

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
COURTHOUSE ANNEX – COMMISSION MEETING ROOM  
REGULAR MEETING, NOVEMBER 19, 2019  
9:00 A.M.  
MINUTES**

**Commissioners Present:** Noah Lockley – Chairman, Ricky Jones-Vice-Chairman, Joseph Parrish, William Massey, Bert B. Boldt, II

**Others Present:** Marcia M. Johnson-Clerk of Court, Erin Griffith-Assistant Finance Director, Michael Moron-County Coordinator, Michael Shuler – County Attorney, Alan Pierce-RESTORE Coordinator, Lori P. Hines-Deputy Clerk to the Board.

**Call to Order**

Chairman Lockley called the meeting to Order.

**Prayer and Pledge**

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes**

There were no minutes available for approval.

**Payment of County Bills**

1. **Commissioner Jones made a motion to approve payment of the County's bills. Commissioner Massey seconded the motion.** Chairman Lockley inquired about the payment to the Florida Association of Counties. Mrs. Griffith responded the bill is the premium for the General Liability Insurance Policy. **Motion carried; 5-0.**

**Organizational Meeting**

**Appointment of Chairman and Vice-Chairman**

Mr. Moron stated each Chairman and Vice-Chairman serve two years. He stated Chairman Lockley has just finished his first year so if they follow that practice this would be his second year. **On motion by Commissioner Massey, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to leave Noah Lockley as Chairman and appoint Ricky Jones as Vice-Chairman.**

## Committee Assignments

Commissioner Jones said he would like to be taken off the Transportation for the Disadvantaged Board. **Commissioner Jones made a motion to appoint Commissioner Boldt to the Transportation for the Disadvantaged Board. Commissioner Parrish seconded the motion.** Commissioner Boldt stated he had a good experience when he substituted on this Board. **Motion carried; 5-0.**

Commissioner Jones stated the county has been a member of Opportunity Florida for a couple of years and no one has been attending the meetings and he would like to start with the Board's permission to attend the meetings on a regular basis. He said he does not know how it is structured or if there is anything to pay going back and forth. **On motion by Commissioner Parrish, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to appoint Commissioner Jones to represent the county with Opportunity Florida.** Mr. Moron said he will notify Opportunity Florida of the appointment.

## Public Comments

Mr. George Pruet, a business owner and resident of Eastpoint and Fire Chief of the Eastpoint Volunteer Fire Department, said the land use change the Board is considering today would benefit Eastpoint in a big way. He stated there is a move by some people to stymie this project and he cannot understand why every time economic opportunity comes to Eastpoint people want to stop it. He reported they need jobs and good development. He said every gas station is close to the bay so that is not an issue and there are ways to deal with it.

Mr. Pruet stated some years ago the Commission promised the people a new hospital with some money they raised from the 1 cent sales tax. He said he is adamantly against closing the hospital in Apalachicola. He explained people do not have money to travel to visit their family if they are in the hospital out of town. He stated it is not fair to the community or the county to close the hospital and they need to find a way to keep it open in some form.

Attorney Shuler explained there is a time set aside during the public hearing for public comment so individuals can speak now during public comment on those issues and also speak during the public hearing.

Mr. Donnie Mathes, a resident of Apalachicola, said the county decided not to have their engineer look at the ditch problem at Southland but it is the county's problem as it is a county maintained ditch. He detailed the problem with the ditch and the way the water drains. He suggested a way to correct the problem with the ditch. He invited the Commissioners to come out to his property and he will show them how the water should run. He provided his telephone number for the Commissioners.

Mr. Michael O'Connell, St. George Island Civic Club, stated on December 5<sup>th</sup> at 5:00 p.m. they will have the lighting of the Christmas trees and the Christmas Parade. He said the parade will form at Lighthouse Park and he listed the activities that will occur. He invited the Commissioners to attend.

Ms. Karen Martin, Franklin County Humane Society Director, stated she thinks the Board understand the role the Humane Society plays in the community and are respectful of it. She reported their work is critical to the county. Ms. Martin said she does not understand how they have decided to withhold their funding because it is critical to their mission. She explained they have moved animals to one of their partners as they have been operating at capacity for weeks and needed the room. She discussed the intake of animals and asked the Board to release the promised funding. Chairman Lockley said it is out of their hands once the lawyers get involved. He reported the Board is not trying to be hard on them but it was said they were holding back money and at the same time half of the money that was due to them had not been picked up. Ms. Martin stated that was an unfortunate accounting issue. Chairman Lockley said it is not the Board's fault. Ms. Martin asked if the lawyers should make suggestions to the County Commission. Chairman Lockley stated they will not deal with this issue until Attorney Shuler suggests they take action.

Mr. Bud Hayes, Franklin County Humane Society, stated there has been no dialogue with the attorney. He explained they went back to the status quo before the money was withheld but they are not getting anywhere and need their money. He reported apparently the constituents want a shooting range and the Humane Society is working with the Sheriff's Office to open their range. Mr. Hayes reported this should be the Board's job but the Humane Society is working with the Sheriff. He stated they continue to withhold the money and it is unfair because the money was budgeted to them and they depend on the money. Commissioner Jones explained the Board is pursuing other ways to do a shooting range and because he does not advertise it does not mean he is not having discussions with people. He stated this Board knows their job and is doing their job. He explained last year the Humane Society did not ask for half of the funding that was budgeted to them so at the last meeting they received \$18,000. He said if they did not need it the last quarter they are already halfway through the year. He reported the Board is continuing to take this and they did nothing wrong and did not start this process. Commissioner Jones explained it got to this point because the Board was pushed to that limit. Mr. Hayes said Commissioner Jones pointed out they had not requested their money and he appreciates that because it was his lack of due diligence to follow up on it. He reported they are trying to work to the same goal but they have this money being held in suspension. Chairman Lockley suggested Mr. Hayes talk with the County Attorney. Mr. Hayes agreed to contact Attorney Shuler. Chairman Lockley explained until they get direction from Attorney Shuler they are not addressing this matter. Commissioner Boldt reported two weeks ago he met with a gun range consultant and they have brought a standard of practice for gun ranges published by the National Rifle Association (NRA). He said they also visited the gun range and looked at the opportunities. He stated this Board is empathetic and pressing on for a good alternative. Mr. Hayes addressed the standards for a gun range. Attorney Shuler said the

Humane Society closed the public road to the public gun range and did not reopen the road until the Board took action and withheld the funding. He explained he and Mr. Hayes have an agreement that was ratified by the Board and it says they will maintain the status quo which is the road stays open and the funding stays suspended while they work with the Sheriff to relocate the gun range. He reported the Sheriff is working with a consultant to come up with a plan and cost estimate and once that is completed he will bring that cost estimate back to the Board for their consideration and hopefully that completes this process. Attorney Shuler explained since he does not have the cost estimates at this time he has not brought this item back to the Board. Attorney Shuler explained he notified Mr. Hayes of where they are at this time. He said he does not feel there has been an unreasonable delay and everyone is working in good faith to try and find an acceptable solution. He reported until they have a final solution the funding should remain suspended. Mr. Hayes stated there is not a public road over their property and they own the property in fee simple. Attorney Shuler said if they get in litigation they will resolve that issue. Commissioner Boldt asked if they can add language to the existing sign on Highway 98 that says Humane Society Pet Adoption Center. Attorney Shuler commented the Board does not take action under public comment but they could address it under one of the department reports.

Ms. Bonnie Stewart, Franklin County Humane Society, questioned why the funds are suspended if the road is open and everyone is working toward a resolution. She explained they still have expenses and services that must be provided to the animals. She reported people are using the gun range but the Humane Society still has their funds suspended. Chairman Lockley said this process is not through. Chairman Lockley asked if they spent \$18,000 since last meeting. Ms. Stewart stated the question where the funds are. Chairman Lockley stated the attorneys are still working on this matter.

Mr. Moron stated Commissioner Parrish has to leave at 10:00 a.m. to attend a Consortium meeting so he would like to change the Agenda for some items that are on Mr. Pierce's report that should be addressed when Commissioner Parrish is present. He said if anyone else has something that should be addressed while Commissioner Parrish is present he would ask the Board to allow them to present it.

### **RESTORE Coordinator – Alan Pierce – Report**

Mr. Pierce presented the following items from his report:

26. Board action for the Mr. Shuler, County Attorney, to negotiate an amendment to Mr. Pete Burgher's existing lease at the airport. Mr. Burgher, with the county's permission, built a hangar at his own expense about 20 years ago, and entered into a land lease for the property the hangar occupies. Mr. Burgher currently pays \$1520 a year in a land lease. At the end of the current lease the hangar will convert to the county, but Mr. Burgher would like to donate the hangar to the county now, and then increase his payments so that he would pay a hangar and a land lease. Mr. Burgher is 80 years old and would like to do this so that in the event of something happening to him the hangar, which he currently owns, does not get tied up in probate and estate problems. He is proposing to pay \$300 per

month, which is more than double what he currently pays, and would like to extend his lease by 5 years from Dec. 31, 2019. I have spoken to Jason Puckett, Airport Manager, and Centric Aviation, and they both support the proposal.

**Board action** to direct Mr. Shuler to negotiate a lease amendment with Mr. Burgher.

**On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to negotiate a lease amendment with Mr. Burgher.**

Mr. Pierce reported the Department of Emergency Management (DEM) received \$25 million from the Legislature for counties impacted by Hurricane Michael. He said the county requested \$1 million for sand dune restoration but the problem with the request is the number one priority from DEM is a loss of revenue. He explained they are not interested in enhancing projects in any county unless it was associated with a loss of revenue. Mr. Pierce said when the money was allocated he assumed it would all go to one county since Franklin County's tax base did not shrink and the sales tax did not decrease. He reported last week DEM contacted him and said they must show a loss of revenue to receive money. He stated the only loss of revenue is from Weems Memorial Hospital because it was closed from October 9, 2018-October 31, 2018. Mr. Pierce reported last week he met with Mr. David Walker, CEO of Weems Memorial Hospital, about getting together some numbers on the loss of revenue. He stated yesterday DEM called and wanted the amount by the close of business Monday. Mr. Pierce said Mr. Walker was good about getting some figures together and it had to be submitted yesterday so the loss of revenue submitted for Weems Memorial Hospital yesterday was \$226,578. He stated because the loss of revenue is for the Hospital the money could go back to the Hospital. Mr. Pierce reported the Board would have to make this decision but he told DEM and they asked him to put this request in the letter. He explained he is not committing to the money going back to the hospital but they need to wait and see if the county is awarded any money. Mr. Pierce said the letter to DEM has been submitted for the Board file. He explained if the county is awarded then the Board will decide how to use the money because they ask for \$1 million in dune restoration and \$226,578 may not go too far on that project. Commissioner Jones asked if they need to vote to ratify this. Mr. Pierce said he submitted this as an amendment to the initial application.

32. Inform the Board I had written a letter of support months ago for a proposal written by FCMC for a study of alternatives to protecting Alligator Drive and Point properties other than through standard beach renourishment. Ms. Sara Kelty, with FCMC, submitted the project to an organization called the North Gulf Sentinel Site Cooperative, which is a partnership between the Mississippi and Alabama Sea Grant Consortium, who had received some BP funds. After months of review the Cooperative contacted FCMC and said they liked the project but did not have enough funds for the whole project, so the Cooperative on their own initiative had reached out to FDEP for assistance. FDEP has provided the remaining funds through a FDEP Resilience Planning Grant.

The total funding for this study is \$59,920, with it split between the Cooperative and FDEP. The project will explore what other options are available to make a community more resilient to flooding and erosion, and to produce a video of the effort.

After a series of conference calls over the last few weeks with all parties, it was decided that FCMC would provide a support role, but the lead agency will be the Apalachee Regional Planning Council (ARPC). The ARPC will enter into grant contracts with the Cooperative and FDEP, and Franklin County will have no financial or grant obligations. I say all this so that the Board and the public are aware of the project, as it will involve some interviews and activities on the Point by the ARPC. Mr. Chris Rietow, ARPC Executive Director, may be here to talk briefly about this project. I had contacted the ARPC to see if they were interested in administering the project when FCMC could not be the lead.

