

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COURTHOUSE ANNEX – COMMISSION MEETING ROOM
AUGUST 16, 2016
9:00 AM
MINUTES**

Commissioners Present: William Massey – Chairman, Joseph Parrish – Vice Chairman, Noah Lockley, Cheryl Sanders, Rick Watson

Others Present: Alan Pierce – Director of Administrative Services, Michael Morón – County Coordinator, Michael Shuler – County Attorney, Marcia M. Johnson-Clerk of Court, Lori P. Hines-Deputy Clerk to the Board.

Call to Order

Chairman Massey called the meeting to Order.

Prayer and Pledge

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meetings held on July 20, 2016 and August 2, 2016.

Payment of County Bills

On motion by Commissioner Lockley, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve payment of the County's bills.

Department Directors Report

Howard Nabors - Superintendent of Public Works

Mr. Nabors appeared before the Board but did not have a report. Commissioner Watson inquired about the problems caused by the rain. Mr. Nabors explained the main problem is the dirt roads. He stated they go out and fix them as soon as the rain stops.

Commissioner Sanders brought into discussion Echo, a contractor for Duke Energy that has been spraying along the roadways. She expressed concern that the heavy rain came after the spraying and she worried about where the water with the chemicals in it is going. She

questioned if the County has an Ordinance requiring companies to come before the Board and request approval to spray or provide a sample of what product they are using. Attorney Shuler said the current ordinance requires the company to make sure the chemicals sprayed are approved by the Department of Health (DOH) but he does not know if they have gone through this process or not. He reported there are safety protocols in place so people cannot spray without restriction. He went on to say they should be getting permission from the DOH and then providing that permission to the Board. Commissioner Sanders stated they sprayed the whole Highway 98 corridor to the east, Jeff Sanders Road and Highway 67 which are right next to water bodies and then it rained. Mr. Moron said he called Mr. Danny Collins, Duke Energy, and he sent an email with a breakdown of the herbicide. He explained he is not sure if this chemical is approved by DOH. He suggested having the herbicide checked by the DOH and IFAS and then bringing the results back to the Board. Commissioner Sanders reported the Ordinance says not to spray within 1000 feet of a water body which is Apalachicola Bay. She expressed concern about the tributaries that feed into the Bay. Commissioner Sanders reported the Ordinance may need to be re-addressed as the spraying will occur about every 3 years. She stated she is not aware of them spraying in the western part of the County. Chairman Massey stated they sprayed all the back streets in Carrabelle. Mr. Nabors said he received some calls because people thought the County was spraying. Commissioner Sanders agreed the County needs to contact the DOH and find out about the herbicide they are spraying. Commissioner Sanders suggested they get back with Mr. Collins and tell him to read the Ordinance before they bring people in to spray.

Mr. Pierce said in relation to Gulf Shore Boulevard, Preble-Rish has finished surveying the easement that comes off of Bald Point. He stated on Wednesday he will meet with the homeowners that need access. He reported they are looking into providing the temporary access pending approval from FEMA. He reported they needed some access because the road has washed out. He said they are trying to create a minor, temporary road for the homeowners. Mr. Pierce stated Mr. Nabors thinks he can put in a temporary road but they need to look at the route. Commissioner Sanders asked if this is the easement they got from DEP. Mr. Pierce answered yes; this is the easement across state land.

Fonda Davis - Solid Waste Director

Mr. Davis stated the Solid Waste Department is running well. He explained the new litter ordinance is in place and they are having some problems but are moving forward. Mr. Davis reported the Animal Control Department is good. He said, in relation to the Parks & Recreation Department, the girls' softball team placed 3rd in the World Series. Chairman Massey asked Mr. Davis to have them attend the next Board meeting so they can be recognized and have their photograph taken. Mr. Davis provided the scores and statistics from the games at the World Series.

Pam Brownell – Emergency Management Director

Mrs. Brownell appeared before the Board and presented the following report:

Action Items:

1. Request Board Approval to advertise for RFP for Debris Removal Services.
2. Misty Berryman is here to give the Board of County Commissioners an update on FMAP.

Mrs. Brownell said they have the contracts in place for the Debris Removal Services but with the new super circular, they want to make sure everything in the contract is correct. She said there may be some things that were not included in the contracts and she may need to re-advertise. **On motion by Commissioner Parrish, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to approve re-advertising for RFP's for the Debris Removal Services.**

Mrs. Brownell introduced Ms. Misty Berryman, CDR McGuire, who is here to provide an update on the Flood Mitigation Assistance Program (FMAP) and how it relates to CRS. Ms. Berryman stated her company has contracted with the County to provide assistance with developing the flood mitigation plan. She explained the goal of the plan is to support the local mitigation strategy and support the NFIP program that affects the claims for flood prone areas. She reported they assist the County with reducing the number of vulnerable structures. Ms. Berryman stated by reducing these structures, it will lower the CRS rates which affect the premiums for the county. She reported they will document the efforts the county is making to mitigate these risks. Ms. Berryman explained it is a very extensive planning process and there have been a number of meetings. Ms. Berryman said they are getting ready to disseminate the draft plan. She explained there will be an extensive stakeholders list that will be involved in this review including the Board. She stated the public will also have an opportunity to review the plan. She reported the final plan will be submitted to the Board before it is submitted to the state for review. Ms. Berryman said any input the Board wants to include will be part of this process. Mr. Pierce pointed out Mrs. Amy Kelley in their office is a Certified Flood Plain Manager. Ms. Berryman stated she has talked with Mrs. Kelley. Mrs. Brownell said they will meet with Mr. Mark Curenton, County Planner, after this meeting.

Information Items:

1. Franklin County EOC Staff continue to promote our Re-Entry Tag program and encourage all residents to apply for their Re-Entry Tag.
2. August 11 EOC Staff hosted the Franklin County Local Mitigation Strategy Meeting.
3. August 25 EOC Staff will attend the Region 2 meeting.
4. August 8 EOC Staff met with Weather Stem to discuss a pilot program for wind gauges on the bridge.

Erik Lovstrand - Extension Office Director

Mr. Moron stated Mr. Lovstrand is attending a conference but has submitted his report.

Franklin County Extension Activities August 3 – August 16, 2016

Franklin County UF Extension Faculty has been involved in the following Extension activities this period.

Note: Extension Director is out of town this week at the annual Sea Grant Program statewide meeting.

General Extension Activities:

- Extension Staff assisted local clientele in the areas of injured wildlife assistance, sea turtle lighting, and salt marsh erosional issues.
- Extension Director met with the Crooked River Lighthouse Association to discuss the possibilities for establishing a demonstration beehive in Carrabelle at the Lighthouse Park
- Extension Staff hosted quarterly Advisory Committee meeting to discuss facility funding issues.

Sea Grant Extension:

- Sea turtle lighting equipment continues to be distributed to beachfront property owners in the County. Third quarterly report for year two of the project was submitted to FWC.
- Extension Director participated in annual Sea Grant Program meeting with all other Sea Grant Faculty statewide.

4-H Youth Development:

- Franklin County's Making Strides 4-H club continues to meet.
- Extension Staff participated in webinar related to new 4-H fee structure being implemented and submitted annual club and short-term enrollment information online to 4-H headquarters for annual reporting.
- Information was submitted to the local newspaper regarding the results of the summer camping season and to thank donors.

Family Consumer Sciences:

- Family Nutrition Program Assistant reported numbers for annual reporting.

Agriculture/Horticulture:

- Extension Director proctored pesticide certification exam for Natural Areas Weed Management license.

Mr. DeWitt Polous, Mosquito Control Director, appeared before the Board. He said one of his employees has a medical issue and will be out for a month or month and a half. He requested some temporary help at this time. Mr. Polous informed the Board he talked with Mr. Davis about borrowing an employee from his department and he also addressed this issue with Mrs. Erin Griffith, Finance Department. **Commissioner Sanders made a motion to give Mr. Polous**

the authority to work with Mr. Davis to use one of his employees until Mr. Scott Tucker gets back. Commissioner Watson seconded the motion. Motion carried; 5-0. Commissioner Sanders reported she attended a presentation done by the DOH about the zika virus. She asked what steps the County is taking to help with this issue. Mr. Polous stated the mosquitoes are aedes albopictus and aedes aegypti. Mr. Polous explained he is working with the Department of Agriculture (DOA) and they have loaned the County traps for this specific mosquito. He explained they have caught some of the aedes albopictus. He said 8 different pools of mosquitoes have been tested for chikungunya, dengue and zika virus and so far all tested negative. Mr. Polous stated the county does have the kind of mosquito that carries the zika virus. He asked everyone to please clean up any artificial containers on their property. He explained it is labor intensive if they have to do an inspection as the mosquito breeds in small containers. Commissioner Sanders stated it is not the mosquitoes that live in the ponds, it is a mosquito that can breed in bottle caps, oyster shells and magnolia leaves. Mr. Polous reported he did an inspection on someone's property and within a couple of minutes he had spotted about 15 areas with problems. He said ads are being run on Oyster Radio 4 times a day all summer. He stated the mosquitoes in the ponds and ditches do not carry this virus. Mr. Polous reported the problem is artificial containers that can hold water. Commissioner Lockley asked where the closest case of zika has been located. Mr. Polous stated Leon County and Bay County have cases but all were imported, none were local. Commissioner Watson asked what kind of extra spraying is being done. Mr. Polous said they pre-treated some problem areas with larvacide. He reported they cannot do anything about the state wetlands. He stated they have increased the spraying activity and this is one of the reasons he needs the part time help. He said there are two part time employees and Mr. Tucker in addition to him. He explained Mr. Tucker helped the two part time employees in the larger zones because these areas take two trucks to spray. He informed the Board he cannot do his work during the daytime and then spray every night. Mr. Polous reported Mr. Tucker did his trapping and inspections. He stated some people volunteered to help with the trapping. Chairman Massey volunteered to drive the spray truck at night. Mr. Polous presented a budget amendment for the Board's approval. Attorney Shuler asked Mr. Polous to explain this amendment. Mr. Polous explained the funds are being moved from Personal Services and Repair and Maintenance. Commissioner Sanders inquired about the amount of the amendment. Mr. Polous answered \$5,000.

Anne Birchwell - County Library Director

Mrs. Birchwell appeared before the Board and presented the following report:

- A representative from the Veteran's Center out of Tallahassee, will be coming to the Eastpoint Branch every fourth Monday of the month. Among the services offered to vets include counseling for groups and workshops, individual family counseling, bereavement counseling, outreach and education and assistance with PTSD. The next visit will be Monday, August 22nd from 10:30 to 2:30 pm.

- August 24th, Les Harrison from the Wakulla Extension Agency will be facilitating a workshop for fall garden preparation. Those interested should attend at 1:30 pm at the Eastpoint Branch.
- For children on Saturday, August 20th there will be Pirate School for kids at 11:00 am – 12:00 pm. Caroline and Jeff Iardi will be reading pirate stories. On Saturday, August 27th, we will have Mark the Magician for children ages 2 to 7. All events are free. I will be continuing to hold the Mommy and Me Story time and Library Assistant Wren Rickerson will be running our Science, Technology, Engineering, Art, and Math group for students ages 8 to 12 every Thursday at the Eastpoint Branch.

No Report from the Carrabelle Branch

Commissioner Sanders asked if the Veteran's Center is working with the County Veterans' Service Officer Mr. Charles Elliott. Mrs. Birchwell answered yes.

Commissioner Sanders asked why the Carrabelle Branch Manager did not submit a report. Mrs. Birchwell said the Branch Manager is aware of the deadline and she did not receive a report. Commissioner Sanders stated she would like to be sent a Carrabelle Branch report with the information about the programs. Mrs. Birchwell agreed to send the report. Commissioner Parrish commented Mrs. Birchwell is in charge and he agreed they should submit a report. Mrs. Birchwell said the Branch Manager received a reminder of when the report was due. Commissioner Parrish stated this person works for Mrs. Birchwell and should be submitting these reports as the Board is looking to Mrs. Birchwell to provide these reports. He asked Mrs. Birchwell to relay this message. Commissioner Sanders suggested Mrs. Birchwell complete the report if the Branch Manager is not able to. She questioned if Mrs. Birchwell monitors these programs at the Carrabelle Library. Mrs. Birchwell said she monitors them as often as she can. Commissioner Sanders reported she would like to see what they are doing and next time wants a submitted report.

Curt Blair - TDC - Update

Commissioner Sanders reported a couple of meetings ago some of the members were concerned about the number of visitors in the County and how it was tracked and Mr. Blair has included this information in his packet. She said she brought this up at the TDC meeting last week and he has provided the information. Commissioner Watson commented this is a great addition to the report. Mr. Blair stated the Commissioners have reports from the Visitors' Centers and they are just starting to bring the numbers together on a regular basis. He explained these numbers will be consolidated in a county wide report so they can track the pattern of the visitors. He said the largest attendance is in Apalachicola and they have as many as 1500 visitors a month. Mr. Blair reported they are beginning to track this information from year to year so they will be able to see the fluctuations. He was hopeful the information from the visitors' centers will correlate to the collections report. He explained they have estimates

but cannot track the exact number of visitors as the Department of Revenue (DOR) collects the tax and does not release the information.

Mr. Blair informed the Board the collections report is an example of the fluctuations from month to month and year to year. He stated the collections are down from last year and they think it has to do with school schedules and spring break. He stated June and July were excellent months. Chairman Massey asked if the winter months are good too. Mr. Blair reported February and March were good also. He explained the collections for February and March used to be \$50,000 and are now up to \$100,000 so this reflects a maturing of the tourist market in February and March. Commissioner Watson asked if these numbers are people who are coming through the door or does it include information about whether or not they are staying here. Mr. Blair said they are numbers of people coming in the door. He reported they are also working with the Visitors' Centers to collect information and get people to sign in so they can get their email addresses. He said this is sometimes difficult when it gets busy so now they are working on computerized ways to do this. Mr. Blair explained the main focus is to get names in their database so they can market them. Commissioner Watson asked if they are also still capturing hits on the website. Mr. Blair answered yes, and said this information is very dependable and provides a lot of contacts.

Mr. Blair said the TDC received a report about the zika virus. He explained they are working with Visit Florida and had a presentation from DOH about what the visitors need to know. He reported they were receiving calls so they are putting together a packet of information to give out at the visitor's center. He stated this was a very informative presentation from DOH.

Mr. Blair reported the Board received 4-5 pictures in their packet and these photographs will be submitted to the Florida Association of Counties who is preparing a calendar. He thanked Mr. John Spohrer for submitting some pictures. Mr. Moron said the contest deadline is next week. Commissioner Watson asked if all the pictures will be submitted. Mr. Moron reported there is no limit to the number that can be submitted but there are some resolution requirements. Commissioner Lockley inquired if the zika virus down south is causing more visitors to come here. Mr. Blair stated they have not witnessed any drop in visitors. He explained the tourist industry reservations are usually 6 months in advance and do not fluctuate. He reported bad publicity anywhere in Florida is not good. He explained if it gets worse, they may see some impact. Mr. Blair said the County is taking preventative methods to make sure everyone is comfortable and safe. He reported their message will be positive and hopefully reassure the visitors.

Mr. Blair stated they are working on the promotions strategy and making projections. He said they have more data than they have ever had and the tracking information is working better. He explained more is done on the internet which makes it easy to track visitors. Mr. Blair reported their goal for the coming year is to target different markets that have low impact tourists, such as fall and spring. He explained they are focusing on smaller groups with

discretionary income. He said they will address the months that have low occupancy. He stated the marketing strategy will be presented to the Board in the next month or two.

Mr. Blair reported Camp Gordon Johnston provided an update on the building to the TDC Board last week. He explained they have pulled permits, received bids for the construction and are in the process of selecting a contractor. He said they were concerned that construction will not actually begin until after October 1st. He went on to say they have spent close to \$75,000 and wanted to know if the County would consider this project underway in the context of the contract they have with the County. Mr. Blair said the TDC Board is sympathetic and would recognize this project as beginning. He reported some information was sent to Attorney Shuler concerning this matter. Attorney Shuler advised the Board if they have pulled the permit and selected a contractor prior to the October 1st deadline; in his opinion and recommendation that would constitute a commencement of the project within the terms of the contract. He said the project will roll over when the construction begins and the funding is available. He stated \$125,000 is being provided this fiscal year and \$125,000 the next fiscal year. He stated no action is needed; they just need to accept that they have commenced the project within the terms of the contract. Mr. Blair reported they still expect to be finished by January. Attorney Shuler stated if they start getting close to the end of the next fiscal year then it will need to be addressed. Commissioner Watson asked if this building will be completed by January, 2017. Mr. Blair said he hoped it will be done as they have an air event at the Carrabelle Airport built around the Camp Gordon Johnston parade and building.

Mr. Blair commented the TDC shares in congratulations to the Pony Tail League.

Commissioner Sanders asked for an update on the flags for the beaches. Mr. Blair said they have talked about this issue and will get together this afternoon to resolve who raises and lowers the flags. He stated Attorney Shuler has indicated the County has some liability coverage that will cover the individuals. Mr. Blair reported they are identifying the items that are needed and working up a budget. Mr. Moron reported Mr. Davis has enough flags but they are going to order flags from DEP anyway. He explained the process is to order in the last quarter of the calendar year and they process the order in January. Commissioner Sanders inquired about the placards. Mr. Moron said DEP will provide everything free of charge. He reported they are meeting with Mr. Davis today to work out the details.

Commissioner Parrish said a log washed up behind the Blue Parrot on St. George Island and there is a turtle nest right against it. He said if there is any kind of storm, it will wash the nest away. He inquired if they should do a public service announcement showing the turtle hit this natural obstruction, created his nest to close to the shore and this is why the Board adopted the No Trace Ordinance. He said this will highlight the importance of removing items from the beach and would be a good public service announcement or video. Commissioner Parrish stated in the future if anyone sees these items they should let the County know so they can remove these items before this happens again. Mr. Blair agreed to start working on this and said they are putting more money aside for videos in the coming year as it is an effective way to

reach visitors. Mr. Blair said they will do a video about this issue. Commissioner Watson stated there are apparently a large number of turtle nests this year and that may need to be promoted also.

The meeting recessed at 9:50 a.m.

The meeting reconvened at 10:00 a.m.

Jason Puckett - Airport Manager - Report

Mr. Puckett thanked Mr. Nabors and the Public Works Department for working to help them resolve issues with the annual inspection of the airport. He said they passed the inspection and everything is fine. He stated they needed help and he appreciated their assistance.

Mr. Puckett reported the Airfield Rehabilitation Project is over and Avcon is coordinating the close-out documents with Polaronis Construction.

Mr. Puckett stated two electrical bids were received on the Airfield Lighting Project and Avcon is working to finalize the contract for review. He said they hope construction will start in mid-September.

Mr. Puckett said the access road and drainage rehabilitation/improvements was separated into two different projects so they could move forward with one of the projects without being delayed by wetland delineation. He explained the 100% design plans are being completed by Avcon and hopefully the first phase of the drainage improvements project will start in mid-September.

Chairman Massey asked about the other runway they thought might close. Mr. Puckett stated they have saved the other runway for a year but the markings are poor. He reported FAA and DOT will not fund the runway anymore. He said this will give the County time to figure out how to mitigate the problems.

Kim Bodine - CarrerSource/Workforce - Request/Update

Mrs. Bodine said there is an annual requirement by State law to provide an overview of their yearly budget and to get approval of a waiver for the individual training accounts which is required by law to be at 50%. She reported they have reduced this to a 30% waiver as they have done for several years. She explained the state guidelines in relation to the waiver. She explained even as their funds get smaller; they are still required to maintain employer services as they have an office in Franklin County. Ms. Bodine thanked the Board for their support. She explained the large grant has closed out but the Fisheries Failure Grant is still open. She reported this grant is with the Department of Commerce and has about \$600,000 remaining to use over the next 3 years to train people impacted by the fisheries failure. She stated they have about 10 people still in training. Ms. Bodine said the funds are there to help people with training or to upgrade their skills if they would like to do something different to make a livelihood for their family. She reported they will continue to market and advertise this grant as

they would like to use the funds for the intended purpose. She said they are still trying to attract participants. Commissioner Sanders asked if Gulf Coast has a culinary program and if they would support someone seeking this kind of training. Ms. Bodine stated Gulf Coast State College has a culinary program. She explained they could support this kind of training but would have to insure there is a job waiting for them at a living wage. She reported they do not want to put a person in a training unless they can come out making a good wage. She stated it does not have to be a career strictly on the targeted job list. Commissioner Sanders inquired the name of the person in the Apalachicola office. Ms. Bodine stated Mrs. Val Webb. Ms. Bodine explained they lost almost \$1.5 million in funding this year and 5 positions so they had to move some people around. She reported when the economy gets better; their funds get smaller because the formulas track the amount of people on public assistance and unemployed. Commissioner Lockley asked the criteria for the fisheries failure grant. Ms. Bodine said it has to be loosely related to losing a job or being impacted from the failure of the bay. She explained it is much more open than it was in the past with the federal grants when there was a requirement that the person worked on the water. Commissioner Watson inquired about the targeted training programs for the area. Ms. Bodine answered correctional officer training, cdl (commercial driver's license) training, electrical, welding, and heating and air condition. Commissioner Watson asked if there is also training for healthcare positions. Ms. Bodine answered healthcare is the largest area they train in for the entire region. She reported they fund 50% of the people in the LPN (Licensed Practical Nurse) and RN (Registered Nurse) program at Gulf Coast and more at Haney Technical Center. She explained sometimes it is difficult to get into these positions so they pick individuals up after they have entered the program. She reported they try to invest the funds on people who have the best chance for success. Ms. Bodine stated health care positions are pretty much recession proof so if someone is interested they encourage the individual. Chairman Massey asked if tests are conducted before the individuals are placed in these programs. Ms. Bodine said they complete assessments before people are enrolled and schools also have their assessment tests. Commissioner Parrish inquired if the 28% decrease in their budget is a cut from the State or loss of a grant. Ms. Bodine explained their federal funding passes through the state so the allocation formulas are based on how the economy is. She stated a portion of it is also because some large grants have come to an end. **On motion by Commissioner Parrish, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the waiver request for 30%.** The Board thanked Ms. Bodine for all her work.

Mike Cooper - Weems' CEO – Report

Mr. Cooper appeared before the Board. He stated Mr. John Graham does not have a financial report for this meeting as the latest upgrade to the computer system was the general ledger package. He said Mr. Graham uses this package to create the income statement and the balance sheet and there was a problem with the upgrade. Mr. Cooper stated as soon as this gets corrected, they will have the updated income statement and balance sheet.

Mr. Cooper said the meaningful use money will be here next week and is between \$350,000-\$360,000.

Mr. Cooper stated last week he took the proposed building plans to the Agency for Health Care Administration (AHCA) for a stage 1 and 2 review. He explained their concern was if the design maximized patient safety and quality. Mr. Cooper reported ACHA approved the building plans, as is. He explained the one major issue that needs some work is the interim life safety plan which addresses patient safety during the construction. He said ACHA was complimentary of the design of the hospital. Mr. Cooper reported ACHA will complete a final review but it is basically a stamp because the County legally could build the hospital with these approved plans. He stated they met with Culpepper Construction Company and they have found some savings in the design by changing just one thing. Mr. Cooper reported they think their Guaranteed Maximum Price (GMP) will be at or under budget and they wanted until September 8th to finalize their numbers. He explained he tried to have the number to present at the first meeting in September but they needed to meet with subcontractors about the final cost. Mr. Cooper said the numbers in the budget have changed. He explained the equipment item has come down but the engineering and site preparation has gone up significantly. He pointed out the main reason for this is they are going from 1 retention pond to 4 retention ponds. Mr. Cooper stated there is a large drainage issue on the site due to the amount of sidewalks and parking lots. He said the next step is the GMP which should be presented the second meeting in September.

Mr. Cooper reported, in relation to cash, a cash flow projection was sent to the Board last night for August, September and October. He said they delayed sending the projections as they were hoping to get the income statement and balance sheet produced but they are not ready yet. He explained the cash projections were done based on information they currently have. Mr. Cooper stated collections on patient accounts are doing very well. He reported in August they will likely exceed \$500,000 in patient account collections. He explained the average is less than \$400,000 and during bad times in 2015 and 2016 has been as low as \$250,000. Mr. Cooper stated the other funding they operate on is the LIP funding which has been delayed. He explained the LIP funding is still on track for October and they will receive retroactive payments back to July. He pointed out Mr. Mark O'Bryant, Tallahassee Memorial Hospital, is one of the members on the board that works with the state on how the LIP funding will be distributed. Mr. Cooper stated based on the projections, it will be a little tight but they think they will be good until October when they get the LIP funding.

Mr. Cooper reported they are working with the state on getting the helipad licensed correctly as it has never been licensed.

Mr. Cooper stated he will speak with the Department of Health this week as they were planning on putting in a generator and the site selected will not work. He explained the site they selected is within 3 feet of their portable oxygen so one of the items will have to be moved.

Commissioner Lockley asked if the collections for August will be \$500,000. Mr. Cooper answered yes, as they were already at \$258,000 by the 15th of the month.

Commissioner Lockley expressed concern that it is taking a long time to receive the GMP. Mr. Cooper stated Culpepper Construction Company did not receive the final plans until last Tuesday. He explained they are working with subcontractors on pricing and that is what will take the most time. Commissioner Lockley said it is taking too long and the Board needs to know the numbers to make a move. Mr. Cooper stated the contractor wants to be sure of the number as they are responsible for the cost. Commissioner Lockley reported if they go over budget then the Board is going to another company. Commissioner Watson stated this is an at-risk contract so Culpepper Construction will be responsible for anything over the price. Mr. Cooper commented Culpepper Construction thinks it is a good plan but the budget is very tight. Commissioner Sanders said she has some questions for Mr. John Graham. Mr. Cooper stated Mr. Graham does not have any financials due to the conversion. Commissioner Sanders said she can see the hospital needs money. She reported they only have 7 days cash on hand again. She stated they only have 1.6 patients per day. Commissioner Sanders explained 2 or 3 weeks ago the Hospital came and got \$125,000 on the money the Board advanced in December. She reported from December, 2015 until now the Hospital has used out of the capital outlay portion of the Health Care tax \$890,000 in addition to the proceeds that come to the Hospital for the ½ cent of the Health Care tax for operations which is about \$1.5 million. She brought into discussion raises being given arbitrarily to upper management at the hospital. Commissioner Sanders reported some of the other employees received a raise of \$.25 an hour. She stated the backbone of the hospital is the nurses, doctors, CNA's and lab employees who walk the halls 24 hours a day and not the 5 or 6 management people. Commissioner Sanders asked how Mr. Cooper in good faith could ask the Board to build a 25 bed hospital when there are only 1.6 patients per day. She said she is for a new facility but she is also for the clinics that are struggling to make it according to the numbers provided to the Board. Commissioner Sanders read a portion of an article titled "With Hospitals in Critical Condition, Can Rural America Survive?". She asked Mr. Cooper how he can justify giving the top 5-6 people raises totaling around \$76,000-\$77,000 and then come in an borrow \$125,000 to make payroll. She stated Mr. Cooper also came in December and these raises were given in October and the Board is just finding out about it. Commissioner Sanders suggested they revisit the raises that were given. She said one person was given a raise of \$25,476 and that is more than the County's starting wages of \$25,000. Commissioner Sanders reported it looks bad to give these raises and then take money out of the capital outlay fund. She stated the capital outlay fund is for the hospital and the two clinics. She reported she is for the hospital and its employees but she is not for management and Board of Directors if they approved these raises. She said this is why the employees are leaving and going somewhere else. Commissioner Sanders asked how they can explain the operating costs being \$1.6 million. She inquired if there are funds to pay for the digital machines that have to be installed by the end of the year as that will be a capital expense. Commissioner Sanders reported other counties are facing these same issues. She

said this has caused her a lot of anguish because she helped write the language for the health care tax and this was not the meaning. Commissioner Sanders reported the Hospital Board minutes reflect Mr. O'Bryant mentioned Alliant but he never mentioned Alliant to this Board. Mr. Cooper stated Mr. O'Bryant was looking at five different companies but some of the companies are not interested. He explained Mr. O'Bryant and Alliant would both be at-risk partners and would take the County out of risk. He said there is a proposal but they have to review it. Commissioner Sanders asked if Mr. Cooper or Mr. Graham have had any affiliation with Alliant. Mr. Cooper stated he and Mr. Graham both have had an affiliation with Alliant. He explained he was the CEO at a Hospital that Alliant managed. Mr. Cooper reported they currently operate 18 hospitals in 5 states and this hospital would be the 3rd in Florida. Mr. Cooper provided a brief history of Alliant. He said the benefit of Alliant is they maximize the amount of reimbursement that comes out of the cost report which is not something Mr. O'Bryant or TMH does. Chairman Massey asked Mr. Cooper if he checked on raises for 2 individuals who are completing jobs somewhere else. Mr. Cooper said he is working on it. Chairman Massey pointed out if Mr. O'Bryant takes over management, these individuals will not be making the same amount of money. Mr. Cooper reported there was nothing arbitrary about the raises given last October. He explained a detailed wage analysis was conducted on every employee and they compared it to other small hospitals in this area. Chairman Massey said he wants to build the hospital but they have got to save this money. Mr. Cooper reported it will not do any good to build the hospital if they cannot pay the staff to be there. He said the staff as a whole was being underpaid about \$550,000 on a \$3.6 million budget. Mr. Cooper stated there were only 2 raises over \$10,000 that he is aware of. Commissioner Watson reported they have been planning this hospital for 6-8 years and Mr. Cooper is the 5th CEO. He stated they are working on many items and he is also frustrated. He explained they are trying to do an affiliation with TMH because they realize small rural hospitals are in a precarious situation. He stated it has taken years to get approval from DOA and DOH. Commissioner Watson said they have moved forward with a construction manager at risk and are close to having all the facts before them. He said they have requested a workshop with the Hospital Board and they also have to consider the precarious financial situation of the Hospital. He went on to say most of the payments come from the Federal Government and they are slow in paying which puts the Hospital in a terrible position. He said the Board is getting close to making a decision to pause or go forward and he looks forward to making this decision. Chairman Massey said there were 5 raises over \$10,000. Mr. Cooper apologized and said he has not looked at the raises since last October. Mr. Cooper informed the Board the number of patients in the hospital does not affect the viability of the hospital unless all the patients are commercial patients. He explained it all gets worked out on the cost report. Mr. Cooper stated they received notice that the Medical outpatient rates went from \$550 to \$625 because of what happened last year but they will have the benefit in the upcoming years. Commissioner Lockley reported the Board has protected themselves from using ad valorem taxes for the hospital. He stated there is a health care tax and the Board is watching the money. Mr. Lockley reported Mr. Cooper is not running the hospital like it is supposed to be

run. He said when businesses are in the hole they do not give raises, they cut back. Mr. Cooper stated the raises were his decision and he will stand by them. He reported their turnover rate is about 15% and he made the decision so they would not lose staff. Commissioner Sanders referenced the magazine article and discussed the lack of qualified physicians. She referenced Mr. Cooper's report about being disappointed with the performance of the clinics and Dr. Stohl. Commissioner Sanders said she questioned the performance of Dr. Stohl a month after she arrived and was told they were giving her more time. She inquired if her performance has gotten any better. Mr. Cooper said there are multiple problems and he addressed them last Wednesday. He stated he does not want to get into patient issues. Commissioner Sanders reported she had an issue that could have killed her. Mr. Cooper stated some of the things the community was used to in relation to the delivery of medicine is not the appropriate way to have medicine delivered. He reported Dr. Stohl is very data driven and it is different than what has occurred in the past. He informed the Board he is monitoring reports on this matter. Commissioner Lockley asked which areas Mr. Cooper is supervising. Mr. Cooper answered the Hospital, clinics and EMS. He explained if the entities are separated, the only one making money would be the hospital. He reported the losses would be greater if you ran them separately. He explained the benefit to the Hospital is the cost report allows them to make the losses less. Commissioner Lockley asked if the clinics and ambulance service are losing money. Mr. Cooper stated the clinics are losing money. He went on to say the ambulance service was getting close to breaking even until the third ambulance was added full time. He explained it will be losing money until they get the additional subsidy to run three full-time ambulances. Mr. Moron inquired if the Board would like to set up the date for the workshop. The Board agreed to schedule the workshop on September 6, 2016 at 2:00 p.m. Commissioner Watson asked if the Board will have all the information they need by this date. Mr. Cooper said it is possible the GMP will be ready that day. He inquired what data the Board would like to have for this meeting. Commissioner Lockley asked for individual data on the hospital, clinics and ambulance service. He explained he would like to see what they are making and what they are losing for each separate entity. Mr. Moron stated Mr. Graham started a template that was close to providing this information. Commissioner Sanders reported she brought this up a couple of meetings ago. Mr. Cooper requested clarification for how the Board would like these costs split. Commissioner Parrish explained they want the facts and figures for each entity. He reported the Board is aware the ambulance service is not going to make money but provides a service. He stated the hospital has been paying for the additional costs of the third ambulance which reduces the amount the hospital has to operate on. He explained the ambulance service and clinics are losing money and it is coming out of the hospital revenues and then they have to request more money. Commissioner Parrish questioned if this is a billing and collection issue. He said the county cannot provide free health care. He stated the Hospital works to help people qualify for Medicaid and assistance but individuals must pay their co-pays. He explained the hospital has to be more efficient in billing and collecting this money. Commissioner Parrish stated the ambulance is about providing a life-saving service but will never make money. Mr. Cooper agreed people paying their share for health care is a national problem. He said it can be

controlled at the clinics but not at the hospital. Chairman Massey asked if they will need to borrow money from the Health Care Trust Fund to pay payroll between now and December. Mr. Cooper said they have reviewed the information through October and they do not think so. Commissioner Watson asked if Mr. Cooper will provide all the information he has with the affiliation with TMH at the September 6th meeting. Mr. Cooper said he will be meeting with Mr. O'Bryant the end of the month so he should have some information. Commissioner Sanders stated she would like to know the number of patients in the last 6 months that have pulled their records from Weems East and Weems West so they can go somewhere else. Mr. Cooper was not sure if he could obtain this information but Commissioner Sanders said she has requested this information before so it is possible.

Public Hearing - Adopt Ordinance - Six Cents Local Option Gas Tax

Attorney Shuler explained this is a public hearing for the Board to consider increasing their current gas tax from \$.05 to \$.06. He reported the purpose is to qualify the County for additional grant funding opportunities that exist today but may not have existed in 1997 when the Board first enacted the \$.05 tax. Attorney Shuler stated Mr. Clay Smallwood, Preble-Rish, Inc. is present as he is familiar with the grants and can explain the grant opportunities that are available. He said there are two grants available now with the \$.05 tax but if the Board enacts the additional \$.01 there is a new grant, SCRAP (Small County Road Assistance Program), that is also available at 100% funding. Attorney Shuler reported if the Board enacts the additional \$.01, it will represent \$50,000 in additional revenue for the County. Mr. Smallwood stated the two grants programs the County currently uses are the CIGP and the SCOP from DOT. He explained these grants help with road work in small counties. He explained the County applies every spring, goes through the process and DOT places it in the five year work program. He explained one of the requirements of SCRAP, which is a third grant program from DOT, is the County must max out the local option gas tax. Mr. Smallwood explained this grant is very similar to the other two as the funds are used for road work. He reported there are other criteria the County would have to meet but he did not feel like that would be a problem for the County. He said this grant is 100% funded and is a similar process to the other grants. Attorney Shuler asked if there is a large and small SCRAP grant. Mr. Smallwood explained the last 4-5 years under the SCRAP Program, DOT has been asking for a large project of around \$2 million and then one project that is \$100,000 or less and they have been funding both projects. He said the County would be eligible for both of these applications. Commissioner Sanders asked if the Ordinance for the current \$.05 gas tax expires on on January 1st. Attorney Shuler said it expires on December 31, 2017. Commissioner Sanders asked if the Board will revisit this matter in December or January. Attorney Shuler stated if the Board takes no action today then they must take some action next year. Attorney Shuler explained there are statutory deadlines the Board must meet to continue the existing tax or increasing the tax. He said if the Board takes no action today then by June 1st of next year the Board would have to adopt a new Resolution to send to the Department of Revenue (DOR) of their Notice of Intent to extend or increase the tax. He reported if they do not meet the deadline then the tax will expire on 12/31/17. He

reported the Ordinance would then have to be passed by October 1st of next year for collection beginning January 1st. Attorney Shuler pointed out the DOR has a very strict schedule of things the Board has to pass for the tax to go into effect. He stated the taxes always go into effect January 1st and always expire December 31st. He said the TDC tax and Health Care Tax also have the same dates. He explained if the Board votes today to increase the gas tax, then they will qualify for the SCRAP grant funds. He reported the County is either the last county or in the last 2-3 counties to pass this extra tax. He reported if they do not enact the additional tax then they will not qualify for the third grant as they have not maxed out their gas tax. Attorney Shuler stated if the Ordinance is passed today then the tax will be effective January 1st and will be in effect for 20 years. He said under the statute they have the option of extending it for 30 years but since the original enactment was 20 years that is all he is proposing. Commissioner Sanders said SCRAP has 2 requirements, an 8 mills levy or 6 cent gas tax and the County must meet one of the criteria. Commissioner Parrish read the portion addressing the use of the proceeds. He explained it will be used for road paving and nothing can be put aside for anything other than roads. Commissioner Parrish stated there are only 2 counties that are not at 6 cent and Franklin County is 1 of the 2. He said these funds are being disbursed all over the state except for these 2 counties. He reported these grant funds will be received every year. He went on to say this gas tax is paid by the residents but also by every person who buys a gallon of gas in the county. Mr. Pierce stated in the 28 years he has worked with the County, most of the large paving projects have been done through DOT. He explained there is not enough revenue generated by the gas tax to pave the large roads so they go through DOT to access these funds. He stated Mill Road, Bluff Road and Bald Point Road were all paved using these funds. He estimated it will take 4 years or more for the county to accumulate \$1.2 million for Bald Point Road so they need to be able to access these state funds. Commissioner Parrish said previously the County set aside \$1 million in road paving money but now they set aside nothing for road paving. He stated this program will give the County the ability to pave more roads without using ad valorem taxes. Attorney Shuler reported the current \$.05 generates for the County \$250,000 annually for the County and the \$.06 will generate \$308,000 annually. Chairman Massey asked if there were any public comments. There were no public comments. **On motion by Commissioner Parrish, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to adopt the Ordinance increasing the gas tax to \$.06.**

Public Hearing - Adopt Ordinance - Prohibit Air Guns, Sling Shots, & Bow and Arrows In Lanark Village

Attorney Shuler said the next public hearing would be for the Board to consider banning air guns, bb guns, sling shots and bows and arrows in Lanark Village. Attorney Shuler presented a photograph that was sent to the Board by email showing the area where the Ordinance would be in effect. Attorney Shuler said there is a state statute that prohibits the County from regulating firearms so no firearms will be regulated by this ordinance. Attorney Shuler asked if the Board has any questions. Commissioner Parrish stated he would like to hear public

comments. Chairman Massey asked for public comments. Mr. Richard Fravel, a resident of Lanark Village, said they have a considerable problem because the buildings are close and adjoin and there is no room for the discharge of projectiles. He stated there has been a problem and the Sheriff's Office was called but could not take any action because an air gun can be discharged as long as they are under the supervision of an adult. He reported someone is going to get hurt as these children are unsupervised. Mr. Fravel thanked the Board for taking action and Attorney Shuler for all his work on this Ordinance. Attorney Shuler asked if there has been any vandalism or damage. Mr. Fravel said someone witnessed them shooting in the air and hitting things like the buildings. He stated a verbal altercation occurred and the Sheriff's Department was called but could not take action as they did not see any visible damage. Mr. Fravel discussed air guns and said the state does not view them as firearms. Attorney Shuler asked what the children are shooting. Mr. Fravel answered these kids do not live in the village but were just killing things to kill them and causing disruptions in the Village. Chairman Massey said the children and Mr. Fravel are having problems. Mr. Fravel said this is not just one family. Commissioner Lockley asked if this public hearing was advertised. Attorney Shuler answered yes. Commissioner Lockley questioned if there is only one complaint. Mr. Fravel said there are more complaints. **Commissioner Lockley made a motion to deny the Ordinance.** Attorney Shuler asked if there have been problems with bow and arrows and sling slots as well. Mr. Fravel answered no and said that was a preemptive request on his part. Commissioner Parrish said the children are the responsibility of their parents. Commissioner Parrish stated he called the Sheriff's Department yesterday and they reported no issues in Lanark Village. Mr. Fravel said there was an issue and there is nothing to prevent them from moving back into the village. Commissioner Parrish reported the parents are responsible and there are laws on the books that address criminal mischief. He went on to say there are charges that can be filed against the parents. Commissioner Parrish stated he does not see any justification for passing this Ordinance. **Commissioner Parrish seconded the motion. Motion carried; 5-0.**

The meeting was recessed at 11:35 a.m.

The meeting reconvened at 11:45 a.m.

Ms. Kristen Bell, a nurse at Weems Memorial Hospital, thanked the Board for their support and Commissioner Sanders for being a voice fighting for the employees. Ms. Bell said she has reviewed some newspaper articles and Commissioner Lockley has questioned benefits for the employees and she thanked him. She explained currently there are no incentives for nurses to come here and work if they build a new hospital. She stated they do not have a retirement fund and they have taken their holiday pay. She reported there are times in the Emergency Room where they do not get lunch breaks and work 12 hours shifts. She said there are issues that need to be handled. Ms. Bell stated she has been a nurse for 11 years and has seen violence in the workplace against the nursing staff. She reported she is here alone because others fear retaliation but her co-workers share her concerns. Ms. Bell discussed an incident at a hospital in Titusville where a person entered a patient room and killed a nurse and elderly

patient. She said security officers held the suspect until the police arrived. Ms. Bell reported this happened in her home county of Brevard and her former co-workers are afraid to return to work. She stated Weems Memorial Hospital has little to no security to protect the staff. She said they have been afraid on night shift as there is a huge drug problem in the county and the hospital stores pharmaceuticals. She said without security they are at a huge risk of being robbed. Ms. Bell informed the Board she has had to call the Sheriff's Department many times and they have responded promptly. She thanked the Sheriff's Department and the City of Apalachicola Police Department for responding when called. Ms. Bell said per OSHA guidelines a nurse is 4 more times likely to be physically abused than any other profession. Ms. Bell stated OSHA reported 100% of nurses that have been interviewed from all states have been verbally abused at work. She informed the Board on July 19, 2016 at 5:30 a.m., one of their dietary employees was accosted by a schizophrenic patient in the parking lot. She discussed the estimated cost to replace a nurse and the danger to a waiting patient or family member. She asked for security for the Weems Hospital staff and offered pamphlets from OSHA. She explained panic buttons are proven to be the single most effective violence prevention in the hospital. Ms. Bell questioned who will pay for these panic buttons. She reported she has addressed these issues with the administrative team at Weems Memorial Hospital and was told lighting has been ordered for the outside. She stated Mr. Cooper told her they could not afford to hire security guards. Ms. Bell asked the Board to apply for a grant to place protection for the workers at the hospital. She explained she has been in contact with OSHA, Homeland Security and government grants trying to find a grant. Ms. Bell asked the Board to help her with security. Commissioner Sanders said Ms. Bell took the lighting issue to Mr. Cooper but did she take all the issues. Ms. Bell answered yes. Commissioner Sanders asked what his response was. Ms. Bell stated he said he could not afford to hire security guards so the nurses could feel safe. She reported he told her the lighting was ordered but was unable to tell her what it costs and when and where it would be placed. She said the whole administrative team was emailed the night the dietary employee was accosted. She reported Sheriff Mock, the Sheriff's Department, OSHA, Homeland Security were all emailed. Ms. Bell explained the camera that is in the lobby of the hospital does not record so it will not capture the incident if something happens. Commissioner Lockley said they will check into it. Chairman Massey asked if the camera works. Ms. Bell said the camera projects images but does not record. She reported they do not have an alarm that she is aware of. Commissioner Sanders stated the Board is having a workshop with the Hospital and she will address it as the safety of the employees means a lot to her. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to direct Mr. Moron to go out to the Hospital and speak to Mr. Cooper and the Plants Operations Manager and see what steps can be taken in the interim to secure and make it safer at the Hospital.**

Mr. Moron presented the following item from his report:

1. Board action to approve the Assignment of Preble-Rish Inc. Agreements to Dewberry Engineers Inc. A copy of the Assignment Letter listing the agreements and projects is

attached to your packet. Attorney Shuler has a copy of the agreement.

Mr. Moron said Mr. Ralph Rish is present. Commissioner Sanders asked if Attorney Shuler has look at this agreement. Attorney Shuler said he reviewed the original submission and suggested some changes which they have incorporated so he recommends approval of the agreement. Commissioner Sanders asked if they are going on the agreement they had with Preble-Rish, Inc. back in 1998. Attorney Shuler agreed that is the effective date. Commissioner Sanders asked if it is alright to do this. Attorney Shuler answered yes. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the assignment of the Preble-Rish, Inc. agreements to Dewberry Engineers, Inc.**

Planning & Zoning

Mr. Moron presented the following report:

CRITICAL SHORELINE APPLICATION:

- 1- **RECOMMENDED APPROVAL: (Unanimous- Contingent upon receiving the DEP & Corps Permit)** Consideration of a request to construct a Single Family Private Dock at 211 Harbor Circle, Alligator Point, Franklin County, Florida. State and Federal Permits are being applied for and meets local requirements. The Dock walkway will be 200' x 4' with an 10' x 20' terminal platform. Request submitted by David Keith, Docks 4 Less, agent for Charles and Christine Dodson, applicants. (Proposed House)

Commissioner Sanders asked if this dock will be longer than the last dock. Mr. Moron answered no and said this was discussed at the meeting. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve this request contingent upon receiving the DEP and COE permits.**

RE-ZONING & LAND USE CHANGE:

- 2- **RECOMMENDED APPROVAL: (Not-Unanimous- 2 Approved & 3 Against)** Consideration of a request to re-zone Bungalows By The Gulf located at 3186 US Highway98 Units A1-4, B1-4, C1-4, D1-4, E1-4, F1-10, G1-6 and M-1, St. James Island Park, Franklin County, Florida from C-2 Commercial Business to R-5 Multi-Family and a Land Use Change from Commercial to Residential. Request submitted by Jeremy Anderson, agent for Bungalows By The Gulf Condominium Association, Inc., applicants.

Mr. Pierce said there has been an ongoing problem for this structure ever since it was built. He provided the history of this property. He explained this proposal to rezone is a suggestion from the County staff as they tried to come up with a resolution to this issue. He explained the current zoning as commercial does not allow residential uses. He explained the property owners bought the property without realizing the restrictions on the structure and they are trying to find some resolution for their investment. Mr. Pierce reported Mr. Mark Curenton, County Planner, looked at options and presented this option to the Planning & Zoning

Commission to resolve the use issue. Mr. Pierce said this morning Attorney Shuler discussed the high hazard zone with him and he did not think about this zone. He explained the high hazard zone is a zone adopted in the comprehensive plan to reduce density in development in the hurricane prone areas along the south side of Highway 98 and all of St. George Island. He reported he does not have an immediate answer to this problem. Mr. Pierce stated this is a recommendation staff came up with to resolve this outstanding conflict but is not necessarily what the property owners wanted. Attorney Shuler recommended the Board table this matter as presented and allow him to look at the legal implications as he is concerned about litigation risks in creating a non-conforming use specifically in relation to the coastal high hazard area. He said he is not sure how this will be handled with the comprehensive plan restriction that prohibits the direction of high density residential use in the coastal high hazard area but he is willing to explore the issue. Attorney Shuler reported there are also issues under the Bert Harris Act where if the Board takes government action to create this non-conforming use, there is a potential litigation risk that he wants to review. He explained right now this is a C-2 commercial hotel and the County did not create this problem. Attorney Shuler said he informed the bank before they sold these units that they were a C-2 commercial hotel with zero residential uses allowed. He reported Mr. Jeremy Anderson, attorney for the property owners, may be able to address what the bank told his clients. He stated the bank, shortly after they purchased the property, contacted the County Planning staff and were told this was not a residential unit but a C-2 commercial hotel. He said this was reinforced in subsequent conversations between him and their real estate agent and the attorney for Liberty Bank in Texas. He reported this occurred around the 2013-2014 timeframe when the bank was re-selling these units. Attorney Shuler said he has substantial concerns about the litigation risk to the County if they take governmental action to create this non-conforming use. He discussed the statutory language in the Bert Harris Act. He said under this proposal if this unit is destroyed by more than 51%, they cannot rebuild. He stated they would lose around 30 of the 36-37 units and that causes him a great deal of concern. Attorney Shuler reported he also has concerns about potential regulatory taking issues that have not been adequately explored. He advised the Board his recommendation is to listen to any public comment and then table this issue and not schedule a public hearing but allow him to consult with Mr. Anderson and Attorney David Theriaque. He stated they will try to come up with a proposal to help the property owners if they can but does not take their private problem and turn it into a public risk. He said at this time the Board does not have enough information to set a public hearing. Commissioner Sanders asked if they can listen to public comments. Attorney Shuler answered yes. Commissioner Sanders stated this started in 2005 and the new rules were going to be changed July 1st with the state government through legislation so the prior owners asked if the Board would support something like this. She reported this is the only one in this zoning ever in the county. She explained the County did this right under the bench mark for the date and since then due to the land boom and bust, different people have handled the property. Commissioner Sanders said they are going to try and help and so is Attorney Shuler. Ms. Kelly Sowell, Bungalow by the Gulf property owner, thanked the Board for their care and concern. She stated they were told the residential prohibition meant they could not claim homestead but that was not an issue for them. She reported one of the items discussed at the Planning &

Zoning meeting was buyer beware but more than one person misunderstood. Ms. Sowell stated they also discussed the owners taking legal action against Liberty Bank but that still does not resolve the problem. She reported the issue Attorney Shuler brought up is true, they will still be non-compliant at R-5. She explained it is true if the building is destroyed 51% or more, they cannot rebuild as they are currently zoned C-2. She stated they do not meet the parking requirements for this zone. Ms. Sowell said they know what they are up against but just want to stay and enjoy their investment. She reported the units could not be run as a condo/hotel as the units have individual utilities and the manager's office was sold as a unit. She asked the Board to consider the benefits of having them as owners of these units. She said they have an interest in how the building looks and they care for the water and wildlife surrounding them. Ms. Sowell reported they also care for the community and are in the middle of their 3rd annual school supply drive for Franklin County Schools. She said they also did a care gift bag drive at Christmas for the St. James Rehabilitation Center and they plan to make this an annual event as well. She stated they are a positive impact on the community and she hoped the Board would consider supporting them on this issue. Mr. Greg Preble, a property owner at Bungalows by the Gulf, informed the Board he has an engineering contract with the County on the lawsuit against the barge company that knocked down part of the St. George Island fishing pier. Mr. Preble said he does not think it was the intent of the Board to deny the owners the right to use their units. He said he has looked at the minutes and the permits and does not see any documentation that would support that. He stated he has talked with former County Commissioners that were on the Board at the time this project was approved and no one remembers it that way. Mr. Preble reported he talked with a businessman who was a partner in this deal and he said there was no specific time the owners could spend in their unit. He explained there was only a condition they could not reside in the unit and must have another home to go to. He reported 37 families bought units, title work was done, attorneys were involved and there was nothing in the record that the County's position was they could not stay 1 day in their unit. He said this restriction has come up since the project was approved. Mr. Preble went on to say this restriction will destroy the value of the units and ultimately affect the tax base for the County. Mr. Preble stated the County staff came up with this recommendation to rezone and the owners did not ask for it. He requested the Board allow them to have a public hearing as this has been going on for over a year and a half. Attorney Shuler agreed this is not a new issue and he has met with some of the owners. He stated he will be glad to get with Attorney Theriaque and include Mr. Anderson in these meetings. Attorney Shuler reported there was a statement that no residential uses are allowed on this property but he has also gone through the minutes and listened to audio tapes the same as Mr. Anderson and the attorney for Liberty Bank and there was never a request for the allowance of a residential use or occupation of this property. He said the request was never made and the County never answered so that is why there is no record. He explained if they had requested residential uses then there would have been rezoning to another category as C-2 says no residential uses are allowed. Attorney Shuler advised the Board not to schedule a public hearing when they do not know what Attorney Theriaque's schedule is and when he can return with an informed answer. He said he understands the direction from the Board to try and find a solution if there is one available and he will report to the Board and then move forward to

conduct a public hearing. He recommended the Board table this issue today. Commissioner Sanders reported if the Board directs Attorney Shuler to move forward then she wants it done within a month. She reported if they direct him to move forward then they expect him to do it expeditiously. Commissioner Watson said he is very sympathetic and hope they can reach a solution. He asked what the process is Attorney Shuler is recommending. Attorney Shuler said he is not sure there is a way to get around the hurdle of the comprehensive plan prohibition of not directing high intensity residential uses into the coastal high hazard areas. He explained if they can get around this prohibition then he would recommend going to the court with this particular non-conforming use and have the court issue a declaration that gives the County the go ahead on Bert Harris potential claims, regulatory taking claims and waivers of liability that have been prepared. He reported if the court signs off on it then he will feel more comfortable coming back to this Board with a recommendation for approval. He explained just creating an R-5 non-conforming use with the waivers of liability could subject the County to a great deal of litigation risk. Attorney Shuler said there is a process if they can get around the clear prohibition in the Comprehensive Plan adopted in 2005. He explained this property is located in the coastal high hazard zone and if approved there would be 37 residential units on 1.8 acres of land. He discussed the density and urban service areas. He said he would like to get Attorney Theriaque involved as he is an expert in this field and may be able to find a path for the Board. Chairman Massey asked how this building was built. Attorney Shuler answered as a commercial hotel that was never authorized for residential use. He said now there has been an apparent conversion to a residential condominium. He explained it was never an issue for years because none of the units ever sold. He reported there are some litigation out there and some allegations of SEC security violations. Attorney Shuler said it became an issue when Liberty Bank bought these units at foreclosure and started selling them and telling the owners they could reside in them. Mr. Pierce reported the R-5 is not the highest density category the County has but he does understand part of the issue is the density exceeds the R-5 designation but the R-5 zoning may or may not be high hazard. Attorney Shuler said there are other options that need to be explored. Ms. Sowell discussed the R-5 zoning and said she does not think there is any zoning in the County now that would allow them to rebuild this structure. She did not feel like another month would get them to a better resolution. Mr. Bill Bass, Bungalows by the Gulf property owner, said when he bought his unit it was represented as a condo and he did his due diligence and was told he could not reside in the unit. He stated universally residency and transient occupancy are two different things. He reported he never intended to live in this unit and neither did most other people. He explained every real estate person has been told the property owners cannot stay there one night. He said he had an offer for his unit but his real estate agent was told by a legal person in the county that they could not stay for a night and that was the last offer he had on his property and it has been on the market for 2 years. Mr. Bass reported C-2 zoning is not for residents but does not say you cannot have transient occupancy or stay in your unit. He said they only asked to stay in their units on a transient basis. He stated he is pleased with the community's response and the Board's willingness to help. Mr. Bass reported he would like to stay for 3-4 days in his unit but is not trying to reside in the unit, or file homestead exemption. Mr. Bass stated they want a clear path to enjoy their property. Mr. Glen Whitesun, a property owner at Bungalows by the Gulf,

said C-2 was never a good zoning for this property. He reported the County passed a hotel/motel ordinance but the Bungalows were exempt from this ordinance. He said as long as the property remains C-2 there will be issues for the owners and the county. He explained rezoning is probably the best for everyone. Mr. Whitesun said the declaration of condominium for the Bungalows states owners and their guests can occupy the units with no limitations on time. He stated this declaration was filed with Franklin County in 2008. He said he hoped the County would grant a public hearing. Mr. Ralph Chambers, a property owner at Bungalows on the Gulf, reported he only wants to spent a few nights in his unit and his wife to be able to sell if something happens to him. Commissioner Sanders asked if Mr. Pierce agreed with Attorney Shuler. Mr. Pierce said he agrees the record does not reflect the owners ever made any application or representation of what the owners were going to do. He stated it was built as a condo/hotel and was going to be used in a commercial way. He explained there was no discussion that he remembers of what the owners could do. He stated after this one was permitted then the County had concerns about other ones and started to discuss regulations and did adopt an Ordinance. Mr. Pierce said he understands the difference between residence and occupancy and it does seem harsh not to have any use of the units. He stated there is very little commercial use for these units as no one will want to rent them when there is no waterfront to use and not adequate parking. He reported this was a bad business model but now the County has this building built here and they need to have continued maintenance of this building or it will become a problem. He said he would love to find a solution because even if the owners walked away, the county will still need to deal with the structure. Chairman Massey stated the County came up with solutions after this structure was built. Mr. Pierce agreed the main regulations about occupancy and use were adopted after these units were constructed. Mr. Pierce reported there were about 250 different proposals and the community was concerned so the County took steps to try and control the development. Chairman Massey stated the County needs to do something to help the property owners. Commissioner Sanders reported this is not a good situation but she knows there is a solution somewhere that will give these people 100% value of their property. She stated this is not going to be solved today but the County is going to solve it. Mr. Pierce said R-5 does not solve the situation. Commissioner Sanders stated the Planning & Zoning Commission had concerns and she questioned what their concerns were. Mr. Moron reported the Chairman was concerned about precedents being set. Ms. Sowell stated Planning & Zoning did not want to set a precedent for multi-family residential on the water but they are not asking to build as their units are already there. Mr. Bass agreed it would not set a precedent as no one else could construct a unit like this. Commissioner Sanders reported the owner needs to have 100% rebuild as they have a lot of money invested. Ms. Sowell stated they will never have 100% rebuild. Attorney Shuler said if the Board gets past the high hazard hurdle then there are other options they can explore. He explained this is why he suggested tabling this issue and allowing him to meet with Attorney Theriaque and include Mr. Anderson in their discussions and come back with a recommendation. He said hopefully they can find a path forward to help the property owners. Commissioner Lockley said he believes in property rights and if he buys a piece of property, he wants to use it too. Commissioner Sanders asked if the Board members agreed Attorney Shuler needs to meet with the attorney and try to resolve this issue in a month. Mr. Anderson suggested tabling this issue

for 60 days so they can come up with a recommendation. Commissioner Sanders stated if something has not been done 1 month from today and if Attorney Shuler does not satisfy the Board with a recommendation then she will take back the motion to table. She said they are working on a solution. Mr. Tory Wingate said he has confidence due to the compassion of the Board and is very impressed in how the Board supports their constituents. Commissioner Parrish said the Board also has to look at the County side and he will help if they can but he will not put the county at liability. He reported Attorney Shuler is trying to explain they will help if they can but they cannot break the county trying to help them or go against the comprehensive plan in relation to high density in the high hazard areas. Commissioner Parrish said there were numerous emails that went out when Attorney Shuler was dealing with the bank. He stated the Board members received copies of the emails and the emails were telling them this property was not residential. He explained the Board has to look at protecting the county also and he does not think Attorney Shuler is trying to delay this issue. Commissioner Parrish reported Attorney Shuler's job is to protect the community, the county and the people of this county. He stated he will follow what Attorney Shuler recommends. He explained the County did not create this problem but the County is being asked to fix it. He said if there is a way to help them and protect the county and do it right and legally then he is for it. Commissioner Parrish stated he was on the Planning & Zoning Commission when all of this was going on before he was elected to the Board. **Commissioner Sanders made a motion to table this issue and direct staff including Mr. Moron, Mr. Curenton and Attorney Shuler to meet with Mr. Anderson and get back with a recommendation of what to do with this situation by the second meeting in September and no later and hire Mr. Theriaque to help out in this matter. Commissioner Watson seconded by motion.** Commissioner Lockley asked if this structure is grandfathered. Attorney Shuler said he does not think so. He stated they are trying to balance the request of the new owners with the county's interest. He explained there are land use issues and litigation issues to be addressed. He stated staff was looking at this item from a planning aspect when they suggested the change. He said when he found out then he was looking at the legal issues. He reported the Board's direction is very clear and he will come back with a report at the second meeting in September. Commissioner Sanders asked Attorney Shuler to also look more into the grandfathering issue. **Motion carried; 5-0.**

