

FCBCC REGULAR MEETING NOVEMBER 2, 2004

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONER
REGULAR MEETING
NOVEMBER 2, 2004**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman, Commissioners Jimmy Mosconis, Bevin Putnal, Clarence Williams, and Eddie Creamer, Kendall Wade, Clerk, Amelia Varnes, Deputy Clerk, Mark Curenton, County Planner, Michael Shuler, County Attorney.

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

(Tape 1-39) Commissioner Putnal made a **motion to pay the county bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-44) Melanie Hutchins, Director of Emergency Management, appeared before the Board and asked that they not approve the bid received for the EOC generator. She stated that upon further review it did not meet the necessary specifications. The Board discussed holding off purchase until the new Emergency Management Director takes office which will be no sooner than December 1, 2004, and possible after the first of the year.

(Tape 1-106) Ms. Carol Anderson, a Lanark Village resident appeared before the Board and gave the Board members a copy of the minutes of the meeting dated November 6, 2001, where the issue of rezoning the old Lanark Village Officers' club property was brought up. On page 3 of these minutes, it states that the property in question, the old Lanark Village Officer's Club, would revert back to it's original zoning of Residential R-1 if the museum failed to take place. She asked that the Board reconsider their vote of two weeks ago. Chairman Sanders said that she remembers this issue being addressed. Commissioner Williams stated after reading these minutes, he would like to change his vote. Commissioner Mosconis asked that this be scheduled for the next meeting and notify all parties concerned.

Mr. Curenton told the Board, that the parties requesting the rezoning are on the agenda for the Planning and Zoning Commission for site plan approval.

(Tape 1-314) Commissioner Mosconis made a **motion to schedule this issue for the next meeting and notify all parties concerned.** Commissioner Creamer seconded this motion. Commissioners Mosconis, Creamer, Williams and Putnal voted for. Chairman Sanders voted against.

(Tape 1-421) Raymond William, City of Carrabelle, appeared before the Board to give them an update of the Lake Morality Road project. He told the Board that the city is in the process of negotiating with Mr. Fowler who owns a portion of the property affecting

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Lake Morality Road. If this is unsuccessful, they are going to have a survey done which will exclude Mr. Fowler's property.

(Tape 1-457) Mr. Williams told the Board that the City of Carrabelle was approached by the owners of Lorenzo's to provide water and sewer to a new development and the City has tentatively agreed to this service. He said there are approximately 38 units leading up to this property and they hope to include those in the service.

Commission Putnal was concerned that the City not infringe in the area that Lanark Water & Sewer District services.

(Tape 1-488) Gathan Paramenas, a resident of Carrabelle said that she regularly attends Carrabelle City meetings and she did not remember this discussion. She stated that the City of Carrabelle engaged in a contract only to supply St. James Bay. She also said that Carrabelle was never given permission to expand its water and sewer limits as it does not provide these services to all of the city residents.

(Tape 1-536) Mr. Shuler reported that he has spoken to Mr. Williams concerning this matter and this Board has never taken any official stand regarding this service. It was also noted that all the costs will be borne by the developer.

(Tape 1-578) Linc Carroll, with the Sheriff's Department appeared before the Board concerning a proposed budget amendment. As recommended by Michael Tucker, auditor, the Franklin County Sheriff's Office 2003-2004 Budget total needs to be raised to reflect the amount of money received from the two grants, a delayed reimbursement from the 2002-2003 Narcotic Task Force Grant and Voca Grant the amount received is in the amount of \$170,540.87. Commissioner Creamer made a **motion to approve the amendment to the Sheriff's budget in the amount of \$170,540.87.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

MARK CURENTON – COUNTY PLANNER

(Tape 1-645) Mr. Curenton reported to the Board that there are still two vacancies on the Board of Adjustment, one regular seat and one alternate seat. Commission Mosconis said that Brent Mabrey has expressed an interest in serving on the Planning & Zoning Commission. There was some discussion about replacing Ms. Edna Hancock who has not attended any meetings.

(Tape 1-693) Mr. Curenton reported that the Florida Communities Trust staff could not reach agreement with the owners of the property on St. George Island which the County wanted to purchase for a boat ramp. Therefore the grant has expired. The County is eligible to reapply for this grant in the future. Commissioner Putnal asked if this grant money could be used to build a boatramp at Cat Point, Mr. Curenton said that it could not, the grant would have to be used to buy property on St. George Island. The Board

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asked if it has been determined if the county owns the property at Cat Point landing. Mr. Mahan was asked, at the last meeting, to find out about ownership.

(Tape 1-758) Mr. Curenton reported that Franklin County's application to the Florida Communities Trust to purchase land at Eight-Mile for a boat ramp and County park was not funded. He presented a copy of the letter from the Florida Communities Trust fund for the Board file. Mr. Curenton said there was no explanation why it wasn't funded. After more discussion Commissioner Mosconis made a **motion to ask St. Joe to sell the property at Eight Mile to the County at a fair price.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** There was some discussion concerning the need for public access to the water.

(Tape 1-842) Mr. Curenton reported that the Department of Agriculture has notified the County that Jack Rudloe has applied to lease one acre of Gulf bottom approximately 8 miles south of Alligator Point to grow live rock. Comments are due back to the Department by December 3, 2004. He gave the Board a copy of the application.

(Tape 1-859) Mr. Curenton report that last week Mr. Sammie Simmons came into the Planning and Building Department inquiring who built a road across his property in Lanark. He owns the 2 acres under the power line just north of Bluewater Bay Subdivision. This is the property where the road was relocated when Bluewater Bay was platted. He went on to say that he has made Mr. Shuler aware of the situation.

(Tape 1-888) Mr. Shuler explained that the developer of Bluewater Bay Subdivision came to the county and asked to move a county road on to property he said he owned. Mr. Simmons now says that he owns the property and there is a county road on his property. Chairman Sanders talked with Mr. Simmons and she told him she felt that the staff could check into who owns the property. Commissioner Mosconis made a **motion to have staff look into ownership of this property and report back at the next meeting.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-950) Mr. Curenton reported that Robin Brinkley, Franklin County Building Official has submitted a Memo to the Board two weeks ago about Chris Giametta receiving another job offer. He asked the Board to consider raising Chris' salary to keep him here in Franklin County. The County has invested a lot of time and money to get Chris licensed as a building inspector. Robin has asked for a raise that would put Chris on par with entry level inspectors in Gulf and Wakulla Counties.

Tape 1-1132) Mr. Curenton recommended that the Board give Chris a raise to stay with the county. He has been offered a much larger salary to take a job in the private sector. There was some discuss about the study the Board has agreed to do in the spring.

Commissioner Mosconis said that the state requires the county to have licensed building inspectors in order for the county to be able to issue building permits.

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(Tape 1-1162) Commissioner Mosconis made a **motion to give Chris Giametta a \$2,600 per year raise to bring his salary up to \$30,000.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** It was agreed the additional money will come from contingency.

(Tape 1-1190) Commissioner Mosconis asked that Mr. Curenton present, at the next board meeting, the revenue increase over last year for building permits.

(Tape 1-1203) Alan Pierce gave the following report to the Board. He updated the Board concerning Alligator Point. He stated that on October 28, he, along with Chairman Sanders and Mike Dombroski, had a meeting with DEP Secretary Castille to discuss the Alligator Point Road. He presented several scenarios to the Secretary. He said that Secretary Castille prefers to have DEP assist the county in getting a fixed and realistic time line from the USACOE and the COE will bring sand to Alligator Point. As explained to the Secretary, if the Corp can provide sand the county is in line to receive DEP funding to build groins to stabilize the shore. The cost of building the groins if sand is present is approximately \$2 million dollars. The state would pay half, and the county would pay half. If sand is not present the cost of construction rises to \$6-8 million and neither the state nor the county are prepared to spend that much money on one project. This scenario is favored by most residents of Alligator Point, and it is the scenario preferred by DEP staff, if the COE will provide the sand.

The meeting concluded with the Secretary agreeing to add the Alligator Point issue to the list of issues that the state wants the Corps to deal with. The state has some leverage with the Corps because the Corps is seeking to renew its dredging permit on the Apalachicola River. However, because the county will receive funding from FEMA, and funding must be used within a fixed timeline, the county will wait until January or February to see if DEP is successful in getting sand out of the Corps. If not, then before next turtle nesting season and before the next hurricane season, the county will be forced to proceed with extending the revetment, and will seek a permit from DEP to do so. The Board discussed this issue in some detail.

(Tape 1441) Mr. Pierce recommended the Board approve the State Emergency Management Grant for approximately \$102,000. The grant pays for the function of the county emergency management office. Commissioner Creamer made a **motion to authorize the Chairman's signature on the State Emergency Management Grant in the amount of \$102,000.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1457) Mr. Pierce asked the Board to authorize him to sign the Project Worksheets associated with FEMA reimbursements for Hurricane Frances and Ivan. The only large Project Worksheet will be Alligator Point, which will be around \$200,000, but there will be several small ones associated with response efforts from the Road Department, and

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Emergency Management. Commissioner Mosconis made a **motion to authorize Mr. Pierce to sign Project Worksheet associated with FEMA Reimbursements for Hurricanes Frances and Ivan.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1483) Mr. Pierce reported, for the Board's information, that Melanie Hutchins, Interim Director, has contacted Butch Baker and sought his assistance on getting the county eligible for reimbursement to permanent repair damage caused by Hurricane Frances. At this time, the Road Department used approximately \$32,000 in building the limerock revetment extension. Because that was permanent work done before Hurricane Frances the county will not get reimbursed for it with the current declaration. For some reason, the county is currently eligible for reimbursement for all damage caused by Hurricane Ivan, but only response efforts for Frances. Because the county was pro-active and built at least part of the revetment before Frances hit, it is considered permanent work. The county should be eligible for permanent work and he believes Butch Baker can correct the declarations. If the county fails to get it corrected, it will not affect the much larger repair to be funded by FEMA for the damage caused by Hurricane Ivan, Essentially, the County is eligible for \$200,000 worth of future work, but not \$32,000 of past work.

There was some discussion concerning work done prior to these hurricanes.

(Tape 1-1554) Mr. Pierce discussed with the Board, the road paving project. There have been change orders that have so far been recommended by the county but not actually voted on by the County Commission. He discussed the Apalachicola changes pending prices for the intersection work, which is mostly hand work and expense. He presented a map showing what the City of Apalachicola wants to do. Commissioner Mosconis said there may be areas that have been overlooked that need to be paved. One area is the circle drive at the Hospital. Mr. Pierce said the record needs to be clear whether the Board wants to include those streets in Carrabelle and Lanark that have been mentioned, and whether the Board wants to add the St. George Island Road. Commissioner Mosconis suggested leaving all the roads as is and do what we can. The total changes are \$55,951.50. Commissioner Mosconis made a **motion to approve the change order in the amount of \$55,951 and not delete any roads.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Commissioner Mosconis asked Mr. Pierce to talk with CW Roberts Contracting and let them know that during this road paving project there will be more change orders and the Board will pay in installments like they have done in the past. He also asked Mr. Shuler to check and see if the county can't retain CW Roberts as the county's primary road contractor.

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Commissioner Putnal said the east side of the Senior's Citizens center needs to be paved. It was agreed to add 1st Street West, St. George Island, Massachusetts Street in Lanark and River Road in Carrabelle unless there is going to be sewer lines put in which will damage the road.

(Tape 1-1888) Mr. Pierce continued stating there is an additional issue in that the city water contractor needs asphalt to fix road cuts not associated with streets being paved. The City would like approval to buy asphalt from CW Roberts at the county tonnage price and then reimburse the county for the tons used on these other road needs. There was discussion concerning this request. Provided the contractor has the money in hand, the county would agree to this. Commissioner Mosconis made a **motion to authorize the city contractor to buy the asphalt provided he has the money in hand to pay for it.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

Commissioner Mosconis also stated that CW Roberts needs to fix the intersection of Brownsville Road and 26th Street, Apalachicola where it has been cut.

(Mr. Pierce told the Board the developers of Las Brisas in Eastpoint would like permission to pay CW Roberts to resurface all the existing roads in Las Brisas. The developer is already paying the county for the end of Las Brisas Way to be raised and resurfaced, and the developer is paying CW Roberts for some new construction, but in order for all the roads to look the same the developer is now willing to pay for every road to be resurfaced. They just need permission from the county to resurface county roads at their expense. The work will be inspected by the county inspectors. Commissioner Creamer made a **motion to approve this request to resurface all roads in Las Brisas at the developer's expense.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

REQUEST FOR PROPOSALS ST. GEORGE ISLAND FISHING PIERS

(Tape 2070) Mr. Wade told the Board that there have been no proposals for the fishing piers. Mr. Pierce said that he visited the piers a couple of weeks ago and was impressed with how clean it was and also that it is being heavily used. The Board discussed how these piers will be an asset to the county. There is no specific date set for the county to take these over from FDOT.

(Tape 1-2196) Mr. Pierce reported that, concerning the ORC Report, on October 15, DCA issued its ORC report for the Franklin County Comprehensive Plan update. The report was lengthy, some 23 pages, but it was submitted to the county with this statement in the cover letter, "We are please that Franklin County has moved ahead with the update to its comprehensive plan and with a proposal to create an innovative long term plan for St. James Island. The extent of effort by the County and the initiative of the citizens to participate in the planning process have been commendable. While the enclosed report includes objections, given the scope of the proposed plan amendments, it is to be

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expected that there are issues to work through. We believe that with collaborative efforts the concerns can be resolved.

Mr. Pierce went on to say that the County has not failed to perform. The ORC report is not an indictment or a travesty. The county's efforts are a first step in a major review of a complex subject – growth management. The county successfully produced an award winning comp plan 12 years ago and there is no reason why it can not produce another award winning plan. It will take some more work but every objection that was raised has a solution. With the support of the Board, the Planning Department will review the ORC report and work through the issues in a public manner so that another award winning plan be produced. He read a brief response concerning issues raised in the report; wetland protection, affordable housing and Coastal High Hazard areas. He went on to say there are other issues that need explanation and review also, but they are all manageable. He agreed, if the Board desires, to hold a public workshop to discuss the ORC report and the initial responses to the objections. The workshop should be held in the evening so that the public can attend. If not all the issues are addressed in that one workshop the Board can decide if another workshop is needed.

There was much discussion concerning several of these items. Chairman Sanders read a letter from DCA, offering encouragement in the ORC Report and the Comprehensive Plan. After this discussion, Commissioner Putnal made a **motion to hold a public workshop to discuss the ORC Report. This workshop is to be held November 16, 2004 at 6:00 P.M.** Commissioner Mosconis seconded the meeting All for **MOTION CARRIED.**

MIKE LAKE – CEO DASSEE COMMUNITY HEALTH SYSTEMS, LLC

(Tape 1-2954) Mr. Lake appeared before the Board, to address the hospital lease payments and taxes. He said that in the past few weeks there have been hurricanes that have hit Jacksonville and Orlando where Medicare and Medicaid claims are processed and these facilities have been closed for as much as ten days causing delays in receiving payments. He has asked Congressman Boyd for help. He went on to say that he hopes to have both the lease and the taxes caught up by November 15th. He said they have paid \$78,000 in taxes and still owe about \$20,000 which they hope to take care of by November 15th.

(Tape 1-3121) Concerning the ambulance service, he realizes he owes them money. However, the ambulance service personnel have used the hospital linens, medical supplies and drugs and the hospital is trying to take inventory and see just how much has been taken. He went on to say it is not his responsibility to supply these items to the ambulance service. As soon as this can be determined, he will deduct that amount and pay the balance. He was asked if he could give the ambulance service some goodwill money. He said that possibly by the end of the month he could do this, however, he will no longer supply the ambulance with linen or medical supplies.

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(Tape 1-3230) Chairman Sanders said the people of Franklin County need to be taken care of through the ambulance service and the hospital.

There was much discussion concerning the ambulance service contract coming back to the hospital. Several of the Commissioners expressed concern with the county being asked to pay Emergystat what is owed. Commissioner Creamer said he was very pleased with Emergystate, they have good employees.

(Tape 1-3401) There was some discussion concerning the health insurance offered by the hospital. Their insurance carrier went into receivership and Dasee had to get temporary coverage for its employees while looking for another carrier. He explained that because of the number of employees, they were required to have 80% participation. He went on to explain why the hospital could not provide coverage. He could not get employee participation. There was much discussion concerning this matter.

(Tape 1-3635) Dr. AdamCryk spoke concerning the ambulance service. He also spoke concerning why the hospital is required to pay taxes. He went on to speak concerning many issues dealing with the hospital and the ambulance service.

Commissioner Mosconis addressed the issue of the leasee being charged for the hospital. At some point in the future, a new hospital will need to be built and funds will have to be identified.

(Tape 2-167) Chairman Sanders discussed legislation regarding indigent care. There was much discussion with the doctors present concerning indigent care. Other doctors present were Dr. Pierce and Dr. Sanallah who spoke concerning indigent care. He asked that the Board make sure that federal funds ear marked for indigent care are used for that purpose.

(Tape 2-315) There was discussion concerning accreditation of the hospital.

Commissioner Putnal asked how much Dasee owes the county. Mr. Lake said he owes the county about \$20,000 and Emergystat about \$50,000. Mr. Lake said he is hoping to be able to take care of this by the end of November.

Commissioner Putnal proposed to give Dasee relief from some of the debt owed the county so that he can catch up with Emergystat. Commissioner Mosconis said that he doesn't want to give Dasee a break. Commissioner Putnal wants to make sure the ambulance service remains in the county. Commissioner Mosconis said that he would like to see a financial statement from the hospital before doing anything concerning giving any breaks.

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There was discussion concerning setting up a workshop to discuss issues involving the hospital and indigent care.

(Tape 2-927) Dr. Tamara Marsh, appeared before the Board and said she was recently asked to head up a committee with the Chamber of Commerce concerning health care. She presented a resolution establishing a committee from all over the county to come up with some long term solutions and meeting within the next 30 days. There was some discussion concerning the members who would serve on this committee.

Commissioner Mosconis made a **motion to have the County Health Department and the FOHC attend the next board meeting, November 16, 2004, at 10:30 A.M. to address these issues.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1106) Dr. Marsh asked if there is any way those employees who are about to loose their health insurance coverage could be included in the state plan.

Joseph Parrish encouraged the board to support this committee that Dr. Marsh presented. The Board agreed this would be addressed at the workshop to be held November 16th at 10:30 A.M.

(Tape 2-1229) David Brumbaugh with the Health Department told the Board that the Health Department has a limited supply of flu vaccine that will be administered on Wednesdays, Thursdays, and Fridays. He spoke briefly about the hospital concerns. One final item, there is an emergency boil-water notice for Lanark Village because of a line break. Chairman Sanders urged that public notice should be given.

KENDALL WADE – CLERK

(Tape 2-1272) Mr. Wade told the Board that he has been contacted by Doris Gibbs, Supervisor of Election, and she has asked that the Board authorize the County Attorney, Michael Shuler to represent the Franklin County Canvassing Board, which includes Chairman Sanders, Judge Van Russell and Ms. Gibbs in case there are any challenges to the election results. Commissioner Creamer made a **motion to authorize Michael Shuler, County Attorney to represent the Canvassing Board during the elections.** Commissioner Mosconis seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1294) Mr. Wade told the Board that there are several budget amendments that need to be addressed. He reported there is a proposed adjustment to Road & Bridge for salary & fringe benefits, the new secretarial position was approved at the September 16, 2003 meeting after the budget had been tentatively approved on September 8, 2003. Also the worker's comp was much higher than originally anticipated. An amendment is needed to adjust the expenditures to actual. DECREASE 140.99.584.9600 RESERVE FOR CONTINGENCY \$12,177.30; INCREASE 140.41.541.1200 REGULAR SALARIES \$4,822.22; INCREASE 140.41.541.2100 FICA TAXES \$368.16;

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INCREASE 140.41.541.2400 WORKERS' COMP \$6,986.92. Commissioner Creamer made a **motion to approve the amendment for Fiscal Year 2003-2004.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Mr. Wade presented four resolutions for unanticipated revenues as follows:

(Tape 2-1340) Resolution for unanticipated revenues in the amount of \$99,935.00 from the STATE OF FLORIDA for St. George Island Landscape Project, Project Number 414810-1-58-03, Contact Number AN-709. The expenditure is for the purpose of 001.20.511.3400 Other Contact Services \$99,935. Commissioner Creamer made a **motion to approve resolution for unanticipated revenues.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1397) Resolution for unanticipated revenues in the amount of \$33,339.57 from the STATE OF FLORIDA, for Franklin's Youth Enhancement Grant, Grant Number Q4506. The expenditure is for the purpose of 001.20.511.3400 Other Contact Services \$33,339.57. Commissioner Creamer made a **motion to approve resolution for unanticipated revenues.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1423) Resolution for unanticipated revenues in the amount of \$22,799 from the STATE OF FLORIDA, for FEMA U1249-DR-FL, Senior Center Shutter Project, Grant Number 01UN-6P-02-29-15-026. The expenditures is for the purpose of 001.20.511.3400 Other Contact Services \$22,799.00. Commissioner Creamer made a **motion to approve the resolution for unanticipated revenues.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1454) Resolution for unanticipated revenues in the amount of \$14,250 from the STATE OF FLORIDA for County Terrorism Annex Plan/County Continuity of Operations Plan, Grant Number 03FT-1B-02-29-01-310. The expenditure is for the purpose of 001.20.511.3400 Other Contact Services \$14,250. Commissioner Creamer made a **motion to approve the resolution for unanticipated revenues.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1501) Mr. Wade told the Board that they will review all proposals for the position of Director of Administrative Services. On November 19, 2004, at 9:00 a.m. in the old board meeting room in the Franklin County Courthouse at which time the board will make a decision.

(Tape 2-1590) Commissioner Mosconis asked about the letter received from the Adjunct General concerning a letter of support for the Armory. Mr. Curenton said the this letter has already been taken care of.

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MICHAEL SHULER – COUNTY ATTORNEY

(Tape 2-1561) Mr. Shuler told the Board that the committee setup to negotiate with Butch Baker concerning salary for the Emergency Management position has been accepted by Mr. Baker. The committee's recommendation is for a salary of \$35,000 per year with all county benefits including health insurance and leave time. Mr. Shuler asked that the board consider giving Mr. Baker up to \$2,000 moving expenses. This has not been done in the past. Also, a question Mr. Baker has is concerning his accrued sick leave with the state. Mr. Baker said that he has between 2 and 3 years of accrued sick leave which he would like to bring with him to the county. Mr. Baker has asked for a start date between December 1, but no later than January 1. Commissioner Mosconis made a **motion to approve all recommendations listed above including the moving expense.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-2-1727) Mr. Shuler told the Board that Chairman Sanders has asked for him to bring a request to consider amending the county ATV Ordinance banning these vehicles on county rights-of-way. The county owns some road beds in the National Forest and they are going through some rule changes. Mr. Shuler asked for authorization to allow ATV's on these county roads within the National Forest. Commissioner Putnal made a **motion to authorize the county attorney to review and come back to the board with a recommendation.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1840) Mr. Shuler reported that Dr. Lee Mullis has filed a lawsuit against the County regarding action taken as the Board of Adjustment. Mr. Shuler asked for Board approval to accept services of process concerning this case. Commissioner Creamer made a **motion to authorize Mr. Shuler to accept Service of Process regarding the Mullis lawsuit.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 2-1875) Mr. Shuler said regarding discussion of the sewer extension by the City of Carrabelle and franchise issues, he suggested the county explore whether the county is entitled to any franchise fees. Commissioner Mosconis did not think this would be a very popular idea.

(Tape 2-1915) Concerning the Thom Lewis settlement, Mr. Shuler reported there was concern about the Lewis' waiving claim for future damages. The Lewis' were concerned about maintaining the low water crossing by the county. They did reserve the right to sue the county if, in the future, the crossing becomes clogged and floods their property. It was noted that the Florida Communities Trust has paid the \$19,000 settlement. Mr. Shuler said he would recommend approval of the settlement provided, if there is a damage claim in the future, they notify the county in writing. Commissioner Putnal made a **motion to accept the settlement agreement with Thom Lewis as provided above.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

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(Tape 2-2093) The Board tabled until 11:30 today, the Rezoning and Land Use Change of a 2 acre parcel requested by the Brown family off of Highway 65 north of Eastpoint, Mr. Shuler was asked to research to find if a special exception or variance could be granted to allow the family members to develop this property. Mr. Shuler said that after discussing this with Mr. Pierce, he found in the Comp Plan, Land Use Section 2.5 a provision that allows a lineal decendent of a property owner can develop a parcel provided it is at least one acre in size without rezoning the property.

(Tape 2167) Steve Watkins representing several family members said that they are please with this determination, but they feel that, in general, these decendents need to be able to verify ownership and lineage. Presently, there is no procedure which establishes lineal decent. He suggested an affidavit be required showing the person is a lineal decendent.

(Tape 2-2405) Mr. Buddy Brown was asked if this was satisfactory resolution to this problem. He agreed that it was satisfactory to him.

(Tape 2-2511) Katherine Elkins, a granddaughter of Admiral Brown asked the Board if this means they can not sell any of her property. Mr. Shuler said it does not restrict anyone from selling the property, however, the new property owners would have to abide by what ever zoning is in affect. In this case, that means that a property owner would have to have ten acres to build a house.

(Tape 2-2572) Barbara Carlson appeared before the Board and said she bought a 1.29 acre parcel of property from Ms. Elkins. She asked the Board if her property is buildable. She said it appears that she might need to hire an attorney.

(Tape 2-2720) David Myrick appeared before the Board and said he also bought a parcel from Ms. Elkins. He asked if at some point he could apply for a rezoning.

(Tape 2-2825) Commissioner Creamer made a **motion to authorize the Planning & Building Department to implement Section 2.5 of the Land Use Element of the Comprehensive Plan and to deny the land use change and rezoning.** Commissioner Williams seconded this motion. All for. **MOTION CARRIED.**

(Tape 2-2871) Mr. Shuler said he received a request from Debbie Belcher to prepare an easement from the Lanark Village Water and Sewer District to the County and secondly that the county accepts this easement. Commissioner Putnal made a **motion authorizing the county attorney to draw up the easement from the Lanark Village Water and Sewer District to the County, and that the county accepts this easement.** Commissioner Creamer seconded this motion. All for. **MOTION CARRIED.**

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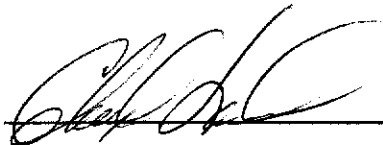
(Tape 2-2900) Chairman Sanders said that the Board is saying good bye to Commissioner Clarence Williams and Commissioner Eddie Creamer. The Clerk, Kendall Wade, read a resolution of appreciation into the record for both of these outgoing commissioners.

(Tape 2-2997) Chairman Sanders presented plaques to these outgoing Commissioners. Chairman Sanders wished Commissioner Creamer all the luck in the world. He is to be married November 20, 2004. She also wished Commissioner Williams good luck in the future.

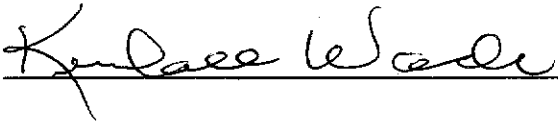
(Tape 2-3176) Commissioner Mosconis said that this Board has always worked well together and he will miss both of these Commissioners. He suggested that the portraits of the elected officials be placed in the Courthouse.

(Tape 2-3251) Dave McClain appeared before the Board, he said at the last meeting he gave the Board a letter with six recommendations. The Board members stated that this ORC Report will be addressed at November 16, 2004 at 6:00 P.M.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD IT WAS AGREED TO ADJOURN.



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK