

**FRANKLIN COUNTY BOARD  
OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
August 1, 2006  
9:00 AM**

**Commissioners Present:** Cheryl Sanders-Chairman, Russell Crofton-Vice Chairman, Noah Lockley, and Jimmy Mosconis, Bevin Putnal

**Staff Present:** Van Johnson-Solid Waste Department, Hubert Chipman-Road Department, Bill Mahan-County Extension Director, Dan Rothwell-County Engineer, Marcia Johnson-Clerk of Courts, Alan Pierce-Director of Administrative Services, Michael Shuler-County Attorney, Connie McKinley-Deputy Clerk

**Call to Order**

Chairman Sanders called the meeting to order at 9:00 A.M.

**Pledge and Prayer**

There was a Prayer followed by the Pledge of Allegiance.

**Approval of Minutes**

**Motion by Crofton, seconded by Lockley, to approve the minutes of the July 18, 2006 Regular Meeting; Motion carried 5-0.**

**Payment of County Bills**

**Motion by Lockley, seconded by Crofton, to approve payment of the County bills as presented; Motion carried 5-0.**

**Department Supervisor Report**

**Hubert Chipman - Superintendent of Public Works**

No items to report;

**Commissioner Putnal** brought Lighthouse Point Estates roads into discussion to request the County take them over. **Commissioner Crofton** expressed concern about all the existing unpaved roads in the county, and felt the Board shouldn't accept any roads that haven't been paved or don't meet standards first. **Chairman Sanders** stated the county should maintain all roads since they receive tax dollars for road upkeep. **Commissioner Putnal** said he wasn't saying the roads would have to be paved, but just maintained.

**Commissioner Mosconis** expressed concern that developers would expect the County to take over roads in the future without first bringing them up to standards. **Motion by Putnal, seconded by Lockley, to accept the Lighthouse Point Estates Roads as county roads; Motion carried 3-2, Crofton and Mosconis voting Nay.**

**Commissioner Mosconis**, on another matter, requested the Board to pursue the issue of procuring property through the forest for additional access to the new consolidated school. **Motion by Mosconis, seconded by Putnal, to pursue the possibility of procuring state land for additional road access to the new consolidated school.**

**Motion carried 5-0.**

**Mayor Mel Kelly, City of Carrabelle**, requested the Board to insure that re-striping on County Road 67 be accomplished for improved visibility. **Chairman Sanders** replied the County doesn't perform re-striping, but can look into it during the time Lake Morality Road is being repaired to see if the contractor could include it with his plans.

**Commissioner Lockley** expressed his desire to see that paving of roads is resumed within the County. **Motion by Lockley, seconded by Mosconis, directing the County Engineer to proceed with establishing a five year plan on road paving projects;**

**Motion carried 5-0.**

**Van Johnson - Solid Waste Director**

**Mr. Johnson** requested Board approval of a lease agreement between the Board and Elder Care Services for their use of the armory facility. **Motion by Mosconis, seconded by Lockley, to approve the agreement between the Board and Elder Care Services for use of the armory facility; Motion carried 5-0.** **Mr. Johnson** then informed the Board of the progress being made at Kendrick Park with the construction of the concession stand. He went on to report that the construction of the Abercrombie Boat Ramp on Bluff Road in Apalachicola is near completion. **Commissioner Mosconis** advised **Mr. Johnson** that additional parking spaces are a necessity at the boat ramp area. At this point, the Board recognized the Franklin County Dixie Youth AAA All Star (Age 10 & Under) Baseball Team for their efforts in making state play-offs, and each member of the team and the coaches were presented plaques. **Nikki Barrack**, on behalf of the Carrabelle Youth League, appeared and presented plaques to the Board and Van Johnson for their support of the Youth League. **Coach Stacy Kirvin** expressed appreciation to the Board, **Mr. Johnson's** department, and the community for their support of the baseball team.

**Dan Rothwell - County Engineer**

**Mr. Rothwell** reported he was working with **Mr. Johnson** and **Preble-Rish** on the design plan for the concession stand at Kendrick Park in Carrabelle. He went on to say he is researching guidelines for cut and fill policies, and will report back once completed. He continued to say he is looking into software that could help evaluate the cross drains in the county, and he is working with the road superintendent on a method to identify all roads within the county that have not been accepted by the county. **Mr. Rothwell** informed the Board he would participate in the Alligator Point road patching, paving repair, and beach renourishment projects as well as manage the Sawyer Street drainage project on St. George Island. He reported he would prepare a design and bid package for the health department parking lot, and he reported the Lake Morality Road paving project is scheduled to begin the first week in August. **Commissioner Putnal** asked **Mr. Rothwell** to look at Timber Island boat ramp to determine if the parking area could be improved. **Commissioner Crofton** stated people are filling their property above road level which causes standing water on the roads, and he requested the engineer recommend a solution. **Mr. Rothwell** replied he is looking at guidelines now that could possibly be adopted to remedy this problem. **Mr. Butch Baker**, Emergency Management Director, requested the engineer keep in mind that prioritizing of roads for paving should be done in conjunction with the county's disaster recovery plan.

**Bill Mahan - County Extension Director**

**Mr. Mahan** informed the Board the Florida Fish and Wildlife Conservation Commission has set a series of public workshops to discuss their due process procedures, and gave the dates of the workshops with closest proximity to Franklin County. He went on to report the Dept. Of Agriculture and Consumer Services will be conducting audits of retailers for compliance of Country of Origin Labeling (COOL). For information, he provided a Florida Museum of Natural History publication on the smalltooth sawfish and a copy of the summer 2006 edition of "Explore" from the University of Florida. He finished by advising the Board the Seafood Industry Taskforce will meet again on August 16<sup>th</sup> at 4 P.M. **Commissioner Putnal**, at this point, stated he understood that Mr. Oliver Nash was interested in selling his Highway 98, Two-Mile, property to the County for a public boat ramp access point. **Alan Pierce** said he'd talked with Mr. Curt Blair of the Tourist Development Council on this matter regarding the possibility of TDC funding for the acquisition. **Mr. Oliver Nash** appeared before the Board, and stated he was willing to work with the Board on the purchase. **Motion by Mosconis, seconded by Putnal, to pursue the purchase of Mr. Oliver Nash's property at Two-Mile in Apalachicola and to request the Tourist Development Council to set aside \$200,000 per year for the acquisition; motion carried 5-0.** While Mr. Mahan was still present, **Alan Pierce** brought up item #6 from his report to inform the Board a letter had been received from Sec. Bronson, Dept. Of Agriculture, thanking the Board for its support of alternative red tide toxicity testing.

**Public Hearing - Amendment of Animal Control Ordinance**

There were no public comments. **Motion by Crofton, seconded by Lockley, to accept the ordinance as presented; motion carried 5-0.**

**Commissioner Putnal** brought into discussion the ongoing problem with bears being seen in residential areas and wished the board to take action to request a special, limited hunting session. **Mrs. Bruce Hall** appeared to say there are programs in place to relocate bears, and she also suggested the Board look at ways to improve trash pick-up or set up wildlife corridors. **Motion by Putnal, seconded by Lockley, directing that a letter be written to the Fish & Wildlife Commission requesting a special, limited, bear hunting session; motion carried 5-0.**

**Public Hearing - Land Use and Zoning Change - Continuation from 7/18/06**

Discussion began on a request from **Bobby Cresap** to rezone property in a Carrabelle area (Section 14, Township 7 South, Range 5 West) from A-2 Forestry Agricultural to R-1 Single Family Residential. **Mr. Nick Yonclas**, County Conflict Attorney, appeared and reported there was nothing in the public records that could cause the Board to deny the request and there was no restriction on the deed conveying the property to Mr. Cresap. **Mrs. Freda White-Moore** appeared before the Board and spoke strongly against the rezoning. She said the Board minutes from November 7, 1995 had a reference to the property in question remaining agricultural, and also said the Department of Community Affairs had agreed with her when she was denied development rights on the property ten years ago. She stated the property was intended to remain agricultural and Mr. Cresap

was aware of it when he purchased it. **Commissioner Crofton** inquired why Mrs. White-Moore hadn't put a deed restriction on her recorded deed. She replied that language should've been put on the plat, but the records should've reflected that the property was to remain as environmentally sensitive. **Mr. Yonclas** informed the Board that the language in the minutes was too ambiguous to say that any zoning at the time was meant to be permanent. **Chairman Sanders** inquired if the Board should ask for an opinion from the Department of Community Affairs. **Alan Pierce** replied the Department usually doesn't get involved with small scale projects. **Mr. Bobby Cresap** appeared to say he feels he is only asking what the other property owners in the area have been allowed to do. **Mr. Chuck Bennett**, an adjacent property owner, appeared to say the other property owners own the right of way and he doesn't feel like it's right for any new owners to be able to use their right of way. **Alan Pierce** replied this was the first time he'd heard this was a private easement and Mr. Cresap had indicated to him that he had access to it. **Mr. Cresap** did say he had a right to use of the easement as well as any owners of the property. **Mr. Yonclas** again stated there were no restrictions on record, and suggested the Board should remain consistent in their actions on these type of requests. **Motion by Lockley, seconded by Mosconis, to approve the rezoning from A-2 Forestry Agricultural to R-1 Single Family Residential and the land use from Agricultural to Single Family Residential; motion carried, Sanders voting Nay.**

**Bruce Drye** appeared before the Board to make them aware of sea turtle activity on St. George Island. He reported that disorientation of sea turtles due to lighting is still a problem. The **Board** thanked him for his efforts towards the protection of the sea turtles.

#### **Bid Opening - Alligator Point Road - Reconstruction**

**Alan Pierce** first reported one bid had been turned in approximately 20 minutes after the deadline. **Motion by Crofton, seconded by Lockley, to waive the bid filing deadline for both this bid opening and the bids on the Repairs to other sections of Alligator Point Road; motion carried 5-0.** Bids were received from Gulf Asphalt in the amount of \$884,828.07 and C. W. Roberts in the amount of \$471,757.00. **Motion by Putnal, seconded by Crofton, to turn the bids over to Clay Kennedy and the County Engineer, Dan Rothwell, for a recommendation; motion carried 5-0.**

#### **Bid Opening - Alligator Point Road - Repairs to other sections**

Bids were received from Gulf Asphalt in the amount of \$286,000.00 and C. W. Roberts in the amount of \$207,880.00. **Motion by Putnal, seconded by Crofton, to turn the bids over to Clay Kennedy and the County Engineer, Dan Rothwell, for a recommendation; motion carried 5-0.**

#### **Curt Blair - Tourist Development Council**

**Mr. Blair** appeared before the Board and introduced Diana Prickett as a new member of the Council. **Chairman Sanders** asked the TDC to consider funding for museums within the county. **Mr. Blair** stated a draft of operating procedures had been presented to the Board earlier which needed approval. The **Board** agreed to table this matter at this time. **Commissioner Mosconis** brought into discussion again the Board's desire to utilize TDC funding to purchase Oliver Nash's property for a boat ramp facility. **Mr. Blair** felt the

TDC would need to address the issue regarding how best to facilitate the purchase.

**Motion by Crofton, seconded by Putnal to approve the appointment of Diana Prickett and Sheila Hauser to the Tourist Development Council; motion carried 5-0.**

Diana Prickett will be an Apalachicola Chamber member and Sheila Hauser will be a Carrabelle member. **Motion by Lockley, seconded by Mosconis to approve having an appraisal of Oliver Nash's property done; motion carried 5-0.** Anita Grove, Apalachicola Chamber of Commerce, told the Board that the Trust for Public Lands may also offer assistance to the County on land purchases.

### **Bill Snyder - Proposed Referendum**

Mr. Snyder appeared before the Board to ask that a ballot initiative by referendum be considered that would allow landowners from the Lanark Village Water and Sewer District to vote and decide whether or not to cause the Lanark Village Water and Sewer Commissioners to enter into earnest negotiations with the City of Carrabelle with the ultimate goal of merging the two systems and allowing the City of Carrabelle to manage and maintain the entire system. Mr. David Kight appeared to say 207 petitions were signed and he read the petition to allow Carrabelle to take over management of the Lanark Village Water and Sewer District. Mr. Ray Courage, a Lanark Village Water and Sewer District Commissioner, appeared to report they had met with the City Administrator, and he didn't disagree that a referendum might be a good idea. **Motion by Putnal, seconded by Mosconis, to go forward with a ballot initiative and directing the county attorney to get with the Supervisor of Elections on a non-binding question such as "would you favor a merger of Lanark Village Water and Sewer District with the City of Carrabelle?"; motion carried 5-0.**

Commissioner Mosconis suggested the Board consider a ballot referendum on county-wide commissioner elections that would do away with single member districts. **Motion by Mosconis, seconded by Putnal, to go forward with a non-binding referendum on the ballot on the question of county-wide elections vs. single member districting; motion carried, Lockley voting Nay.**

### **Department Supervisor Report (Continued)**

#### **Marcia Johnson- Clerk of Courts**

##### **Item 1**

Mrs. Johnson requested approval of an amendment to an agreement between Franklin County and Legal Services of North Florida. The amendment extends the agreement from October 1, 2006 to September 30, 2007 and will cause an automatic extension for future years unless notice is given. **Motion by Mosconis, seconded by Crofton, to approve the agreement amendment between the Board and Legal Services of North Florida; motion carried 5-0.**

##### **Item 2**

Mrs. Johnson presented a request from the Health Department for approval of their updated fee schedule for 2006-2007 which coincide with the medicaid rate fees approved by the Agency for Health Care. **Motion by Crofton, seconded by Mosconis, to approve the fee schedule of the Health Department as presented for 2006-2007;**

**motion carried 5-0.**

**Item 3**

**Mrs. Johnson** stated the Board needs to decide on the millage rate for the TRIM (Truth in Millage) notices. She said the Board's current millage rate is 4.0504 mills per \$1000 of taxable property value, and the rolled back rate (the millage rate to generate the same amount of taxes as last year) is 3.3284. She went on to say the tentative budget right now would require 3.8378 mills to fund. If the Board approves the same millage rate as last year of 4.0504 mills, that should generate another \$874,000 in tax dollars over the tentative budget. According to Mrs. Johnson, there are some unknown budgetary items such as property and health insurance increases estimated at around \$290,000 and support for the hospital. She reported that once the millage rate is set, it can be lowered; however, in order to increase it, notices would have to be sent out to every taxpayer. She recommended the Board approve a millage rate that would allow funding for all necessary activities. She also reminded the Board that should a decision be made regarding the hospital that results in closure, the County would be responsible for ambulance service and would have to increase the number of ambulances operating at this time. **Motion by Mosconis, seconded by Crofton, to approve a millage rate of 4.0504 which is the same as the current year; motion carried 5-0.**

**Item 4**

**Mrs. Johnson** asked the Board to set a date for the first public hearing on the budget. **Motion by Mosconis, seconded by Putnal, to schedule the first public hearing on the budget for Wednesday, September 6, 2006, at 5:30 P.M.; motion carried 5-0.** Mrs. Johnson then reminded the Board of their first budget workshop scheduled for Tuesday, August 8, 2006, beginning at 9:00 A.M.

**Item 5**

**Mrs. Johnson** gave a report on hospital revenues and expenditures. The County has spent a total of \$2,809,261.41. Revenues received total \$1,015,066.60, and there is a balance in the account now of \$264,255.28. **Commissioner Lockley** inquired about citizens receiving bills from GE Financial in favor of DaSee. **Alan Pierce** stated GE Financial is generating bills and the Board has no responsibility or control regarding that issue. **Motion by Lockley, seconded by Mosconis, directing Alan Pierce to put something in the local newspaper to clarify the issue of citizens receiving billing statements from GE Financial and not the County; motion carried 5-0.**

**Department Supervisor Report (Continued)**

**Alan Pierce - Director of Administrative Services**

**Item 1**

**Mr. Pierce** requested Board action to allow the City of Carrabelle to use the right-of-way on River Road and Airport Road in Carrabelle for a 12 inch water main. The construction will consist of trenching with the exception of a proposed directional bore within the right-of-way of Airport Road to traverse a storm drain and a directional bore underneath River Road. The contractor will be required to restore the construction area to preconstruction conditions. **Motion by Putnal, seconded by Crofton, to approve the**

**request as presented; motion carried 5-0.**

**Item 2**

**Mr. Pierce** informed the Board he'd submitted a budget request to the Finance Office on behalf of the Seafood Task Force for \$20,000 which would be matched by the University of Florida with \$10,000 with the money being utilized to keep Mr. David McLain as a paid coordinator. No board action was needed since the matter will be discussed during the budget workshops, but Mr. Pierce did present a letter from the University of Florida confirming the \$10,000 salary commitment.

**Item 3**

**Mr. Pierce** informed the Board that Mr. Rick Holden, field inspector for the USA Corps of Engineers, visited the Roux property on Bay City Road with a DEP inspector on Wednesday, July 26, 2006; however, no findings have been announced as yet. Mr. Pierce did say the County will not issue any more building permits until Mr. Holden releases his assessment.

**Item 4**

**Mr. Pierce** informed the Board that he'd received a letter from Garlick Environmental in response to Mr. Keith Hardy's concerns about the Shell Bay project. He said he'd turned over the Hardy letter and the Garlick response to the Board of Adjustment who will hear the matter at their meeting on August 2, 2006.

**Item 5**

**Mr. Pierce** informed the Board that the Department of Transportation had contacted The St. Joe Company regarding the creation of a hurricane debris staging area on the eastern end of the County for Franklin County debris. He said St. Joe Company had contacted him, and he'd expressed the County's desire for St. Joe Company to provide a debris area.

**Item 6**

This matter was discussed earlier during Bill Mahan's report.

**Item 7**

**Mr. Pierce** requested Board action to approve an amended ordinance correcting a scrivener's error on property rezoned last May where the advertisement was for a change from A-2 to R-3, but the ordinance was typed R-5 instead of R-3. **Motion by Putnal, seconded by Crofton, to approve the amended ordinance and direct the Clerk's office to put notations in the margin of the original ordinance referencing the amended ordinance; motion carried 5-0.**

**Item 8**

**Mr. Pierce** reported the South Shoal development received a DEP permit for construction seaward of the CCCL and is ready to move forward but there hasn't been a signed South Shoal PUD Ordinance beyond the original PUD. Because of the time delay, the lot reconfiguration, and issues associated with who will pay for road relocation, **Mr.**

**Pierce** recommended the Board hold an advertised public hearing to consider amending the South Shoal PUD to include the reconfigured lots and to include language that is accurate of how the road relocation project will proceed. **Motion by Putnal, seconded by Crofton, to schedule a public hearing on September 5, 2006 to amend the South Shoal Planned Unit Development; motion carried 5-0.** **Mr. Pierce** then read a letter from the Department of Community Affairs stating FEMA (Federal Emergency Management Agency) had approved relocating the road.

#### **Item 9**

**Mr. Pierce** reported he'd been requested by Ms. Gayle Dodds, Health Council Vice-Chair and Hospital Advisory Board Chairman, to inform the Board that the Health Council is going to take a few months off and perhaps come back in the fall as an advocate for health related issues since the Hospital Board is accepting that responsibility. To that end, **Mr. Pierce** said that during the upcoming budget workshop, he'd be recommending that the funding for the Health Council be directed to the Hospital Advisory Board for its use. **Motion by Putnal, seconded by Crofton, to send letters of appreciation to the Health Council members; motion carried 5-0.**

#### **Item 10**

**Mr. Pierce** requested Board direction on the search for a new Hospital CEO. He stated BlackHawk Management was willing to bring a replacement from Iowa for the Board to consider when **Mr. Ron Wolfe** leaves at the end of September, but he felt the Board may wish to look at options. **Motion by Lockley, seconded by Mosconis, to request the Hospital Advisory Board to seek a wider range of candidates for the CEO position; motion carried 5-0.**

#### **Item 11**

**Mr. Pierce** brought into discussion the Evaluation and Appraisal Report (EAR) on the comprehensive plan. He reported the Department of Community Affairs had notified the County in writing that they could not grant an extension from the September 1<sup>st</sup> EAR and the County cannot amend its comprehensive plan until the EAR is submitted. **Mr. Pierce** went on to say the August P & Z meeting will be used as a public workshop to receive public comments on the EAR and has been advertised as such, and he said the first public hearing on the EAR is scheduled for August 15<sup>th</sup>. He inquired if the Board still wanted to schedule that public hearing on that date. **Mr. Dan Tonsmeire**, Riverkeepers, appeared before the Board to ask the Commission to keep in mind the time constraints being put in place for his citizens advisory group to discuss the EAR. **Mr. Ken Osborne**, Alligator Point, inquired who was on the citizens advisory group and expressed the opinion it should have county-wide membership. **Mr. Tonsmeire** agreed to meet with **Mr. Osborne** to discuss his concerns. The Board agreed to leave the August 15<sup>th</sup> date for the public hearing.

#### **Michael Shuler - County Attorney**

##### **Item 1**

**Attorney Shuler** reported he was still working on the issue of a derelict vessel, The Lollipop, being removed from the water.



**Item 2**

**Attorney Shuler** reported the issue of the rezoning request by Nita Molsbee on behalf of the Water Company on St. George Island was still being investigated.

**Item 3**

Regarding ordinances on over-the-counter drugs being used in illegal meth. labs, **Attorney Shuler** reported he'd been unable to find any other county with such an ordinance, but he would check with NACo.

**Item 4**

**Attorney Shuler** presented a copy of a noise (nuisance) ordinance adopted by the City of Apalachicola for the board's consideration in adopting something similar.

**Item 5**

**Attorney Shuler** stated he turned a claim for workman's compensation from a hospital employee over to Lucy Turner, the county's labor attorney.

**Item 6**

**Motion by Mosconis, seconded by Crofton, to approve contract with Peterson & Petro on AHCA reports due; motion carried 5-0.**

**Item 7**

**Attorney Shuler** reported he'd received a request from GE Financial to allow them to use the County's provider number to bill medicaid and medicare. He explained the County would hold the money in our account until the Court reaches a decision. **Motion by Mosconis, seconded by Crofton, to approve this request; motion carried 5-0.**

**Item 8**

**Attorney Shuler** said that since the Board's action earlier today, he'd talked with Mr. Gene Langston regarding the transfer of the roads at Lighthouse Point Estates to the County, and they would be working on the legal paperwork needed for the transfer.

**Item 9**

Upon inquiry by Commissioner Mosconis, **Attorney Shuler** stated Mr. Seth Blich was attending a meeting now on the hunting issue for Little St. George Island, and a report would be forthcoming.

**Commissioner Mosconis** brought into discussion a letter the Board received whereby Hernando County had adopted a resolution urging the Florida Legislature to call a special session to study and enact legislation addressing the insurance crisis in Florida.

**Commissioner Mosconis** felt the Board should enact a similar resolution. **Motion by Mosconis, seconded by Crofton, to adopt a resolution urging the Legislature to call a special session to study and enact legislation addressing the insurance crisis; motion carried 5-0.**

**Chairman Sanders** asked Alan Pierce to look into House Bill 1193 which references affordable housing issues and report back to the Board.

**Motion by Putnal, seconded by Crofton, to approve the attendance of Chairman Sanders and Commissioner Lockley at an educational conference for advanced commissioner certification; motion carried 5-0.**

**Ted Mosteller, Airport Manager**, appeared before the Board to request the signing of the contract with Garlick Environmental who'd been awarded a bid at the airport.

**Motion by Mosconis, seconded by Crofton, to approve the signing of the contract; motion carried 5-0.**

**Adjourn**

There being no further business before the Board, Chairman Sanders adjourned the meeting at 12:04 P.M.

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Cheryl Sanders, Chairman FCBCC

Attest:

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Marcia M. Johnson, Clerk of Court