

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
OCTOBER 2, 2007
9:00 AM**

MINUTES

Commissioners Present: Russell Crofton – Chairman, Noah Lockley Jr. – Vice Chairman, Cheryl Sanders, Joseph Parrish, Bevin Putnal

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

Call to Order (9:00 AM)

Chairman Crofton called the Regular Meeting to order at 9:00 AM

Prayer and Pledge (9:02 AM)

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes (9:04 AM)

Motion by Sanders, seconded by Lockley, to approve the minutes for the Regular Meetings held on August 21, 2007, September 4, 2007, September 18, 2007, and the 1st Public Budget Hearing held on September 10, 2007 and the 2nd Public Budget Hearing held on September 24, 2007; Motion carried 5-0.

Payment of County Bills (9:04 AM)

Commissioner Sanders asked that the payment for Altha Farmers Co-op is removed from the approved bills list until more information is provided on that payment.

Motion by Lockley, seconded by Putnal, to approve payment for the County Bills as presented with the exception of the payment for Altha Farmers Co-op; Motion carried 5-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Roads (9:05 AM)

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

Item 1 – Inform Board that repairs to Lighthouse Road has been started by the Contractor

Item 2 – Inform Board that the County has started hauling milled asphalt from FDOT

Commissioner Putnal stated that River Road needed some repairs, especially for school bus use and asked Mr. Rothwell, the County Engineer, to assist the Road Department by possibly moving the stop sign which would eliminate the need for the school bus to make U turns on River Road. Mr. Chipman and Mr. Pierce discussed other options for school bus.

Commissioner Sanders reminded Mr. Chipman to make sure that his staff attends the required safety classes.

Van Johnson – Solid Waste Director (9:10 AM)

Mr. Johnson did not present any items for discussion and/or approval.

Commissioner Putnal asked Mr. Johnson to address the garbage problems with dogs on 12th Street in Carrabelle and Three Rivers Road.

Dan Rothwell – County Engineer (9:12 AM)

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

Item 1 - Airport Access Road Observations:

Access road substantial completion inspection was completed on 9-24-2007 and Ben Withers now has 14 days from that date to complete the project (10-8-2007).

Item 2 - Baskerville Donovan desires to open cut Gulf Beach Dr:

City of Carrabelle Contractor has run into difficulties due to high water table and the Engineers recommend open cut because a jack and bore will cause more long term damage than the open cut. The road will be closed approximately two (2) days. Notice to residents and emergency agencies will be done by Contractor. Staff requests Board approval to authorize the pavement cut with an FDOT standard repair.

Board discussed flooding issues the contractor will need to take into consideration when doing repairs to the road.

Motion by Putnal, seconded by Sanders, to authorize the requested pavement cut with an FDOT standard repair; Motion carried 5-0.

Item 3 - Lake Morality Road:

Met with Clay Kennedy of Preble-Rish on 9-25-2007 to discuss possible alternatives for road repairs where the proposal is to add asphalt to increase the road structural strength for a limited distance on the south bound lane. The County has now received

the lab test results made during the original road construction from Preble-Rish and staff will review those results if possible and report to the Board.

Board discussed the problems with this road.

Attorney Shuler stated that the guarantee on that road ends on Dec 19, 2007.

Item 4 - Work on Survey information from Squire Road:

Preparations to do plans showing culvert locations and recommendations for which culverts might be lowered to ease storm water back up.

Bill Mahan – County Extension Director (9:26 AM)

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

Item 1 - NOAA Fisheries Update: NOAA Fisheries has extended the interim red snapper and commercial shrimp regulations for up to an additional 180-days to allow for additional comments on the currently proposed regulations. The original interim rules expired on September 29th.

Item 2 - FL Fish & Wildlife Commission Update: The next FWC meeting is scheduled for December 5th & 6th, 2007 in Key Largo. On October 1st, the price of all recreational hunting and fishing licenses was increased. The annual freshwater and saltwater licenses increased from \$13.50 to \$17.00. Please see attached fee schedule for additional information.

Item 3 - FL Red Tide Status: Currently the FL red tide organism *Karina brevis* is being reported in the following areas – **East Coast:** Nassau, Duval and St. Johns counties in concentrations ranging from background to high. **Southwest Coast:** southern Lee County –low levels and off Collier County-very low levels. **Northwest Coast:** Medium levels were found 2 – 19 miles west of the mouth of St. Andrews Bay. In addition, background to very low concentrations of *K brevis* was reported in St. Joseph Bay.

Item 4 - Zebra Mussel Update: Zebra mussels were first discovered in the U.S. (Great Lakes) in 1988. Today they are found in the Great Lakes, Mississippi, Ohio, Tennessee and Arkansas River systems. During the past few years, it has expanded its range very little. However, within its current range it has invested many new locations along the rivers and is now found in many small lakes, not connected to any rivers or the Great Lakes.

Item 5 - Redtail Catfish found in St. Andrews Bay: An 18-inch, 5-pound, South American redbtail catfish was found dead in St. Andrews Bay last week. This fish, in the wild, can reach a length of 5-feet and weigh 110 pounds, is believed to have been released, when it outgrew its fish tank.

Item 6 - UF IFAS Turkey/Deer Short Course: As a reminder, the UF IFAS Deer & Turkey Short Course (seminars, field tours, demonstrations & trade show) will be held October 4-5, 2007 at our North FL Research & Education Center in Quincy. The program is for landowners, managers, hunters and others interested in deer & turkey habitat management and best herd/flock management techniques. There is a registration fee of \$100 for the course.

Item 7 - FSU Marine Lab Seminar: Attached for your information is a flier for the upcoming lecture 'Has anyone seen my date? The consequences of being rare in the sea.' by Dr. Don Levitan. The program is scheduled for Thursday, October 11th at FSU Marine Lab, Turkey Point, from 7-9 PM.

Item 8 - Oyster School Update: As of yesterday, 20 people have registered representing 15 companies. Currently some of the better known companies sending representatives are: Publix Super Markets, Winn-Dixie, Outback, Sysco Foods and Disney. In addition we are trying to target buyers a few more Tallahassee restaurant chains. The Oyster School will be held October 17th – 18th.

Land Use and Zoning Change for DSW Donated Land (9:38 AM)

Mr. Pierce discussed this item and requested Board action to rescind the land use change on the County's property and send DSW property first for approval and then the County's property afterwards.

Motion by Lockley, seconded by Sanders, to approve rescinding the land use change and amend it to only include DSW's property in the land use change at this time and send the County's property at a later date for approval; Motion carried 4-0, Parrish abstained due to a conflict of interest.

Emergency Management Grant Signing (9:44 AM)

Butch Baker, County's Emergency Management Director discussed two grants that needed Board approval, a base grant that is the bulk of his department's budget and a homeland security grant for approximately \$71,000.

Motion by Putnal, seconded by Sanders, to authorize the Chairman's signature on both of the grants as requested; Motion carried 5-0.

Commissioner Sanders asked for update on RFPs for debris removal; Mr. Baker stated that his office was in the process of accepting RFPs for debris removal and would probably be on the agenda at the next meeting to address this matter.

Bruce Drye – Sea Turtle Update (9:46 AM)

Mr. Drye gave an update on the turtle nests on St. George Island.

Mr. Pierce stated that based on emails from the Alligator Point turtle nest license holder, Alligator Point has had a better year this year.

Attorney Shuler asked about turtle nest info on St. Vincent Island and little St. George Island. Mr. Drye responded.

Alan Pierce – Director of Administrative Services – Report (9:59 AM)

Item 4- Mr. Harry Arnold would like to make a brief presentation on behalf of United Way.

Mr. Arnold discussed the actions and benefits of the United Way in Franklin County, and asked for the County's support with the United Way fund raising program.

Public Hearing – Hotel/Motel Ordinance (10:03 AM)

Mr. Pierce reviewed the proposed draft of the Hotel/Motel Ordinance and stated that the room size was not included in the Ordinance and explained why this was done in this manner.

Commissioner Putnal asked why restrictions on kitchens were not included in the Ordinance. Mr. Pierce explained that the hotel industry asked for flexibility on that matter.

Attorney Shuler explained that the moratorium restricting this type of development will expire on Nov 7, 2007.

Commissioner Putnal stated that it is important to get this Ordinance passed so that some of the projects that are on hold can begin construction.

Commissioner Parrish stated that all of the strikeout items under Item 6 he wanted back in the Ordinance. Commissioner Parrish also wanted the amount of parking spaces increased to 1.5 for each sleeping room.

Commissioner Sanders supported Commissioner Parrish requirements.

Commissioner Lockley stated that he wanted the length of stay increased to 60 or 90 days rather than only 30 days. Commissioner Parrish stated that after 30 days the guests could switch rooms.

Commissioner Putnal suggested that a requirement for central water and sewer should be included in the Ordinance. The Board agreed with this.

Chairman Crofton opened the floor for public comment.

Paul Groom, representing Island View Inn, asked the Board to approve the Ordinance as is without any changes or additions as requested by Commissioners Parrish and Putnal and explained why they should not be added. Mr. Pierce and Mr. Shuler addressed Mr. Groom's concerns.

Lockley raised his objections to restricting the same occupant of a room for only 30 days.

Board discussed the maximum days allowed for guest and for the owner to occupy the unit and agreed to increase the occupation to 60 days for guests and 14 days total per year for the owner for the unit.

Mike Hughes, owner of Ho-Hum Park, asked the Board to reconsider the length of stay restrictions, especially for the owner occupied restrictions, so that it doesn't affect his RV Park business.

Curt Blair, a hotel owner in Apalachicola, stated that some the restrictions, especially regarding length of stay, could affect financing of these projects, and also discussed some of his experiences with this type of project.

Attorney Shuler and Mr. Pierce discussed projects that were approved before the moratorium was enacted but construction has not been started and the need for the County to restrict the Hotel/Motel units being used as residential units by the owners. Board discussed different options for owner occupied versus non owner occupied rentals.

Paul Osterly was in favor of restricting the owner to 30 days of occupation but allow guest to stay up to 6 months, and asked the Board to approve the ordinance as stated otherwise.

Paul Parker, of Alligator Point, stated that winter business is increasing while the summer business is declining and stated some opinions based on his experiences. Mr. Parker also addressed Commissioner Putnal's suggestion regarding water and sewer and asked the Board not to include language that makes the lobby a 24 hour lobby. Mr. Pierce discussed this matter.

Dan Tonsemeire, of Apalachicola Bay and River Keepers, asked if a small project with cottages will be addressed in this ordinance and will there be any restrictions preventing "skinny minnies" from being built and sold as condos. Attorney Shuler stated that the "skinny minnies" could be allowed but the restrictions in the Ordinance will apply.

Mike Caruthers, Island View Motel owner, expressed his concerns of the owner occupied issue, and central water and sewer restrictions.

Jim Cummings, of Alligator Point, supported the ordinance with owner occupied restrictions.

Uta Hardy suggested that the County should consider including language that charges the owner if they occupy the unit over the allowed time set forth in the Ordinance.

Motion by Putnal, seconded by Sanders, to adopt the Hotel/Motel Ordinance to include but not be limited to the following requirements; facility must be run as a Hotel/Motel for temporary visitors, there shall be no permanent residents, stays shall not exceed thirty continuous days for the unit owner and 6 months for transients as described in the Florida Law, no unit shall qualify for homestead exemption, there shall be a 24 hour lobby, all units pay tourist tax, there will be 1.5 parking spaces for each sleeping room, must have a single metered utility service for the entire parcel, and water and sewer must be provided and a central unit allowed; Motion carried 4-1 Lockley opposed.

Marcia Johnson – Clerk of Court – Report (11:41 AM)

Ms. Johnson presented the following items for discussion and/or approval.

Item 1 – Provided backup information for the Altha Farmers Co-op bill payment.

Motion by Sanders, seconded by Putnal, to include the Altha Farmers Co-op payment in the approved bill list; Motion carried 5-0.

Item 2 - I have a resolution for adoption on unanticipated revenues which involves money received during the prior year which was not included in the initial budget. You need to adopt the resolution in order for the money to be appropriated and expended for the purpose received to comply with F.S. 129.06(2)(d). The resolution deals with \$2,300 received from the NRA Foundation, Inc. for an equipment grant at Bill Mahan's Extension Department. This money was put into the General Fund and into 001.71.537.5200 for operating supplies.

**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 \$2,300.00 from the NRA FOUNDATION, INC. for EQUIPMENT GRANT, and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2006-2007, 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:

| | | |
|-----------------|--------------------|------------|
| 001.71.537.5200 | Operating Supplies | \$2,300.00 |
|-----------------|--------------------|------------|

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$2,300.00 in the GENERAL FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 2ND day of OCTOBER 2007.

Motion by Sanders, seconded by Parrish, to approve the Resolution as requested by Mrs. Johnson; Motion carried 4-0, Putnal absent.

Item 3 – I need a motion to approve some line-item budget amendments.

A- The first is for the payoff of the Solomon Property loan using funds remaining in the 06/07 budget year. We would increase 001.20.511.7100 Principal by \$184,310.36 and decrease 001.20.511.7200 Interest \$25,037.34 and decrease 001.99.584.9600 Reserve for Contingency \$159,273.02.

Motion by Lockley, seconded by Parrish, to approve the line-item budget request to pay the remaining balance on the Solomon Property purchase; Motion carried 4-0, Putnal absent.

B-The second involves the courthouse maintenance department and adjusts operating expenses by decreasing 001.26.519.1200 Regular Salaries \$8,444.70, decreasing 001.26.519.1400 Overtime \$1500.00, decreasing 001.26.419.2100 FICA \$761.51, decreasing 001.26.519.2200 Retirement \$1,128.21 and increasing 001.26.519.4600, Repair & Maintenance by \$11,834.42. We had unanticipated maintenance costs and were able to take care of them because of a reduction in the custodial costs.

Motion by Sanders, seconded by Parrish to approve the line-item budget request to adjust the operating expenses in courthouse maintenance; Motion carried 5-0.

C-The third involves the solid waste department. There were unexpected operating expenses for utilities and professional services and there is an excess in personal services which can be transferred to cover the operating expenses. We would decrease 001.40.534.1200 Regular Salaries \$10,689.11, decrease 001.40.534.1400 Overtime \$2,997.87, Decrease 001.40.534.2100 FICA \$1,045.00, decrease 002.40.534.2200 Retirement \$2,325.85, decrease 001.40.534.2400 Workers' Comp \$8,111.17, decrease 001.40.534.2500 Unemployment Comp \$5,000 and then increase 001.40.534.3100 Professional Services by \$28,978.78 and increase 001.40.534.4300 Utilities by \$1,190.22.

Motion by Sanders, seconded by Lockley to approve the line-item budget request for the Solid Waste Department; Motion carried 5-0.

D-The fourth involves the animal control budget. There were unexpected expenses for utilities and repair and maintenance associated with the new animal cremation system and there is excess remaining in personal services which can be transferred. We would decrease 001.53.562.1200 Regular Salaries by \$7,309.44, decrease 001.53.562.1400 Overtime \$2,909.08, Decrease 001.53.562.2100 FICA

\$782.24, decrease 001.53.562.2200 Retirement \$1,216.67, decrease 001.53.562.2400 Workers' Comp \$1,251.42, and increase 001.53.562.4300 Utilities by \$4,608.69 and increase 001.53.562.4600 Repair and Maintenance by \$8,860.16.

Motion by Sanders, seconded by Lockley, to approve the line-item budget request for the animal control budget; Motion carried 5-0.

Item 3-You must appoint three commissioners to sit on the Property Appraisal Value Adjustment Board. The Board will meet on October 10th at 9:00 A.M. and a hearing officer will preside, so the commissioners shouldn't have to be there except for approximately 30 minutes on the 10th, and a later meeting date to be set.

Motion by Lockley, seconded by Parrish, to appoint Commissioners Lockley, Parrish, and Putnal to the Value Adjustment Board; Motion carried 5-0.

Item 4-I received a certificate of acceptance of sub grant award from the Sheriff's Department. They are requesting approval of the Chairman's signature on the acceptance of this grant in the amount of \$79,690.00 to the Sheriff's Narcotics Unit for the purpose of reducing crime and improving public safety.

Motion by Lockley, seconded by Putnal, to authorize the Chairman's signature on the grant for the Sheriff's Department; Motion carried 5-0.

Michael Shuler – County Attorney – Report (11:50 AM)

Attorney Shuler did not present any item for discussion, but requested Board authorization to attend a sunshine law seminar.

Motion by Sanders, seconded by Putnal, to authorize payment of travel and expenses for Attorney Shuler when he attends the Sunshine Law seminar in Tallahassee; Motion carried 5-0.

The Board and Attorney Shuler discussed the additional Tourist Development Council one cent tax.

Commissioner Parrish stated that he would like both the Alligator Point MSBU Beach Renourishment Project and the additional TDC one cent tax to be approved by a referendum vote.

Board discussed including the MSBU and additional TDC one cent tax on the presidential preference vote in January 2008 and how it would affect funding of the MSBU project. Ken Osborne, of Alligator Point, discussed how this action would affect the MSBU project funding and additional TDC one cent tax, and how the property owners on Alligator Point would react.

Paul Parker, of the TDC, stated that the TDC could address some of these issues that have been raised at their meeting this afternoon and report back to the Board at the next regular meeting.

Motion by Sanders, seconded by Parrish, to include the proposed TDC one cent sales tax referendum on the presidential preference vote in January 08; (this motion was rescinded).

Recess (12:10 PM)

Chairman Crofton recessed the meeting.

Reconvened (1:15 PM)

Chairman Crofton reconvened the meeting at 1:15 PM.

Alan Pierce – Director of Administrative Services – Report (1:15 PM)

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

Item 1- Provide Board with copy of January 26, 1978 letter from DOT verifying the transfer of SR 370 to the county, now known as CR 370, or Alligator Point Road.

Item 2- Provide Board with copy of letter to Mr. Al Gregory regarding bathrooms and parking area at Bald Point will be built to DEP standards and turned over to the state for maintenance.

Item 3- Inform Board that DEP has received the FRDAP grant application. Grant rankings will not be known until February, 2008.

Item 4- Mr. Harry Arnold would like to make a brief presentation on behalf of United Way.

This item was addressed earlier in the meeting.

Item 5- Mr. Curt Blair would like to make a brief presentation regarding the additional one cent bed tax for beach renourishment.

This item was addressed earlier in the meeting.

Item 6- Inform Board that the advertising and public notices being erected around the county concerning the sales tax better healthcare in the county is being paid for by a grant to the Hospital by the State of Florida Office of Rural Health. The Office of Rural Health has a grant specifically for the promotion of better healthcare in rural areas. The notices and advertisements are not being paid with ad valorem tax dollars. Commissioner Sanders stated that she did research, based on some of the complaints, and found out a discloser was not necessary for the ads and public notices, but did not want the public to think that the Board was necessarily behind the sales tax.

Item 7- Board action on proposed Resolution on two issues relative to the ACF water wars with Georgia and Alabama. The two issues are: making sure the Northwest Florida Water Management District completes the required study of water flows in the Apalachicola River, and to notify the Governor the county would like to have its representative communicate directly with the Governor concerning the ACF negotiations and their impact on Franklin County.

The Board decided not to act on this item at this time.

Item 8- Mr. Ted Mosteller, Airport Advisory Chairman, requests the Board award the low bid for repairing and replacing sections of the airport fence to RFE Construction Services, Inc of Jacksonville. They will install airport purchased fence for \$6.50/ LF, with the materials and labor not to exceed \$24,000, which is the amount of grant funds available. Board action.

Motion by Parrish, seconded by Lockley, to award the bid to RFE Construction Services for repairs based on the recommendation of the Airport Advisory Committee; Motion carried 5-0.

B. JPA for improvement for water and sewer lines at the airport.

Commissioner Lockley asked if this proposed project would affect Global Jet lease. Attorney Shuler stated that the lease is not yet in place but if it needed could be amended.

Commissioner Lockley expressed his concerns of the additional cost to the County this project will cause and thinks that some of the current lease holders should contribute towards the cost.

Motion by Sanders, seconded by Parrish, to approve the JPA contingent on Attorney Shuler's verification that the City Of Apalachicola will assume responsibility and maintain the water and sewer lines; Motion carried 5-0.

Item 9- Inform Board that DEP will be sending down a contract for \$97,260 to complete the final design and specifications for the Alligator Point Beach Renourishment. DEP has agreed to fund the whole thing out of the \$1 Million dollar Legislative Appropriation so that the county does not have to take any more matching funds out of the Bald Point Trust Fund. I recommend doing this to save the Trust Fund in the event the county wants to use it toward beach renourishment construction. There is no need for a vote today because the contract has not yet arrived. It will be next Board meeting.

Putnal asked if the bald Point Trust fund

Motion by Sanders, seconded by Parrish, to authorize the Chairman's signature on the contract with DEP; Motion carried 5-0.

Commissioners' and Public Comments (1:26 PM)

Commissioner Sanders recognized former Commissioner Clarence Williams who was in the audience.

Commissioner Sanders asked the other Commissioners if they planned to address a letter that the Board received from the Republican Party regarding the one cent sales tax. The Board stated that they would not address it.

Commissioner Parrish asked if the Health Department would address the swimming advisories that have been posted throughout the County. Mr. Pierce stated that he had checked with the Health Department and they were not sure what was causing the bacteria. Commissioner Parrish stated that we need some type of testing to determine what was causing the increase in bacteria which is causing the swimming advisories. Board discussed this matter further.

Commissioner Lockley was concerned about the increasing rates of homeowners insurance in the County especially for property owners who are on fixed income.

Motion by Lockley, seconded by Sanders, to send a letter to the Legislative Delegation regarding the increased rates of homeowners insurance in the County; Motion carried 5-0.

Chairman Crofton reminded everyone of the Oyster Spat Festival on ST. George Island.

Commissioner Putnal asked for an update on the purchase of the Lombardi Property. Mr. Pierce stated that there was nothing new to update. Commissioner Putnal stated that he wanted the Board to be aware that the St. Joe Company was restricting water access to properties where they are planning projects. Ken Osborne, suggested that the County ask FSU to allow water access at the Marine Lab. Mr. Pierce commented on this matter.

Motion by Sanders, seconded by Lockley, to send the St. Joe Company a letter requesting continued water access between Bay North and Leonard's' Landing on the south side; Motion carried 5-0.

Adjourn (1:43 PM)

There being no further business Chairman Crofton adjourned the Meeting at 1:43 PM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts