-time position; Motion carried 5-0.

4. Inform Board that the county's Legislative Delegation meeting will take place on Thursday, Sept. 29, 4-6 PM, here in the Annex.

5. *Inform the Board that over a year ago I made a request for some DOT landscaping money on behalf of Commissioner Jackel. The request was made over the telephone and I never actually filled out a grant request. The Board is in receipt of a Notice from DOT that it has been awarded \$10,000 for landscaping of the intersection of Franklin Blvd. and Gulf Beach Drive on St. George Island. Board action to accept the award.*

Motion by Jackel, seconded by Sanders, to accept award in the amount of \$10,000 for landscaping of the intersection of Franklin Blvd. and Gulf Beach Drive on St. George Island; Motion carried 5-0.

6. *I have since informed DOT that the county might be interested in other landscaping grants so we are on the list for \$10,000 if funds are available in 2013. The grant requires that the funds must be spent in a DOT right of way so the county is limited on the places where these funds can be used.*

7. *Board action on airport bids that were opened at the last meeting; details to be provided by Mr. Mosteller. In conjunction with the bids, DOT has provided an additional \$38,000 for some of the improvements that were bid out. Board action to approve Resolution accepting \$38,000 in additional airport funds for renovations to existing hanger.*

Motion by Putnal, seconded by Parrish, to approve Resolution accepting \$38,000 in additional airport funds for renovations to existing hanger; Motion carried 5-0.

Motion by Parrish, seconded by Putnal, to accept airport committee recommendations for bids; Motion carried 5-0.

8. *Board action to send letters of support for acquisition of by the US Fish and Wildlife Service from The Nature Conservancy for the 3.9 acres of land the TNC bought as an access point to St. Vincent Island. The land was bought from the Schoelles family last year. The letters of support have been requested by the TNC.*

Motion by Parrish, seconded by Sanders, to send Letters of Support for acquisition by the US Fish and Wildlife Service from The Nature Conservancy for the 3.9 acres of land the TNC bought as an access point to St. Vincent Island; Motion carried 5-0.

9. *Inform the Board that the county has passed its 2 year Flood Mitigation Review so every flood insurance policy holder will be entitled to at least a 10% reduction of their premium. Ms. Rachel Ward is attempting to increase the county's score so that there could be a 15% reduction.*

The Board thanked Ms. Ward for her efforts on this matter.

10. *Inform the Board that Commissioner Jackel has asked that the Planning Office research the availability of getting beach warning flags for St. George Island, Carrabelle Beach, and Alligator*

Point. DEP provides such flags free and we order on-line from Oct.1 to Dec. 15. Board direction on how many sets of flags it wants. There are five flags in each set, representing different beach conditions.

Commissioner Parrish asked that Attorney Shuler research the County's liability on this matter and who will be responsible for changing and maintaining the flag system.

Commissioner Jackel discussed the benefits of having this flag system.
This Board discussed other issues regarding this matter.

Motion by Jackel, seconded by Parrish, to direct Staff to apply for signage/flags for all of the County's beaches and direct Attorney Shuler to research the County's liability and who will be responsible for changing and maintaining the flag system; Motion carried 5-0.

11. Board action to approve SHIP Annual Reports as prepared by Ms. Lori Switzer, SHIP Coordinator. These reports detail the expenditures made over the last three years and are required reports.

Mr. Pierce updated the Board on the current status of the SHIP Program.

Motion by Sanders, seconded by Parrish, to approve SHIP Annual Reports; Motion carried 5-0.

12. Board action to approve Resolution supporting TIGER III application of some \$15M for an aircraft ramp, taxi-way, and apron which will provide airplane access to the 50- acre industrial park. I have spoken to Mr. Tommy Pitts, St. Joe Port Authority Director. The St. Joe Port is not submitting for a TIGER III grant.

Commissioner Parrish asked why this information was not provided to him and would like all future information regarding the airport sent to him.
The Board discussed this matter further.

Motion by Sanders, seconded by Putnal, to approve a Resolution supporting TIGER III application of some \$15M for an aircraft ramp, taxi-way, and apron which will provide airplane access to the 50- acre industrial park; Motion carried 5-0.

Public Hearing – Settlement Offer – Bert Harris Act – St. Joe Company (11:12 AM)

Attorney David Theriaque updated the Board on this litigation, including the settlement offer and a ripeness determination. He explained the procedure of the settlement offer and asked for Board direction on which option to proceed with regarding this matter. Attorney Theriaque explained that the Board can approve, revise or reject the settlement offer. He also stated the fact that any comments made by Commissioners at this public hearing could be used against

them at some point during litigation and he also discussed how court costs could be determined.

The Board suggested that Attorney Theriaque review the proposed settlement offer, which he did discuss in detail.

The Board discussed some of the details of the affordable housing portion of the settlement offer.

Chairman Lockley opened the floor for public comment.

Dan Tonsmeire, of Apalachicola Bay and RiverKeeper, asked the Board to take the no action option regarding the settlement offer. He explained some of the problems experienced at Summer Camp which is another St. Joe development in the County. He stated that more controls are needed.

Andy Smith, Attorney for Apalachicola Bay and RiverKeeper, stated that the County has a good case and asked that the Board takes the no action option on this matter. He discussed the changes to growth legislation done by the Legislature recently. He also discussed some of the problems with the Summer Camp project. He encouraged the Board to look toward less development and more preservation of the County's natural resources.

Ross Bernamen, Attorney representing the Ashley's, stated that the County has a very good case on this matter and discussed further support of the County not settling and moving forward with this litigation. He went over the proposed settlement offer and pointed out items that he didn't agree with.

Ken Osborne, of Alligator Point Taxpayers Association, stated that, with some hesitation, he is speaking about the Marina Village project. He stated that APTA will take no position on this proposal but pointed out some questions that they have with the proposal, which includes the proposed fire station, fire trucks and taxes paid by the St. Joe Company for the property owned in the County.

Gathana Parmenas, a Carrabelle resident, discussed some of her experiences in dealing with the St. Joe Company, including the affordable housing that was promised and adding development to an area that is over developed. She was not in favor of this agreement.

Don Ashley stated how important this decision is to the community. He reviewed some of what was discussed with St. Joe at the beginning of the project and what was changed. He was not in favor of this settlement agreement. He stated that St. Joe has the potential to be a good neighbor for the community but had a long way to go to fulfill promises that were made in the beginning of the process. He thinks St. Joe should be more constructive with this process. He pointed out the problems he had with the current settlement agreement.

Ken Osborne, of APTA, provided some additional information that was discussed with St. Joe during the initial planning phase of this project and how things were changed without the knowledge of all who were involved in the beginning.

Commissioner Sanders asked Attorney Theriaque if he believed that the County had a good chance of being successful with this Bert Harris Act. The Attorney stated that he did and explained his position further.

Commissioner Sanders stated that the County has been given the opportunity to do this right for the people of Franklin County.

Commissioner Parrish asked if no action is considered a settlement offer and Attorney

Theriaque explained that no action is an option to comply with the Bert Harris Act.

Commissioner Parrish and Attorney Theriaque discussed concerns the Commissioner had with items in the settlement offer.

Motion by Sanders, seconded by Putnal, to have Attorney Theriaque select item K - "no changes to the action of the governmental entity" in the County's settlement offer; Motion carried 4-1, Parrish opposed.

Attorney Theriaque explained what his next action will be regarding this litigation and also what St. Joe options are.

Commissioner Sanders and the Board thanked Mr. Theriaque for his efforts on this matter.

Michael Shuler – County Attorney – Report (12:28 PM)

Attorney Shuler presented his report to the Board.

Action Items

1. *Chapman Building Lease*

Attached is the lease I prepared and signed by Dr. Sanaullah, which I received on August 23, 2011. The lease is for a three year term, beginning June 22, 2011, with a six month termination period; however, it can be terminated sooner if the rent is unpaid. Rent for the three year period is \$66,000.00 (\$1,833.00 per month), plus sales tax and utilities.

Board Action Requested: Motion authorizing the Chairman to sign the lease.

Motion by Sanders, seconded by Parrish, to approve the Chairman's signature for Dr. Sanaullah to lease the Chapman Building; Motion carried 5-0.

2. *Larry Troy and Angela Troy*

On or about August 9, 2011, the Troy's hand delivered to me a verified complaint alleging that their neighbor, Angela McCoy, is in violation of certain county ordinances. Their complaint was filed pursuant to 403.412 Florida Statutes and requires a response from the County within thirty days to review the complaint and respond to the allegations. Mrs. McCall was immediately notified by certified mail of the Troys complaint. To date, she has not contacted me and her representative has informed me that she is going to wait to see what action, if any, is taken by the County.

The Troy's specific allegations follow:

- a. Erection of a fence within fifty feet of the shoreline in violation of the critical shoreline ordinance.*

- i. The fence in question consists of 4x4's less than three feet tall connected by rope. Staff does not consider this to be development in violation of the critical shoreline ordinance.*
- b. Mowed or sprayed chemicals within the critical shoreline.*
 - i. There is no evidence of mowing or spraying.*
- c. Erected a pole on which they have placed a "No Trespassing Sign."*
 - i. There is a pole with a "No Trespassing Sign." Staff does not consider this to be development in violation of the critical shoreline ordinance.*
- d. Underwater lights affixed to her dock which are on dusk to dawn.*
 - i. There are underwater lights which are not allowed by the dock ordinance. Staff considers this to be a violation.*
- e. Installation of an unshielded security light which is on dusk to dawn.*
 - i. The light is in fact shielded and placed on a Florida Power pole in the right of way. Staff does not consider this to be development in violation of the critical shoreline ordinance or the Turtle Ordinance.*
- f. A "fire pit" on non-vegetated ground surrounded by rocks.*
 - i. There is a fire pit, but Staff does not consider this to be development in violation of the critical shoreline ordinance.*
 - ii. DEP previously addressed a similar complaint previously filed by the Troys and they also did not require removal of the fire pit from the property.*
- g. That non-native vegetation and rocks have been placed on the McCall's property in violation of the critical shoreline ordinance.*
 - i. There are non-native vegetation and rocks along the boundary of the McCall's' property where it meets the road right of way, but Staff does not consider this to be development in violation of the critical shoreline ordinance.*
 - ii. DEP previously addressed a similar complaint previously filed by the Troys and they also did not require removal of the rocks or vegetation.*

Mr. Pierce and I have reviewed the allegations and make the following joint recommendation to the Board that the facts and ordinances support a finding that the McCall's underwater lights violate the dock ordinance. A copy of the dock ordinance is attached.

We do not find the remaining allegations to merit action by the county either because there are no facts to support them or because the act alleged does not violate a county ordinance. Regarding fences, the county does not require building permits for their construction. If the Troy's disagree with the County, they have the right to file a lawsuit and the prevailing party in any such suit shall be entitled to reasonable attorney fees and costs.

Board Action Requested: Motion adopting staff's recommendation that the underwater lights violate the dock ordinance, but that the remaining allegations are denied and directing staff to take such action is reasonably necessary, including litigation, to remove the underwater dock lights.

Commissioner Jackel asked if this legal action is still pending and should the Board comment on this matter.

Attorney Shuler stated that he was asking for Board direction in this matter and stated Staff's findings and recommendation. He stated that since he submitted this report there has been mowing of the CHC and the violation of the dock lights. He stated that the property owner will voluntarily rectify this matter. He asked the Board to accept the Staff's recommendation on this matter.

Commissioner Jackel asked that this matter is remedied as quickly as possible and that it not be brought back to the Board.

Motion by Jackel, seconded by Parrish, to agree to staff's recommendation that the underwater lights violate the dock ordinance, but that the remaining allegations are denied, and directing staff to take such action is reasonably necessary, including litigation, to remove the underwater dock lights; Motion carried 5-0.

3. Adams Contract

Attached is the contract with Adams that USDA informs me had to be re-executed by Franklin County as part of the hospital loan application. I was told that Mr. Colvert had signed the contract originally, but that USDA required the county to sign the contract. The Chairman executed the contract between meetings (on or about August 10, 2011) to meet the application deadline. Adams is a consulting company hired by the hospital to process the loan application.

Board Action Requested: Motion Ratifying the Chairman's signature.

Motion by Parrish, seconded by Jackel, to ratify the Chairman's signature on the contract with Adams as part of the Hospital loan application; Motion carried 5-0.

4. Resolution for Reimbursement of Certain Hospital Costs

Franklin County presently is expending part of its capital outlay portion of the hospital surtax on the hospital's USDA loan application.

The bond attorney, 10linda Herring, has informed me that IRS regulations require the county to adopt a resolution stating its intent to seek reimbursement of the surtax funds from the USDA loan. The resolution she prepared is attached.

Board Action Requested: Motion Adopting the resolution.

Commissioner Jackel stated that this item is vague and said she would like more information regarding this USDA loan.

Commissioner Sanders agreed and stated that she would like this matter discussed with the Hospital Representatives.

Allen Feifer, of the Concerned Citizens of Franklin County, wanted to know if a final decision has been made to build a new hospital.

The Board stated that once the health tax was approved by the voters it should have been determined that a new hospital would be built.

Mr. Feifer asked that the Board determine if the County has the funding to proceed with building a new hospital.

Commissioner Sanders stated that the Urgent Care Facility has to be operating, as promised to the voters, before the Board can move forward with a new hospital.

Motion by Jackel, seconded by Sanders, to adopt the Resolution stating the Board's intent to seek reimbursement of the surtax funds from the USDA loan; Motion carried 5-0.

5. Alligator Point/Franklin County Health Department

In 2005, Franklin County adopted an ordinance requiring that Aerobic Septic Units are required for all future installations, but allowed existing units to remain in place so long as they were operational. Your ordinance allowed the repair of existing drain-fields without requiring purchase of a new Aerobic system, provided that the septic tank was operational and the drain field was outside of the critical habitat zone.

Attached is a letter from the Franklin County Health Department seeking clarification of the County's ordinance. The drain field has failed, but is outside the critical habitat zone and may be replaced under your ordinance without requiring the landowner to purchase an aerobic system.

However, although the existing septic tank, installed in the 1950's, is operational, the state is requiring that it be replaced with a larger tank because the present operation septic tanks is too small under current state standards.

Their question is if the county is going to require the homeowner to obtain an aerobic system or if they can replace current undersized septic tank with a larger septic tank.

In my opinion, since the your ordinance will allow the failed drain field to be replaced and as the present tank is operational, that the landowner can replace the septic tank with another septic tank. Mr. Pierce agrees with this interpretation. However, it is the Board's privilege to render final interpretations of its ordinance.

Board Action Requested: Does the Board accept staff's recommendation or does the Board interpret the ordinance to require the landowner to purchase an aerobic system.

Motion by Sanders, seconded by Parrish, to require Alligator Point resident to purchase an aerobic system; Motion carried 5-0.

6. Bridge Clean-Up Contract

The present Bridge Clean-Up contract expires at the end of September 2011. The Board reserved the right to extend the contract for up to an additional six months, subject to the availability of State Funds.

Board Action Requested: Motion authorizing the extension of the Bridge Clean-Up Contract for up to an additional six months, subject to the availability of State Funds. The Contract will expire when State funds are no longer available to fund the clean up.

Motion by Jackel, seconded by Parrish, to approve the extension of the Bridge Clean-Up Contract for up to an additional six months, subject to the availability of State Funds; Motion carried 5-0.

Non-Action Items

7. Capital City Bank

Attached is a copy of their Answer and Affirmative Defenses, along with a copy of my Reply to their Affirmative Defenses.

8. Alligator Point Fire Department

Attached are two emails, totaling four pages, I received from a fire investigator requesting a fire report from the Alligator Point Fire Department. As you can see, the fire chief has "suggested" a \$500 donation to the new fire station as a condition of providing the report.

The fire report is a public record and must be produced. The fire department can charge a statutory fee for the report, but unless the report is extraordinarily long, it should not cost anymore than \$5.00 or \$10.00.

I am going to contact the fire department to discuss their public record responsibilities.

9. Alligator Point Water Resources District

Attached is an August 30, 2011 letter addressed to Commissioner Sanders requesting County Commission support of their renewed efforts to expand the boundaries of their district. The attachment speaks for itself.

The District is formed by and exclusively governed by the State. Franklin County can take no action to expand its boundaries, and, as I recall, the last time a vote was taken a few years ago to expand the boundaries, the voters rejected the request.

I see no need to take action on this item for the reasons stated.

10. House Bill 45 Regarding the State's Total Preemption of Fire Arm Regulation and Ammunition

A copy of the memorandum is attached for your review. I will schedule a future public hearing for you to consider repealing local regulation of firearms and ammunition.

Commissioner Parrish asked that the Public Hearing regarding the firearms issue be resolved as soon as possible.

Attorney Shuler stated that he will try to address this at the next Board Meeting.

The Board, Mr. Pierce and Attorney Shuler discussed the County receiving some of the fees associated with septic tank permits.

Commissioners and Public Comments (12:58 PM)

Dan Tonsmeire, of ABARK, updated the Board on the latest ACF meetings.

Ron Mowery, representing the Alligator Point Water & Sewer Department, asked the Board to support a Resolution to expand the size of the district. He further explained the details of the request.

Commissioner Sanders asked how many times this request can be made by the District since it failed the last time it was presented.

Mr. Mowery explained that this request had new boundaries so it was a new request and it was presented again because it was asked for by most of the Alligator Point residents.

Commissioner Sanders and Mr. Mowery discussed this matter further. Commissioner Sanders said she needs clarification on this issue.

Commissioner Sanders stated that she would like the opinion of the Legislative Delegation regarding this matter.

Attorney Shuler stated that the District is determined by the State and the Board members are appointed by the State. He considered it a no action item for the BOCC.

Allen Fifer, of Alligator Point, was in favor of this resolution and stated why it is important to the residents of Alligator Point.

Ken Osborne, of Alligator Point, said he would also like Board support on this Resolution and discussed reasons why he believed it was important to revisit this matter.

Motion by Sanders, seconded by Jackel, to direct Staff to contact the Legislative Delegation's Office and inquire about House Bill #1793, see if it is binding and revisit this matter at the October 4, 2010 Meeting; Motion carried 5-0.

Attorney Shuler provided some additional comments.

Commissioner Putnal commented on available water for the St Joe developments.

Adjourn (1:27 PM)

There being no further business, Chairman Lockley adjourned the Meeting.

Noah Lockley, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts