

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
OCTOBER 16, 2001**

**OFFICIALS IN ATTENDANCE:** Eddie Creamer, Chairman; Bevin Putnal, Jimmy Mosconis, 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 1-56) Commissioner Sanders made a **motion approving the minutes of the meetings held on October 2, 2001 and October 8, 2001.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-62) Commissioner Williams made a **motion to pay the County bills.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

**HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS**

(Tape 1-71) Mr. Chipman said he knew the Commissioners did not want to spend any money, but he had to have a piece of equipment fixed. He explained he would have to keep the equipment up and running. He stated he would try not to spend any money he didn't absolutely have to. Commissioner Mosconis said he knew some money would have to be spent he just wanted everybody to hold back a little bit.

(Tape 1-107) Commissioner Mosconis asked about the agendaed item-Roxie Allen-Allen and Sons Seafood-damage done to an 18-wheeler they owned. He said the agenda states a County truck did the damage. Kendall Wade, the Clerk, said Ms. Allen had called this morning and cancelled her appearance before the Board. He explained he was informed one of the County trucks, in the process of hauling material throughout the County, lost some debris. He said the debris flew into the 18-wheeler's windshield and broke it. He stated Ms. Allen submitted the claim to the Finance Office so it could be sent to the County's insurance carrier. He informed the Board the County's insurance carrier denied the claim and sent a letter to Ms. Allen explaining this to her. He stated Ms. Allen wanted to be here today to ask the Board to pay for the repairs. Mr. Wade asked the Board to wait until Ms. Allen could be here to discuss this matter. Commissioner Putnal said Mr. Shuler, the County Attorney, should look into the matter before the next meeting. Mr. Shuler said if the insurance company rejected her claim then she could take the matter to court for the judge to decide if the County should have to pay for the repairs. He stated the County should not, in any case, pay for things the insurance company doesn't want to pay. He suggested the Board just wait to see if Ms. Allen comes to the Commissioners with her complaint.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-166) He said the Franklin County Humane Society has expressed their intent to keep the Animal Shelter open. He stated the shelter is temporary closed while they undergo repairs and financial restructuring. He stated Franklin County Animal Control

has agreed to temporarily house any animals dropped of at the shelter until the Humane Society completes the repairs. He said the Humane Society would like to know the status of their \$22,000.00 budgeted allotment from the County. He said Gayle Dodd, Director of the Humane Society, is here this morning. Chairman Creamer said he felt the Board could not answer this question until after the Legislature meets. He stated the County does not know where the State budget cuts will be. He said the County has to fund the Animal Control department. Commissioner Mosconis stated he felt the same. Chairman Creamer said if the State cuts 1.8 billion dollars from their budget then Franklin County can't help but be impacted. Commissioner Mosconis said the problem was that no one knew how much the cuts would be. Commissioner Sanders said, after attending the Florida Association of Counties meeting in Orlando, she knew the House was going to implement a 6% across-the-board cut, but the Senate was going to cut individual projects. Mr. Johnson asked if it was possible the \$22,000.00 could be cut entirely. Commissioner Mosconis replied no one knows. Commissioner Putnal asked Ms. Dodd who was doing the repair work at the shelter. Ms. Dodd replied volunteers. Commissioner Putnal asked if they could use some inmate labor. Ms. Dodd replied she could for the outside, especially for the roof work. She stated the volunteers are also paying for this project. Amy Solis, SGI, stated she would like the Board to know she visited the Humane Society yesterday. She said there were approximately 9 dogs locked in a kennel without food or water. She stated she had sent a letter to the Commissioners about the problems she found there. Mr. Johnson stated this was a long story and there was not enough time to discuss it this morning. He said this incident happened yesterday and assured the Board the dogs were now being taken care of. He stated once he was made aware of the situation he sent Animal Control Officers over to the shelter to remove the dogs so they could be moved to the Animal Control Department pens. Commissioner Mosconis asked who put the dogs in the kennel. Mr. Johnson and Ms. Dodd both replied they really didn't know. Ms. Dodd said there was not a lock on the pen and somebody had to put the lock there. She stated somebody had thrown other dogs across the shelter fence as well. She said she did not know what makes people in this County have absolutely no regard for taking care of animals. She stated she didn't even know how long the animals had been there. She said she called Mr. Johnson and he immediately went over to the shelter and got them.

**COMMISSIONER SANDERS-CLAM AQUACULTURE PROJECT**

(Tape 1-373) Commissioner Sanders said she wanted to update the Board on the status of the Alligator Point Harbor Aquaculture Project. She stated she spoke to representatives from DACS yesterday and was informed by them a meeting would be scheduled in Franklin County sometime within the next few weeks. She said this matter is going before the Governor and Cabinet on December 18, 2001 for the finalization of the leases.

**MARK CURENTON-ASSISTANT COUNTY PLANNER**

(Tape 1-406) Mr. Curenton reminded the Board Mr. Pierce is not here this morning due to his mother's illness.

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(Tape 1-414) He reported Mr. Pierce had invited Greg Preble, Preble-Rish, Inc., to the Board meeting this morning to discuss the bidding situation for the Alligator Point Beach Restoration Project. He stated the important issues were the surveying costs and setting a cap on the amount of money the County is willing to spend on this project. He said the only source of funds for this project is the Bald Point Trust Fund. He reminded the Board the County may or may not be reimbursed for the expenditures associated with this project. He asked the Board if they wanted to wait until Mr. Preble got to the meeting to discuss this matter any further. Mr. Curenton said, in any case, if the County wants to move forward with this project the County is going to have to furnish some "up front" money. He again said the County may or may not be reimbursed for there "up front" expenditures. David McLain, ABARK, said the USCOE might have some spoil, from the Apalachicola River, the County could use for the project. He stated he didn't know if this was an option or not, but someone could check. Linc Barnett, Alligator Point Taxpayers Association, stated he would like to address the issue of the survey. He said each of the bidders would be required to do a complete survey both before, during and after the project is completed. He stated they were concerned about the proposal from Preble-Rish to do a complete survey of the whole project before and after might be excessive. He said the County might want to look at doing spot-checking of the survey results, which would be done by the winning bidder. Commissioner Mosconis said he was reluctant to relinquish the money in the Bald Point Trust Fund. He stated the County shouldn't throw this money away. Mr. Curenton said he would wait until Mr. Preble got here to finish this discussion.

(Tape 1-579) He asked the Board to approve the procedure to select a CDBG consultant. He explained he drafted this procedure with the assistance from others with CDBG experience. Commissioner Mosconis made a **motion approving the "Procurement of CDBG Consultant Services" as drafted by Mr. Curenton.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-605) He informed the Board the County has received the Derelict Vessel Grant. He said the County requested \$54,000.00, but received \$8,000.00. He explained this might be enough to remove one of the vessels. He asked the Board if the County still wanted to pursue the grant. He stated he listed five vessels for removal and now only one could actually be removed. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the Florida Fish and Wildlife Conservation Commission Derelict Vessel Removal Grant in the amount of \$8,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-682) He presented a letter from FDOT stating they have granted the County a waiver of the local match for the repaving of CR 67. He said the waiver does not increase funds available from the state. He stated this means the County does not have to provide matching funds for the project.

(Tape 1-743) He reported the Planning and Zoning Commission met in regular session on October 9, 2001 and recommends the following action: Approval for William Martin to construct a private dock on Lot 4, Block 63, Unit 5, SGI. Commissioner Mosconis

made a **motion approving the construction of a private dock for William Martin.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for John Tucker to construct a private dock on Lot 17, Block 78, Unit 5, SGI. Commissioner Mosconis made a **motion approving the construction of a private dock for John Tucker.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for John Thomas to construct a private dock on Lot 1, Block G, Magnolia Bluff, Eastpoint. Commissioner Sanders made a **motion approving the construction of a private dock for John Thomas.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Denied the request by Noah Goodson to rezone a parcel of land from C-1 Commercial Fishing to R-8 Multi-Family High Density. Mr. Goodson was not present, but it appeared the land was not suitable for high-density development because it was too small. Tabled a request for Tom Hoffer to rezone a parcel from C-4 Commercial Mixed Use to R-7 Multi-Family Medium Density because Mr. Hoffer did not provide, in writing, when the Eastpoint Water and Sewer District would have sewer available for this project. The Commission had denied numerous requests in the past due to sewer not being available. The parcel of land is behind the nursing home in Eastpoint. At this time, Mr. Hoffer has a letter from Eastpoint saying they expect sewer to be available to his property in May 2002. Board action is needed for acceptance of the letter and authorizing the scheduling a public hearing or to let P&Z see the letter so they can make a recommendation to the Board. Commissioner Mosconis said he wanted the matter sent back to P&Z. Commissioner Mosconis made a **motion to send the matter back to P&Z for recommendation.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Tabled a request for Dan Garlick, agent for the property owners in "The Soundings" to rezone 60 acres of land from R-3 to R-1. The request was tabled to give Mr. Garlick time to see whether his clients wanted to put one road for access to the property, as P&Z wanted. Approval for a request for Nick Saporito, agent for Sharon Gardener, for 10 acres to be changed from R-6 one unit per ten acres to R-1, but with the condition requested by the applicant that the parcel be divided into only two lots a 6 acre and a 4 acre lot. This would represent a small-scale land use change and a rezoning. Mr. Saporito said his client would agree to a covenant enforceable by the County. Action needed to schedule a public hearing. Commissioner Mosconis asked Mr. Shuler if this would be the proper way to handle this request since the County usually does not enforce deed covenants. Mr. Shuler said the property owner could file restrictive covenants. Mr. Curenton explained this is adjacent to two parcels, which have already been rezoned from R-6 to R-1. Discussion followed. The Commissioners expressed their concerns about the property being divided into two lots. The P&Z Commission would require the landowner to file something to assure the County the six-acre parcel would never be sub-divided. Commissioner Mosconis said he would make a **motion to table this request for a public hearing until more assurances were provided as to the division of these 10 acres of land.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Approval of a sketch plat of "Doc's Sea Shores", a 4.1-acre parcel lying in Section 35, T7S, R5W. The plat will have four lots with building sites on the north side of US 98 and waterfront access on the south side. Mr. Shuler needs to advise to make sure the property on the south side is properly and permanently tied to the north side. After discussion Commissioner Sanders made a **motion to table this request until Mr. Shuler has time to properly review the**

**proposed sketch plat of "Doc's Sea Shores"**. Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Table for Larry Witt, agent for Richard Parvey, a sketch plat for a 15 acre parcel, part of the Schoelles homestead, until the sketch plat properly shows the wetlands as well as Mr. Shuler giving guidance as to whether a subdivision can create private roads which do not conform to road standards. At this point Mr. Shuler has advised that if the Board deviates from subdivision standards, the development must become a PUD. Commissioner Mosconis made a **motion to table this request submitted by Larry Witt, agent for Richard Parvey, until Mr. Shuler can review the project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for a final plat of "3 J's" subdivision, 14 lots, developed by Jimmy Miller off Otter Slide Road in Eastpoint. Commissioner Putnal made a **motion approving the final plat of "3 J's" subdivision off Otter Slide Road in Eastpoint.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** P&Z heard a tremendous amount of debate on the Hidden Harbor development at Alligator Point. When this project was discussed last month it was proposed this project not be a PUD, but be considered as a 101 lot cluster subdivision development. It was doubtful whether 101 one-acre lots could be built on the property so P&Z asked for a site plan showing the lot layout so it could be determined what the base line density really was for the project. The layout was not provided, but instead the developers presented the development as a proposed PUD with 84 lots on a central AWT sewer system. The issues P&Z heard ranged from very specific concerns over the current water restrictions imposed by the Alligator Point Water District on current residents to general concerns over impacts to traffic, existing community character, and multiple concerns over the impact of the project to the environment, including the reliability of a central sewer system. P&Z, after hearing all of this, recommended the project be presented to the County Commission. P&Z did not recommend approval of any particular part of the project except the 84 lots and a central sewer system to perhaps 55-65 lots on individual septic tanks. P&Z felt the project still had a lot of unanswered questions, but the County Commission was more prepared to judge the project since the PUD requires the drafting of an ordinance. The recommendation was for the Board to direct the developer to meet with county staff and Alligator Point residents to discuss the project and get some baseline information because this project represents the largest project Alligator Point has seen in years. A number of letters opposing the project was submitted to the Board. Freda White, agent for the property owner, said they would be glad to sit down and talk with county staff about this project. She said the main concern is whether the county wants a large number of lots, with individual well and septic tanks, or for the developer to create 84 lots and install a central system, which everyone knows is better for the bay. Commissioner Mosconis made a **motion directing county staff to meet with the developers and the residents of Alligator Point concerning this matter.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders said she thought this project should go through the PUD process. She stated this would allow all of the necessary agencies to review the project and make recommendations. She suggested the developer should go ahead and begin the PUD process to save time. Ms. White said the owner does favor going through the PUD process. Paul Johnson, Apalachee Environmental Conservancy, said they would like to be notified when these meetings would be held so they could be involved in this process.

**DAVID BUTLER-CAMP GORDON JOHNSON ASSOCIATION**

(Tape 1-1852) Mr. Butler updated the Board on the Camp Gordon Johnson Museum. He said he sent a memo to the property owners along US 98, near the museum, to see if they would be interested in either selling or granting the Association an easement for access to the museum. He presented a response to the Association's request from Mark Nolton stating he did not want to grant an easement, sell his property or even a portion of his property. He said he has not heard from the other property owner, Joe Killearn, regarding this request. He stated Mr. Killearn informed him, verbally; he would be willing to grant a 30-foot easement if Mr. Nolton would grant the other 30-foot. He said he is fairly sure they will not be able to acquire access off of US 98. He stated the intent was for the museum not to bring traffic through the residential area in Lanark Village. He explained the only way to do this was to put a road in directly off of US 98 to the museum property. He said since then he has been made aware Spring Street is a designated truck route by the County. He asked the County to consider rezoning this property to Z-1 for the purpose of putting the museum on the property. He said with the traffic pattern being; up Spring Street, back east on Oak Street, then entering the museum property from Oak Street. He reassured the Board the liquor license so many people had concerns about would be sent back to the state informing them the liquor license would not be used. After discussion Commissioner Sanders made a **motion authorizing the Camp Gordon Johnson Association to readvertise this land use and rezoning request.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

**PUBLIC HEARING-ANIMAL CONTROL ORDINANCE**

(Tape 1-2184) Mr. Johnson informed the Board he had been working on the final "Ordinance Regulating Animals in Franklin County, Florida, and Repealing all other Ordinances of Franklin County Regulating Animals, Providing for Enforcement, Penalties, Appeals, and an Effective Date". He said, after extensive review and correction, he was ready for the Board to adopt the ordinance. Commissioner Sanders said she knew Mr. Johnson had met with the Dog Hunters Association and the Chamber of Commerce regarding the ordinance. Mr. Johnson said the ordinance deals mainly with dangerous dogs, cruelty to animals, and establishing the Animal Adjudicatory Board. He asked if anyone had any questions about the ordinance. Martha and Luciano Gherardi, SGI, expressed their concerns about dogs being allowed to run on the beach. Commissioner Sanders then made a **motion authorizing the Chairman's signature on the "Ordinance Regulating Animals in Franklin County, Florida, and Repealing all other Ordinances of Franklin County Regulating Animals, Providing for Enforcement, Penalties, Appeals, and an Effective Date.** Commissioner Williams seconded the motion. Chairman Creamer, Commissioners Williams, Mosconis, and Sanders for. Commissioner Putnal opposed. 4-1 **MOTION CARRIED.**

**THAD & DEBBIE BRETT-"BLUE WATER BAY" SKETCH PLAT**

(Tape 1-2807) Mr. Curenton said, as directed by the Board, Mr. Pierce met with Mr. and Mrs. Brett and their attorney, Charles Stratton, concerning the county's desire in maintaining a through street either across their property or in some other fashion so residents and emergency vehicles can travel from one end of Lanark Village to the other end. He said Mr. Pierce proposed the follow settlement, which was accepted by the

Bretts: A. The Brett's will deed to the county 30 feet of their property along the northeast boundary down to Pinewood. Adjoining the Brett's property, Jim and Nancy Green will deed 30 feet of their property. These two parcels will create a 60-foot right-of-way for a road to be built and maintained by the county. B. The county will relocate the existing Oak Street to the north side of the power line and turn it so that it connects to the above parcel. C. The Brett's will dedicate a 20-foot drainage easement on the east boundary of their property for future use as a drainage ditch, which will be built and maintained by the county in the event it is ever needed. This drainage easement will lead from Pinewood down to Infield. D. The Brett's will deed to the county a 10-foot wide utility access and emergency vehicle access off the west side of their property in the area currently known as Debbie Lane. This area will cease to be a through street and access will be limited by a chained gate to be installed by the Brett's with keys given to the county and the appropriate emergency response agencies. E. The county will allow the Brett's to build the interior road of their subdivision on a 50-foot wide right-of-way instead to make up for the loss of property because of Debbie Lane. The road will be built to county standards with an asphalt surface and if so desired by the Brett's the county will accept the road for maintenance. F. Acceptance by the Board of this settlement also includes acceptance of the Board of the proposed sketch plat, which was tabled by the Board. The sketch plat will be revised to include the above changes. G. The final plat will be sent directly to the Board for approval, so as to help the Brett's make up for time lost during these negotiations. Before the Board acts the everyone needs to know that while Jim and Nancy Green are willing to give 30-feet of property as stated above, with the understanding Pinewood is a county maintained road. If the Board decides Pinewood is not a county maintained road then the Greens do not want to provide any land because then Oak Street would not lead anywhere. The Commissioners asked Mr. Shuler to give them his opinion about this settlement. Mr. Shuler said, as he stated before, it is better to have a compromise than to have to go to court for the matter to be solved. He said it sounded like a good compromise to him. Commissioner Sanders asked Mr. and Mrs. Brett if they were going to give the keys to the gate to the fire department, etc. Mr. Brett replied yes they would. Commissioner Sanders instructed the Brett's to make sure and have this plat recorded. Harriett Beach, Lanark Village, asked what the time line was. Mr. Brett replied as soon as possible. Commissioner Sanders made a **motion to adopt this settlement with the Bretts and approving their sketch plat "Blue Water Bay"**. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**MARK CURENTON-CONTINUED**

(Tape 1-3137 continued on Tape 2) Mr. Curenton said Greg Preble was here to discuss the Alligator Point Beach Restoration Project. Mr. Preble explained his reasons for the surveying. He said the bids are set up for the contractors to do everything, design, applying for permits, etc. He stated he has to know how much the County is willing to spend on the project before he can advertise for bids. After discussion about funds, spoil material, etc. Commissioner Sanders made a **motion directing Mr. Curenton to invite a member of the USCOE to the next meeting to discuss the spoil material that is going to be created from the Apalachicola River.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.** Commissioner Sanders then made a **motion**

**authorizing the expenditure of \$25,000.00 from the Bald Point Trust Fund for the "start up" funds for this project.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-592) Mr. Curenton said he received a call yesterday regarding a school sign on Avenue A in Eastpoint. He stated the person asked about moving the school sign and also putting up caution lights in that area. He informed the Board they want to move the school sign from west of School House Road to just west of Shuler Road. He said he didn't think this would be a problem. He stated they also wanted to put up flashing lights. Chairman Creamer said he thought this needed to be done in all school areas. He stated a lot of people forget about the school zones and it could be very dangerous. Commissioner Mosconis asked why didn't the Board ask the School Board to pay for the signs. Chairman Creamer replied they could be asked. Commissioner Putnal said, at one time, there was a problem when the County tried to do this at the school in Carrabelle. Mr. Wade replied he thought the problem was the school zone was on a State or Federal Highway, Highway 98. He said FDOT has some requirements for the signs. Mr. Wade said traffic studies have to be done most of the time. Commissioner Mosconis said he would make a **motion directing Mr. Curenton to send a letter to the Franklin County School Board requesting they place flashing lights at all of the schools in Franklin County.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.** Commissioner Mosconis said the County could go ahead and move the signs at Brown Elementary School in Eastpoint as requested.

(Tape 2-683) Commissioner Mosconis said he was proud of the way the County handled the "scare" they had Sunday in Eastpoint. Chairman Creamer replied he thought the tests on the material sent to the lab came back negative as to Anthrax. Commissioner Mosconis said the Health Department and the other agencies did a good job. He said everyone followed protocol and the event did not get out of hand.

#### **KENDALL WADE-CLERK**

(Tape 2-751) Mr. Wade said he was contacted by Joe Blanchard, Director, Wakulla Division of Emergency Management, about the County sending a letter to FDOT Transportation Outreach Committee Chairman Tom Conrecode about Highway 319. He said the letter requested the multi-laning of Highway 319. He stated when a disaster happens such as a hurricanes, etc. everyone leaving Franklin and Wakulla County uses Highway 319 and it becomes very congested. He said there is an initiative to have Highway 319 multi-laned for these reasons. He asked the Board to approve the letter he sent to FDOT. Commissioner Sanders made a **motion approving the letter sent to FDOT Transportation Outreach Committee regarding the multi-laning of Highway 319.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-840) He said the Small County Coalition had sent a request to the Board to reappoint or appoint two Commissioners and one staff person to serve as members of the Board of Directors of the Small County Coalition. He stated Commissioner Sanders, Commissioner Williams, and Alan Pierce, Director of Administrative Services were already representing the County on this Board. Commissioner Mosconis made a **motion**



**to reappoint Commissioner Cheryl Sanders, Commissioner Clarence Williams, and Alan Pierce, Director of Administrative Services as the 2001-2002 Small County Coalition designated representatives for Franklin County.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-854) He informed the Board that beginning July 1, 2000 the State of Florida began to distribute, annually, to each county the fees collected from the sale of the "Choose Life" license plates. He explained the amount collected from July 1, 2000 through June 30, 2001 was \$220.00. He said the funds must be used by a nongovernmental, not-for-profit agency within the county, which agencies' services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. He stated without one of these agencies in Franklin County the funds needed to be returned to the state to be held in escrow until one of these agencies opens up in Franklin County or the state changes the requirements. He told the Board he would be returning the money to the state to be held in escrow until the requirements are changed or one of these agencies is opened up in the county.

(Tape 2-899) He explained to the Board the Department of Corrections had sent the annual contract and amendment #1 for the housing of inmates in the County Jail. He informed the Board the original Contract Between the Department of Corrections and Franklin County Board of County Commissioners was signed and sent back to the state June 29, 2001. He said Amendment #1 was brought in last week and the Chairman had to sign it due to time constraints. He asked the Board to approve the Chairman's signature on both of these documents. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the annual Contract Between the Department of Corrections and Franklin County Board of County Commissioners, Contract #C1940, and Amendment #1 to Contract #C1940.** Commissioner Sanders seconded the motion. All for. **MOTION CARRIED.**

**ALFRED SHULER-COUNTY ATTORNEY**

(Tape 2-918) He said he sent letters to two parties regarding zoning violations off of SR 65. He stated the letter to the violator on Patton Drive in Eastpoint would be going out today. Chairman Creamer asked if the letter regarding the zoning violation on SR 65 in Eastpoint was in reference to an oyster house. Mr. Shuler replied it was. He said the people this matter concerns are here this morning and would like to address the Board. He introduced Rodney Glass to the Board. Mr. Glass said he built the oyster house on his residential property not knowing this was a zoning violation. He stated this problem only came up after someone else complained about the zoning violation. He said he thought it was personal. He stated the plant was built using the requirements of the DACS. He said it was one of the finest plants in the county. He stated they keep it clean and the inspectors have bragged about how clean it is. He said he would like to know what he needs to do to have the property rezoned. Chairman Creamer asked Mr. Curenton what they needed to do. Mr. Curenton replied they needed to come to the Planning and Zoning Office to pick up the necessary paperwork to apply for a rezoning. He said they are already zoned R-4, but the one prohibited use for R-4 zoning is seafood processing. He said they could request to be rezoned to C-1, Seafood Processing, which does not allow

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residential uses. John L. Glass said he had a seafood processing plant around the corner from his son, Rodney. He stated he has had his seafood house located in the same place for approximately 24 years. He said he felt he should not have gotten a letter from the county saying he was violating the Zoning Code. He stated his plant was already built and they were processing seafood there before the zoning code was implemented. He said he was the second person to ever open a seafood processing plant in that area. Chairman Creamer stated he knew the plant had been up there for many years. Chairman Creamer asked Mr. Curenton to speak with Mr. Rodney Glass after the meeting to see what he needed to do to have the property rezoned. Mr. Curenton said he would try to help Mr. Glass. Commissioner Putnal and Chairman Creamer said they thought John L. Glass should be "grand fathered" in since his seafood plant was there before the zoning code was implemented. Mr. Shuler said if he had this business on this property before the zoning code was adopted then he would be "grand fathered" in.

(Tape 2-1114) Mr. Shuler said he had a conference with Mr. Pierce about the settlement with the Brett's the Board just discussed regarding the closure of Oak Street on their property.

(Tape 2-1119) He stated he read and reviewed the revised Animal Control Ordinance, the Derelict Vessel Removal Grant, and a proposed contract from the County Engineers. He said he sent the contract back and asked them to include a provision the contract would be payable from grant funds only and not from any other county fund. He said then if the grant funds don't materialize due to the state's budget cuts then the county would not be held responsible for paying for the project.

(Tape 2-1153) He said Harriett Beach, Lanark Village Association, was here this morning to ask the Board to adopt a Resolution for closing Heffernan Drive from Pine Street to Oak Street in Lanark Village from 5:00 P.M. to 9:00 P.M. on October 26, 2001 to celebrate the 45<sup>th</sup> Anniversary of the founding of the Lanark Village Association. Ms. Beach appeared before the Board at this time and said the Lanark Village Association would be celebrating its 45<sup>th</sup> Anniversary on October 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>. She said on October 26<sup>th</sup> they plan to have a gala block party. She said for the block party they would like to close off Heffernan Drive from Pine Street to Oak Street. She stated the area would be closed off and protected by the Lanark Village Volunteer Fire Department with their vehicles being used to close off the street. She invited the Commissioners to participate in this celebration. Mr. Shuler read the following Resolution into the record: Whereas, Lanark Village Association celebrates its 45<sup>th</sup> Anniversary on October 26, 2001, and Whereas, the Lanark Village Association has been an effective and caring voice of the Lanark Village Community, and Whereas, the Franklin County Board of County Commissioners wishes to recognize the Lanark Village Association's civic contributions, Now, Therefore, Be It Resolved by the Franklin County Board of County Commissioners that Heffernan Drive from Pine Street to Oak Street in Lanark Village shall be closed to vehicular traffic from 5:00 p.m. to 9:00 p.m. on October 26, 2001, in order to be used by residents, members and guests celebrating the 45<sup>th</sup> Anniversary of the founding of the Lanark Village Association. This Resolution adopted by the Franklin County Board of County Commissioners on October 16, 2001.

Eddie Creamer, Chairman, Kendall Wade, Clerk. Commissioner Sanders made a **motion adopting this Resolution and authorizing the Chairman's signature on the Resolution.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1246) He said he has been working on the lawsuit Alexis Marketing Group vs. Franklin County. He stated this lawsuit was filed by this corporation who claims they own the actual beach in front of Units 1, 2, and 3 on SGI and the streets between Private Drive and Gorrie Drive that lead from the last paved road to the beach. He said he filed a "Motion to Dismiss" based on several grounds including the fact they didn't enjoin the hundreds of property owners who would be substantially affected if the beach was changed into private ownership. He said the motion has not been scheduled for a hearing yet, but he did have a telephone call from the Plaintiff's attorneys about selecting a date. He stated he gave them some dates and times he would be available for hearing. He said he is filing a "Request for Admission" and he is also working on preparing an Answer, Affirmative Defense, and Counter claim to the suit. He said he has had calls from various people who live on the Island who want to give the county technical assistance. He said if his motion is granted then Alexis would have to enjoin all of the property owners in the lawsuit, and if it is not granted then each property owner would be well advised to request to intervene in the litigation. He said he talked to Attorney Barbara Sanders, a resident of SGI, who is interested in assisting the property owners. He stated the matter would be discussed at the next meeting of the SGI Civic Club.

(Tape 2-1363) Commissioner Mosconis asked Mr. Shuler about the status of the Harris Brothers property. Mr. Shuler replied he is serving process on the Defendants, the Allen's. He said they should be served shortly and then they will have twenty-days to answer the lawsuit. Commissioner Mosconis asked Mr. Shuler to refresh his memory and asked him exactly what the County was asking for. Mr. Shuler answered the county is wanting to "Quiet Title" in the lawsuit for the two-acres the county has a Tax Deed for. Commissioner Mosconis said he thought that was what was being done. Mr. Shuler said it was the same two-acres the county sold to the Harris Brothers and then the county had to purchase the property back due to another party, the Allen's, claiming the property. He said after conclusion of the "Quiet Title" suit then the county could sell the property to the Harris Brothers with a clear title.

#### **MATTERS FROM THE FLOOR**

(Tape 2-1413) Commissioner Mosconis said Michael Allen, WOYS, did a fantastic job in reporting the incident of the Anthrax scare in Eastpoint. He stated it is not often he compliments the press. He said he just wanted to thank Mr. Allen publicly.

(Tape 2-1466) Commissioner Mosconis asked Mr. McLain if ABARK had heard anything about the meeting regarding the Agreement on a fair water allocation formula for the Apalachicola/Chattahoochee/Flint River Basin. Mr. McClain replied he went to see Senator Lawson in his office in Tallahassee. He said the meeting has not been scheduled and he was informed by Senator Lawson's office he needed to come back on

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Wednesday. He said the meeting still has not been scheduled. Commissioner Mosconis asked Mr. McLain to let him know so he can attend.

**VAN LEWIS-ST. TERESA**

(Tape 2-1490) Mr. Lewis said he wanted to let the Board know St. Joe has announced plans to construct a "Summer Camp" at Turkey Point. He stated he wanted to urge the Board to notice, especially at night, the Alligator Point Marina lights have not gotten any dimmer. He asked the Board to please be aware of this and get an ordinance in place that controls nighttime light pollution. He said it is very important. Commissioner Mosconis said the county already had an ordinance in place. Mr. Lewis asked if he could get a copy of it. Commissioner Mosconis replied he could. Mr. Lewis said the ordinance is not being properly enforced or is inadequately written for the current situation since it is not improving. Vicki Barnett, Alligator Point, said the ordinance Commissioner Mosconis was referring to was the Turtle Lighting Ordinance and it only covered the period from May 1<sup>st</sup> to October 31<sup>st</sup> for turtle nesting season. Mr. Lewis said he is not trying to deny people the right to light their own property, but he wants to control the lighting on other people's property. He stated he lives across the bay from the Marina and it lights up his property at night. Commissioner Mosconis asked Mr. Curenton to check into this matter and see if something could be done to alleviate this problem.

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

Eddie Creamer **EDDIE CREAMER, CHAIRMAN**

Kendall Wade **KENDALL WADE, CLERK**