Marcia M. Johnson-Clerk of Court

Mrs. Johnson did not have a report at this time.

Alan Pierce - RESTORE Coordinator – Report

Mr. Pierce asked if the Board wants to reschedule the meeting with Ms. Stella Wilson, Dewberry Engineers, due to the time. Chairman Massey asked to reschedule this meeting. Mr. Pierce agreed to reschedule this meeting to September 20th. Mr. Pierce presented his report, as follows:

1. Inform the Board that the Florida Audubon Society in conjunction with FDEP will be restoring the retaining walls around the old St. George Island causeway to help maintain the

area as a nesting habitat for nesting shorebirds. The project is being funded by BP funds that went to the NFWF. The public should be seeing activity out there in the next six months.

2. Stella Wilson, Dewberry, is here to provide a short update on RESTORE, and the Board will be asked to begin to think about criteria it believes should be considered in developing the MYIP. The US Treasury must approve the county's MYIP before any funds can be spent on individual projects. The three general areas of allowable expenditures are projects, which protect the environment, promote economic diversity, and infrastructure. The Board's directions will be used by the local Restore Advisory Committee (RAC) to create a scoring system for individual projects to be reviewed, so the criteria must developed first. In the case of infrastructure, as an example, one of the criteria might be "solving current deficiencies in county buildings."

The Board also needs to discuss what kind of projects it wants to submit for Consortium funding. Projects going to the Consortium do not have to be reviewed by the local RAC, and because of the timeline imposed by the Consortium consultants many county commissions have had to submit projects without using their own RACs.

The Consortium consultants had wanted all counties to submit a list of projects by Sept. 2, as the consultants want to provide the list to the Consortium at the Sept. 13 meeting. I have already ready responded that Franklin County would not have its list ready by Sept. 2. The consultants did not send out the application forms until early August and many counties complained that they did not have adequate time to prepare complete lists. Franklin County will get \$12.7M of Consortium funds over 15 years, or about \$850K a year.

The Board had previously scheduled a workshop with Dewberry for Sept. 20, but depending on the discussion this morning that workshop might not be necessary.

Mr. Pierce stated he talked with Gulf County and they are listing their percentages in general areas and did not give specific projects. Commissioner Parrish reported the County will receive \$850,000 for 15 years so why not submit one project no higher than \$850,000 once a year. He questioned why the County has to tell in advance what they are going to do for 15 years. He explained the County may want to skip a year and then have 2 years of funding to do a project. He said the Restore funds are different as they are required to do certain things by the U.S. Treasury but the Consortium is not. Commissioner Parrish stated he does not know why they need to do a general breakdown of the percentages. Mr. Pierce said he does not know either. Commissioner Sanders reported they are going to use more administrative fees. Commissioner Parrish expressed concern the County could be limited to the projects they submitted for 15 years when things will change. Commissioner Watson said if the County can get by with making a very generic response then it would be better to respond. Mr. Pierce stated he told them they would not be able to respond that fast and asked the Consortium consultants to contact him but they have not. Chairman Massey agreed there is no way to tell what the County will need 15 years from now. Commissioner Parrish said to just say the money will be spent on the items such as environmental, economic, etc. but do not include percentages. Mr. Pierce said they can say they will spend 100% of the money in compliance with state law. Commissioner Sanders stated at the policy meeting in September they will have a Gulf Consortium meeting

and she will bring up these items. She reported the County cannot provide this information within 30 days.

Michael Morón - County Coordinator – Report

Mr. Moron presented his report, as follows:

1. This item was handled earlier in the meeting.
2. Board action to award the Bald Point Road resurfacing and widening project to Roberts and Roberts. Preble-Rish reviewed the bids received and is recommending Roberts and Roberts as the lowest responsive bidder with a price of \$1,210,915.10. The tabulation form is attached.

On motion by Commissioner Parrish, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to award the Bald Point Road Resurfacing and Widening Project in the amount of \$1,210,015.10 to Roberts and Roberts. Commissioner Sanders said the start date needs to be as soon as possible and ask them to make sure they put in the bicycle lane she requested. Mr. Smallwood reported the paved shoulder is included.

3. Board action to approve a Change Order for the paving project. This Change Order will cover work done that was in addition to the original paving contract. In addition, there are three roads that are part of the original contract that have yet to be completed. The contract is now past the deadline and is considered “past due”. Mr. Smallwood is here to answer questions on this matter.

Mr. Moron stated they are in a “past due” position with C.W. Roberts Construction Company. Chairman Massey reported none of the roads in his district have been marked with any lines. Mr. Smallwood said it is in their contract to come back and put the thermoplastic back down but they have not done it throughout the county. Commissioner Sanders addressed problems they are still having on 3rd Street . She said Elder Street has the worse leveling course and finishing coat she has ever seen and she is not happy about it. Commissioner Parrish stated it looks like they got in a hurry as the boat ramp is the same way. Commissioner Watson said he continues to get complaints about Plum Street. **On motion by Commissioner Sanders, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve the Change Order for the paving project.** Commissioner Sanders asked Mr. Smallwood to report back at the next meeting.

4. Board action to award the Franklin County Courthouse HVAC Replacement project to Classic Coastal (d/b/a GW Services Heating & Air) and authorize the Chairman’s signature on the contract. Mr. Warren Emo reviewed all of the bids and determined that Classic Coastal is the lowest qualified responsive bidder. Supporting documentation is attached to your packet.

On motion by Commissioner Parrish, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to award the Franklin County Courthouse HVAC Replacement Project to Classic Coastal (d.b.a. GW Services Heating & Air) and authorize Chairman Massey's signature on the contract.

5. Board action to appoint Mr. Steve Kirshenbaum to the Airport Committee. Mr. Kirshenbaum and Mr. Jason Puckett have discussed the role of the Airport Committee. Commissioner Lockley is requesting this appointment to fill the seat that has been vacant since his previous appointment came off the committee.

On motion by Commissioner Lockley, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to appoint Mr. Steve Kirshenbaum to the Airport Committee.

6. Board action to approve a letter from Attorney Shuler cancelling our contract with GovPilot. We contracted with this company earlier this year to create our new permitting software. Due to some differences between your staff and GovPilot, the County will have to look elsewhere for this service.

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve a letter from Attorney Shuler cancelling the County's contract with GovPilot.

7. Inform the Board that the Veteran Service Office will be closed from August 22nd to 31st. Mr. Elliot will be on vacation that week.

T. Michael Shuler - County Attorney – Report

Attorney Shuler discussed a proposed easement submitted by Duke Energy to the Sheriff's Department. He said this document describes the entire 160 acres owned by the County including the landfill, Sheriff's Department and Road Department. He explained they are trying to run a line from a current pole to a new structure and he questioned Mr. Dan Collins, Duke Energy, about this easement. He reported Mr. Collins said under the new policy they do not have a current easement deed and they want a formal written easement deed. He questioned if the Board would like Pre-Rish to survey the lines to limit the area or give Duke Energy a blanket easement over the entire 160 acres. The Board was not in favor of a blanket easement. Commissioner Parrish suggested they use Preble-Rish to limit the footprint where the power lines go. Attorney Shuler agreed he would prefer the limit the area but the Board will need to get the surveyor out every time a new easement is needed. Attorney Shuler agreed to have Preble-Rish survey the exact lines.

Commissioners & Public Comments

There were no comments at this time.

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 1:12 p.m.

William Massey - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts