

**FRANKLIN COUNTY BOARD  
OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
OCTOBER 17, 2006  
5:00 PM**

**MINUTES**

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

Staff Present: Hubert Chipman – Superintendent of Roads, Van Johnson – Solid Waste Director, Bill Mahan – County Extension Director, Dan Rothwell – County Engineer, Butch Baker – EOC Director, 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 5:00 PM

**Prayer and Pledge**

There was a Prayer followed by the Pledge of Allegiance

**Approval of Minutes**

Regular Meeting: 10/3/06

**Motion by Crofton, Seconded by Lockley, to approve the minutes for the 10/3/06 Regular Meeting; Motion carried 5-0.**

**Payment of County Bills**

**Motion by Crofton, seconded by Putnal, to approve payment of the County Bills as presented with the exception of any payments to G&N; Motion carried 5-0.**

**Motion by Crofton, seconded by Putnal, to approve payment for G&N Services; Motion carried 4-0 Lockley abstained.**

**Department Supervisor Report**

**Hubert Chipman – Superintendent of Public Works**

Mr. Chipman had no items for discussion or approval.

Board asked Mr. Chipman to try and find a solution to eliminate the dust caused by using limerock to repair and maintain some of the County roads.

**Van Johnson – Solid Waste Director**

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

Item 1 – Transfer 1 Parks and Recreation Position into Solid Waste and Purchase a 12 passenger work van, 2 zero turn mowers and a small tractor.

**Motion by Lockley, seconded by Mosconis, authorizing the transfer of (1) Parks & Recreation position to the Solid Waste Department and the purchase from the Sheriff Association and the State Contract Bid List of one 12-passenger work van, not to exceed the budgeted amount of \$20,000, Two Zero turn commercial grade riding mowers not to exceed the budgeted amount of \$11,000, and (1) small tractor for ball field maintenance not to exceed the budgeted amount of \$20,000; Motion carried 5-0.**

Item 2 – Budget Amendment to transfer funds from Animal Control to Solid Waste and Parks & Recreation.

**Motion by Lockley, seconded by Crofton, to amend FY 05/06 budget, transferring funding from Animal Control to Solid Waste and Parks & Recreation Departments, and allowing the Finance Office to make necessary adjustments to line items; Motion carried 5-0.**

**Bill Mahan – County Extension Director**

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

Item 1 – Gulf of Mexico Fishery Management Council Update

Item 2 – UF/IFAS' Impact Magazine discussion

Item 3 – Remove signs restricting hunting, dogs and guns at Bloody Bluff and Forbes Island

**Motion by Putnal, seconded by Mosconis, to send a letter to FWC asking them to remove the signs at Bloody Bluff and any other CAMA lands restricting hunting, dogs, etc.; Motion carried 5-0.**

**Dan Rothwell – County Engineer**

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

Item 1 - **Carrabelle Sports Complex:**

County Engineer has talked with Van Johnson concerning the ball field staking locations for fencing.

Item 2 - **Timber Island Boat Ramp:**

Met with Mayor Kelley and Hubert Chipman at the boat ramp and discussed proposed scope of work. Have done property research and started field survey preliminary to construction drawing preparation.

Item 3 - **Long Road Drainage:**

Have met with Smokey Parrish at Long Road to discuss drainage complaints and recent Road Department ditch work. Will meet with more residents to discuss potential flow paths and possible construction options.

**Item 4 - Apalachicola Road Inspections:**

Have started pavement inspections of several roads in Apalachicola and forwarded work requests to City administrator and she has indicated what projects the City will be able to complete and which projects she desires the County to complete.

**Item 5 - Lake Morality Rd:**

C.W. Roberts has graded and prepared the road base and placed prime coat on the road. It appears that they are prepared to pave

**Item 6 - St. George Island Dune Restoration & Walkovers:**

Have done research on walkovers and sand fences and contacted Bruce Hall about the work to be completed. I will meet her in the field soon to start construction drawings.

**Item 7 - Pine Dr, Oak Dr, Oyster Rd, & Linden Rd Traffic Calming Devices (speed humps):**

Have researched traffic calming devices and will meet with Hubert Chipman to discuss installation practices-procedures, methods, and hump locations.

**Item 8 - Lanark Village Recycling Relocation:**

Have property research completed and will soon do field survey for proposed layout.

**Butch Baker – EOC Director**

Item 1 – Vacation request

**Motion by Putnal, seconded by Crofton, to approve Butch Baker's vacation request from November 3, 2006 to November 10, 2006; Motion carried 5-0.**

Item 2 – Request to attend the Emergency Management Institute for ICS Train-the-Trainer

**Motion by Lockley, seconded by Crofton, authorizing Mr. Baker to attend the a training workshop at the Emergency Management Institute for ICS from December 18, 2006 to December 22, 2006; Motion carried 5-0.**

Item 3 – Request to attend, with Pam Register Office Manager, the Florida Emergency Preparedness Association Conference in Daytona Beach; Mr. Rundell will be on vacation so the office will be closed from Jan 29 to Feb 3

**Motion by Lockley, seconded by Crofton, authorizing Mr. Baker and Ms. Pam Register to attend the Florida Emergency Preparedness Association Conference in Daytona Beach from January 29, 2007 to February 3, 2006; Motion carried 5-0.**

Item 4 – Attend the Governor’s Hurricane Conference with Mr. Rundell and Ms. Register; Board will address this request at a later date.

**Motion by Putnal, seconded by Crofton, directing Mr. Pierce to send a letter to the State asking if anyone over 65 applying for an Oyster Harvesting Card can be exempt from the fees; Motion carried 5-0.**

**Public Hearing – Phoenix Harbor – PUD (5:30)**

Mr. Pierce gave some history on this project stating that P&Z’s first approval was without the dry storage building but the second approval did include the dry storage building. Commissioner Putnal expressed concerns of the impact this project would have on the major oyster beds in that area. Mr. Pierce stated that the developer, also concerned about the marine resources, did reduce the number of wet slips. Mr. Pierce also stated that the boat ramps provided would be an advantage to the community but the channel would have to be dredged prior to the boat ramps being constructed.

Chairman Sanders opened the floor for public comment.

Dan Garlick, representing the applicant, stated that the 18 acres is currently zoned C4, within the buffer zone, there is currently an un-permitted boat ramp in use by the public, and there exist the potential to do maintenance dredging of the area. Mr. Garlick discussed his idea of making sure that the sewage drains toward the Gulf and not the Bay, all roads would be impervious for better stormwater drainage, and that there would not be more than 10 boats at a time at the dock. Mr. Garlick stated that the developer is willing to decrease the number of houses if necessary to help with the environmental issues. After being asked by Chairman Sanders, Mr. Garlick stated that oyster boats would be allowed at the boat ramps.

Joe Shields, of the Department of Agriculture, stated his department’s definition of a marina and informed the Board that his department will not make recommendation or comments on any development but can make certain estimates based on number of boat slips projected along with the current depth of the water. Mr. Shields also stated that his department would recommend denial of any permit if that project would damage or affect the oyster area in any way.

Board discussed any affect the size of the docks would have on the oyster beds.

Bruce Rotella, of the Seafood Workers Association, asked the Board to consider requesting a detailed study on the impact of this project on the oyster beds similar to what was done during the building of the new bridge.

Ann Harper, local resident, expressed her concerns of the dredging affecting the oyster beds and her displeasure with a community pool.

Paul Riegelmayr expressed his concerns of possible oil and gas spills affecting the oyster bars.

David McLain expressed his concerns of oil and gas spills and recommended inviting Mr. David Heil of the Department of Agriculture to further discuss his department’s role in this matter.

Ron Schlitt, a local resident, asked the Board to consider approving this project because he thinks that regulated projects are better than unregulated areas that are used for the same purposes and asked the Board to look at other areas that are currently polluted.

Gail Riegelmayr asked what would happen if the PUD was approved but the permits needed were not; Mr. Pierce stated that a stalemate would be created and an amendment to the PUD would be needed. Ms. Riegelmayr asked the Board to consider tabling this request until more

facts and information is presented and referenced a report about a Franklin County beach experiencing water quality problems.

Dan Tonsmire, of ABARK, discussed the impact to water quality and oyster harvesting and made some recommendations to Board including tabling this item until more information can be presented.

Helen Spohrer, co-owner of the property, stated that she is not the developer on this project but developers have made an commitment to the area. Ms. Spohrer also stated that she was in negotiations with the State to buy the property but the State was not willing to purchase the property at an amount close to its value.

Kim Wren, of the Aquatic Reserve, stated that some of the area will require more protective measures than other parts and read a letter for the record.

Commissioner Putnal said that he was not opposed to the project but agreed that an environmental study was needed on the affect of the project on the oyster industry.

**Motion by Putnal, seconded by Mosconis, to table this item until the Planning and Zoning Board and/or the Board of County Commissioners can meet with Mr. David Heil, of the Department of Agriculture, to further discuss the environmental impact of this project; Motion carried 5-0.**

The Board and Mr. Garlick discussed the type of study needed and the possible effect of this project on the oyster industry.

**Public Hearing – Interim Hotel Development Control Ordinance (6:30 PM)**

Mr. Pierce stated that this Ordinance is a continuation of the moratorium, Planning and Zoning asked for a 6 month extension to create the definition of a hotel, and the 2<sup>nd</sup> Public Hearing is scheduled for November 7, 2006.

Chairman Sanders opened the floor for public comment.

Richard Harper expressed his concerns about 60 units on an acre and parking requirements; Mr. Pierce said that Planning and Zoning is still working on the Ordinance.

**Cora Russ – Citizens Advisory Committee Report**

Ms. Russ reported on the current activities of the CAC; stated that their next meeting date is on October 26<sup>th</sup> in Carrabelle.

**Public Hearing (Continued from last meeting) (6:40 PM)**

Road Abandonment – Maxwell – Chapman Road @ Airport

Chairman Sanders opened the floor for public comment.

Jimmy and Michele Maxwell presented a plat of the area. Mr. Maxwell stated that since St. Joe Company was an adjacent property owner, he spoke to Mr. Billy Buzzett of the St. Joe Company and Mr. Buzzett had no objections to this request.

**Motion by Mosconis, seconded by Putnal, to approve the road abandonment request on Chapman road at the Apalachicola Airport; Motion carried 4-1, Crofton voted Nay.**

**Advisory Board of Adjustment Item (Continued from last meeting)(6:45 PM)**

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.

Mr. Pierce stated that he talked with the school board and negotiations with Verizon ended for economic reasons. Mr. Pierce also stated that this applicant was not affiliated with the Verizon and school board negotiations.

Chairman Sanders opened the floor for public comment.

Carl Haisen, of SBA Communications, reinforced the statement that his company was not the same company negotiating with the school board. Mr. Haisen presented documentation to support his claim that if the tower fell, it would be well within the fall zone. Using this documentation Mr. Haisen also discussed cell towers in residential areas and the need for having the tower in that specific geographical location. Board reminded Mr. Haisen that the adjacent property owners are opposed to the cell tower in that location and expressed concerns of the 110 mph wind limit on the tower.

Attorney Nick Yonclas, representing the property owners on both sides, stated the opposition of both property owners and stated that the school board property would be a good alternative.

Attorney Yonclas asked the board to consider creating an ordinance governing cell towers.

Richard Harper, of the Board of Adjustment, expressed his concerns regarding the safety of the tower and recommended the Board setting up some sort of policy.

**Motion by Mosconis, seconded by Lockley, to deny the request, by SBA Towers, for a special exception to construct a 190ft cell phone tower on Tract 10, The Soundings, Section 18, Township 8 South, Range 5 West, between Eastpoint and Carrabelle; Motion carried 3-2, Putnal and Crofton voted Nay.**

**Advisory Board of Adjustment Report(Attached to Agenda)**

Item 1 - A request for a variance to construct a building 100 feet into the front property line abutting a road right-of-way at 76 Otterslide Road, Eastpoint, which is zoned Industrial. This requested was submitted by Bobby James, Inc, owner. (Industrial zoning requires a setback of 1500 feet).

**The Advisory Board also recommended that this district setback be amended to a more reasonable setback requirement.**

**Motion by Putnal, seconded by Crofton, to approve the request for a variance to construct a building 100 feet into the front property line abutting a road right-of-way at 76 Otterslide Road, Eastpoint, which is zoned Industrial. This requested was submitted by Bobby James, Inc, owner. (Industrial zoning requires a setback of 1500 feet); Motion carried 5-0.**

**Department Supervisor Report (Continued)**

**Marcia Johnson – Clerk of Courts**

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

Item 1 – Presented the holiday schedule for the Planning and Zoning Dept., Solid Waste, Animal Control, Parks & Recreation, the Library, the Road Dept., and Emergency Management Dept.

Item 2 – The balance in the Hospital account is \$170,076.66 and the County still has not received any funds from Medicare.

### **Alan Pierce – Director of Administrative Services**

Item 7 - Board action to amend the Hospital By-laws to appoint two additional at-large members to Hospital Board and to revise by-laws to continue to allow the Medical Staff representative to be a voting member. The two new members to be added are: Paul Marxsen, and Mark Friedmen, both CPAs.

The full Hospital Board now consists of: Gayle Dodds, Curt Blair, Shirley White, Tammy Hardy, Dr. Miniati (as Medical Staff representative), Paul Marxsen, Mark Friedman. Board action.

**Motion by Putnal, seconded by Crofton, to amend the Hospital By-laws to appoint two additional at-large members to Hospital Board and to revise by-laws to continue to allow the Medical Staff representative to be a voting member. The two new members to be added are: Paul Marxsen, and Mark Friedmen, both CPAs; Motion carried 5-0.**

Item 8 - Update on Disproportionate Share Funds (DSH) and Low Income Pool (LIP) due Weems Hospital in the coming Fiscal Year. There are four separate public funds that will send money to Weems throughout the year-regular and rural DSN, and LIP and special LIP. The total Weems will receive is \$690,744, divided in quarterly payments of approximately \$172,000. Because of the rural location and the high proportion of low income patients, Weems is eligible for this large subsidy. These are funds in excess of any true billings or Medicare/Medicaid reimbursements. While the county was notified in August of a DSH payment of approximately \$85,000, no funds have been received. I have had several telephone conferences with AHCA Payments Division this week, and they claim they will do everything possible to get the money released by next week.

Item 9 - While the Hospital Board does support the delay in the implementation of health insurance for the employees, the Hospital Board and management recommends that at least life insurance policy be provided full time employees. Board action to authorize \$327.50 a month for a \$25,000 life insurance policy for every full-time employee.

**Motion by Mosconis, seconded by Putnal, to authorize \$327.50 a month for a \$25,000 life insurance policy for every full-time employee; Motion carried 5-0.**

Item 10 - Inform the Board that in accordance with the Hospital By-laws adopted by the Board, the Hospital Board is authorized to “employ a CEO and other such staff (Article 3.1)” as are necessary to carry out the responsibilities of the Hospital. The Hospital Board is currently

interviewing interim CEO candidates. It will be the Hospital Board's responsibility to negotiate a contract with the CEO, and then report their decision to the County Commission and the Clerk of Court.

The Hospital Board By-laws also creates a Hospital Finance Committee "whose primary responsibility will be to oversee the financial operation of the Hospital and report such activity to the Hospital Board and the Clerk of Court. (Article 5.7)" As soon as the Finance Committee gets in place, then it is my expectation that the Committee would be reviewing and approving bills for payment by the Clerk's Office. Then the Hospital will work to get its own business office up and running and then the Hospital would be cutting its own checks and paying its own bills. Ron Wolfe discussed some of the problems experienced but stressed the need to keep the Hospital open.

Westi Jo DeHaven inquired about the Hospital's sleep lab; Mr. Wolfe and Mr. Pierce explained that the sleep lab is a good business service to add to the Hospital.

Candi Fox, Director of Nursing, stated that the Hospital is fully staffed and there is grant monies available for the Hospital.

**Motion by Mosconis, seconded by Crofton, to appoint Mr. Pierce as the liaison between the Hospital Board and the Board of County Commissioners; Motion carried 5-0.**

Item 1 - Provide Board with fiscal year end Bldg report. Surprisingly, revenues were not down that much from 2005. The area of growth was the hotel/condo issue for which the Board is continuing the moratorium until we get a handle on the impact of this type of development. Single family housing starts fell significantly. There were 79 R-1 houses started in 2006, 140 were started in 2005. Housing starts have remained flat at around 7 a month, and we expect that trend to continue through till next summer when things may begin to pick up.

Item 2 - Inform Board that the USACOE has submitted a permit to DEP to dredge the Eastpoint channel. I was surprised to see the application so I called Mr. Terry Jangula with the Corps to inquire. He said the Corps has funds to seek a permit for the dredging but until there is another Congressional allocation of funds for construction, the Channel will not be dredged.

Item 3 - Board action to rescind a flood variance granted to South Shoal for the construction of a bathroom associated with their clubhouse. FEMA has written a letter to the county questioning the necessity of the variance, and seeking further documentation. Mr. Fling is aware of the FEMA inquiry and has no objection if the Board rescinds the variance. Staff recommends the variance be rescinded.

**Motion by Crofton, seconded by Putnal, to rescind a flood variance granted to South Shoal for the construction of a bathroom associated with their clubhouse; Motion carried 5-0.**

Item 4 - Board action to contact the Sheriff for his recommendation regarding the maximum speed limit the Board should set for ATV's driving on county roads. This past legislative session the Legislature allowed ATV's to be driven on county roads but provides the local government with the discretion for their speed.



**Motion by Mosconis, seconded by Putnal, directing Attorney Shuler to research and report back to the Board on the matter of speed limits for ATVs driving on county roads; Motion carried 5-0.**

Item 5 – Board action to approve a contract with Mr. Dave McClain for \$20,000 to continue his role with the Seafood Industry Task Force. The county budgeted \$20,000 of local funds. The county received a letter from Univ. of Florida’s Dr. Steve Otwell providing an additional \$10,000 of funds but Mr. McClain will work out the details with the Univ.

**Motion by Putnal, seconded by Crofton, to approve a contract with Mr. Dave McClain for \$20,000 to continue his role with the Seafood Industry Task Force; Motion carried 5-0.**

Item 6 - Franklin County was notified last week that the Dept. of Community Affairs has found the county’s comp plan to be “in compliance” except for three issues. There is a 30 day appeal period of DCA’s decision, but after that the plan is effective, except for 3 issues which are going to the Cabinet. The three issues are the same ones the Administrative Hearing Officer ruled on several months ago. They are: adding a capital improvement element, revising some housing figures, and revising the Coastal High Hazard Map in two specific areas. Those are the only items the Cabinet will hear.

There have been statements made that the Plaintiffs, Don and Pam Ashley, won. Not only did they not win, but DCA has found the county’s comp plan in compliance without waiting for the Governor and Cabinet to rule on the three specific issues.

**Motion by Lockley, seconded by Mosconis, directing Mr. Pierce to write Apalachee Regional Planning Council and Opportunity Florida requesting assistance with job creation and economic expansion in the County; Motion carried 5-0.**

Item 11 - Inform Board that Alligator Point road did receive approval from DOT for the matching grant, although it looks like DOT cut the amount they are funding down from \$3.6 Million to \$2.4 Million. The Joint Participation Agreement will be submitted in next few weeks.

Item 12 - Board action for Chairman to sign contract with Polaronis Construction for repairs to Runway 13/31. Polaronis Const. were low bidders and the contract documents were prepared by URS.

**Motion by Lockley, seconded by Crofton, to authorize the Chairman’s signature on the contract with Polaronis Construction for repairs to Runway 13/31; Motion carried 5-0.**

Item 13 - Inform Board that the Governor’s Office has awarded Franklin County a \$200,000 infrastructure grant to conduct a feasibility study to evaluate the benefits of consolidating water and wastewater systems in the region. The goal of the study is to establish the extent to which regional infrastructure consolidation could enhance the capacity, reliability, and quality of water and wastewater collection services in the county.

Item 14 - Inform the Board that GSG, the consultants doing the feasibility study on Alligator Point beach re-nourishment are moving forward with the study. The Planning Office is working

with GSG to schedule a public hearing in late November or early December which would be the first step in creating a special taxing district to fund the beach re-nourishment project.

Item 15 – Board action to approve Paul Cureton, of Cureton & Johnson, to appraise the Bob Allen property for a cost not to exceed \$3000. Mark Cureton contacted four appraisal firms and Cureton & Johnson provided the lowest estimate. Theirs was lower than the others by several thousand dollars. The Trust for Public Land has told the Planning Office verbally that they will reimburse the County if the Allen property is not purchased.

**Motion by Lockley, seconded by Crofton, to approve Paul Cureton, of Cureton & Johnson, to appraise the Bob Allen property for a cost not to exceed \$3000; Motion carried 5-0.**

Item 16 – Board direction on the extent of the Board’s potential involvement in the old FSU Marine Lab on Alligator Point. Read draft letter.  
Board was in agreement with the wording and format of the letter.

**T. Michael Shuler – County Attorney**  
Attorney Shuler had no items to report.

### **Commissioners’ & Public Comments**

Chairman Sanders asked Mr. Pierce for an update on Leonard’s Landing site and asked Mr. Pierce to get with Mr. Chipman on this.

Commissioner Putnal asked about a dock at the 8 mile area; Mr. Pierce stated that the County did not own that property.

Chairman Sanders asked Mr. Pierce in the future to make the Board aware of any dock permits that have not been unanimously approved by Planning and Zoning.

Commissioner Putnal asked about the availability of the TDC funds to Camp Gordon Johnson; Attorney Shuler stated that he had already spoken to both parties about this matter.

Chairman Sanders read a letter from The Concerned Citizens of Lanark Village; Attorney Shuler stated that the Board may not have the authority to direct the Lanark Village Water and Sewer Board not to sell property.

**Motion by Putnal, seconded by Crofton, to direct Attorney Shuler to forward a copy of the letter from the Concerned Citizens of Lanark to the Lanark Water and Sewer District office and to communicate the Board concerns to the attorney representing the Lanark Village Water and Sewer District; Motion carried 5-0.**

Chairman Sanders asked Mr. Pierce to read a letter from the St. Joe Company regarding the use of the “fire tower” as a County Park or a museum for Camp Gordon Johnson; St. Joe was not in a position to discuss this matter at this time.

Selena Phipps asked for an update on the Jason White zoning issue; Attorney Shuler informed Ms. Phipps of the process and stated that the filing fee for the lawsuit was approved earlier at this meeting.

**Adjourn**

Chairman Sanders adjourned the Regular Meeting at 8:15 pm.

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Cheryl Sanders, Chairman FCBCC

Attest:

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Marcia Johnson, Clerk of Courts