

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
FRANKLIN COUNTY COURTHOUSE ANNEX
JUNE 5, 2007
1:00 PM**

Minutes

Commissioners Present: Russell Crofton – Chairman, Noah Lockley Jr. – Vice Chairman, Cheryl Sanders, Joseph Parrish, Bevin Putnal

Staff Present: Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order (1:00 PM)

Chairman Crofton called the Public Hearing to order at 1:05 PM.

Public Hearing (1:05 PM)

Chairman Crofton opened the floor for public comment.

Billy Snyder, of Lanark Village, stated that the citizens of Lanark Village signed the petition for the purpose of a referendum to merge with Carrabelle's Water and Sewer District, not for County Commission to dissolve the Lanark Village Water and Sewer district. Mr. Snyder stated that he is concerned that the City of Carrabelle has changed their approach regarding the merger of the two districts and is now asking the County Commission to dissolve the Lanark Village Water and Sewer district which is something the property owners of Lanark Village do not want.

Harold Arnold, of Lanark Village, read from a prepared statement that included asking for the City of Carrabelle to agree to their original agreement for a merger with the Lanark Village Water and Sewer District without dissolving the Lanark District.

Pauline Sullivan, speaking as an individual not as a Lanark District Water and Sewer District Commissioner, read from a prepared statement that included statements about mismanagement and conflicts between the Commissioners of the Lanark Village Water and Sewer District.

David Butler, of St. James Bay, stated that, based on his observation, what was discussed earlier between the City of Carrabelle and Lanark Village Water and Sewer District is different from what is included in the current inter-local agreement regarding the merger, and stated some of the specifics.

Gerald Judge, of Lanark Village, stated that the merger has been led “astray” because of two of the three commissioners on the Lanark Water and Sewer District Board.

Harriet Beach, of Lanark Beach, stated that she has a septic tank and water well but lives in the District and would not like to see the District dissolved until an agreement has been negotiated with the City of Carrabelle.

Attorney Brian Armstrong, representing the Lanark Water and Sewer District Board, gave an update on the actions on the Lanark Water and Sewer District Board thus far and listed some of the steps that have to be accomplished before a merger can be completed. Attorney Armstrong also stated some of the assets and benefits of the Lanark Water and Sewer District and stated that the District is very interested in negotiating with the City of Carrabelle for a merger of both of the Water and Sewer Districts.

Sterling Carroll, a system engineer with Florida Rural Waters Association and was here based on the request of USDA, gave an opinion on the condition of the Lanark Water and Sewer District facility stating that the facility was operating in compliance, with the exception of the disinfection by-water products compliance regulations, and the quality of water is one of the best in the area and has the potential of handling any growth in the area. Mr. Carroll also stated that USDA is willing to provide funds for improvement of the district.

Wayne Conrad, Southern Water out of Quincy, stated that Lanark Water and Sewer District is not in danger of closing down and there is remedy for the by-product and chlorination regulation problem.

Barbara Rohrs, Chairman of the Lanark Water and Sewer District Board, stated that she has made contact with USDA, and DEP, who will assist the District Board with solving the problems with the Water and Sewer District and would like to keep the district solvent.

Pauline Sullivan, Commissioner on the Lanark Water and Sewer District, asked how Mr. Carroll was able to get financial information but as a Commissioner on the District she was not able to.

Don Lively, a resident of Lanark Village, expressed his disgust with the actions of the Commissioners and the Attorney of the District Board and would like County Commissioner Sanders to attend the meeting and try and keep some sense of order and professionalism of the District Board during the meetings.

Commissioner Sanders stated that the District Board should conduct themselves in a professional matter without any outside control.

Bill Rose, of Gulf Terrace, stated that the problem with the District is the office manager, who is not accountable to anyone, the district's attorney who also acts a commissioner and is too vocal, and the three commissioners do not run the meeting in a orderly manner with rules and procedures and asked for a referendum to dissolve the district and then elect new members. Mr. Rose was against ideas about the District being part of a regional water district.

Rev. Raymond Nolton, of Lanark Village, stated that for all of the years he has heard about a merger with the City of Carrabelle, has not seen anything in writing, which in his opinion is what is needed, along with information that explains the pros and cons of a merger.

Wanda Rose, of Gulf Terrace, stated that she has heard information today that has never been discussed at District meetings and there has been information discussed at District meetings that has not been

mentioned today. Ms. Rose also stated that there are too many loose ends, problems, and unanswered questions that need to be rectified before the District can move forward.

David Butler, of St. James Bay, showed a copy of the petition that was distributed for signature, asked about and discussed what language would be on the referendum, and stated that the sewer system could present a problem at a later date. Mr. Butler asked the County Commission to try and get Carrabelle's 85/15 match contract extended, and then decided on appropriate language on the referendum.

Commissioner Sanders asked the Property Appraiser if the petitions were verified and Mrs. Pendleton stated that they were.

Commissioner Sanders asked the Supervisor of Elections for the estimated cost of a referendum elections and Mrs. Gibbs stated that the election would cost about \$2,025.00 and it would take about two months to prepare for if a mail in ballot election style is used.

A previous commissioner of the district stated since the district was formed under a "free holders" style election, would this referendum election be in the same manner.

Attorney Shuler stated that it would.

Commissioner Putnal stated that he is unsure of what the property owners of Lanark Village actually wants but he does not want the County Commission to have to administer the Lanark Water and Sewer District.

Commissioner Sanders stated that one of the biggest problems of the Lanark Water and Sewer District is that the District does not have the confidence of the residents of the District because of the lack of transparency and professionalism, and conflicts between the Commissioners of this District.

Commission Sanders also stated that she doesn't think this District needs to be dissolved, but the District Board should act in a professional manner and show the utmost respect for the citizens of the District, the County Commission should request from the State of Florida that a oversight committee is appointed to oversee the actions of the District Board, the County Commission should exercise their ex-officio powers and attend every District meeting and request regular financial reports.

Attorney Shuler stated that as an ex-officio member the County Commission does not have any voting rights at the District meetings.

Commissioner Sanders also suggested that the District Board Chairman Mrs. Rohrs and the District Commissioner Mrs. Sullivan act in a professional manner and conduct the business of the people.

Barbara Rohrs, Chairman of the District Board, stated that the office manager of the District answers to the Chairman of the Board, and expressed her concerns of some letters that were written to her in private as the Chairman of the District Board, obtained without permission, and read at a District meeting.

Pauline Sullivan, a District Commissioner, suggested that by-laws are written to help with policy and procedures of the Lanark Water and Sewer District Board.

Christine Hinton, of Gulf Terrace, supported Commissioner Sander's comments and did not want to see the District dissolved.

Bill Snyder, of Lanark Village, suggested that if the merger does not happen with the City of Carrabelle, then the Lanark Water and Sewer District should be dissolved and re constituted as a 5 member board.

Attorney Shuler explained why the County Commission could not dissolve and reconstitute the District.

Bill Snyder asked about rotating the terms of the District Commissioner.

Mrs. Gibbs, the Supervisor of Elections, commented on the rotation of terms and the few people living in the District that actually qualify to run as a Commissioner for the District.

Harold Arnold was against the three member board.

Mr. Pierce and Attorney Shuler discussed oversight committee which will include members from both of the State agencies DCA and DEP.

Recess (2:36 PM)

Chairman Crofton recessed the Public Hearing to allow Mr. Pierce to contact both of the State agencies for more information.

Reconvene (2:47 PM)

Chairman Crofton reconvened the Public Hearing at 2:47 PM.

Commissioner Sanders informed Mrs. Rohrs, Chairman of the District Board, based on an earlier statement she made, what correspondence is private and what falls under the Florida Sunshine Law. Commissioner Sanders suggested that if the District Commissioner is not able to get along they should resign.

Mrs. Sullivan, a District Commissioner, stated that because there is not public confidence in the District Board she has already suggested that all of the District Commissioners resign as well as the District attorney.

Don Lively stated that he agreed with that suggestion but he didn't think it would happen so he asked the County Commission to request that the District Board do the will of the people.

Mr. Pierce stated that he was unable to speak to the representative at DCA at this time but suggested that the Board direct him to make contact with DCA and start the process of setting up an oversight committee for the Lanark Water and Sewer District and report back to Board.

Commissioner Lockley asked Attorney Armstrong if the District Board had any rules and procedures. Attorney Armstrong stated that the rules followed by the District Board are not very well structured and will recommend to the District Board that they do create some type of formal rules and regulations to conduct the meetings.

Commissioner Putnal stated that he was uncomfortable with what he has heard and thinks that Florida's Sunshine Laws might have been broken.

Commissioner Sanders also commented on this point.

Ms. Sullivan, a District Commissioner, stated that she also thinks that Florida's Sunshine Laws may have been violated and thinks that the Florida Ethics Committee should be notified and asked to investigate these matters.

Motion by Sanders, seconded by Putnal, directing Mr. Pierce to contact DCA and start the procedure of setting up an oversight committee for the Lanark Water and Sewer District; Motion carried 5-0.

Motion by Sanders, seconded by Putnal, that it is the finding of the County Commission that the dissolution of the Lanark Water and Sewer District is inadvisable and not in the public interest, in which case no further proceedings shall occur; Motion carried 5-0.

Commissioner Parrish asked when the next District meeting was scheduled.

Mrs. Rohrs, District Chairman, stated that it was scheduled for June 11, 2007 at 6:00 pm. Mrs. Sullivan, a District Commissioner, stated that the date just given by Mrs. Rohrs was not the date originally scheduled and that was also on the website. Mrs. Sullivan also stated that she was told by the District's office manager to contact Mrs. Rohrs, which in her opinion violates the Florida Sunshine Laws.

The County Commission stated that issues like these is what is causing the problems in the District and again asked the District Board to act professional and serve the people of their district.

Adjourn (3:03 PM)

There being no further business Chairman Crofton adjourned the Public Hearing at 3:03 PM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts