FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
FORT COOMBS ARMORY
SEPTEMBER 9, 2026
9:00 AM
MINUTES

Commissioners Present: Ricky Jones-Chairman, Jessica Ward-Vice-Chairman, Cheryl Sanders, Ottice Amison, and Anthony Croom, Jr.
Others Present: Michael Shuler-County Attorney, David Theriaque- County Land Use Attorney, and Michael Moron-County Coordinator

1. Call to Order

Chairman Jones speaking, Franklin County Board of County Commissioners now in session for this public hearing Wednesday, September 9. It's good to see you all here this morning. We're going to get started. Just a couple of things for housekeeping. I'm sure there's going to be a lot of people that want to speak today, so I will ask you to refrain to five minutes because we want to give everybody a chance to speak. With that, we will do the prayer and the pledge, Commissioner Ward. Can you lead us?

2. Invocation and Pledge of Allegiance

Commissioner Ward led the Board in prayer. Mr. Moron speaking, Mr. Chairman, I wanted you to know a couple of things. One, we have an overflow room, which is next door. You will see that up on the screen where people are sitting there. They can hear, they can see. I will ask once you start your public comment section of the agenda that you allow them to have an opportunity to come in here and comment also. But they can hear and see. I'll monitor that as best as I can to make sure there's no audio issue. Last week, you know big issues going on in there. So, I just wanted you to know. Chairman Jones speaking, yeah, it's good to not be dealing with reverb today.

Public Hearing

3. David A. Theriaque (Land Use Attorney)—Draft Ordinance Review

Attorney Theriaque speaking, good morning, Mr. Chairman. We are here on a first reading of an ordinance that would amend the overlay district. Should I read the title into the record, Mr. Chairman? Chairman Jones speaking, please. Attorney Theriaque speaking, all right. An ordinance of Franklin County, Florida, amending and restating the St. George Island Corridor Overlay District for property located within a 2,100-foot radius of the center point of the intersection of Franklin Boulevard and Gulf Beach Drive on Saint George Island, Florida, as described in Plat Book Two, Page Seven, Franklin County, Florida, excluding

the area east of the east boundary of Third Street East and west of the west boundary of Third Street West, providing for exceptions, excuse me, exemptions, providing for severability, providing for conflicts and codification, and providing for an effective date. What I'd like to do, Mr. Chairman, is walk through the changes that are proposed in this draft ordinance. The draft ordinance is in redline format. Any change is either stricken through in red or underlined in red. If there's not a red word or red highlighting-that means that's the original language from 2018 and is not being proposed to be changed. It's only those items that are in red in this draft ordinance that are being proposed to be changed or amended. A couple opening remarks before I walk through it. This is not a comprehensive plan amendment. This is an amendment to your zoning code. It would create a new special district. You already have a special district for the Saint George Island Corridor Overlay District that we adopted in 2018. The board amended that in 2020 to deal with residential units in C4, as the board knows, we are in litigation with The Landing over their Bert Harris claim that they have filed. They are requesting in their complaint close to 7 million dollars, that's before attorneys' fees costs, and it's my understanding that the plaintiff intends to increase that value based upon a recent sale in the city of Destin that provided another comparable. So, I think the litigation that you're looking at is approximately $10 million at least in play. We have had a series of executive sessions. Some people call them shade sessions. Those are sessions that are authorized by Florida statutes, so that the attorneys representing the county, which would be Michael Shuler and myself, can provide advice and discuss litigation strategy. Just like any client, litigation strategy is confidential, and so Florida statutes allows the county to conduct what's called a shade session or an executive session to get litigation advice and to provide feedback on strategy, because we're in litigation, I am not going to be able to address pros and cons of the pending lawsuit. Everything I say today, everything the county commission says today, anything that the public says today, could end up being used in the lawsuit, there is no settlement. There appears to have been some misunderstanding at the LPA meeting last night that there's been a settlement. There has not been a settlement. This proposed ordinance is part of the county's litigation strategy, and we are even if the board approves this proposed ordinance, we are still headed to a trial on March 4th and 5th of next year. So, given that background, I'd like to start off with page three of the ordinance Under Section Three, Subsection Two A, there have been changes to Number One, and there's a number, a new number two, and a number three. Number one now states all uses permitted or permitted as special uses in any underlying zoning district over which the Saint George Island corridor overlay district is applied, except such use is prohibited by this ordinance. Number two is a new principal use. It's a commercial boat storage within an enclosed structure, subject to the conditions and restrictions in the overlay development standards set forth in this ordinance, and we'll get to those overlay development standards in a bit. Number three is also a new permitted principal use, multifamily residential, subject to the conditions and restrictions in the overlay development standards set forth in this ordinance. As you see that that language is

in red. That means it is new. It's the amended language to the existing ordinance. We turn to page four. Section C deals with prohibited uses and structures. The only thing that's been changed in C, is number 11. Number 11, we struck through a portion of the first sentence, which said this includes, but is not necessarily limited to prohibiting commercial storage of a boat within an enclosed structure, commonly referred to as dry stack storage. That portion of the sentence has been stricken, but we have retained commercial boat storage underneath an open structure with a roof, and storage without a roof would still be prohibited. The there's a tweak in the next sentence that deletes the phrase of commercial boat storage. It says this prohibition shall include, and then it retains the original language. And then there's a new last sentence: this prohibition does not apply to commercial storage of a boat within an enclosed structure, commonly referred to as dry stack storage, which is regulated in Section Roman Numeral 4.8 of this ordinance. Number 16 is a heading: Massage parlors are prohibited under the original ordinance, there's a proposed sentence for clarification if the board is inclined to do so. This use does not include a full-service wellness facility offering a broad range of relaxation and beauty treatments, which is commonly referred to as a spa. The concept there is when I take my wife to the Hilton in Sandestin, she has a day spa, and mani and pedi. So, the tweak here was to ensure that that type of a spa is not captured under the phrase massage parlor. Number 17 is that's not a new tweak. It reflects the change that the board made in 2020 to allow single-family residential on their first floor, except on property which is Zone C4. There's a slight tweak in paragraph D, special exceptions. It says the board of adjustment may permit, and then there's new language the following uses as special exceptions. Turning to page five, there's a minor tweak at number one at the top of the page. The original overlay ordinance stated zoning ordinance. We just clarified to say that what that ordinance is, which is the Franklin County Zoning Code? Turning to page six, under number four, lighting, we added a sentence to deal with the multifamily residential uses, which we'll be getting to in a few minutes. The new sentence says lighting associated with multifamily residential uses, which visually screen three sides of a dry stack storage facility's exterior, in accordance with Section Roman numeral 4.8 of this ordinance, may exceed 15 feet in height provided such lighting is shielded downward, and that would be lighting again solely associated with a multifamily residential unit that wraps the dry storage facility. Number six was amended to update the ordinance reference. It had the old flood control ordinance. There's a new one, 2021-12. So, the subsection six was amended just to update the ordinance reference. Number eight is new. This would allow the commercial boat storage within an enclosed structure, and provided it meets the following, where permitted as a principal use in the underlying zoning district storage of a vote by any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, rents or sells or advertises for rent or sale. Space used for the storage of a boat must be within an enclosed structure, commonly referred to as dry stack storage. The dry stack storage facility must incorporate and be visually screened by multifamily residential uses

along three sides of its of its exterior, there is number nine is not new. It reflects the change made in 2020 by the board. Number 10 is new. It's the conditions for multifamily residential use. A multifamily residential is only permitted within the Saint George Island Corridor Overlay District as a component of a dry stack storage facility, pursuant to Section Roman Numeral 4.8 of this ordinance, or when otherwise permitted by the underlying zoning district. Mr. Chairman, as a result of some of the comments at the LPA meeting last night, I'd like to propose three additional tweaks that are not in the original draft. It'll just take me a minute. Under the multifamily residential use, I would like to add that the maximum density is one dwelling unit per acre, that's in your comprehensive plan. But I'd like to make sure that it's express in the overlay district that the maximum density for the multifamily residential use is one unit per acre. The other tweak that I would like to make, Mr. Chairman, is to under the multifamily and under the dry stack storage, we talk about screening the dry stack storage facility. I'd like to add another word to it: that the multifamily residential units be attached to the dry storage. That's what what's currently proposed in the pending application. But if somebody else buys this property, dawned me last night that since it only says screened, a new person might propose, well, we'll just put multifamily separate from the dry dock. Facility or dry storage facility, and say, "Hey, well, it screens it, but it's not attached. The concept that we're doing here is that the multifamily residential would only be allowed if it's attached to the dry stack storage facility. And then the last tweak that I would like to add is a locational criteria where a dry stack storage facility would be allowed. It would be west of Franklin Boulevard, south of West Bay Shore Drive, and I need to put in a distance from Franklin Boulevard. That would be the only location that a dry stack storage facility would be allowed. There was some concern expressed last night that this proposed amendment to the overlay would result in additional locations for potential dry stack storage facilities. So, by adding a locational criterion, we limit where a dry stack storage facility could potentially be approved. I'd like to stress that we are taking no votes today. We're going to receive public comment, and even if the board ultimately approves and passes this proposed ordinance, you're not approving any development. What would happen is that an application for a dry stack storage facility, which is currently banned under the 2018 version, would be allowed to be processed, and that application would have to meet all of the requirements of the county's comprehensive plan, all of the requirements of the county's zoning code. So even if the board approves this ordinance, you are not approving any development. You are only authorizing the possibility of an application to be processed. And again, that application would have to comply with all the requirements of the county's comp plan and all the requirements of the county's land zoning code, and with that, I'd like to turn it over to the board, Mr. Chairman, for public comment.

Chairman Jones speaking, Commissioners do y'all have any questions, or want to discuss anything? All right, Mr. Moron, do you have a way to track the five minutes so we can

make sure we're being fair to everyone? Mr. Moron speaking, I will. What I could do, if you'd like, at four minutes and 30 seconds, I can just raise my hand. You'll know, everybody will know that they have 30 seconds. Chairman Jones speaking, okay thank you. So, at this time, we will take public comment. Anybody wishing to speak about this publicly, you don't have to have any kind of speaker card filled out. Now is the time for public comment. Anybody in the overflow room? Go ahead, sir. Please state your name for the record.

My name is John Alber, but I'm also the board president for Apalachicola Riverkeeper, and I am not here on their behalf. And that's it. And so, because I'm angry at the commission, spill over and affect the people on that organization and 10,000 or so members and supporters make it possible. So, this you're not acting, but this is an extremely consequential decision, and I don't believe you've been an appropriate way to investigating consequences. In a way, you're like the plaintiff of Harris lawsuit. Had you gone to discover that you would begin to discover just how sloppy that transaction was? I think, based on the top headlines of the comprehensive plan, you all have a duty to protect and preserve the bay and the environment around us, and I don't believe you're doing that. Why do I think that? Ultimate metaphor: the bay has been protected by St. George Island and Little St. George and the other Barrier Islands for 6000 years, and oyster reefs have grown up in the shelter of that. Some of the oldest reefs, like Hotel Cat Point is home. I've grown up in that shotgun. You're really pointing shotguns to let it fellas into that region, and you don't understand. Well, I don't know. From the public record, I don't believe you have investigated consequences, and they could be guide them. Took me about 10 minutes to find four pages of investigations, the effects of traffic, the effects of traffic on oyster reefs and on oyster staff and on juvenile ice creams, and it's serious. And you know, based on the projected cost, my projected cost of. The slots and the burnt sacks organs. Those are not going to be soft. Going to be big boats with big engines, multiple engines. And you don't know what the effects of those are because you haven't taken the time to examine. There are people going out from the mill pond every day, biologists, and others, trying to find out how best to handle the bed, but I don't think you have consulted them. There are lots of experts in this area, based on the time they spend out there, and there are experts, people with views over at hand. I don't believe you have consulted them all, and it's not just the bed in our view. But it's not just that. It's not the effect on the bay. It's the effect on the future of the Bay. The Bay has gotten hundreds of millions of dollars restoration, development, preservation, and that money is at risk if we don't take care of the Bay as well. We have evidence how that works. The National Fish and Wildlife Foundation has been a major factor for studies in the Bay. A lot of them pilot studies. 100 million dollars they put in based on my investigation. I tried to add it all up. 100 million dollars, and they have more money pending, and they're very serious about taking that money away when the stewards of the resource aren't careful enough. And we have a good example of that

right now. NIFWIF, as I call it, gave $5 million to Apalachicola Riverkeeper to begin to restore the damage that was done by dredging on the river to open up sloughs that have been blocked, that like East River, that supply fresh water to the bay, and there is an award for 25 million to continue that work, but NIFWIF has said that they will not do it if the governments involved, the federal government and the state government, are stupid enough. They didn't use that word to let dredging presume and let that damage continue again. It'd be a waste of money. So, they're going to look at this stuff and see just how much you're protecting the bank. I don't know what the answer is, but I know you haven't done the investigation, and that makes me angry. I think you owe it to the public to take a step back from this wardrobe, take a look at what the damage of additional traffic is going to do, and make a decision based on that. Thank you very much. Oh, by the way, that was my comment yesterday about density. I was really concerned about more than 200 boats heading out into the bay. It's a major bump, by the way, in in dry stack storage. But thank you for that amendment. It's a good amendment. It's the kind of amendment that investigation and due diligence would produce if you did more of it. Thank you.

Gail Riegelmayer speaking, Saint George Island. We're being told that these changes are not in the interest of a settlement. Well, that's hard for me to believe, and I think it's hard for a lot of people to believe. So, my request is to deny any changes being proposed. If this is not to settle anything, then go back to the original version. If you need to put something with Municode or in the records, go back to the original version and strip out all the red language in the current version that's being considered, but my request is that you do not go any further with this proposed version. Go to the non-jury trial already scheduled for March 4th and 5th, and let the evidence and subject matter experts, like Mr. John has just suggested, needs to happen. So, people who know the impacts of these changes and what they'll have on the bay, and take the time. Don't rush this through. This is feeling very, very rushed, and being shoved down my throat as a constituent, and it doesn't feel good. And like Mr. John, I'm angry, and I know you all care. We all care about where we live, and it's up to you to protect the health, safety, and welfare of the people and the natural resources. And you can do that now by stopping this in its tracks by going to a non-jury trial. Thank you. Do it up.

Jason Timber speaking, St. George Island, hey, good morning, coming to you today as chief of the St. George Island Volunteer Fire Department. And now, as you look at dry stack storage, especially in regard to NFPA 30. There are some major issues that we really need to look at, especially being the Bear Island. You know, with dry stat storage, we're increasing the amount of high fuel and material risk. You know, we start talking about multifamily residential being attached to dry stat storage, and what is that going to impose as far as you know life safety issues? And we look at fire protection deficiencies. You know, within you know what's being done on a daily, weekly, monthly basis to ensure the needs of dry stack storage and the marine are being met. We look at suppression and water

supply challenges. You know, we all know you know we're island. You know, all the aquifers for all of our fire hazards come from the mainland. We're now getting ready to, you know, increase the amount of load that we need for water for fire suppression infinitely with this development. And then we also got to look at electrical and hazardous materials that we're now bringing in. So, if we do catch fire, all the boats, all the plastics, all the fiberglass, all the lithium batteries, all those elements created just a mass casualty incident. And the last thing I want to bring up today: we all remember the recent fire over a 10-foot hole, right? Three boats. It took the effort of many fire departments to get that fire put out. Think about that fire with dry stack storage, the multifamily residential units wrapped around that? It's a bit of a different scene. Appreciate your time. Thank you.

Chairman Jones speaking, anyone else?

Barbara Sanders speaking, good morning. So, you have a summary judgment hearing on October 28th. Your response is due October 12th. From what I can tell from your docket, you've conducted no discovery. You've not asked for admissions. You've not sent interrogatories. You've not conducted any depositions. And while I am not an expert land use lawyer like my esteemed colleague, I am a litigator, and you don't win if you don't get any ammo. I mean, we talk military for you guys. I mean, you're just sitting there doing nothing. So, while Mr. Theriaque says there's no settlement, I get that nobody's made anything in writing, which would maybe make it a public record, whatever. But what he's got is an application that's sitting on Miss Brooks' desk, not being processed. That apparently has these things. Quite frankly, I haven't looked at it because I figure, why waste my time wait and see what happens, but it must have multifamily now put in your C3 zoning. C3 commercial residential does not allow multifamily, so you are amending your code specifically for this one developer. That is bad policy, I think. So, he says, this is creating a special district. I'm not sure I really understand what that means, and he doesn't want to reveal your litigation strategy. But it's pretty clear your litigation strategy is capitulation. You're just front loading it. You're just saying, "Oh, okay, we'll give up all these restrictions. We'll erase those, and now we can go to a summary judgment hearing or some other hearing, a special hearing that says, 'Well, we removed all the restrictions, and so now they can have they can process their application, and I understand what Mr. Theriaque's saying. They can process it; they may not get anything. But what's to stop them? We're already giving them condos in C3. All that is crazy. So, you can go. There's an interactive zoning map on your website. It's pretty cool. You can see their C3 land. You can see all the C4 and C2 that's in the other small, tiny little lots, and you can see the R1. I'm going to correct Mr. Theriaque because I think he misspoke. He's and I really do appreciate that he listened to some of what we had to say yesterday, and that's part of the problem of this process is there was no collaboration from people. It was like thrown at us. It was like, well, wait a minute. We have all these questions like, what is the density? And he stated this morning one unit per acre in multifamily. I don't think he means that. I think

it means one unit per acre in R1, and I'm grateful for that because we've got those six acres on the west side of this development that is currently zoned R1. But I still don't know what the density is for the condos that they're asking for that surprisingly attached. Does that mean by a walkway, or do they have a common wall? I mean, I'm not sure I understand what that word means. And by more collaboration, we can work through some of these things so that when a next developer comes in, he can read that and go, "Oh, okay, it's clear what we're going to do. We had this problem with the MSBU where we weren't really sure what we're saying in this ordinance, and we have got to be perfectly clear for this and the future. So basically, while you're not settling, if you're allowing that application to go forward and saying that those condos attached to this boat storage is okie dokey, then you are giving up. So, I would ask you not to approve this ordinance, certainly not as drafted, and put the pedal to the metal and go defend that lawsuit and let's win it because we can win it, and when we win it, they owe us. Thank you.

Teresa Bester speaking, I live on St. George Island for the past 10 years, and I just want to come and present my viewpoint as a resident. I've got three major issues. The first one is sewage, and we have septic tanks on St. George. I have a newer one, but I know how much it takes to keep that in working order, and I have a real interest in doing that because I live there. Now, renters and people who are coming in for the day and investors may not have that same viewpoint, and I'm really concerned, as man from the river keeper said, about the health of the bay with that type of density and concentration in that small area. The second one is traffic. Just on a regular weekend, sometimes traffic is back way up over the rise of the bridge. I can't even imagine what it would be like with the influx of that type of concentration right there at that concentrated area. And as man from the fire department said, that would be a real problem if someone needs to get in and out of the island, it's really quite awful, and I've seen it even worse than that on holiday weekends. But the biggest one to me is when we have the next big hurricane, and we'll have one after Michael. When I drove back onto the island after mandatory evacuation, there were boats, refrigerators, freezers. There were things all over the cause of it coming into the island, it was difficult to get back on. And if we have another hurricane like Michael and blowing down a dry dock storage and condos, I can't even imagine what would happen with that. So, I would just in the past 10 years I've seen some changes on the island, not that many, but it is the most beautiful place to live ever. And I really think we have an interest in maintaining the quality value as well as the health of the bay. So please keep those things in mind when you're making decisions. And thank you for listening.

Chairman Jones speaking, thank you. Anyone else, Miss Talley?

Carol Talley speaking, I live on St. George Island, and I am one of those people who thinks that this ordinance is being changed for one developer, and I don't think that's right. I also am extremely concerned about the traffic. Already, traffic is a nightmare right there around

the Piggy Wiggly. I know I wrote you a letter and I tried to have you visualize what that traffic Looks like I notice in some of the drawings for this proposed development that it looks like there's possibly an entrance off of the area between where the bridge ends and where the West Bay Shore is, and I can't tell for sure if that's what that is, but it looks like to me that it's an entrance into that subdivision or to that area, which I think would just exacerbate the traffic even more than it already is. Anyway, I just want. I'm here. I got here this morning at 20 till eight, so I could be sure and get a seat in the main room. And I didn't want to sit there and not have my voice recognized as me. Against this, one other thing I'd like to point out is two days ago I printed the copy of the changes to the ordinance, which were supposed to be highlighted in red. But when Mr. I'm sorry, I don't remember your name, but when he was talking, he was talking about things that weren't highlighted in red on that change ordinance. So, I'm not sure how we got some of those new changes in. Again, my copy was printed two days ago.

Chairman Jones speaking, thank you. Anyone else?

Hello, I'm Teresa Spohrer, I live on St George Island. Do folks know we're a UNESCO protected biosphere? You're aware of that. A lot of people that volunteers are not aware of that. It seems like that makes it more worldwide important to protect the bay, and the thing that you're talking about with the Saint George Island Marina is not protecting the bay. It will be ruinous, and it will be ruinous to the citizens of Saint George Island, and I beg y'all, please let's just do the lawsuit, get through it, and see if we can get UNESCO to help us buy the place so this never happens again. Thank you.

T.J. Saunders, I live here in Apalachicola. What we've heard here today so far is your constituents asking for leadership. I've lived here for three years now, and despite hearing time and time again, I don't know how things are done here. And apparently, as soon as I crossed over the Ochlocknee Bridge, all common sense left my mind, according to the locals. I've watched this commission and watched what you've done. I've watched all five of you verbally assault FWC staff in not restoring oysters to your personal expertise and standard. I've watched four of the five of you plead with FWC commission to open our bay and restore our identity. I've watched two of you grab every television camera operator you could find and dislocate your shoulders, patting yourselves on the back for protecting our river from oil drifting. I sat in the commission chamber at the very initial presentation for this and asked a very important question. These professional marine officers gave a beautiful presentation. Their beautiful graphics of their marina. They forgot their fuel tanks. Now NIFWIFT, as mentioned earlier, is spending a lot of money to restore our bay, to restore our identity, and this commission is considering bowing down to a singular developer who wants to drop fuel cells within mere miles of currently the only harvestable oyster reefs we have in the bay. Your constituents are asking for leadership. We're going to trial, whether or not there is a settlement. Let's fight a bit. Protect the bay. Stand for what

you believe in. Stand for the history of this community and this county, and do what's right. Thank you.

Chairman Jones speaking, anyone else?

My name is Robin Proka. I live in Apalachicola. I've been here for 32 years, and I've seen the complete trajectory from Netfin to where we are now is a trajectory we've seen elsewhere in Florida, and I'm here to put a little bit of our personal perspective on that. I have been this will be the fourth or fifth. County meeting, different issue each time about this piece of property. In my 32 years, I can remember when Noah Lockley and Smoky Parish went over to a meeting that the state park held over on St. George that they wanted to have boat camping in the park. Yeah, boat camping. Anybody remember that? Of course, we rebuffed them. They both spoke very eloquently, which I don't have that gift, but I have a gift of recall, and we rebuffed them. It wasn't done there. Many, many times that John and others have pointed out, we've gotten lots and lots of largess from over many, many years since we the whole area was declared in an area of critical state concern. It goes back to the 80s. We've gotten lots of money because of that. We've gotten lots of help. There's been lots of study. God knows they've studied the beta depth. Okay, we know what this project will do to the water quality, and the water quality is what it's all about. So, I'm just here. I used to have a ecotourism business in Apalachicola before Michael for five years, it was right next to the chamber. Everybody that walked through thought we were the chamber, so they walked in, and I got to chat with people from all over. And I remember in particular one day a woman came by from Destin celebrating her birthday, and she said it was her birthday. I said, "Well, why aren't you celebrating over there? She says, "Oh, Destin, forget it, forget it. So, I was developed. That was 10 years ago now. So, it happens fast. My home county, Broward, and in Florida, in the '70s, was the fastest-growing county in Florida. I went home after college and didn't recognize it. So, I'm here today to please take the advice of a lot here of people here that are smarter than I am. But my appeal is this: we can do it. That's what Franklin County has always been known for: bucking up. And I want to step, buck up instead of the other. And I don't want our destiny is not overdevelopment on St. George, which will ruin the water quality. Our destiny is to not become Destin. Thank you very much.

My name is Michael Broga. That's my better half. I want to explain to you people that I spent 30 years in emergency services, and I have to be the fire chief from St. George Island for his insurance, because what you're meeting or what they allow is a so if you want if you want to see that if you want to join somebody that'll do because when they see that, it's what we saw in 10th of the hall. Only multiple 100. Does that matter? I'm concerned about the environmental impact that it will create, not only on the bay but on the land there. If you want to plow that land out or have or have a soil contractor remove because that's what'll be happening after you have an issue there. So, and never mind what leaches into

the bay, what ruins that bay. With while we're in the midst of a potential granite. and restoration of the oyster industry. It's close. It's real close, and I think that you should reconsider this. I don't get off and say anything very often, but this is an issue that all five of you, and Mr. Shuler and Mr. Theriaque need to look at and consider your actions, whether they're the best thing for this community or whether they're not. Thank you. Michael Broga, C-R-O-E-G-O-B. Yep.

Chairman Jones speaking, anyone else?

Bonnie Miller. Good morning, Commissioner. Good morning. We elected y'all to represent the people of Franklin County, not an outside interest. Please do not pass the overlay. Don't do it wrong. What's going to happen every time you have a threat of a lawsuit? What if somebody wants to build a 6070-foot, high-rise, and they threatened with a lawsuit. Are you going to throw us under bus again on that? I mean, don't do that. You can't hold these developers if you pass this thing. I'm afraid this is the beginning of the Destin- Fort Walton and Franklin County, and this is bad. I don't know whether you realize what the scope of this thing is going to look like. If you allow this, you know they're going to build it. It's going to be twice as big as Scipio Creek, except it's going to have three sides covered in housing, just the footprint, the sheer footprint of that alone should scare you to death. You should fight this thing, this terrible lawsuit we have. I looked at the Bert Harris Act. I read it two or three times. We have, as far as I can tell, done nothing to stop those people from making a reasonable living over there. Fact is, they want to make their bucks. They will be gone. We will still be here if they will be out of here, just like Destin, Fort Walton, most of those places. I would say fight it like you know the bird monkey on the rail going to the ark. If you don't, they're going to run over us every time some development comes along, and you're going to take our county away from us. I mean, you just can't you just can't fault it every time it's the threat of a lawsuit. I've seen nothing in that act, where we've injured those people, they knew or should have known when they bought that property was allowed. What has happened since 2018 when you passed the original overlap? You're trying to get out by. You're circumventing everything by changing. Don't change that thing. Leave it alone and fight this thing. Please do that for the people of Franklin County. Don't work for the people that are not from here. Thank you very much.

Chairman Jones speaking, anyone else. Yes, ma'am.

I'm Leslie Finnell from St. George, Island, on behalf of all the people who are not allowed to vote because they don't live here, but they own property as much money as we contribute to the county budget, we want you to fight this thing. We feel sorry for the businesses that are already there that won't be able to survive because of all the traffic and all the congestion, and the people who will decide they don't want to come back. We are not destined to Florida, and as I think it was Teresa said, that is not our destiny. We are the

forgotten coast, and people like it that way. And they won't come back. We'll wind up with a sad place to live, and nobody wants that. Thank you.

Chairman Jones speaking, anyone else?

First of all, I'm not a speaker. I'm Lisa Womack. I live on the island. My concern is the bridge. Has anybody looked at the water level? How it's getting closer and closer to the bridge? When I drive onto it, I see this huge water pipe. I guess that's our water. I don't know, but if okay, it's been exposed for years. To me, that's a larger concern. If this happens and we have a hurricane, I also work disaster relief, and I know what it looks like when a disaster hits. If this thing hits this bridge, none of us get on it. Have we considered the bridge? Thank you.

Chairman Jones speaking, thank you. Anyone else?

Hi, I'm Adam Hayden, and I live in Apalachicola, and I just want the people of Franklin County to realize this is one of several different changes that are going to happen in our county in the next 15 months. Apalachicola, we're getting a new water district. You guys are part of that. We are trying to figure out what that's going to look like. There's that new Serenity piece on East Point that is also going to tie up traffic and create infrastructure issues. And for me, as a city commissioner, I'm worried about our infrastructure. The bridge is a big deal, a big part of it. When you live in Apache Cola and you over on St. George Island, you could be there for three days, depending on what happened on the bridge. And I know that because that happened to me. So, think about this in a bigger context of what you're hearing here, and also what we know is going to happen in the next two or three years, based on things that have already been solved by the state legislature. You guys are looking at new ideas about your own water system, and you have referendum coming up. All of these things at once are going to put a huge strain, I think, on the county resources. Thank you.

Al Stone speaking, also, St. George Island. Grateful for them in a great community. Thank you, commissioners, for what you do, county staff. As last night, it was a miracle because I stood at a podium or a dais and agreed with many people. So, I have a lot of agreement, but I want to ask the question, the clarification of my purpose for speaking to you today. So, correct me if I'm wrong. Is the lawsuit not about marinas, but more in the Bert Harris Act and the dry study? Clarification is the lawsuit and the overlay. Maybe I don't. I can't address the council, but isn't it just clearly about dry stack?

Chairman Jones speaking, oh, we do know. So, I can't answer that for you, sir. This time,

Attorney Shuler speaking, we are in pending litigation.

Al Stone speaking, maybe we can. So, the next, you know, and I just want clarification is there's so many things said online, and so many things that have been said even here today

that I know are incorrect or can be correct. So, my next question, and Dave Theriaque, Mr. Theriaque, has stated last night, and I think he made mention of him. We stand to lose $10 billion in March as a county?

Attorney Theriaque speaking, I'll answer that if that's okay, Mr. Chairman.

Chairman Jones speaking, yes, sir. That's fine.

Attorney Theriaque speaking, I will answer that. The complaint alleges 6.8 million based upon an appraisal. If we lose, we also have to pay their attorneys' fees and costs, and there is a recent sale in Destin for a significant increase on a comp. So, it is potentially 10 million. They would not be able to proceed with the marina and dry dock facility, and the plaintiff would still keep the property. They would just lose the right to do what they thought they were buying. And I'll add up one other thing, Mr. Chairman. Since we're hitting this, I can't get into litigation strategy. You just can't do that publicly. The other side's not inviting us to their meetings with their lawyers and what their strategy is.

Al Stone speaking, you represent us. We're the ones losing $10 billion.

Attorney Theriaque speaking, I represent the county commission, and we have discussed the pros and cons at length. I will state this: I have litigated Bert Harris across the state for many, many, many years, ranging from 30 million to 298 million claims against local government, and every case has good facts and bad facts, and some of the problems we have with this lawsuit. You typically want to take depositions of people that were involved. George Floyd is dead. Dan Garlick is dead. It's undisputed that Municode did not publish our overlay. It is undisputed that when the plaintiff purchased the property, our overlay was not in the zoning code. There is an affidavit signed under oath by the plaintiff's corporate representative that they had no knowledge of the overlay when they purchased their property. They we have received their internal emails, which confirm that when they learned of the overlay, which was after they purchased the property. So, what we face in court, I believe, we have solid defenses, solid legal defenses, but the plaintiff has already laid out in their motion for summary judgment that they should win because they had no knowledge of the overlay. They thought they had a reasonable investment-backed expectation when they purchased their property to do what they were proposed, and they didn't learn until afterwards. The county could lose this lawsuit, and if they lose this lawsuit, you're looking at approximately $10 million. So that's the rub that the board faces, and part of this ordinance is part of our effort if we lose to reduce a $10 million verdict.

Al Stone speaking, thank you, Mr. Theriaque. I would never imagine that I would get such a great and wonderful answer to that question. Thank you. My next question is: If we lose or win, if we lose or win, is the owner or whoever owns that property still able within our building codes to build a marina and a hotel because our building codes say they can. Whoever owns the property?

Attorney Theriaque speaking, the marina is expressly allowed by c3. The restaurant has to be associated with a marina. If I remember c3 correctly, I don't have it in front of me. There are some uses that I believe they would still retain. They would still retain the property, but yes, there are some uses that they would still retain.

Al Stone speaking, so that leads me to my next statement. And thank you for that clarification because I really think that's been misled publicly that we're here to defeat a marina or a hotel or a restaurant, and really we're here talking about dry stack and whether the dry stack succeed or doesn't succeed is irrelevant of whether there's going to be a marina, or restoring a marina to the place where there always was a marina, and so I ask this question as humbly as I can, commissioners. Are we satisfied with legal counsel at this point? Because last night the P&Z recommendation from council today is to change this ordinance today, even after it was presented to P&Z. By March, we're going to be in court. We need to have proper representation. We need to be protected. And I would just, I would just ask the question, and you may not be able to answer. It's something you can contemplate on. But are we properly represented by legal counsel? This is a mess, so I just encourage you with that.

Morning, my name is Angel Gay. I'm the executive director for the Apalachicola Riverkeeper. Our first time speaking to you all publicly. I came on board in November of last year. As John Alber stated, Riverkeeper is working to do restoration. We wanted to go to river, the floodplains, the bay. I've been on a fast track for absorbing all the information that I can about what that means. I think a lot of people think they cross the Apalachicola Bridge and that divides the river and the bay like there's an invisible wall, but it's not. All the water that comes downstream goes right into that bay. I'll be attending a conference next week for the ACS stakeholders representing River People, representing you all, representing this area. So, it's very important to me, and we are solely focused on restoration, all the things that it means to the bay, to the river, and to the floodplain. I'm also a resident of Saint George Island. I've lived there for six years. I've seen a lot of the things that the folks here have brought up: traffic, dangers, the fire department. I have the volunteer firefighter as well, and this morning, as I was driving over, when I looked to my left, I saw fishermen out there. They're not even knee-deep water in the exact space we're talking about, and they're fishing. And I see people fishing there all the time. They love that spot. I'm concerned about what happens to them when the marina's there, where it's a big dock and there's a big canal that has to be dredged and maintained routinely. Sediment is stirred up, and it's not a one-time thing. So that will continue to happen. It will impact our oyster bars in the area. So please take that into consideration as well. One thing that came up to me today: I also hold a real estate license. I'm a glutton for punishment for doing a lot of different things. So, in my real estate time in that career, when we did comps, we had to compare the things that were similar, and comparing anything here to Destin doesn't make sense to me. Could we take inventory what the Carrabelle Marina costs

currently, or what not what Scipio Creek Marina holdings just sold for, but the marina itself. Are we thinking more that's a $3 million investment? Do those dollars translate to Franklin County and not what's happening in Destin? Just for your consideration.

Chairman Jones speaking, thank you. Anyone else?

Hi, commissioners. I'm JoEllen Pearman from the island. I just we've heard all the complaints, all the concerns of all this, but I've heard very little about how this benefits the people or keeps preserves the uniqueness and the quality of the island. What is the advantage for us?

Chairman Jones speaking, anyone else?

Good morning, Mason Bean. Mr. Chairman, may I defer my five minutes to Barbara Sanders?

Chairman Jones speaking, why do you need to do that, sir?

Mr. Bean speaking, she's more eloquent than me.

Chairman Jones speaking, well, maybe after everybody's spoken, we might entertain that. But no, we're going to give everybody a chance to speak first. Want to make sure everybody that wants to speak gets to speak.

Mr. Bean speaking, okay. Does that mean yes now or later?

Chairman Jones speaking, maybe later, but I want to make sure everybody gets a chance to speak first. Yes sir, not a problem. Anyone else?

Hi, my name is Ashley. I live on Saint George Island, and I think what we keep hearing is, you know, what is the benefits here? And the only thing I could possibly see of why you would want to do this is for a single developer, either for money purposes, where is the money flowing here, or for giving into terrorism because you're scared. And I think that you need to take a good look at why you would be saying yes to this. What are the benefits? Because we keep hearing all these negatives, but we're not hearing where the benefits would be to the people. So, I think thinking about who is benefiting as a whole versus individuals.

Chairman Jones speaking, thank you.

Gay Stevens. I'm a resident of St. George Island. I own two pieces of property. Seems to me there's a new elephant down in the room. This is new to me. I had never heard that the overlay district had not been incorporated as part of the zoning code. That's new to me. I don't know. You knew that. I'm just wondering how does that happen? How does the county pass something like that and it doesn't get incorporated into the public record, so that people

doing transactions in the county can be aware? How does that happen? Did that create this $10 billion liability? And if so, who's responsible for that?

Chairman Jones speaking, anyone else? Anyone else at all?

My name is Beau Wallace, a resident of St. George Island, been a property owner on the island for the last six years, resident for almost a year and a half. I am steadfastly against this. Let me say that from the onset. But what I'm coming away from, both from meeting last night and from what has been discussed today, is a heck of a lot more questions than answers, and I don't see how we can continue to pursue this with so many questions being raised. For instance, in your notice of intent to consider adoption, whatever this thing is on page two, it says summary of proposed ordinance. The very last sentence says, and by protecting reasonable development expectations of property owners. By my count, we've already heard from at least 15 people today, and of them, every one of them was against this. So, you know that begs the question: How are you protecting the reasonable development expectation of property owners? I do not understand how you can say that there is no direct compliance cost to businesses. Good faith estimates of the number of businesses likely to be impacted by the proposed ordinance is none. Seriously, can you say that with a straight face? I don't know. There's a whole lot of other questions that have been raised, but also one thing that that I keep coming back to is that, and I had before last night I had heard that the county made a mistake. County didn't pass an ordinance in 2018 and didn't follow all the way through. Last night, for the first time, I heard very passionately from some people with the county that know the county did everything right, and they don't have any idea why this thing was not published, but it wasn't published? So, this lawsuit is asking the county to put the bill for somebody else's mistake. If that is correct, I don't know, but I don't think that we should capitulate, give up, roll over, play dead because somebody's throwing out a whole lot of big numbers. Yeah, they're big numbers, but by the same token, you know another question I have is: if you do pass this ordinance, then are you in some way admitting wrongdoing or guilt, or are you giving them ammunition for this lawsuit, which has yet to go to trial? Also, if you do pass this, will they still have a reasonable claim under this Bert Harris Act? Will they still have a claim for legal fees, which I'm sure are not cheap? So, will the county still be on the hook, even if you pass this? There's a whole lot of big numbers that are being tossed around. A whole lot of questions that, in my opinion, seriously need to be answered. So, I would urge you to not move forward with this at this time. Let's see what happens in court. You can't change the past, but if the county indeed does nothing wrong, like it's been stated both last night and today, then let's take our chances in court, and let's try to do the right thing, and let's try to represent the wishes of the property owners and your constituents who voted you in office. Please and thank you.

Chairman Jones speaking, anyone else?

Hi, I'm Angela Sims. We've been a property owner on St. George since 2014, and full-time resident for the past three years. My concern is not just this particular ordinance; it is actually the development of all of Franklin County. I'm watching the development, and it seems like we don't have an overall plan of how to keep this area really, really beautiful. I looked at the Serenity Resort. I looked at their website. They showed all these trees, not planted trees, original trees, on their drawing, their rendition. Go dry by it now. They're gone. You know, once we cut these trees that I've learned are 100, 150, 200 years old. They don't come back. You know, we need to have a plan for the entire county of how we develop, not just here or here or here. Then it just looks haphazard, like we don't have a community that we should have, I think, in this area that is so naturally beautiful. I go to some places, Panama City, Destin, particularly those areas. It's just so overdeveloped, and they've just destroyed the natural beauty. You go places like Saint Simon, and they've tried to preserve more of that, they have regulations about billboards and signage and what can be built and what can't be built and how it's built, and that's what I would like to see for this area. I also want to echo the issues with you know I agree with Jason on you know I didn't even think about the fact that there are fuel tanks that are going to be with the marina and what kind of impact that had. I went through Michael and our hot tub almost ended up in the bay. You know, you think about all that big equipment that starts ending up in the bay, and then we're backwards on what's happening with our water here. So, I just want to echo. Please consider this ordinance. We need to rewrite things to really protect the natural beauty and resources that we have in this area. Thank you.

Chairman Jones speaking, thank you. Anyone else?

My name is Lonnie Collins. I actually grew up on St. George Island. One of the few children that grew up there. I'm watching this place turn into something I don't recognize anymore. It's very sad to me. I have a few questions about the BIE, the direct compliance to businesses. None. Where did these? Who prepared the BIE to get one, and when was it prepared? What documents were relied upon in making these findings? What factual analysis is supporting this none? That's my question.

Chairman Jones speaking, I understand. I can't answer that because I didn't prepare.

Ms. Collins speaking, do you know who did prepare? Does anyone know who did prepare?

Chairman Jones speaking, yes, we do. Thank you. Anyone else? Anyone else? This is public comment.

Cheryl Klaus speaking, good afternoon, commissioners, and everyone in attendance, can you hear me?

Chairman Jones speaking, yes.

Ms. Klaus speaking, and no echo. Thank you, Michael Moron, for all the work you do. I want to talk a little bit about fear and responsibility because what I am hearing is a lot of fear. Good decisions are not made based on fear. This is not news to anyone, and I don't agree. David Theriaque is one of the smartest attorneys when it comes to land use. He's the person that, when the plantation was in trouble, we ran to. He's phenomenal, and I believe-and this is my belief, not anything I have been told by anyone-that this is part of his strategy to win this. But it is not his only strategy. Nobody goes into a battle with one line of offense, and I'm not going to sit here and talk to you about two years of the residents of this county telling you how much we do not want this here. The impact. That we'll have to the traffic, the deaths on the bridge we've had from the traffic stops that are already there. I'm not going to repeat what our fire chief says about mass casualty events. I'm not going to talk about the stewardship of the bay or how commissioners from surrounding cities are coming forward and pleading with you. For two years, you've listened to it. You know the constituents do not want this. Why are we here? $10 million-that's the number we're throwing around today. It's an imaginary number, but I'll let us throw it around. $10 million-the cost today if we lose. But you were elected to represent us, and not to assume that you know better than us, or to make decisions for us in cases where the constituency has come out in mass numbers. There's been what, 18 people who spoke here today, but over the last two years against this, there's been 10s of, maybe even hundreds of people that have written, signed petitions, and come forward. In this particular case, it is our money, and we are asking you to fight this. And I have so much respect for David Theriaque. He knows that he's my counsel in another situation, and maybe this is his primary first choice. But there are other choices. We have a strong case, and we want to go to court. We want to fight this. We want to fight it on the merits of what we have already passed, and the merits of what we know has happened in this situation that I'm also not going to talk about. It's our money. Let us have our day in court. We have made it clear how we feel. Thank you for your time.

Chairman Jones speaking, thank you.

Mr. Moron speaking, Mr. Chairman. Next, it's Rebecca Geton.

Chairman Jones speaking, Ms. Geton, can you unmute yourself?

Ms. Geton speaking, yes. Can you hear me now?

Chairman Jones speaking,

Yes, ma'am.

Ms. Geton speaking, past resident of Franklin County, the dry storage will also include the dredging of a 2,000 by 100 foot wide channel across the bay in close proximity to the oyster bars. Dredging stirs up sediments, releases pollutants, and releases and decreases oxygen

in the water column. The dredged channel will require continual maintenance dredging year after year, suffocating microscopic marine organisms. This dredged material will require nearly 2000 dump truck loads to dispose of the dredged material, the state of Florida has allocated $25 million this year alone to provide restoration activities for the bay. Isn't there any way the county could consider compensating the applicant and allowing them to go forward with a revised site plan, the cost in the future will likely exceed 10 million in detriment to the bay and cost for additional infrastructure. I know this is a terrible decision for you to have to make. You're not a rich county, and I appreciate the stress that all of you are under. But please consider this as well: What mechanism has been put in place at the county level to ensure that any ordinance presented to the board is rendered to the Florida Muni Code, having it on the website and sending it to Muni Code does not satisfy Chapter 163, which requires one Uniform Development Code. I encourage you to develop a strong mechanism to address this issue. Thank you.

Chairman Jones speaking, thank you.

Krista Miller speaking, I'd like to first bring up something from some years ago when our mayor Kevin Begos was still with us. He asked me to go on Facebook and put a poll up to ask the 80 something 1000 folks.

Chairman Jones speaking, Ms. Krista, excuse me. Can you back up from your microphone a little bit? It's echoing here when you're talking.

Ms. Miller speaking, okay, is this better? Is that better?

Chairman Jones speaking, I think it's the other thing that's happened.

Mr. Moron speaking, no, it was last night too. She's a little muffled on her end.

Chairman Jones speaking, yeah, for some reason, it's muffled on your end is all we're saying. Go ahead, Miss Krista.

Ms. Miller speaking, okay, is this better?

Chairman Jones speaking, try it out. We'll see.

Ms. Miller speaking, okay. When Kevin, when Mayor Kevin Begos was still with us, he asked me to do a poll on Facebook. Are you having trouble hearing me?

Chairman Jones speaking, for some reason, it's muffled, Krista. The reason I'm saying it isn't just for the commission and the people in the room. There's actually a court reporter here recording what you're saying. She's having a hard time understanding that.

Ms. Miller speaking, can you take someone else and then come back to me and I'll change mine.

Chairman Jones speaking, we can do that.

Good morning. It's David Covington from St. George Island. I'm sorry, I'm logging in with my different account. I'm actually back home in Atlanta. Little different view. Little different view this morning than the past three weeks down on the island. I want to start off with a with a couple of things here, and I know this has been going on a long time. And I really, you know, I don't have a dog in the fight because I don't get to vote down there, but I do have an opinion, and you know I'm concerned listening to Attorney Theriaque when he is stating, and I understand the county is in a lawsuit, and I think that's part of the problem we're in right now with communication and what's going on in the background. I'm concerned when our attorney is saying, I'm sad that this has gotten to the legal part of this. That anything that's said by the public can be used in a lawsuit. What kind of public hearing is that? When our words as a public have potential in a legal lawsuit, when we're talking $10 million can be used against us, that doesn't seem very fair. You know, I think part of the problem here is not knowing the fine details of what's happening in this lawsuit. But you guys are wanting to change the policy without the public knowing all the facts, and I'm not sure what the answer is here. I get it that you guys don't want to give up your strategy. I give it that the plaintiff does not want to give up their side of the strategy. I've read both the complaint and the response to the complaint, and you know I guess with what's gone on in the past couple of years, and talking with the PUD, you know, changing the PUDs when we were talking about this in regards to when they were talking about getting a PUD for this particular parcel on the island, you know, when we're looking to change this right now, what precedents does this set? Is it going to stop with this developer? Are we going to change other things for other developers? And they go, "Well, you did it for him. Why aren't you going to do it for me? I mean, I think honestly, the county needs to stand firm in its position. And you know, I'm in agreement, sort of, with Barbara Sanders and Bobby Miller on this situation, and I don't buy the fact that the buyers didn't know that there were issues with zoning on this property, and I don't feel it's the county's responsibility to go tell them that there were issues where they could not put a dry stack storage on this property. They say they've been coming to the island for years, and they want to do what's right for the island. They're trying to do what's right for the island. Well, if they've been coming for so many years and they were kind of plugged into kind of what was going on, then they should have known what was going on with that. That's not the county's responsibility to tell them what the county's position was in regard to the overlay ordinance, and I think it's just getting confusing when now we're talking about putting this 2,100-foot area inside a current overlay that we've already got there. You know, I am concerned about traffic. I understand DOT has already approved the traffic patterns over there. I apparently understand DEP and potentially DOH has already approved the dredging of the channels. That's the latest that I heard. I have not seen the latest proposal on the

design. The Landings people has actually taken all of the information off the website as far as what they plan on doing, I can't find anything on the county books that shows what they're potentially talking about doing. I would, you know, like to see that as well. So, you guys, we've got a, you know, we got a world of a mess here, and I just don't know how we're going to solve this. I hate that it's gotten to litigation, but I appreciate you guys standing up, and I think we need to kind of stand forward and move forward with this and let the chips fall, kind of sort of where they may. So, I appreciate you guys and what you guys do, and I'll say a prayer for you guys and making the decisions that you make for the for the citizens of Franklin County. Thank you for your time this morning.

Chairman Jones speaking, thank you. You want to try Miss Miller again?

Ms. Miller speaking, okay, is this any better?

Mr. Moron speaking, a little bit.

Chairman Jones speaking, I think so. Yes.

Ms. Miller speaking, hello. Now I can't hear you.

Chairman Jones speaking, oh, that's not good.

Ms. Miller speaking, um. Well, I can't hear you guys, but I'll go ahead and if you can hear me. Basically, I did a poll back when Kevin Mayor Kevin Begos was still with us, and regarding the height limit for the entire area. And during that time, I put the poll on the Saint George Island page of about 80,000 folks, and the response was overwhelming. That everyone was in agreement from a vast majority that they did not want any large development projects on the island. There were probably at least you know 300 to 500 people responded to that poll that I put up for the mayor, and there was a lot of comments about you know the visitors would ruin the appeal of the island. They didn't want to come back here. They didn't want to. They would quit visiting. There were lots of comments like that. I'll be happy to put up another one so we can get a feel for what the what our visitors have to say about this because they are the backbone of this community at this time. Heavily rely on tourism. The second thing that I'd like to mention is if this is a $10 million, you know, lawsuit. I mean, think about how much money we're going to lose from tourism. $10 million. We, our county budget has gone up $64 million, just 2020. So, $10 million to me at this point seems like a small price to pay for what we're up against. The other issue that I wanted to mention is that we've been talking about fire. Not too long ago, my brand-new boat, which was not even a year old at the time, suddenly started smoking, and one of the lights on this less than a year-old boat had started an electrical fire. Thank goodness that I was in the vicinity of the boat, because if not, it could have been catastrophic. Multiply that by 200 vessels, all with lithium batteries, and in 2024 there were 250 vessel fires from just lithium batteries alone. Add that to 200 boats with 100 gallons of gas in each

tank, and that's you know we're talking tropic. In 2017, when we had the fire, it burned from Third Street all the way to 10th Street, and that was started with a few leaves in someone's front yard. Imagine the explosion if we had a fire of that magnitude at the very entrance of our island. It would be unimaginable. And the last issue, the last item of concern is, I asked the P and Z board last night if they had read this for themselves because as we have seen in this matter alone, mistakes can be made by those that we're dependent on to file things and do things for us. So, I'd like to inquire whether or not each one of you has read this and compared it to the comprehensive plan yourself. Because through my limited knowledge, I read it and compared it to some items in the comprehensive code, it didn't seem like it was. There were several items in there that did not seem to be in agreement. So, if we have to when we had the meetings back in Apalachicola last year, a couple years ago. Seems like there were like 100 variances that we were going to have to have in them to even do this project, and the dredging alone would be required in order for them to put in this marina and the boat storage and all that. If they can't get past that one item alone, then this is a moot point, and the dredging would be a problem, so especially with the oyster beds and the amount of money we put into our bay. So, I say, you know, we fight this. There's no reason why we shouldn't. $10 million, you know, compared to what we've spent so far, to improve our bay and we waited made the oystermen wait five years to be able to work again. I think it's a small price to pay, and I hope that you all will consider that it's all the variances that they are asking for and that would be required because they are against the current code. I don't see how this project would see the light of day to begin with, but thank you.

Chairman Jones speaking, thank you, Miss Krista. Anyone else?

Hi, this is Julie Boisseau. Can you hear me?

Chairman Jones speaking, yes.

Ms. Boisseau speaking, yeah, I'm from Carrabelle, and just sitting here listening to all the comments in this meeting brings me back to that day in early 2025 when The Landings had their first presentation, and Barbara Sanders said, "Let's just get the county to buy this piece of property, then we won't have to deal with all this. And how I wish we had taken her advice. Well, we didn't, and we're in this situation now. And all I can say is that I really hope you will stand up for us and fight against this with everything we have, and not capitulate and give up. Thank you.

Chairman Jones speaking, thank you.

This is Allison Goodson, St. George Island homeowner. This ordinance greenlights dry stack boat storage and incorporates multifamily housing, which are the real financial underpinnings and the real drivers of The Landings development; these are the things that these developers need in order to support and justify the proposed marina with the fuel

dock and the sewage pump out, et cetera. And so, while the proposed ordinance amendment on its face sort of quote only adds back in dry stack and multifamily housing to the Saint George Island corridor overlay district. The practical effect of adding those items back in is to greenlight the whole project because the developers need those components in order to drive the rest of the development. And so, what we have is that this proposed ordinance is being proposed to the public as sort of an either-or scenario. Either we approve this ordinance, or we go to trial, where our counsel, while saying that on one hand we can't discuss litigation strategy, and that statements made at these hearings could be used against us later is also publicly forecasting that we're going to lose entirely if we go to trial, and that's what we're up against if we don't greenlight this ordinance. But in my experience, commissioners, litigation is not typically that type of zero-sum game. There are layers and layers of alternatives and middle grounds and 25-75, or 50-50 chances, and having that type of clarity on you know this will be the result if we go to trial is exceptionally rare, but you've got to explore those options and those alternatives and middle grounds by conducting discovery, which I think it's been mentioned, The Landings folks have done we have not done, and so as a homeowner on Saint George Island, it comes across to me as disingenuous to essentially pressure the constituents and the residents to support an ordinance by essentially threatening them that the alternative is abject loss, and what we need is a fight and an exploration and an investigation. And I understand, you know, the circumstances with Mr. Garlick and Mr. Floyd being gone are tremendous. Unfortunate, but there are other individuals who have been around and had conversations throughout the process of the sale of this land. There are documents. There is the entire George Floyd litigation that was actively in process when the Landings developers purchased this property, and I would urge our council and this commission to pursue all of those avenues to understand the full scope of what was going on at the time this property was purchased to robustly develop our defenses, which should be ongoing now, given that the summary judgment hearing is scheduled for next month, and the trial scheduled for March. Thank you.

Chairman Jones speaking, thank you. All right. Anyone else in the room? Yes?

Attorney Shuler speaking, I'm just waiting first.

Chairman Jones speaking, I thought you had something to say because you pulled the mic down.

Attorney Shuler speaking, I do.

Chairman Jones speaking, okay. Anyone else in the room? Hold on. Hold on.

Hi, thanks for having this meeting. I'm Lynn Wilder from Apalachicola, and I don't have any prepared remarks. I just want to tell you from my heart that this really hurts. You know this place is there's none other like it in on the coast. We're you know we're North American

the best bay. I don't know what else to say. We've got you know problems that are starting. We've got beach closures more often than we used to because of the development and because of clear cutting. We've got yeah, we've got algae blooms that stay around longer than they did. So, all this development is impacting the health of our bay, the health of our tourism, and our hearts. I mean, I think most of these people in here have a gut feeling about seeing trees bulldozed and you know being burned. It's heart wrenching, and so you know all the legal things aside, this is where we live. This is where we love, and if it changes, I don't know where I'm going to go because I won't stay here. Thank you.

Chairman Jones speaking, thank you. Anyone else,

Attorney Shuler speaking, Mr. Chairman?

Chairman Jones speaking, yes.

Attorney Shuler speaking, make sure it's turned on the pickup on these microphones are not great. On the issue of piggybacking from one speaker's time to another, that is not allowed by the county's public comment policy. That because otherwise, where does it end? You get one person that gets 10 different people piggybacking their time on, so that you can't hear that. Okay, but that's what the public comment policy says. It does not allow for piggybacking.

Chairman Jones speaking, okay, so I'll say this as the chair, and I hope it doesn't offend the board. It also leaves the discretion to the chair on minutes or number of minutes. So, for this one time, I will allow this, but no, we don't normally let 10 people give up their time so somebody can have an hour kind of deal. We want everybody else to speak that wants to speak. Mrs. Sanders, you have five more minutes.

Mrs. Barbara Sanders speaking, I really do appreciate your exercising your discretion in that manner because I don't want to leave with misinformation. So, as I understand it, the county answered your complaint saying they knew about this ordinance because we had filed it with the clerk of court. This county has never adopted a position that says thou shalt file the mini code. City of Apalachicola contrary, and their code says Municode is our official record. But your county isn't. That isn't so. I'm the one that's complaining about not putting stuff in Municode, and Miss Jessica too, and I think we ought to make up our minds and put it in one place or the other. Let's talk about a developer's due diligence. He's about to go borrow $6 million. We know he didn't take it out of his pocket. He accepted a deed from George Floyd on April 30 of 2020. That didn't include all the property. That's not due diligence. He had to correct it after yours truly told them it was a run. There was another ordinance on record, 2018-04. It said planned unit developments shall not be allowed in Franklin County, Florida. That is an official record. What do they do? They present a PUD to your planner, who was Mark at the time, Mark Currington. Rebecca and Jatani and I went and sat Mark's office. He had this proposed PUD. It's in your public records, and I

said, "Well, what's the what are the rules for getting a PUD? Y'all heard this before. And he said, "Well, we don't have any rules for getting a PUD. You just get to ask for a PUD like Serenity did. So, I went and looked at your records in many and said, "Mark, PUDs aren't allowed. That started the whole PUD enabling ordinance business, right? Which I applauded for getting a PUD enabling. The other thing they knew: C3 commercial recreation. This book was published in 1990, I think. My copy of it's a little tattered. It does not allow multifamily. So, they knew multifamily was selected. What do they present multifamily to? They also knew that multifamily I mean that the dry stack addresses without their tourist housing, their condos, they can't make enough money to make it float. So, what you're doing is bailing out a group of investors or people who didn't do their homework before they bought the property. C3 does not allow multifamily. You're fixing to allow multifamily in C3 zoning. You should not do that. So, they said, let's sue to get leverage because they'll run tail and hide if we sue them. And now they found out litigation makes lawyers rich, and they're sitting there paying their debt service on their $6 million loan, and they're just as desperate to get this over with as you are. But what they want to do is get maximum development rights so they can flip it to the next consortium of investors, just like Serenity did. You don't have to get a crystal ball to see where it's coming. I know y'all want to get it up with Jessica before your last shade meeting. It's frustrating, but think of your grandchildren. Think down the road. Get the big picture and look at the health, safety, and welfare, and don't allow this amendment. Thank you.

Chairman Jones speaking, there's nobody else on that. Okay. All right. So now it comes back to the commission to discuss. What's the pleasure of the board? What do y'all want to discuss? What do y'all want to do? It's up to the commissioners if they want to discuss. Now we're past the public comment.

Attorney Shuler speaking, Mr. Chairman. If I may, one of the things that the board does need to decide this morning in the first reading. You do not take a vote on the ordinance at the first. The board makes a vote or takes a vote at the second and final public hearing. But today, under the statutory process that we're following, the board will have its second public hearing after 5o'clock, unless the board, by majority vote plus one, decides to hold the meeting at an earlier time. So that is a statutory question I'm presenting to the board. What is the board's preference in the terms of what time to set the second public hearing?

Commissioner Ward speaking, Mr. Chairman. I believe, in my opinion, that we need to give the public their right to talk. I know it's we're having it at 9o'clock today. It started. I feel like that we need to have it; I think you said five o'clock is the earliest start.

Attorney Shuler speaking, the statute just says after 5o'clock. So, I mean, technically 5:01. Just any time after 5o'clock.

Commissioner Ward speaking, I feel like personally, Mr. Chairman, that we as a board need to give the people, the working folk that may not have been able to take off work and or Zoom and be here today. I feel like that that we need to give them the right to be able to come speak their mind. So, I'm going to make a motion to have the next reading at 5:05.

Attorney Shuler speaking, we don't know. I mean, I just need to know the time. The board has already authorized the process. I just need the time that we'll have to clear everybody's schedules for the time.

Commissioner Ward speaking, that's my motion.

Chairman Jones speaking, all right. So, we do have a motion on the floor to schedule the second reading of this for any time after 5o'clock date yet to be determined by Commissioner Ward, second by Commissioner Sanders. Any discussion, Commissioners? All in favor? Chairman Jones speaking, any opposed? I oppose. Let the record reflect it passed 4-1.

Attorney Shuler speaking, and just to follow up on Mr. Moron's comment, we're tentatively looking and exploring September 23 because you already have a meeting scheduled that day, so we know you're available that day. But at this point, I just I can't say we just don't know enough information. But just tentatively speaking, that's sort of the target we're looking.

Chairman Jones speaking, all right. Attorney Shuler speaking, and I will definitely get to the board members and let you all know. Chairman Jones speaking, okay, so that concludes the public general session. Commissioner Amison speaking, just confirming that date, the 23rd. Chairman Jones speaking, it is not, that's what he's not confirming. All right. Any commissioner comments before we adjourn? Thank you, everyone, for being here today. Meeting adjourned. There being no further business before the Board, the meeting was adjourned.

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Ricky Jones – Chairman

Attest:

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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.