

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
OCTOBER 6, 2009  
9:00 AM**

**MINUTES**

**Commissioners Present:** Joseph Parrish – Chairman, Bevin Putnal – Vice Chairman, Pinki Jackel, Cheryl Sanders, Noah Lockley

**Others Present:** Marcia Johnson – Clerk of Court, Mark Curenton – County Planner (Alan Pierce – Director of Administrative Services was absent), Michael Shuler – County Attorney, Michael Morón – Board Secretary

**Call to Order 9:04 AM**

Chairman Parrish called the meeting to order.

**Prayer and Pledge 9:04 AM**

There was a Prayer followed by the Pledge of Allegiance

**Payment of County Bills 9:05 AM**

Commissioner Sanders asked that the payment for the Nabors & Giblin law firm be removed from any action to approve the bill list payment.

**Motion by Putnal, seconded by Lockley, to approve payment of the County Bills as presented with the exception of the payment for the Nabors and Giblin law firm; Motion carried 5-0.**

Attorney Shuler explained that the bill from the Nabors & Giblin firm was for work that was done previous to the Board asking him not to use that firm for the possible litigation regarding a central sewer system on St. George Island.

**Motion by Lockley, seconded by Jackel, to approve payment for the Nabors and Giblin law firm; Motion carried 4-1, Sanders opposed.**

**Approval of Minutes: Emergency Meeting 9/1/2009; 1st Budget Public Hearing 9/9/2009; Regular Minutes 9/15/2009; Final Budget Hearing 9/28/2009**

**Motion by Jackel, seconded by Lockley, to approve the Minutes for the 9/1/2009 Emergency Meeting, the 9/9/2009 1<sup>st</sup> Budget Public Hearing, the 9/15/2009 Regular Minutes, and the 9/28 Final Budget Hearing; Motion carried 5-0.**

**Road Closure Request – Homecoming Parade 9:09 AM**

Students from Franklin County High School SGA asked the Board to approve their request to close a section of Highway 98 for the Homecoming Parade on October 30, 2009 at 1 PM.

**Motion by Putnal, seconded by Jackel, to approve road closure for the Franklin County High School Homecoming Parade as requested; Motion carried 5-0.**

**Presentation - Kevin Begos 9:12 AM**

Tanya James of the Seafood Workers Association asked the Board for financial assistance that would allow her to attend ISSC meeting and represent the County.

Commissioners Putnal and Lockley spoke in support of this request.

Kevin Begos explained some of the items that would be discussed at the ISSC meeting and how the County would be affected and asked the Board to approve \$1000 for Ms. James as the RiverKeepers are also assisting Ms. James with a grant.

**Motion by Jackel, seconded by Putnal, to approve \$1000 towards Ms. James expenses for trip to attend the ISSC meeting; Motion carried 5-0.**

Commissioner Jackel and Mr. Begos discussed his public records request which included emails from Commissioners Jackel and Sanders.

Mr. Begos stated that based on Florida's open records laws he was not required to state the reason for his public records request.

Commissioner Sanders informed Mr. Begos that she has completed her portion of the records request.

**Department Supervisor Report**

**Hubert Chipman - Superintendent of Public Works 9:18 AM**

Mr. Chipman gave an update on drainage projects throughout the County.

Commissioner Jackel and Mr. Chipman discussed the remaining amount of milled asphalt.

Commissioner Putnal stated that he has had a discussion with Mr. Andy Bailey of C. W. Roberts who is willing to pave additional roads in the County if he is guaranteed payment via future gas tax collections.

The Board discussed this matter further.

**Alan Pierce - Director of Administrative Services – Report**

Mr. Mark Curenton presented the following item from Mr. Pierce's report as it related to this discussion.

*15- The Board has an on-going paving program for which not all of the paving funds have been allocated. If the Board so desires, the paving program can be expanded by another \$1.1M. If the Board is interested in doing some additional paving as a change order while C.W. Roberts is in the county, it needs to do so soon. The Board could spend another \$200,000 per district, in addition engineering fees not to exceed \$80,000 and be within the \$1.1M left in the paving budget. If the funds are not spent now they will remain in the road paving fund until the Board does want to do another program. Board direction.*

Commissioner Sanders stated that this recommendation from Mr. Pierce would save the County from having to pay a mobilization fee to get these additional roads paved.

**Motion by Putnal, seconded by Lockley, to expand the paving project by another \$1.1 million which would allow C W Roberts to do additional paving in the County; Motion carried 5-0.**

Commissioner Lockley asked Mr. Curenton to inquire from the City of Apalachicola if they have any available funding that can go toward any paving that would occur within the City limits.

**Van Johnson - Solid Waste Director 9:29 AM**

*CARRABELLE BEACH WAYSIDE PARK:*

*FOR BOARD INFORMATION: The Carrabelle Beach Wayside Park reopened on Friday, Oct 2, after being closed for a week for repairs due to lighting strikes that happened on two separate occasions. All outside parking lights and the recently installed \$800 security system were damaged. When combined with the onsite repair work, the situation created a safety concern for park goers. Because of this, I ordered the temporary closure of park until the repair work was completed to minimize the county's exposure to liability.*

*ACTION REQUESTED: None.*

*ONGOING ANIMAL CONTROL ISSUES:*

*FOR BOARD ACTION: Once again I find myself having to asked for Board approval for the County Attorney's assistance in petitioning the courts for custody of two pit bulldogs found in the Apalachicola area that are suspected of being used for baiting. The scars on both dogs are conducive with fighting activities and the owner failed to provide proper or obtain adequate veterinary care for the injured animals.*

*The face of one of the dogs is in need of reconstructive surgery and there are those who are interested in providing a loving home and medical care for the both dogs.*

*ACTION REQUESTED: Motion granting the County Attorney's assistance in petitioning the courts for custody of two pit bulldogs suspected of being used for baiting and for being denied proper veterinary care.*

**Motion by Putnal, seconded by Jackel, authorizing Attorney Shuler to assist Mr. Johnson in petitioning the courts for custody of the two pit bulldogs discussed; Motion carried 5-0.**

*SETTLEMENT OF AN OUTSTANDING TIPPING FEE DEBT:*

*FOR BOARD ACTION: I have worked out an agreement with the owner of Coastline Clearing & Development to settle an outstanding tipping fee dept occurred at the landfill.*

*The owner has agreed to assist the County using his expertise and heavy equipment to clean up the recently acquired Allen Brothers property in Eastpoint.*

*With his assistance, the County can save on the wear and tear of County owned equipment and on the cost of fuel, as well as settle a debt that during these economic times would probably not be as forthcoming.*

*The amount owed the County is \$4,765.40 and in a letter staff mailed out on September 18, we gave the owner the option of coming in to make an alternative payment arrangement.*

*We have agreed on the aforementioned and with Board approval, I would like to follow through with the agreement.*

*ACTION REQUESTED: Motion approving the agreed upon settlement with Coastline Clearing and Development to pay off the company's outstanding tipping fee debt.*

**Motion by Jackel, seconded by Sanders, to approve the agreement between the County and Coastline Clearing and Development as described by Mr. Johnson ; Motion carried 5-0.**

Commissioner Putnal stated that he has received a request from some of the citizens in Eastpoint asking if one of the ball fields in Vrooman Park can be named after Billy Ray Langley. Mr. Johnson explained that the Board previously took action to name all the ball fields at Vrooman Park.

Board discussed possible alternatives such as a plaque or naming one of the roads leading to the Park.

**Motion by Putnal, seconded by Sanders, to direct Mr. Johnson and Ms. Millender, of Parks and Recreation, to present a recommendation to the Board regarding this matter; Motion carried 5-0.**

Commissioner Sanders commended Mr. Johnson on bringing the circus to town which was enjoyed by the children of the County.

Chairman Parrish asked Mr. Johnson if he could line D W Wilson Park as a soccer field so the kids could get accustomed to playing on a lined soccer field.

Commissioner Jackel stated that she was able to attend the Football Jamboree that was held recently and congratulated Mr. Johnson and Ms Millender of the Parks and Recreation department on the success of the event.

**Dan Rothwell - County Engineer 9:37 AM**

Mr. Rothwell presented the following items for Board discussion and/or action.

*1. BOARD ACTION: Eastpoint Boat Ramp Final Invoice:  
Staff requests permission to pay the final invoice of \$34,800.79 from the total project costs of \$299,007.86.*

Commissioner Jackel stated that she would like a permanent sign erected on this site before the project is closed.

Attorney Shuler presented the following item from his report as it pertained to the Eastpoint Boat Ramp project.

*6. Gulf State Bank Letter of Credit*

*Gulf State Bank has requested that the County release its letter of credit given for the construction of the boat ramp on Patton Drive, East Point, Florida. It is my understanding that the work is complete.*

*ACTION RECOMMENDED: Provided that the work is complete, I recommend that the Board authorize the release of the letter of credit.*

**Motion by Jackel, seconded by Putnal, to authorize payment of the final invoice including the payment of a permanent sign and the release of the letter of credit for this project; Motion carried 5-0.**

*2. East Gorrie Dr Gutter:*

*The survey, drawings, and requests for quotes have been completed to repair an area by elevating a section of road and adding gutter treatments of East Gorrie Dr from east of East 1<sup>st</sup> St to East Franklin Blvd.*

*3. Carrabelle Bch Rd @ Gulf Bch Rd Drainage:*

*Staff has completed field survey and drawing to help minimize flooding between Carrabelle Bch Dr and US98. The information has been forwarded to the Road Department.*

*4. ABC School 12<sup>th</sup> St Parking:*

*Cost estimates and recommendations for milled asphalt and wheel stops have been forwarded to the school and the Road Department.*

*5. Florida Department of Environmental Protection (FDEP) Stormwater Management Inspector Training:*

*The County Engineer is now a certified Stormwater Inspector by FDEP after two days of training.*

**6. Field Surveys:**

*Staff has completed topographic surveys of East 1<sup>st</sup> St @ East Gorrie Dr, Gulf Bch Dr @ Carrabelle Bch Dr and has staked the property pins for the Parks and Recreation Department for the Lanark Village parcel. The estimated savings value of the work is \$3,000.00 for the surveys and 2,000.00 for the drawings.*

**Pam Brownell- Emergency Management Director 9:39 AM**

*Action Items:*

*1. Request the board adopt a resolution accepting the updated Franklin County Local Mitigation Strategy Plan in order to clear the way for Federal funding when it becomes available.*

**Motion by Sanders, seconded by Lockley, to adopt the Resolution accepting the Franklin County Local Mitigation Strategy; Motion carried 5-0.**

*2. Request permission to donate our old copy machine to the Oyster Lab, since we purchased a new one.*

**Motion by Lockley, seconded by Jackel, to authorize the transfer of the copy machine to the Oyster Lab; Motion carried 5-0**

*3. Request the Board's approval to fill the vacant position that is already approved in our budget.*

Mrs. Brownell explained the importance and role of the Special Needs Coordinator, which was not a new position but an approved budgeted position.

The Board discussed the importance of this position.

Attorney Shuler discussed advertising requirements for this position.

**Motion by Lockley, seconded by Putnal, to authorize Mrs. Brownell to advertise and fill the vacant budgeted position; Motion carried 5-0.**

*Information Items:*

*1. A CEMP meeting is scheduled at the Emergency Management office for October 13, 2009 at 9:00 AM. Our Coordinator has sent out invitations and hopes all will be able to attend and contribute.*

*2. Mike Rundel, EM Coordinator, will be attending the Current Issues in Emergency Management (CIEM) workshop, Oct. 6th thru the 8<sup>th</sup> at the State Emergency Operations Center*

*in Tallahassee. I will be attending the CIEM for Directors, Oct. 19th thru the 21st, in Orlando. This workshop is mandated in our EMPA ' Scope of Work'.*

*3. Our office will be participating in the Fire Safety event to be hosted by the Franklin County K thru 12 School on October 08, 2009 at 8:00 AM.*

**Bill Mahan - County Extension Director 9:45 AM**

Mr. Mahan didn't have any items for Board approval.

Commissioner Putnal asked if there is a possibility of more locations in Alligator Harbor for clam farming. Mr. Mahan discussed this matter with the Board. Commissioner Sanders suggested that Mr. Mahan get in touch with John Gunter about clam farming. Commissioner Putnal also mentioned a gentleman that is interested in clam farming in the Alligator Harbor area.

**Mrs. Helen Spohrer, TDC Update 9:52 AM**

Mrs. Spohrer, representing TDC, asked for Board approval on the following contract renewals/extensions which have all been recommended by the TDC.

Bay Media  
Forgotten Coast TV  
2K Web Group  
Geiger and Associates  
Allyn, Inc.

**Motion by Lockley, seconded by Jackel, to approve the contract renewals/extension as requested and approved by TDC; Motion carried 4-0, Sanders abstained due to a conflict.**

Mrs. Spohrer requested Board action to renew Mrs. Alice Collins to the TDC.

**Motion by Jackel, seconded by Lockley, to reappoint Mrs. Alice Collins to the TDC for another term; Motion carried 5-0.**

Mrs. Spohrer suggested that the TDC and Board schedule a workshop to discuss the future direction of the TDC. After discussion with the Board, Mrs. Spohrer stated that she would get with Mr. Pierce about scheduling this workshop.

**Mrs. Gayle Dodds – Hospital Board Appointments 9:55 AM**

Mrs. Dodds, Chairman of the Hospital Board, requested Board action for the following items.

Item 1 – Reappoint Curt Blair and Gayle Dodds to the Hospital Board

**Motion by Lockley, seconded by Jackel, to reappoint Curt Blair and Gayle Dodds to the Hospital Board for another term; Motion carried 5-0.**

Item 2 – Fill Vacant Seat on the Hospital Board- recommended Nick Yonclas

Mrs. Dodds stated that the Hospital Board was recommending Mr. Nick Yonclas to fill the vacant seat on the Hospital Board.

Chairman Parrish stated that he was able to speak to Mr. Yonclas since the last meeting and is in favor of appointing him to the Hospital Board.

Commissioner Jackel stated that she did receive emails and calls to consider two other candidates, Mr. Applebee and Mr. Brocato, for the vacancy on the Hospital Board but because there was no one from her district on the Hospital Board she is in favor of Mr. Yonclas who is from her district.

Commissioner Putnal expressed his concerns of appointing an attorney to the Hospital Board and would rather have someone with a medical background on the Board. Mrs. Dodds explained that Mr. Yonclas' role on the Hospital Board will not be as an attorney, Attorney Shuler is the Hospital Board's attorney.

Commissioner Putnal stated that he was asked if Mr. Yonclas ever represented Mrs. Dodds in any legal action. Mrs. Dodds explained that Mr. Yonclas never represented her, but he did represent her husband and Greenpoint Construction, which she is not a part of. Mrs. Dodds then listed all of the current members on the Hospital Board with medical backgrounds, and stated that the Board was looking for someone with a different critical analytical view and thought that Mr. Yonclas was the best candidate.

Commissioner Sanders asked Mrs. Dodds for the minutes when the Hospital Board discussed Mr. Yonclas as a candidate for the Hospital Board.

Mrs. Dodds explained the series of events that led up to Mr. Yonclas' recommendation starting from the resignation of Mr. Friedman.

Commissioner Sanders and Mrs. Dodds explained the current amount of members on the Hospital Board and the possibility of expanding the membership, which Commissioner Sanders was in favor of so that all resources of the medical community can be tapped into.

The Board, Mrs. Dodds, and Attorney Shuler discussed adding new members to the Board and amending the by-laws of the Hospital Board which would allow additional members to be added.

**Motion by Lockley, seconded by Jackel, to appoint Mr. Nick Yonclas to the Hospital Board and directed Attorney Shuler to review the Hospital Board by-laws to allow additional members on the Board; Motion carried 3-2 Sanders and Putnal opposed.**

**Open Bids for Construction at Lombardi Seafood Park 10:17 AM**

Mr. Mark Curenton opened and stated the bids for the Lombardi Seafood Park project.

| <b>Bidder</b>   | <b>Bathroom Project/Roof Project</b> |
|-----------------|--------------------------------------|
| Gary Millender  | \$33,000/\$23,500                    |
| Harrell Roofing | \$0/\$29,442                         |

|                          |                         |
|--------------------------|-------------------------|
| Little Fish Construction | \$30,310.46/\$17,867.38 |
| Poloronis Construction   | \$28,166/\$18,320       |
| R W Thomas               | \$29,316/24,337         |
| Riverside Construction   | \$38,021.30/16,125      |

**Motion by Sanders, seconded by Lockley, to forward the bids to the Parks and Recreation Department for a recommendation; Motion carried 5-0.**

The Board and Mr. Curenton discussed the amount of grant funds for project and the possibility of using some of the grant funds or County funds to pay for the roof portion of this project.

**Motion by Jackel, seconded by Lockley, authorizing County staff to fund roof portion of this project and direct Parks and Recreation to include bids for the roof portion of the project when considering their recommendation; Motion carried 5-0.**

**Recess 10:28 AM**

Chairman Parrish called for a recess.

**Reconvene 10:43 AM**

Chairman Parrish reconvened the meeting.

**P & Z Report 10:43 AM**

Mr. Mark Curenton presented items from the Planning and Zoning report for Board action.

**COMMERCIAL SITE PLAN REVIEW:**

*Item 1 - DENY (5 to 2 vote) Consideration of a request for commercial site plan review to construct a 7,964 gsf retail center (1,200 gsf of office space and 6,764 gsf of retail space), located on Lots 7-24, Block 6 East, Unit 1, St. George Island, Franklin County, Florida. Request submitted by Inovia Consulting Group, Jim Waddell, agent for Olivier Monod, applicant. Motion: To deny this project as requested because it is non-compliant according to zoning regulation 414 and 435.2 in the off street parking requirements, and zoning regulation 414 and 440 in the loading and un-loading requirements.*

Mr. Curenton read a memo from Mr. Pierce that addressed this request and explained why he is in favor of not accepting the recommendation of Planning and Zoning and approving this request.

Attorney Shuler stated that he assisted Mr. Pierce in preparing this memo and also was in favor of approving this request.

As requested by Commissioner Jackel, Attorney Shuler further discussed items in Mr. Pierce's memo and concerns discussed by Planning and Zoning regarding this request and agreed that it met all of the County's zoning and code regulations and should be approved.

Commissioner Putnal and Attorney Shuler discussed possible litigation if the Board was to deny this request and the County's responsibility regarding the fire code.

Commissioner Parrish and Attorney Shuler discussed the County's parking requirements and that this project met all of those requirements.

Commissioner Jackel and Attorney Shuler discussed the ownership of the property in question and Attorney Shuler verified that Mr. Olivier Monod would be the owner of all of the property before the County would issue a building permit along with covenants and restrictions.

Commissioner Sanders and Attorney Shuler discussed the possibility of requiring the applicant to hire local labor, and Commissioner Sanders stated the overwhelming support she has received via emails and calls because this project would provide jobs to the local residents.

Olivier Monod, applicant, stated that the construction phase of this project will last approximately six months and even though the builder is from Tallahassee, he has already contacted many subcontractors from Franklin County so local residents will be given first preference. Mr. Monod also stated that he has gotten the same assurance from the owner of the grocery store, who will be the tenant, and they will give local residents the first preference of the approximately 30 jobs.

Commissioner Jackel stated that she met with Mr. Monod and Mr. Pierce and discussed this project. Commissioner Jackel stated that she has also received many comments for and against this project, but the project does meet the County's zoning rules and regulations and it is her responsibility to uphold the law. Commissioner Jackel then expressed some of the concerns she has with the project and with the tenant of the neighboring building, the Trading Company, and asked Mr. Monod if he would guarantee some solution to these concerns. Commissioner Jackel's first concern was the lights at the Trading Company after business hours. Mr. Monod said he has asked both tenants and received in writing their guarantee to turn off their lights at the end of their business day which would adhere to the turtle lighting requirements and also stated that as in the first building, turtle friendly windows will be used.

Commissioner Jackel and Mr. Monod then discussed the trash problem, Mr. Monod stated that he has contacted Waste Pro and they have agreed to increase garbage pickups, beyond their normal 3 times a week, if needed to eliminate any odors from that area.

Commissioner Jackel stated that she will hold Mr. Monod to his word and what he agreed to today regarding this project and asked Mr. Monod to address the problem of his delivery trucks. Mr. Monod stated that he has addressed this problem with County staff to their satisfaction. Commissioner Jackel asked Mr. Monod to explain why his original request for this project was changed to what it is now, a grocery store. Mr. Monod stated that his request was always a grocery store, distributed documents that supported this, and explained why he thought a grocery was needed and good for St. George Island.

Commissioner Lockley explained that even though some people didn't like the idea of the project, it met all code requirements, so the Board has no choice but to recommend approval.

**Motion by Lockley, seconded by Sanders, not to take the recommendation of the Planning and Zoning Commission and approve this commercial site plan request; Motion carried 5-0.**

*Item 2 - APPROVE (6 to 1 vote) MOTION: It was agreed to request the Board of County Commissioners to institute a moratorium on new commercial construction requiring wastewater treatment permits in the commercial district of St. George Island until the issues related to beach advisories, onsite wastewater treatment system non-compliance, and centralized wastewater treatment are resolved.*

Attorney Shuler recommended that the Board allow him the opportunity to review this item before taking any action.

Commissioner Jackel agreed that a commercial development plan is needed for St. George Island and would like to start a committee that would form this plan and schedule a town hall style meeting, possibly on October 22 on St. George Island to discuss this plan.

Commissioner Lockley expressed his concerns of this plan affecting only St. George Island and not the entire County.

Attorney Shuler said he will research Commissioner Lockley's concern.

Commissioner Jackel agreed that she wanted this plan to only apply to the St. George Island commercial district.

Chairman Parrish stated that he wanted these town hall meetings to be advertised so that all Commissioners could attend and have input in this matter and Commissioner Jackel agreed.

Attorney Shuler stated that advertising requirements would be part of his research.

The Board discussed if this plan would affect current businesses or just future applicants.

**Motion by Sanders, seconded by Lockley, to table the request of a moratorium on new commercial construction on St. George Island until Attorney Shuler has the opportunity to do some research and address the Board's concerns; Motion carried 5-0.**

**Ms. Traci Levine and Ms. Robyn Gordon, DCF Administrators - Discussion of Programs at Carrabelle Health Clinic 11:32 AM**

Ms. Levine and Ms. Gordon introduced themselves to the Board and discussed their program. Commissioner Sanders asked about availability of these programs at the Carrabelle branch. Ms. Gordon and Ms. Levine explained what programs are available in Carrabelle and encouraged the use of the internet for some of the assistance programs.

Commissioner Putnal stated that if space ever becomes a problem in Carrabelle he encouraged them to contact someone from the Senior Citizen Center. Ms. Levine and Ms. Gordon stated that Senior Citizen's Center is already a partner along with other agencies and then listed other programs that are available to Franklin County residents.

The Board thanked them for coming and explaining their programs.

**Marcia M. Johnson - Clerk of Courts – Report 11:39 AM**

Mrs. Johnson presented the following items for Board action and/or discussion.

1-The Health Department requests a motion to approve their contract with the County. Copies of the proposed contract was placed in each of your boxes and presented to the County Attorney as well.

**Motion by Lockley, seconded by Putnal, to authorize the Chairman's signature on the Health Department contract with the County; Motion carried 5-0.**

2-There's another matter involving the health department. They have requested permission to transfer from their property inventory to the Sheriff's Department, a boat. The boat is the one that was recently stolen. It was recovered; however, the motor was not. In return, the Sheriff has agreed to transport health department personnel to Dog Island when necessary, and may transfer a vehicle to the Health Department.

**Motion by Sanders, seconded by Putnal, to authorize the transfer of a boat from the Health Department inventory to the Sheriff's Department inventory; Motion carried 5-0.**

3-For information, the hospital's sales tax collections for the month ending July 09 was \$165,932.78. There's a balance in the hospital's capital fund of \$1,044,455.15.

4-I have two line-item budget amendments involving the airport for approval. The **first** is that there was \$5,372.20 incurred in 2008/2009 relative to the Airport Security Grant Fence Project that was originally budgeted in the Fence Infrastructure expenditure line item. I would like to move the budgeted funds from the Airport Security Fence Infrastructure line item into the Airport Machinery and Equipment and Airport Operating Supplies expenditure line items for this grant project. The Fencing grant paid for all materials needed for the fence and also the tools needed to complete the installation of the fencing. We would increase 170.74.540.6400 Capital Outlay by \$3,874.99, increase 170.74.540.5200 Operating Supplies by \$1,497.21 and decrease 170.74.540.6301 Security Fence Infrastructure by \$5,372.20. The **second** is that there was \$31,287.87 in contract services incurred relative to the rehabilitation of Airport Runway 6-24 that was originally budgeted as a repair and maintenance expenditure line item. I would like to request a line item budget amendment to move the needed funds from the Airport Rehabilitation Runway 6-24 Repair and Maintenance line item into the Contract Services expenditure line item for this grant project. We would increase 170.74.540.3400 Other Contract Services by \$31,287.87 and decrease 170.74.540.4602 Repair and Maintenance Runway 6-24 by the same amount of \$31,287.87.

**Motion by Lockley, seconded by Putnal, to approve the budget amendment relative to the Airport Security Grant Fence Project; Motion carried 5-0.**

**Motion by Lockley, seconded by Putnal, to approve the budget amendment relative to the rehabilitation of Airport Runway 6-24; Motion carried 5-0.**

5-I've been working on an updated personnel policy for the Board, and in the process, I'm discovering the Board may need to create a "Pay and Classification Plan" as part of your policy.

Most policies I've looked at from other counties include such a plan. In light of this and recent conversations about salaries, is the Board interested in having a professional study of county positions and salaries completed in order to include a plan in the personnel rules? If so, a motion is needed directing Alan Pierce to advertise for RFPs for a consulting firm to perform the study. I don't think we've conducted such a study since the early 90s, and it was never adopted. Such a study would involve defining job descriptions and salary ranges. I did get information from F.A.C. on a consulting firm they'd utilized, and determined it could cost somewhere around \$15,000 for such a study. Commissioner Sanders knew that F.A.C. had provided some technical assistance money in the past and suggested I contact them about possibly helping fund the study; however, when I made contact, I was told the funding had been provided by the Legislature to help small counties but had not been legislatively assessed since the 2007/2008 session. You could pay for the study from budgeted funds for professional services.

Commissioner Putnal would like staff to look at the study that was done in the 90s and possibly update it so that it could be currently used instead of paying for a new study. Mrs. Johnson explained that the study done in the 90s is too outdated for staff to use.

Chairman Parrish said he would like each of the Commissioners to look at the study done in the 90s.

Commissioner Jackel said she would like current status of County employees. The Board and Mrs. Johnson explained that the problem is currently no job classifications and pay scales exist. Chairman Parrish said he would like an independent review of this information so there is no possibility of favoritism when creating a "pay and classification plan".

Commissioner Jackel and Mrs. Johnson discussed possible funding sources to change salaries once this study is done.

**Motion by Sanders, seconded by Jackel, to table this item until all Commissioners have had the opportunity looked at study done during the 90s; Motion carried 5-0.**

#### **Alan Pierce - Director of Administrative Services – Report 11:54 AM**

Mr. Mark Curenton presented items from Mr. Pierce's report for Board action and/or discussion.

Mr. Curenton stated that Mrs. Millender, of the Parks and Recreation Department, is recommending that the Board select Poloronis Construction, the lowest responsive bidder, as the contractor to complete the Lombardi seafood park project.

**Motion by Lockley, seconded by Jackel, to select Poloronis Construction as the contractor for the Lombardi seafood park project, but construction of the roofing portion of the project cannot start until funding is secured; Motion carried 5-0.**

*1- The Board had previously asked that the Dept. of Agriculture work with FWC to make sure that seafood workers were not penalized for not having their harvester's permits because of*

*delays in the Department's processing of licenses. Mr. David Heil has called to assure the Board the Dept. did work with FWC to get all the licenses issued.*

*2- Board action to adopt a Resolution requesting the Governor continue to designate Franklin County and seven other rural counties as a "Rural Area of Critical Economic Concern". This designation has at times saved us money and provided points on grant applications.*

Commissioner Putnal asked if the County would be subject to any restrictions by this designation. Attorney Shuler stated that he was not aware of any restrictions but would investigate further if needed.

Commissioner Sanders stated that she was not aware of any restrictions but stated that in the past this designation has been very beneficial for the County.

**Motion by Sanders, seconded by Lockley, to adopt the Resolution requesting the County to be designated as a "Rural Area of Critical Economic Concern"; Motion carried 5-0.**

*3- Board action to approve a Resolution requested by Florida Housing to ask the Governor and Legislature to eliminate the cap on the state housing funds (SHIP) and support full appropriation of housing programs. The Board may recall that the state did not release any standard SHIP program funds this year, and this Resolution is asking that decision be rescinded for next year.*

**Motion by Sanders, seconded by Lockley, to adopt the Resolution to eliminate the cap on the State Housing funds (SHIP); Motion carried 5-0.**

*4- Inform the Board that on Sept. 23, Alan went to a daylong economic development seminar sponsored by Opportunity Florida and Florida's Great Northwest, which is a regional economic agency. The highlights were: Florida is losing in the battle for economic development because of a lack of skilled labor force and because other states offer better incentives. However, one of the targeted industries is aviation which explains why the airport continues to receive funds. The state is putting a lot of effort into the Workforce structure in developing a skilled labor force which explains why the Workforce Board seems to have a lot of money also. On that note, Ms. Kim Bodine wants to inform the Board that because the Board is part of the Gulf Coast Workforce the transportation effort she spoke about will not have to be bid out to the county. It will be a straight contract between the Workforce and the county, and then the county will advertise for actual service providers. The contract should come soon.*

*5- At a previous meeting the Board directed that Talquin Electric be contacted to see if they could provide electrical service in Franklin County to provide county residents some relief from the utility rates charged by Progress Energy. Currently, Talquin has a territorial agreement with Progress Energy that prevents them from expanding their service area. The agreement runs out in Oct. 2010. If the county is interested in asking Talquin to provide service after that date the county needs to petition the Public Service Commission for a change in the territorial agreements between the two utilities. Board direction.*

Commissioner Putnal was encouraged that the recent changes made by the Governor to the Public Service Commission would be beneficial to the citizens of Franklin County relating to the proposed Progress Energy increase.

Commissioner Jackel stated that she has seen increases on her recent Progress Energy bills.

**Motion by Sanders, seconded by Putnal, to petition the Public Service Commission for a change in the territorial agreements and asked Attorney Shuler to do research and verify that the correct language is used in the petition; Motion carried 5-0.**

Chairman Parrish discussed the Public Service Commission hearing that he attended and spoke against the rate increase.

*6- Provide Board with copies of time extension request made to FEMA for the Alligator Point road. Copies have also been sent to Senator Nelson, and Rep. Boyd. Despite FEMA staff's promise of assistance in relocating the Alligator Point Road the assistance never materialized.*

*7- Inform Board that the Dept. of Community Affairs has responded to the Board's proposed change to the Future Land Use map of deleting land use designations on land owned by the St. Joe Company. The Department has no objections. Upon consultation with the County Attorney, the Board needs to decide when it wants to hold the adoption hearing.*

Commissioner Sanders asked the Board to defer to Attorney Shuler for a recommendation and suggested that the adoption hearing is scheduled as soon as possible. Commissioner Sanders stated that she is very committed to this action.

Attorney Shuler recommended that the Board authorize him to consult with an Attorney who is more experienced with the Bert Harris Act and referred to Item 4 of his report.

Attorney Shuler also gave an estimate on a timeline for this action.

#### **T. Michael Shuler – County Attorney – Report**

Attorney Shuler presented this item from his report as it related to Mr. Pierce's report.

*4. Proposed Comprehensive Plan Amendments for Carrabelle East and Marina Village*

*BOARD ACTION: I recommend that the Board authorize me to hire co-counsel to assist me with the Bert Harris Property Protection Rights aspect of this matter.*

**Motion by Sanders, seconded by Lockley, to authorize Attorney Shuler to hire co-counsel to assist him with the Bert Harris Act on this matter; Motion carried 5-0.**

*8- Board action to authorize the Chairman's signature on a 911 grant for the Sheriff's Department. If the grant is funded it will allow the Sheriff to move toward a 911 system that*

has a GIS mapping component. This will be a system compatible with the one the Property Appraiser is working on, so the two will work together.

**Motion by Sanders, seconded by Jackel, authorizing the Chairman to sign the 911 grant for the Sheriff's department; Motion carried 5-0.**

9- Board action to authorize the purchase of \$21,440 worth of replacement 911 equipment from Fairpoint Communications as a sole source provider, as the existing 911 equipment is also Fairpoint brand. The purchase has been requested by 911 Coordinator Pat McWhinnie. The funds are available in the 911 fund.

**Motion by Sanders, seconded by Jackel, authorizing the purchase of \$21,440 worth of replacement 911 equipment and declare Fairpoint Communications as a sole source provider; Motion carried 5-0.**

10- Board action to sign the DOT agreement which provides funds for the design and construction of the Multi-use path from the Carrabelle Beach Park to the Carrabelle Lighthouse. The total funds available for the project are \$486,000, with \$44,000 for design available now, and \$442,000 available for construction in fiscal year 2012/2013. The design has to be complete by Dec. 31, 2011.

**Motion by Jackel, seconded by Sanders, to authorize the Chairman's signature on the DOT agreement; Motion carried 5-0.**

11- Board action to correct an emergency situation with the main sewer line from the courthouse. During the heavy rains in September, it became apparent that there were significant leaks in the original clay sewer line that leads from the courthouse to the city sewer line. During the heavy rains so much water was coming into the collection pit servicing the courthouse that the pit was overflowing and then causing problems in other parts of the city's vacuum system.

A TV camera was inserted into the clay line to determine if it was one break or multiple. It was determined that the original clay line was in 3 foot sections and at each joint, after 80 years, a great deal of groundwater was entering the sewer. Additionally, in one place the clay pipe had collapsed so that groundwater and volumes of sand were entering at will. Fortunately all this occurs in the sixty feet before the pipe gets into the building. Once in the building the cast iron pipe appears to be in good shape. The cheapest way to fix the leaks is not dig up 65 feet of pipe buried 6 feet in the ground, but to slip line the existing pipe. King Plumbing has been contacted and provided a quote of \$15,125 to fix the problem. The City of Apalachicola had considerable overtime during the rain event because they had to keep pumping out the pit in order to keep the vacuum system operating, and has asked the county deal with this problem quickly in the event another rain event comes.

It is staff recommendation to consider this an emergency and to allocate \$15,125 of courthouse maintenance funds to repair this problem. Funds are available in courthouse maintenance. Board action.

**Motion by Lockley, seconded by Sanders, to declare this situation an emergency and allocate \$15,125 of courthouse maintenance funds to repair the problem; Motion carried 5-0.**

*12- Hospital Board update- The following information was discussed at the Sept. Board meeting:*

*A) The ground breaking for the Carrabelle Urgent Care Clinic will be Tuesday, Oct. 13, at 5 PM, at the site. Refreshments will be provided.*

*B) The funds for the construction of the Carrabelle Clinic are now \$960,000, and the Hospital Building committee is interviewing the construction managers and should have a recommendation at the Oct. 20 meeting.*

*C) The Medicare Interim Cost Report indicates Weems is entitled to \$140,000 in reimbursement that was not expected. The \$140,000 has been received and will be kept in a CD, and not spent, until the final Cost Report is done and approved in the event Medicare has made a mistake, but potentially that is \$140,000 of unanticipated revenue for the Hospital. (Mr. Colvert may be at the meeting and may be able to better explain.)*

Commissioner Jackel asked if the Hospital Board would inform the Commission before spending this reimbursement. Attorney Shuler explained that because the Hospital Board has been given more autonomous authority, it is not typical for them to seek authority from the Commission before spending these funds. Attorney Shuler suggested directing him to inform the Hospital Board that they seek Commission approval before spending these funds and also authorize him to look at the details of this reimbursement a little closer.

***Motion by Lockley, seconded by Jackel, directing Attorney Shuler investigate this refund further and inform the Hospital Board to keep the Commission updated before spending any funds from this reimbursement; Motion carried 5-0.***

*D) Inform the Board that the Hospital is current on the \$600,000 loan the county took out through Governor's Office about two years ago, and \$100,000 of principal has been paid back.*

*E) Inform the Board that Mr. Colvert has been appointed to the LIP Council so he will be better able to guide the Board on LIP opportunities. LIP stands for Low Income Pool and Weems Hospital receives LIP payments from time to time because the Hospital serves a low income area.*

*13- Inform the Board that Ms. Gayle Dodds has submitted her resignation from the Planning and Zoning Commission. She has served for 20 years sitting as an at-large representative. The Board will need to fill the position.*

Commissioner Jackel suggested that the Board get the current members and terms of the Planning and Zoning Commission before appointing any new members.

14- As the Board is aware, there has been an ongoing neighborhood dispute centering around Miller St. and Enabob St. in Lanark Village. The Board had directed that I try to resolve the dispute and if unable to come back with a recommendation. I have been in contact with the Sheriff's Office and for the past several months the Sheriff has tried to assist me in keeping peace in the neighborhood. The Sheriff now agrees that he is unable to resolve the issue either, and he supports me in recommending that Miller St. be opened and the tree in the middle of Enabob be removed. Board action.

**Motion by Sanders, seconded by Putnal, to accept Mr. Pierce's recommendation and direct the Road Department to remove loads of dirt that is in the Miller Street right-of-way and add lime rock to that street, and direct Mr. Pierce to get estimate to remove tree on Enabob Street; Motion carried 5-0.**

15- The Board has an on-going paving program for which not all of the paving funds have been allocated. If the Board so desires, the paving program can be expanded by another \$1.1M. If the Board is interested in doing some additional paving as a change order while C.W. Roberts is in the county, it needs to do so soon. The Board could spend another \$200,000 per district, in addition engineering fees not to exceed \$80,000 and be within the \$1.1M left in the paving budget. If the funds are not spent now they will remain in the road paving fund until the Board does want to do another program. Board direction.

**This item was addressed earlier during the meeting.**

**T. Michael Shuler – County Attorney – Report 12:28**

Attorney Shuler presented the following items for Board action and/or discussion.

*Action Items*

1. *Branch Banking and Trust Co. vs. Bryan Cureton et al. (No case # provided)*

*This is another lawsuit to foreclose a delinquent \$475,000.00 mortgage. The mortgage has priority over the County's \$42.00 fire tax lien. The property is located in the Gulf-Wyn subdivision, located in the Lanark Village area.*

*ACTION REQUESTED: I recommend that the Board authorize me to accept service of process, but file no Answer to the complaint. A default judgment foreclosing the fire tax assessment will be entered and the lien will not be paid. Future owners of the lot will have to pay future fire tax liens.*

2. *HSBC Bank vs. Nedra Jefferson (09-553-CA)*

*This is another lawsuit to foreclose a delinquent \$300,000.00 mortgage. The mortgage has priority over the County's \$3,100.00 SHIP Mortgage as a result of a subordination agreement. The property is located in Apalachicola.*

*ACTION REQUESTED: I recommend that the Board authorize me to accept service of process, but file no Answer to the complaint. A default judgment foreclosing the subordinated SHIP mortgage will be entered and the lien will not be paid.*

**3. SunTrust Mortgage vs. Diversified Executive Crestview, LLC (09-421-CA)**

*This is another lawsuit to foreclose a delinquent \$1,000,000.00 mortgage. The mortgage has priority over the County's \$42.00 fire tax lien. The property is located on St., George Island, Florida.*

*ACTION REQUESTED: I recommend that the Board authorize me to accept service of process, but file no Answer to the complaint. A default judgment foreclosing the fire tax assessment will be entered and the lien will not be paid. Future owners of the lot will have to pay future fire tax liens.*

**Motion Sanders, seconded by Lockley, authorizing Attorney Shuler to accept service on items 1-3 of his report and enter default judgments; Motion carried 5-0.**

**4. Proposed Comprehensive Plan Amendments for Carrabelle East and Marina Village**

*BOARD ACTION: I recommend that the Board authorize me to hire co-counsel to assist me with the Bert Harris Property Protection Rights aspect of this matter.*

**This item was addressed earlier during the meeting.**

**5. Garlick Environmental Associates' Lease of Airport Hanger**

*Dan Garlick has requested that the County agree to change the name on the lease from "Garlick Environmental Associates, Inc." to "Garlick Aviation, LLC." Mr. Garlick is the principal of both companies and owns 100% of both companies. All the remaining items of the lease will remain the same.*

*ACTION REQUESTED: I recommend that the board amend the lease to change the name of the tenant to "Garlick Aviation, LLC" and release Garlick Environmental Associates, Inc. from the lease.*

**Motion by Lockley, seconded by Jackel, to amend the lease to change name of the tenant to Garlick Aviation LLC and release Garlick Environmental Associates, Inc; Motion carried 5-0.**

**6. Gulf State Bank Letter of Credit**

*Gulf State Bank has requested that the County release its letter of credit given for the construction of the boat ramp on Patton Drive, East Point, Florida. It is my understanding that the work is complete.*

*ACTION RECOMMENDED Provided that the work is complete; I recommend that the Board authorize the release of the letter of credit.*

**This item was addressed earlier during the meeting.**

**NON-ACTION ITEMS**

**7. Superior Bank to Franklin County**

*The purchase of the property next to the Eastpoint boat ramp from Superior Bank for \$280,000.00 closed September 30, 2009.*

*The airport purchase is expected to close the week ending October 9, 2009, which is the week the grant funds become available.*

**8. Proposed Technology Policy:**

*Attached is a proposed technology policy that I am recommending you adopt. If adopted, this policy will regulate communications for county commissioners and advisory.*

*9. Alice Kurkvliet (pronounced "Kirk-Fleet"): This is the matter the Board referred to me for the purpose of obtaining an injunction prohibiting Ms. Kurkvliet from owning animals because of repeated instances of animal injury. It is my understanding that she has moved out of Franklin County. I will continue to look into this.*

*10. Buccaneer Inn Drainage: The Board asked that I assist the County Engineer concerning the use of private funds to purchase materials to be incorporated into a public drainage project. I am informed that public funds are being used, so I have taken no action.*

**11. Phil Guzzetta**

*I have given Mr. Guzzetta every opportunity to remove his property from the right of way. He has not meaningfully complied with the Board's request that he do so. On Friday, I requested that the Sheriff take such action as is needed to remove Mr. Guzzetta's property from the right-of-way.*

**Commissioners' & Public Comments 12:31 PM**

Chairman Parrish requested Board action to approve travel and expenses that would allow him to attend the advance Commissioner Training Course in Gainesville.

**Motion by Sanders, seconded by Putnal, approving travel and expenses for Chairman Parrish to attend all advance Commissioner Training Courses; Motion carried 5-0.**

Commissioner Jackel requested Board action approving travel and expenses for the Commissioners when they attend the FAC policy meetings on December 2-4 in Pinellas County.

**Motion by Sanders, seconded by Lockley, to approve travel and expenses for any of the Commissioners who will attend the FAC policy meetings in December; Motion carried 5-0.**

Commissioner Jackel expressed her appreciation to Mrs. Gayle Dodds for all of her years of service and dedication on the Planning and Zoning Commission

**Motion by Putnal, seconded by Sanders, to authorize the purchase and presentation of a plaque of appreciation for Gayle Dodds for her years of service on the Planning and Zoning Commission; Motion carried 5-0.**

Mr. Bill Ruic, Apalachicola Airport's Fixed Based Operator, stated that this is the first time in 17 years of service that his income is so low that he is asking the Board for some type of assistance at the Airport and would like the Commissioners to visit the airport to witness some of the problems he is experiencing. Mr. Ruic stated that these financial problems are nation-wide. Attorney Shuler recommended that Mr. Ruic meet with the Airport manager and Airport Committee first and then have this problem presented to the Commission for some possible action.

Commissioner Sanders suggested that Mr. Ruic communicate his situation with engineering firm for the Airport.

Mr. Ruic stated that he has not received any information from engineering firm or was allowed any input regarding the new hangar which would help with economic projects at the Airport. Chairman Parrish provided additional information which explained the possible location of the new hangar and the bids that were awarded for this project.

Attorney Shuler suggested that all concerned parties meet to discuss Mr. Ruic's issue and either the Airport Manager or Mr. Pierce report back to the Board.

Mrs. Mary Lou Short stated that she was submitting her resignation from the P & Z Board to the Commission. Mrs. Short then expressed her disagreement with Mr. Pierce's recommendation to approve Mr. Minod's project and explained why. Mrs. Short asked why the current business owners on St. George Island are held to a different standard on parking compared to Mr. Minod's project and why wasn't more public input heard today on this matter.

Commissioner Jackel explained that normal protocol for public hearings was used today but apologized if anyone thought that they couldn't speak on this matter during today's public hearing.

Commissioners Jackel and Lockley and Mrs. Short discussed possible code violations of other businesses on St. George Island.

Commissioner Jackel stated that she was unaware of some of the violations stated by Mrs. Short but would look into them.

Mrs. Short thought that the Board would be setting a precedent by approving this project and asked the Commissioners to look at sections 301.03 and 301.04 and see if any of these rules were violated, and explained why she thought there were violations. Mrs. Short asked the Board to look at this project as a high impact project, as it will impact at least 22 other businesses on St. George Island.

Attorney Shuler addressed some of the concerns raised by Mrs. Short.

Charlotte Bacher, a St. George Island business owner, would like all of the Commissioners to visit St. George Island commercial district and also invited all of the Commissioners to the Oyster Spat this weekend.

Dan Tonsmeire invited the Commissioners and the general public to a meeting hosted by the RiverKeepers on Oct 14 in this same room where the ACF basin would be discussed.

Steve Fling, representing the County's volunteer fire departments, distributed budget information on the County's volunteer fire departments and discussed funding that would be needed to carry the fire departments until the new MSBU takes effect in 2010.

Board discussed this matter.

Commissioners Sanders and Jackel suggested that more detailed information is provided regarding each of the fire departments before the Board takes any action on this matter.

**Motion by Sanders, seconded by Jackel, directing Mr. Fling to provide more detailed information and specific amounts for each of the County's fire departments that will allow them to operate until January 2010 when the new MSBU rates take effect; Motion carried 5-0.**

**Adjourn 1:14 PM**

**There being no further business, Chairman Parrish adjourned the meeting.**

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**Joseph Parrish, Chairman – FCBCC**

**Attest:**

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**Marcia M Johnson, Clerk of Court**