

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 15, 2005
5:00 P.M.**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman; Bevin Putnal, Vice-Chairman; Jimmy Mosconis, Russell Crofton and Noah Lockley, Jr., Commissioner. Marcia M. Johnson, Clerk; Amelia Varnes, Deputy Clerk; Alan Pierce, Director of Administrative Service; and Thomas M. Shuler, County Attorney.

5:00 P.M. Chairman Sanders called the meeting to order

(Tape 1-53) Commissioner Putnal made a **motion to approve the minutes of the meeting held on January 18, 2005.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-60) Commissioner Crofton made a **motion to pay the County bills.** Commissioner Lockley seconded. All for. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA

(Tape 1-72) Commissioner Lockley made a **motion to approve the Consent Agenda as presented by Mr. Pierce.** Commissioner Crofton addressed Item #C on the Board of Adjustment (BOA) report regarding a request to locate an ice house vending machine 13-feet into the setback line off of 2nd Street East and 15-feet into the setback line off of East Gulf Beach Drive, on Lot 15, Block 9, Unit One, SGI as requested by Phillip Bridges. He said he understands the icehouse vending machine would fit on the property as requested. Mr. Pierce said he didn't attend the BOA, but the icehouse could be varied to accommodate the building. He said 13' off one side and 15' off the other side. Commissioner Crofton said he understands it will fit without the 15' off of Gulf Beach Drive. Mr. Pierce stated he would defer to Attorney Shuler. Mr. Shuler any other discussion other than clarification should not be held at this time. He recommended the Board reschedule this matter for a public hearing at the next Board Meeting other than just approving the recommendation because it is on the Consent Agenda. Commissioner Putnal asked if it could be done contingently. Mr. Shuler advised this item should be scheduled for the next Board Meeting so the applicants could be properly notified. Item #C on the BOA Consent Agenda was removed. Item #A and Item #B on the BOA Consent Agenda was approved as presented. Commissioner Crofton made a **motion to approve the Consent Agenda with the exception of Item #C on the BOA Report concerning the location of an icehouse vending machine 13-feet into the setback line off of 2nd Street East and 15-feet into the setback line off of East Gulf Beach Drive-SGI.** Commissioner Putnal seconded. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-250) Mr. Chipman reported he has taken care of cleaning up the boat ramp like Commissioner Putnal asked him to do at the last meeting.

(Tape 1-263) Mr. Chipman asked if the current Paving Contract was going to include the 3 large culverts under Otter Slide Road in Eastpoint. He said the culverts are at least 48" in diameter. Chairman Sanders said she thought someone was going to write a letter to Couch Concrete, located in Eastpoint, to see if they would provide the culverts because of their heavy concrete trucks using the road. Mr. Pierce said they were going to buy them, but wanted the County to install them. The Board agreed Couch Concrete should at least purchase them. Mr. Pierce said he had not sent a letter to them, but he would take care of this matter. Mr. Chipman said he didn't think the County had the expertise or the equipment to do this. He stated the road would have to be cut and the culverts removed, which would be a big undertaking for his department. Commissioner Putnal asked Mr. Pierce to ask C. W. Roberts Paving, Inc., the Paving Contractor, if they would do this under their current contract. Mr. Pierce said he would ask them and send a letter to Couch Concrete. Chairman Sanders said she thought the County Policy was that the County wouldn't install culvert pipes. He stated 10 years ago the County made a policy for the property owners to purchase the culvert pipes, then allowing the County to install the culvert pipes.

(Tape 1-417) Mr. Pierce said he needed the Board to approve the advertising of bids for the Apalachicola Municipal Airport Fencing and Gate Project. Ted Mosteller, AAAC Chairman, said everything had been done and the project is ready for advertisement. Commissioner Mosconis made a **motion authorizing the advertisement of bids for the Apalachicola Municipal Airport Fencing and Gate Project.** Commissioner Lockley seconded. All for. **MOTION CARRIED.**

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-500) Mr. Johnson reported he had the 5-year Landfill Permit Renewal Application for the Chairman's signature. He asked the Board to authorize the Chairman's signature on the document. Commissioner Lockley made a **motion authorizing the Chairman's signature on the 5-year Landfill Permit Renewal Application for submission to DEP.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-512) He said Bob Kline, General Manager of the St. James Bay Golf Community, has requested a Recycling Drop-off site be established off Crooked River Road to serve the golf community. He stated to accomplish this task, he was asking the Board to approve: 1. The purchase of five (5) new recycling containers. Two of the containers will be used to establish the new site with the rest being used to replace irreparable containers. 2. The amendment of the Solid Waste Department budget by transferring \$21,025.00 from monies received from the sale of recyclables to purchase the containers: and 3. The authorization to purchase the containers from Pro-Tainer, Inc., Alexandra, Minnesota, under GSA Contract Numbers GS-07F-9978H and GS-30F-1034D, for \$21,025.00. Commissioner Lockley made a **motion authorizing the**

transfer of \$21,025.00 from the Recycling Fund to the Solid Waste Budget to purchase five (5) new recycling containers from Pro-Tainer, Inc., for \$21,025.00 under GSA Contract Numbers GS-07F-9978H and GS-30F-1034D. Commissioner Putnal seconded. All for. **MOTION CARRIED.**

(Tape 1-561) He gave the Board an update on the Carrabelle Park. He stated on February 1st a kick-off meeting was held to discuss the new County Park to be located outside Carrabelle. He informed the Board he is now waiting on the engineers to complete the topography survey to help determine the design and location of the ball fields. He said he has met with Major Watson, Franklin Work Camp, to arrange for skilled inmates to help with the construction of the facility.

MARCIA JOHNSON-CLERK

(Tape 1-587) Ms. Johnson reported the following: Approximately 3 years ago, the County signed a contract with Valery Insurance Agency so they could offer a Medicare Supplement Policy to the County's retirees. The premium is deducted from their retirement benefits and the County is not involved in any collection process. Now, the company has requested they be allowed to include Blue Cross & Blue Shield (BC&BS) Long Term Care Program discounts in their mail-outs to our County retirees. If the Board has no objection to this then the Board would need to make a motion authorizing Valery Insurance Agency to do this. Commissioner Mosconis made a **motion approving the request made by Valery Insurance Agency regarding this additional program to the County's retirees.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-618) She presented each Commissioner with a Memorandum delivered to her by Sgt. Randy Cook, Department of Corrections Franklin Work Camp, reporting the number of inmate man hours, 67,376 hours, and the actual value of added savings, \$559,894.56, the inmates at the Work Camp provided to Franklin County. She said this was just information Sgt. Cook had asked her to present to the public and the Commissioners at a Commission Meeting.

Commissioner Bevin Putnal

(Tape 1-651) Commissioner Putnal invited the public and the other Commissioners to the "Take Stock in the Children" dinner scheduled for February 24th. He said each Commissioner should receive an invitation and he encouraged each one to attend the event on the 24th at 6:00 p.m. at White Eagle Lodge in Eastpoint.

(Tape 1-699) Commissioner Putnal asked about the request made by the Alligator Point Taxpayer's Association (APTA) to require the creation of aerobic systems in developments on Alligator Point. Commissioner Crofton said he would make a **motion directing County Staff to check into this matter to see if it could be implemented on Alligator Point.** Commissioner Putnal seconded. All for. **MOTION CARRIED.**

(Tape 1-726) Commissioner Putnal said he would like a letter to be sent to Congressman Allen Boyd requesting the funding for a building to be built to house the equipment and

personnel of the new seafood lab project in Apalachicola. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a letter of support to Congressman Allen Boyd requesting the funding for the construction of a building in Apalachicola to house the new seafood lab personnel and equipment.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-753) Mr. Pierce gave his report of the following items to the Commissioners at this time: The County does have an ordinance prohibiting camping on County right-of-ways, but there is no ordinance controlling the parking of commercial vehicles on the SGI Parking Lot. He asked for the Board to direct him as to whether commercial vehicles should be prohibited from dropping their trailers at the parking area. County Attorney Shuler said he would recommend the Board authorize him to research the current ordinance to see if he could amend the ordinance or needed to prepare a new ordinance for adoption.

(Tape 1-774) He provided a copy of a letter addressed to Terry Jangula, representative of the United States Corps of Engineers (USCOE), in the Panama City, Florida Office regarding the \$1.5 million dollars appropriated for the Eastpoint Channel Dredging Project. He informed the Board the funding for this particular project was secured by Congressman Allen Boyd several years ago and they have not even started the project. The Board directed Mr. Pierce to "vigorously" pursue this matter.

(Tape 1-798) He submitted, to the Board, the annual report for St. James Bay-Development of Regional Impact (DRI) for the record.

(Tape 1-804) He presented the Board with the Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT) Aviation Division for the development of an updated boundary survey and property map of the current boundary of the Apalachicola Municipal Airport. This JPA would not require any matching funds or costs to the County. Commissioner Mosconis made a **motion authorizing the Chairman's signature on this FDOT Aviation Division JPA for the development of an updated boundary survey and property map of the current boundary of the Apalachicola Municipal Airport.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-814) He submitted a copy of a letter from DCA indicating the Lanark Village Drainage Project is now being submitted to Federal Emergency Management Agency (FEMA). (Tape 1-846) Deborah Roumelis-Belcher, Roumelis Planning and Development Services, Inc. provided a report "Franklin County Community Development Block Grant (CDBG) Status" to the Board. She requested permission from the Board to allow her to advertise for bids for the following titled project: "The 100-year design project-Lanark Village Storm water". Commissioner Lockley made a **motion authorizing the advertisement of bids for "The 100-year design project-Lanark Village Storm water" as requested by Deborah Roumelis-Belcher, Roumelis**

Planning and Development Services, Inc. Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-969) Commissioner Mosconis said he wanted to introduce Derrick Brown to the Board and the audience. He informed the Board Mr. Brown was his stepson and that Mr. Brown had accepted an appointment to West Point Military Academy. He said only about 1,200 students are approved, world wide, for acceptance and Mr. Brown was one of those students. Mr. Brown thanked the Board for acknowledging him.

(Tape 1-1009) He presented the original Hazardous Waste Assessment Agreement between Franklin County and the Apalachee Regional Planning Council (ARPC) for verifications of the small quantity hazardous waste regenerators, pursuant to Chapter 403.7234(2), F.S. for the Board record.

(Tape 1-1025) He said at the October 19, 2004 Board meeting there was a discussion and a request for a rezoning of property from R-4 to R-1 and a final plat approval for Pine Point subdivision in Eastpoint. He stated the Board clearly voted not to rezone the property, but the discussion appeared to indicate the Board approved the final plat. He said however, there was no final motion to approve the final plat of the “Pine Point” Subdivision. Commissioner Putnal made a **motion approving the final plat of the “Pine Point” Subdivision.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 1-1050) He submitted Phase 1, Unit 2 Summer Camp “Notice of Intent to Issue Storm water Construction Permit” he received from the Department of Environmental Protection (DEP). This document was placed into the Board record.

(Tape 1-1058) Mr. Pierce asked the Board to consider the variance request for Raymond Hurst on Alligator Point. He said the site plan has been revised to give the Board an option since Mr. Hurst is willing to shrink the house footprint down to 800 square feet and move it back so the house is not in the Critical Habitat Zone (CHZ) or keep it in the CHZ but move it further away from the road. He said the house would still have more than 100 square feet of living area, because it would be two stories. Alan Pfeifer, President of the APTPA, was not in favor of approval and expressed his concerns about the project. He stated the AP Volunteer Fire Department is concerned as well. Dan Garlick, Garlick Environmental, said he asked Mr. Hurst, his client, to see if the CHZ should be addressed and said Mr. Hurst agreed to reconfigure the house by shrinking the house footprint down to 800-square foot and move it back so the house is not in the CHZ. Mr. Garlick stated he had a letter from the Department of Health reflecting Mr. Hurst has a viable lot and his client should be allowed to move forward with construction. Mr. Pierce said the Board of Adjustment (BOA) has already addressed this issue. He said he has not asked the FC Building Official to look at the property. Commissioner Mosconis asked if the current plan met County Policy for a variance. Mr. Pierce replied it did. He said the house is 1,000 square feet and a variance is needed. Commissioner Mosconis asked if this was the first time a variance like this had been requested. Mr. Pierce replied it had not. Chairman Sanders said the original BOA recommended denial of this

variance. Pierce said they had denied the original plan. Chairman Sanders said if it was a new design then the BOA needed to see it. Mosconis suggested sending the request back to BOA. Mr. Garlick said there is a "Time Crunch". He asked the Board to go ahead and approve the variance. He stated they did not want to have to go back through this process since it took so long. Joe Hambrose, a resident in the area, said he talked to Progress Energy and they are going to come look at the house configuration to see if it is in the utility easement. Mr. Pfeifer said he thought the power lines would go through the house and if the house caught fire the fire department employees would be in great danger from the power lines alone. He encouraged the Board to deny this variance for many reasons. He suggested the Board ask the Health Department to re-inspect this project. Roger Bybee, a resident of Carrabelle, said Progress Energy cannot have power lines within certain limits of the lines because Progress Energy does have to comply with the National Standard Electric Code, which requires the property owner to pay for the modification of the lines so they can be installed underground, etc. to provide the maximum safety. He said Progress Energy must provide the maximum safety to the public. Commissioner Mosconis asked how many houses are affected by this same situation. Mr. Garlick replied there is at least one right down the road from this property. He stated they can pay for the lines to be installed underground if the property owners need to. Commissioner Putnal asked how long the property owner has owned this particular property. Mr. Hurst said his family has owned this property since 1957. Commissioner Putnal asked Mr. Pierce if he remembered the lady at Carrabelle Beach who was in this same situation. Mr. Pierce said this was a private road, but then the State dedicated it to the County. Mr. Shuler said procedurally the Board is in a position to make a decision as to if the structure encroaches on the CHZ, which was reduced to 1,000 feet. He explained very large houses were built on the lots previously so 2 years ago the BOA adopted the footprint of the house would be a maximum of 1,000 feet-the property owner cannot encroach on the CHZ. He stated he was able to advise the Board on the approval of this variance, but said the approval would be in line with prior policy. Commissioner Mosconis asked about the court case about this. Mr. Shuler said that development, Pin Point, did not have any platted roads. The County was sued and the Court ruled the creation of the road-vested lots on the Gulf Side of the road and said: "Since this time a lot of development has been done on the Bay Side and legally they are vested lots. What has happened since this time the DEP has become more regulatory and this particular request does not violate the height restriction of the septic tank restriction. The Board is dealing with the decision to allow the construction of this footprint in the CHZ." Chairman Sanders said David Brumbaugh, FCPHU, had informed the Board the septic tank permit had been approved by FCPHU. She stated she wanted this to be reconsidered by FCPHU and then if they approve it then the Board might approve it. Commissioner Mosconis asked what the property owner could do with the property if this variance is denied. Mr. Garlick asked why should this have to be presented to the BOA again. He said the house could revert back to the original 1,000 feet footprint. Chairman Sanders said she would rather error on the side of caution. She stated this is AP and it is a critical area and would like for some advisory group or entity to permit this variance. She said the BOA denied approval of the original footprint-1,000 feet. Mr. Pierce said BOA did not have all of this information. Mr. Garlick said there had already been a lot of variances approved. Mr. Hurst said Mr. Pierce and Mr. Shuler had both agreed this was

an appropriate variance request. They have done everything they have been told and instructed to do to be granted a variance. If they are denied then how could anyone in the future be granted a variance. Chairman Sanders said she would like BOA to readdress the variance. Mr. Hambrose presented a map of the lot to the Board-Lot #23, which is on the AP Bay side. Mr. Garlick said there is a house already within 200 feet of the power line down the road. Chairman Sanders asked for decision. Commissioner Mosconis made a **motion to present this variance request to the Board of Adjustment for a second time-for them to be able to recommend final decision on this matter.** Mr. Hurst asked if the matter was resubmitted to the BOA Advisory Committee-the Board could overturn the decision. Mr. Garlick asked if the question was this was a buildable lot. Commissioner Putnal seconded. All for. **MOTION CARRIED**

(Tape 1-2211) Mr. Pierce said he met with Mike Dombrowski, DEP, Phil Flood, County Consultant to discuss Alligator Point and the revetment issues.

(Tape 1-2425) He asked for the Board to approve the creation of a loading zone in the Bayshore Drive right-of-way (ROW) on SGI in front of Fisherman's Headquarters and around the corner on 1st Street due to problems with patrons of the bar next door parking and blocking the gates to the boat storage area. The owners have leased the land next to their building for boat storage and they need a loading zone area created between 6:00 a.m. to 9:00 p.m. so the boats can move in and out of their gates. Commissioner Crofton made a **motion authorizing the creation of a loading zone in the Bayshore Drive ROW on SGI in front of Fisherman's Headquarters and around the corner on 1st Street to alleviate parking near and blocking the gates of this establishment.** All for. **MOTION CARRIED.** Mr. Pierce said the property owner would be responsible for towing violators from the loading zone.

(Tape 1-2544) Mr. Pierce asked the Board to approve the scheduling of two public hearing recommended by Planning and Zoning: 1. Consider a Planned Unit Development Ordinance for Tucker Landing, formerly known as the Breakaway Lodge north of Apalachicola: 2: Consider a Planned Unit Development Ordinance for the Eastpoint Cornerstone PUD, formerly known as Miller property on the north side of US 98 in Eastpoint. Commissioner Mosconis made a **motion authorizing Mr. Pierce to schedule two public hearings to consider a PUD Ordinance for Tucker Land, formerly known as the Breakaway Lodge north of Apalachicola and a PUD Ordinance for Eastpoint Cornerstone, formerly known as the Miller property on the north side of US 98 in Eastpoint.** Commissioner Lockley seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2585) He requested Board approval to sign the proposal from Preble-Rish Engineers for the preliminary engineering of the Phase III St. George Island Bike Path. The funds are available through the grant. Commissioner Mosconis said the approval of this project could wait and he would like to have a representative from Preble-Rish Engineers to come to next meeting to update the Board on the current paving project.

(Tape 1-2613) He informed the Board the Florida House of Representatives-Allan Bense, Speaker of the House, regarding the tremendous increase in insurance fees and he is working with the Insurance Commission to try to phase in the increases.

(Tape 1-2638) Mr. Pierce discussed the expansion of the current paving program to deal with additional paving of unpaved streets the Commissioners would like added to the program: Commissioner Lockley has a need for the extension of 14th Street in Apalachicola. Commissioner Lockley said the whole new development needed to have the roads paved in the developed area in Apalachicola. Commissioner Mosconis instructed Pierce to ask developer to help with paving funds. Commissioner Mosconis wants Preble-Rish representative at the next meeting to give update on additions and funds required for the additions to the paving project. Commissioner Lockley asked when the contractor would be back. Mr. Pierce replied within 2-3 weeks. Commissioner Putnal said over at the Old Carrabelle Beach the county property needed to be fixed by Mitchell Brothers, the contractor working on US Highway 98, because they have torn up the road and they need to fix it. Commissioner Putnal said he called and met with Mitchell Brothers representatives, but they still haven't fixed the road going into the Old Carrabelle Beach. Commissioner Putnal wants a letter sent, by the County, to Mitchell Brothers "pressuring" them to fix or repair these areas he mentioned. Commissioner Putnal made a **motion directing Mr. Pierce to send a letter to Mitchell Brothers requesting they repair the areas near The Old Carrabelle Beach their crews damaged during their road construction.** Commissioner Crofton seconded. All for. **MOTION CARRIED.** Commissioner Lockley said he wanted to make a motion to add all the roads around 14th Street in Apalachicola to the current paving project. Mr. Pierce recommended the Board-Lockley- wait until the next board meeting after Preble-Rish updates the Board on the status of the paving project and exactly how much money is being spent on the paving project. He said there is \$600,000.00 Ad Valorem Taxes already allocated, but more will be needed in the next budget year. Mosconis stated the Board needed to wait until a Preble-Rish representative informs the Board how much money, etc. is presently needed for all the paving changes in this project.

REVIEW AND DISCUSSION OF THE "COMP PLAN"

(Tape 1-3001) Pierce gave preview-update mainly on the Coastal High Hazard Area (CHHA) in the Comp Plan. There was a very lengthy discussion regarding the "Comp Plan" and the amendments proposed to it. David McClain, representing a working citizens advisory group; Bob Collins consultant on CHHA hired by the United States Corp of Engineers (USCOE) to assist with the comp plan update; Charlie Gautier, Department of Community Affairs (DCA) and Jeff Bielling of DCA Staff was present.

MORRIS PALMER-A&E DEVELOPMENT OF NW FLORIDA LLC

(Tape 3-1097) Morris Palmer said he was here to discuss the agreement between Las Brisas Development and Franklin County approved on January 22, 2003. The agreement was for the County to raise the road to alleviate the problem with road flooding and the "man hole". David Kennedy, Preble-Rish, the County's engineering firm, had submitted an opinion that this improvement would not impact the flooding problem. Mr. Pierce said the County has slowed down on the process for this project since there were

complaints made by the property owners and the attorney. Mr. Palmer stated he is here tonight to make sure the County goes ahead as planned with this project. He said there has been an agreement between him, the developer, and the County for raising the road and paying for it. The County promised him it would be finished by the 31st, but the process has been delayed because of some of the disgruntled property owners and their attorney. Mr. Palmer said the problem was with him and not the County. Commissioner Putnal asked if the County would be any part of this litigation. Mr. Palmer said the elevating of the road would not in anyway impact the County-the disgruntled people would have to sue him, Morris Palmer, A&E Development of NW Florida LLC. A letter from Bailey, Bishop & Lane, Inc. was submitted to the Board. Tom Hoffer, owner of some property next to this development, said he understood there had been some problems with this project-raising of the water level. He cautioned the Board to consider the opinion of the engineer. Mr. Palmer answered Mr. Hoffer's questions. Dan Tonsmiere said he observed the Las Brisas Development over the years with the storm water and drainage problem in the development. He said the previous developer created the problem by filling in wetlands on the property. He said the North West Florida Water Management District is trying to become involved in alleviating this drainage problem. He suggested the Board just wait to see what happens. Mr. Palmer replied to Mr. Tonsmeire's comments and said DEP and the NWFWD approved this project. George Allen, Eastpoint Water and Sewer District (EW&SD), referred to the drainage of the project submitted by Mr. Kennedy regarding the drainage problems in the Las Brisas Development. He said the EW&SD elevated the lift station on Lots 17 and 18 or 18 or 19 to keep it out of the drainage problem. They are looking for a solution and they don't think raising the road is the answer to the problem to alleviate the flooding problem. Mr. Palmer said his client paid the costs of raising the lift station and the road for the EW&SD. Ollie Gunn, a resident of Las Brisas Development for 8-years, said he didn't think the road issue versus the wetland issues was comparable. He said this is a different issue and felt raising the road would help the problem. John Miller, Property owner in Las Brisas, said he was in favor of the County raising the road and paving the road at the developer expenses. Mr. Shuler said two years ago the County entered into an agreement with the Las Brisas Developers. The focus would be on the attorney's letter from some of the property owners in Las Brisas objecting to the raising and paving of these roads. He said he would need to study this plan. He suggested the County Engineer propose a plan to elevate the road and assure the County the flooding problem would not be exasperated by the raising and paving of these roads, then the developer would have to fund all of the litigation costs if litigation occurs. He said the engineer should make a tailored plan for the County and recommended allowing this action so a more detailed plan can be made. Mr. Pierce said a specific plan the County Engineer prepared was submitted for the paving project. Mr. Palmer said the plan was submitted and approved by the County Engineer and assured the Board this was the plan needed to move forward with this project. Certification of his drawn plans and the attachment of the letter submitted tonight by Mr. Kennedy were recommended for approval by the County Attorney. Mr. Allen said the EW&SD had a water line on this property and this ROW should have been included in this agreement. Mr. Pierce said this item was discussed and approved, but never included, in writing, in this agreement. He stated EW&SD received a permit from DEP to install these lines. The County decided to take care of the county

issues and EW&SD decided to take care of the district issues. Mr. Palmer said this was a personal issue with Mr. Allen-a completely separate issue. He stated it was not in the county agreement because the developer did not want to include it in the agreement. Mr. Shuler presented a letter from the County Engineer certifying the original plans and the amendment for Board approval. He said he would like to review these documents and then finally allow the work entailed in the agreement approved by the Commissioners dated January 22, 2003, to be completed. Commissioner Mosconis made a **motion to allow the documents submitted by the County Engineer regarding the agreement signed January 22, 2003 between the County and the Las Brisas developers be implemented.** Commissioner Lockley seconded. All for. **MOTION CARRIED.**

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 3-2132) Mr. Shuler asked for the Chairman's signature on the Legal Services of North Florida agreement, which would provide one-quarter funding for them. Commissioner Lockley made a **motion authorizing the Chairman's signature on the Legal Services of North Florida agreement providing funding for one-quarter.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 3-2173) He said he was going to "Move forward, with the selling of the Airport Ditch" as instructed by Commissioner Mosconis. He reminded the Board this was the Pendleton-Hill property near Bluff Road in Apalachicola.

(Tape 3-2190) He informed the Board, regarding the lawsuit between the County and Dr. Lee Mullis, that the Health Department would not approve any holding tanks for an option of settlement for the Mullis-Franklin County lawsuit. An eagle's nest has been located on the property and the State and Federal entities are going to try to stop this development. Mr. Shuler said he would recommend the Board approve mediation if necessary.

(Tape 3-2278) He asked for the Chairman's sign on the St. James Bay Cable Television Agreement, which is a Non-Exclusive Cable Franchise. Commissioner Crofton made a **motion authorizing the Chairman's signature on the St. James Bay Cable Television Agreement.** Commissioner Putnal seconded. All for. **MOTION CARRIED.**

OTHER BUSINESS FROM THE FLOOR

(Tape 3-2339) Chairman Sanders informed the Board and the audience March 30th is Legislation Day in Tallahassee at the Capital. Commissioner Putnal made a **motion authorizing the attendance of Legislation Day by Chairman Sanders and Commissioner Lockley and authorizing the payment of their travel expenses.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 3-2387) Ted Mosteller, AAAC Chairman, asked for the Chairman's signature on the Department of Transportation Grant, FDOT JPA, for 100% payment of the Entrance Road to the Apalachicola Airport. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Department of Transportation Grant, FDOT JPA.**

for 100% payment of the Entrance Road to the Apalachicola Airport. Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 3-2435) Mr. Mosteller reported there were no funds for the County to purchase a bush cutter and mini-gyro tract for the airport. He asked the Board to approve another Department of Transportation grant, FDOT JPA, to 100% fund the purchase of this equipment that is so needed at the Apalachicola Airport. Commissioner Mosconis made a **motion authorizing the Chairman's signature on a request for funding from the Department of Transportation through grant funds to purchase a bush cutter and a mini-gyro tract for the Apalachicola Airport.** Commissioner Crofton seconded. All for. **MOTION CARRIED.**

(Tape 3-2507) Mr. Mosteller presented a Resolution for the Board to approve and to authorize the Chairman's signature on supporting the continued growth at the Apalachicola Airport. Mr. Shuler had left the meeting at this time. Chairman Sanders asked Mr. Mosteller if Mr. Shuler had looked at the document. Mr. Mosteller replied "he had". Commissioner Mosconis said he didn't see anything wrong in adopting a Resolution supporting the continued growth at the Apalachicola Airport. He made a **motion authorizing the Chairman's signature on a Resolution of Support for the continued growth at the Apalachicola Airport.** Commissioner Lockley seconded. All for. **MOTION CARRIED.**

(Tape 3-2633) Helen Spohrer, St. George Island, asked the Board or Mr. Pierce to explain to her exactly how the Consent Agenda is supposed to work. She said she wanted to know what happens when someone objects to one of the items on the agenda. She said she objected to one of the small-scale land-use changes. Mr. Pierce explained to Ms. Spohrer that if she didn't agree or wanted to oppose one of the items on the Consent Agenda all she had to do was to voice her disapproval to the Board at this meeting and then it would be rescheduled for further discussion, probably in a public hearing or public meeting forum. He said most of these items like this are just approved for the purpose of scheduling a public hearing to have public input into the request or change. She thanked Mr. Pierce for his explanation.

(Tape 3-2729) Patrick Floyd, representing Barrs Floyd, who has an item on the Consent Agenda, said he wanted to be supportive of the item going to a public hearing. He said there were several other people concerned about the Consent Agenda as well and he thought Mr. Pierce did a good job of explaining exactly how the Consent Agenda works. He stated he just wanted to make sure these items were scheduled for a public hearing and were not going to be "held up" in any way.

(Tape 3-2788) Several members from the audience, who spoke without coming to the microphone to identify themselves, asked the Chairman and the Board to request that Mr. Pierce speak into the microphone when he is talking or giving his report to the Commissioners. They all said he talks "too fast and too low" and encouraged the Board to direct him to speak into the microphone and to slow down when he does speak to issues.

FCBCC REGULAR MEETING-FEBRUARY 15, 2005

(Tape 3-2815) George Pruitt, Eastpoint VFD, announced the scheduling of the Fourth Annual "Rib Cook Off" in Eastpoint on March 19, 2005 beginning at 9:00 a.m. at Vrooman Park on the corner of C. C. Land Road in Eastpoint. He said there would also be a car show. He encouraged all of the Commissioners to attend this function.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD
THE MEETING WAS ADJOURNED.**

_____ **CHERYL SANDERS, CHAIRMAN**

_____ **MARCIA M. JOHNSON, CLERK**