

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FEBRUARY 5, 2002**

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

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

(Tape 1-30) Commissioner Putnal made a **motion approving the minutes of the meeting held on January 15, 2002.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-34) Commissioner Sanders made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-41) Mr. Chipman said Ronnie Dean transferred from his position funded partly by the Mosquito Control Department and partly by the Road Department into the vacant full time position at the Road Department. He stated he would now need to announce the vacancy of Mr. Dean's previous position, one-half Mosquito Control employee and one-half Road Department employee. Commissioner Putnal made a **motion authorizing the advertisement of the vacant position funded by the Mosquito Control Department and the Road Department.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-76) Kendall Wade, the Clerk, said he announced at a previous meeting that the Finance Office would be implementing an Electronic Funds Transfer method for the County payroll. He explained, after checking with the local banks, it would be more difficult than originally thought. He stated some of the local banking institutions have not implemented this type of banking yet so the County will have to wait. He said the County payroll would continue to be done just like it had always been done.

(Tape 1-92) Commissioner Putnal asked Alan Pierce, Director of Administrative Services, if he had an update on the Carrabelle Recreational Project or the purchase of the land for the project. Mr. Pierce replied he did speak to Doug Delano, St. Joe-Arvida, and George Jackson, the owner of the property north of the school, and was informed by both of them they are willing to sell the property to the County. He explained Mr. Jackson's property has some wetlands on it and does not have the flexibility the St. Joe-Arvida tract does. He stated the County is on a short time line and asked the Board if they were interested in directing him to contact St. Joe-Arvida about their property. Commissioner Sanders said the property is between the Isle of Rest Cemetery and the Water and Sewer area. Commissioner Sanders made a **motion directing Mr. Pierce or Mark Curenton, Assistant Planner, to contact St. Joe-Arvida about this property.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said the grant

the County has is for acquisition and the State of Florida might not allow the County to use it for construction. Commissioner Putnal said he wasn't worried about this because he already had a plan. Commissioner Sanders asked Mr. Pierce to report his findings to the Board at the next meeting.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-160) Mr. Mahan said he had several things to update the Board with. He said he received a letter from Ken Moore, ISSC, stating the ISSC had reappointed him to the 2002-2003 Vibrio Vulnificus Education Subcommittee by the ISSC Executive Board Chairman. He informed the Board the letter stated the committee would be working closely with the Vibrio Management Committee and the subcommittee is charged to accomplish the following tasks: 1. Submit a detailed report on education activities twice a year; 2. Review the findings of the Clearwater Research, Inc. survey; and 3. Continue providing review and comments on education materials being developed by the ISSC.

(Tape 1-226) He announced that Dave Harrington-Georgia Sea Grant, Gary Graham-Texas Sea Grant, and Mike Travis-National Marine Fisheries are currently in Franklin County to meet with shrimp fishermen and processors to get social and economic input to improve the economic model NMFS currently uses to predict the social and economic impacts of Federal regulations on the industry.

(Tape 1-253) He said on January 22, 2002 the members of the Aquaculture Lease Survey Committee met to review the six proposals submitted for the project. He explained after reviewing the survey proposals the Committee selected Baskerville-Donovan, Inc. as the number one proposal. He said on January 29, 2002 the Governor and Cabinet approved the list of clam aquaculture applicants for Alligator Point. He stated on January 30th, several members of the Survey Committee met with Mark Berrigan, DACS, and representatives of Baskerville-Donovan to review the survey requirements and to iron-out all of the details. He said today at 12:30 p.m. members of the Committee and Mark Berrigan will meet with the surveyors from Baskerville-Donovan at Alligator Harbor to begin the survey. Commissioner Sanders said she was at the Cabinet meeting when the Governor and Cabinet approved this request. She stated the Governor asked her about the economic situation in Franklin County. She said she replied that even though the Red Tide was gone, she understood the cells were still present. She stated she thought Franklin County was still in an economic depression. She said the Governor and Cabinet were still concerned about Franklin County. Commissioner Putnal said any time you loose your capacity to supply your product to someone then most of the time that someone will find another supplier.

(Tape 1-311) He stated the DACS would like to invite all Florida Aquaculture Farmers and Commercial Fishermen and Women to participate in a "Listening Session", on Friday February 8th from 9:30 a.m. until 12:00 p.m. at the Courthouse. He said the session would help DACS plan a series of training workshops to assist the seafood and aquaculture industry with marketing plans when there are fluctuations in the markets due to an over abundance of the product. He stated, in addition, at 1:00 p.m. on February 8th, the Bureau of Seafood and Aquaculture Marketing, the University of Florida, and the

FCBCC MINUTES-FEBRUARY 5, 2002

Division of Aquaculture would discuss initiatives presently in the works concerning the oyster industry. He informed the Board, if anyone wanted additional information they would need to contact Cindy Quincy, Bureau of Seafood and Aquaculture Marketing at (850) 488-0163.

(Tape 1-387) He announced the UF-IFAS Extension Program would be offering a workshop "Managing Uncertainty in Your Horticulture Business", from 9:30 a.m. until 2:30 a.m., CST, at the Jackson County Extension Office in Marianna. He stated the Florida Nurserymen and Growers Association would give four Continuing Credit Education Unit's. He stated there is a registration fee of \$25.00 and deadline to register is February 14th. He said his office would provide additional information for anyone who needed it.

(Tape 1-412) He stated Gathena Parmenas with the local Red Cross Office asked him to furnish a booklet on Hazardous Weather Awareness Week in Florida to each Commissioner. He said he attached the booklet to each Commissioner's package this morning. He said she also asked him to thank the Board for their support of the Hazardous Weather Awareness Week Proclamation.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-442) Mr. Johnson said the State Legislature is again proposing cuts in the Solid Waste Grant Program. He read the following into the record: House Bill 851 is currently being considered, which would eliminate the Small County Solid Waste Grants and establish a Water project program. A similar Senate Bill, 710, has an amendment that will allow at least \$2.5 million to be appropriated to counties with populations less than 100,000. Right now small counties receive \$5.2 million in four grants. As you know Franklin County relies heavily on the support from these grants and the House version of this Bill will eliminate this funding source. Should this happen we would not be able to continue our current level of recycling efforts in Franklin County. The House Natural Resources Committee will be meeting tomorrow at 8:00 a.m. in Tallahassee to hear the Bill. Mr. Johnson asked the Board for approval to attend this meeting. Commissioner Putnal made a **motion authorizing Mr. Johnson to attend this meeting in Tallahassee tomorrow morning at 8:00 a.m.** Commissioner Mosconis asked Mr. Johnson if he would like for him to go with him. Mr. Johnson replied yes. Commissioner Mosconis stated he had a meeting already scheduled in Tallahassee tomorrow morning so he could just leave a little early and go to this meeting at 8:00 a.m. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-525) He stated, over the last year, the County Landfill has experienced an increase in tonnage delivered for disposal. He said during 2000 the Landfill processed and disposed of more than 10,000 tons of municipal solid waste. He said last year the tonnage increased to almost 15,000 tons. He explained the increase in tonnage was mainly due to the decrease in tipping fees for land clearing debris and yard trash. He stated since the County lowered the tipping on this debris, the County's tonnage increased from 600 tons per year to 3,300 tons per year. He said the Landfill has also experienced a sharp increase in construction and demolition debris. He said should this

trend continue, and he anticipates it would, the Landfill will need an additional piece of equipment to help process the increased tonnage. He stated he has included with this report the type and the cost of the additional equipment to help process the increased tonnage. He explained the machine is listed on the Federal Government GSA Contract and can readily be purchased using existing tipping fee funds. He asked the Board for permission to purchase additional equipment for the Landfill, from the Federal Government GSA Contract. Commissioner Mosconis asked what type of equipment Mr. Johnson was talking about. Mr. Johnson replied a Caterpillar Track Type Loader equipped with a 3116 diesel engine, 24 volt electric starting, hydrostatic transmission, implement oil cooler, crankcase guard, radiator guard, ROPS cab, vandalism protection group heater, 50 ampere alternator, backup alarm, 17.7" double grouser track, segmented sprocket rims, sprocket guards, with a single level bucket control. Commissioner Mosconis made a **motion authorizing Mr. Johnson to purchase this equipment using existing Tipping Fee Funds from the Federal Government GSA Contract.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-630) Mr. Pierce informed the Board David Kennedy, the County Engineer, had evaluated the Brett property in Lanark Village to verify the requirement of a drainage easement along the eastern boundary as requested from the Brett's during the settlement negotiation with the County. He said after going over to look at the site Mr. Kennedy decided the drainage easement is not necessary because the Brett's, in the development of their subdivision, are going to be required to handle their own runoff and so there is not any other property that needs the drainage easement. He asked the Board to allow him to remove the drainage easement requirement from the final plat for the Brett's subdivision "Blue Water Bay". Commissioner Putnal made a **motion authorizing the Planning and Zoning Office to cancel the required drainage easement-along the eastern boundary of the new subdivision "Blue Water Bay" in Lanark Village- from the final plat on the recommendation of the County Engineer, David Kennedy.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-668) He presented the Board with a letter from the Governor's Office approving the County's new boundaries of the Enterprise Zone.

(Tape 1-783) He informed the Board there would be a simulated crash at the Apalachicola Airport on March 6, 2002 for disaster training.

(Tape 1-795) Mr. Pierce said he would like direction from the Board on whether the Board wants to adopt guidelines on how much fill material can be brought on to a lot. He explained the guidelines would most likely require input from an engineer, which is going to cost the property owner. He said he, if the Board were interested, would schedule a meeting with Preble-Rish, Inc., the County's engineers of record, to get them to prepare some standards for the Commissioners to at least consider. He said, especially on SGI, this has been a problem for a number of years. He said most of the problems are caused by Franklin County being so flat. He stated when someone brings fill material onto their property it usually changes to flow of water and therefore creates problems

from the neighbors who have not had fill brought in. Commissioner Sanders said she thought this was something that definitely needed looking into because it would help the County in the long run. Mr. Pierce said then he would take that as a direction to have Preble-Rish, Inc., to give him some ideas.

(Tape 1-827) He informed the Board the Alligator Point Water Resource District is going to be clearing 300 feet on Angus Morrison Drive on Alligator Point for more water line installation. He said he was just making the public and the Commissioners aware of this action.

(Tape 1-836) He said the Board did appoint one new member to the CDBG Advisory Committee, but the Board needs to appoint a second member. He said if the Board does not want to or does not have a particular interest in appointing a second member then he would suggest the Board allow Debbie Belcher, CDBG Administrator, to find an interested person for the Board to appoint. Commissioner Mosconis stated the Board might as well ask her to see if she knows of anyone who would be interested in serving on the Committee.

(Tape 1-863) He presented the annual Application for Payment in Lieu of Taxes for Franklin County-Preservation 2000 prepared by Mark Curenton, Assistant Planner. He said the County would receive \$167,197.73 this year. Commissioner Sanders reminded the Board the County didn't have many years remaining to receive these funds. She stated she thought the County had probably three or four years left. Commissioner Williams made a **motion authorizing the Chairman's signature on the annual Application for Payment in Lieu of Taxes-Preservation 2000 in the amount of \$167,197.73.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-885) Mr. Pierce asked for the Board to authorize the Chairman's signature on the Amendment to Agreement between the Florida Fish and Wildlife Conservation Commission and Franklin County Board of County Commissioners, which amends the previous Derelict Vessel Removal Grant from \$8,000.00 to \$70,800.00, an increase of \$62,800.00. Commissioner Putnal made a **motion authorizing the Chairman's signature on the Amendment to Agreement dated October 18, 2001-FWC Agreement No. 01019-to increase the Derelict Vessel Removal Grant from \$8,000.00 to \$70,800.00-between the Florida Fish and Wildlife Conservation Commission and the Franklin County Board of County Commissioners.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-896) He asked the Board to now approve the Chairman's signature on the Derelict Vessel Removal Contract between Captain Jim Townsend, d/b/a Townsend Marine and Franklin County for the removal of the derelict vessels as specified in the bid proposal. Commissioner Sanders made a **motion approving the Chairman's signature on the Derelict Vessel Removal Contract between Captain Jim Townsend, d/b/a Townsend Marine and Franklin County for the removal of the derelict vessels as**

specified in the bid proposal. Commissioner Williams seconded the motion. All for.
MOTION CARRIED.

(Tape 1-903) He informed the Board FDOT would begin resurfacing US Highway 98 from Magnolia Bluff in Eastpoint to State Road 65 this month.

(Tape 1-908) He told the Board Mr. Bill Carpenter, FDOT, called to tell him they would be installing advance warning stop signs and rumble strips at the Y-junction of US Highway 98 and Highway 319 in response to the Board's letter.

(Tape 1-923) He presented a letter from FDOT informing the County they would not be installing security lights on the portion of the existing SGI Bridge that would be left for the County to use as a fishing pier. He reminded the Board the Commissioners sent FDOT a letter asking them to install security lights on this portion of the bridge the FDOT is leaving for the County.

(Tape 1-932) Chairman Creamer interrupted Mr. Pierce's report to conduct a public hearing at this time.

PH-LU & REZONING REQUEST-LOTS 5-7-8-9, BLK 7 DAVID BROWN ESTS.

(Tape 1-933) Chairman Creamer announced he would not be voting regarding this request since he owned the property along with one of his associates, Jamie Crum. He said he owned 50% of the property. Mr. Pierce stated the public hearing was schedule to consider a land use change for Lots 5, 7, 8, & 9, Block 7 David Brown Estates located on Hatfield Street in Eastpoint from Residential to Commercial and a rezoning of the same property from R-1 Single Family Residential to C-4 Commercial Residential. Doug Gaidry, attorney, appeared as the attorney of record for adjoining property owners; Larry Hatfield, Dan Dillon, Jimmy Sapp, Cecil Hicks, and Derek Martina, all of which submitted a letter in opposition of these changes. Mr. Gaidry said Mr. Dillon would be surrounded by commercial property. Jamie Crum, one-half owner of the property, presented a letter of support for the land use and rezoning from Marcela P. Vasilinda, a neighboring property owner. Mr. Gaidry said the County needed to develop a plan for commercial development in Eastpoint and asked Mr. Pierce if the County had such a plan. Mr. Pierce replied there was not one. Mr. Gaidry said the property owners of this area felt like their residential zoning was being totally wiped out by commercial development. Kathy Watts, a neighboring property owner, said she has been trying to sell her residence for approximately two years and has been unable to do so simply because she is surrounded by commercial development. She stated her property connects to a commercial property already. She said she never dreamed there would be a furniture store behind her house. She stated her house, she felt, was the best buy in Franklin County, but no one would buy it because it has a furniture store directly behind it. David Volk, another neighboring property owner, said he was sure there were wetlands on this property. He said most of this property is swampland. He stated he bought his house there because he just knew no one could build around him since he considered most of the surrounding property swampland. Mr. Crum stated they are not proposing to build anything on the property, but he had heard rumors about them constructing storage units.

He said they did not have any intention of building storage buildings on this property. He informed the Board they were considering construction of office-residential spaces. Discussion continued. Mr. Pierce said the Planning and Zoning Commission did recommend approval of this request. Mr. Putnal asked if any of these neighbors were at this P&Z Meeting. Mr. Pierce replied they were not since these meetings were not publicized and were not considered public hearings. Commissioner Putnal said he would think these neighbors would certainly come to a P&Z Meeting about this matter now. Chairman Creamer stated, emphatically, that is stuff you take care of when you start building. He stated to get a permit to build you have to go through all of this wetland stuff, but right now they do not have to. He said they are just rezoning, not building something there today. Commissioner Sanders asked again if P&Z recommended this. Mr. Pierce said the record shows they approved this request when it was presented to them. Chairman Creamer said Mr. Pierce did attend the meeting. Mr. Gaidry asked Mr. Pierce if any public notice was given about this P&Z Meeting. Mr. Pierce replied P&Z does not conduct public hearings and does not send out notices to individual property owners. Mr. Gaidry said then that was the purpose of the meeting today. He stated people should be able to attend these meetings, especially when they are discussing something controversial. After discussion Commissioner Sanders made a **motion approving the land use change for Lots 5, 7, 8, and 9, Block 7, David Brown Estates located on Hatfield Street in Eastpoint from Residential to Commercial.**

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

Commissioner Sanders then made a **motion approving the rezoning for Lots 5, 7, 8, and 9, Block 7, David Brown Estates located on Hatfield Street in Eastpoint from R-1 Single Family Residential to C-4 Commercial Residential.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-CONTINUED

(Tape 1-2302) Mr. Pierce continued his report at this time. He said he received a letter from FDOT informing the County they would be ranking the County Incentive Grant Program, CIGP, projects as follows: 1. Patton Drive; 2. South Bayshore Drive; and 3. Water Street. He stated the County or his department should have a better understanding of these projects soon.

(Tape 1-2313) He provided the Board with a copy of a letter he had sent, as directed by the Board, to DEP Secretary David Struhs, about the Eastpoint Channel. He read the letter into the record. He stated the Board felt like DEP is the main holdup in this situation. He said he also sent a copy of the letter to US Senator Bob Graham, US Senator Bill Nelson, Congressman Allen Boyd, Governor Jeb Bush, State Senator Al Lawson, State Representative Will Kendrick and Terry Jangula, USCOE. Commissioner Putnal asked if Mr. Pierce had heard anything from any of these individuals. He said his boat became stuck in the Eastpoint Channel the other day. Chairman Creamer said Hank Garrett and Travis Millender, both residents of Eastpoint, were present today to ask the Board to do whatever could be done to remedy this dredging problem. Hank Garrett said he went to the Clerk's Office to search the minute book and found this same discussion was going on in 1989. He said the first time he found, in the minutes, this matter being discussed was March 21, 1989 with the business men along the Eastpoint Channel asking

the Board to help them get the Eastpoint Channel dredged. He said, again at that time, the Board agreed to send letters requesting the dredging of the Channel as well as ask them to construct a turning basin. He said this means to him the dredging and turning basin should have been finished fourteen years ago. He stated this is the last time during his research he found any discussion about the Eastpoint Channel. He said he felt someone, he didn't know who, simply dropped the ball. Commissioner Mosconis said he knew the Board had discussed this Channel time and time again. Mr. Wade stated he and Mr. Pierce and Chairman Creamer had met with officials from USCOE and the DEP and even offered places to dump the spoil material, but they simply are not following through with what they promise. Mr. Pierce said numerous letters have been sent to the USCOE, DEP, Congress, the Governor, etc. to no avail. After further discussion Commissioner Mosconis said he wanted a letter sent to DEP Secretary Struhs asking him to come to the next Board meeting to discuss this matter with the Board. He said he would make a **motion directing Mr. Pierce to send a letter to DEP Secretary Struhs asking him to attend one on the next regularly scheduled FCBCC Meeting and instructing Mr. Pierce to send a copy of the letter to Governor Bush and Representative Will Kendrick.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2863) Mr. Pierce said Gary Botts, American Red Cross, was supposed to be here this morning to present a proposed proclamation supporting the "Disaster Resistant Neighborhood" Program. He read the Proclamation to the Commissioners and Commissioner Sanders made a **motion adopting and authorizing the Chairman's signature on the Proclamation from the American Red Cross supporting the "Disaster Resistant Neighborhood" Program.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2938) Chairman Creamer said he had received a letter from Representative Will Kendrick requesting the Board consider giving special recognition to Jennifer Koenig, a reporter for WCTV Channel 6 in Tallahassee. He said the letter informed the Board Ms. Koenig was someone who truly believed in the people of Franklin County and she gave Franklin County a lot of coverage during the recent Red Tide outbreak. He stated Mr. Kendrick said in his letter "Ms. Koenig has developed a personal concern for the people that you and I represent. Her interviews, stories, and almost daily interest in Franklin County allowed the people of Franklin County to speak out and their request for assistance to be heard." Commissioner Sanders made a **motion to present and authorize the Chairman's signature on a Resolution of Appreciation for Jennifer Koenig-WCTV Channel 6 in Tallahassee for her support during the recent Red Tide event.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-3067 Continued 2) Mr. Pierce said he would interrupt his report at this time to conduct the scheduled public hearing "Fair Housing Information Session" to be conducted by the County's CDBG Administrator, Deborah Belcher, President, Roumelis Planning and Development Services, Inc. Ms. Belcher informed the Board this session had to be conducted in order to met the requirements of the recent CDBG application Franklin County applied for. She passed out information on the availability of housing in

Franklin County. She informed the Board of the many benefits of the CDBG Program. After her presentation she thanked the Board for this attention this morning.

ALAN PIERCE-CONTINUED

(Tape 2-673) Mr. Pierce continued his report at this time. He said the Board needed to reconsider the Hidden Harbor Subdivision on Alligator Point. He stated most of the original complaints the neighbors had with the project have been worked out with the developers. He said this project originally had more than 35-lots and now has been lowered to 29-lots on 47 acres; already zoned R-1 Single Family, 1-Unit per acre, etc. He said one of the original problems was whether the developers actually owned some of the property because of the wetlands and the upland-wetland line. He said they have most of the problems discussed at the previous meeting resolved. Ms. Debbie Holton, attorney for the developers, said the good news is all of these problems have been worked out and they do have an agreement with the Alligator Point Taxpayers Association and APECO. She said they wanted these changes, agreed to between them, placed into an ordinance so they would feel fully protected against these developers. She stated this paperwork would be permanently recorded in the Clerk's Official Records. She said the three things they have all agreed to are; the prohibition of single family docks; limiting a community dock to a single facility associated with the connector that the developers plan between the peninsular portion of their property and some other property; and no other intense uses, no marina, etc. She stated they would be willing to place in the ordinance a limitation, 6%, on the amount of the impervious surface to try and control the runoff into the Aquatic Preserve at Alligator Point. She asked the Board to adopt this ordinance today and consider it an emergency ordinance with a 60-day formal adoption. Mr. Shuler, County Attorney, said he thought if this was something that was a conflict, but now has been resolved between the parties, it was great. He stated the County has never gone through the ordinance procedure for a land use or adopted an emergency ordinance approving such a project. He stated there would have to be regular procedure to adopt any ordinance. He said he has a concern about adopting an emergency ordinance and then when the actual or final public hearing is conducted the Board decides not to adopt the ordinance then there is a potential for a lawsuit since the ordinance had already been adopted by emergency. Discussion followed and the Board decided to follow Mr. Shuler's recommendation and schedule a public hearing to consider this ordinance. Commissioner Sanders made a **motion authorizing the scheduling of a public hearing to consider the adoption of an ordinance as requested by the developers of the Hidden Harbor Residential Community in Alligator Point.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said she was concerned about the lighting situation in this project. She also asked the developers what their future plans were for some other property the developers own in this area. She asked them to at least let her know if they plan anything. Mr. J. "Donnie" Nichols, VEP, Pan Fla Development, LLC, said he would be sure to contact her when and if they decide to develop any other property in this area.

ALAN PIERCE-CONTINUED

(Tape 2-1656) Mr. Pierce said Mark Curenton had asked him to request permission for him to get a survey and legal description of the new property from St. Joe/Arvida. He

FCBCC MINUTES-FEBRUARY 5, 2002

explained in order to get permission from the State of Florida the County would have to have a legal description and a survey. He stated he knew the County would have to pay for this survey. Mr. Pierce stated this property he is talking about is the property in Carrabelle mentioned this morning for the sports complex. Chairman Creamer asked how the County was going to pay for this survey. Mr. Pierce said the County has \$50,000.00 to \$75,000.00 in a budget to be used to purchase land. He stated the County could use some of this money for the survey. Commissioner Putnal made a **motion authorizing a survey be conducted on this property and authorization to pay for the survey from this particular budget.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1703) He asked the Board to authorize the Chairman's signature on two Mutual Aid Agreements. He said one is a mutual aid between the City of Carrabelle and the County, and the other is between the County and the State. He explained these are standard Mutual Aid agreements the State is having every city and County in the State sign. He informed the Board if the County didn't sign it would make the County ineligible for certain emergency management funds. He stated the agreements say we will help out other governments in emergencies, if we have the ability to do so. He said there is no obligation or requirement to help, but the State has implemented a February 8th deadline for signatures. He said the City of Apalachicola would also be submitting one at a later date. He asked the Board to go ahead and approve the Chairman's signature on the City of Apalachicola Mutual Aid Agreement as well. Commissioner Williams made a **motion authorizing the Chairman's signature on the three Mutual Aid Agreements.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1739) He informed the Board Tim Turner, Emergency Management Director, has hired Melanie Hutchins for the vacant secretary position in his Emergency Management Department. He said she would begin work on February 16, 2002.

(Tape 2-1745) He stated the Chairman of the Franklin County Licensing Board and local contractor, Willie Poloronis, would like the Board to be aware the two amendments to the Standard Building Code implemented by Franklin County would no longer be enforceable when the new State Building Code takes effect on March 1st. He said the two amendments are: 1. Requirements for solid roof sheathing; and 2. Requirement for guardrails constructed on all residential structures be 42 inches instead of 36 inches. He explained Mr. Poloronis, as a contractor, recommends not amending the newest State Building Code with these two local requirements. He said however, the FC Licensing Board feels since the County contractors have gotten used to these two requirements and the Licensing Board made a motion at a recent meeting that the County should uphold these requirements then they should still be a part of Franklin County's Building Code. He stated Mr. Poloronis, after researching the matter, thinks the State does not want local governments amending the new State Codes. He said the FC Building Department has also researched the amendment process and it does appear the County has to prove to the State why it wants to amend the State Code. He said if the Commissioners do not take any action today then Franklin County, beginning March 1st, would be adhering to the

position is totally voluntary. Mr. Pierce said this matter could be discussed further when Mr. Mosteller is at the meeting.

(Tape 2-1961) He said at the last Commission Meeting he told the Board the Planning and Zoning Commission recommended approval of a rezoning of 46 acres of land between Vrooman Park and Wilderness Road for Mr. Jimmy Miller. He stated the request was for 16 acres to go from R-2 to C-4 and 30 acres from R-4 to C-4. He explained Mr. Miller has decided against developing a residential subdivision on the property and has decided to try a commercial project instead. He said the Board tabled this request until he had time to discuss whether Mr. Miller would consider allowing to have seafood processing in this area. He said the Board was trying to find a place for seafood process that was off the water, but not in residential areas. He said Mr. Miller does not object to seafood processing. He said he intends to create one-acre lots, which should be large enough to keep neighbors from bothering each other. He stated Mr. Shuler would need to research whether the C-4 District rules need to be revised to allow this use. He stated, in the meantime, the Board could schedule Mr. Miller's public hearing. He asked the Board to authorize the scheduling of a public hearing, which should be some time in March. Commissioner Mosconis made a **motion authorizing the scheduling of a public hearing as requested by Mr. Jimmy Miller to consider rezoning of 46 acres of land between Vrooman Park and Wilderness Road in Eastpoint.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2116) He informed the Board he has received a letter of resignation from Mr. John Murphy, a member of the Franklin County Planning and Zoning Commission. Commissioner Sanders made a **motion appointing Vicki Barnett, Alligator Point, to this vacant position on the Planning and Zoning Commission.** Commissioner Williams seconded the motion. Mr. Kevin Griffin, Alligator Point, said he would be interested in serving in this position as well. He asked if it was too late to have his name considered for this position. Mr. Pierce said it would be at the Board's discretion. He stated he had received a letter of application from Ms. Barnett. He said there is another opportunity for the Board to appoint another person to P&Z. Commissioner Sanders asked if it would hurt anything to have two people from Alligator Point on the same Commission. Chairman Creamer said he didn't have a problem with Ms. Barnett, but he didn't feel there needed to be two people from the same area on P&Z. Commissioner Mosconis agreed. Mr. Pierce said the P&Z has another at-large position to fill, because while Ms. Harriet Beach and Mr. Dan Rosier have been serving as alternates for a number of years, neither have been appointed to a regular membership. He explained the Board could move one of them up, and then appoint another alternate. He said for the past eighteen years, alternates have acted as full members and have voted at meetings. So the label of alternate has not been particularly meaningful. He said Mr. James Floyd, the previous County Planner, started this policy as a way of ensuring a quorum at meetings, and he has continued this practice. He said another vacancy is for a seafood worker, which has been vacant for a long time. Chairman Creamer said he would find a seafood worker who would serve in this capacity on P&Z. He stated the P&Z Commission has specific seats, which have to be filled by a certain person, and then they have a couple of

at-large positions. Chairman Creamer again said he didn't have a problem with Vicki Barnett serving on P&Z. Mr. Pierce suggested the Board go ahead and approve Ms. Barnett's appointment to P&Z and then appoint someone else later. He said at the next meeting he would furnish a breakdown of each representative and each vacancy. Chairman Creamer called for a vote on the motion. All for. **MOTION CARRIED.**

(Tape 2-2401) Mr. Pierce presented the annual Workforce 5-year Development Plan as submitted by Ms. Kim Shoemaker, Executive Director, of the Workforce Board. He said the document is massive and he asked the Board if they wanted to go ahead and adopt the plan. Commissioner Mosconis made a **motion adopting and authorizing the Chairman's signature on the Gulf Coast Workforce 5-year Development Plan as submitted by the Workforce Board.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2434) Chairman Creamer said he would like to bring the rezoning discussion from this morning up again. He stated an individual has already opened part of the County right-of-way. He said he needed to get the okay to go ahead and have the County Road Department open the remainder of the right-of-way. Chairman Creamer said this was the right-of-way to his property. Commissioner Mosconis made a **motion to open up the County right-of-way in Eastpoint considered "Avenue D East".** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2506) Travis Millender asked if the easements on the Bluff were ever going to be opened. Chairman Creamer replied the County has one opened now and there are two more opened, but needed further clearing. George Pruitt, Carroll Street in Eastpoint, asked if there was a tentative schedule for paving projects in Franklin County. Chairman Creamer said this street was on his list and the County did not have any paving funds available right now since all the paving funds would have to be spent in Apalachicola and Carrabelle due to the recent utility upgrades. Commissioner Sanders said she wished he had not brought this matter up. She stated Carrabelle and Apalachicola did not have even close enough money to pave all the streets that were torn up. She stated the streets are in terrible shape. Commissioner Mosconis said they would soon be through with the utility upgrades and then we could pave them. Commissioner Putnal said he hit a hole in one of the streets in Carrabelle and almost ruined his car. Commissioner Sanders agreed and said the roads are in terrible shape.

(Tape 1-2605) Hank Garrett said a couple of months ago the County made a motion to get the County Engineer to go out and get with him concerning a drainage pipe-culvert on his road. He reminded the Board that Jerry Lolley had asked the Board to bring a drainage ditch under C. C. Land Road down 8th Street in Eastpoint. He stated he hasn't heard anything from Mr. Pierce or the County. Commissioner Mosconis said he was sure Mr. Pierce would take care of this matter. Mr. Pierce said the engineer comes to Franklin County once a week and sometimes it is hard to remember everything he is supposed to do while he is here.

KENDALL WADE-CLERK

(Tape 2-2637) Mr. Wade said he had a Resolution of Unanticipated Revenues for the Commissioners to approve this morning. He read the following into the record: Whereas, Franklin County is a political subdivision of the State of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets and, Whereas, FS 129.06 provides for budget amendments for unanticipated revenues, and Whereas, Franklin County has received unanticipated revenues in the amount of \$10,349.53 from the Friends of the Franklin County Public Library, Inc., proceeds to be used for the new Library Building in Carrabelle, and Whereas, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2001-2002, and Whereas, FS 129.06(2)(d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and Whereas, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of: 001.37.571.3400, Other Contractual Services, \$2,935.63; 001.37.571.5200, Operating Supplies, \$7,413.90, Now Therefore, Be It Resolved, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$10,349.53 for use in the GENERAL FUND in order to comply with FS 129.06(2)(d). This Resolution Adopted by the Franklin County Board of County Commissioners this 5th day of February, 2002. Eddie Creamer, Chairman, Attest: Kendall Wade, Clerk. Commissioner Sanders made a **motion authorizing the Chairman's signature on this Resolution of Unanticipated Revenues in the amount of \$10,349.53.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2721) He informed the Board his office has received another invoice from ARPC for administrative services rendered on the Franklin County Revolving Loan Fund Program from October 1, 2001 to December 31, 2001 in the amount of \$819.14. He stated there is also a past due amount, \$3,761.05, listed on the invoice. He stated the Board needed to give him direction regarding this matter. Commissioner Mosconis instructed Mr. Wade to invite Mr. Charles Blume, ARPC Executive Director, and the ARPC attorney, Ed Blanton to the next Board Meeting to discuss this matter. He stated the County did have a contract with ARPC to implement this revolving loan program and he felt they had not fulfilled their part of the agreement. Mr. Wade assured the Board he would contact Mr. Blanton and Mr. Blume and asked them to come to one of the next regularly schedule meetings. He said, he too, thought this matter should be finalized. Commissioner Mosconis said, in any case, it is going to require that people pay these loans back in full. He stated this was Federal Government money and had to be repaid.

(Tape 2-2866) Commissioner Mosconis asked Mr. Wade about the stopped up bathrooms upstairs. He said he got bombarded with calls yesterday. Mr. Wade said the bathrooms were being unstopped today. He stated they called a plumbing company and they were working on the pipes. He explained these are old pipes made of terra cotta and they have pit marks on them. He said the old pipes are easily stopped up. He stated there were people working on them. Mr. Pierce stated the Clerk was not at the Courthouse yesterday so he, after receiving a phone call, went up to the top floor. He said he told the Judge to hire a company to clean the carpeting since everyone was complaining about the

horrible smell. Mr. Wade said he put a fan upstairs and he hoped everything would fixed today.

(Tape 2-2950) Commissioner Sanders asked about the progress on the Courthouse Annex. Mr. Pierce announced the construction was three days ahead of schedule.

ALFRED SHULER-COUNTY ATTORNEY

(Tape 2-2968) He said he spent some time on the Magnolia Ridge Plat, which the Board had previously approved.

(Tape 2-2974) He stated he prepared, and mailed to Edwin Brown, a road easement for Lighthouse Ridge. He said he would bring it to the Clerk's Office for recordation when he got the document back.

(Tape 2-2985) He reported he prepared and advertised a notice of public hearing for the MSBU rate increase resolution. He said he discovered, through reading the ordinance, the County did not have to do an amended ordinance, but through resolution. He stated the Board had indicated to him they wanted the public hearing advised so, he said he has advertised the public hearing for Tuesday, February 9, 2002, at 5:30 p.m. He presented each Commissioner with a sample of the Resolution they might want to adopt.

(Tape 2-3025) He stated he wrote a letter and spoke over the phone with Drew Branch, Jr. about the Sumatra Cemetery. He said he asked him to have his attorney expressing his position on the ownership of the Sumatra Cemetery. Mr. Shuler reported he had received a letter from Timothy J. Warfel, Attorney at Law, representing Mr. Branch, Jr. He said the letter reflected that the cemetery is on property, which has been owned by the Branch family for nearly 50 years. He stated the letter reported the estate of Mr. Branch, Sr. is currently being administered and the cemetery is surrounded by property owned by Drew Branch, Jr. He read the following excerpt from the letter into the record: During the time the property has functioned as a cemetery, the Branch family has been responsible for all maintenance and expenses associated with the cemetery. There is no other person with any interest in the cemetery or any say as to the disposition of the cemetery lots. Commissioner Mosconis asked if the Branch's were paying taxes on this property then. Mr. Shuler replied he wasn't sure. He said he thought this letter was basically a position statement. Commissioner Mosconis said he thought the Commissioners should establish a committee to check into the history of this cemetery. Commissioner Sanders made a **motion authorizing the creation of a "Sumatra Cemetery" Committee, Willie B. Lewis, Bill Bouington, and Robert Hill, Clerk of Courts in Liberty County.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Mr. Wade said he would send a letter to these people and send a copy of the letter to Mr. Warfel.

(Tape 2-3384) Commissioner Putnal asked Mr. Pierce to contact the Federal Forestry Department about the area around the Brown Cemetery on Brickyard Road in Sumatra. He said he would like to see if they could clear the area around the cemetery. He said he would really like to have an easement around the cemetery so the County could put lime

rock and fix the area so people could walk around the cemetery without the fear of tripping over roots, etc. Mr. Pierce said he would take care of this matter.

(Tape 2-3470) Mr. Shuler said the Board directed him to send a letter to a William A. Martin, Jr., property owner on SGI, regarding a beach easement obstruction. He said this letter informed Mr. Martin that he should not be obstructing this beach access. He informed the Board that Mr. Martin sent him a reply letter stating he has never caused any obstruction to anyone's access, either public or private. He said Mr. Martin's letter said he did not want anyone on his property, as well. He stated if the County wants to pursue this matter then the County would have to have a survey conducted to delineate these easements. He said the County does not have the right to require he allow the public to cross his private property. He stated he is not going to pursue this matter any further unless he receives direction from the Board.

(Tape 2-3544 Continued on Tape 3) He stated he has prepared a contract for the County between Townsend Marine and Franklin County for the Derelict Vessel Removal Project. He stated Townsend Marine was the lowest bidder for the project. He said the contract is for the removal of five vessels and is in the amount of \$70,800.00. Mr. Shuler said the contract reflects the County is going to pay Captain Townsend solely from the grant funds, however the County might elect to draw up to 90% of the amount due for removal of the four inshore vessels and the County also might elect to advance the full amount for all of the vessels upon written proof that all of the vessels have been removed, therefore the grant obligation performed. He stated he included this in the contract because the grant refers to being a reimbursement type grant, which means the State might require Franklin County pay for removal of the vessels and then the State pay us back. He said the reason for separating the four inshore vessels from the fifth vessel is the fifth vessel is in a position where weather conditions, sea conditions, etc. might make it difficult to remove this vessel within the same time frame as the other four vessels.

(Tape 3-186) He said he reviewed some letters sent between DasSee Community Health System, LLC's attorneys, McRae & Metcalf, P. A., and Emergystat, Inc., Joe Donovan, CFO/VP Finance and Administration. He advised the Board the best thing the Commissioners could do would be to try to stay out of this dispute. He said they should settle this matter between themselves.

(Tape 3-197) He stated he sent a letter, as directed by the Board, to Randy Harrellson, Lanark Village, about the zoning violation he is committing by operating a repair shop out of his home, informing him the County was going to refer this matter to the State Attorney for prosecution if the complaints did not stop.

(Tape 3-208) He said he sent a letter to the Commissioners regarding the scrivener's error at 1 Pine Drive West in Apalachicola. He advised the Board they could recognize the scrivener's error as to Commercial use, but a rezoning would be required to change the lot to Industrial use. He stated the property, considered the Roxie Allen property in the Two-Mile area, which has a traditional use for truck parking and repairing is the property he is talking about. He said he didn't see how the County could call it a