

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
SEPTEMBER 18, 2001**

OFFICIALS IN ATTENDANCE: Eddie Creamer, Chairman; Bevin Putnal, Jimmy Mosconis, Cheryl Sanders, and Clarence Williams, Commissioners; Amelia Varnes, Deputy Clerk; Alfred Shuler, County Attorney.

9:00 A.M. Chairman Creamer called the meeting to order.

(Tape 1-88) Commissioner Sanders made a **motion to approve the minutes of the meetings held on September 4, 2001 and September 10, 2001.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-93) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

RESOLUTIONS-SUPPORTING PRESIDENT BUSH AND MAYOR GIULIANI

(Tape 1-98) Commissioner Mosconis said he had two resolutions for approval this morning. He stated it was a tragic thing that happened to New York and this Country. He read the following Resolutions into the record: Whereas, on the morning of Tuesday, September 11, 2001, terrorists crashed hijacked passenger airplanes into the twin towers of the World Trade Center in New York City, resulting in the subsequent collapse of these landmark structures and a tremendous loss of life, and Whereas, many New York City police and firefights selflessly gave their lives trying to save the victims of this horrendous attack, and Whereas, the entire country and world has reacted in shock and disbelief at this fiendish act, Now, Therefore, Be It Resolved by the Franklin County Board of County Commissioners that this Resolution of Support is given to Mayor Rudolph Giuliani and the people of New York City as a token of sympathy of the horrific ordeal they have had to endure. This Resolution adopted in open regular meeting of the Franklin County Board of County Commissioners this 18th day of September, 2001. Commissioner Sanders made a **motion adopting and authorizing the Chairman's signature on this Resolution of Support for Mayor Giuliani and the people of New York City.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis then read the second Resolution into the record: Whereas, on the morning of Tuesday, September 11, 2001, terrorist crashed hijacked passenger airplanes into the twin towers of the World Trade Center in New York City and the Pentagon in Arlington, Virginia resulting in a tremendous loss of life and property, and Whereas, President George W. Bush has announced the United States' resolve to hunt down and bring to justice those responsible for the attacks and those that sponsor them, Now, Therefore, Be It Resolved by the Franklin County Board of County Commissioners that this Resolution of Support is given to President George W. Bush and his commitment to punish those responsible. This Resolution adopted in open regular meeting of the Franklin County Board of County Commissioners this 18th day of September, 2001. Commissioner Putnal made a **motion adopting and authorizing the**

Chairman's signature on this Resolution of Support for President George W. Bush.
Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

STEVE RUTZ-DACS AERIAL SPRAYING OF MOSQUITOES

(Tape 1-178) Alan Pierce, Director of Administrative Services, announced that Mr. Rutz would not be at the meeting today. He explained a representative from DACS telephoned him yesterday to inform him of this decision. He said all of the planes had been grounded indefinitely. Commissioner Putnal said he heard the aerial spraying was doing more damage than good. Mr. Pierce stated he informed the representatives that the mosquito problem should be clearing up as soon as some colder, drier air comes through the area.

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-202) Mr. Chipman said he wanted to inform the Board the backhoe has been returned. He told Chairman Creamer he would be working on the ditches in Eastpoint by the end of the week. He informed Commissioner Mosconis he would be completing his projects as well. He stated he would be working throughout the County with the backhoe.

(Tape 1-222) Chairman Creamer asked Mr. Chipman if Gene Hobbs, Wilderness Road in Eastpoint, had been in contact with him. Mr. Chipman replied he had talked to Mr. Hobbs and had solved the problem.

(Tape 1-225) Commissioner Sanders asked Mr. Pierce if there was a deadline or specific timeline the County had to expend the FEMA funds the County received due to Tropical Storm Helene. She stated these funds were to be used for roadwork on Jeff Sanders Road and McIntyre Road in the Eastern end of the County. Mr. Pierce replied there is a deadline, but he thought the County had plenty of time to do the work. Commissioner Sanders said she just wanted to be sure.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-248) Mr. Johnson asked for authorization to table today's scheduled public hearing regarding the proposed Animal Control Ordinance. He explained there were some additional matters he wanted to address in the ordinance. He said the additional time would give him the opportunity to meet with the Franklin County Dog Hunters Association about the ordinance. Commissioner Mosconis said he would make a **motion to table today's scheduled public hearing regarding the proposed "Ordinance Regulating Animals in Franklin County and Repealing all other Ordinances of Franklin County Regulating Animals, Providing for Enforcement, Penalties, Appeals and an Effective Date" until October 16, 2001 at 10:00 a.m.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-276) He asked for authorization to advertise the two new budgeted positions in the Solid Waste Department and the one position with Animal Control. He said the positions were budgeted at entry level and the hire date would be October 1, 2001. Commissioner Sanders made a **motion authorizing the advertisement of the two**

entry-level positions in the Solid Waste Department and the one entry-level position with Animal Control, with a hire date of October 1, 2001. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-292) Commissioner Sanders asked Mr. Johnson to check with the Humane Society as to why their shelter was closed this morning. She said she rode by there this morning and there was a note on the door stating they were no longer accepting puppies and kittens due to the overflow. She said the note also stated the animals would have to be taken to Bay County. She asked Mr. Johnson to check into this matter and report back to the Board. Mr. Johnson said he would go make some telephone calls and see what was going on. He stated he would come back and inform the Board of what is going on. He said he was just thinking they would be doing this type of thing until the new budget year began on October 1st. He left the meeting to make some telephone calls.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-336) Mr. Pierce said he would begin his report and asked the Chairman to interrupt him for the scheduled public hearings when he needed to.

(Tape 1-343) Commissioner Putnal said he would like to talk to Mr. Pierce about something. He stated he had already spoken to him on the telephone about this matter. He said the St. Joe/Arvida representative came by his house to talk to him about a development in his District. Mr. Pierce informed Commissioner Putnal the gentlemen's name was Doug Delano. Commissioner Putnal said his conversation with Mr. Delano was about the proposed development, but they did talk about the County looking for property for the Carrabelle Sports Complex. He stated Mr. Delano told him he thought his company would donate some property for a complex. Mr. Pierce said he met with Mr. Delano on the same day Commissioner Putnal had met with him. He stated he didn't discuss anything with him about donating land for the complex. He said the land Mr. Delano is referring to is not in the City of Carrabelle and might not serve the same purpose the County intended for the complex. He stated it is going to be a County Park and if the land within the City limits doesn't become available then property outside of Carrabelle will be considered. Freda White, White Consulting, informed the Board she was working with the Arvida Group-St. Joe Development. She said they have found an office in Carrabelle they would be using. She stated the group she represents does want to meet with the Board, when the time comes, to discuss, not only the ball park, but some nature trails, bike paths, etc. She said she didn't think this was the time to actually go into details about the project until they have located some specific areas for these amenities. She stated this is something her group wants to do to help the City of Carrabelle as well as Franklin County.

(Tape 1-448) Mr. Pierce informed the Board the 50-point penalty against the County for several past CDBG projects has expired. He said Eastpoint Water and Sewer wanted the County to apply for a CDBG project to help Eastpoint expand sewer service. He asked the Board if they wanted to direct him to apply for the CDBG and if so, the Board would need to authorize the advertisement for professional services to write the CDBG. Commissioner Putnal said he wanted the County to apply for a CDBG for Eastpoint

Water and Sewer. Commissioner Putnal made a **motion authorizing Mr. Pierce to apply for a CDBG for Eastpoint Water and Sewer expansion and authorizing the advertisement for professional services for writing the CDBG.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-509) He said Bill Veon, Sverdrup-Boh Brothers-SGI Bridge Project, and David Kennedy, County Engineer, met yesterday to inspect the culverts on Wilderness Road in Eastpoint. He stated they arrived at a number, 27, of culverts needed on Wilderness Road. Commissioner Putnal asked if Otter Slide Road was included in this number. Mr. Pierce replied they mainly inspected Wilderness Road. Commissioner Putnal said he knew there weren't that many needed on Otter Slide, but if someone does Wilderness Road culverts then the people on Otter Slide Road will want theirs fixed too. Mr. Pierce said he didn't know of any culverts on Otter Slide Road that didn't work. He stated he thought the ditches needed cleaning out. Commissioner Putnal said he knew there were several people on Otter Slide that didn't even have a culvert. Mr. Pierce said one more culvert could be added to the list. He stated then that would be 28 culverts needed for that area. He said the suggestion he made to Mr. Veon was for them to purchase the culverts through their contractor or either give the money to the County and let us purchase them. He stated the County would be responsible for installing the culverts since Mr. Kennedy and the Road Department had more knowledge of the area.

(Tape 1-630) Mr. Pierce informed the Board Greg Preble, Preble-Rish, Inc., has made an assessment of the Old Jail behind the Courthouse. He said Mr. Preble thinks the building would not be suitable for any kind of offices. He stated the walls in the Old Jail are structural and cannot be moved; therefore, the Old Jail has very limited use. Commissioner Putnal stated the Clerk, Mr. Wade, had informed the Board at one of the previous meetings he would use the Old Jail for storage.

(Tape 1-690) He presented the Board with a copy of a Cease and Desist Order issued by the USCOE regarding the property on Bluff Road near Earl Creamer's house in Apalachicola. He said the letter states the USCOE has issued this order because of unpermitted wetland activities near Mr. Creamer's property that was done sometime in the past. He asked the Board to direct the County Engineer to investigate the matter and respond to the USCOE. Commissioner Williams made a **motion directing the County Engineer to investigate the matter and to respond to the Cease and Desist Order issued by the USCOE for the property near Earl Creamer's house on Bluff Road in Apalachicola.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-753) He provided the Board with a copy of a letter from FDOT explaining to the Board they are also over-budget on their US 98 project and can't assist the County with the Airport Access Road. He updated the Board on Monday's meeting, negotiating the cost of the Airport Access Road, between URS Engineer Chester Hinson, Preble-Rish employee David Kennedy, C. W. Roberts Contracting, Inc. representative Jonathan Parramore, and himself. He said, after this meeting, it was decided the Board can award the bid to C. W. Roberts Contracting, Inc. as long as the Board is aware that one of the

following three things must happen: 1. The two engineering firms work to reduce the project costs, of which the most likely reductions are: elimination of the friction course, saving \$50,000 to \$100,000; reducing the grade which reduces the cost of sub-grade, saving \$50,000; and the County negotiating a lower price for the lime rock base from Gene Langston than what C. W. Roberts could get, plus the County would not have to pay sales tax, savings unknown. 2. The Board could request additional funding from FDOT Aviation, Joe Smith, or from the Legislature; 3. The Board could fund the part of the access road, which should not be very much, with Local Option Gas Tax revenues. He said any costs borne by the County would not be due until the end of the project, which would be in the spring. He informed the Board Mr. Roberts would be willing to finance the balance due at the end of the project as he has done in the past. He explained Mr. Roberts has also agreed to extend his bid, currently expired; which, means Mr. Roberts would be obligated to the quote he gave the County on asphalt prices if the County awards the contract to him. He said these prices were submitted before the World Trade Tower disaster on Tuesday. He stated Mr. Roberts thinks asphalt prices will be increasing somewhat. The Commissioners agreed they would not be willing to use any Local Option Gas Tax revenues on this road. He reminded the Board this proposal submitted by C. W. Roberts Contracting, Inc. was \$275,000 over budget. Commissioner Mosconis said he would go ahead and **make a motion to tentatively approve awarding this contract to C. W. Roberts Contracting, Inc. and authorizing Mr. Pierce to negotiate with Gene Langston for the price of lime rock.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said he would personally call Mr. Smith and ask him for additional funds for this project.

(Tape 1-960) Chairman Creamer interrupted Mr. Pierce at this time to conduct a Public Hearing.

PH-ADOPTION OF AN AMENDMENT TO THE COMP PLAN

(Tape 1-964) Mr. Pierce said this is an issue that has been discussed many, many times before. He stated this amendment to the Comprehensive Plan addresses Wetlands Delineation Definition. He said this proposed Ordinance is what was arrived at as a settlement between the Franklin County and The Apalachicola Bay and River Keepers (ABARK). He stated DCA and the developers of St. James Bay have also had input. He said there was a lot of discussion when the St. James Bay project was approved about whether the County was properly using the wetland definition. He stated it was agreed, by everybody, the County would adopt the new State Wetland Definition and to allow DRI's to have some flexibility so a 50-foot setback would not be required for large projects. He said this amendment to the Comp Plan sets the new State Wetland Definition as the County's definition as well as allows flexibility for DRI's. He stated the ordinance also creates, for ABARK, recognition as to the legality of granting variances to existing lots. He stated the County has been granting variances, but ABARK wanted it documented as legally permissible. He said the Alligator Point Environmental Conservation Organization, Inc. submitted a letter to him requesting 60% of the set back remain in its natural state and asking this to be added into this ordinance. He stated he informed them he thought this addition should be to the Zoning Code since it is more specific to the Zoning Code and the administration of the ordinance. He said they were

concerned about people mowing the entire set back area on their individual property. He stated he still felt the controls over what is done on the 50-foot setback is more of a zoning issue than an issue for the Comp Plan. He stated the County's Critical Shoreline Ordinance requires that the 50-setback be maintained in its naturally vegetative state. He said the Zoning Code could be amended to allow this 60% requirement. After discussion Commissioner Putnal made a **motion adopting and authorizing the Chairman's signature on the "Ordinance Amending the Franklin County Comprehensive Plan to Change the Future Land Use and Conservation/Coastal Management Elements.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-1353) Mr. Pierce continued his report. He stated he need Board action to verify whether the County would fund part of the construction of the Lanark Village Stormwater improvements not funded by the Hazard Mitigation Grant. He explained the project would cost approximately \$150,000 and the problem with that is the County's share of the Hazard Mitigation Grant is only \$25,000. He said the obligation to fund this project does not have to be funded through this year's budget, but without assurances the project would be finished, FEMA will not fund their portion. He stated FEMA's portion of the project would be based on the County's total costs of Tropical Storm Helene. He said they awarded the County \$25,000 based on the damage estimates submitted by him. He stated he felt the County would be receiving additional money, but he said he was sure it wouldn't be \$150,000. Commissioner Putnal asked if in-kind services had been considered. Mr. Pierce said he had not since the County had already paid for the feasibility study and the design work for this project. He stated this project needs to be done and eventually, if not soon, the County will have to do the work on this project. He said it could be in-kind, LV Water and Sewer District, etc. could help fund the work. Commissioner Sanders made a **motion for the County to fund and commit to the Lanark Village Stormwater improvement project.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said she wanted this project completed. Mr. Pierce said he would attempt to trim the project. Commissioner Sanders said she reviewed the study and she feels some of the items can be trimmed and encouraged Mr. Pierce to work on reducing the costs.

(Tape 1-1511) He presented the Mahr Development Corporation of Florida's Annual Report on the development within the SGI Development of Regional Impact in Franklin County, Florida for the period 1996 through 2000. He said he had also received and was submitting this morning the 1995 Annual Report filed in March 1996.

(Tape 1-1527) Mr. Pierce said he would go ahead and begin the Planning and Zoning Commission report. He stated the P&Z Commission met in regular session on September 11, 2001 and recommends the following action: Approval for Mary Ruth Smith to construct an extension to an existing dock on Lot 19, Indian Bay Village, SGI. Commissioner Mosconis made a **motion approving the construction of an extension to an existing dock on SGI for Mary Ruth Smith.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Paul Barringer to construct a

private dock on Lot 10, Bay Cove Village, SGI. Commissioner Sanders made a **motion approving the construction of a private dock on SGI for Paul Barringer.**

Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Approval for Jeanne Bonds to construct a private dock on property in Section 36, T8S, R7W in Eastpoint and is further known as the Seabreeze Motel and now known as Aaron by the Bay-at the intersection of North Bayshore and US 98. Commissioner Putnal made a **motion approving the construction of a private dock for Jeanne Bonds-Seabreeze Motel-Aaron by the Bay in Eastpoint.** Commissioner Williams seconded the motion.

All for. **MOTION CARRIED.** On Commercial site plan approval: Approval for David Tuplin to construct a commercial building at 48 Island Drive, Eastpoint. Commissioner Mosconis made a **motion approving the construction of a commercial building for David Tuplin in Eastpoint.** Commissioner Putnal seconded the motion. All for.

MOTION CARRIED. Approval for Rodney Fickle to construct a commercial building on US 98 in Eastpoint on property between Lubertos and the Dr. Fulmer's animal clinic.

Commissioner Mosconis made a **motion approving the construction of a commercial building for Rodney Fickle on US 98 in Eastpoint.** Commissioner Williams seconded

the motion. All for. **MOTION CARRIED.** On rezoning requests: Table a request until the next P&Z meeting to rezone a 4-acre parcel of land from R-6 to R-1 in Section 18, T7S, R5W, since no one came to the meeting to answer questions. Table a request until the next P&Z meeting to do a large scale land use and zoning change on property known as "The Soundings" along US 98. The request was tabled so all of the property owners in "The Soundings" could have the opportunity to be included in the proposed change, and for a better site plan to be presented on how access would be provided to this

development. The requested change is from R-3, one unit per five acres, to R-1, one unit per acre, and if all of the property owners participate the change could include 130 acres.

Denied a request to amend the use of "Bed and Breakfast" to Agricultural Zoning. Ruby Saporito, agent for the Mitchell Family Trust, who owns the old Mitchell Alligator Farm north of Carrabelle, submitted the request. Commissioner Putnal made a **motion**

denying a request submitted on behalf of Ruby Saporito to amend the use of "Bed and Breakfast" to Agricultural. Commissioner Sanders seconded the motion. All for.

MOTION CARRIED. Table a request until the next P&Z meeting to consider a cluster development on Alligator Point consisting of 170 acres. The proposed project, known as "Hidden Harbor" was originally going to be a PUD, but before the meeting the developers were asked to drop the original commercial aspect of the project and focus on

the residential, as historically the Alligator Point community has opposed more commercial zoning. The proposed residential development was presented as including 101 single-family lots, clustered on approximately 90 acres of uplands. The remaining 80 acres are wetlands or submerged land. There was a great deal of discussion at the meeting about whether the uplands could really support that much development. The Commission tabled the request pending presentation of a site plan, which shows how many standard 1-acre lots, 100-feet wide, could be created on this parcel. Once the base line is known then the Commission will consider whether it will be better to cluster these same number of lots onto a smaller area. Ms. Paige Richards was present to request that she be allowed to put a 16' by 25' cooler in her backyard for the storage of oysters her husband harvests. Their property is in Eastpoint, zoned R-4 Home Industry. While the home industry zoning is intended to provide for areas for fishing related businesses, the

zoning code specifically prohibits seafood processing. The Commission debated whether the storage of oysters represented processing. I spoke to David Heil, DACS, after the meeting and was informed by him the State defines oyster processing as harvesting and selling your own oysters, or buying from another harvester and selling the oysters. The problem appears to be that the traditional oyster houses are regulated and required to do certain things that someone with a cooler in their backyard might not have to do. The Commission sent Ms. Richards to the Board without a recommendation as they felt the issue was larger than a zoning problem. Mr. Pierce said he had asked Robert Bickley and Robert Jenkins, employees of the local DACS, to attend the meeting this morning. He said he told them to be here at 10:00 or 10:30, but it was still a little early for them to be here. Ms. Richards presented a list of people or companies who had coolers in residential areas throughout Franklin County. Mr. Pierce said he would like to wait until Mr. Bickley and Mr. Jenkins came to the meeting this morning to continue this discussion.

(Tape 1-1921 Continued on Tape 2) The last item the Commission heard was a request for Debbie and Thad Brett on a subdivision they are trying to create in Lanark Village. The Village apartments and golf course are on the west side of the site. The Board had previously approved a sketch plat on this property for Dr. Saunders in 1996, but the plat was never finalized. Since sketch plat approval is only good for one year, the Brett's submitted a new sketch plat for approval. The sketch they submitted included the issues the Board negotiated with Dr. Saunders in 1996, but Commission Member Harriet Beach, who represents Lanark Village, was very concerned about the proposed closing of Oak Street. I explained the maintenance or lack of maintenance of Oak Street, and whether it was still a county road could not be determined by the Commission, but could only be determined by the Board. After some discussion over Oak Street, the Commission decided approval of the sketch plat contingent on the road internal to the subdivision become a 60-foot right-of-way, which would require the internal lots to be reconfigured, or have that area become open space, and contingent on the Board determining whether Oak Street is a public road that it wants to maintain in its current location. The County Commissioners in 1996 talked about closing the road and placing a sign there "Pavement Ends" at a point before you get to the Brett's property. Then there is a dirt road there, which goes underneath the power lines then cuts across 4 or 5 of the Brett's lots. If the road stays as it is those lots would not be build able. The road could be relocated; closed, etc. any number of things could happen. The sketch plat includes the issues the Board negotiated with Dr. Saunders in 1996; maintaining Debbie Lane and doing work on Infield Road. Commissioner Sanders said she was concerned about the agreement made in 1996 or 1997. She stated she was concerned with the safety and welfare of the people in Lanark Village. She said she knew people use that road for security patrols, fire department access, etc. She stated she has seen it used by people to place their boats on during hurricanes. She said the County has worked with St. Joe/Arvida to extend Oak Street over to Lake Morality for a "clear shot" evacuation route. Debbie Brett, the developer of this project, explained in 1995 the Commissioners were allowed to put a "Dead End" sign as well as a "Pavement Ends" sign at the end of the road, which designated the end of the public road. She said the Commission at that time thought the signs were enough to designate the end of the County road. She said Dr. Edward Saunders, previous owner of the property, wanted a "Dead End" sign and the County

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placed one there. She stated it was private property and the Commissioners knew it was private property. She said this is a trespass trail that runs through the property. She stated the County has not maintained this road up until a month ago when they came in and cut down two pine trees and one oak tree. She said as soon as she was made aware of this she immediately called Mr. Chipman and let him know this was private property they were on. Dr. Saunders stated this started back a long time ago when the County platted a small area around Highway 98. He said there was a problem with access to a subdivision that was platted. He stated the County spent the money to survey the property line. He said he and his partner obtained the property from the Allen's. He stated the first thing he did was to come to the County Commission because the dirt road had been there for hunters and people to travel to Pinewood. He said he asked the Commissioners if they were interested in this road. He stated he needed to know if the County was interested in the road before he platted anything or did any further work on the property. He said the Commission, agreeing with the Road Superintendent Prentice Crum, decided the County did not maintain the road. He stated the County then had no claim to the road. He said, because they were going to install a fence, he asked the County to put a "Dead End" sign there. He explained later on Lanark Village citizens came to him and asked if they could have the golf course. He said they had plans to build 9 units, but they decided they would sell the Village the property. He said they did sell them the property without receiving any profit. He stated there were some deed restrictions placed on the property. He said then the plans were redrawn and the issue was access to the property. He stated he agreed with the Commissioners that if they would clear the road, provide the base, then he and his partner would give the County five-hundred or so feet, 60-feet wide, which should have taken care of that matter. He said after the County finished their part they went in and paved the road and the road was turned over to the County for maintenance or ownership until they platted their land. He said they redrew the plat again when some citizens who live on Carlton Avenue told him they had an access problem as well. He said they agreed to give the County 30-feet, ½ of an easement. He said some of the people at the end were allowed to put in small parking spaces, but it wasn't meant to be a parking lot. He stated it was never finished.

Discussion continued. Freda White asked why this matter was even being discussed today since she didn't think the matter was on the Planning and Zoning Commission meeting. Mr. Pierce agreed this was not on the agenda and that he had made a mistake. He said he told the Brett's to come in to his office for the agenda, which would be set on August 31st. He said it in fact was set and sent out on August 27th. He stated they did come into his office August 31st as he had instructed them to. He said he made a mistake. Commissioner Sanders said she had lots of calls about this too. Jeannie Rogers said she lived off of Carlton Avenue which runs right by the dirt road that has been mentioned. She stated this dirt road had been used as access for the people who lived on the end and for emergency vehicles. She expressed her concern about her neighbors who need this road for travel, walking, bicycling, etc. Ms. Brett said they did not want to take away Debbie Lane and she thought this was the road Ms. Rogers was talking about. Ms. Beach said she would like a clarification of Oak Street. She stated there is the extension of Oak Street, which connects with Pine Street on the North side, which they need as an access road. She stated Debbie Lane is another little road the Association cannot address because this is a property owners issue, which has to do with the people who live in the

end apartments and whoever owns that property. Bud Evans, LVVFD, said he used this extension off of Oak Street for emergency vehicles. He said if they didn't have the road they would have to go out onto the highway. Discussion continued and Commissioner Mosconis made a **motion directing Mr. Pierce to met with the property owners Mr. and Ms. Brett to see if this problem can be worked out and directing Mr. Pierce to come to the next Board meeting with a recommendation.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-123) Mr. Pierce said he just needed to do one more thing. He presented a copy of the notice, which will be placed in the newspaper regarding the Request for Bids for the sand groin/net systems on Alligator Point. He said he would coordinate with the Board secretary about the time for opening the bids, but he felt it would be at least a month.

(Tape 2-173) Chairman Creamer said since Mr. Johnson had to leave the building he would update the Board on the Animal Shelter situation mentioned earlier. He stated Mr. Johnson made some telephone calls and found out that Ms. Dodd, Executive Director of the Animal Shelter, had to go to Tallahassee this morning. He stated he would speak to her when she return to Franklin County.

SARAH HOYT-OTHER SGI RESIDENTS-COMPLAINT ABOUT VARIANCE

(Tape 2-184) Mr. Pierce said he wanted the Board to know this has been a longstanding issue between neighbors on the Island. He stated he has been to the area and issued a "Stop Work Order" for the neighbor's project. He said a variance was never granted, but the homeowners, Mike and Josephine Kriehl, had begun construction of a building on the 10-foot set back. He said currently there is a concrete slab on or near the property line. He stated there are four posts around the slab and a vehicle is being parked on the slab. Sarah Hoyt, next-door neighbor of the Kriehl's, appeared before the Board at this time. She presented photographs, letters, e-mail's, etc. to the Board. She stated the Kriehl's are right on top of the property line. She said there were letters in the package from people all over SGI who had problems with Mr. Kriehl. She stated they were also using their home as a business, which constitutes a zoning violation. She said he parks his work trucks all over the place and puts brick and other items he uses in his business all around his house. Sherry Wintker, SGI, said these bricks and other construction items Mr. Kriehl uses in his business are causing problems on the road. She stated the trucks cause deep ruts in the road. She said the materials have been there approximately three years. Commissioner Mosconis said he would make a **motion directing Mr. Pierce to check to see if Mr. Kriehl is operating a business out of his home and to see if there is a violation to the 10-foot setback requirement and report back to the Board at the next meeting.** Chairman Creamer said he wanted Mr. Pierce to come back to the Board and the next meeting with a recommendation. Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Chairman Creamer instructed Mr. Pierce to deal with this situation immediately.

PUBLIC HEARING-AMENDMENT TO THE NINTH AMENDMENT-SGI DO

(Tape 2-648) Mr. Pierce said the County advertised the public hearing to consider adopting an amendment to the ninth amendment to the SGI DO. He said the amendment would add an additional five-lots to the Casa Del Mar, Phase II, SGI Plantation. He stated in exchange for approval of this request George Mahr, the owner of the property, would sell his land around Nick's Hole to the Nature Conservancy, which then would probably be sold to the State. He asked the Board if this is what they wanted to do, remove any chance of development around the Nick's Hole area and allowing the development to be moved to Casa Del Mar, Phase II, which is already platted for single-family lots. He said he supports the proposal since it moves development away from the Bay and Nick's Hole and into an area already being developed. Woody Miley, Apalachicola River and Bay Natural Estuarine Sanctuary, said he and his organization approved this exchange. He said any long term resident of Franklin County knows how important Nick's Hole is to the area. He stated the mouth of Nick's Hole is shallower than the body and so it doesn't flush very well. He said in addition to being, for its size, the most productive spot in Apalachicola Bay it is also the area most susceptible to pollution. He stated if there was low-grade pollution it would have the potential to ruin the area for the seafood industry. Commissioner Putnal said he would make a **motion adopting the "Amendment to the Ninth Amendment to the St. George Island Development Order"**. Commissioner Sanders seconded the motion. All for.

MOTION CARRIED.

ALAN PIERCE-CONTINUED

(Tape 2-813) Mr. Pierce said he is now ready to continue the discussion about Paige Richard's request to put a cooler in her backyard for storage of oysters her husband harvests. He stated Mr. Bickley and Mr. Jenkins, both representatives of DACS, were present at this time. Mr. Bickley said he wanted to read DACS definition of "processing" so everyone would understand what a Certified Shellfish Dealer does. He read the following into the record: "Processing is the handling, unloading, storing, shucking, freezing, preparing, changing into different market form, manufacturing, preserving, packing or labeling of shellfish or shellfish products." Ms. Richards said she was not aware of that definition, however there are several other people storing their product in their backyard in a cooler. She stated she and her husband wanted to do the right thing and apply for a permit. Roxie Allen said she was here today as a concerned citizen. She stated it was not advocating putting these people who are already doing this type of thing out of business. She said they obviously have their licenses. She said being aware of the R-4 zoning, the only thing they prohibit is seafood processing and nothing else. She suggested maybe the processing plants, etc. be placed under the Agricultural Zoning portion of the Zoning Code. She said since they are now inspected and reviewed by the Department of Agriculture and Consumer Affairs, DACS, then maybe the zoning should be changed to agriculture. Mr. Jenkins said all shellfish harvesting in Apalachicola Bay has to go through a certified dealer. He stated they did not distinguish where the dealer is at; if he meets DACS criteria then they can be certified. He said they certify the cooler, plant grounds, handling practices, and many other things. He stated there is a lot more to be considered than just a cooler. After further discussion the Board directed Mr. Pierce to check into this matter and research Agricultural Zoning in Franklin County to see if

these processors could be placed in the Agriculture Zone. Several members of the audience and Mr. Jenkins suggested the Board look into hiring a Code Enforcement Officer.

AMELIA VARNES-DEPUTY CLERK

(Tape 2-2233) Ms. Varnes informed the Board Mr. Wade was on vacation this week. She presented the Florida Department of State Division of Library and Information Services FY 2001-2002 State Aid to Libraries Grant Application and asked the Board to approve the Chairman's signature on the document. Commissioner Sanders made a **motion authorizing the Chairman's signature on the Florida Department of State Division of Library and Information Services FY 2001-2002 State Aid to Libraries Grant Application.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2246) She presented the FY 2001-2002 Franklin County Health Department contract between the Health Department and Franklin County. She informed the Board that Ruth Williams, Finance Officer, had reviewed the documents. Commissioner Sanders made a **motion authorizing the Chairman's signature on the contract between Franklin County and the State of Florida Department of Health for the operation of the Franklin County Health Department for FY 2001-2002.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2263) She said the hospital has sent a completed sub-lease agreement between Centennial Health Care and DasSee Health Care Systems. She informed the Board it was received on September 10th and reviewed by the County Attorney, Mr. Shuler.

(Tape 2-2268) She informed the Board she has not received the Ambulance Service Agreement between DasSee Health Care Systems and EmeryStat, Inc. for operation of the local ambulance service. Commissioner Sanders asked if the Finance Office was still withholding the additional money the Board awarded EmeryStat. Ms. Varnes replied they were. She said she didn't know if Mr. Shuler had written them a letter as instructed or not. Mr. Shuler said he had prepared a letter and he would check to see if it had been mailed.

(Tape 2-2291) Commissioner Mosconis asked the Board about the invoices from ARPC for managing the County's Revolving Loan Fund Program. Ms. Varnes said Mr. Shuler was aware of these invoices. She stated a motion was made at the last meeting instructing Mr. Shuler to send a letter to ARPC informing them the Board voted not to pay these outstanding invoices.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 2-2358) He informed the Board the County has been served with a lawsuit initiated by a company claiming the beaches in front of SGI Gulf Beaches, Units 1, 2, and 3, which is the old original beachfront subdivisions. He said they are also claiming the cul-de-sacs and street ends. He stated unless the lawsuit is defended those areas would

pass into private ownership and he recommended the Board authorize him to defend this lawsuit. Commissioner Putnal made a **motion authorizing Mr. Shuler to defend the lawsuit filed against the County by a company claiming the beaches in front of SGI Gulf Beaches, Units 1, 2, and 3.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said the beaches to the east and to the west of the County Park area, 12th Street on one end and 11th Street on the other, about 4 miles of beach front. He said the area, he thought, had been dedicated to the County in the plats of that area. He stated the property owners, which would be effected by the beach in front of them becoming private property, might want to intervene in the lawsuit. Mr. Pierce said the State of Florida would also want to defend their position in this lawsuit. Commissioner Mosconis asked if the Court decided this was one of those frivolous lawsuits couldn't the company be made to pay all of the Court Costs expended by the County. Mr. Shuler replied that was up to the Judge and completely at his discretion.

(Tape 2-2573) He said he read the revised Animal Control Ordinance, which has been tabled.

(Tape 2-2577) He stated he made a final offer on the two-acre tract in Apalachicola the County had filed a Quite-Title action on. He said the property is in Section 2 West of Apalachicola. He stated he made a final offer of settlement in the amount of \$20,000.00. He said the defendants, Curt Allen, Jr., had sent him a letter declining the offer. He said Mr. Allen informed him he would talk to each Commissioner independently of each other. He stated he would proceed with the lawsuit. Commissioner Mosconis asked Mr. Shuler if he had been in contact with the Harris Brothers about this property. He said this was the property the County, in good faith, deeded to the Harris Brothers for work they did for the County. Mr. Shuler said this property was acquired for non-payment of taxes and was the property the County deeded the Harris Brothers as partial payment for the work they did on the Eastpoint Boat Ramp. Commissioner Mosconis said he wanted to make a **motion directing Mr. Shuler to offer this property to the Harris Brothers and continue the Quite Title action in Court.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Shuler said he had to have the defendants served, then they would have 20-days to either answer or default. He stated if an answer is filed the Court could send the case to mediation or trial.

(Tape 2-2721) He said he sent a letter to EmeryStat, Inc. requesting a copy of the assignment of ambulance service. He stated the letter did go out later than the one he sent to DasSee.

(Tape 2-2735) He stated he read the minutes and listened to the tape mentioned by Ms. Brett this morning regarding the Saunders property in Lanark Village.

(Tape 2-2745) He presented an emergency ordinance, as directed by the Board, regarding mosquito control. After he read the ordinance Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Emergency Mosquito Control Ordinance.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Harriet Beach, Lanark Village, asked who would enforce this ordinance.

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Mr. Shuler and the Board replied the Health Department would be responsible for enforcement. Ms. Beach said she agreed with the earlier discussion about the County needing a Code Enforcement Officer.

(Tape 2-3066) Mr. Shuler said he reviewed the newest FDOT Road Right-of-Way maps for the County. He stated the new maps use the metric system.

(Tape 2-3103) He stated he read a letter from the Florida Association of Counties Trust declining coverage on a claim filed by a Barbara Ostman regarding a "Terry Stop". He said they do not afford coverage for the Sheriff's Department; they have their own insurance.

(Tape 2-3135) He said he reviewed the assignment documents from Centennial to DasSee for operation of the local hospital.

(Tape 2-3145) He informed the Board he received a letter and a check for \$4,333.33 from Attorney Pat Floyd for partial reimbursement fees expended in connection with our groups "Substantial Contribution" to the GRIT bankruptcy resolution. He said the total paid on our combined claim was \$13,000.00 and Mr. Floyd divided this amount among the three clients. He presented the check and the letter to the Board.

ALAN PIERCE-CONTINUED

(Tape 2-3265) Mr. Pierce said he had a few more items to discuss this morning. He said the Planning and Zoning Commission, in the month of August, had approved a sketch plat "Clipper Bay-Phase II" which was a cluster development. He stated he asked the Board, in August, to table this matter because the BOA had not granted the special exception they needed to proceed. He said the BOA on September 10th granted the special exception. He explained he did not bring up the matter on his report. He said he had completely forgotten about the matter. He stated P&Z has approved the sketch plat and the BOA has granted the special exception, the cluster development. He said this development creates a Phase II of Clipper Bay. He stated Clipper Bay Subdivision has already been recorded. He said this Phase II creates 8-lots and these lots did meet the set back requirements. He said the Board would have approved the request in August, except that BOA had not acted on the request. He stated he had informed Mary Ann Wasmund, Garlick Environmental, he really didn't want to bring the matter to the Board's attention this morning. He said Ms. Wasmund got very upset and so he thought he would speak to the Board about the matter. He stated since the BOA and P&Z had approved everything he thought waiting two more weeks wasn't going to change anything. He said, admittedly, he should have had the matter on his written report for approval. He stated he is recommending approval, but it was totally up to the Board on whether to wait another two-weeks. Commissioner Sanders said she would rather wait two-weeks because here lately she has had a lot of complaints about the P&Z meetings, especially about proper notifications. Commissioner Mosconis asked if this really needed to be approved today. Mr. Pierce replied he didn't think so, but he wasn't the client. Commissioner Mosconis said that if Mr. Pierce didn't think it needed to be approved today then the Board would not act on it. Mr. Pierce stated he did regret it was not

processed orderly enough for him to have placed it on his report for today. He said he is sorry the client will have to wait another two-weeks. He stated Dan Garlick would just have to explain it to his client. He stated he would bring the matter to the Board for approval at the next meeting. He said Mr. Garlick will be upset, but that is just too bad.

DEBORAH ROUMELIS-BELCHER-RPDS

(Tape 2-3431) Ms. Belcher introduced herself to the Board. She said she does CDBG work and has waited two years to meet the Board. She stated, as the Board was aware, Franklin County was under a penalty phase for another CDBG. She said the County has exceeded the two-year penalty and is now pursuing CDBG's. She stated this is her specialty and ask the Board to consider her when they need assistance with the CDBG process.

DAVID MCCLAIN-EXECUTIVE DIRECTOR-ABARK

(Tape 2-3857) Mr. McClain said he would be brief because this matter was too serious of a matter to just jump in at the end of the meeting. He stated on July 10th this Board signed a letter addressed to Governor Bush protesting the ACF's proposal that Florida had agreed to at that time because it was really flawed. He said the letter was effective and Secretary Struhs agreed the agreement was flawed and the Governor agreed to withdraw the proposal. He stated ABARK has been working to arrive at a good proposal for the water flow and what would be the right criteria to base the decision on. He said he has been to Liberty, Calhoun, Jackson, and Gulf Counties and they all agree to the criteria ABARK has arrived at. He stated he is here, as his home County, to assist them in working with this proposal. He said he would be back to the Board to discuss this matter further. The Commissioners asked him to come back to the next meeting on October 2nd at 10:15 a.m.

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

Eddie Creamer

EDDIE CREAMER, CHAIRMAN

Amelia Varnes

AMELIA VARNES, DEPUTY CLERK