

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
FEBRUARY 17, 2015
9:00 AM**

MINUTES

Commissioners Present: William Massey – Chairman, Joseph Parrish – Vice Chairman, Pinki Jackel, Noah Lockley

Commissioner Absent: Cheryl Sanders (recovering from surgery)

Others Present: Marcia Johnson – Clerk of Courts, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Deputy Clerk/Board Secretary

Call to Order (9:00 AM)

Chairman Massey called the Meeting to order.

Prayer and Pledge (9:00 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes (9:01 AM)

There were no Minutes submitted for approval.

Payment of County Bills (9:01 AM)

Motion by Lockley, seconded by Parrish, to approve the payment of the County's Bills as presented; Motion carried 4-0.

Department Supervisors Report

Howard Nabors –Superintendent of Public Works (9:01 AM)

Mr. Nabors stated that he has been spending considerable time cleaning ditches, picking up roadside trash, household garbage, and other items around the County.

Commissioner Jackel discussed a problem with contractors dumping their trash and waste from their projects on the side of the roads in District 1.

Mr. Davis stated that he would try and identify these contractors and report it to the Sheriff's Department.

The Board, Mr. Nabors, and Mr. Davis discussed possible solutions for this issue.

Commissioner Jackel discussed an item on Mr. Nabors's report regarding a damaged culvert that is causing driveway access problems on North Bayshore Drive.

Attorney Shuler explained his recommendation on this matter.

Mr. Nabors explained what repairs are needed for this culvert.

Fonda Davis – Solid Waste Director (9:06 AM)

Mr. Davis stated that the State Tournament budget hasn't been finalized as of yet.

Mr. Davis discussed problems with the playground equipment on St. George Island Park.

Commissioner Jackel asked that Mr. Davis tape off the playground equipment until it is repaired.

Commissioner Parrish asked about the frequency of repairs to this equipment.

The Board discussed the age of this equipment and solutions to the issue.

Mr. Davis asked for Board action to hire summer part-time help.

Motion by Jackel, seconded by Lockley, to approve hiring part-time positions for the summer season; Motion carried 4-0.

Mr. Davis informed the Board that he ordered new garbage containers.

Mr. Pierce presented Item 10 from his Report.

10- Inform the Board that Fonda Davis and I met with representatives of the Eastpoint Fire Dept. and the Little League at Vrooman Park on Feb. 12 to see if we could come to an agreement on the location of the T-Ball field. After an hour discussion in the field, the general consensus was to move the playground equipment closer to the bathrooms, and re-orient the T-Ball field but keep it in its current location. The FRDAP grant would be used to pay for extensive screening of the T-Ball field to protect it from foul balls, and the FRDAP grant can be used to move the playground equipment and put a fence around it. Clay Smallwood from Preble-Rish did some field measurements but before he could commit that a regulation size T-Ball field can fit in the area he wanted to lay it out on a computer. At best the configuration will be tight.

I told everyone in attendance that we would meet back once Preble-Rish and made all the measurements. At the meeting I was handed a letter from the Eastpoint Volunteer Fire Dept. opposing the move of the T-Ball Field over concerns that it will interfere with their primary fundraiser, the Rib Cook-Off, and the regular use of their meeting room. Read letter from the Fire Department

The Board and Mr. Pierce discussed this issue further

George Pruitt, Chief of the Eastpoint Fire Dept., discussed possible ways to re-organize the park in order to accommodate the new T-Ball field.

Mr. Pruitt invited everyone to the 14th Annual Rib Cook-Off at the Eastpoint Fire Dept., which will be held on March 21, 2015.

Commissioner Parrish stated that he was glad to see this plan versus the other, which created a parking and safety issues.

Mr. Davis asked if he would be compensated for the additional duties of managing the Parks and Recreation Department.

Commissioner Jackel and Mr. Davis discussed who was supervising Parks & Recreation before it became a separate department.

Motion by Lockley, seconded by Parrish, to start the process for seeking additional compensation for Mr. Davis as the Parks and Recreation department supervisor by asking Mr. Pierce to research this matter and report back to the Board; Motion carried 4-0.

Mr. Pierce presented Item 2 from his Report.

2- Provide Board with planning details as a proposed protocol for implementing Ord. 14-01, Leave No Trace. Commissioner Jackel, I, Fonda Davis, and Erik Lovestand met to discuss the best way to implement the ordinance.

The Ordinance will begin to be implemented on Monday, March 9, which will be the beginning of Spring Break rentals.

Preceding this enforcement activity there has been an extensive educational campaign with brochures supplied to all the rental managers for placement in every rental house. Additionally, in accordance with the Ordinance, signs will be erected at every beach access point reminding the public to remove their belongings at night.

It should be expected that there will be some outcry when the enforcement phase begins, but this type of ordinance is already in effect in Bay County and soon to be in Gulf County.

There is a workshop this afternoon with the St. George Island rental management companies to go over this directly with them.

I will report to you at the next meeting the final details of our meeting with the rental companies and implementation procedures for your input prior to commencement.

Pam Brownell- Emergency Management (9:20 AM)

Mrs. Brownell presented her report to the Board.

Action Items:

1. *Board Approval for selected contractors for Emergency Management Contractual Services.*

Mrs. Brownell listed companies in order of scoring.

1. Emergency Disaster Strategies
2. Emergency Management Expert
3. CDR McGuire

She asked permission to engage contracts for all three companies and explained her request.

**Motion by Parrish, seconded by Lockley, to engage contracts for all three EMCS companies;
Motion carried 4-0.**

Information Items:

- 1. Pamela Brownell, Tress Dameron, and Jennifer Daniels attended the FEPA Conference from February 9th-13th for training.*
- 2. Tress Dameron conducted EOC Outreach to the Franklin County Elementary School educating students on Emergency Preparedness on January 28-29th.*
- 3. February 5th, Pamela Brownell met with FDEM and other county stakeholders to work on developing criteria for the Residential Construction Mitigation Grant.*
- 4. February 18th we will be having a training, exercise, and planning session with County Stakeholders to discuss their training needs for the upcoming year. This will be held at the EOC Building at 10:00 am.*

Erik Lovestrand – Extension Agent (9:22 AM)

Mr. Lovestrand discussed his visit with Representative Beshears and stated that he believed it went well.

Attorney Shuler stated that he doesn't need Board action on Item 1 of his report until he confers with Mr. Lovestrand further.

Mr. Pierce commented on the Turtle Ordinance and ongoing issues involving this matter.

Anne Birchwell – Franklin County Library (9:27 AM)

Ms. Birchwell presented her report to the Board.

- Tax Assistance through AARP, is available at both branches on Mondays in Eastpoint and alternating Thursdays in Carrabelle from 1:30 to 5:30. We hope that as the word gets out, we will be seeing more people taking advantage of this free help. The assistance will continue through early April. We ask that people either stop in to make an appointment or stop by either the Carrabelle Library or the Eastpoint Branch to pick up preliminary paperwork.*
- As reported, FCPL received a grant from PLAN, Public Library Association Network for a new program for 2015, "Appy Hour". I am in the midst of ordering and preparing for this new program. This program should be introduced in the summer 2015. Parents/caregivers will*

be able to use Ipads with their small children, for the purpose of early literacy, letter and number recognition and reading skills. We will be looking at how Ipads can be implemented to train older children and adults in the future.

- The Carrabelle Branch is having Ancestry Research workshops for the month of February from 11:00am to 1:00 pm. These are free training workshops.*
- On February 18th, author Ric Hunter, of the book "Firehammer" will be speaking at the Eastpoint Branch at 6:30 pm. This is a work of historical fiction based on a true story of teenage friendship with a marine, who died from a North Vietnamese Army Sniper, and a young fighter pilot. The pilot's arrival in Thailand some nine years later was to even the score with the North Vietnamese Army. We are looking forward to his speech. We welcome anyone to this is a free event.*
- Saturday, February 21st at the Carrabelle Branch, The Friends of the Library will be holding a Souper, Bread & Book Sale. This will run from 11 -2:00! Donations of homemade soup or breads, will be gratefully accepted on the day of the event.*
- Monday, February 23rd is a Staff Development day at the Wakulla Library where staff from all three libraries, Franklin, Jefferson, and Wakulla, will have the opportunity to share common library concerns, issues and resolutions.*
- March 18th, is Library Day at the Capital in Tallahassee. This is a very important event, for librarians and lobbyists to recognize the importance of libraries to the state representatives. Anyone who is interested in supporting the library can come to the capital building to thank and encourage our state representatives from the House and the Senate to continue to support rural libraries like ours.*
- Don't forget that the library offers free one-on-one computer classes at both branches of the library. Carly Peary from Wilderness Coast will work with anyone regarding any type of computer issue. This can even include hand-held devices like Kindles, and e-readers. Staff has been taking lessons to assist patrons with uploading e-books. To schedule an appointment, call either branch for this help.*

William Scott – VSO (9:30 AM)

Mr. Scott updated the Board on the Veterans Service Officer vacancy and recommended hiring Charles Elliott. He stated that Mr. Elliott is well qualified for the position.

Motion by Lockley, seconded by Parrish, to approve hiring Charles Elliott as VSO replacement for William Scott: Motion carried 4-0.

Mr. Scott stated that he is the only department head not covered by Senior Management for retirement.

Mr. Pierce stated that there are some guidelines which apply to Senior Management positions.

Motion by Jackel, seconded by Parrish, to direct Mr. Pierce to look at Senior Management and salary for Charles Elliott and report back to the Board; Motion carried 4-0.

Curt Blair – TDC Update (9:33 AM)

Mr. Blair discussed reports that were submitted to the Board. He mentioned the combined meeting of all County Visitor Centers and also the request to install mile markers throughout Franklin County.

Chairman Massey asked Mr. Blair to look into having Veterans names placed on the mile markers.

Commissioner Parrish thanked Mr. Blair for providing the TDC information prior to the meeting which affords him the opportunity to review it and discussed the possibility of increased collections during this winter season.

Recess (9:38 AM)

Chairman Massey called for a recess.

Reconvene (9:48 AM)

Chairman Massey reconvened the Meeting.

Ralph Roberson CPA – Audit of Probation Service (9:48 AM)

Mr. Roberson read from a prepared statement regarding his role as the County's Auditor. He introduced the staff members that attended the Meeting with him. He explained the standards that are used when doing independent audits and stated that Constitutional Officers do not hire auditors but may request that certain areas are looked at or request the implementation of policies in certain areas. Mr. Roberson stated that the scope of their audits include the Board of County Commissioners and the Constitutional Officers and that he will make no comments on the audit today as it is ongoing. He explained that the process of the collection of monies in the court system is complicated.

Commissioner Jackel thanked Mr. Roberson for attending the Meeting. She discussed three previous conversations she had with Mr. Roberson regarding this matter.

Mr. Roberson responded to Commissioner Jackel's comments.

Commissioner Jackel asked about a letter written by the State Attorney regarding this matter.

Mr. Roberson responded to Commissioner Jackel's comments.

Commissioner Jackel expressed her concerns in which the order of these events occurred. She stated that an audit is needed to assure public trust and the results of the criminal action.

Mr. Roberson responded to Commissioner Jackel's comments.

Commissioner Jackel discussed a response to a request she made of the Clerk's Office. She discussed a Legislative process for auditing governmental agencies and audits they have done. She asked if the Clerk would object to an Inspector General audit.

Mrs. Johnson stated that she would object to an Inspector General audit, perhaps until Mr. Roberson completes his audit. Mrs. Johnson commented on this matter further.

Commissioner Parrish and Mr. Roberson discussed Mr. Roberson's role as an independent auditor.

Commissioner Parrish stated that he didn't understand where the request for a separate audit of the Clerk's office were stemming from as there has been no allegations stated against that office.

Commissioner Parrish and Mr. Roberson discussed the County Attorney's involvement in this matter and stated his confidence in Mr. Roberson's company and the audit they will perform. Commissioner Parrish stated his confidence in the Clerk and her office.

Commissioner Lockley stated that the County should follow procedure and allow Mr. Roberson to do the audit before considering any other audit. He expressed his confidence in Mr. Roberson's auditing process.

Chairman Massey and Mr. Roberson discussed the process of his audit versus the possibility of requesting additional audits. Mr. Roberson stated that he should have his audit completed in about 2 months.

Commissioner Jackel stated that she asks the questions that she asks because she is being questioned by the public and said it is her job as a Commissioner to ask these questions.

Mrs. Johnson offered her view on the matter.

Commissioner Jackel responded.

Mr. Roberson made further comments concerning the audit process and stated that he was hopeful that he had answered everyone's questions.

Attorney Shuler commented on requiring the probation company, Florida Probation Services, to produce documents to assist with the audit.

Allen Feifer, of the Concerned Citizens of Franklin County, spoke to the need of an audit separate from what was being done by Mr. Roberson.

Mr. Roberson responded to these comments.

Dottie Thornberg, a resident, stated why she thought that a State Forensic audit would stop all of the rumors and create trust in the Government.

Steve Kearney, a resident, stated that as a Major General in the United States Air Force he was audited and cleared his audit. He discussed his experience with this situation. He suggested the State Forensic Auditor to help with Mrs. Johnson's reputation.

Frank Venable spoke in favor of a State Forensic Auditor to help with Mrs. Johnson's reputation.

Recess (11:01 AM)

Chairman Massey called for a recess.

Reconvene (11:07 AM)

Chairman Massey reconvened the Meeting.

Marcia M. Johnson – Clerk of Courts – Report (11:17 AM)

Mrs. Johnson had no items for Board action.

Alan Pierce – Director of Administrative Services – Report (11:17 AM)

Mr. Pierce presented his report to the Board.

1- Provide Board with FDOT pocket guides for facts about the state highway system. This was an unsolicited brochure sent by FDOT.

2- Provide Board with planning details as a proposed protocol for implementing Ord. 14-01, Leave No Trace. Commissioner Jackel, I, Fonda Davis, and Erik Lovstrand met to discuss the best way to implement the ordinance.

The Ordinance will begin to be implemented on Monday, March 9, which will be the beginning of Spring Break rentals.

Preceding this enforcement activity there has been an extensive educational campaign with brochures supplied to all the rental managers for placement in every rental house. Additionally, in accordance with the Ordinance, signs will be erected at every beach access point reminding the public to remove their belongings at night.

It should be expected that there will be some outcry when the enforcement phase begins, but this type of ordinance is already in effect in Bay County and soon to be in Gulf County.

There is a workshop this afternoon with the St. George Island rental management companies to go over this directly with them.

I will report to you at the next meeting the final details of our meeting with the rental companies and implementation procedures for your input prior to commencement.

This item was addressed earlier in the Meeting.

3- Provide Board with update on status of Aids-to Navigations in the northern section of the Apalachicola River. At the end of the last meeting I gave a brief update on an issue Mr. George Floyd had brought to my attention. He had been told that the US Coast Guard was closing an office in Eufaula, AL, and because of that the Coast Guard was removing all buoys, channel markers, etc, in a section of the River south of Eufaula. He was very concerned that the River was going to lose all its aids to navigations and thus making river travel hazardous to everyone. I spoke to a variety of Coast Guard and USACOE personnel. While it is true that the Coast Guard is considering closing the Eufaula office, there is no movement to remove Aids to Navigation from the River. There is an internal dispute about who will be responsible for the aids that have been the jurisdiction of the Eufaula office, but the Aids will remain in place. At this time the Eufaula office will remain open but it is likely that the Panama City Coast Guard office will pick up the duties to maintain the Aids. The Aids must remain in place so long as the River is a federally authorized waterway and it is my understanding that only Congress can de-authorize the River.

4- At the last meeting, Mr. Mike Cooper had meant to ask Board approval for the re-appointment of 2 Hospital Board members whose terms were expiring. Mr. Cooper and the Hospital Board request the County Commission re-appoint Ms. Debra Huckabea and Mr. Duffie Harrison for another term. Board action.

Motion by Lockley, seconded by Parrish, to approve re-appointment of Debra Huckeba and Duffie Harrison for another term on the Hospital Board; Motion carried 4-0.

5- Board action to approve the recommendation of the ranking committee on the selection of the design consultants for the Bayshore Drive sidewalk project. There were four qualified firms, and the committee recommends Genesis Consultants as the first choice. Board action.

Motion by Parrish, seconded by Lockley, to approve recommendation of Genesis Consultants as first choice for design consultants for Bayshore Drive sidewalk project; Motion carried 4-0.

6- Inform the Board that the state of Florida has determined that mobile homes in the Lanark Village/St Teresa areas will be required to meet Zone 3 Wind Load requirements AND Exposure D requirements. Exposure D requirements pertain to construction standards and will increase the cost of mobile homes in this area. This new interpretation will only be applied to mobile homes being moved into this area. The reason the Exposure D is required in this limited area of the county is that the state has determined that only this area of the county has exposure to open waters of the Gulf of Mexico. All of the rest of the county is protected by the various barrier islands forming the Apalachicola Bay and St. George Sound, but there is no protection for the mainland from the east of end of Dog Island to the western tip of Alligator Point. (Show map.)

7- Provide Board update on construction schedule for Chapman Auditorium and approval of advertising. Emo Architects have finished the construction plans and are ready to go out to bid. If the Board so authorizes today, then the bids will be opened at the April 7 Board meeting and bid award at the April 21 Board meeting, if the winning bid is within the budget approved by the Board. The schedule calls for the project to be completed by June 30. Board action to approve advertising for bids.

Motion by Lockley, seconded by Parrish, to approve advertising for bids for Chapman Auditorium construction; Motion carried 3-1, Jackel opposed.

8- Inform the Board that the Planning and Zoning Commission has started to review the Zoning Code for necessary changes. As an example, the Zoning Code, which has not been substantially updated since 1989, still refers to the state's environmental regulatory agency as DNR- the Dept. of Natural Resources. DNR no longer exists as it has been replaced by DEP. There are various other corrections that need to be made to bring the Code into compliance with the current times. These will all be brought to the Board when the review is complete, but one of the items the Planning staff and the Commission is suggesting is that the Planning and Zoning Commission itself be reduced to a 5 member Commission with a single member from each county

commission district. The current format of 9 members, of which several seats are reserved for specific industries, has been difficult to fill in the last few years. As an example, the Commission should have a representative of the forestry or ag industry. This was written when both Buckeye and St. Joe had active forestry operations in the county but this is no longer the case. The Commission has been operating with less than a full board for several years.

Commissioner Jackel and Mr. Pierce discussed the attendance of current Planning and Zoning board members.

Commissioner Parrish and Mr. Pierce discussed the need for a Public Hearing on this matter.

9. Inform the Board that Mr. Steve Shea, FWC, has invited a county representative to attend the next East Panhandle Bear Stakeholder meeting, which will be held Feb. 19, from 2-7 PM at the Research Reserve Bldg in Eastpoint. I have spoken to Fonda Davis, and he will attend the meeting.

10- Inform the Board that Fonda Davis and I met with representatives of the Eastpoint Fire Dept. and the Little League at Vrooman Park on Feb. 12 to see if we could come to an agreement on the location of the T-Ball field. After an hour discussion in the field, the general consensus was to move the playground equipment closer to the bathrooms, and re-orient the T-Ball field but keep it in its current location. The FRDAP grant would be used to pay for extensive screening of the T-Ball field to protect it from foul balls, and the FRDAP grant can be used to move the playground equipment and put a fence around it. Clay Smallwood from Preble-Rish did some field measurements but before he could commit that a regulation size T-Ball field can fit in the area he wanted to lay it out on a computer. At best the configuration will be tight.

I told everyone in attendance that we would meet back once Preble-Rish and made all the measurements. At the meeting I was handed a letter from the Eastpoint Volunteer Fire Dept. opposing the move of the T-Ball Field over concerns that it will interfere with their primary fundraiser, the Rib Cook-Off, and the regular use of their meeting room. Read letter from the Fire Dept.

This item was addressed earlier in the Meeting.

11- DACS meeting will be held Thursday, February 26th at 3:00 PM.

Mr. Pierce updated the Board on the recommendation made about the Veteran's nursing home in the County.

Commissioner Jackel and Mr. Pierce discussed the County doing as much as possible to support and endorse this project.

Chairman Massey asked for Board action to proceed with creating the parking lot on the property in Eastpoint recently purchased by the County.

Mr. Pierce will meet with Commissioner Jackel and Chairman Massey about a plan to move forward on this project.

Michael Shuler – County Attorney – Report (11:17 AM)

Attorney Shuler had no items for Board discussion.

Action Item:

1. *Turtle Lighting Ordinance*

The draft amended turtle ordinance is attached. I need instructions from the board regarding the penalty section of the ordinance. Essentially, should the current enforcement mechanism of criminal enforcement remain unchanged or should it be changed to a civil penalty system. See paragraph IX for the specific language on the enforcement and penalty section.

Action requested: Board instructions regarding the penalty and enforcement section of the draft ordinance. Any other Board direction as to the ordinance.

Informational Items:

2. *Possible Incorporation of ST. George Island as "The Village of St. George Island."*

The essence of the proposal is that they want to control development on St. George Island and they also want Franklin County to provide all other municipal services. It is further expected that Franklin County would administer their building code, as is presently done for the City of Carrabelle and the City of Apalachicola.

I have attached the following documents:

- a. *First, attached is the rough draft of a possible interlocal agreement provided to me by the group advocating incorporation of St. George Island. They are not asking that you sign or agree to it at this time, but have presented it to me at my request, as I thought that the Board would like to have a written outline of what services would be expected from Franklin County for the Village of St. George Island, if it is incorporated.*
- b. *Second, they have also asked that I provide to you the attached copy of Florida Statute section 165.041.*

The group has informed me that they request that Franklin County decide by the second meeting in April 2015 whether to support their application for incorporation and whether to enter in a memorandum of understanding to be given to the Legislature that Franklin County would, in the future, enter into an interlocal agreement and continue to provide municipal services.

To date, my only comment on the draft interlocal agreement attached hereto, is that the County and the proposed Village of St. George Island should each have the unilateral right to cancel the agreement for convenience and without penalty.

Unless the Board has additional instructions, I will continue to meet with them on an as needed or requested basis.

3. *Weems Hospital — Possible Breach of Billing Services Contract*

I met with Mr. Cooper on 2/12/15 to discuss the issue whether "CSS" has breached their contract for billing services with Franklin County. Mr. Cooper is correct that the software and billing contracts are combined. It appears that CSS likely breached the contract, but I am not prepared to make that recommendation at this time because I advised Mr. Cooper to contact the TMH attorney who drafted the contract and advised the Board on this matter to render his opinion and recommendation. Mr. Cooper is contacting the attorney.

4. *Travel Trailer Ordinance*

The proposed ordinance regulating Travel Trailers is attached and is scheduled for a public hearing on March 3, 2015.

5. *North Bay Shore Drive Culvert Damage*

After speaking with both Clay Smallwood and Buster, it appears more likely than not that Roberts and Roberts damaged the culvert. I am advised that the current condition of the culvert is not a safety issue, but that the repair is "minor." Mr. Smallwood is discussing the matter with the company and they are scheduled to make a site inspection. Given this, I recommend that the County make the repair to the culvert and work it out with whoever is awarded.

6. *City of Apalachicola vs. Franklin County*

The City has not responded to your request that they schedule the joint public meeting.

Commissioners and Public Comments (11:18 AM)

There were no comments from the Commissioner or public.

Adjourn (11:18 AM)

There being no further business, Chairman Massey adjourned the Meeting.

William Massey, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts