

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
OCTOBER 2, 2001**

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

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

(Tape 1-46) Commissioner Sanders made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-52) Commissioner Sanders made a **motion to approve the minutes of the meetings held on September 18, 2001, September 24, 2001 and September 28, 2001.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

KENDALL WADE-CLERK

(Tape 1-58) Mr. Wade said he would like to discuss several items first thing this morning while all of the department heads are present. He said the legislature was scheduling a special session to discuss budget shortfalls within the State of Florida. He stated he thought the session would be on October 22, 2001 in Tallahassee. He asked Commissioner Sanders if she was going to attend this meeting. Commissioner Sanders she was planning to. He explained this session would deal mostly with grants, but he felt there would be discussions about cutting the State budgets. Commissioner Sanders said she would be attending the Florida Association of Counties meeting on October 3rd, which was specifically scheduled to address these budget shortfalls. She said our area representative on the FAC Board of Directors was Cliff Thaell of Leon County. Mr. Wade said he would ask the Board to make a motion that all requests for funds submitted after this meeting will not be paid until after the legislature meets on October 22nd. He said this would be because no one really knows until after October 22nd how the budget cuts will affect Franklin County. He stated, at that time, the Board could decide what needs to be done within the County budget if cuts are mandated by the State. He said he is asking the Board to put a hold on all payments that are not related to the Constitutional Officers Budgets, the Road Department, or any governmental entity. He explained he is talking about anything outside of what is needed to operate the County with the possible exception of the Senior Citizens Center "Meals on Wheels" Program. He stated he would suggest holding anything else in the budget that is not related solely to the operation of the County Government until after this meeting on October 22nd. Commissioner Mosconis said he thought the Board needed to go a step further and write all of the Constitutional Officers a letter asking them to hold off on buying any new equipment they don't need or expending any funds unless it is really necessary. He said the County might have to, in mid-term of the fiscal year, have a total rework of the budget. Mr. Wade said he would contact each Constitutional Officer and tell them about the Board's decision this morning. Commissioner Mosconis said he wanted it in writing. Chairman Creamer said that should include all office equipment, vehicles, or anything except for

Mr. Chipman's truck that has already been ordered and the Supervisor of Election's new voting equipment. He explained he is saying that if someone in an office needs a new computer then the Constitutional Officer needs to wait until after October 22nd.

Commissioner Mosconis said this is just short term. Mr. Chipman said he would wait to purchase the truck until after October 22nd since he could still use the old one. Mr. Wade said he thought the Sheriff had already ordered some vehicles. Commissioner Mosconis said there were other things in the Sheriff's budget he could hold off on. Mr. Wade said he was talking about vehicles. Commissioner Mosconis said he thought the message the Board should send out today is things needed to be tightened up. Commissioner

Mosconis made a **motion directing the Clerk to send a letter to each Constitutional Officer and Department Head to conserve funds until after the Florida Legislature meets on October 22nd**. He said the County should know something with the next thirty to sixty days. Commissioner Sanders seconded the motion. All for. **MOTION**

CARRIED. Alfred Shuler, County Attorney, said the County has already approved the budget. He stated the Board must abide by any binding contract already in effect. He said a contract cannot be voided due to the emergency situation. He stated he thought the Clerk was just talking about things within the budget that are not legally binding on the Board. He said these are discretionary expenditures that the County has no obligation to fund. He stated those budgets can be postponed.

(Tape 1-296) Commissioner Putnal said he would make a **motion authorizing Commissioner Sanders to represent Franklin County at these meetings and to pay all of her travel expenses to these meetings on October 3rd in Orange County and on October 22nd in Tallahassee.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

OAK STREET IN LANARK VILLAGE

(Tape 1-305) Commissioner Mosconis said he wanted to discuss the matter since several of the Road Department employees are here about it this morning. He stated they needed to go back to work. Mr. Shuler said he asked the Road Department employees to come to the meeting this morning to discuss the Oak Street situation. He said the agenda has Debbie Brett's request for sketch plat approval for "Blue Water Bay" in Lanark Village scheduled for 10:30 a.m. He said a factual determination will have to be made by the Board as to how much work the County has done on Oak Street and if it is considered a County road. He stated he needed the employees to tell the Board how much work they had done on this road. Commissioner Sanders said she would like to go ahead and discuss this issue at this time. Chairman Creamer said it would be okay. Commissioner Mosconis asked if everyone was present at this time so this discussion could be held. Ms. Varnes, Board Secretary, reminded the Board this item had been agendaed for 10:30 a.m. this morning. Commissioner Mosconis said it was not a public hearing. Mr. Shuler said it was not a public hearing and since Ms. Brett was here he didn't know why the matter couldn't be discussed. Chairman Creamer said the sketch plat approval could still be discussed at 10:30 a.m. and only discuss the maintenance on Oak Street at this time. Commissioner Sanders said the Board, at the last meeting, directed Alan Pierce, Director of Administrative Services, to come back to the Board with a recommendation on the

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problems in Lanark Village-the "Blue Water Bay" subdivision and Oak Street Road. She said this matter could be discussed now since the employees are already here. Mark Curenton, Assistant Planner, said Mr. Pierce was not here today because his mother is very ill. He stated Mr. Pierce is in Gainesville with her. Mr. Curenton said Mr. Pierce did not have time to put together a recommendation. He stated, at this time, the sketch plat indicates a twenty-foot drainage easement down the east side of the property and Mr. Pierce recommends the Board send the County Engineer, David Kennedy, out to the site to determine whether the easement is properly sized for the type of run-off it is intended to handle. Debbie Brett, the developer, said the drainage easement was only included in the sketch plat because it was in the former plat approved by the Commissioners for Dr. Saunders in 1996. She said if the Board didn't want the drainage easement then she would remove it from the sketch plat. She stated she didn't even know the drainage easement was an issue. Commissioner Sanders said Mr. Pierce has recommended the Board wait to approve this sketch plat until the Engineer can look at the area. Ms. Brett said she wished someone had informed her of this problem. She stated she was in contact with Mr. Pierce before he left town and they did not even discuss the easement. She said she also spoke to Commissioner Sanders and wasn't told about this problem. She asked the Board if they were telling her their presentation for the "Blue Water Bay" sketch plat would not be heard today at all. She asked if the matter was going to be tabled anyway. Mr. Curenton said Mr. Pierce had recommended the Board table the issue until he got back. Ms. Brett said it sounded to her like she was being held up for no other reason than to buy the County a little bit more time. She stated there is absolutely no reason for her sketch plat to not be approved since everything in the sketch plat meets all of the County's requirements. She said she was on the agenda at 10:30 a.m. Freda White, St. James Bay, asked if the Oak Street matter was being discussed at this time. She stated if the Board was discussing the matter then she had something she wanted to say. Hubert Chipman, Supervisor of Public Works, said he was unaware this road didn't belong to the County. He stated, since he has been Superintendent, he has always worked on the road. He informed the Board he had talked to Ms. Brett about the road, whereby she informed him the County did not own the road. Mr. Chipman said the County has maintained the road for as long as he can remember. Commissioner Sanders asked what kind of maintenance he had done on the road. Mr. Chipman answered the Road Department had graded the road and done other work on the road. He said he has always thought this was a County Road. Ms. Brett said as soon as she saw the County equipment on the road she went to the operator and told them the road did not belong to the County. Mr. Chipman agreed Ms. Brett did come tell him the road didn't belong to the County. He said he didn't know, his operators didn't know, nobody knew the road didn't belong to the County. Commissioner Sanders asked Mr. Chipman, if to his knowledge, the previous Road Superintendent informed the employees this was not a County Road. Mr. Chipman stated emphatically they were never told this road did not belong to the County. He said they have maintained it. Fred Nichols, an employee of the Road Department, said he helped maintain the road even when Mr. Crum was Superintendent. Commissioner Putnal asked how much of the road did the County maintain. Mr. Chipman said from Oak Street to Infield. Ms. Brett said she was glad Oscar Sanders, an employee of the Road Department, was here this morning. She stated Mr. Sanders was at the meeting in 1995 when this was all settled. She said Mr. Sanders stated in that meeting the County

had maintained this road for a year prior to the 1995 meeting because of the timber trucks tearing the road up. She stated then, in 1995, it became a dead issue. She said the County should have never maintained the road and Mr. Sanders is very aware of that. She said he was at the meeting in 1995 with Superintendent Crum and Mr. Shuler. She said there is no question whether Oak Street is a County road and should have been maintained in the last year since she purchased it. She stated it should not have been maintained since 1995. She said when the new Superintendent Chipman took over she immediately informed him the road was not a County road and asked him to stop all of the work he was doing on the road. She stated Mr. Chipman told her he was unable to stop until he had the proper authorization to stop work on the road. Commissioner Sanders said that was three weeks ago. Mr. Sanders said Mr. Crum never stopped them from maintaining the road. He stated they placed County lime rock on Debbie Lane. Ms. Brett said she was not talking about Debbie Lane. Chairman Creamer asked when Mr. Pierce would be back in town. Mr. Curenton said maybe next week, but he could not be certain. Commissioner Sanders asked Mr. Shuler what he would recommend. Mr. Shuler said the Board should honor the request from Mr. Pierce, Director of Administrative Services, and table this decision until he comes back. Ms. Freda White, St. James Bay, asked Ms. Brett if she didn't mind would she stay for her discussion. Ms. Brett angrily left the meeting at this time and said she wasn't wasting any more time of her time here. Ms. White said that was fine. Commissioner Mosconis instructed the employees of the Road Department to go on back to work. Ms. White said she wanted the press to be sure and get all of the facts straight about this matter she is going to discuss at this time. She said last week Mr. Brett telephoned numerous residents of Lanark Village and informed them St. James Bay developers were supporting keeping Oak Street opened because they wanted to use it to move their equipment and materials for the St. James Bay project. She stated people who were called in turn called her to tell her what Mr. Brett had said. She said, last night at a meeting in Lanark Village, Mr. Brett and Mr. Jim Lawlor, both of them, stood up in a public forum and said, again, that St. James Bay was supporting keeping Oak Street opened because they wanted to use it to move their materials, equipment, etc. into the back side of their project. She stated emphatically she and the people employed by her group would use US Highway 98 and not use a secondary road, which is half way paved. She said nobody would use a secondary road to move equipment, material, etc. when they could use US Highway 98. Commissioner Mosconis asked Ms. White if anybody was at this meeting representing her development group. Ms. White replied they were not. Commissioner Mosconis asked Ms. White if the statement was true about Ms. White and her group supporting the use of Oak Street and keeping it open for use by them. Ms. White replied emphatically St. James Bay would not use that road and frankly they felt they didn't "have a dog in that fight". She said her group fought their fight for three years to have this development approved and she really didn't care if Oak Street was left open or closed. She stated she, as well as her development group, did not want to be involved in this fight. She said they certainly do not intend to drive down Oak Street when they can drive down US Highway 98. She said they intend to start their project by the middle of October. She stated she plans to get a copy of the minutes from the meeting held last night and she, if everything was said like she heard it, through Bayside Realty, intends to sue Mr. Brett and Mr. Lawlor if they had caused her one iota of trouble, time or money because of their

statements in the open forum. She said she wanted everyone to know St. James Bay has no intention of getting involved in this dispute. She thanked the Board for their time this morning.

Chairman Creamer said he needed to move on the agenda at this time. He said he would take the next statement and then move on. Ms. Harriett Beach, Chairman of the Lanark Village Association, said she chaired the meeting Ms. White is referring to. She stated she does have a tape of the meeting and Mr. Brett and Mr. Lawlor made these statements. She said Ms. White is telling the truth about the statements. She stated they had asked Mr. Brett not to come to the meeting, but would allow him to present his proposal at a town meeting at which this proposal would not be confused or mixed with the regular association business. She said he choose to come to the meeting with plans for his development and he has also been telephoning the people who live in Lanark Village. She stated he has been giving out misinformation and has made misstatements about her as well. She said Ms. White was not the only person angry about this situation. Chairman Creamer said he had to move forward on the agenda at this time. She said she just wanted to know this matter has never been scheduled for a public hearing.

DORIS GIBBS-SUPERVISOR OF ELECTIONS

(Tape 1-720) She said she had intended to attend a Board meeting last month, but due to some family emergencies she has been unable to until now. She explained she was here today to ask the Board to enter into a contract with Election Systems and Software (ES & S) for the purchase of the new voting equipment. She said ES & S is the vendor, which supplied the voting equipment for prior elections. She stated she is also recommending the Board designate them as a sole source provider. She said she has contacted the Division of Elections and most counties are going to use the sole source method because of the time limits, etc. She stated the reason she is recommending ES & S is because she has had a good working relationship with them over the years. She said they would provide all of the training needed for the poll workers, etc. She informed the Board they are also the only company certified in the State of Florida for a touch screen voting system. She said this touch screen system had an audio ballot interface, which would meet all of the ADA requirements. She stated she might have to purchase one of these systems at least to meet the ADA requirements. She said if she does she would keep this one system in her office and allow the disabled to come to her office to vote. She stated everybody has the right to vote and vote in secrecy. She said this system would provide a head set with a recording of the ballot and even a brail ballot for the handicapped. She stated eventually the County might be required to place at least one touch screen at every precinct. She said the Board would need to send a letter to the Department of State, Division of Elections, informing them the County would use ES & S and declaring them a sole source vendor for this equipment. She told the Board she has one of the machines down in her office and invited the Board to come see it. She stated it is precinct based, optical scan tabulation, and basically uses the same type ballot as the voters here are accustomed to. She said each precinct would be precinct based and the ballots would actually be placed into the ballot counting system and if there is a problem with someone's ballot the ballot would be automatically rejected while the voter is still present to correct it. She asked if anyone had any questions. Commissioner Mosconis asked Ms. Gibbs if these systems could be purchased with the budget she had requested. Ms. Gibbs

said she was not aware she would have to purchase one of the touch screen systems. She said she wasn't even notified of this requirement until a few days ago. She stated she would try to do everything she could to stay within the budget. She said she might have to ask the Board for some additional funds. She stated she would do everything she could to keep within her budgeted amount for purchasing this new equipment.

Commissioner Mosconis made a **motion declaring Election Systems and Software to be a sole source provider for this voting equipment, authorizing the purchase of this equipment from Election Systems and Software, and authorizing the Chairman's signature on a letter to the Department of State, Division of Elections informing them of this decision.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-973) Mr. Chipman said he didn't have anything to report to the Board. He said he has already purchased a roller-packer the other day. He stated the County has needed this roller-packer for a long time. He stated he purchased it from the Federal Surplus Property Center in Marianna. He said it cost approximately \$3,000.00.

VAN JOHNSON-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-1010) Mr. Johnson asked the Board to authorize the Chairman's signature on Part 2 of the Recycling and Education Grant. Commissioner Mosconis made a **motion authorizing the Chairman's signature on Part 2 of the Recycling and Education Grant.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1026) He informed the Board he met with the Franklin County Dog Hunters Association last night. He said at the conclusion of the meeting he agreed with the association to delete all of Section 2-Animal Nuisances from the proposed Animal Control Ordinance. He stated he would schedule a meeting with Mr. Shuler to make the final changes to the ordinance prior to the October 16th Public Hearing. He said the association felt Animal Control was unfairly targeting their sport. He stated it was not the intent nor has it ever been the intent by Animal Control to target any group other than irresponsible pet owners.

(Tape 1-1040) He said he wanted the Board to know he has filled the two budgeted positions in the Solid Waste Department and the one position in the Animal Control Department. He told the Board he selected Leon O'Neal and David Messer, Jr. for the Solid Waste Department and Margaret Barber, a former employee of Animal Control, for Animal Control.

(Tape 1-1050) Commissioner Mosconis asked Mr. Johnson if he had read the letter from Gayle C. Dodds, Franklin County Humane Society President and Fiscal Director, that was submitted to the Board this morning. Mr. Johnson said he just received a copy of it this morning. Commissioner Mosconis suggested Mr. Johnson follow up with a letter addressing some of the issues mentioned in their letter.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-1077) Mr. Mahan informed the Board he had attached a copy of the 2001 UF-IFAS Accomplishment Report. He said this is the second year for the new calendar format.

(Tape 1-1082) He said there was a Nutrition Workshop last night. He stated the Franklin County Extension Office combined forces with Leon County Extension and the Franklin County Health Department to teach parents about the importance of proper eating and nutrition for themselves and their children. He stated the workshop was held at the Eastpoint Fire Station and the topics for the workshop included, "Puzzled over the Pyramid", "Eating on the Run", "Finding Time for Fitness", and "Family Matters". He said Cherry Rankin, our FNP Program Assistant, and Ruth Wade and Bonnie Varnes with the Health Department helped organize the workshop.

(Tape 1-1097) He said he had an update on the Alligator Harbor Clam Aquaculture Project. He stated Wanda Prentiss, DACS, told him by telephone that DACS is planning to have their Lease Workshop in late October, and the date and place are to be announced very soon. He said he was also told DACS would be marking-off the corners of the lease area very soon. Commissioner Sanders said she had been receiving some complaints about the boat ramp at Alligator Point. She stated the County would have to be prepared to do some work on the boat ramp when the leases are finalized.

TONY MILLENDER-FOREST AREA SUPERVISOR

(Tape 1-1138) Mr. Millender thanked the Board for their time this morning. He stated he is here this morning to present the Annual Cooperative Franklin County Fire Control Agreement between Franklin County and the Department of Agriculture and Consumer Services, Division of Forestry. He stated he hopes the Commissioners have reviewed the written report he submitted on September 7, 2001. He informed the Board the Division responded to thirty-nine wildfires during the year, burning 3,569.8 acres. He said this report covers fire control within the County, not the Tate's Hell State Forest Land Activities. He stated he felt the County was very fortunate this year. He said the Division was concerned about the number of incendiary fires in Eastpoint this year. He stated the State and County law enforcement agencies investigated the fires. He said, during the investigation, the fires stopped. Discussion continued and Mr. Millender finished his report.

MONICA LEMIEUX-BOARD OF DIRECTORS-SEAFOOD FESTIVAL

(Tape 1-1407) Ms. Lemieux said she was representing the Florida Seafood Festival Board of Directors. She stated this would be the 38th year for the Seafood Festival. She asked the Board, as they did last year, if they would allow the closure of the Courthouse on November 2nd, the first day of the Seafood Festival. She stated they wanted to use the parking area for recreational vehicles. She said the Seafood Festival Committee really wanted to reiterate the fishing industry in Franklin County. Mr. Wade said he had checked with the Judges and there would be no Court scheduled on November 2nd. Commissioner Putnal made a **motion authorizing the closure of the Franklin County**

Courthouse on Friday, November 2, 2001, for the Florida Seafood Festival.
Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

DAVID MCCLAIN-EXECUTIVE DIRECTOR-ABARK

(Tape 1-1468) Mr. McClain said he was here today to present the Board with a package regarding the Apalachicola, Chattahoochee, Flint River Basin negotiations. He said he also had a Resolution supporting the Apalachicola Bay and River Keepers efforts in these negotiations. After a brief presentation Commissioner Putnal made a **motion authorizing the Chairman's signature on a Resolution supporting the Apalachicola Bay and River Keepers position in protecting the Apalachicola River and Bay during the Apalachicola, Chattahoochee, Flint River System negotiations for an agreement on tri-state water allocation.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

MARK CURENTON-ASSISTANT COUNTY PLANNER

(Tape 1-1823) Mr. Curenton informed the Board Mr. Pierce did not have time to evaluate the situation on SGI concerning Mike Krehl and the alleged encroachments and commercial activity.

(Tape 1-1837) He presented the Franklin County 2000 Levels of Service on State Roads and the City of Apalachicola 2000 Levels of Service on State Roads prepared by ARPC. He stated this report reflects the traffic is well below the maximum limits.

(Tape 1-1850) He submitted the "Notice of Permit Issuance" for the Correctional Institution. He said the permit is for a Waste Water Treatment Plant for the prison in Carrabelle and was issued to the Department of Corrections.

(Tape 1-1880) He presented copies of two letters Mr. Pierce sent to Joe Smith, FDOT Aviation Program Manager, requesting additional funding for the Airport Access Road Project. He said since then Mr. Smith has sent a supplemental JPA, which will provide an additional \$320,000.00 in State funding and the County will have to provide \$80,000.00 in local match. He suggested the Board go ahead and sign the supplemental JPA and adopt a Resolution authorizing the Chairman's signature on the supplemental JPA. Commissioner Mosconis said the match could be provided by in-kind services. He stated he has been working with Mr. Smith. Mr. Curenton said he also had the Notice of Award for C. W. Roberts Contracting, Inc. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the FDOT Supplemental JPA in the amount of \$320,000.00 for the Apalachicola Airport Access Road, the Resolution in support of the JPA, and the Notice of Award for C. W. Roberts Contracting, Inc.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Curenton said he would like to inform the Board he called Larry Parker, URS Engineering, the firm hired by the County to take care of the access road, and was told by him he would not send out the Notice of Award. He said Mr. Parker informed him that was not their job they only designed the road. He stated David Kennedy, Preble-Rish, Inc., actually prepared the Notice of Award for the County. Mr. Curenton said he wanted the Board to know that URS is not being extremely helpful to the County. Commissioner

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Mosconis asked when they could be released from this project. He stated they have changed names three times since the project began. Mr. Curenton replied he did not know. Commissioner Mosconis said he wanted Mr. Pierce to meet with Mr. Shuler when he got back so they could decide when the County could "cut" URS loose.

(Tape 1-2033) He presented the Emergency Management Preparedness Grant from the State of Florida, which funds the local EOC office. He stated the grant is in the amount of \$105,000.00. Commissioner Putnal made a **motion authorizing the Chairman's signature on the Emergency Management Preparedness Grant in the amount of \$105,000.00.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2086) He said he needed Board approval for a sketch plat entitled "Clipper Bay-Phase II", which has been approved as a cluster development by the BOA, and is recommended for approval by the Planning and Zoning Commissioner. Commissioner Williams **made a motion approving the sketch plat "Clipper Bay-Phase II".** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** He said the property is on SGI and contains eight plus acres and has eight lots. He stated this matter should have been approved at the last meeting, but Mr. Pierce forgot to request the approval.

(Tape 1-2129) Tom Adams, SGI resident, said he would like to mention one thing. He stated when clustering development is being considered the set back issue should be considered or thought out carefully. He said developers are coming to the Board stating they will meet all of the setbacks requirements for their development; then, they start to develop the property they go to the BOA and are allowed a variance for set backs. He stated this allows them to encroach into setback lines. Chairman Creamer asked Mr. Curenton to interrupt his report at this time so the scheduled public hearing could be conducted.

PUBLIC HEARING-LAND USE AND REZONING 9.4 ACRES

(Tape 1-2284) Mr. Curenton said the public hearing was scheduled today to consider a land use and rezoning change for 9.4 acres of property on Highway 98 located between Eastpoint and Yent Bayou in Section 18, T8S, R5W. He said the land use would be from Rural Residential to Residential and the rezoning would be R-6 Rural Residential to R-1 Single Family Residential. He informed the Board the property is owned by Karen Turek. Chairman Creamer asked if anyone had any questions or remarks regarding this request. After no questions or remarks Commissioner Putnal made a **motion approving the Land Use Change, Rural Residential to Residential, as requested by Karen Turek for 9.4 acres of property on Highway 98 between Eastpoint and Yent Bayou in Section 18, T8S, R5W.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal made a **motion approving the rezoning from R-6 Rural Residential to R-1 Single Family Residential as requested by Karen Turek for 9.4 acres of property on Highway 98 between Eastpoint and Yent Bayou in Section 18, T8S, R5W.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

MARK CURENTON-CONTINUED

(Tape 1-2365) Mr. Curenton presented a re-plat of "Clipper Bay-Phase I" for approval. He said the developer found he had omitted some information off the plat and had to have the information added. He stated the re-plat doesn't change the density, etc. He said he wanted to add to the plat that the wetland areas setback line was deed-restricted. He stated he wanted to add easement language. He said he has showed Mr. Shuler the re-plat and Mr. Shuler doesn't have any problems with the changes. He stated he recommends the Board approve this re-plat. Commissioner Putnal made a **motion approving the re-plat of "Clipper Bay-Phase I"**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Curenton said he would present the "Title Status Report/Plat Certification Letter" to the Board prepared by First American Title Insurance for the re-plat.

(Tape 1-2459) He said one of the most important decisions for the Board this morning involves Alligator Point. He said, while the advertisement for proposals for the Alligator Point Beach Restoration Project is ready, Mr. Greg Preble, Preble-Rish, Inc., has asked the Board for direction on several issues. He read the following into the record: While it is the intent of the Board to limit the costs on an experimental sand web project, the project bid as written does have some County costs, as the County will be the applicant to DEP for the sand groin experimental beach permit. The project proposal has been written so the project area is 6,000 feet long. It will be determined to be successful if a beach 60-feet wide, with dunes built 3-feet above sea level is built over the project length. In order to determine whether the project is successful the Board needs to calculate how much sand is in the project area before the project begins, and then calculate how much sand is there when the project is complete. In order to do this a pre-construction survey needs to be done every 100-feet extending off shore 2,000 feet. The survey area will extend at least 3,000 feet on either side of the 6,000-foot project, but may extend 6,000 feet on either side depending on the State permit requirements. There will need to be a similar post-construction survey. The reason the survey extends off shore so far is to determine whether the sand off shore is shifting on shore or is the sand web system bringing sand in from much further. That much surveying could easily cost \$50,000.00 to \$70,000.00. In order to protect the County, Mr. Preble, recommends the County contract to do the surveying, thereby guaranteeing the accuracy of the survey. The County would have to pay the pre-construction survey upfront. It is possible if the project is successful the County might get reimbursed from the State for part of the surveying expenses, but it is not at all guaranteed. Does the Board want to get estimates from surveyors before the Board agrees to do this project? Or more importantly, since there are no budgeted funds for this amount of surveying, is the Board willing to spend money out of the Bald Point Trust Fund on surveying? Keep in mind, the only source of matching funds the County has is the approximately \$400,000.00 in the Trust Fund. All improvements that require matching funds, either USCOE proposals to extend revetments, or other permanent projects such as T-groins are going to require a match and the Bald Point fund is the only fund the County has. Commissioner Mosconis asked if Mr. Curenton was saying this surveying project could cost as much as \$70,000.00. Mr. Curenton replied Mr. Preble gave him these estimates. Mr. Wade said he wanted to remind the Board about the most recent memo from the Florida Association of Counties regarding the cuts in the State

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budget. He also reminded the Board as much as 1.2 billion might have to be cut. Mr. Curenton said the bidder would have to locate state funding for the project, pursue the necessary permits, etc. and then if the project is successful the company who is awarded the bid would then get paid. Joann Diable, Alligator Point, asked how much the County paid for the Alligator Point Feasibility Study. Mr. Curenton replied \$180,000.00 and was paid to Preble-Rish, Inc. She asked if Preble-Rish, Inc. was recommending this surveying project. Mr. Curenton replied yes they were. Commissioner Mosconis said Preble-Rish, Inc. sub contracted some of the Feasibility Study, so they didn't get the entire \$180,000.00. The Board agreed to wait until after October 22nd to see what budgets cuts are made by the Legislature.

(Tape 1-2876) Mr. Curenton reported the Florida Fish and Wildlife Conservation Commission has sent the contracts for the Battery Park Marina Improvements. He said this grant would be funded through the Boating Improvement Program. He stated the County had to apply for the grant since the City of Apalachicola was ineligible. He explained the City would be doing the work and pay the contractors then they would bill the County for payment. He informed the Board the grant amount is approximately \$81,000.00. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Florida Fish and Wildlife Conservation Commissioner-Florida Boating Improvement Program-Grant for Battery Park Marina in the amount of \$81,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2932) He informed the Board there is a camper trailer parked in Eastpoint. He said the Board has discussed this matter before. He stated the trailer belongs to Noah Goodson and is in violation of the zoning code. He said the Building Inspector went to see Mr. Goodson to tell him he needed to move the trailer. He stated Mr. Goodson assured the Building Inspector he was going to move the trailer, but so far the trailer has not been moved. He asked the Board to direct the County Attorney to assist the Planning Office in having this trailer removed. Chairman Creamer said the owner of the property has been notified as well. He stated this problem began at least a month or so ago. Mr. Shuler said Rachel Ward, Building Inspector, came to see him about this matter. He stated he advised her the County didn't have the authority to physically remove the trailer. He suggested the Board authorize him to pursue a court order to have the trailer removed. Commissioner Sanders made a **motion authorizing Mr. Shuler to assist the Planning Office in having this camper trailer, owned by Noah Goodson, in Eastpoint, which constitutes a zoning violation removed and if necessary pursue a Court Order directing the owner to move the trailer.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3047) Mr. Curenton said another zoning violation in Eastpoint at 1027 Wylonda Avenue had been discovered. He stated there is an oyster shucking house in the R-4 Zoning District. He explained the Planning Office sent Ms. Ward to the site to place a "Red Sticker", but there was a big black dog there and Ms. Ward couldn't actually post the sticker on the building. He said the neighbors are complaining about the smell. He stated seafood processing is not allowed in the R-4 zoning. He stated the owners did get

a permit for a storage shed about a year ago and they think they have made this into a seafood processing area. Chairman Creamer said he thought there was another place near there that the same thing was being done. He stated he thought there would be two zoning violations in this area. Commissioner Mosconis made a **motion authorizing Mr. Shuler to assist the Planning Office with these two zoning violations on Wylonda Avenue in Eastpoint.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Curenton said either the Chairman or someone else would have to give the Planning Office the location and information of the second violation.

(Tape 1-3136) He informed the Board that Cherry Rankin, President, Senior Citizens Council telephone his office. He said she could not be here at the meeting today, but asked him to inform the Board the Senior Citizens Center Board of Directors have decided to keep operating the SHIP Program. He said they plan to keep administering this program.

(Tape 1-3163) He presented the Statewide Mutual Aid Agreement between Franklin County and the State EOC Office. Commissioner Putnal made a **motion authorizing the Chairman's signature on the Statewide Mutual Aid Agreement-EOC.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3217) He said Mr. Pierce had mentioned Thomas Lewis who lives on SGI to the Board before. He stated Mr. Lewis lives at 848 E. Pine Avenue and has asked the County to do some drainage work on the road. He explained Mr. Lewis, the County Engineer, and Mr. Pierce met and discussed putting in a low-water crossing on E. Pine Avenue to alleviate the drainage problem there. He stated the County Engineer has decided this type of work would need to be permitted by DEP. He said the County Road Department doesn't need to do any work on the road until the permit is received. Commissioner Mosconis asked what a low water crossing was. Mr. Curenton replied what happens is rock is placed in the low areas of the road so the water can wash across the rocks without washing out the road. He said Mr. Lewis wanted the County to install a culvert there, but the road is so low the County Engineer didn't think one would work. He stated the County Engineer suggested placing the rocks there to create a low water crossing. He said Mr. Lewis sent a letter to the County stating he expects the work to be completed by the end of November 2001. He stated he also sent copies of the letter to DEP and numerous other State and Federal agencies. He said by him sending all of these copies to these agencies the County Engineer was adamant about going through the proper permitting process. Commissioner Mosconis asked how much this would cost. Chairman Creamer said the County didn't work on Mr. Lewis' schedule anyway. Mr. Curenton agreed and said he just wanted the Board to know if the road is repaired it would have to be done through a permitting process. Commissioner Mosconis said he would go ahead and make a **motion directing the County Engineer and the Planning Office to complete this project if they can without a permit and if necessary pursue a DEP permit.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis instructed Mr. Curenton to call the Road Department and make sure they don't do any work on E. Pine Avenue. Mr. Curenton assured Commissioner Mosconis he would take care of notifying the Road Department.

(Tape 1-3507) He said the BOA was scheduled to meet yesterday, however they did not have a quorum. He stated only one member came to the meeting. He said therefore, no action could be taken on any of the matters. He said there were a couple of things on the agenda, which were very controversial. He stated he wanted to discuss the matters with the Commissioners and receive input from the Commissioners. He stated one issue was the request for a variance to go 50-feet into the Critical Habitat Zone, since the Critical Habitat Zone is only 50-feet wide this would take the variance right up to the edge of the wetlands. He said this would mean there would be no setback from the State Wetlands. He explained the owner of the property requested this because of the way the lot and the wetlands on the lot were shaped. He said the owners could not put a building on the property without going right up to the edge of the wetlands. He stated the County has never given a variance like this. Commissioner Putnal said he didn't think the Commissioners would approve this one either. Chairman Creamer said he wanted to interrupt this discussion for a moment.

DEBBIE BRETT-SKETCH PLAT APPROVAL "BLUE WATER BAY"

(Tape 1-3597 Continued on Tape 2) Chairman Creamer said he wanted the record to reflect that he announced this agendaed item and that Ms. Brett had left the meeting earlier. He stated this matter would be tabled since Ms. Brett did leave the meeting. Commissioner Sanders made a **motion to table this issue since Ms. Brett was not present at the meeting.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

MARK CURENTON-CONTINUED

(Tape 2-16) Dan Garlick, Garlick Environmental, said Mr. Curenton was previously discussing property owned by Jonathan Goodson. He stated the property is known as Lot 4, Tract 33 and his company did a wetland line in that area. He said because of the way the wetlands are laid out it is basically a large slough. He said his company actually did a survey of the wetland line and the area that they had indicated was going to be 50-feet is going to be substantially less than that. He stated they didn't get a chance to make this presentation to the BOA because there was not a quorum. He said the encroachment was now going to be 20-feet instead of 50-feet. Commissioner Mosconis asked Mr. Garlick if he shouldn't be arguing his point to the BOA and not the Commissioners. Mr. Garlick agreed, but said Mr. Curenton brought the matter up. Mr. Curenton stated he thought these sort of problems, in the past, had not even come up. He said as more and more property is bought, especially on SGI; the Board is going to have to deal with these set back issues. Discussion continued. Chairman Creamer said these matters would still have to be presented to the BOA. Chairman Creamer said he wanted to go ahead and move on to the next agendaed item.

PRESENTATION OF PETITION BY LANARK VILLAGE RESIDENTS

(Tape 2-230) Chairman Creamer said Harriet Beach, Lanark Village, wanted to address the Board about the Oak Street issue. Chairman Creamer said he really did not want to get into a lengthy discussion since Ms. Brett was not here this morning. Ms. Beach asked Chairman Creamer to allow her group to present a petition requesting that these roads in question be designated permanent County roads. Amelia Varnes, Board Secretary, said

that Ms. Brett would have to contact her to be rescheduled on the agenda since this was not a scheduled public hearing. Chairman Creamer said that would be okay. Chairman Creamer said he wanted the record to reflect this petition has been submitted to the Board of County Commissioners.

KENDALL WADE-CLERK

(Tape 2-251) Mr. Wade informed the Board the Board Office received a request from the Committee for Epilepsy Awareness, Jerry Pizza, Chairman, to adopt a resolution or proclamation designating November "National Epilepsy Awareness Month". He said he had Ms. Varnes go ahead and prepare the Proclamation and asked the Board to authorize the Chairman's signature on the Proclamation. Commissioner Sanders made a **motion authorizing the Chairman's signature on the Proclamation declaring November as "National Epilepsy Awareness Month"**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-277) He presented a Resolution of Appreciation for Doug Creamer. He explained Mr. Creamer had resigned from the Apalachicola Airport Advisory Committee in June 2001 after serving on the committee for many years. He asked the Board to authorize the Chairman's signature on this document as well. Commissioner Sanders made a **motion authorizing the Chairman's signature on a Resolution of Appreciation for Doug Creamer in recognition of his many years of service on the Apalachicola Airport Advisory Committee.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-321) He presented a package of information, given to him by Ms. Gibbs, Supervisor of Elections regarding the Florida State Association of Supervisors of Elections Canvassing Board Workshop for Thursday, February 28, 2002, in the Orange County Convention Center Lecture Hall from 9:00 a.m. to 4:00 p.m. He suggested someone from the Board should probably try to attend. Commissioner Mosconis asked if Ms. Gibbs was going. Mr. Wade replied she would go. Commissioner Sanders made a **motion authorizing the Supervisor of Elections to attend this meeting.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-385) He informed the Board on September 28, 2001 at 3:05 p.m. Gayle Dodd, Franklin County Humane Society informed him the Animal Shelter would be closed. He said he wanted to pass this information on to the Board. Commissioner Mosconis said in the letter she submitted this morning the official closing date is October 15, 2001. Mr. Wade said he instructed the Finance Office to hold all funds for the Humane Society until the Board instructed him to release the funds.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 2-435) Mr. Shuler said the lawsuit, filed by the Alexis Group, concerning the street ends, cul-de-sacs, and the beach in front of Units 1, 2, and 3 on SGI, was on going. He said he did file a "Motion to Dismiss" with two main basis; One reason is for failure to join indispensable parties, which are the people who own property in SGI Gulf Beaches, Units 1-5 whose interest in using those beaches when they bought their

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property; second reason was because the property was dedicated to the County as reflected on the plats and plat maps, and the chain of title does not include anything within the boundaries of the subdivision, which would mean they do not have a chain of title to the street ends and cul-de-sacs.

(Tape 2-538) He said he talked to Mr. Lee at the Census Bureau and was informed by him he didn't have the information yet to assist in the redistricting in Franklin County. He said Mr. Lee told him they didn't have the numbers they felt they could uphold for the County to redistrict. He said he informed Mr. Lee December 1st was the "drop dead" date. He said he told Mr. Lee the County couldn't complete or even start the redistricting process unless the County had the information by December 1st. He said Mr. Lee promised to pass this information on and he was sure the County would receive some sort of reply by then.

(Tape 2-564) He stated he sent a letter to EmergyStat, Inc. requesting a copy of the Assignment of the Ambulance Service Agreement.

(Tape 2-572) He said he spent some time working on the Oak Street in Lanark Village problem. He stated it is simply a matter of fact if, in fact, the County maintained the road for a period of four years or more. He explained if this is the case the road is presumed to be dedicated to the County.

(Tape 2-584) He stated he wanted to caution the Board about authorizing contracts based on State Grants. He said it hasn't been important before, but with all of the threatened budget cuts coming from the State more attention must be paid to the contracts the County authorizes. He stated most of those State Grants have provisions in them that state if the Legislature doesn't appropriate the money the State Agencies don't have to complete the grants. He said if the County goes ahead and signs contracts, based on those grants, and if the County doesn't have this type of escape clause in the contracts then the County could be held liable for the contracts.

(Tape 2-668) Mr. Shuler said the litigation was continuing regarding the property the County deeded the Harris Brothers consisting of two acres. He stated he has served the Allen's and then they would have twenty days to answer the complaint.

(Tape 2-677) He said if someone owns an existing lot of record the County has to allow the owners the minimum variance required to make the lot build able. He stated, otherwise, the County would need to be prepared to purchase the lot. He said because if the County has the means to permit a variance and the County doesn't at least give the owners at least the minimum variance necessary to use their lot then the County could be held liable to purchase the lot or pay the owner damages. He said the Comp Plan Amendment just adopted does provide that variances can be granted for existing lots and also provides for a plat began after the adoption date of the amendment must show the wetlands on the plat so the County can be assured there would be build able lots on each plat approved henceforth.