Mr. Chris Rietow, Apalachee Regional Planning Council, said they are happy to help with the project. He stated recently they have been involved with a lot of projects in Franklin County with respect to resiliency. He explained they are helping with RESTORE administration for Pot #3, the living shoreline project on Highway 98 from Eastpoint to Carrabelle, and the land management plan for the City of Carrabelle so they may need some additional assistance. He reported they went out with a Request for Proposals (RFP) for an outside environmental consultant to help when they exceed their capacities. He explained they just brought the consultant onboard and executed the contract when he received the call from Mr. Pierce asking if they wanted to help. He reported they want to help and their mission is to serve their local governments. Mr. Rietow offered to answer any questions. He explained some of their staff has already met with some of the people from the Consortium and are working on a scope of work that meets the requirements of the grant. He stated in the grant some of the deliverables are kind of broad so they are fine tuning them. Mr. Rietow reported they are confident they can meet the tight deadline of the grant. He said the funding is split by the Department of Environmental Protection (DEP) and the Consortium. He reported the DEP dollars must be spent by April and the remaining funding must be spent by October so they are splitting the deliverables. He explained the deliverables due by April will be submitted and the funding will be obligated and then they will submit the other deliverables by October. Mr. Rietow stated they are confident they can meet both deadlines. Chairman Lockley asked if they should know something by November. Mr. Rietow reported if the Board approves ARPC being the recipient of the grant then they will start moving and get the contract executed because they will be the recipient. He stated they will keep the Board updated as the contract moves along. **On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve ARPC being the recipient of the grant.** Mr. Pierce pointed out one of the benefits in addition to the alternate studies is because the people from the Cooperative are focusing on the video component and he thinks they can broadcast the dilemma on Alligator Point. He explained they are going to use the video as a training study so many people will see it and to him it has as much value as the study itself. Commissioner Parrish clarified this project will not interfere with the rebuilding of Alligator Point Road if the money is released. Mr. Pierce answered no. Commissioner Parrish reported this is a separate project but could help protect the road. Mr. Pierce explained it is a study for alternatives

besides beach renourishment. He went on to say beach renourishment has nothing to do with rebuilding the road as they are waiting for FEMA to rebuild the road. He reported the road rebuilding is moving forward before anything else happens out there. Commissioner Boldt asked if they will take their proposed plans for protection of the road and see how other plans can complement what they have already thought of. Mr. Rietow replied yes, he explained the idea is to come up with a list of alternatives that give the residents and the county better ideas on how to proceed. He stated that list would be handed over to the county and they would decide which alternative they want to use. He explained they will do their best to incorporate what has already been done, what has been talked about and any new innovative approaches that have not been thought of yet. Commissioner Boldt asked if they will provide historical proof of success with any alternative they submit. Mr. Rietow stated they can include that. Chairman Lockley said he is glad to know about this because he did not know there were other options. Mr. Pierce stated they will see what the alternatives are but there is strong erosion on Alligator Point so some things may not work there that work in other places.

#### Information Item(s)

27. Inform the Board that FWC has been awarded a \$20M grant from the Gulf Environmental Benefit Fund for Apalachicola Bay Oyster Reef Restoration, Phase II. I spoke to Mr. Jim Estes, FWC senior staff, and received the following details. This is a 5 year project of which the first two years will be working with the FSU oyster project, funded through TRIUMPH, to determine where and how to start rebuilding the oyster bars. In years 3, 4 and 5, FWC will be placing oyster substrate in the Bay. The goal is to rebuild up to 1000 acres of oyster reef. (The Phase I of this project occurred a few years ago where FWC rebuilt about 300 acres of oyster bars.)
28. Inform the Board that the Apalachicola RiverKeepers has been awarded a \$5M grant from the Gulf Environmental Benefit Fund to improve three sloughs in the Apalachicola and Chipola Rivers. The Riverkeepers will be partnering with the Univ. of Florida and the Apalach. Nat. Estuarine Research Reserve (ANERR).
29. Inform the Board that Commissioner Parrish and I spoke last week and we understand that the Special Master appointed by the US Supreme Court has concluded his hearing in New Mexico regarding the Apalachicola River water wars and will make his finding by the end of the year. His finding will be submitted to the Court who should rule on this sometime in the spring term of the Court. We understand that the state of Florida changed its approach and argued that the farmers in southern Georgia should be limited in water use. Previously Florida had argued that the City of Atlanta needed to limit its water use.

Commissioner Parrish said this is what he was told by someone that attended the meeting. He explained the state swapped and the City of Atlanta will continue to conserve. He reported the next issue they will address is the South Georgia farmers but he does not see them doing a lot because the farmers are growing food to feed the country. He said it is not a good argument but he hopes it to be construed as in addition to the issues of the City of Atlanta using more water than they are entitled to thereby starving Apalachicola Bay of the water coming down the river. Commissioner Parrish stated they do not know how the judge will rule but he has all

the previous information from the Special Master in Maine. He reported all they can do is hope for the best and the Supreme Court decision should come in May or June of next year. He explained if they lose this time then it is over. He asked everyone to keep this in their prayers so hopefully they get more water down the river to sustain Apalachicola Bay and the estuary.

30. Inform the Board that Representative Shoaf announced on television last week that he intended to submit a bill in the upcoming legislative session for funds to build a new EOC in Franklin County. The Board may recall that a new EOC was ranked as the county's number one priority.
31. Inform the Board that Centric Aviation and I met twice with TRIUMPH staff last week to work on the fuel farm and back-up generator upgrade at the airport. As the Board may recall, the county has requested \$1M for a new fuel farm and back-up generator so that the airport can be prepared for any future hurricanes where the airport would serve as a megacenter for hurricane recovery. The county has applied for funds saying that the improvements would provide improved hurricane response for the region. TRIUMPH staff has asked us to re-visit the project as a certification/training opportunity. The idea is to use the airport as a training center in conjunction with the various drone programs that are already funded in the school systems of Franklin, Gulf, and Wakulla counties. Centric Aviation would play a role in the certification process and it is possible TRIUMPH would increase the grant award to pay Centric for its effort in providing certifications. We are still working on this request from TRIUMPH staff so even though there is a TRIUMPH Board meeting here tomorrow our project is not on the agenda.

Mr. Pierce said the Board can attend the meeting but there is nothing on the Agenda that deals with Franklin County.

33. Board updates from the last meeting.

A) Commissioner Parrish had asked Mr. Moron to contact Mr. John Collins, AVCON, for an update on the construction of the airport access road. I ended up speaking with Mr. Collins. AVCON and the road contractor have reached an agreement on price, and construction should start in December. The hold-up was not over price, but over a permitting requirement from the Northwest Florida Water Management District. AVCON did not want to issue a Notice to Proceed and put the contractor on the clock until all the permit issues had been cleared up.

Mr. Pierce said he got a copy of the permit yesterday and the contract will be sent to the Board in the next week or two.

B) I had sent an email out to the commissioners the day after the last meeting advising that I had received an email from FCMC saying that FEMA had agreed to let the county proceed with rebuilding Alligator Drive as one project. I then was copied on an email from Senator Rubio's office saying that FEMA was going to set up a follow-up meeting with the county to discuss the project. That meeting has not been scheduled yet. Mr. Clay Kennedy, Dewberry, has contacted Anderson Columbia to make sure that their bid is still good, because we are beyond the 60 day window where some bids are no longer valid because of cost increases. Since the bid was announced, Tropical Storm Nestor did minor

damage to the road base so before Anderson Columbia responds to the inquiry about their bid they were going to investigate the road to make sure the conditions were the same as what they bid on. We all understand the asphalt is gone, but that was going to be removed by the contractor so that is not a substantial change.

Mr. Pierce explained the question is if there was a lot of shifting of the underlay but they do not think there was and the road was placed back within a 24 hour period. He stated Anderson Columbia does not think there will be an issue but they wanted to look at it. Mr. Pierce said the critical thing is when FEMA is going to hold the meeting and when are they going to get the Project Worksheet (PW) obligated. He encouraged the public to continue to contact their elected officials and see what they are doing because until the money is obligated they are still in limbo.

34. Discussion of my future plans. The Board has authorized Mr. Moron to make certain personnel changes to increase his administrative capabilities. Those changes will allow some of my Board responsibilities to migrate to this new position so at this time I am not going to recommend another consultant to replace me. I am here to assist the Board but I think it is prudent to see what capabilities are generated by Mr. Moron's changes before the Board hires another consultant. And, using this report as an example, it would be very difficult to hire a consultant to develop this kind of report. This comes from years of contact on behalf of the county, and many of these items are better performed in-house.

Mr. Pierce stated he just needs to tell the person what he knows and then he can walk away.

Chairman Lockley asked to clear up something on the oyster project. He stated it will be 3 years before they put any oysters on the wild bars. Mr. Pierce agreed and said if the Florida State University (FSU) study proceeds faster then maybe it could happen faster. He said he believes FSU got \$20 million all in a lump sum. He explained it is a matter of the timing between FSU and the Florida Wildlife Commission (FWC) as to when they are confident about the future water flows and where they are going to place the oyster shells. Chairman Lockley explained he brought this up because when people know there is money out there they will want to know when they can go to work. Mr. Pierce reported the schedule Mr. Estes gave him said the first few years are evaluating what they project as future conditions and where the best water will be to grow the most oysters. Chairman Lockley stated it sounds like it will be 3 years. Mr. Pierce agreed that is correct. Commissioner Parrish pointed out the county is not responsible for administering the \$20 million. Mr. Pierce agreed and said it is FWC. Commissioner Parrish stated he attended a National Fish & Wildlife Foundation (NFWF) meeting and they told him they had \$38 million set aside for the State of Florida and the State had not requested any of the money. He reported this \$20 million is probably part of that money and he is glad to see a state agency moving forward and getting this money on behalf of Apalachicola Bay. He stated it is a 5 year project but it is better than before. Mr. Pierce explained 5-8 years ago the county was putting a list of projects together and listed the number 1 project as Apalachicola Bay Recovery and he contacted FWC looking for a partner in this project and could not get any state agency to assist the county. Mr. Pierce stated he is glad to see they got \$20 million and made the request on their own for a program they will run. Commissioner Boldt referenced Item #28

and asked if this project will facilitate water flow into the bay. Mr. Pierce said it is the other way around and will facilitate water flow into the wetlands and swamp. He reported they may remove some of the sand plugs the Corps of Engineers (COE) placed there when they were dredging the river so the water will flow back into the wetland areas. Commissioner Parrish said these are the areas where the fish go to spawn in the spring time so that should help the concentration of fish. Chairman Lockley stated he hopes they do both parts once they get it back and FWC does not leave and have someone out there to control it. Mr. Pierce agreed that has been a challenge since there are not enough oysters to harvest and they are harvesting anyway.

Mr. Moron suggested they get back to the normal Agenda at this time.

Commissioner Parrish brought into discussion the issue of overnight camping in county parks. He said he talked with Attorney Shuler and the county has an ordinance but it may not include all county parks. He reported last week he called the Sheriff to get someone out of Abercrombie Boat Ramp and they moved to Buddy Ward Park. Commissioner Parrish stated the Sheriff is requesting the county place signs in these locations. **Commissioner Parrish made a motion to direct Attorney Shuler to see if they have an ordinance that prohibits overnight camping in all county parks and if they don't have an ordinance then put it in an ordinance and direct Mr. Davis to get signs and put them at the county parks so the Sheriff knows they have an ordinance in place and he can enforce the ordinances. Commissioner Boldt seconded the motion.** Commissioner Jones asked Commissioner Parrish to also include public parking areas in the county. He explained they are having the same problem in these areas. **Commissioner Parrish amended his motion to include public parking areas in the county.** Attorney Shuler said there is an existing ordinance that specifically prohibits overnight camping at the Lighthouse Park and the public parking area. Commissioner Jones asked so they could added on the signage. Chairman Lockley said this is a good idea because it is not going to get better just worse. **Motion carried; 5-0.** Commissioner Parrish asked Mr. Davis to assist the Sheriff with these signs. Mr. Davis stated he saw the camper at Buddy Ward Park and had staff contact the Sheriff this morning.

The meeting was recessed at 9:55 a.m.

The meeting reconvened at 10:10 a.m.

Commissioner Parrish left the meeting at this time.

## **Department Directors Report**

### **Superintendent of Public Works – Howard Nabors**

2. Mr. Nabors stated they have been cutting shoulders back in Apalachicola, Eastpoint, Carrabelle, and Alligator Point. He explained they are on St. George Island now and have received some complaints but everything they are cutting is on county right-of-way.

Mr. Nabors reported no one applied with a Commercial Driver's License (CDL) for the Inmate Supervisor job position so they re-advertised and the person will have 6 months to get the CDL. He explained if they do not get the license within 6 months then they will be terminated.

Mr. Nabors stated hopefully they will be done with grass cutting in December and then they will start on shoulder work, sidewalk work and hedging. He explained they got behind with the shoulder work due to the storm last year. Chairman Lockley said some people are fussing and some are happy but make sure public safety is okay. Mr. Nabors agreed and said there are a lot of things that need to be cut back.

Commissioner Boldt thanked Mr. Nabors for the reflector barrels that are in front of Seacrest Lane where it intersects Highway 98. He explained this helps to remind everyone that there is a cliff there.

Commissioner Boldt asked if they can consider adding language to the sign on Highway 98 that directs people up Highway 65 to the Franklin County Shelter. He requested they add Franklin County Humane Society Pet Adoption Center. Mr. Moron agreed they have permission to add this language since the sign is already there. Mr. Nabors agreed to take care of this matter. **On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to add this language to the sign.**

Mr. Nabors stated there have been a lot of dead pine trees in the county since the storm. He said they received a call from Alligator Point about some trees and they cut 8 on St. George Island last week. He reported he talked with Commissioner Boldt about the tree at Alligator Point because it is a big tree and it is near someone's house but on the county right-of-way. Mr. Nabors stated they will need to hire someone to cut this tree. Commissioner Jones asked if this is similar to what they did in Eastpoint. Mr. Nabors replied yes, it is a safety issue. **On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to remove the trees at Alligator Point.**

#### **Solid Waste Director – Fonda Davis**

Mr. Davis provided the following information:

### **3. FOR BOARD INFORMATION: USE OIL CONTAINERS**

All used oil containers have been set out at the following location:

Apalachicola- Market Street at the Haul Out Boat Yard

Eastpoint- Vrooman Park

Carrabelle- City Yard

Commissioner Jones said they started on these containers before Hurricane Michael. He explained the county applied for this grant for hazardous materials. He reported they have set up 3 separate oil containers for public use so they do not have to wait until the landfill is open to get rid of used motor oil.

Mr. Davis requested permission to advertise for part-time Animal Control Officers that they discussed and approved during budget time. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to advertise for part-time Animal Control Officers.**

### **Emergency Management Director – Pam Brownell**

Mr. Moron stated Mrs. Brownell is at her office because they received a Category B check and she and her staff are working on completing Project Worksheets (PW's) as soon as possible. He said if the Board has any questions they can contact her.

4. Action Items: None

#### Information Item:

1. FCEM Staff continues to work on FEMA reimbursement claims from Hurricane Michael. This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County.
2. Emergency management coordinator Tress Dameron taught a CPR class on 11/8/2019.
3. Submitting the final documentation for CEMP final review. Awaiting approval.
4. Accepting Applications for the Hurricane Loss Mitigation Program. Will be advertising in the paper for next week. Applications can be found on our website.
5. Franklin County Emergency Management is diligent in performing public outreach through Facebook and Website.

### **Extension Office Director – Erik Lovestrand**

5. Mr. Lovestrand said he has no action items. He reported he did the walk through on the facility yesterday with the contractor and the architect and they created the punch list items. He stated the contractor has 15 days to finish the punch list items and then they will be close to moving their furniture to the facility. Mr. Lovestrand reported the facility is almost ready and they appreciate all the support the county has provided.

## **County Extension Activities November 6 – November 19, 2019**

### **General Extension Activities:**

- Extension office assisted clientele with issues related to peat bog habitat, injured wildlife, insect pests and treatments, and dune restoration on area beaches.

- Work underway on annual report of accomplishments/plan of work, as required by UF/IFAS each year.
- Extension Director attended 2-day Northwest District CED annual planning meeting in Tallahassee.
- Extension Office renovation project “walk-through” scheduled for Nov 18 with architect, to develop list of final tasks for the contractor to complete.

#### Sea Grant Extension:

- Extension Director developed exhibit about “reef fish catch and release techniques” to be part of UF/IFAS live demonstrations with the public this year at the North Florida Fair. Two “live” sessions provided by this Sea Grant/CED agent.
- Extension Director served as reviewer for two sea turtle-related publications that will be part of the UF/IFAS Electronic Data Information System.

#### 4-H Youth Development:

- Extension Director participated during 4H exhibit judging event at North Florida Fair.
- Two Franklin County 4H youth assisted with the 4H awards presentations during 4H day-at-the-fair.

#### Family Consumer Sciences:

- Family Nutrition Program (FNP) Assistant teaching hands-on cooking skills with pre-K youth to 8<sup>th</sup> grade with “Kids in the Kitchen curriculum. Includes kitchen safety, cooking skills, how to follow recipes and, always the favorite part, taste testing.

#### Agriculture/Horticulture:

- Pine beetle attacks continue to be confirmed in the region. Still no sign of Southern Pine Beetle, fortunately.
- Several new Master Gardener students finishing up course being taught by Wakulla CED in Franklin County.

#### **TDC Administrator – John Solomon – Report**

Mr. Moron stated Mr. Solomon is attending a Visit Florida Tourism Conference in Panama City Beach and has one action item and read the action item:

Action Item(s)

**I am currently at the Visit Florida Tourism Conference in Panama City Beach. Please excuse my absence for the Report.**

6. St. George Island Bathrooms-The TDC Board approved recommending the pursuit of a loan which would fund the project's new construction (SGI Bathrooms). The loan would be paid annually with the allowable 10% currently budgeted.

**TDC Recommendation:** Board action to authorize the TDC to pursue a loan as funding for the SGI Bathroom new construction project. This loan will be repaid from allowable TD budgeted funds.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize TDC to pursue a loan as funding for the St. George Island Bathroom new construction project.**

Commissioner Jones reported the August collections were a 20% increase over last year so TDC has exceeded last year in 10 months' time this year. He explained this month is additional and over and beyond what was collected in the previous year.

#### Information Item(s)

7. Collections Report: The August (2019) collections were \$134,238.67. This is a \$22,915.75 (20.58%) increase over August (2018) also this is the highest collections for the month of August by \$4,359.17
8. Web Site Activity: We had 23,944 web hits in the month of October (2019).
9. Visitor Center Numbers: The Visitor Centers welcomed 3,016 visitors in the month of August. The total for January-October of 2019 is 34,421 Visitors that have visited our centers.
10. Forgotten Coast Community Series- In light of the success of the Museum Series and the Events series the TDC Board approved the to start a new video series titled the Community Series which will focus on the individual Communities in Franklin County.
11. Meetings: The next scheduled board meeting is January 8th 2020 @ 2:00pm at the Eastpoint Visitor Center

#### **Board of Adjustment – Amy Ham-Kelly – Report**

Mrs. Ham-Kelly presented the following report:

12. Consideration of a request for a variance to construct a 16' x 28' shed 6.5 feet into the rear setback on an existing footer foundation on property described as Lot 3, Block 103, 24 North Franklin Street, Eastpoint, Franklin County, Florida. Request submitted by Jason Wilson, applicant. ABOA recommended approval by unanimous vote.  
**Recommended Action:** Motion to approve variance request as presented.

Commissioner Jones asked if the footer is already there. Mrs. Ham-Kelly answered yes, it was there before Mr. Wilson purchased the property. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve this request.**

## **Planning and Zoning – Amy Ham-Kelly – Report**

Mrs. Ham-Kelly read the following items:

### **Scrivener's Error Correction**

13. Consideration of a request for Scrivener's Error correction of an 18 acre tract known as Black Bear Bayou, lying in Section 8, Township 7 South, Range 4 West, Carrabelle, Franklin County, Florida. Request submitted by Thurman Roddenberry and Associates, agent for John Johnson, applicant. The original map was one large map with very limited detail, about 30 years ago the County hired Baskerville Donovan to create a zoning and land use map series which has about 15 maps in more detail. It has been our determination that the zoning was not captured at the time when the new maps were created due to the limited detail. (PZ Commission: Unanimous Vote to approve Scrivener's Error)

**Recommended Action:** Motion to Approve and Correct Scrivener's Error

**On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve and correct the scrivener's error.**

### **Sketch Plat Approval**

14. Consideration of a request for Sketch Plat approval of a 5 unit subdivision names Black Bear Bayou II a replat of Lots 1 and 7 of Black Bear Bayou, lying in Section 8, Township 7 South, Range 4 West, Carrabelle, Franklin County, Florida. Request submitted by Thurman Roddenberry and Associates, agent for John Johnson, applicant. (PZ Commission: Unanimous Vote to approve Sketch Plat contingent upon Scrivener's error being corrected)

**Recommended Action:** Motion to Approve Sketch Plat contingent upon the Scrivener's Error being corrected.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve the sketch plat contingent upon the scrivener's error being corrected.**

### **Commercial Site Plan Review**

15. Consideration of a request for Commercial Site Plan Review of two new aquaculture production buildings on property described as 125 Harbor Circle, Alligator Point, Franklin County, Florida. Property lying in Section 6, Township 7 South, Range 1 West. Request submitted by Garlick Environmental Associates, agent for Paul Parker et al. (PZ Commission: 3/1 Vote to approve with John Murphy recusing himself)

**Recommended Action:** Motion to approve contingent upon re-zoning being approved today.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to table this request until after the Paul Parker rezoning public hearing.**

16. Consideration of a request for Commercial Site Use Opinion of an existing commercial building within a C-4 Commercial Mixed Use Residential zoning to allow refrigeration and storage of seafood related products without processing them onsite. Property described as 623 Highway 98, Apalachicola, Franklin County, Florida. Property lying in Section 11, Township 9 South, Range 8 West. Request submitted by Garlick Environmental Associates, agent for Charlotte Schneider, applicant. (PZ Commission: Unanimous Vote for approval)

**Recommended Action:** Motion to approve the refrigeration and storage of seafood related products without processing them onsite.

Commissioner Jones inquired if C-4 allows for this use. Mrs. Ham-Kelly stated C-4 allows mixed use residential and does allow for commercial uses such as refrigeration. She pointed out the seafood will not be processed on the site. Commissioner Jones stated they are asking for a very limited use. Mrs. Ham-Kelly replied yes. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the refrigeration and storage of seafood related products without processing the products onsite.**

#### **Re-Zoning & Land Use Change Application**

17. Consideration of a request for a Land Use change from Residential to Commercial and a Re-Zoning change from R-1 Single Family Residential to C-3 Commercial Recreation. Property described as Lot 1, Block 2, Magnolia Bluff Subdivision, 100 North Bayshore Drive, Eastpoint, Franklin County, Florida, lying in Section 36, Township 8 South, Range 7 West. Request submitted by Eastpoint Lands, LLC, applicant. (PZ Commission: 3/2 Vote to Deny)

**Recommended Action:** Motion to Deny

Commissioner Jones questioned if they are asking for the ability to go to a public hearing. Mrs. Ham-Kelly answered yes. **Commissioner Jones made a motion to allow them to have a public hearing. Commissioner Massey seconded the motion.** Chairman Lockley said they must allow them to have a public hearing. **Motion carried; 4-0.**

18. Consideration of request for a Land Use change of 1.39 acres from Residential to Commercial and a Re-Zoning change from R-4 Single Family Home Industry to C-3 Commercial Recreation. Property described as 478 Avenue A, Eastpoint, Franklin County, Florida, lying in Section 30, Township 8 South, Range 6 West, 478 Avenue A, Eastpoint, Franklin County, Florida. Request submitted by Eastpoint Lands, LLC, applicant. (PZ Vote: 4/1 Vote to deny)

**Recommended Action:** Motion to Deny

**Commissioner Jones made a motion to approve this request going to a public hearing. Commissioner Massey seconded the motion.** Chairman Lockley said this is the same and they must allow it to go to a public hearing. **Motion carried; 4-0.**

19. Consideration of request for land use change of 4 acres from Residential to Commercial and a Re-Zoning change from R-4 Single Family Home Industry to C-3 Commercial Recreation. Property described as 83 Otterslide Road, Eastpoint, Franklin County, Florida, lying in Section 30, Township 8 South, Range 6 West. Request submitted by Eastpoint Lands, LLC, applicant. (PZ Commission: 2/3 Vote to Approve- Motion Failed for lack of support)

**Recommended Action:** Motion to Deny

**On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve this request going to a public hearing.**

20. Consideration of request for Land Use change of 5.52 Acres from Residential to Commercial and a Re-Zoning change from R-2 Single Family Mobile Home to C-3 Commercial Recreation. Property described as 128 Patty Lane, Eastpoint, Franklin County, Florida lying in Section 30, Township 8 South, Range 6 West. Request submitted by Bruce and Angeline Millender, applicant. (PZ Commission: Failed for lack of a motion)

**Recommended Action:** Motion to Deny

**On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve this request going to a public hearing.**

### **Public Hearings 10:30 AM**

Mrs. Ham-Kelly read the item, as follows:

21. Consideration of a request to re-zone a 10.32 acre parcel of land lying in Section 18, Township 8 South, Range 5 West, 1849 US Highway 98, Eastpoint, Franklin County, Florida from R-3 Single Family Estate Residential to R-1 Single Family Residential. Request submitted by Robin and Suzanne Ackerman, applicants. The county has not received any letters or emails or opposition or support.

**Board Action:** Motion to approve, table or deny

Chairman Lockley asked for public comment. There was no public comment. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the rezoning request.**

Mrs. Ham-Kelly presented the following item for consideration:

22. Consideration of a request for a land use change of 1.04 Acres from Commercial Recreation to Commercial Fishing and a re-zoning change from C-3 Commercial Recreation to C-1 Commercial Fishing. Property lying in Section 6, Township 7 South, Range 1 West, 127

Harbor Circle, Alligator Point, Franklin County, Florida. Request submitted by Paul and Stephanie Parker, applicants. The county has received opposition.

**Board Action:** Motion to approve, table or deny

Chairman Lockley asked for public comment. Mr. Paul Parker, applicant, said he has lived on Alligator Point for 28 years. He referenced the map of the property and said he purchased 2.5 acres of the former KOA Campground property which was zoned C-3 Commercial/Recreation. He explained the uses under the C-3 designation. He reported they did a site plan and got approval for the real estate office and for a store. Mr. Parker stated they bought the commercial part of the South Shoal Project when it went under. He explained they always planned to develop it back to what it was with cabins and RV sites. Mr. Parker said they were approached by Mr. Tom McCrudden who has been in the shellfish hatchery business successfully for over 20 years. He stated Mr. McCrudden has 2 other locations in Florida and he explained there is a great need for shellfish seeds for oysters and claims to re-seed the natural bars and for the developing aquaculture business. He reported Mr. McCrudden proposed leasing the back of their property near the dock to do an oyster and clam hatchery and nursery where they spawn the oysters until they are big enough to place into aquaculture. Mr. Parker explained because they would be spawned in the same water where they would grow out the survival rates would probably be higher. He said after receiving this proposal to lease the property he contacted the county and talked with Mr. Mark Curenton, County Planner, and they thought it could be done under the current zoning. He reported Mr. Curenton called back a couple of days later and said there is a project in Apalachicola that is a hatchery and nursery and they are in C-1 so they think he should rezone that portion of property to C-1. Mr. Parker said that is when they started the process and submitted the rezoning request. Mr. Parker explained he and his wife have lived there and raised their family and he would never do anything that would be detrimental to Alligator Harbor. He said he would not do anything that would not be beneficial or would hurt real estate values because that is how he makes his living. Mr. Parker stated he understands his neighbor's concerns about what is allowed under C-1 versus what their intentions are for the property. He commented that he respects their opinions. He explained they believe this is a better use of the property because they could put in 10 RV sites and cabins. Mr. Parker said they believe this is a less intense use of the property and will generate less traffic and noise than what the property is zoned for. He stated they are devaluing their property and this is actually a down zoning to a more restrictive zoning. Mr. Parker offered to answer any questions. Chairman Lockley asked if they will put anyone to work. Mr. Parker said they will but he is not the operator. He reported 2-4 people will be hired to grow the oysters. Commissioner Massey inquired about the size of the building. Mr. Parker stated there are two buildings side by side and will be on the higher side of the property. He reported he and his wife traveled to Cedar Key for visit one of Mr. McCrudden's other locations. Mr. McCrudden stated the buildings are 3,000 square feet. Commissioner Massey clarified there will not be any digging and they will pipe the building straight to the bay. Mr. Parker agreed this is correct. He stated Mr. McCrudden can place the pumps in a box to make them quieter. He explained the water runs over the shellfish and then is returned to the bay. Commissioner Massey questioned if it runs back to the bay after it is filtered. Mr. Parker

answered yes. He explained this is heavily regulated by the Division of Aquaculture under the Department of Agriculture & Consumer Services (DACCS) and they have visited the property about 3 times. He reported they went diving around his dock to make sure there was no grass and to test the water quality. Mr. Parker stated there is no chemical discharge, no semi-trucks and they are not trying to do a boat landing. Chairman Lockley said that means there will not be much noise or traffic. Mr. Parker said when they visited the other location only one person was working because they are only circulating water. He reported once the animals are spawned then they are just moved from tank to tank. Mr. Parker stated Mr. McCrudden can answer more specific questions.

Mr. Bob Lamey, a resident of Alligator Point, said Mr. Parker described this proposal to the Alligator Point Taxpayers Association. He explained the problem is the future owner and the uses of C-1. He read the allowable uses for C-1. Mr. Lamey discussed the allowable uses and issues that could occur with odor, traffic and noise. He stated these uses do not belong in a residential neighborhood. He reported if they allow this zoning change then it could allow for some of these things. Mr. Lamey said if any of these facilities are built in the future by a new owner they will have these issues and their property values will go down. He requested the Board deny this request.

Attorney Shuler announced the Board's public comment policy limits public comment to 3 minutes for individuals and 5 minutes per person if they are speaking on behalf of an organization or a group.

Ms. Carol Rippee, a property owner at Alligator Point, said their fight is zoning. She reported the DACCS puts out a notice to be able to use the property that is underwater and the property is leased and they also need an upland certificate if they are going to make the seeds that go into the Floating Upweller System (FLUPSY). She reported many people have a FLUPSY because you do not need anything attached to the land. She explained when they ask to make the seeds then they must go inland and have the equipment to keep the operation going. Ms. Rippee said the Department of State (DOS) thinks this is a good thing for the area but they are against the zoning for the reasons mentioned. She reported they were used to the RV park and do not mind an RV park. She stated they are also dealing with the road and equitable costs and what businesses will be charged for the road protection. Ms. Rippee reported they have been given the plan but if they get the zoning they will give them the certificate. She stated the zoning needs to be upgraded to allow for a FLUPSY but not the detrimental uses in C-1. Ms. Rippee asked the Board to revise that or look at C-2. She said they should look at options so they do not consider something that could be harmful in the future. Commissioner Massey reported the traffic will not be a problem because the seed is small to transport and they cannot have a lot of big boats in this area because it is shallow. Ms. Rippee stated they could start shucking the shellfish.

Ms. Ann Maruszak, a resident of 173 Harbor Circle, stated she submitted a letter to the Board and referenced the last 2 pages which contained pictures. She reported Mr. Parker is a friend but she cannot support his efforts toward this project. She said the buildings are close to house

size. Ms. Maruszak reported this operation is close to the residential property. She stated there is also a road down the side of the property and discussed the impact of this business on the residential property. She reported structures are placed on the west most boundary allowing for further expansion of the operation to the east. Ms. Maruszak stated the Board asked the state to see if the FSU property could be used as a boat launch. She asked if the Board can consider working with DACS and DEP to allow for a facility at Bald Point State Park as that would be close to the aquaculture but away from residences. She reported logging takes place on state parks so they might consider dedicating a parcel of land for a boat launch, hatchery and parking.

Mr. Mike Chwalik, a resident of 135 Harbor Circle, said his property is adjacent to the proposed project. He stated according to the site plan more than half of this operation is over sensitive marsh. He reported when he purchased the property Mr. Parker told him he might put a small store of restaurant on this property and that would have fit within the community much like his real estate business. Mr. Chwalik said now they are talking about tanks and Mr. Parker will turn the property over to the out of county business. He reported this is in an aquatic preserve that does not have a fresh water or much of a tidal flush. Mr. Chwalik said the oyster hatcheries are closer to Highway 98. He reported now that the tanks are there he has seen some boat traffic checking on them. He said this is not what their area is about because they enjoy their serenity and they have ecological concerns. Mr. Chwalik stated he is not just concerned about this project but also about future use. He expressed concern over the project and said he hopes they will consider the voices of the community. He said there are environmental concerns to be considered. He questioned where the spat will be placed if it dies.

Mr. Bob Blazer, a resident of 136 Harbor Circle, said he visited some of the adjacent property and viewed the floating hatcheries. He stated this is a great opportunity but he does not think it is for Alligator Point. Mr. Blazer reported they have seen a lot of changes since Hurricane Michael and Commissioner Boldt has done a good job. He said the Board has paid more attention to them and they appreciate it. He stated this proposal caught them off guard and they need more information. Mr. Blazer explained from what he knows Mr. Parker has always had the best interest of Alligator Point but there is a proposed fire department going next to his building. He reported another issue is the curve of the road and the stop sign in this area. He said there will be an impact on traffic and their property values. Mr. Blazer stated Alligator Point has two commercial sites which are the marina and Mr. Parker's property. He asked the Board to allow them time to gather more information and be more informed.

Mr. Steve Fling, a resident of Alligator Point, said his home is within 300 ft. of this development. He stated when he bought his house 8-10 years ago there was a clam hatchery business next door and it was noisy and vibrated his house. He reported they must have positive control over what they are going to have and what they can expect. Mr. Fling asked the Board to table any decision on the zoning change until they know what the new zoning may do to them. He said they have mentioned the concerns of noise levels, lighting, traffic, odors and possible pollution in the harbor. He reported they need to know the full extent of the zoning change and they need control on what the future could bring. Mr. Fling stated the C-1 zoning allows too many

unknowns. He said his home is his biggest investment and this project will devalue his home. He asked the Board to move slowly and carefully and not cause harm to their homes and community. Mr. Fling reported there are neighbors that are concerned here from St. Teresa and Alligator Point and he asked them to stand. He stated there is no rush so they need to postpone it.

Mr. Tom Heinz, a resident of Peninsular Circle, said his concern is not this project but what the potential change in zoning could bring. He stated the height of the buildings could change which affects the views of a lot of people. Mr. Heinz reported RV parks do not bother him so if they want to do an RV park he does not have an objection. He said it is not this project but what could happen with the next owner. He explained they will not have meetings or be here to object with the next owner. He suggested the Board deny this request and find another way to do it such as an exception.

Ms. Victoria Schwatka, a property owner at 1305 Angus Morrison Road, stated her property directly views the back of Mr. Parker's property. She said she is opposed to the zoning change because it will change the residential nature of their community. She explained it will bring in commercial fishing operations and there will be increased noise pollution, light pollution and pollution from the smell of the operation if the electricity is working. Ms. Schwatka stated if they lose power which happens frequently on Alligator Point there will be noise from generators or increased problems with pollution. She reported their property values and tax revenues will be hurt by this project. Ms. Schwatka stated the area currently zoned C-3 is not located in a commercial area but in the middle of a long standing residential neighborhood and there is no reason to change the zoning when there is sufficient property on Highway 98 and Bald Point to accomplish this operation. She said Mr. Parker has stated publicly that he has an alternative business plan under the current zoning and she supports that operation. She requested the Board vote against the zoning change which would permanently destroy the residential nature of Alligator Point.

Ms. Lissa West, a resident of 4106 St. Teresa Avenue, said they get debris from across the bay and wanted to know what impact this will have on them. She stated there are concerns along St. Teresa about this project.

Mr. Vernon Sanders, a resident of 1308 Peninsular Circle, stated he is not concerned about what Mr. Parker will do but what the zoning will allow in the future. He said he agrees with other people that they should postpone this or get better control over the zoning.

Ms. Nancy Widener, a resident of 214 Harbor Circle, reported she is opposed to the rezoning and wants to keep it the way it is.

Ms. Margaret Howard-Trammell, a resident of 21 Harry Morrison Road, stated all the reasons have been given and she agrees with the opposition to this project.

Ms. Lyra Erath, a resident of 1301 Angus Morrison Road, reported when they purchased their home 9 years ago they had no knowledge that there would ever be a commercial property near their home. She stated they value the wildlife, birds and serenity where they live. She explained when they purchased their home it was with the understanding that this was a residential neighborhood and the fishery will be placed right in the middle of the point dividing major residential areas. Ms. Erath stated she strongly opposes this project.

Attorney Shuler said there are two people that have already spoken that want the Board to take additional public comment and he wants to think about that. He asked if there is any other public comment from anyone who has not spoken yet.

Mr. McCrudden reported he is the proposed hatchery owner and understands the citizens concerns. He stated they do not want to devalue their property or create any issues. He explained they are hoping to improve the quality of the bay with restoration by providing seed to oyster farmers when they cannot get the seed. Mr. McCrudden stated it is difficult to find a suitable area to do this. He reported he has a facility near Stewart, Florida and it has been there about 23 years. He said he has another facility in Cedar Key and is proposing this facility because of the site suitability. Mr. McCrudden stated the benefits will outweigh the negative impacts. He explained they do not need tall buildings and can soundproof items so there will be no noise, no lights and no smell. He reported by having the other facilities if a storm is coming he can move the product to another location so there will not be generators. He stated they are also looking at a facility in Naples. Mr. McCrudden stated he has worked with DEP and different universities and wants to work with FSU with their restoration efforts. He explained FSU is on the research side but there is no commercial angle to what they are doing so they would need a commercial hatchery. Mr. McCrudden reported he has been doing this with oysters longer than anyone in the state and also works with groups up the eastern coast with genetic work and restoration projects. He said they can address the different issues and work on improving the live animals in the bay. He explained by having a local facility they can genetically retrieve the animals that are surviving and work with FSU to figure out what is going on and commercially do the restoration. He discussed studies done on the benefits of oysters in relation to improving water quality. Mr. McCrudden said they hope to improve the bay to historical levels of animals out there in the habitats. He offered to answer any questions. He said someone asked where the water is coming from and they will pump it from the bay, filter it, use it in the facility and then re-discharge it back which is governed by Division of Aquaculture through the DACS. He pointed out the water leaving their facility is cleaner than when it came into their facility. He explained they are viewed as beneficial and not like a fish farm that adds food. He stated they are actually filtering and cleaning the water and putting it back in a better condition than when they got it. Commissioner Massey stated he has visited his facility in Cedar Key and it is very clean. Attorney Shuler said if any of the public has questions if they would address them to the Board and then one of these individuals will respond. Mr. Blazer stated they talk about restoring the bay but he was not aware they had a problem in their bay. He reported it is natural and untouched. Commissioner Massey stated the oyster bars are gone in Apalachicola Bay. Mr. Blazer said they are talking about their bay at Alligator

Point. Commissioner Massey explained they are growing oysters here in baskets. Commissioner Jones reported they would not just be selling the product to people operating at Alligator Harbor. He stated there is a move to restore the bay and FSU through Triumph has received money to pursue genetically some of the kind of species that will grow with a lack of freshwater that they are going to continue to have. Mr. Blazer stated he views this as two different subjects. He stated they need more clarification. Ms. West reported Mr. Parker said the reason this had to be changed to C-1 rather than C-2 is because there is already this type of operation in Apalachicola in C-1. She stated that is Apalachicola Bay not their bay. She said their bay is fine and questioned why they are taking a risk with discharge from these hatcheries back into their water. Mr. Lamey said this operation could impact the grasslands which are a habitat for blue heron and egrets. Ms. Maruszak asked if Mr. McCrudden was associated with Southern Cross Sea Farms in Cedar Key and referenced photographs she submitted with a letter she wrote to the Board. She suggested they look at an alternate plan and place the developed facility in Bald Point State Park. Ms. Rippee said if the county's intent is to make the oysters better around the area and save the area is there any county property along Highway 98 that can be considered for this operation instead of the residential area. Attorney Shuler answered no. Mr. McCrudden said he is not involved with Southern Cross Sea Farms. He stated the discharge is regulated by DACS and they have Best Management Practices to follow. He reported DACS inspects to make sure they are in compliance. Mr. McCrudden said Mr. Parker's property is the best location for this facility because of the water quality and where it is situated. He explained the native oysters have been dying off and it is happening around the state and they want to restore them. He reported having a facility here to acclimate the animals suited for this bay in the restoration would be an asset to the county. He explained they would produce the seed from the animals that are surviving. Mr. McCrudden stated the native species of the oyster here is virginica and they would never do a non-native species. He explained it is the genetics of the animals from these areas that are able to survive depending on the issue. He reported they want to restore the bay and improve the water quality. He said it is in his best interest for the water quality to be as good as possible. He reported the area at Alligator Point is very stable and it is difficult to find a suitable place. He stated no one wants this in their backyard but what they are doing is a good thing for the environment and the county. Mr. McCrudden said they are willing to work on items such as the aesthetics of the building, lights and noise so there should be no issues with these concerns. Chairman Lockley asked if the oysters grown in that area will be able to grow in another area. Mr. McCrudden answered yes, the area there is pretty suitable to the other areas in the state. He said they will probably not be able to have a low salinity animal at this facility. He reported oysters at this facility would mainly be focused on oystermen in this area. Mr. Parker stated they must still do a site plan approval which would give the neighbors more specifics about where everything is going. He explained this is another part of the process if the zoning change is approved. He stated he has checked Mr. McCrudden's other operations and he believes it is a less intensive use than what the property is zoned for now. He said he respects and understands his neighbors' concerns. Mr. Parker stated the property was commercial when he bought it and it had been an operating campground with cabins. He reported this property has been commercial since the 1970's as far as he knows. Attorney Shuler explained the Board has heard

the presentation from the party applicant, heard public comment and questions and now they are procedurally at a point to discuss it among themselves. He reported previously Commissioner Boldt consulted him about this matter and at the time he had a voting conflict of interest because of an ongoing contractual relationship (real estate listing agreement) with Mr. Parker's business. Attorney Shuler stated that contract is no longer in force and in effect so his opinion is Commissioner Boldt no longer has a conflict and must vote in this matter. Commissioner Boldt said there are so many complexities with this zoning proposal and he thinks they need to table this matter and do more homework. He stated maybe there is a way to customize the proposed C-1 zoning to meet many of the concerns residents have and look at the traffic and noise issue. Commissioner Boldt said this would allow time to study this project in detail. He reported the tabling should also be complimented with a site plan so they can visualize what is happening there. He explained that will give the quality expected today and will provide a better outcome. Commissioner Boldt recommended tabling for more study. Commissioner Jones asked when they are going through processes where they are changing from one zoning to another and there is opposition to the potential uses if the applicant agrees could they limit the use in C-1 and could that be placed on the deed for the property to prevent/restrict the uses if the property sells. Attorney Shuler stated there are limits and conditions the Board can place on rezoning matters but not limiting and preventing their use. He went on to say Mr. Parker would have to voluntarily agree to limit his C-1 uses. Attorney Shuler reported he could draft with Mr. Parker's voluntary agreement a deed restriction limiting the use of the property to just an oyster hatchery. He stated that will address a number of complaints but not all the complaints. Chairman Lockley asked how many people live in this area around Alligator Point. Mr. Fling said there are 800-900 homes. Mr. Feifer reported there are about 1200-1400 deeded lots within a 5 miles of this location and about 500 houses within that same zone. He stated they need to see the site plan and if they can do conditional zoning. He said he has the same concerns about the potential uses than this project. He stated if the site plan could be incorporated into a deed restriction that might stop some people's concerns. Commissioner Jones reported they are asking for potential developers to spend more money when they do not know if the zoning will be approved. Mr. Feifer responded in another jurisdiction that would be standard to provide a site plan for the County Commission to see before they vote on a zoning change but it is not common here. Chairman Lockley stated Mr. Parker said the property is commercial but is it commercial on the books. Attorney Shuler explained the RV park was originally developed in the 1960's or 1970's before they had zoning classifications and to his knowledge as long as they have had a zoning map this property has been zoned commercial and was always an RV park until the South Shoals development in the early 2000's. Mr. Mark Curenton, County Planner, stated it was an RV park when he came to Franklin County in 1988 and was zoned commercial to allow an RV park. He said up until it was changed and the RV park went out of business and South Shoals was proposed it was zoned for an RV park as C-3 Commercial. Attorney Shuler explained the parcel to the north has retained its C-3 Commercial zoning throughout and that is what they are referring to. Mr. Moron reported Mrs. Ham-Kelly said there was a site plan attached to the Planning & Zoning request that was tabled earlier and he displayed the site plan. He said he is not sure if this answers any questions or not. He explained he asked Mr. Parker first before he

brought up the site plan. Attorney Shuler commented it is a public record. Mr. Dan Garlick, Garlick Environmental Associates, agreed they tabled this matter until the rezoning. He explained Mr. Parker requested he come up with a conceptual site plan to determine how the buildings would fit on the site, make sure they met the Franklin County specifications for parking and for stormwater as it requires a permit from the Northwest Florida Water Management District (NFWFMD). He said this shows what they could do on the site. He reported they have met the parking and there is a road shown on one side but Mr. Parker has mentioned the road could be put on the other side where there is already a paved area. Mr. Garlick said this requires a C-1 zoning as they cannot do aquaculture projects in C-3. He reported C-1 allows some flexibility and relieves the 50 ft. setback from the wetlands line but they must still do a stormwater plan. Mr. Garlick said once the zoning is approved and the concept is approved then they still must go to the state for the NFWFMD permit. He noted the plan is to keep the buildings as far back landward from the water to stay out of the velocity zone as much as they can. He stated the building in the front will definitely have to be on piles and the one in the back may need to be up a couple of feet but they are not sure yet. Mr. Garlick noted where the wetlands line is and said there is an extensive marsh area out there. He said they wanted the Board to have this extra information. Mr. Garlick offered to answer any questions. Chairman Lockley said they must still go to Tallahassee. Mr. Garlick answered yes. He explained with the commercial site plan if the Board approves it this is what the applicant gets. He went on to say if someone comes back in the future and wants to do something different then they would have to get approval again. He reported if they go in the water they must have approval from DEP, NFWFMD and the Corps of Engineers (COE). Mr. Garlick stated this is an aquatic preserve and it used to be an area for prohibition but the water quality is getting better because of the septic tanks being replaced by aerobic units. Chairman Lockley said he believes in change and jobs. Commissioner Boldt reported they need a plan of care and direction on where they are going. He explained they need to look at the modifications before they modify the C-1 zoning. He stated there are about 15 different concerns that people have about this entire project and they should build it into a narrative about what this project looks like and how they go forward for approving it in the future. Commissioner Boldt explained they can table it and give the applicants some deadlines and then they can hear from them in a week or month or two. Chairman Lockley said he is not going to wait a month or two. He asked if they will do that on every proposal that comes before the Board. Commissioner Boldt responded no but because this is a complex proposal and a residential neighborhood it has different implications based on the people here today. Chairman Lockley stated that is why he asked how many people live in this area. He reported from the numbers provided more people stayed away than attended so they must be for the project. Commissioner Boldt disagreed and said the people that are here are from the concentrated area impacted. He explained this is the first of this kind of project on Alligator Point and it needs to be designed so they have a protocol to make it right for the concern of the people that are there. Commissioner Massey stated this is Commissioner Boldt's district and they can give him until the next meeting to get his information and then the full Board can be here and they can make a decision. He explained Mr. Parker has spent his money and wants to know what is going on but he respects Commissioner Boldt and this is his district.

Commissioner Boldt said they are losing time Thanksgiving week so he thinks they should consider this at the December 17<sup>th</sup> meeting. Mr. Parker agreed that is fine. Commissioner Jones said this date is fine with him. **Commissioner Jones made a motion to table this rezoning request until December 17, 2019 at 10:30 a.m. here.** Mr. Moron asked about the Planning & Zoning request related to this change. Attorney Shuler said they tabled that matter until after the decision is made on the zoning. Attorney Shuler explained they are tabling this to a specific date, time and place because it will not be advertised again in the newspaper. He reported this will be a continuation of the hearing on this matter. Ms. Rippee asked if their comments should be forwarded to Commissioner Boldt. Attorney Shuler stated they can be sent to anyone they would like, Commissioner Boldt and Mr. Moron so he can make sure everyone else receives the same comments Commissioner Boldt receives. Ms. Rippee asked if they will get anything to study before this meeting. She explained they just saw this proposal today. Attorney Shuler reported they will post this application and information on the county's website so they can access the site plan and the other information. Mr. Fling asked Mrs. Ham-Kelly how many emails she received opposing this development or asking that it must be tabled. Mrs. Ham-Kelly said she did not count but there were no letters of support. Attorney Shuler stated they will scan these letters and add them to the website so everyone will have access to them. Mr. Fling reported most of the people on Alligator Point were not aware of this until 10 days ago. He said with more time they will see more people concerned. Mrs. Ham-Kelly reported this was advertised in the newspaper for 2 weeks and posted on the property. She stated the adjacent property owners were also notified. Ms. Rippee asked what newspaper this was published in. Mrs. Ham-Kelly replied The Apalachicola Times. Commissioner Jones requested they vote on the motion. Chairman Lockley stated this is being tabled until December 17<sup>th</sup> at 10:30 a.m. Mr. Moron commented everything will be posted on the county's website. **Commissioner Massey seconded the motion. Motion carried; 4-0.**

Mr. Moron said he would like to recommend a change to the Agenda and allow the Clerk to present her 2 items and then break for lunch and come back for the 3<sup>rd</sup> public hearing because it may also be long. The Board agreed to this change.

#### **Clerk of Courts – Marcia M. Johnson – Report**

Clerk Johnson said Mrs. Griffith will present this report as it deals with her work. Mrs. Griffith provided the following report for the Board:

#### Action Item(s)

23. I have seven resolutions for adoption on unanticipated revenues as part of the end-of-the-fiscal year bookkeeping. These funds were not included in your original adopted budget because at the time they were unanticipated. All funds have been spent. Approval is needed to comply with Florida Statute 129 to incorporate these funds into your 18/19 budget. The 1st resolution is \$173,894 received from the Florida Tourism Industry Marketing Corporation for Visit Florida promotional activities. The 2nd resolution is \$20,557 received from the Florida Department of Health for payment of expenses relative to pesticide purchases for the prevention of the Zika Virus. The 3rd resolution is \$139,100 in insurance

proceeds received from the Florida League of Cities for the repairs made to equipment at the County Jail after a lightning strike. The 4th resolution is \$11,000 received from Duke Energy relative to providing storage for sea oats as part of the Sea Oat Restoration Project. The 5th resolution is \$46,195 received from State and Federal FEMA funds relative to the storm damage repairs made to the Indian Creek Boat Ramp. The 6th resolution is \$48,264 received from the Florida Department of Education by the Franklin County Sheriff's Department. These funds were used to pay expenditures relative to the School Guardian Program. The 7th resolution is \$52,432 received from the Big Bend Mental Health Program by the Franklin County Sheriff's Department. The funds were used to pay expenditures relative to that program at the Sheriff's Department.

Commissioner Jones left the meeting. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to adopt the Resolutions, as follows:**

**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 \$173,894.00 from Florida Tourism Industry Marketing Corp for Visit Florida Grants, and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019, 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:

130.33.552.4800	Promotional Activities	\$173,894.00
-----------------	------------------------	--------------

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$173,894.00 in the TOURIST DEVELOPMENT FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of November 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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 miscellaneous revenues in the amount of \$20,557.00 from the Florida Department of Health for the payment of expenses relative to the prevention of the Zika Virus and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

142.42.562.5220	Mosquito Control – Pesticides	\$ 20,557.00
-----------------	-------------------------------	--------------

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$20,557.00 in the MOSQUITO CONTROL FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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 property insurance damage reimbursements in the amount of \$139,100.00 from the Florida League of Cities for the payment of expenses relative to equipment repairs after a lightning strike at the County Jail and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

120.81.523.6401 Jail – Machinery & Equipment \$139,100.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$139,100.00 in the FINE & FORFEITURE FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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 miscellaneous revenues in the amount of \$11,000.00 from Duke Energy for the payment of expenses relative to providing storage for the Sea Oat Restoration Project and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

001.45.525.6200 Emergency Management – Buildings \$ 11,000.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$11,000.00 in the GENERAL FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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 State and Federal FEMA funds in the amount of \$46,195.00 from the Florida Division of Emergency Management for the payment of expenses relative to the repair of Indian Creek Park and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

001.20.572.4604 County Commission – Rep. Indian Creek Park \$ 46,195.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$46,195.00 in the GENERAL FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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, the Franklin County Sheriff's Department has received State grant funds from the Florida Department of Education in the amount of \$48,264.00 as reimbursement for the costs associated with the School Guardian Grant Program and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

Sheriff's Budget – School Guardian Program      \$48,264.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$48,264.00 in the SHERIFF'S budget in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

**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, the Franklin County Sheriff's Department has received miscellaneous grant revenue from Big Bend Mental Health in the amount of \$52,432.00 as reimbursement for the costs associated with the Big Bend Mental Health Program and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2018-2019 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:

Sheriff's Budget – Big Bend Mental Health Program                      \$52,432.00

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$52,432.00 in the SHERIFF'S budget in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 19th day of NOVEMBER 2019.

s/Noah Lockley  
Noah Lockley, Chairman

ATTEST:

s/Marcia M. Johnson  
Marcia M. Johnson

Commissioner Jones returned to the meeting.

24. For action: the Finance Department needs the following budget amendments and resolutions approved to amend the last year's budget. The resolutions incorporate unanticipated revenues into your last year's budget. These revenues were unanticipated and spent during the past fiscal year – the revenues were not included in the original budget because it was not known that the revenue would be received when the budget was originally adopted. Approval is needed to comply with Florida Statute 129. The budget amendments move budgeted values from one line item to another.

Line Item Budget Amendment Requests:

A. The budget amendment below is needed to adjust line items to cover the cost of a shared vehicle that was purchased jointly by the Mosquito Control Department and the Road Department:

DECREASE 142.42.562.5220 Mosquito Control – Pesticides                      \$17,333.00

INCREASE 142.42.562.6401 Mosquito Control – Machinery & Equip.      \$17,333.00

B. The budget amendment below is needed to adjust line items to move budgeted funds for the Emergency Management CERT Grant to the appropriate expenditure line items.

DECREASE 001.45.525.3401 Emergency Mgmt. – Other Contract Svcs.      \$20,000.00

INCREASE 001.45.525.5200 Emergency Mgmt. – CERT Operating                      \$1,205.00

INCREASE 001.45.525.6400 Emergency Mgmt. – Machinery & Equip. \$4,800.00

C. The budget amendment below is needed to move budgeted funds from general boat ramp repairs to the Indian Creek Park boat ramp repair line item for the local match on a FEMA project.

DECREASE 001.20.572.4600 County Commission – Boat Ramp Repair \$6,548.00

INCREASE 001.20.572.4601 County Commission – Indian Creek Park \$6,548.00

D. The budget amendment below is needed to adjust line items relative to the system shared by the Property Appraiser and Tax Collector.

DECREASE 001.20.511.4600 County Comm. – Repair & Maint. \$13,918.00

INCREASE 001.20.511.4601 County Comm. – Repair & Maint. Tax Sys. \$13,918.00

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve the line item budget amendments.**

Commissioner Boldt said he likes Section A where they have a shared vehicle between two departments because that is efficient money spent within the county.

The meeting recessed at 12:05 p.m.

The meeting reconvened at 1:30 p.m.

### **Public Hearing**

Chairman Lockley stated individuals will be allowed 3 minutes to speak and if they are representing a group they will have 5 minutes to speak. Attorney Shuler said Mrs. Ham-Kelly will present what the public hearing is about but in summary this is a public hearing on 2 proposed ordinances. He explained 1 is a proposed ordinance to change the land use on a parcel of land at the western intersection of Highway 98 and Highway 65 from a residential zoning category to a commercial zoning category. He stated the second proposed ordinance is to change the zoning from residential zoning to commercial zoning. Attorney Shuler said Mrs. Ham-Kelly will present the procedural history from the Planning & Zoning Commission and read the caption of the 2 ordinances into the record so the Board and the public are aware of what the ordinances are trying to accomplish. Mrs. Ham-Kelly read the following items:

- 22. Land Use:** Consideration of a request for a land use change of 7.68 Acre parcel from Single Family Residence and Single Family Home Industry to Commercial Business. Property lying in Section 22, Township 8 South, Range 6 West. Request submitted by James Ward, applicant. The county has received opposition.

**Board Action:** Motion to approve, table or deny

**Re-Zoning:** Consideration of a request for a rezoning from R-1 Single Family Residential and R-4 Single Family Home Industry to C-2 Commercial Business. Property lying in Section 22, Township 8 South, Range 6 West. Request submitted by James Ward, applicant. The county has received opposition.

**Board Action:** Motion to approve, table or deny

Mrs. Ham-Kelly read the Ordinance caption. She explained they must have 2 separate motions and approvals for land use and zoning. Mrs. Ham-Kelly read the caption for the Ordinance rezoning the property. She stated she has had 1 intent to impose and 1 letter of support for this project. Mrs. Ham-Kelly presented the maps of the area and described the location of the property. She stated approximately the first 200 ft. of the property is R-1 Single Family Residential and the remainder of the property is R-4 Single Family Home Industry. She explained there are areas to the east and northeast that are C-2 and properties to the west that are C-3. Attorney Shuler said there are a couple of procedural matters that need to be taken care of before the presentation of the testimony. He explained one deals with whether or not the witnesses should be sworn and the other is a stipulation so all of the documents from the party applicant, Mr. Ward and the party objector, Mr. Cortopassi, will be entered into the record. He reported Florida law does not require but does allow for testimony to be sworn in a quasi-judicial hearing which is the kind of hearing the Board is having today. Attorney Shuler reported the county's policy is not to require or allow sworn testimony and he has explained this to Mr. Sidney Bigham, Mr. Cortopassi's attorney, but he does want to make a record objection. Mr. Bigham explained they raised the objection because this decision has the potential to destroy the quality of life of Mr. Cortopassi. He stated they request the Commission allow him to present sworn testimony. Mr. Bigham said he knows of no legal authority under Florida law that prohibits a witness from providing sworn testimony. Attorney Shuler explained he just went through a similar matter regarding sworn testimony in a recent challenge with Mr. Walter Armistead's case and the circuit judge ruled the testimony is not required to be sworn. He reported Mr. Bigham's position is if it is not required then it can be allowed but in reality state law does not require you to take sworn testimony at quasi-judicial hearings. He stated they will note Mr. Bigham's objection but move forward with the testimony being unsworn. Attorney Shuler said if the Board wants to allow it in this case they can but it would be inconsistent with the other quasi-judicial hearings they have conducted in the past and he does not think it is necessary. Chairman Lockley asked if they need to vote on this matter. Attorney Shuler answered he does not think so but they have been requested by 1 of their constituents to allow sworn testimony when it is not required. Attorney Shuler said they are fine moving forward as they have in the past. He explained this is a quasi-judicial hearing and not a judicial proceeding and they are not required to conduct this hearing as if they were in a court of law. Attorney Shuler stated concerning evidence each party has documents they want to present into the record that support their position and he and Mr. Bigham have exchanged their documents prior to the hearing. He explained he has just received documents from Mr. Ward that he will present into the record and it is his understanding from Mr. Bigham that they have no objection to allowing all of the party's documents to be entered into the record by stipulation. Attorney Shuler stated he will wait

until Mr. Ward makes his presentation and then he will hand out his documents. He asked if the 2 email communications or written communications the Board has received is the 2 Mrs. Ham-Kelly mentioned on the record. Mrs. Ham-Kelly agreed that is correct and she has provided them to the Clerk. Attorney Shuler inquired about the document received in the mail. Mrs. Ham-Kelly said it was received from Ms. Cletis Faye Henderson. Attorney Shuler inquired if her letter was in support of the project. Mrs. Ham-Kelly responded it was an email in support of the project. Attorney Shuler said previously he provided this document to Mr. Cortopassi. Attorney Shuler reported the other email was from Mr. Bigham on behalf of Mr. Cortopassi objecting to the application moving forward. He stated these are the only communications they have received in support of or against this project. Attorney Shuler reported the next step is public comment for the 2 Ordinances. He explained public comment is limited to 3 minutes per person or 5 minutes for a person representing a group of people or an organization. Attorney Shuler asked for public comment.

Mr. Ted Ruffner, a resident of 246 Gramercy Planation, said he represents the owner's association. He stated most of the owners did not know about this proceeding. Mr. Ruffner said the only way he knows is a small notification in the newspaper. Mr. Ruffner stated they was a small sign on the property. He said the proceedings are not legitimate. He explained this is a dangerous intersection and this is the only road going north and south on this side of the county. Mr. Ruffner reported the school buses travel this area and earlier this year a student was killed at this corner. He stated they need to either install another stop light in the county or have extensive turn lanes or a combination of both. Mr. Ruffner said he has attended classes for years on property owners protecting the bay from pollution on bay front property. He explained they must be careful about landscaping and fertilizer. He said there is no way to keep gas, oil and fluids from leaking into the bay after storms if they are anticipating a gas station, RV park, or trailer park. Mr. Ruffner reported the oysters, fish and seagrass are dying. He stated never would they consider a bay front gas station in other areas of the county and he does not understand them considering a gas station in a rural area of Franklin County. Mr. Ruffner said he assumes there will be in-ground gas and diesel tanks with the potential for leaks. He questioned if there will be septic tanks and pump out stations. He discussed the potential noise and light pollution and the impact they will have on wildlife and people. Mr. Ruffner explained he and his wife noticed a Public Notice sign on this property and he got out of his car and went up to the post to read the sign. He reported the notice said they were clearing the land. Mr. Ruffner stated he drove home and about 30 minutes later a sheriff's deputy came to their house and they were charged with trespassing on a vacant lot in the middle of the day. He reported the person who filed the complaint said they were pulling up survey markers. He stated building a gas station or trailer park on this property would further lower residential prices on their property. He reported the property values in Gramercy Plantation have gone down dramatically in the past few years and one of the reasons is the consolidated school is next to their house. He stated the maps need to be updated to reflect this change. Mr. Ruffner asked the Board not to change this property to commercial because they can't afford their property values to go down any more.

Mrs. Lynn Martina, a resident of Eastpoint and President of the Eastpoint Civic Association, said they are in support of this change. She stated they are supporting any businesses that can come into Eastpoint. She agreed there used to be a lot of seafood houses but they have been put out of business because of the situation with the bay. She stated this will bring jobs and because the school is right up the road it is the perfect opportunity for kids leaving school to go to work. Mrs. Martina said the project would be an asset to Eastpoint and they welcome it.

Ms. Amy Price, a resident of Eastpoint, stated she is against this change. She reported she has just closed on residential property down the road from this property. She said she has spent money renovating and does not want to raise her family near a high impact commercial property. Ms. Price explained she is not against businesses coming into Eastpoint because it needs to be rejuvenated but it needs to be done carefully. She reported a high impact commercial operation in this location is not well thought out or beneficial for Eastpoint.

Ms. Roxanne Christie, a resident of Eastpoint, said she lives just off C.C.Land Road and is in favor of this and she agrees with Mrs. Martina that it will bring job opportunities. She stated the traffic already exists on Highway 98 and on Highway 65 and that is how people get in and out of Franklin County. Ms. Christie reported this will be a great asset to Eastpoint.

Attorney Shuler asked again for public comment. There was no more public comment. Attorney Shuler explained under the Agenda the first party to present is the county. He reported this is the same procedure that was used with the Serenity Seaside Development quasi-judicial hearing earlier this year. He stated each party has 20 minutes to present. He reported Mr. Bigham has let him know he may need some additional time.

Attorney Shuler said the county is calling their only witness Mr. Mark Curenton, County Planner. He reported he was going to go through the process of establishing Mr. Curenton's credentials and expertise but Mr. Bigham and Mr. Ward have agreed to stipulate that Mr. Curenton is an expert witness in the field of land use planner, the Franklin County Comprehensive Plan, the Franklin County Zoning Code and as the County Planner. Attorney Shuler asked Mr. Curenton if he analyzed Mr. Ward's application for a land use change and determined whether or not it is consistent with the Franklin County Comprehensive Plan. Mr. Curenton responded he has analyzed Mr. Ward's requested land use change and it is consistent with the Franklin County Comprehensive Plan. Attorney Shuler said the same question concerning the request to rezone the property from residential to commercial and in his analysis of the application did he make a determination if the rezoning is consistent with the Franklin County Comprehensive Plan. Mr. Curenton said it would be consistent with the Franklin County Comprehensive Plan. Attorney Shuler asked Mr. Curenton to take the Board through his process he used to determine if these requests for a land use change and rezoning were consistent with the Franklin County Comprehensive Plan. Mr. Curenton explained this site is located in the Eastpoint Urban Service Area which is a district the county established with its Comprehensive Plan where the county said this is a developed area with water and sewer and they want to try and direct development into the area. Mr. Curenton detailed the items he analyzed during this process. Attorney Shuler clarified Mr. Curenton took Mr. Ward's

application and analyzed it according to each one of the goals, objectives and policies under the Comprehensive Plan that were applicable to this particular proposed project. Mr. Curenton agreed that is correct. Attorney Shuler inquired if that is the accepted procedure in his field and industry of how he would analyze the appropriateness of an application for a land use change and a rezoning to determine consistency with the Franklin County Comprehensive Plan. Mr. Curenton replied yes. Attorney Shuler said he has no further questions for Mr. Curenton. He explained there is now an opportunity for cross examination of the county's witness. He reported the right of cross examination would fall to Mr. Ward as the applicant first and then to Mr. Bigham. Attorney Shuler said he has set 10 minutes for cross examination for each party. Attorney Shuler asked Mr. Ward if he had any questions for the county's witness Mr. Curenton. Mr. Ward responded no. Mr. Bigham asked which type of review was applicable to these two requests. Mr. Curenton answered a full review and staff review. Mr. Bigham said versus a Planning & Zoning review. Mr. Curenton explained since this is not an actual commercial site plan review those do not necessarily apply. He reported they always have Planning & Zoning review land use and zoning requests to give a broader opinion and recommendation to the County Commission. Mr. Bigham asked which provisions of the Comprehensive Plan apply to their review of these requests. Mr. Curenton responded all the provisions but some of the provisions are not applicable and he provided some examples. Mr. Bigham asked if Mr. Curenton did that for both of these two requests and analyzed all applicable provisions of the Comprehensive Plan and the Zoning Ordinance. Mr. Curenton answered yes. Mr. Bigham asked if it is his testimony that this is not a request for a new and different use of land. Mr. Curenton replied no, it is asking for a change in the land use. Mr. Bigham questioned if he considered this change in land use based on the site plan a unit of high impact. Mr. Curenton said he is not sure he would necessarily characterize it as a unit of high impact. Mr. Bigham asked if he has calculated the proposed amount of impervious surface to be added along St. George Sound for this project or calculated the habitable space proposed. Mr. Curenton responded no. Mr. Bigham inquired if Mr. Curenton has received or reviewed a legal survey prepared signed and sealed by a Florida Registered Land Surveyor indicating the legal description of the area or reviewed a final site plan. Mr. Curenton replied no. Mr. Bigham asked if he has reviewed a stormwater management plan, wastewater disposal permit, or has copies of state and federal permits. Mr. Curenton answered no. Mr. Bigham asked how many pages the application is. Mr. Curenton discussed it with Mrs. Ham-Kelly and said maybe 3-5 pages. Mr. Bigham inquired if this is considered under definitions an application for a development order. Mr. Curenton answered yes, it would probably be an application for a development order. Mr. Bigham asked if his testimony is that none of the items they went through are required in connection with this application. Mr. Curenton reported they are not required at this stage for a land use change and zoning change. Mr. Bigham questioned if he believes this land use change promotes and protects the health, safety and welfare for the citizens of Franklin County. Mr. Curenton responded it does not negatively impact health, safety and welfare. Mr. Bigham asked about the natural environment. Mr. Curenton stated based on the draft proposal it will change the natural environment. Mr. Bigham asked about water quality. Mr. Curenton said it will not have a negative impact on water quality. Mr. Bigham questioned what his basis he used on his impact on the level of service on the roads.

Mr. Curenton said he does not have a traffic study and it is based on the current level of service that is available from the DOT website and the expectation that to come up to a D level of service would need a quadrupling of the existing traffic and he does not expect it to increase that much. Mr. Bigham questioned how a stop light would affect it and if he has looked at any studies. Mr. Curenton stated he has not looked at any studies but a stop light would change the expected speed and allow more traffic before they get to a level of service D. Mr. Bigham inquired asked if stormwater contaminated with petroleum products and car wash detergents would adversely affect water quality. Mr. Curenton answered if they have water with petroleum products in it yes. Mr. Bigham asked if he has looked at stormwater studies about hardscape at a gas station or carwash. Mr. Curenton answered not recently. Mr. Bigham questioned if he has looked at the water table level and salinity. Mr. Curenton said no. Mr. Bigham inquired if they have looked at any information to determine the depth storage tanks would be installed or how many gallons would be stored in the tanks. Mr. Curenton replied no. Mr. Bigham questioned if Mr. Curenton has looked at the disclaimers provided on the National Wetland Inventory. Mr. Curenton answered yes. Mr. Bigham said he is familiar with the premise they need a site specific survey. Mr. Curenton answered yes. Mr. Bigham asked if there is a site specific survey here. Mr. Curenton reported he has not seen a site specific survey. Attorney Shuler said it is time for Mr. Ward to make his presentation. Mr. Ward introduced himself and said his wife Jessica is present with him. He thanked the Board for allowing him to speak about the request for their property at 1015 highway 98. He reported they are both happily working for other people but have dreamed of starting their own business. Mr. Ward stated they purchased this property to start a business here to benefit them and all of Eastpoint and the county and provide more jobs and more sales tax dollars for other county improvements. He explained they are asking to have their property at the corner north of Highway 98 and west of S.R. 65 and south of C.C. Land Road rezoned to C-2 commercial use. He reported this property is on the 2 main roads for business commerce in this county. He stated he applied for his application for rezoning and land use change with county staff and these changes passed county staff review and were unanimously recommended for approval by the Planning & Zoning Commission and came to this public hearing before the County Commission today. He explained the county staff made sure all items were submitted and completed for the land use and zoning change. Mr. Ward said the entire Planning & Zoning Commission determined it was part of its approval that the change is consistent with all requirements including the Comprehensive Plan. He reported he spoke with the newly formed Eastpoint Civic Association and everyone he contacted was in favor of the project. He stated another adjacent property owner emailed her support as reported by Mrs. Ham-Kelly. Mr. Ward explained many of their supports are hardworking people and business owners who could not be here today because they have jobs and obligations to their businesses. He said they have encouraged them to go forward with this zoning/land use change application. He explained they regret that 1 of the adjacent property owners to the west Mr. Cortopassi has objections today. Mr. Ward pointed out he is not here for site approval. He explained he had Mr. Thurman Roddenberry, Roddenberry Surveys, draw a vision so he could show transparency and be honest and show his vision for this property. Mr. Ward said his vision shows a couple of retail spaces along with the gas station. He stated this will

provide space for other business owners that want to start a business. Mr. Ward reported no matter what they do on this property they know they are local and have been here a long time and would not do anything to hurt the bay or Franklin County. He stated they have family here that still make their living on the bay. He reported changing from R-1 and R-4 to C-2 makes the zoning and use of this parcel consistent with the surrounding area. He said across the street on the other corner of Highway 98 and S.R. 65 is 13 acres of C-2 commercial property which is part of Gramercy Plantation. Mr. Ward explained just north of his property there is more C-2 and to the west along Highway 98 not a ¼ mile down the road is 16+ acres of C-3 which is more dense commercial. He reported since these areas are consistent with the Comprehensive Plan changing this property to C-2 makes it more consistent with the majority of the areas especially with the property on the other corner across from his property. He said this will help insure some business opportunities for local people that invest in the economy of Eastpoint and Franklin County. Mr. Ward referenced his handout and referenced the Economic Opportunity Zones and said his property is in the middle of the zone. He assured the Board what they do as a commercial business on this property will be in compliance with all the rules and regulations of Franklin County and the state. Mr. Ward explained they are not to the stage of some of the things Mr. Bigham mentioned. He stated he is here for a zoning and land use change. He said his property is surrounded by 3 roads with 2 being state highways. Mr. Ward reported this property is a prime area for a commercial economic venture. He stated they are not going against the Comprehensive Plan by asking for this change and are being consistent with the land use around them. Mr. Ward asked if anyone had any questions. Attorney Shuler stated Mr. Bigham has a right to ask questions under cross examination and they have a time limit of 10 minutes. Mr. Bigham inquired what kind of gas station he hopes to put in at this location. Mr. Ward said there are rumors of a Rocky's going around but there are two different locations and he is looking at the smaller version because of time and money. Mr. Bigham said Mr. Ward stated the change is consistent with the land use in his area but the land use immediately to the west is residential. Mr. Ward said it is same with the C-2 on the other corner on the Gramercy Plantation side. Mr. Bigham asked if a gas station right next to a residence is consistent. Mr. Ward stated they have that all through Eastpoint. Mr. Bigham questioned if he has looked at alternative sites that are already C-2 and not near the bay. Mr. Ward answered yes but they are too expensive. Mr. Bigham inquired about the storage tank capacity. Mr. Ward said he is only asking for a land use/zoning change. He explained they have not announced anything with the tanks because they are not to that point yet. Mr. Bigham questioned if they have taken any steps to make permit applications to any state and federal authorities. Mr. Ward replied no because steps cost money. Mr. Bigham inquired if he has any alternative visions for this site such as something that would have less environmental impacts and impacts on the neighbors. Mr. Ward reported if after all the studies and engineering it does not seem feasible he will look into other commercial ventures that are less of an impact. Mr. Bigham questioned if he moves forward with this project would he be willing to consider measures that would reduce the impact on his neighbors and the environment. Mr. Ward stated he has no problems working with his neighbors and the personal attack earlier was a farce and is for a later discussion. Mr. Bigham reported his client did not make that attack. Mr. Ward stated he knows he didn't and it was from a person he had problems with last year. Attorney Shuler reported the county has no

questions. He asked if Mr. Ward has anyone else that he wants to provide testimony. Mr. Ward replied no. Attorney Shuler said now is the time to Mr. Cortopassi and Mr. Bigham to make their presentation. Mr. Bigham reported his client, Mr. Cortopassi, is not against economic development and wants to be able to enjoy his property as he was entitled to rely on the existence of the land use plans and maps when he purchased his property. Mr. Bigham presented their exhibits for the Board and Mr. Ward. Mr. Bigham stated he made a request that Mr. Cortopassi be allowed to provide sworn testimony and asked if that will be allowed. Attorney Shuler said this issue was already addressed in the beginning. Mr. Bigham reported he missed the decision and asked if the answer was no. Attorney Shuler stated that is correct. Mr. Bigham asked Mr. Cortopassi where he lives and if he is familiar with the parcel. Mr. Cortopassi provided his address and said Mr. Ward's property is immediately to his left if he is looking at the bay. Mr. Bigham stated Mr. Cortopassi's property is surrounded by residential property. Mr. Cortopassi answered yes, they were in 2001 when he bought the property and still are today. Mr. Bigham asked if he relied on that zoning when he purchased the property. Mr. Cortopassi responded yes. Mr. Bigham referenced each exhibit and questioned Mr. Cortopassi about each item such as drainage, stormwater runoff, and the distance and view from his property to Mr. Ward's. Mr. Bigham asked how far away according to the site plan the dumpster pads will be from his living room. Mr. Cortopassi reported it is right next to his house. Mr. Bigham said the site plan does not have any vegetation buffering or a fence. Mr. Cortopassi stated there is no fence shown and no buffering. Mr. Bigham referenced the application for zoning change and asked for Mr. Cortopassi's concerns based on the draft of the site plan. Mr. Cortopassi stated the lights, noise, dumpster smell, runoff into the sound and impact to wildlife and sea turtles. Mr. Bigham directed Mr. Cortopassi to the Planning & Zoning minutes from the October 18, 2019 and asked if he received notice of this meeting. Mr. Cortopassi said he did not. Mr. Bigham referenced Page 20 and 21 and said there are some minutes where there are concerns from the Planning & Zoning members. Mr. Cortopassi agreed and said he agrees with the concerns about the car wash and spot zoning. Mr. Bigham inquired if a gas station or something similar would impact Mr. Cortopassi's property. Mr. Cortopassi reported his property values will plunge. Mr. Cortopassi provided information about his move to Franklin County. Mr. Bigham referenced his exhibits regarding the Comprehensive Plan, land use and zoning. He asked if Mr. Cortopassi objects to the C-2 rezoning for the reasons stated. Mr. Cortopassi answered yes. Mr. Bigham read excerpts from the required planning review process for development orders. He explained if this is properly considered a unit of high impact then a full review approval process would be required. Mr. Bigham reported the Board has before them a project that will virtually destroy Mr. Cortopassi's quality of life and raises serious concerns about the environment and the public safety, health and welfare. He said the Board has obligations to every citizens and they submit that this application is not sufficient and acceptable. Mr. Bigham urged the Board to deny the application. He explained Mr. Cortopassi would like to speak but he is not sure how much time they have remaining. Attorney Shuler suggested the Board allow them to finish their presentation. Mr. Cortopassi said the zoning laws are set out to protect the people in relation to land use and protecting the value and use of the property. He reported this application should be denied because it will have a negative impact on properties that are already built.

Mr. Cortopassi said he retired here because he thought the property would stay residential. He said this is negative and no one will be interested in his property if he decides to sell. Mr. Cortopassi reported there are already 5 gas stations and a car wash in the area so they are not bringing anything new to Eastpoint. He explained he does not think this is wise for the reasons he has provided and because it is risky for the environment. Mr. Bigham asked the Board to consider what affect their decision could have on Mr. Cortopassi's life and the reasonable expectations of the use of his property. He said Mr. Cortopassi has served this country and deserves to have his property considered in this decision. Attorney Shuler questioned if they have completed their presentation. Mr. Bigham replied yes. Mr. Cortopassi asked if there are any questions. Commissioner Jones stated it is duly noted that Mr. Cortopassi objects to the idea of the rezoning. He said in all the questions he was asked what his opinion is but does he claim to be an expert or have the ability to answer in favor or against the questions he was asked. Mr. Cortopassi stated when he was reading the regulations it was pretty clear what the standards are. Commissioner Jones said he understands they can read the regulations but he would like to know if he is in a procedural position to say he is an expert in all the questions he has answered. Mr. Cortopassi responded he is not a subject matter expert. Commissioner Massey reported until a few months ago Mr. Cortopassi could not see out across the property because it was wooded. Mr. Cortopassi agreed and said he loved that. Commissioner Massey stated Mr. Ward has not said anything about being open all night or about what kind of lighting or fence he will put up. Mr. Cortopassi stated he bought the property in 2002 as residential property and this property was purchased as residential property but if they want to start a business there is C-2 property down the road available. Commissioner Jones explained Mr. Ward is going through the legal requirements for this process. Chairman Lockley thanked Mr. Cortopassi for his service. He asked what Mr. Cortopassi would like on the property. Mr. Cortopassi responded 7 houses because that is what it is zoned for. Chairman Lockley said they have a Comprehensive Plan. Mr. Cortopassi stated the Comprehensive Plan shows it as residential. Commissioner Jones explained the Comprehensive Plan has already changed because they approved a land use change today at an earlier public hearing. He reported future land use maps are always being updated and were never intended to say that is all that will ever be allowed there. He stated the future land use map is a planning tool people can look to find things but does not hold the county responsible that's all that will ever be. Attorney Shuler said if there are no further questions then Mr. Ward has the opportunity of cross examination. Mr. Ward stated he does not have any questions but has a statement. Attorney Shuler reported he will be allowed rebuttal at the end of the hearing. Attorney Shuler explained each side is allowed 5 minutes to make a statement that responds or rebuts something that they have heard from the other side. He asked Mr. Ward to present his rebuttal at this time. Mr. Ward said he understands Mr. Cortopassi's frustrations and regrets that he has opposition to this change. He thanked Mr. Cortopassi for his service. He said there is C-2 property across the street from him and eventually someone is going to propose the same thing because these are two of the busiest intersections in the county for business and commerce. He stated there is already a lot of unfiltered drainage off of Highway 98 and Highway 65 now. Mr. Ward explained they keep referencing the site plan but that site plan is not set. He reported it was just a drawing to show his intentions for the land use change. He stated all he is

asking for today is the land use and zoning change and that is the first step. Mr. Ward said all the studies will be done that are required by the county and state. He reported there will be stormwater drainage on the property and retention ponds and they will all be drawn in on a final plan that must be submitted to the county staff and the Planning & Zoning Commission before this Board will see it again. Mr. Ward explained there are many items he does not know yet because they are not at that point in the process. He stated they can work with Mr. Cortopassi on the location of the dumpster pads. He reported the traffic has always been there and the school buses travel every road in the county. Mr. Ward stated he is asking for a C-2 zoning change next to another C-2 property. He pointed out that C-2 parcel is located right next to residential in Gramercy Plantation and is part of that development. Mr. Ward said another person spoke and mentioned RV parks and dumping and he has never mentioned RV parks. He explained they are showing consistency in the Comprehensive Plan, county staff approved this change and the Planning & Zoning Commission unanimously approved the change. He said Mr. Curenton stated his zoning and land use application is in compliance. Mr. Bigham pointed out there is a big difference in having C-2 commercial property across the street and next to your residence. He disagreed with the assessment that the requirements of the Comprehensive Plan and Zoning Ordinance have been met and believe a court would agree with them. He reported Mr. Cortopassi has no objection to the residential R-4 zoning but does object to C-2 commercial zoning going in next to him. He explained it is reasonable for Mr. Cortopassi to rely on the county's maps and his right to rely on it should be respected. He stated if a better less intense commercial use was going to be there they may not have been here today but they object to a major gas station. Mr. Bigham asked the Board to carefully consider this matter because they are talking about Mr. Cortopassi's life and retirement. He requested the Board deny the application and if they do not then they request at the least that the applicant comply with the requirements of a change in zoning as set forth in their Zoning Ordinance. Attorney Shuler said it has been suggested by Mr. Cortopassi that Mr. Ward's application for land use and rezoning from residential to commercial is incomplete and fails to include the information required by the Franklin County Comprehensive Plan and Zoning Code. He stated Mr. Curenton previously testified that the application is complete and asked if after hearing the testimony and evidence submitted by Mr. Cortopassi he maintains his opinion that it is complete to be considered today or has he changed his findings. Mr. Curenton stated he has not changed his opinion and still believes the application for the land use and zoning change was complete. He explained many of the items Mr. Cortopassi and Mr. Bigham are speaking about are items that would be addressed when they have a commercial site plan approval. He stated Mr. Ward presented a draft site plan only because they asked him to tell the Planning & Zoning Commission what he is doing on this site. Mr. Curenton stated Mr. Ward complied and provided a draft site plan. He said they are not approving the site plan as it has a long way to go before it gets approved. Mr. Curenton stated Mr. Ward presented his application for a land use and zoning change and it was complete and they have enough information to make a decision today. Attorney Shuler inquired if Mr. Curenton reviewed the exhibits provided by Mr. Cortopassi. Mr. Curenton answered yes. Attorney Shuler asked if they were reviewed prior to today's hearing. Mr. Curenton replied yes. Attorney Shuler said after hearing the testimony of Mr. Cortopassi does Mr. Curenton remain of the opinion that the

application for a land use and zoning change from residential to commercial is or is not consistent with the Franklin County Comprehensive Plan and the Zoning Code. Mr. Curenton responded his opinion is the application is consistent with the Comprehensive Plan and the Zoning Code. Attorney Shuler said the Board is in a position procedurally in the proceeding to discuss this request for a land use and zoning change and table, deny or approve the request. He advised if they decide to approve or deny the sequence will be to approve or deny the land use first and then act to approve or deny the zoning ordinance. Commissioner Boldt asked if the Board makes a decision today can it be contingent upon a certain time frame that require goals be met and site plans be developed. He explained whatever is intended for this property will be shown in a timely manner or their decision expires. Attorney Shuler stated that is not recommended but they do have in their code of ordinances the authority to impose some conditions and restrictions on an approval. He explained he does not recommend putting an artificial deadline on some completion of the procedure because there are so many factors at the state level that are outside of anyone's control. Commissioner Boldt stated they have heard information about contaminants and questioned if this Board can offer suggestions of things they want to see the land use or site plan include such as a berm and ways of containing pollutants. Attorney Shuler suggested they wait until a site plan is submitted and it will go through the normal review process by staff and then be submitted to the Planning & Zoning Commission. He went on to say that site plan will appear before this Board for a decision and they could place some reasonable conditions upon the approval process. He explained they would not be able to take any action locally on state requirements. Chairman Lockley said it is the same amount of traffic they have all the time. He reported in relation to pollution this one will not be any more because there are 2 gas stations already in Eastpoint. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the land use change. On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the rezoning of the property.**

The meeting recessed at 3:23 p.m.

The meeting reconvened at 3:36 p.m.

#### **County Coordinator – Michael Morón – Report**

Mr. Moron said he will present his action items and the Board can call him if they have any questions about his information items. He read his report, as follows:

#### Action Item(s)

35. Living Shoreline/Franklin-98: I received a request from Mr. Josh Adams of ARPC for a letter of support for the Living Shoreline project, now known as Franklin-98, for the next phase of the project. The deadline for the letter of support was Monday, November 11<sup>th</sup>. Since the Board has stated its support for this project and has participated in the first inter-agency and public meetings, I created the letter and got the Chairman's signature.

**Staff Recommendation:** Board action to ratify the Chairman's signature on the letter of support for the next phase of the Franklin-98 Living Shoreline project.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to ratify the Chairman's signature on the letter of support for the next phase of the Franklin-98 Living Shoreline Project.**

36. CR 67 Sidewalk Project: At you last meeting the Board authorized staff to start negotiations with Dewberry Engineers, the number one ranked firm, for Construction Engineering and Inspections (CEI) services for County Road 67 (Tallahassee Street) FDOT LAP funded sidewalk project. Staff has received the signed contract and Notice to Proceed from FDOT; therefore, the next step would be to advertise for a contractor to build the sidewalk.

**Staff Recommendation:** Board action to authorize staff to advertise for a contractor to build the sidewalk.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize staff to advertise for a contractor to build the sidewalk.**

37. SHIP HHRP Funds: The application submission period for the Hurricane Housing Recovery Program has ended. Mrs. Lori Switzer your SHIP administrator reported that she received 7 home repair applications and 35 replacement/repair mobile home applications. The 7 home repair applications are below the percentage, based on \$50,000 maximum per house, stated on the delivery goals chart that we submitted to the state for approval. Mrs. Switzer has contacted the state and received a waiver to spend the remaining program funds, after repairing the 7 homes on the list, on mobile homes. She also requested additional funds since there were so many mobile home applications but was told that the county would not receive any additional HHRP funds. Mrs. Switzer is asking if there should be a hazard insurance requirement for homeowners that receive replacement mobile homes. The Board ultimately didn't include this requirement for those receiving homes as part of the Eastpoint Fire victims CDBG grant.

**Staff Recommendation:** Board discussion and direction, by motion, on hazard insurance requirement for HHRP replacement mobile homes

Commissioner Jones asked if all of these are being done under the HHRP. Mr. Moron answered yes, and not part of the regular SHIP Program. Commissioner Massey asked if he has finished the contract for Ms. Switzer. Attorney Shuler stated he received some information from the Clerk's Office and should have the contract done by the end of the week. Commissioner Massey stated one of the applicants has been on the list for 6 years and they need to get the letter so this can get started. Attorney Shuler explained it is not just the contract but also some bid requirements too. Chairman Lockley stated the county cannot require insurance because people cannot afford it. Mr. Moron agreed and said the Board did the same thing for the CDBG program. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by**

**unanimous vote of the Board present, it was agreed not to require hazard insurance for the HHRP replacement mobile homes.**

Information Item(s)

37. FDOT 5-year Work-plan: At your October 15<sup>th</sup> meeting I stated that FDOT published their tentative 2021-2025 work plan that included Franklin County projects. Since the work plan's public hearing, there have been changes that affect Franklin County projects. I have informed AVCON, the Airport Engineer firm, and Mr. Puckett your Airport Manager. I have attached a copy of the FDOT notice to my report.
38. Jail & Medical Report: The Sheriff has submitted the 2019 Jail and Medical report. I have attached the Summary Page that indicates it was a good inspection. Let me know if you would prefer an electronic or paper copy of the entire report for your review, I will submit the original copy of the report to the Clerk.
39. Armory Website: On June 18<sup>th</sup> the Board, based on my request, authorized the County's website vendor to create a website that would promote the Fort Coombs Armory as a wedding, event, and convention center destination for the county, that would be paid by the Tourist Development Council. At that time, it was my anticipation that the installation of the sprinkler system would have been halfway if not totally completed. Since the county is still in the process of securing funds for this project, I have put this project on hold. As soon as funding is secured, and the installation has started, I will revisit this project.
40. Bay City Workcamp: Inform the Board that the Sheriff may be using the value of the Bay City Workcamp for matching funds as part of two legislative appropriations applications that were sent to the house and the senate last week. I forwarded the Sheriff's request for a valuation to Attorney Shuler for an amount; however, the county doesn't have a valuation amount of the property and buildings that are being transferred to the Sheriff.

Mr. Moron said he was anxious about the new Agenda software but the Board seemed to handle it fine.

**Commissioner Jones made a motion to have the next Commission meeting in Carrabelle.** Mr. Moron said he will have to work out the logistics and there is a public hearing on December 3, 2019. Mr. Moron suggested they set a schedule by the end of December for when they will hold meetings in Carrabelle in the next year. **Commissioner Jones rescinded his motion.**

**County Attorney – Michael Shuler – Report**

Attorney Shuler said he did not file a report.

Attorney Shuler stated a public records review was conducted of Miller Street and the record confirmed when the Board accepted roads in Lighthouse Ridge Estates or Lighthouse Point they agreed to take over and maintain the existing roads. He said they cannot take over and maintain a non-existent road which is what they are asking for with Miller Street. He explained

there is a section that has never been built so therefore it can never be maintained. Attorney Shuler reported his recommendation is that the portion of Miller Street that has never been opened was not adopted by the County Commission and they cannot put public equipment on private property. Attorney Shuler said there are other things going on with that lot such as wetland issues. Commissioner Massey stated he was wanting to come from the other direction. Attorney Shuler agreed to review the site with Commissioner Massey. He advised the Board there are many other requests of this time and the last time they looked at this issue they stopped counting at \$8 million.

Attorney Shuler stated the Board directed him to draft a policy regulating the Executive Director of the Library but the policy will apply to all department heads. He reported he does not expect the Board to adopt the policy today. He read the policy for the Board. He explained he thinks this addresses the issue as the offer was extended and accepted and never brought back to the Board for ratification and that is what this policy is intended to address.

### **Commissioners' Comments**

Commissioner Jones said he is going to Panama City tonight to join Mr. John Solomon, TDC Director, because the TDC is going to win an award today but they are not sure which place yet. He explained they did not get to have the awards before because hurricane issues stopped the meeting. Commissioner Jones reported TDC is continuing to work hard on their behalf.

The Board wished everyone a Happy Thanksgiving.

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 3:49 p.m.

---

Noah Lockley - Chairman

Attest:

---

Marcia M. Johnson - Clerk of Courts