

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
COURTHOUSE ANNEX, COMMISSION MEETING ROOM
OCTOBER 7, 2022
10:00 AM
MINUTES**

Commissioners Present: Ricky Jones-Chairman, Bert Boldt, II-Vice-Chairman, Noah Lockley, Joseph Parrish, Jessica V. Ward (via Zoom)

Others Present: Michael Shuler-County Attorney, and Michael Moron—County Coordinator

1. Call To Order – Special Emergency Meeting

Chairman Jones called the meeting to order.

2. Prayer and Pledge

Chairman Jones led the Board in prayer followed by the Pledge of Allegiance.

3. Public Comments

There were no public comments.

4. Enact Temporary Burn Ban Emergency Declaration Order

Mrs. Daniels from the EOC spoke to the Board about the conditions which warrant the temporary fire ban. She said the problem is we have no rain, low humidity, and dry brush on the ground. Mrs. Daniels noted they had received report from NWC showing increased fire risk for the next few days. She said there was a 44% increase in fire danger expected for today. Mrs. Daniels said they are recommending the fire ban. Commissioner Lockley inquired about the chance of rain; Mrs. Daniels noted that it was at least a week out according to projected forecasts. Mrs. Daniels noted that this ban would not include barbeque grilling but we do ask that people extinguish their fires after cooking. Attorney Shuler noted that he had received communication from Mr. Dan Hartman, attorney for the City of Carrabelle, indicating they want to be included in the burn ban. Attorney Shuler said Mr. Moron had received a text message from Mr. Travis Wade that the City of Apalachicola would like to be included in the burn ban also. Attorney Shuler informed the Board that if they decided to include the two cities in the burn ban, he will need to amend the order to specifically include them. Attorney Shuler pointed out that the emergency burn ban is limited to seven days. However, the chairman is authorized to extend the burn ban if needed and have the Board ratify at the next meeting. Chairman Jones said he had spoken with a couple of the fire chiefs and they both supported the burn ban. Commissioner Boldt reminded the Board of the recent fire at Bald Point. **Commissioner Parrish made a motion to approve the temporary burn ban emergency declaration order to include the City of Apalachicola and City of Carrabelle, and to authorize Chairman Jones to extend the order if required. Seconded by Commissioner Lockley. Motion carried 5-0.**

**FRANKLIN COUNTY EMERGENCY DECLARATION ORDER 22-02
AND ORDER AND DECLARATION REGARDING OPEN BURNING**

WHEREAS in accordance with Chapter 252, Florida Statutes, authorizing political subdivisions to take whatever prudent actions is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS Chapter 252 Florida Statutes authorizes political subdivisions to take all necessary action and issue any necessary orders to protect human life and property; and

WHEREAS Franklin County has declared a Local State of Emergency and Adopted Emergency Order 22-02 in order to take actions that continue are necessary to protect the public; and

WHEREAS based on current conditions, the Director of Emergency Management recommends that the Board ban the burning of debris and trash; and,

WHEREAS the City of Apalachicola and the City of Carrabelle have requested that Franklin County include the two cities in this Declaration,

NOW, THEREFORE, BE IT ORDERED THAT THE FOLLOWING IS PROHIBITED IN FRANKLIN COUNTY, FLORIDA:

1. Open burning, except (a) outdoor grills used in preparing food which are attended and monitored at all times of ignition; all grills shall be completely extinguished immediately following completion of food preparation; and (b) commercial land clearing where on-site inspection and approval has been granted by the Florida Forest Service, on a case-by-case basis, and it is determined that there will be sufficient fire suppression equipment and personnel on-site.
2. The sale, use and/or discharge of items listed in Florida Statute 791.01(4) (fireworks) using explosive or combustible compounds.
3. The use of discharge of flares.
4. The use of outdoor burning devices, excluding attended and monitored barbeque or cooking equipment.
5. Any otherwise lawful outdoor burning, such as lawn, debris, or trash burning.
6. The parking of vehicles with catalytic converters in high grassy areas.
7. The disposal of matches or cigarettes, etc., except in proper disposal containers.

This declaration shall include all of Franklin County, Florida, including the City of Apalachicola and the City of Carrabelle.

Exception. The use of an air curtain incinerator is allowed for the combustion of land clearing debris or storm-related natural vegetative debris, provided the incinerator has a Florida Department of Environmental Protection air permit or has been exempted from air permitting by the Florida Department of Environmental Protection. If an air curtain incinerator has been exempted from air permitting by the Florida Department of Environmental Protection, prior authorization to use the incinerator must be obtained from the Florida Forest Service. Prior to use of the air curtain incinerator, the user shall notify Franklin County Emergency Services of the date and time of the burn.

Any person violating this Order or any person who willfully fails or refuse to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such Order shall, upon conviction, therefore, be punished in accordance with Florida Statutes Section 252.50.

If any provision of this Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of the Order, which shall continue to have the full force and effect of law.

The Order shall remain in effect during the local state of emergency unless otherwise modified or rescinded.

This Order shall be filed in the office of the Clerk of Court immediately following its adoption.

Adopted this 7th day of October 2022.

Unless extended, this declaration of emergency and burn ban shall automatically expire on October 18, 2022, at 11:00 A.M. (ET). Done and Ordered on this the 7th day of October 2022.

5. Commissioners' Comments

There were no Commissioners' comments.

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned.

Ricky Jones – Chairman

Attest:

Michele Maxwell – Clerk of Courts

The audio is available upon request. Please e-mail jgay@franklinclerk.com, call 850-653-8861 to speak with the Administrative Assistant, or submit a request in writing to obtain audio of this meeting.