

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
OCTOBER 3, 2006
9:00 AM
MINUTES**

Commissioners Present: Cheryl Sanders – Chairman, Russell Crofton – Vice Chairman, Noah Lockley, and Bevin Putnal

Staff Present: Hubert Chipman – Superintendent of Roads, Van Johnson – Solid Waste Director, Bill Mahan – County Extension Director, Dan Rothwell – County Engineer, Dewitt Polous – Mosquito Control, Marcia Johnson – Clerk of Courts, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order

Chairman Sanders called the Regular Meeting to order at 9:00 AM

Pledge and Prayer

There was a Prayer followed by the Pledge of Allegiance

Approval of Minutes

Regular Meeting: 9/19/06, Public Hearing: Budget 9/6/06, Public Hearing: Final Budget 9/18/06

Motion by Lockley, seconded by Crofton, to approve the minutes for the Regular Meeting on 9/19/06, the Budget Public Hearing on 9/6/06, and the final Budget Public Hearing on 9/18/06; Motion carried 4-0.

Payment of County Bills

Motion by Putnal, seconded by Crofton, to approve payments for the County Bills as presented, excluding the payment for G&N Contractors; Motion carried 4-0.

Motion by Crofton, seconded by Putnal, to approve payment for G&N Services; Motion carried 3-0, Lockley abstained.

Doris Pendleton & Jimmy Harris – Tax Roll

Ms Pendleton requested Board action to certify Tax Roll, except for the Value Adjustment Board Petitions.

Motion by Lockley, seconded by Putnal, to certify the Tax Roll as requested by Ms. Pendleton, excluding the Value Adjustment Board petitions; Motion carried 4-0.

Ms. Pendleton also requested that the Board allow her to transfer funds from her Mapping Fund to her General Fund.

Motion by Lockley, seconded by Putnal, to authorize the transfer of funds from Mapping Fund to General Fund as requested by Ms. Pendleton; Motion carried 4-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works

Mr. Chipman requested the Engineer assistance to help solve stormwater and drain issues on several streets including Patton on St. George Island; Board, Mr. Pierce, and Mr. Rothwell discussed this matter. Mr. Pierce talked about the new grant that will be used to repair Sawyer Street and which would be a good test for other County Roads. Mr. Chipman asked about the status of Chip Morrison Road on Alligator Point; Mr. Pierce discussed bid but stated that FEMA has not approved the project as yet and also stated that he would get with Mr. Chipman on any repairs that could be immediately done. Board and Mr. Chipman discussed the repairs done to Angus Road. Commissioner Lockley stated that he was pleased with the work done on 20th off of 12th Street but the dust was affecting a resident living in that location who had asthma. Commissioner Putnal asked Mr. Pierce to send FDOT a letter regarding the eastbound lane of Highway 98 just west of the Highway 65 intersection, asking them to repair the uneven pavement; Mr. Pierce discussed an upcoming FDOT project for Highway 98.

Van Johnson – Solid Waste Director

Mr. Johnson presented the following items for discussion and/or approval:

Item 1 – Update on the Euthanasia Training Course

Item 2 – Board action to relocate the Lanark Village Recycling Center

Motion by Lockley, seconded by Crofton, approving the expenditure of grant funds to relocate and “Bear proof” the Lanark Village recycling drop site; Motion carried 4-0.

Item 3 – Board action to refurbish the basketball court on St. George Island

Motion by Crofton, second by Lockley, to approve the expenditure of funds to refurbish the Basketball court at the County Park on St. George Island; Motion carried 4-0.

Alan Pierce – Director of Administrative Services

Mr. Pierce presented the following item for discussion and/or approval:

Item 5 – Regarding the purchase of band equipment for a community band. I have spoken to Mr. Mike Clark, Asst. Superintendent for the School Board. The School Board does have a federal grant to provide after school activities. Pending some additional review, Mr. Clark felt the School Board could assist the county in acquiring and then managing the band equipment. Essentially, rather than the county commission owning some 20 pieces of band equipment, the county commission could turn over its funds to the school board and let the school board be responsible for the maintenance and operation of a community band, as the school board has the federal grant in place that would provide the setting for the community band to receive additional support. Board direction.

Board and Mr. Pierce discussed this matter.

Motion by Lockley, seconded by Putnal, to declare an emergency, purchase and inventory the band equipment, and possibly transfer the management of the community band over to the School Board at a later date. Motion carried 3-1, Crofton voted Nay.

Bill Mahan – County Extension Director

Mr. Mahan presented the following items for discussion and/or approval:

Item 1 – Gulf of Mexico Fishery Management Council

Item 2 – 2007 UF/IFAS Extension Calendar

Item 3 – New UF/IFAS Publication

Item 4 – Rip Current – Break the Grip of the Rip Signs

Motion by Lockley, seconded by Crofton, to authorize Mr. Mahan to work with the County’s Park and Recreation and Road Departments to post the Rip Current signs at County beach access points and facilities; Motion carried 4-0.

Item 5 – Commissioner Putnal inquired about the property at 2-mile for a boat ramp. Mr. Pierce and Attorney Shuler discussed this item; Attorney Shuler stated that the appraisal was completed and purchase price negotiations would begin shortly. Commissioner Putnal also discussed parking at Timber Island boat ramp.

Dan Rothwell – County Engineer

Mr. Rothwell presented the following item for discussion:

Item 1 – Transportation Regional Incentive Program (TRIP) update: 5 Franklin County and 3 Liberty projects submitted. DOT will pay for 100% of project.

Alan Pierce – Director of Administrative Services

Mr. Pierce submitted the following items for discussion and/or approval:

Item 7 – Board authorization to have the County Engineer negotiate with Preble-Rish for the design and construction supervision of the \$2.2 Million dollar resurfacing project of CR 67 from the Carrabelle city limits to Liberty County line. The County Engineer by himself could design and supervise the project, but it would take all his time and no other project would get done for six months. Since engineering fees are an allowable expense out of the grant, the County Engineer and I recommend that the Board negotiate with Preble-Rish and let them do the work, so that the Engineer can continue to work on county projects for which there are no grant funds.

Motion by Crofton, seconded by Lockley, to allow the County Engineer to negotiate with Preble-Rish for the design and construction supervision of the CR 67 resurfacing project as requested by Mr. Pierce; Motion carried 4-0.

Item 6 – Provide Board with copy of letter written to Mr. Prescott, DOT, regarding a dangerous situation on St. George Island.

Pam Watson – Eastpoint Christmas Parade

Ms Watson discussed plans for a Christmas Parade in Eastpoint that is scheduled for December 16, 2006, and distributed a copy of the proposed parade route. Board discussed this matter and complimented Ms. Watson on her efforts.

Motion by Putnal, seconded by Lockley, to support the Christmas Paraded in Eastpoint and approve the parade route as submitted; Motion carried 4-0.

Seth Blich – Hunting on CAMA Lands

Mr. Blich discussed the DEP's decision to allow hunting on CAMA land including Little St. George. Commissioner Sanders inquired about a rule change instead of a waiver; Mr. Blich responded. Bobby Miller thanked the Board for their support and thanked Will Kendrick for his assistance in pushing this issue; Mr. Miller asked the Board to accept the waiver but continue to push for a rule change. Mr. Blich asked the Board not to be alarmed if the hunting issue is seen in upcoming notices, these notices will not affect the current decision of DEP; Mr. Miller asked Mr. Blich to keep the County informed of any rule changes.

Motion by Lockley, seconded by Putnal, to direct Shuler to pursue a permanent rule change to allow hunting on the CAMA lands; Motion carried 4-0.

Motion by Crofton, seconded by Lockley, to write a letter to Mr. Blich thanking him for his efforts and send a copy of this letter to Secretary Castille; Motion carried 4-0.

Alan Pierce – Director of Administrative Services

Mr. Pierce submitted the following item for discussion and/or approval.

Item 3 - Provide Board with copy of DEP Sec. Castille's letter regarding hunting on Little St. George.

Public Hearing (Continued from last meeting)

Road Abandonment – Maxwell – Chapman Road @ Airport

Mr. Pierce read a statement from the Airport Committee not recommending the road abandonment; Chairman Sanders opened the floor for public comment: Mr. Maxwell stated that there is adequate land to use if needed for future roads. Bill Ruic, an airport employee, stated that this road will be needed for access for lots that will be purchased from St. Joe Company. Mark Curenton provided a drawing of the Chapman Road and the surrounding area. Mr. Pierce discussed the request referencing the map. Board and Attorney Shuler reviewed a map of the area provided by Ted Mosteller. Mr. Maxwell discussed this matter further. Alan Fiefer asked the Board to establish a policy for road abandonment since it is happening more often. Attorney Shuler stated that the airport property would increase with the approval of the abandonment.

Motion by Lockley to approve the abandonment; motion died for a lack of second.

Motion by Lockley, seconded by Putnal, to table this request until the October 17 Regular Meeting @ 6pm; Motion carried 4-0.

Tom Bryant – Meridian Planning – OTTED Grant

Tammy Ray, Haskell Company, updated the Board on the OTTED grant; stating that the grant has been submitted to the Governor's Office for final approval; recommended a "request for proposal" as the next step.

Mr. Pierce inquired as who was responsible for the cost so far; Tammy Ray stated that she would prepare the RFP at no cost to the County. Pauline Sullivan expressed her concerns of Landark Water and Sewer working on a GUA while this grant is in process. Mr. Bryant stated that all of the County's water and sewer districts will be contacted and incorporated into the study of the grant.

Motion by Putnal, seconded by Lockley, to authorize Ms Ray to prepare the RFP; Motion carried 4-0.

Public Hearing (Continued from last meeting)
South Shoal – PUD Amendment

Mr. Pierce recommended that the Board cancel this Public Hearing and schedule a new Public Hearing after all of the issues are resolved. Mr. Pierce also stated that both parties agreed to this action.

Advisory Board of Adjustment Item (Continued from last meeting)

A request for a special exception to construct a 190 ft. cellphone tower on Tract 10, The Soundings, Section 18, Township 8 South, Range 5 West, between Eastpoint and Carrabelle, as requested by SBA Towers, Inc., applicant. Approval contingent upon tower being able to collapse within the required fall zone.

Carl Hazen, representing SBA and the property owner, discussed this request. Board expressed concerns of the tower on residential property. Chairman Sanders opened the floor for public comment; Attorney Yonclas, representing Sounding Partners and Sounding East, stated his clients objections to this request including the fact that it is in a residential area; stated that there are other options such as locating the tower on the school board property; discussed the advisory Board of Adjustment restrictions; discussed cell tower ordinances in other districts and some of the restriction of these ordinances. Heath Galloway stated his objections to this request especially the effect on his residential projects next to the proposed property. Jim Waddell stated his objections, such as the residential issues, the effects of 24 hour access, generators, the height of the tower, the fall zone affecting his property, the access to the site, the property line, this tower does not necessarily provide better service; thinks it is a good idea on a bad location, asked for denial of this request. Mr. Waddell also stated that his opinions are personal not professional. Bruce Hall supported previous comments, discussed additional bird kills and recommended an ordinance for communication towers. Hazen read a email from a Verizon representative, regarding the school board's denial of the tower on the consolidated school property. Had additional comments in response to the previous statements made. Commissioner Lockley asked Pierce for any of the County's restriction on this request; Pierce stated that it is a special exception to the county's zoning rules. Mr. Libby owner of the property discussed the amount of property being used for the cell tower. Attorney Shuler expressed his concerns of the fall zone of the tower. Board also discussed their concerns.

Motion by Putnal, seconded by Lockley, to create a cell tower ordinance; Motion carried 4-0.

Board inquired as to the fall zone affecting the neighbors; Mr Waddell also commented on this issue. Attorney Shuler discussed a safety margin for the fall zone. Commissioner Crofton stated his preference to see the tower on the school board property; Hazen responded to this statement. Gathana Parmenas stated that she is familiar with the property, and objected to the tower in a residential area.

Motion by Crofton to table until the next meeting and get a statement from the School Board on this issue, seconded by Putnal; Motion carried 4-0.

Bruce Drye – Sea Turtle Nesting

Mr. Drye gave an update on sea turtle nesting disorientations; requested that the county attorney write letters of enforcement to houses that violate the county's rules; gave a list of houses that approved.

Motion by Crofton, seconded by Putnal, to direct County Attorney Shuler to write the letters of enforcement to violators of the Sea Turtle Nesting Ordinance; Motion carried 4-0.

Department Supervisor Report (Continued)

Marcia Johnson – Clerk of Courts

Ms Johnson presented the following items for discussion and/or approval.

Item 1 – Domestic Violence Resolution

Motion by Lockley, seconded by Crofton, to authorize the Chairman's signature on the Domestic Violence Resolution; Motion carried 4-0.

Item 2 – Hospital account balance Update

Alan Pierce – Director of Administrative Services

Mr. Pierce presented the following items for discussion and/or approval.

Item 1 – Ms. Gayle Dodds, Chairman of Hospital Board, to present new proposed by-laws for Board consideration. The new by-laws call for the County Administrator, which I presume is me, to present a slate of candidates for the County Commission to consider in appointing the new Hospital Board. Until that new slate is ready it is my expectation that the existing Board would serve, and in any event the new slate will include all of the existing members.

Also to be approved by the Board is an amendment to the Management Agreement between Blackhawk and the county commission regarding the continuation of the CEO at the Hospital. This amendment continues the compensation that has been in effect all along, and clearly defines a termination date of Dec. 31, 2006. After that, the agreement is month by month.

Ms Dodds discussed the new by-laws. Attorney Shuler explained to the Board that by approving the by-laws the status of a hospital board would change to a hospital governing board, giving this new board most of the managing authority of the hospital. Board discussed this matter. Ms Dodds stated Mr. Wolfe's current and proposed interim contract. Board stated their displeasure and did not agree with paying for living expenses for the Hospital's CEO. Commissioner Lockley stated that in his opinion it is Blackhawk's responsibility to provide a CEO. Commissioner Sanders stated that living expenses should be paid from either the management company's \$25,000 fee or the CEO's \$10,000 fee, not an additional cost to the County. Board expressed displeasure of Blackhawk not providing a CEO. Ms Johnson informed the Board of how the by-laws affect the county policies per the auditor and asked for clarification of the Board Secretary and the administrative assistant; Ms Dodds explained that the Board Secretary was a member of the Board and the administrative assistant was staff. Curt Blair recommended approval of the by-laws and also direct the hospital board to negotiate with Blackhawk, especially the living expenses, regarding the amendment to their contract to retain Mr. Ron Wolfe as the CEO. Ken Osborne expressed his concerns of the Board approving the submitted by-laws without having a chance to fully review it; Attorney Shuler addressed his concerns; Ms Dodds also commented on the By-Laws. Westley JoHaven expressed her concerns of giving the hospital board financial

authority before the hospital financial situation is turned around. Alan Fiefer expressed his concerns of transferring the financial authority of the hospital to the hospital board from the Board.

Motion by Putnal, seconded by Crofton, to approve the by-laws and direct the hospital board to negotiate with Blackhawk on Mr. Wolfe's interim contract, especially the living expenses; Motion carried 4-0.

Alan Fiefer again expressed his concerns of who reviews the actual financial reports submitted by Blackhawk. Ms. Johnson stated that the finance office reviews payments based on information that is provided by the hospital. Ms Dodds stated that the Hospital Board is working hard and the new bylaws which expands the Board's authority and members will help the hospital situation overall. Board stated it's desire to have an outside entity to administer and manage the hospital. Board, Ms. Dodds, and Mr Blair discussed the negotiation of the interim CEO contract. Westley JoHaven asked for hospital financial report and patient census data. Charles Brannor asked if the Hospital can reimburse the County for expenses paid to the CEO; Mr. Pierce responded. Mr. Blair also responded to this item stating that the county funds used is actually a loan from the county and should be repaid as medicare refunds are received.

Motion by Crofton, seconded by Putnal, to approve payment of \$2500 plus FICA per week for Mr. Ron Wolfe, interim hospital CEO, for the month of October; Motion carried 4-0.

Item 2 - Update on Medicare payments. As of Monday, Oct. 2, approximately \$1.2 Million dollars in net Medicare bills have been submitted for payment. \$370,000 of those have been processed, and additional bills are being processed every day. Since the county has a total overpayment due back to Medicare of some \$430,000, Medicare has withheld all of the \$370,000. They will withhold an additional \$60,000 as bills are processed, and after that Medicare payments will actually show up in the county bank accounts. According to John Russell, Blackhawk Healthcare, the overpayment should be taken care of by next week, with funds beginning to show up in the county the following week, or by Oct. 20. When the submitted bills are fully processed, there should be approximately \$700,000 in Medicare funds in the county bank account.

Board discussed overpayment of Medicare payments and Dasee responsibility in this matter.

Item 3 – This item was addressed during the Seth Blitch – Hunting on CAMA lands issue earlier during this meeting

Item 4 – Provide Board with Prescription Discount cards. They were received Monday. Their primary function is to provide prescription drug discounts for residents of the county who do not have any prescription drug insurance coverage.

Jim Cummings asked if this prescription discount applied to deductibles; Mr. Pierce replied.

Item 5 – This item was addressed during Van Johnson's report earlier in the meeting.

Item 6 – This item was addressed during Dan Rothwell's report earlier in the meeting.

Item 7 – This item was addressed during Dan Rothwell's report earlier in the meeting.

Item 8 – Mr. Ted Mosteller requests Board approve two DOT Joint Participation Agreements for the Airport which have 100% DOT and FAA funding.

Grant #1 is \$901,702 for the Rehabilitation of runway 13/31.
Grant #2 is \$143,000 to evaluate the drainage system at the airport.

Motion by Putnal, seconded by Crofton, to approve Grant #1; Motion carried 4-0.

Motion by Crofton, seconded by Lockley, to approve Grant #2; Motion carried 4-0.

Item 9 - Board action to allow St. George Island Lighthouse Assoc. to place rebuilt lantern house from the Little St. George Island lighthouse on the St. George Island county park. The lantern house is the top 14 feet of metal structure that sits on top of the 70 feet of masonry lighthouse. The lantern house is being rebuilt with private funds and should be finished by January, 2007. The Lighthouse Assoc. would like to put the structure in a visible location while the rest of the lighthouse is being reconstructed. A fence will be erected around it so that people will not be able to climb on to the lantern house.

Ultimately, the Lighthouse Assoc. would like to permanently rebuild the Little St. George Lighthouse on the county park. Because the Little St. George Lighthouse is still owned by the state of Florida, and the Lighthouse Association has been given management of the structure, eventually there may have to be lease between the state and the county over the disposition of the lighthouse, but that has yet to be worked out.

Board action to allow the placement of the lantern house at the county park while the details of the total reconstruction of the Lighthouse are worked out and presented to the Board.

Motion by Crofton, seconded by Lockley, to allow the placement of the lantern house at the County's park while the details of the total reconstruction of the Lighthouse are worked out and presented to the Board; Motion carried 4-0.

Item 10 - Inform Board that while there is an advertised public hearing scheduled for Oct. 17 regarding a PUD on St. George Island, that did not include a dry storage building, the agent Mr. Dan Garlick has requested the Planning and Zoning Commission revisit the dry storage building issue. The complaint from the community is that the PUD is incomplete without the dry storage building being part of the site plan. Mr. Garlick will present additional information to the Commission with the hope that some action regarding the dry storage will be presented to the Board at the Oct. 17 public hearing.

Item 11 – Sportsman Lodge / Indian Creek FCT grant update. Grant is in 2nd tier of Florida Trust for Public Lands process. Board action to approve appraisal, at the cost of about \$10,000 to \$12,000 is needed. Mr. Pierce inquired as to who would be responsible for the cost of the appraisal if the grant was not awarded. Mr. Bob Allen stated that he spoke to a FCT representative, who stated that their agency would refund the County for the appraisal amount if the grant was not approved.

Motion by Putnal, seconded by Lockley, to pay for appraisal for the Indian Creek grant contingent on FCT refunding county if the grant is not approved; Motion carried 4-0.

T. Michael Shuler – County Attorney

Attorney Shuler presented the following items for discussion and/or approval

Item 1 – Jeanne Dail revocable license agreement to build a dock over a County road

Motion by Crofton, seconded by Lockley, to authorize the Chairman's signature on the agreement as recommended by Attorney Shuler.

Commissioner Putnal expressed his displeasure of the insurance company canceling his wind insurance.

Item 2- County Engineer

Item 3- Lanark Water and Sewer Board Member recall

Pauline Sullivan asked for an ethics investigation regarding the Lanark Water and Sewer Board health benefits and keeping with the sunshine laws and rules; Attorney Shuler recommended that as a private citizen she files complaints with the proper state agency. Bill Snyder, of Lanark, expressed his concerns of the current actions of the Lanark Water and Sewer including the auditors report stating that they are losing approximately \$200 per day ; also complained of the Water and Sewer Board using public tax funds to advertise against the upcoming referendum; read a portion of the auditors report regarding the board members receiving health insurance; Attorney Shuler discussed the Boards authority over Lanark Water and Sewer Board. Pauline Sullivan asked about dissolving the Lanark Water and Sewer Board; Attorney Shuler provided some information

Item 4 – Restrictive covenant regarding docks update

Item 5 – Hotel and Motel Moratorium update

Item 6 – Title work, at a cost of \$750, needed for roads County has recently assumed.

Motion by Putnal, seconded by Crofton, to approve title work, at a cost of \$750, to Tarpon Title for roads recently assumed by the County; Motion carried 4-0.

Board required a list of roads recently assumed by County; Alan will compile a list.

Motion by Lockley, second by Putnal, to approve title work on Westshore Drive; Motion carried 4-0.

Item 7 – Appraisal needed for 2 mile property for new boat ramp

Motion by Lockley, seconded by Putnal, to approve appraisal for 2 mile property intended for a boat ramp which will be purchased from Oliver Nash; Motion carried 4-0.

Item 8 – Comp Plan challenge update

Alan Pierce – Director of Administrative Services

Mr. Pierce presented the following item for discussion and/or approval:

Item 12 – Board action to approve an \$180,000 JPTA for airport equipment

Motion by Crofton, seconded by Lockley, to approve the \$180,000 JPTA for airport equipment as requested by Mr. Pierce; Motion carried 4-0.

Commissioners' & Public Comments

Chairman Sanders – requested upkeep and maintenance at the Boat Ramp at Leonard's Landing; also directed Mr. Pierce to send a letter to FSU requesting a boat ramp at their site at Alligator Point, the old marine lab site.

Adjourn

Chairman Sanders adjourned the Regular Meeting at 12:40 PM

Cheryl Sanders, Chairman FCBCC

Attest:

Marcia M Johnson, Clerk of Court