

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COURTHOUSE ANNEX – COMMISSION MEETING ROOM
FEBRUARY 7, 2017
9:00 AM
MINUTES**

Commissioners Present: Joseph Parrish – Chairman, Noah Lockley-Vice-Chairman, Cheryl Sanders, William Massey, Ricky Jones

Others Present: Marcia M. Johnson-Clerk of Court, Alan Pierce-Director of Administrative Services, Michael Shuler – County Attorney, Lori P. Hines-Deputy Clerk to the Board.

Call to Order

Chairman Parrish called the meeting to Order.

Prayer and Pledge

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes

On motion by Commissioner Massey, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meeting held on January 17, 2017.

Payment of County Bills

On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve payment of the County's bills.

Department Directors Report

Howard Nabors - Superintendent of Public Works

Mr. Nabors reports some of the roads are being cut by the City of Apalachicola. He stated yesterday he received a call about Long Road and it was cut into. He said he called Mr. Moron because his understanding was the County had to be contacted before any roads were cut. Mr. Nabors reported 3 or 4 different spots have been cut in Apalachicola. Commissioner Massey stated the City of Apalachicola needs to be contacted because they have road paving

money to fix the roads. Commissioner Sanders asked which roads were cut. Mr. Nabors answered Gibson Road, Brownsville Road, and Long Road. Commissioner Sanders asked Attorney Shuler to advise them on this matter. Attorney Shuler explained the Board has already directed him to send a communication to the City of Apalachicola. He stated the County has an Ordinance in place that was amended several years ago when there was a problem with the Eastpoint Water & Sewer District cutting the roads. He said there is a requirement that none of the roads are cut without applying for and receiving a permit from the county. He explained this permit also sets certain standards for the reconstruction and repair of the road and apparently a permit was not requested. Attorney Shuler reported it is a criminal penalty for anyone to cut or destroy the roads. Commissioner Lockley reported the City knew these roads were going to be paved and could have placed the pipe before the road was paved. He stated they cut the roads and do not tell the county and then do not fix the roads for months or never repair the roads. He reported they should give the county the courtesy of knowing they are working in the area. He said it is not right and the County needs to tell them again. He explained this is why he made the motion to make sure this information gets to the right people because when the city office is notified then the Commissioners and Mayor act like they do not know about it. Mr. Nabors stated he received 4-5 calls about Brownsville Road but the City has now fixed the road. He explained they are placing milled limerock in the hole and then having someone come later and patch over the road but the County does not know where they are going to cut or when they are going to cut a road. Commissioner Sanders reported they need to adhere to the Ordinance that is in place and follow the guidelines. She said she will defer to the Commissioners whose districts are affected on how they wish to proceed. Commissioner Sanders reported the County does a lot of paving in the cities because they want all the citizens to get the benefit of the paving money but the County is owed the courtesy of knowing when this is going to occur so the County can prepare also. Chairman Parrish suggested drafting a letter to the City of Apalachicola stating the Board has an ordinance in affect and the Board expects when these infrastructure projects occur the roads to be built back according to the standards in the ordinance. He stated it should be part of these projects or grants to address bringing the road back to certain standards. He asked Attorney Shuler to also highlight in the letter that a permit is required so the County knows what they are doing. He said the roads need to be addressed immediately following the projects. **Commissioner Sanders made a motion to direct Attorney Shuler to draft a letter to the City of Apalachicola stating the County has an Ordinance in effect about cutting roads and when these infrastructure projects occur they expect the City to build the roads back to the standards in the Ordinance and there is also a requirement to get a permit from the County to cut a road. Commissioner Massey seconded the motion.** Commissioner Lockley asked Commissioner Sanders to add to her motion that the City is responsible for paying to correct the paving because the City is cutting the roads and then telling everyone the County is responsible for fixing the road. He said they get the same money as the County and they need to spend it to repair the roads. **Motion carried; 5-0.**

Fonda Davis - Solid Waste Director

Mr. Davis stated the Solid Waste Department is still struggling with the new ordinance. He requested permission to send out a public notice about what can be done and what cannot be done. He presented a copy of the proposed notice. Mr. Davis highlighted the items in the notice. Commissioner Sanders asked if bags are required for leaves and grass clippings. Mr. Davis stated a bag is not required. Mr. Pierce pointed out the City of Apalachicola requires bags. Commissioner Massey asked if the County charges a fee for steel as they are able to resale the materials. Mr. Davis answered yes, but they try to work with people. Chairman Parrish said he understands the City of Apalachicola has sent out a notice that they will not collect anything on the city right-of-ways except bagged leaves and pine straw and everything else will be picked up by the County. He explained each part of the County gets a week for collection and it will get to the point that the unincorporated areas of the county may have to do without services while the County is collecting debris within the city limits. He reported the City of Carrabelle has a knuckle boom truck and pick up in the city limits. He said the City of Apalachicola is taking away a service and giving it to the County just like they are doing with the roads. He said the County can assist the city but cannot be their primary collector. Chairman Parrish reported the unincorporated areas are relying strictly on the county for this service and they should receive this service. Commissioner Lockley reported the City of Apalachicola is not picking up trash in District 3 and said they are not going to pick it up. **Commissioner Lockley made a motion to notify the City of Apalachicola that if the county collects debris within the city limits, then the City will be charged a fee.** Commissioner Lockley explained the City is supposed to pay Waste Pro for trash collection but they only pick up the garbage. Chairman Parrish reported it is becoming a big issue that services the City of Apalachicola is supposed to provide are being passed to the County. **Commissioner Sanders seconded the motion.** Commissioner Lockley stated if the City of Apalachicola pays Waste Pro then they should be collecting the items and they are not collecting but they expect the County to collect the trash. He reported the city office is referring calls to him but the City is collecting a fee for this collection. He said the County has tried to help them but they are trying to give the whole responsibility to the County. Chairman Parrish asked Attorney Shuler to incorporate this item into the other letter he is sending the City of Apalachicola. Attorney Shuler agreed he will include both items in his letter. **Motion carried; 5-0.**

Ms. Linda Clark, a resident of Eastpoint, stated she was attacked by a pit bull in 2009. She asked if the Board is aware of the dog issue and that dogs are running loose in her area. She requested the County provide a public notice about the laws concerning dogs and the reasons they can be picked up. She reported 2 pit bulls have been picked up on her street but there are still 7 running loose on her street. She stated notification needs to be provided about the leash law and owners taking care of their animals. Mr. Davis agreed they can also send a public notice about animal control. Chairman Parrish asked if the notices will be published in the newspaper. Mr. Davis answered yes, and a mail out will also be done if that is the direction of the Board. Commissioner Sanders suggested these public notices on the leash law and right-of-way debris also be posted on the County website. **On motion by Commissioner Sanders,**

seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to authorize Mr. Davis to send out the flyers on the public notice of the right-of-way debris and of the leash law and advertise it in the newspaper, call Oyster Radio and have them advertise it also and send it out however he feels like it needs to be done.

Mr. Davis stated in relation to Parks & Recreation, the circus will be held February 20th at Kendrick Football Field. He stated after the circus leaves then the field will be re-sodded and crowned as it is in bad shape and the children cannot play on it. Commissioner Lockley inquired if the circus is covered with insurance and who is in charge of the circus. Mr. Davis said the company is named Lewis & Clark and they have provided a \$200 donation to the County. Commissioner Lockley asked if their insurance has been checked. Attorney Shuler said the insurance certificate was incorrect at first as it insured the Parks & Recreation Department but he assumes since then they have corrected it to say Franklin County, a political subdivision of the State of Florida. He stated other than that correction it appeared to be a valid insurance certificate with a company licensed in the State of Florida.

Pam Brownell - Emergency Management Director

Mrs. Brownell appeared before the Board and presented the following report:

Action Items:

None

Information Items:

1. EOC Staff continue to promote our Re-Entry Tag program and encourage all residents to apply for their Re-Entry Tag. Staff are also encouraging all residents to sign up for the Nixle Notification System by going to www.nixle.com
2. Pam and Tress attended the FEPA 2017 Training and Conference on January 29th - February 3rd.
3. EOC Staff attended the Everbridge Orientation Conference call on 01/23/17.
4. Franklin County EOC will be hosting a PIO Class on 02/28/17-03/01/17.
5. Board Approval of the Request for Proposal for the RCMP Grant.

Mrs. Brownell stated the County is applying for the Residential Construction Mitigation Grant for the upcoming year and hopefully will be awarded another grant. She stated Requests for Proposals (RFP's) for contractors have been advertised so they can start to work on the houses that have been submitted to the State. Mrs. Brownell reported the state will then come back and tell them which houses are approved to start work on. She reported the deadline for submission is June. She stated at the next Board meeting they will open the RFP's. Chairman Parrish commented in the Board packet he noticed that Mr. Pierce was signing the project worksheets (PW's) and crossing through Mrs. Brownell's name and title and he thinks Mrs.

Brownell may need to sign all of the PW's. He explained Mr. Pierce is the County Restore Coordinator but may not need to sign the PW's. Mrs. Brownell said Mr. Moron should sign the PW's as he is the County Coordinator and he and Mr. Pierce are overseeing the Alligator Point projects. She stated she will not know if the numbers are correct and Mr. Moron is an authorized signature. Mr. Pierce agreed his signature is still an authorized signature and he would like to finalize the Alligator Point project but he knows there needs to be a transition. Chairman Parrish stated at some point Mr. Pierce will not be working for the County. Mr. Pierce reported Mrs. Brownell is authorized to sign any PW but has not been involved with the Alligator Point project. Mr. Pierce reported he talked with FEMA yesterday about the options and Mrs. Brownell would also have to rely on the engineering firm to provide the numbers. Mr. Pierce said Mr. Moron and Mr. Curenton are also options for signing these documents. He stated Mrs. Brownell's dilemma is she does not have the construction background involved in these projects and has no experience in judging the description of the work to be done. He said he discussed this matter with Mr. Curenton and he does not mind assisting but if Mrs. Brownell would like to sign all the PW's that would be great. Chairman Parrish asked if they are relying on the engineers to calculate the numbers. Mr. Pierce answered yes but it is the engineers and the FEMA contact that are negotiating what will be paid for. Mr. Pierce agreed he does not calculate the numbers but someone has to be with FEMA. He reported sometimes they arrive the day after the storm and Mrs. Brownell is exhausted from the response to the events and cannot be present. Mr. Pierce stated if Mrs. Brownell would like to sign all the PW's then he would encourage her to do it. Chairman Parrish stated it does not look good to scratch out names on the PW's and the Restore Coordinator position does not have anything to do with these PW's. Mrs. Brownell said she can sign as long as she has access to the person who provides the figures. She explained they are fighting with FEMA right now on debris removal because the Solid Waste Department's numbers do not match the FEMA numbers. Mr. Pierce said this is a situation where the PW got signed because Mrs. Brownell was not available to review the numbers and the number was lower than it should have been and needs to be revised. He explained it is always more difficult to revise after the PW has been signed but they are going through this process. Commissioner Sanders stated the Board needs to instruct Preble-Rish to get with Mrs. Brownell and let her handle this issue. She reported Mr. Pierce will not be here and someone will have to handle these items. Chairman Parrish asked Mr. Smallwood if he understands what they are asking. Mr. Smallwood agreed. Chairman Parrish said the Board keeps asking Mr. Moron to handle things but he can only do so much. He explained his primary job will go lacking if he is trying to address too many different things. Chairman Parrish stated there are different people signing and then a situation like this one occurs. He explained Mrs. Brownell is already an authorized signature and scratching thru one name and signing looks like the County is not prepared and unprofessional. **Commissioner Sanders made a motion to have the FEMA PW's go totally from the engineers to the Emergency Management Director and have them take care of it. Commissioner Massey seconded** Mr. Pierce asked if the Board wants Mrs. Brownell to re-sign the PW's he signed. Chairman Parrish answered no; they are just making decisions from here forward. Mr. Pierce stated there is one more PW he was intending to sign tomorrow morning to finalize Alligator Point. Chairman Parrish agreed that is okay. Mr. Pierce reported he will sign this one as he has

had all the discussions with FEMA. **Commissioner Sanders amended her motion to have Mr. Smallwood and Mr. Pierce have a meeting with Mrs. Brownell and explain what things are going on and how they should proceed. Commissioner Massey seconded the amended motion. Motion carried; 5-0.**

Erik Lovestrand - Extension Office Director

Mr. Lovestrand presented the following report:

Franklin County Extension Activities January 18 – February 7, 2017

General Extension Activities:

- Extension Staff assisted local citizens regarding soil tests and recommendations, citrus tree diseases, injured wildlife, electrician questions about sea turtle lighting, .
- Extension Staff submitted 2016 Program Highlights report to the BOCC and the District Extension Director.
- Extension Director attended Permanent Status and Promotion Extension workshop at the REC in Quincy.
- Extension Director and Office Manager attended an in-service training on using social media as an outreach tool for Extension programming.
- Overall Extension Advisory Committee held a quarterly meeting.
- Extension Director will be participating in a County Ext. Director Leadership class as part of a UF online training.

Sea Grant Extension:

- Extension Director submitted quarterly reports to FWC for the two sea turtle lighting grants that are on-going.
- UF OPS personnel for the Dark Skies sea turtle project have been hired and are reaching out to property owners regarding participation in the project in Gulf, Franklin and Bay Counties.
- Extension Director participated in a conference call regarding working with local utility companies to address issues with larger pole lights that impact sea turtle nesting beaches.

4-H Youth Development:

- Franklin County's Making Strides 4-H club continues to meet.
- Franklin County has 9 youth registered to attend this year's Teen Retreat event at the 4-H camp in Niceville.
- Extension staff met with the multi-County 4-H cluster to discuss program collaboration.
- Extension staff is coordinating a local drive for Teen Retreat participants to collect items for cancer patient "chemo kits" for Franklin County citizens battling cancer. This effort

is being supported by funding through Youth Service America, Farm Credit, 4-H, and local youth and adults. The youth will assemble kits during this year's Teen Retreat.

Family Consumer Sciences:

- Family Nutrition Program Assistant continuing to provide nutrition programs in local schools.

Agriculture/Horticulture:

- Extension Director conducted field visits with clientele to diagnose citrus issues.

Deborah R Belcher – CDBG – Report

Mr. Pierce read the following item from Mr. Moron's report:

3. Board action to authorize the Chairman's signature on a DEO Modification Agreement with the County for the CDBG housing program. Mark Curenton has reviewed the changes to the Agreement, with the biggest change being the addition of a deliverables page and a list of applicable deliverable tasks. These changes are necessary to bring the agreement into compliance with State law.

Mrs. Belcher explained DEO is modifying all their grant agreements because the Department of Financial Services (DFS) wants certain tasks listed in all their contracts. She reported there is no substantive change to the County's obligations. **On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the DEO Modification Agreement Number One to the Subgrant Agreement and authorize the Chairman to sign the Agreement.**

Mrs. Belcher presented the following report:

Activities December 2, 2016 – January 31, 2017

1. Continued taking calls from homeowners and others inquiring about the CDBG housing rehabilitation/replacement program.
2. Submitted environmental review to DEO for Pamela Vathis, 109 Long Road, Apalachicola.
3. Did in-home visits, application assistance, and mobile home inspections and preliminary work write-ups:
 - Joann Branch, 38 Alan Drive, Apalachicola
 - Richard B. and Patricia Williams, 280 25th Avenue, Apalachicola
 - Danny K. and Dana S. Rose, 71 State Road 65, Eastpoint

- Jerry Sassnett, 122 Hathcock Road, Apalachicola
4. Went to manufactured home dealer in Panama City, contacted other dealers, regarding the replacement home project. Might receive only modular home proposals for Exposure D locations.
 5. Finalized first mobile home replacement request for proposals and advertised in the Apalachicola Times and Panama City News Herald, to include Hunnings, Shiver, Segree, Moses, Polous. Pre-bid meeting 2/6/2017, proposals due February 27, 2017 at 2:00 p.m.
 6. Submitted reimbursement request #2 to DEO for CDBG expenses, County received funds.

Recommendation

1. Approve the mobile rehabilitation/replacement application from
 - Pamela Vathis, 109 Long Road, ApalachicolaSubject to final review and environmental clearance.

Commissioner Lockley made a motion to approve the mobile home rehabilitation application of Mrs. Pam Vathis subject to final review and environmental clearance. Commissioner Massey seconded the motion. Mrs. Belcher explained they are in the process of soliciting proposals from mobile home dealers for the 5 homes referenced in Item #5 of her report. She said the pre-bid walk thru was conducted yesterday and there were three vendors that attended. She stated one vendor was not able to attend and she offered to walk him thru today. Ms. Belcher said this will be the first 5 mobile home replacements. She explained one mobile home rehabilitation has been completed. Mrs. Belcher informed the Board she is in the process of doing rehabilitation write-ups at this time. She reported after the bids are received they will know if there are enough funds for one more replacement or just rehabilitation. She stated bids are due February 27th and will be reviewed for price, quality of construction and how well the individual homes meet the needs of the individual homeowners. She reported hopefully a recommendation will be presented in March. **Motion carried; 5-0.** Commissioner Lockley asked if these are the first mobile homes replaced. Mrs. Belcher answered yes and said they have been trying to get what they need from the mobile home dealers because the homes will be in wind zone 3 and several of the homes will be in exposure d locations. She went on to say not all manufacturers provide exposure d compliant homes.

Mrs. Belcher reported Mrs. Frances Hunnings's property is in the flood plain and even though a Google earth elevation of about 8 feet was provided, the bidders will need a survey. She explained a survey will be needed at the time they set the mobile home so they can provide an elevation certificate. Mrs. Belcher commented the site has a lot of complications and will require an engineered foundation. She said two quotes for surveys were requested and they have received one from Roddenberry Surveyors and are waiting on one from Edwin Brown Surveyors. **Commissioner Massey made a motion to authorize the survey. Commissioner**

Lockley seconded the motion. Attorney Shuler asked the value of the surveying services because there is a statute that may apply. Mrs. Belcher answered one quote was \$700 for a topographical. Attorney Shuler asked if these services are for one home. Mrs. Belcher answered yes. Attorney Shuler responded state law would not require the County to bid out something of this value. Commissioner Lockley asked if all the unexpected costs will cut into the money available for repairs. Mrs. Belcher reported some of these expenses were anticipated and this is the only one located in the flood plain. Chairman Parrish said the property being in the flood plain is the reason for the survey so the dealer will know how far to elevate the trailer to meet the requirements. Mrs. Belcher answered yes. **Motion carried; 5-0.**

**Alan Pierce – Advisory Board of Adjustment Report – Continued from January 17th
BOCC meeting**

The following item was reviewed in the Critical Habitat Zone:

1. Consideration of a request for a variance to construct a vertical Board and Post Retaining wall around a Self-Contained Spoil Area within the 50 ft. Critical Habitat Zone to contain spoil material from a future offshore dredging operation. The property is in a VE Flood Zone and borders on the Apalachicola Bay. The property is located at the Northwest corner of Franklin Boulevard a/k/a as 41 West Bayshore Drive, St. George Island, Franklin County, Florida. The request is submitted by Garlick Environmental Associates, Inc, agent for George Floyd owner of AMM, Inc.

**Alan Pierce – Planning & Zoning Report –
Consider item tabled at January 17th BOCC meeting**

CRITICAL HABITAT SITE PLAN APPLICATION:

- 1- Consideration of a request for Commercial Dredge, Fill and Spoil Cell site placement on property located at the Northwest corner of Franklin Blvd. and West Bayshore Drive, also known as 41 West Bayshore Drive, St. George Island, Franklin County, Florida. The owner proposes to construct a 6' wooden Post and Board Retaining wall around the perimeter of the property, with a 6' swale to contain the spoil which will extend 50' into the Critical Habitat Zone. The request is submitted by Dan Garlick with Garlick Environmental Associates, Inc.

Attorney Shuler said Mr. Curenton has received a request to table this item until the first meeting in March. Mr. Dan Garlick, agent for AMM, Inc., asked the Board to table this item indefinitely. Attorney Shuler suggested the Board table to the first meeting in March and then the Board can make a further review and the applicant will have time if they wish to withdraw the request or move forward. **Commissioner Sanders made a motion to table Mr. Floyd's applications until the March 7th meeting. Commissioner Jones seconded the motion.** Commissioner Lockley questioned if there is a required

date for action. Attorney Shuler answered no, since the applicant requested the matter be tabled in order to have additional time. Mr. Pierce asked if this also included tabling the Planning & Zoning request. The Board agreed it included both requests. Mr. Garlick stated they are working with Mr. Curenton and he has been instrumental in helping and they would like to continue working on this item. **Motion carried; 5-0.**

Marcia M. Johnson – Clerk of Courts – Report

Clerk Johnson did not have a report at this time. She thanked Mrs. Brownell and her staff for assisting the Sheriff, herself and Court Administration with providing new badges for the employees at the Courthouse for security purposes.

The meeting recessed at 9:50 a.m.

The meeting reconvened at 9:58 a.m.

Alan Pierce – RESTORE Coordinator – Report

Mr. Pierce presented the following report:

1- Update on FEMA Alligator Point situation-

On Jan. 18, the day after the last Board meeting, Clay Kennedy, and I, and six representatives from FEMA met on site to review the situation of Alligator Drive. FEMA is willing to write PWs (Project Worksheets) for repairs to the road from George Vause all the way west to the intersection of Chip Morrison, and including some damage on Chip Morrison.

At one point the county was encouraged to write up the entire damaged area as one project. Upon further review, this is the direction from the meeting.

1. The section from George Vause to Tom Roberts will be dealt as one project. This approximately 1100 feet of road will be rebuilt to pre-storm conditions and will have additional improvements made through hazard mitigation funds. FEMA asked the county engineers to make two proposals for mitigation.

- A) Conventional sheet pile along the shoreline, that would have some rock revetment in front of the sheet pile to absorb wave action.
- B) A concrete structure that ties both sides of the road together in such a way that the entire road becomes one unit and would resist erosion and settling from wave action.

Mr. Pierce presented a map of the area and said the road has been moved as far as it can go to the north and is stuck between private property and the ocean. He said the new plan is to make the structure solid from the water to the other side of the road so if the water comes up it cannot get to the sand on the other side.

Mr. Pierce continued with his report, as follows:

Upon consultation with Mike Dombrowski, the coastal engineer the county has used on Alligator Point for almost 20 years, the county engineering firm has combined the two ideas above into one proposal- a conventional sheet pile barrier along the water, with paved concrete shoulders on both sides of the road so that there is no exposed area for storm surge to destabilize the road. The estimated cost of this proposal is \$2.2M.

A second design was also proposed, and that would be a rebuilding of the rock revetment, but using material on the size and scale of the revetment at the Gulf County "Stump Hole." The estimated cost of the large scale rock revetment is \$3.9M.

Mr. Dombrowski reviewed the costs associated with a concrete structure designed in the manner as described in option "B" and concluded that the costs would exceed the rock revetment costs, perhaps being as much as \$5M. So, in order to provide the two most cost effective designs to FEMA, the option "B" was not submitted.

Alan submitted two designs sheet pile and stock rocks higher than the road. residents did not want rocks do the other design is cost effective and more pleasing aesthetically.

The county has a matching requirement of 11.5% of the cost, and unless that match is waived by the Governor, the county will need to expect to provide several hundred thousand dollars of match. A match for the \$2.2M sheetpile option is approximately \$250K; a match for the \$3.9M revetment design is approximately \$450K. Such a match would consume all of the Bald Point Trust Fund; a trust fund that has been in existence for 20 years and has provided matching funds for previous fixes to Alligator Drive.

Mr. Pierce reported DOT will be here in February and has yet to respond to the County's request to take this road back. He said hopefully the County can get the waiver so they do not have to expend the Bald Point Trust Fund. He stated he will probably sign a PW on Thursday for \$1.8 million to rebuild the road. He explained because of hazard mitigation, this road is eligible for a 1 to 1 so the County is eligible for \$1.8 million to put in the sheetpile. He reported putting the money together gives the County \$3.6 million to fix this 1,000 feet of roadway. Mr. Pierce said they feel this money is adequate to complete this work and hopefully in excess of what it will cost. He pointed out unless they get a waiver then the County will be required to provide the 11 ½% match which is \$400,000. He said it will take also all of the Bald Point Trust Fund. He said the County is entitled to a waiver as this damage is in excess of what the normal expectation is of repairs after a hurricane. Commissioner Sanders said they will ask DOT for help when they appear next month but in the meantime the County needs support in asking for the waiver of the match. She expressed concern that the match requirement will deplete the Bald Point Trust Fund and then the County will not have money available if another event occurs. She said the County needs to lobby DOT and the Governor or anyone else that can help with the waiver. She stated this road is all the way to the north and there is no right of way so she is concerned about what will happen to the private property if the concrete barrier is put all the way to the north side and water washes over the road and takes their property. She stated the County has been accused in the past of intentionally knowing and doing something that

causes adverse affects to property owners. Mr. Pierce said one of the reasons the cost is so high is the proposal will move the road back south a little to minimize the risk. He explained they are working on a concept now but are not designing plans yet. He said they are aware in a storm surge event that if the water goes over the road it could get impounded. He stated it is possible due to the slope of the road that they can try to create a spillway over the road so the water can flow back out. Commissioner Sanders reported this will naturally happen as the area near the KOA is lower and that is where the water goes but that is with a sand shoulder. She stated extra precautions will need to be taken with a concrete shoulder. Mr. Pierce reported this has not been designed but will also have to be permitted by DEP and it cannot be submitted to DEP until FEMA agrees to a design they will fund. Commissioner Lockley asked how much a bridge will cost. Mr. Pierce reported an estimate in 2006 or 2007 was \$5 million and they would also have to provide access to all the homeowners so it becomes very complicated. Commissioner Lockley inquired if access has to be provided to every house. Attorney Shuler answered yes, and said if they do not provide access it will be considered condemning the property and the County will then have to pay for the property. Chairman Parrish stated it also devalues the property if there is no access. Commissioner Sanders agreed a bridge would be the best solution if all the land was public land. Mr. Pierce reported he will sign the PW that locks in the money and then the Board can talk with DOT about support for the waiver. Mr. Pierce said the PW does not require the County to provide the match; they are just trying to get the money approved by FEMA. Chairman Parrish stated the Board should contact DOT now to let them know what they are looking at and that they are expecting their support or they can take the road back and take care of it. He said the history of the money spent on this road should be included when they speak to DOT. He said if the County does not get a waiver and has to deplete the Bald Point Trust Fund then there will not any money left to repair the road in a small storm. He said if DOT is committed to helping then they need to know what the County is looking at. He stated the Board will talk with DOT when they appear at the meeting. Mr. Pierce reported he has advised DOT that they have not responded in writing to the County's request so they will face the Board with this question at the meeting.

On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to write a letter to DOT and copy the Legislative Delegation and the Governor on the request with help of funds and waiver of the match to help with Alligator Point Road. Mr. Eddie Sosebee, Alligator Point /St. Teresa Association, offered to support this request. Chairman Parrish said as the Board moves forward they may ask for a letter of support.

Mr. Pierce continued with his report, as follows:

The estimated costs are probably going to cause FEMA to order an EA- Environmental Assessment, as well as a Cost Benefit Analysis. Either one of those activities could take 3-6 months to complete. And before construction plans are created and a permit from FDEP sought, FEMA must approve the design. It is looking like the earliest time for a contractor to be on Alligator Point making permanent repairs will be August, 2017, and it could be months later, Commissioner Sanders is willing to utilize some \$15K of her paving funds for an asphalt surface

on the 1100 feet of damaged road. This will provide the residents a better driving surface, and will keep the county Road Dept. from having to maintain a limerock surface that has high traffic. Mr. Clay Smallwood has contacted Roberts and Roberts and they will pave that section of road when they put the final layer of asphalt down on Bald Point Road. This should happen this week or next.

Commissioner Sanders said Roberts & Roberts has already completed Bald Point Road so Mr. Smallwood can contact the contractor and get this project going.

2. The section of roadway from Tom Roberts to Chip Morrison Drive will be dealt as a separate project. The reason for the separation is that FEMA is adamant that the section in front of the old KOA is not entitled to the same reparations because FEMA has already reimbursed the county for moving that section of road. The following repairs are being considered:

The 1600 feet of roadway and revetment in front of the Old KOA will be cleaned up. The asphalt and concrete rubble will be removed; the filter fabric associated with the original rock revetment will be repaired; and the granite rocks will be moved back to the revetment. FEMA is allowing the concept that the existing road has been re-classified as a bike path, which makes it eligible for FEMA funds to rebuild it. The re-built bike path will be an asphalt surface 9 feet wide.

On Friday, Feb. 2, I signed a PW for \$563K for this project. Provide Board with a copy.

Mr. Pierce identified this project on the map. He stated the County cannot rebuild the road but FEMA will allow a bike path. He stated this project will allow the area in front of the old KOA to be cleaned up and will provide public use of the area. Chairman Parrish stated if the area is going to be 9ft. wide and designated a bike path then it needs signage clearly marking it as a bike path. He said the path cannot be used for vehicular traffic and must be marked as a bike path because of liability to the County.

3. I signed a PW for additional repairs to Gulf Shore Blvd, but these repairs will not be done if FEMA approves of the relocation. Provide Board with a copy.

Mr. Pierce said letters will be mailed to the property owners informing them of the relocation. He stated the letter will contain the options FEMA is looking at which are to do nothing, rebuild the road in its current location or improve the temporary road. He explained FEMA has to go through the process of looking at the alternatives. Chairman Parrish commented he cannot see them rebuilding the road near the water as it will wash away in the next storm.

4. I signed a PW for the repairs to the St. George Island Boat Ramp road at an estimated cost of \$71K. Since the repairs are within the scope of a paving contractor, does the Board want to direct the county engineers to see if Roberts and Roberts can make this repair while they are under contract with the county?

Mr. Pierce said this boat ramp area is driveable now but will need more asphalt before summer. Chairman Parrish stated the County should move forward on this project at this time as the contractor is in the County. **Commissioner Jones made a motion to direct the County Engineers to contact Roberts & Roberts to complete repairs to the St. George Island Boat Ramp. Commissioner Lockley seconded the motion.** Commissioner Jones questioned if this is being paid for with FEMA funds. Mr. Pierce said it will fall under the same conditions so the County's portion will be 11 ½%. He stated \$8,000 will be used from the Bridge Trust Fund to pay the County's portion. He stated there is \$1 million in the Bridge Trust Fund account. Commissioner Lockley discussed a bridge at Alligator Point. Mr. Pierce said the bridge would be complicated and would have design problems. Commissioner Lockley asked if it is worth the extra \$2 million to build the bridge compared to what has already been spent. Mr. Pierce said it may be worth it if the County had some outside funds. He explained the hazard mitigation fund will match dollar for dollar for repair costs so there is \$1.8 million for the road and \$1.8 million in hazard mitigation funds but there will not be any more money so the County would have to provide the extra \$2-3 million to build a bridge. Commissioner Lockley said he is looking at the economics as the problem in this area will continue. Commissioner Sanders agreed it will continue until it washes thru. **Motion carried; 5-0.** Mr. Sosebee thanked the County for everything that has been done since the storm occurred. He said the County resources have been there to help from the beginning and with the financial effort. He stated the County Staff should be recognized for their work. Mr. Sosebee also thanked Commissioner Sanders for using the paving funds for this project.

5- Inform the Board I had a long teleconference with ESA- the consultants for the Consortium, on Jan. 19. The consultants are making a second round of contacts with the counties to see how each county is proceeding with developing projects for submission as part of the State Expenditure Plan. I told the consultants that Franklin County is in the same position we were in November regarding our local projects, which are the development of a new EOC, and the dredging of the Eastpoint Channel and the Two Mile Channel.

The consultants said that they have been in contact with state officials and they believe the State Expenditure Plan should contain an oyster recovery project, and that the Apalachicola Bay is the best location for such a project considering the premier position the Bay holds for producing oysters. I agreed completely but said that without some guidance from the US Supreme Court we are not able to determine what projects would be beneficial to the oyster industry recovery. The consultants said they would ask around with state officials to see what ideas the state of Florida would support regarding a proposed project. As the Board is aware, the Governor has to approve the State Expenditure Plan so it will be beneficial to the county if we have state generated support for a project. The consultants asked me if I was attending the Consortium meeting because they might want to meet with me to tell me what they have learned about support for an oyster project in the State Expenditure Plan. And, then last week, Mr. Warren Yeager, Gulf County RESTORE Coordinator, has asked that the RESTORE Coordinators from the 8 impacted counties meet before the Consortium meeting to talk about TRIUMPH. So, if the Board will pay for my travel, I will attend the Consortium meeting to meet with ESA, and to meet about TRIUMPH. Board action.

I will not necessarily attend the Consortium meeting itself because these other meeting might conflict, so Michael Moron, as the Consortium alternate, will attend if Commissioner Sanders cannot attend.

On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to pay Mr. Pierce's travel to the Consortium meeting on January 19th. Commissioner Sanders reported she cannot attend this meeting because she has to chair a TDC meeting. Mr. Pierce said Mr. Yeager has contacted him and told him what they want to see done with the Triumph money. He explained the State of Florida has received \$300 million from BP and the Legislature is authorized to make a decision on where the money will go. He stated according to the Speaker of the House, the money will go to Triumph. He explained there is still a debate on how Triumph will divide the money. Mr. Pierce reported there is a proposal in the House and one in the Senate and according to Mr. Yeager neither plan will guarantee the 8 impacted counties any particular share of the money. Mr. Pierce commented the money will go to the Triumph Board and they will make a decision about how to spend the money. He explained Mr. Yeager is hoping the counties will request Triumph or the Legislature to split the money the same as the Pot #1 money was split so the County will receive a guaranteed percentage. Mr. Pierce reported if this occurs Franklin County would receive about \$25 million, Gulf County would receive about \$20 million and Wakulla County would get about \$18 million. He pointed out 3 of the Triumph Board members are from the other side of Bay County and the staff and infrastructure of Triumph is coming out of the University of West Florida so there is a concern the money could go somewhere else and the County would not receive anything. He said sometimes population bases controls the outcome. Mr. Pierce stated if the County does not have a guaranteed portion then they may not receive anything. He reported he informed Mr. Yeager he would support this request but the Board needs to make a decision. He reminded the Board Triumph expects the County to come in with a partner and right now there is no partner with the money available to come into the county and create jobs. He explained if the County takes this action then they will at least know they have a share of the money to work with later to create some jobs. Chairman Parrish reported if it is the same process as the Restore money then the money would go into an account with the County's name until they come up with projects and then the projects would be approved and the funds would be released. He stated the County would then have assurances the money is locked in for Franklin County for economic development. He explained Triumph will require matching funds just like the County is going to require for the Restore money. Mr. Pierce discussed the proposals presented by Florida's Great Northwest (FGN) and said it could involve a disproportional amount of the money. He explained the County may be capping the amount they receive but at least they are guaranteed a share of the money. Mr. Pierce said the County can rely on the Legislature or support their own idea but he is not asking for a vote. He informed the Board he will report back at the next meeting but this is the direction he is going unless there is any objection. Commissioner Jones stated this proposal is a good idea because if they leave it up to the Legislature they do not know what will happen. He said it may cap the amount but at least the County will have a guarantee they get something. Commissioner Lockley agreed and said the County might not get anything and all the money will go to the

west end of the State. He said he also doesn't want to see Franklin County get their share of the money and then Gulf County put in a proposal and use the money. He stated the money needs to be used for Franklin County. Mr. Pierce reported the money would be reserved for Franklin County. Commissioner Lockley said Gulf County has plans for a ship channel and is interested in the airport and may be interested in part of the county's money but he is interested in doing something in Franklin County. Mr. Pierce reported the \$20 million they need for their ship channel project would be their share of the Triumph Fund if the money was divided this way.

6- Provide Board with a copy of monitoring report for St. James Bay development. The state requires the developer to submit a report periodically. There has been no significant changes in the development, and there is no action needed by the Board.

7- Provide Board with revised History of Public Funds Spent on Alligator Point Drive as I had forgotten about Hurricane Gustav in 2008. The revised total is now \$4.4M, up from the previously reported \$3.7M.

History of Public Funds Spent Repairing Alligator Point Drive
(CR 370)

Below is a history compiled from records of the Franklin County and FEMA from 1985 to 2015. The non-declared events represent expenditures of county funds.

<u>YEAR</u>	<u>FUNDS SPENT</u>
1985 – Hurricane Juan	\$100,000
1985- Hurricane Elena	\$100,000
1985- Tropical Storm Kate	\$250,000
1987- August 26-28- non-declared event	\$ 50,000
1987- Sept. 21-23- non-declared event	\$ 50,000
1988- Sept. 9- non-declared event	\$ 10,000
1989- June 27-29- non-declared event	\$ 25,000
1991- January 7-12- non-declared event	\$ 50,000
1991- March 4-6- non-declared event	\$ 50,000
1991- April 1-4- non-declared event	\$ 25,000
1992- July 27-30- non-declared event	\$ 25,000
1992- Hurricane Andrew	\$ 25,000
1992- October 3-8- non-declared event	\$ 25,000

1993 – March Winter Storm	\$150,000
1993- October 30- non-declared event	\$ 5,000
1994- Tropical Storm Alberto	\$900,000
1994- Tropical Storm Beryl	\$ 60,000
1995- Hurricane Opal	\$100,000
1996 Tropical Storm Josephine	\$ 10,000
1998- Hurricane Earl	\$ 25,000
1998 –Hurricane Georges	\$ 10,000
1999-2003 Data incomplete (County estimate)	\$200,000
2004- February- non-declared event	\$ 5,000
2004- June- non-declared event	\$ 10,000
2004- Hurricane Ivan	\$300,000
2005- Hurricane Dennis	\$1,000,000
2008- Hurricane Gustav	\$ 683,000
(The county had a FDOT grant to resurface all of All Pt Road, not just the section that was damaged so the county utilized the FDOT grant and not the authorized PW, but the funds were expended repairing the road from storm damage.)	
2009-2011- There are no identified expenditures on Alligator Drive. There was a lull in severe weather activity, and the most vulnerable section of the road was relocated. Once the road was relocated the frequency of repairs dropped dramatically.	
2012 Tropical Storm Debbie	\$142,000
2013-2015- There are no identified expenditures on Alligator Drive. The most vulnerable section of the road had been relocated, and the second most vulnerable section of the road was protected by an enhanced rock revetment.	
Total Expenditure of Public Funds (1985-2015)	\$4,390,000

2016 Estimated Cost of Repairing Road
From Hurricane Hermine \$3,000,000

(The repair costs include the consideration of vertical sheetpile seawall to replace the rock revetment, as erosion has caused the toe of the revetment to be below mean high tide and a revetment is not as protective as a vertical seawall.)

(Erosion continues to work on Alligator Point and it is possible additional sections of Alligator Drive will suffer damage in the future.)

8- Board direction on FDOT paving grants-

A) The Board is allowed to submit one CIGP grant this cycle, and the Board has selected "Creamer St. By-Pass" in Eastpoint. Commissioner Jones asked me whether the application could be expanded to include another short road segment, Avenue D, which also runs from Franklin St. to Island Drive. I called FDOT and their initial response is that Avenue D is a separate road segment they would consider it a separate project, so for that reason I recommend the Board keep the CIGP project to the one previously submitted.

B) SCOP applications- the Board can submit two SCOP applications this year. Upon consultation with the county engineers, I recommend the Board complete two projects that are currently in the FDOT 5 year work plan. Design and construction work has already been approved for the widening and resurfacing of CR 67 from US 98 to the Crooked River Bridge, with construction occurring at this time in 2020. I recommend the Board submit a SCOP application to finish this project by submitting an application to widen and resurface CR 67 from the Crooked River Bridge to the Liberty County line.

As a second SCOP project, I recommend the Board finish the widening and resurfacing of C-30A from 13Mile to the Gulf County line. The section of C-30A from US 98 to 13 Mile is already in the DOT 5 year work plan.

Board action.

Commissioner Sanders questioned what the Small County Road Assistance Program (SCRAP) project will be. Mr. Pierce said the County is not eligible for SCRAP until they start to collect the money which is in January, 2018. Attorney Shuler explained it is January of this year as the extra sales tax had to be adopted prior to October, 2016 and it was. Mr. Pierce reported he does not have a SCRAP project and does not know the guidelines. Commissioner Sanders reported Highway 67 is a major problem and they almost cannot drive on it from the City of Carrabelle to the prison. She explained the road is in bad shape because it has been bored under so many times. She stated she is for the projects but this road cannot wait until 2020. Mr. Pierce suggested talking to DOT when they appear at the next meeting. Commissioner Massey reported the road needs to be stripped as it is hard to see on the road. Commissioner

Sanders agreed she will have to use some paving money to stripe the road but the actual road need to be fixed. She stated they can move forward on the other projects but she does not want to limit what they can do on Highway 67 because there is an immediate need on this road. Chairman Parrish asked how the project can be moved up. Mr. Pierce said if the Legislature received more money than expected. He stated now that the other portion is being completed it may cause DOT to move the project up. Commissioner Sanders stated this is also one of the roads that the State de-designated and gave to the County and it is 16-17 miles of road. Chairman Parrish suggested they approve the two projects Mr. Pierce submitted and try to move the Highway 67 project up. Mr. Pierce agreed this is the approach he would use. **On motion by Commissioner Sanders, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the recommended projects.** Mr. Pierce reported Mr. Moron can provide a report to the Board on SCRAP at the next meeting. Mr. Pierce said he thought the County missed the timeframe. Attorney Shuler commented the Ordinance was adopted in a timely fashion and submitted to DOR and they called him saying they did not receive the notice and he sent it again. Mr. Pierce stated when he was talking with DOT they reminded him Franklin County was the only county that did not have the final \$.01 and he told them the County has it now.

Michael Moron-County Coordinator-Report

Mr. Pierce presented this report, as follows:

1. Inform the Board that the Sheriff's Office notified Linda, of the Finance Office, and Michael that there was a problem with their dispatch console radio system. The circuit boards that allows dispatch to monitor and communicate with the SLERS radio system, that includes the fire departments and emergency medical services, stopped working. That created a public safety issue. The cost to order the parts including express shipping was \$12,771.30. Linda recommended that Sheriff's staff contact the State and request the use of funding from the County's Intergovernmental Radio Communications Program (ICP). This program is funded by the County's receipt of \$12.50 from each moving traffic violation. The State approved the request and the equipment has been installed.
2. Board action to authorize the Chairman's signature on a contract with Poloronis construction to renovate the bathrooms at the Carrabelle Beach Park. At the last meeting, the Board accepted the recommendation of the project architect, Mr. Doug Shuler, to award the project to Poloronis Construction. Mr. Shuler and Mr. Poloronis have agreed to the scope of the project and the total cost, which is \$120,000. Attorney Shuler has reviewed the contract.

On motion by Commissioner Sanders, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve the contract with Poloronis Construction for the construction of the bathrooms at Carrabelle Beach Park in the amount of \$120,000 and authorize the Chairman to sign the contract.

3. This item was handled earlier in the Board meeting.
4. Mr. James Harris, the Tax Collector, has requested the Chairman's signature on a Resolution re-designating him as a budget officer. The State offers the option to newly elected or re-elected Tax Collectors of becoming a budget officer or a fee officer following the election year.

On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to adopt the Resolution.

5. Inform the Board that Mr. Scott Shalley has resigned from his position as Executive Director of the Florida Association of Counties (FAC). Attached to you packet is a letter from Mrs. Kathy Bryant, President of FAC.
6. Inform the Board that Michael participated in the security meeting with Mr. Bill Wills, the Second Judicial Circuit Trial Court Marshal and Captain Tommy Summerhill of the Sheriff's Department. The discussion included securing and controlling the use of the courtrooms more effectively, active shooter trainings in the Courthouse, upgrades to the security systems and policies. Michael will update the Board as new security policies and procedures are implemented.
7. Inform the Board that Michael and Mark are in Chipley today at FDOT's LAP workshop. Commissioner Sanders has a scheduling conflict with TDC so Michael will attend the Consortium meeting on Wednesday in Tampa as the alternate. I (Alan) will also be in Tampa on Wednesday but will be attending RESTORE related meetings.
8. Lisa Bretz, of Area Agency on Aging, is in the process of scheduling citizen meetings in March. The purpose of these meetings is to gather information from the residents about what programs and services they believe are most needed in the community. There will be meetings in Carrabelle, Eastpoint, and Apalachicola. Michael will inform the Board of the date and times of the meetings.
9. Inform the Board that the 22nd Annual "Camp Gordon Johnston Day" Reunion Parade is on Saturday March 11, 2017 at 10:45am. Michael will submit the Parade Entry form to include the Commissioners and 2 vehicles.
10. Inform the Board that Ms. Sharon Stone was the only employee that responded to the in-house advertisement for the Planning and Building Department's Secretarial Position. Ms. Stone met the qualifications for the position and transferred from her permanent part time position to the full time secretarial position.
11. Inform the Board that the City of Apalachicola will be closing portions of 24th Avenue and Bobby Cato Street for utility maintenance during the week of February 13th – 17th.

Commissioner Lockley asked if Mr. Moron is going to be at the Consortium meeting when he and Attorney Shuler are working on the Hospital issue. He asked if a meeting with Tallahassee Memorial Hospital (TMH) has been scheduled yet. Attorney Shuler stated at the last meeting the Board directed him and Mr. Moron to meet with representatives of TMH and there has been an initial phone call with the TMH attorney last week and they are trying to schedule a joint meeting but do not have a date yet. Attorney Shuler said he asked them to first meet with Mr. Mark O'Bryant(TMh) so they could have a productive meeting and informed them he would be available when they would like to meet. Commissioner Lockley said he does not want anything to interfere with the meeting. Mr. Pierce stated he will be at the Consortium meeting if they need him to relay any information. Attorney Shuler agreed to contact them again today and let the Board know what is discussed. Commissioner Lockley said they only have 60 days to make a decision. Attorney Shuler reported there is only 30 days now. Commissioner Lockley reported he does not want this to get delayed.

The meeting recessed at 10:47 a.m.

The meeting reconvened at 10:55 a.m.

Public Hearing – Ordinance Establishing a Temporary Nine Month Moratorium on Medical Cannabis Dispensing Facilities

Attorney Shuler advised the Board to accept any public comment at this time. Chairman Parrish asked for public comment. There was no public comment. Commissioner Sanders asked what the intent of the Ordinance is. Attorney Shuler said this Ordinance will allow staff to have time to develop some recommendations on zoning matters that impact the implementation of Amendment II and Charlotte's Web. He said they do not want to approve any applications until some regulations are in place. He stated most places are establishing setbacks between the facilities and certain civic organizations such as churches, playgrounds, recreation facilities, schools and day care centers. He reported the County will look at what other communities have done and define it to fit Franklin County. Attorney Shuler stated 35% of the counties have already put moratoriums in place and about 20% already have ordinances in place. He explained the State has not adopted any legislation implementing Amendment II and Department of Health (DOH) has not adopted any final rules so some of the counties that have adopted ordinances may need to change their regulations. He stated the DOH has published the draft rules. He explained this ordinance will allow a nine month moratorium and if they finish sooner then they will come back to the Board. Attorney Shuler reported at that time the Board can either adopt the recommendations and the moratorium would end or adopt no zoning regulations and let the free market govern. Commissioner Lockley asked if nine months will be long enough to receive the rulings from the state. Attorney Shuler said the state should be finished if they keep to their deadlines. He explained their rules should be in effect nine months after the effective date of the amendment which would be August or September. He reported the

moratorium the Board is considering would be in effect until November. He reported the State may finish their rules early. Commissioner Lockley said the County needs to do something because there are no laws now that govern these facilities and they do not want to leave this wide open and have no control. Attorney Shuler agreed the County does not have any zoning in place that would regulate this particular business category. He pointed out this proposed ordinance will only place a moratorium in the unincorporated areas of the County and does not include the cities. He explained traditionally the County has always respected the city's authority to set their zoning rules. **Commissioner Lockley made a motion to adopt the Ordinance. Commissioner Massey seconded the motion.** Commissioner Jones asked if the Board can take action if the State finishes their process early. Attorney Shuler said the Board can take action as soon as the State finishes their process. **Motion carried; 5-0.**

Attorney Shuler presented a map and referenced a conversation Chairman Parrish had with the Mayor of the City of Apalachicola in December concerning a potential annexation by the City of Apalachicola. Attorney Shuler explained he submitted a public records request and has come up with two potential areas that have been identified by the City of Apalachicola for annexation. He reported at this time the City has not taken steps to do anything so this is just provided for information. Attorney Shuler presented the first area on the map and said it was defined in a revenue study generated by a community development associate of the City and is west of the City of Apalachicola. He said the second parcel is a 200 acre parcel the City purchased for water re-use purposes 16-17 years ago. He explained the grant the City received recommended the 200 acres be purchased and annexed within the City. Attorney Shuler stated this is presented for information only and he is not recommending the Board take any action. Chairman Parrish reported he asked Attorney Shuler to bring this item to the Board to allow the public to see what is being proposed. He explained this property runs from Tilton Road to the intercoastal waterway and back to the City of Apalachicola. He reported people in the unincorporated areas of Apalachicola are opposed to this proposal as they moved out of the city limits to have more room and did not want to be part of the city. Chairman Parrish stated they do not know if the City will keep moving forward with this or not. Attorney Shuler said the revenue study was prepared a couple of years ago but it was discussed at the December 6th City Commission meeting. He stated no action was taken to move forward but there was a request that their attorney look into issues about annexation. He explained these are the only two areas he has been able to identify through public record requests. He stated the City Commission has not taken any action and they are required by statute to send a written, official notice to the Chairman of the County Commission before they can move forward with any type of annexation. Commissioner Sanders commented this is a large tract of land and inquired if the annexation has to occur by a vote of the people. Attorney Shuler reported there are two different types of annexation. He said the first is an involuntary annexation where the City initiates the action, the property owners have not requested the change and it must go to the ballot. He explained the second is a voluntary annexation and

there is a statutory provision that allows an individual to request annexation if their property adjoins the city limits. He said this annexation is usually requested to receive more services provided by the city. Attorney Shuler stated he inquired if any petitions have been filed for voluntary annexation but has received no response from this records request so he presumes there have been no petitions. Commissioner Lockley asked if they have to annex to provide services outside of the city limits. Attorney Shuler answered no and highlighted the areas outside of the city limits where services are provided. Mr. Pierce stated the City charges a premium for services provided outside the city limits.

Public Hearing – Ordinance Prohibiting Peddling on County Right-Of- Ways

Chairman Parrish asked Attorney Shuler to read the proposed Ordinance as there is a rumor going around that peddlers are being banned from St. George Island. He explained the peddlers will be prohibited from operating on the County right-of-ways. Attorney Shuler stated the Board's proposed Ordinance is not banning peddling throughout the County but is prohibit peddling on County right-of-ways, county parks and county recreation areas. He explained they could still peddle on private property as long as the property has the appropriate commercial zoning. Attorney Shuler went on to say the current ordinance was adopted in 1996 and there is now more tourism on St. George Island and more need for the use of the right-of-ways. He reported the Board received a lot more applications last year for peddler's licenses and that is was the reason for the moratorium. He said the County has no way of deciding who gets a license. Chairman Parrish stated one area where Doug's shrimp has been for 20-25 years is going to be used for overflow parking for the public parking lot. He said the County cannot discriminate against people and numerous people want peddler's licenses and there are no designated areas. He stated this is becoming an issue because of availability but the proposed ordinance does not prohibit the peddlers from being on the St. George Island. He pointed out if someone wants to allow them to set up on a commercially zoned property then that is okay but the right-of-ways are used for other things such as infrastructure. He said there is also a huge liability with allowing people to park on the county right-of-ways. Attorney Shuler reported in addition to the growth of peddler's applications on St. George Island, there has also been a request for a peddler's license at Carrabelle Beach. He stated not only has the number of applications increased but the applications are also expanding geographically throughout the county. Chairman Parrish explained this ordinance does not ban the peddlers from state highways. Commissioner Lockley asked if there will be a need for a peddler's license. Attorney Shuler stated the County does not have an occupational license requirement and the peddler's licenses were only issued for peddling in the County right-of-way. He agreed if this Ordinance is adopted the peddlers would not obtain a license from the County. Chairman Parrish said the issuance of the peddler's license allowed the county to track how many peddlers were setting up on county right-of-ways. He explained the problem has occurred because so many people want to obtain a peddler's license and

there is no designated area. Chairman Parrish asked for public comment. Ms. Charlotte Bacher, a business owner on St. George Island, said she has some concerns about the ordinance but also wants to speak about the peddlers who have been on the Island for more than 20 years. She reported it will be a hardship for these people to move and find another place to use. She stated she does not call them peddlers because they have been there and have been constant, courteous and abide by the rules governing food safety. She reported this will create a hardship for the tourists and they do not want the vendors to leave. She stated there are only 4 peddlers on the Island and she does not see this as a hazard. Ms. Bacher reported there are other safety issues on the Island such as parking, sidewalk, crosswalk and golf cart issues. She stated the peddlers are not a hazard and serve a purpose on the Island. Ms. Bacher said she would have to leave the Island to purchase fresh seafood if these peddlers were not present. She reported the peddlers were "grandfathered" at some point and she has not seen any new vendors only the 4 constant ones. Ms. Bacher inquired if there is another way to address this issue. She stated she is only speaking for the tourists who want to shop with the peddlers. Attorney Shuler commented in 2009 there was a discussion about banning peddling and "grandfathering" two peddlers but the County chose not to ban peddling and not to give anyone "grandfather" status. He said his recommendation today is not to "grandfather" anyone in and either ban peddling, do away with it or leave it like it is. Mr. Bill Wood, a visitor to St. George Island, discussed Ordinance #96-14 and said it gave people the right to engage in business along the county right-of-ways as well as other areas. He stated based on this ordinance and the intention of the County Commissioners, people put their finances at risk when they established their selves as vendors on St. George Island. He asked the Board to consider giving a "grandfathering" to the people who have had a permanent business there for two years or more. He reported the Chili Cook-off and St. George Island Auction would also be affected by this Ordinance and he asked if there will be exceptions for these events. Mr. Arnold Hoffman, a visitor to St. George Island, said in relation to the portion of the ordinance about general safety and welfare, they use Dale's Seafood regularly and have had no problems. He stated he has never observed any traffic problems or any other problems caused by the peddlers. Mrs. Clark said she lives in Eastpoint but goes to St. George Island to buy from the peddlers. She suggested the Board identify the peddlers and then create a new peddler's ordinance and give the individuals 90 days to comply and receive a new license. Ms. JoEllen Pierman, a resident of St. George Island, reported the seafood wagons are the only fresh seafood they have access to on the Island so it is more of a hazard to leave the Island. She suggested "grandfathering" and looking at what vendors have been there as they appreciate the vendors being on the Island. Mrs. Cathy Rivers Carlton, a resident of St. George Island, stated some of the Island charm is having access to Doug's and Dale's Seafood. She reported they have been an institution and draw the tourists back to the Island. She suggested "grandfathering" these vendors and possibly limiting other vendors from coming in. She said maybe a strip of land could be designated a space for the food trucks and then vendors with an up to date license would get the spaces. She asked the Board to

consider how many residents of the Island want these vendors to stay and how they contribute to the economy. She reported the Island brings in a lot of tax revenue and does not get a lot of services. She said they would like to maintain access to the peddlers. Ms. Sandra Holnick, a visitor to St. George Island, said these businesses should be called mobile vendors. She reported if the vendors produce a bad product then people will not use their business. She agreed the vendors are part of the culture of the Island, are like neighbors and she is in favor of them staying. Ms. Beth Brinkley, President of the St. George Island Business Association and an owner of Resort Vacation Properties, stated these vendors contribute to events on the island, donate to the community and they would like them to stay. She said these vendors do not sell everything so the other businesses are still needed. Mr. Jay Abbott, St. George Island Volunteer Fire Department, reported safety has been mentioned but they have not had any medical or 911 calls on these vendors. He stated they have been called to business parking lots but not the peddlers. He pointed out some of the businesses are also encroaching on county property and the County has not done anything about it. He suggested the County keep the 4 peddlers and enact a moratorium and not issue any more peddlers' license. He said the vendors donate to volunteer groups and he recommended they stay. Mr. Dan Wagner, a resident of St. George Island, asked the Board to let the peddlers stay on the Island. Mr. Russell Cooper, a resident of St. George Island, asked if the County will also have to do away with the festivals because they also take place on county right-of-ways. He suggested they make an area where these vendors are allowed because they have been there long enough to establish themselves as landmarks. He said it is morally wrong to put them out of business because most businesses will not allow them to use their property. Ms. Ellen Ashdown, a resident of St. George Island, stated it will not be easy for the vendors to find a new place and this could do away with their business. She said when the county considers an ordinance of this kind they should clearly document why it is needed and she has not seen it explained. She reported if complaints have been received, they do not know what the complaints are. She stated if there are other vendors wanting a license then there must be evidence presented of who the vendors are. She said she supports the peddlers. Ms. Molly Reed, a resident of St. George Island, reported she has been buying shrimp from Dale's Seafood for 20 years and it is a quality product. She stated they support the community and other businesses. She said it is good not to have to travel to get seafood. She reported the County should consider limiting the number of licenses or "grandfathering" the peddlers. Ms. Doris Carmichael, a resident of Franklin County, said these peddlers are part of the community and the Board could easily "grandfather" the vendors. She said this proposed ordinance will put Dale's Seafood out of business. She suggested the Board "grandfather" the 4 peddlers that the residents want on the Island but not issue any new licenses or set new requirements. Ms. Carmichael stated requirements change and the County can change if they need to stop problems in the future but she asked them to not purposely put someone out of business. Mr. John Carmichael and Mrs. Anna Carmichael, Dale's Seafood, appeared before the Board. Mrs. Carmichael said she has a petition and she did reference St. George Island on the

petition but it was due to the conversation with Attorney Shuler before the proposed ordinance was drafted. She explained there was an online petition and a hard petition and as of 6:20 a.m., there are 985 signatures on the petition and 580 are local residents. She stated they started circulating this petition on January 18th. Mrs. Carmichael referenced a letter written to the editor in the newspaper and the community response. Mrs. Carmichael reported Mexico Beach has just adopted an ordinance to stop peddling but did "grandfather" in some peddlers. She suggested the Board only "grandfather" the peddlers who have been consistent in purchasing their peddler's permit. She stated there has never been an accident as a result of a peddler throughout the County. She reported they thought in 2009 they were "grandfathered" but they have never been "grandfathered". She asked the Board to consider all the businesses in the County that use the County right-of-way for parking. Mrs. Carmichael said the oysterman use the right-of-way everyday to park and refuse to use the County parking lot that has been provided free of charge. She read a letter she wrote requesting a resolution to this issue. She thanked everyone who appeared to support them. Commissioner Jones asked if there is a way to determine how many peddlers bought a peddler's license in the last 5 years. Attorney Shuler answered yes, and said the records are in the Planning & Zoning Office. Mrs. Carmichael stated as of May last year the County had received 7-8 inquiries and that is the reason for the moratorium. Chairman Parrish reported these inquiries were in addition to the existing peddlers who already had a peddler's license. Commissioner Massey stated he is not going to make a second or a motion against the peddlers because of how the people on the Island feel. Attorney Shuler said if there is not a motion and second then this Ordinance would not be adopted and the current Ordinance would remain in place and the Board would have to address the moratorium issue. Mrs. Carmichael pointed out the moratorium was for 6 months and expired November 1, 2016. Attorney Shuler said if there is no action on the ordinance then the current ordinance would remain in effect. Attorney Shuler stated if the moratorium has expired then the Board would do nothing and things would stay as is. No action was taken by the Board.

The meeting was recessed at 12:00 p.m.

The meeting reconvened at 12:12 p.m.

Public Hearing – Ordinance Amending the C-2 Commercial Business District

Commissioner Sanders referenced #4 under the Notes section of the proposed ordinance and said the property manager is already completing this item. She read #5 and stated the penalty in Section #3 is extreme. Commissioner Sanders suggested if the homeowners are required to submit a report to the County, then they could file the same report that is submitted to the Department of Revenue (DOR). Attorney Shuler said these items were placed in the Ordinance

for the Board to consider because there are issues that need to be brought out. He stated #4 is the same requirement that was in the 2007 original ordinance so he was trying to be consistent. He reported in order for the County to keep track of whether the unit is rented or not, there should be a requirement to file an annual report. He explained the penalty is for the Board's consideration but it does seem logical to have a penalty if you have a reporting requirement. He explained a civil penalty was included on an escalating basis but if the homeowners file their report then it never happens. He reported a cap was placed on the civil penalty of \$5,000 annually. Attorney Shuler said he looked at a civil penalty because the default penalty in the code of ordinances would have been criminal misdemeanor violation. He stated the Board can make a decision on these items. Commissioner Sanders asked if the homeowners can just submit a copy of the DOR report. Attorney Shuler stated he is not familiar with the DOR report. He discussed #8 on page 2 and said the owners have to comply with Chapter 509. He explained Chapter 509 requires the owners to rent for 3 times a year for periods of less than 30 calendar days and the report documents their compliance. He said he would need to review the DOR report to see if it provides the same information. Commissioner Massey asked if the owners knew they had to rent the units when they purchased them. Mr. Greg Preble, owner of a unit at Bungalows by the Bay, said they did not know of a requirement to rent but did know they could not live in the units. Attorney Shuler reported this item is required in the condo declaration. Mr. Preble said their understanding was they were buying a condominium not a condo/hotel. He reported they knew they could not live there or get homestead exemption. He reported they could use the unit and rent it if they wanted to but were not required to rent. Chairman Parrish stated that was the way it was projected to the buyers but it was not the way it was zoned or permitted. He said the proposed change will substantially increase the property values. Attorney Shuler reported he reviewed the condo declaration and there is a requirement that they are going to be treated like a Chapter 509 Transient Public Lodging Establishment. He said the language about renting the units 3 times a year for less than 30 days each time was taken from the condo declarations. He explained a prudent buyer should have known of the renting requirement. Ms. Kelley Sowell, President of the Bungalows by the Bay Homeowners Association, discussed whether the unit has to be rented or just advertised for rent. Attorney Shuler reported this matter was discussed with Mr. Davis Theriaque, attorney, and they tried to get clarification from the Department of Business and Professional Regulation (DBPR). He said their interpretation is the requirement is to rent 3 times a year for a time not exceeding 30 days. Chairman Parrish asked what happens if they do not rent the unit. Attorney Shuler stated they could create some basis for advertising the unit but never actually rent the unit but if it is up to the Board if they would like to accept this interpretation. He recommended keeping the requirement to rent the units 3 times a year for a period not exceeding 30 days. Commissioner Massey inquired about submission of the tourist tax if they do not rent. Attorney Shuler stated the money is only collected if the unit is rented. Ms. Sowell said there are some concerns about the language in the ordinance and presented their proposed revisions. Attorney Shuler reminded the Board the ordinance will not be adopted today because the Board is required to hold two public hearings as this is creating a new land use category, Resort Condominium Units. He explained the second hearing has to occur after 5:00 p.m. unless a super majority of the Board votes to hold the hearing earlier. Ms.

Sowell explained the requested revisions. Mr. Bill Bass, owner of a unit at Bungalows by the Bay, thanked the Board for their consideration. He stated he did everything he could to check this title and the C-2 category before he purchased the property. He explained they knew they were not allowed to claim homestead exemption. He said they would like to use their units on a transient basis and there could be some people who would like to stay there all the time. He said one person rented their unit last year and everything was collected through the state and the County received their share of the tourist tax. Mr. Bass reported this proposed ordinance will make the units go up in value and will make the ability to use the units and sell the units easier. Mr. Bass stated he paid \$190,000 for his unit and when the property values increase the taxes will double because they cannot homestead these units so it will be in the best interest of the County. He stated none of the other condo or hotels in the County have to file these reports and there is no restriction on living in them. He reported all they want to do is be able to use their units and have them grow in value. He said if the Board adopts this proposed ordinance then they will be very grateful for the relief. He pointed out that Section #4 is already required by state law. Ms. Joanie Chase, owner of a unit at Bungalows by the Bay, stated one of the issues that was talked about was that if they move forward with the language presented, people who fall out of compliance would fall back to Ordinance #07-27. Attorney Shuler said if there is a violation of the requirement to pay the tax, or file the report then Section Three Penalty would apply. He explained the purpose of adding in the last sentence that refers to resort condominium units that do not satisfy all 4 criteria does not refer to the 2007 ordinance. He reported it was just to make clear that unless a resort condominium of 37 units or less does not meet all 4 criteria then everyone else would fall under the 2007 ordinance which is much more restrictive than what the Board is considering. He said the only one he is aware of that meets the criteria is Sands North. Chairman Parrish reported when they are rewriting the zoning code C-2 commercial business category, the things that are included will not just govern this unit but the whole county. Ms. Sowell pointed out Section #5 and #3 are specific to resort condominiums so they are just for their building. Chairman Parrish said right now it is specific to their building but there could be another unit at some time governed by these rules also. He said the County is trying to give them some relief but he is not in favor of making the suggested changes as there are implications for the county in the future. Commissioner Sanders asked if there is a property manager. Ms. Sowell answered yes. Commissioner Sanders asked if the reports are filed timely with the DOR. Ms. Sowell answered yes. Commissioner Sanders asked how much tourist tax money they have collected and submitted to the state. Ms. Sowell was not sure of the amount. Mr. Wayne Gleasman, property manager for some of the units, said the individual licensees are responsible for the remittance reports and they are not filed on behalf of the association. Commissioner Sanders asked the amount that has been submitted. Mr. Gleasman did not know the exact amount but said it is not significant. Commissioner Sanders asked if these reports are late. Mr. Gleasman answered he does not know if the individual owners have been but he has not. Commissioner Sanders reported the owners will go by the state requirements and she agreed to give them some relief. She stated she has a problem with the penalty because if the owners do not comply with state law then the state will address it. She explained if the County needs a report then they can obtain the DOR report. Commissioner Sanders explained these homeowners

volunteer in the community and help out with the schools. She said in relation to the changes suggested by the homeowners, she also has a problem with section #4, #5 and the penalty but is fine with Section #8. Attorney Shuler advised the Board there must be two public hearings so no action can be taken today. He asked for some direction from the Board on the changes suggested. Commissioner Sanders made a motion to ask Attorney Shuler to strike paragraph #4 and paragraph #5 and strike the penalties. Attorney Shuler said the Board needs to treat this public hearing like an executive session and make suggestions but not take any action. He recommended they provide him with their ideas and he will incorporate them for the second hearing. He said this is the first time since he has been County Attorney that the Board has amended the zoning code and held these two public hearings and he does not want to create a procedural problem. Commissioner Sanders reported the state will govern two of the items that were included in the ordinance so she would like Attorney Shuler to look at these changes she suggested. Chairman Parrish stated he objects to removing these sections. Commissioner Jones said he is not against making changes to give them some relief. He said there are a lot of ordinances that are not being enforced or have no enforcement so taking away the penalty also takes away the enforcement. He stated he is not in favor of an ordinance with no penalty and enforcement. Commissioner Lockley said he was here when all this happened and several units were proposed but this is the only one that was ever built. He explained if the state is already completing these items then the County does not have to check on it. He said it is not right to require the owners to send the report to the state and then a report to the county. He reported other people do not have to do this. Attorney Shuler commented there are no other people in this same situation but they need a report to confirm that the units are being rented out. He asked if the DOR report says how many times they are renting the units. He said he has written this ordinance in conjunction with Mr. Theriaque and they recommend this provision as the County is giving relief but with some conditions. He explained the reporting requirement is making sure they are complying and the penalty is only for not filing the report. He stated if the penalty was not advertised in the ordinance then the Board would not be in a procedural position to add a penalty. He reported the penalty would default to a misdemeanor criminal penalty if this was not included and that is what he was trying to avoid. Attorney Shuler stated the Board has the authority to remove the penalty. Mr. Billy Fair, Bungalows by the Bay homeowner, said he can live with what is in this proposed ordinance and wants to move forward but does not want two more hearings. He thanked the Board for what has been done. Attorney Shuler reported the law mandates two public hearings and one must occur after 5:00 p.m. unless by a super majority vote of the Board they decide to hold the hearing at a time before 5:00 p.m. Commissioner Sanders reported some owners want to move forward and some want changes. Ms. Sowell said at the homeowners meeting they agreed just to accept this proposed ordinance and be thankful for the relief but they were encouraged at this public hearing to have a conversation and tell the Board what they would like. Commissioner Sanders reported the conversation should have occurred before the public hearing. Ms. Sowell stated they would like to have met with their attorney and Attorney Shuler before the hearing but they received the notice of hearing and draft ordinance at the same time. Commissioner Sanders said Attorney Shuler was carrying out the directions of the Board and was instructed to draft an ordinance and talk with Mr. Anderson. She reported Attorney Shuler did talk with Mr.

Anderson and her understanding was Mr. Anderson wanted to table this matter. Mr. Bass stated the revisions presented are what the majority of the owners who attended the homeowner's meeting want. He said if the Board adopts the Ordinance as drafted then they have already helped the homeowners. He reported they think there are improvements that could be made but he can comply with all the conditions in the proposed ordinance. He agreed there needs to be a penalty but he does not think it needs to be so harsh. Mr. Bass said their understanding was the Board wanted to hear their comments at this hearing. He explained Mr. Anderson received the actual content of the ordinance at the same time he received the notice of hearing date and time. Commissioner Sanders said the Board did not have to do anything but are trying to help. She asked if they can include a lesser penalty. Attorney Shuler answered yes. Commissioner Jones stated many of the ordinances have lack of enforcement and he is not for striking the penalty but he is not set on a certain amount. Commissioner Sanders suggested the violation does not warrant the severity of this penalty. Commissioner Jones reported he is not for the penalty being stricken from the ordinance. Commissioner Sanders agreed the Board does not create ordinances without a penalty but she would like to see a lighter penalty. Attorney Shuler agreed he understands the direction of the Board. Chairman Parrish asked why they want to strike Paragraph 4 and 5. Ms. Sowell reported it is redundant to what is already required by the state. Chairman Parrish asked if this was added to the C-2 commercial zoning district or if it already existed. Attorney Shuler explained it was added because the 2007 ordinance provided the first definition of condo/hotel and there was a requirement that they collect the tourist development tax. He reported this was included in order to be consistent in creating this new category of Resort Condominiums 37 units or less and clarified that they have to collect and pay the tourist tax. He said the addition of hotels and motels was not part of the 2007 ordinance but it allowed principal use in C-2 zoning districts so he added it to the list of people who collect the tourist tax. Chairman Parrish asked if the County is going back to where they were if this is taken out. Attorney Shuler answered there was no previous statement because when this was adopted in 1989 and the tourist tax was not in existence. Chairman Parrish asked what the result will be if paragraph 4 is removed. Attorney Shuler said it does not add anything to the proposed ordinance except it is consistent with the 2007 ordinance. He explained it clarifies that the people who fall under these three categories have to pay the tax. He reported this section is not mandatory. He reported the license the individuals carry to rent the units requires them to collect this tax. He stated what is more important is to be consistent in making sure the units are being rented 3 times a year, that they file the annual report and that there is a penalty if they do not file the report. He asked the Board to give him some directions on how much they would like to reduce the penalty. Chairman Parrish asked if it is okay to strike paragraph 4 and 5. Attorney Shuler said he would be more concerned if they strike paragraph 5 because the owners are required to rent and file the report because it is a condition of the new category. He explained if the Board does not have the report then they will not know when to oppose the penalty. Attorney Shuler reported they would file a copy of their license and a statement showing they have rented the units three times a year, no more than 30 days each time in order to make it consistent with the new land use category. He read condition #1 and said without a report the Board does not know if they have rented the unit. Commissioner Lockley asked if they can stay in the unit after they have rented the unit three

times. Attorney Shuler agreed this is the benefit they are receiving in this new land use category the Board is considering. He went on to say the 2007 ordinance which governs these types of development units limit the owners to no more than 30 owner occupied days per calendar year. **On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to conduct the second public hearing before 5:00 p.m. at a regular Board meeting.**

Michael Shuler-County Attorney-Report

Attorney Shuler did not have a report at this time.

Commissioners & Public Comments

Commissioner Jones said the Franklin County Boys Basketball team is the first team in more than a decade to beat Port St. Joe twice in the same year and have a winning season with a record of 20-6. He stated they are ranked in the state and are hosting the district tournament this year. He explained if they win the district title then they will host the regional tournament. Commissioner Jones said the games this week are Friday and Saturday at 7:00 p.m. at the school.

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 1:22 p.m.

Joseph A. Parrish - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts