FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
FORT COOMBS ARMORY
OCTOBER 7, 2026
5:05 P.M.
MINUTES

Commissioners Present: Ricky Jones-Chairman, Jessica Ward-Vice-Chairman, Ottice Amison, and Anthony Croom, Jr.
Commissioners Absent: Cheryl Sanders
Others Present: Michael Shuler-County Attorney, David Theriaque-Land Use Attorney, and Michael Moron-County Coordinator

1. Call to Order

Chairman Jones speaking, Franklin County Board of County Commissioners now in session for this public hearing Wednesday, October 7. It is 5:05, so we're going to get started. We're going to start with the invocation and the pledge. Commissioner Ward, can you lead us in a prayer today?

2. Invocation and Pledge of Allegiance

Commissioner Ward led the Board in prayer followed by the Pledge of Allegiance.

Public Hearing

3. David A. Theriaque (Land Use Attorney) -- Draft Ordinance Review

Chairman Jones speaking, alright. We will turn it over to you, Attorney Theriaque. Attorney Theriaque speaking, thank you, Mr. Chairman. Good afternoon. I'm David Theriaque. I'm the County's Special Land Use Council. What you have before you tonight is the second reading of a proposed amendment to the St. George Island Corridor Overlay District ordinance. Should I read the title, or are we good on that? Attorney Shuler speaking, I think we would read the caption. Attorney Theriaque speaking, I'll take care of that, Mr. Chairman. I'd like to read the title of the ordinance: an ordinance of Franklin County, Florida, amending and restating the St. George Island Corridor Overlay District for property located within a 2100 foot radius of the center point of the intersection of Franklin Boulevard and Gulf Beach Drive on Saint George Island, Florida, as described in Plat Book Two, Page Seven, Franklin County, Florida, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West, providing for exemptions, providing for severability, providing for conflicts and codification, and providing for an effective date. You have two versions. The first version, as a header, states version one, and excuse me, the you have seen all the red line that's in strike through and underlined in this ordinance, with the exception of a cleanup section three and on page three, it used to say s8. It needs to say s9. So we have s9. Nothing changed in the other red line under permitted uses and structures on page four. You've seen all the strike through in red line, except for the text that's highlighted in yellow for 16. The prohibition on massage parlors was slightly tweaked to state that this prohibition does not include a full-service wellness facility located within a motel or hotel offering a broad range of relaxation and beauty treatments, which is commonly referred to as a spa. The tweaks on five you've already seen. That's just we changed zoning ordinance to be more specific to Franklin County zoning code. There are some red line tweaks on page six, which you've already seen. Subsection eight at the bottom of six leads over to page seven. There is new text that

was added is highlighted in yellow. Said the exterior wall of the multifamily residential uses shall be attached to the exterior wall of the dry stack storage facility with no intervening space. A dry stack storage facility shall be located only to the immediate west of Franklin County and north of West Bay Shore Drive. On number 10, for some reason, the number 10 is highlighted in yellow. I have to confess, I'm not an expert in word, and I couldn't get the yellow removed. That's not a tweak, but there is a tweak to the last sentence. The maximum density shall be one dwelling unit per one acre, and that's for the multifamily residential use. Some new language was added in the effective date that says the ordinance shall take effect as provided by law directly below that codification. This ordinance shall be codified as the new S9 St. George Island Overlay Special District in Section 600 Special Districts of the Franklin County Zoning Code, and then I updated the month September to October. So those are the changes to Version One. Version Two is simpler. There are fewer changes. You'll notice on page three, under permitted uses and structures, there used to be three principal uses. The third one was a multifamily residential, subject to the conditions and restrictions in the overlay development standards set forth in this ordinance-that's in version one. That number three has been deleted. So multifamily residential is not a permitted principal use in version two. There are no changes on page four to what you've already seen. There is a difference between version one and version two massage parlors just simply says massage parlors in 16. The text that we had added in version one has been deleted, so the version two does not say this prohibition does not include a full-service wellness facility located within a motel or motel offering a broad range of relaxation and beauty treatments, which is commonly referred to as a spa. Page five, there are no tweaks that I need to address. On page six, there in version one, there was language under lighting that was associated with multifamily uses, and we had some requirements for that. We have deleted that entire sentence dealing with lighting with multifamily residential uses because we've deleted residential uses as an authorized permitted use, subsection eight at the bottom of six, bleeding over to page seven of the same sentence that we actually two sentences that we looked in version one, the exterior wall. Excuse me, under number I picked up the wrong one. Under number eight, we deleted the exterior wall of the multifamily residential uses shall be attached to the exterior wall of the dry stack storage facility with no intervening space. A dry stack storage facility shall be located only to the immediate west of Franklin Boulevard and north of West Bay Shore Drive is in version one. We deleted the sentence about the exterior wall, and we kept the location criteria. The facility shall be located only to the immediate west of Franklin Boulevard and Northwest Bay Shore Drive. And number 10 in version one regarding the multifamily residential use that had standards, we've deleted 10 in its entirety because we deleted multifamily residential uses. On page seven, the new codification language is included, and I updated the month from September to October. I'm just happy to answer any questions on the ordinances before I proceed any further. Chairman Jones speaking, commissioners. Do you have any questions about the ordinances that Mr. Theriaque has discussed with us today? All right. I don't think there's any questions at this point. I'm not saying there won't be questions. There's none right now, apparently. Attorney Theriaque speaking, all right, Mr. Chairman. Not a problem.

4. Public Comments

Chairman Jones speaking, so at this time we'll open the floor for public comments. If you want to speak, please come forward. State your name for the record. Do not have to have a speaker card filled out or anything like that. This is a public hearing.

Barbara Sanders speaking, good evening. I'm Barbara Sanders. I live on the island. I think I've

made my position abundantly clear that you. I wish you would not change the ordinance to accommodate this particular developer. I've now had a chance to read the deposition. I think it did not clarify at all why this person would not have known or this company would not have known about the overlay. He knew about the litigation. All he had to do was go look at it. The George Floyd litigation said overlay, overlay, overlay, overlay. So it's pretty obvious. I know Mr. Theriaque knows Bert Harris way better than I do, and it may be he's saying, "Well, let's concede the boat storage that knocks all the legs out from under them, and then they won't have a leg to stand on. But again, the whole idea that someone, people from Thomasville or developers from Quincy, did not do their due diligence about a coastal barrier island next to the Apalachicola Bay with Class One oysters is. Just astounding. Still, Mr. Theriaque asked the gentleman to explain how that could be, and instead he said, "Well, it's going to be a wonderful project, and everybody misunderstands, and people are going to have access. Okay, well, show me a perpetual easement that's recorded against the property. I remember when you could, the developers of the plantation said there would always be five spaces to go down there and fish off the rocks for the public of Franklin County and Ikey Wade and Cecil Barnes fought that development tooth and nail, but nobody goes down and fishes at the coat anymore with without getting permission of someone behind that locked gate. So, I wish you wouldn't do it. That's about all I got to tell you. Thank you.

Chairman Jones speaking, thank you, Miss Barbara. Anyone else?

John Alber speaking, Commissioners, Attorney Theriaque. I'm John Alber from Apalachicola, and you've heard from me before. But I bring something different to you tonight to think about, and I believe Michael has already circulated these things to you. I hope they're enough for y'all. It looks like a legal memorandum, but it's really a boating memorandum. I started my career as a minimum wage worker in the boating industry, and moved up a little bit, and then the recession of 1974 hit, and that's what I want to talk to you about. I had every intention by now, while I'm 75, of owning a company like Grady White or Harris, or you name it. But the recession of 1974, the oil recession, not only killed my aspirations in that industry, but killed the industry. Completely transformed it, and it didn't look the same when it finally stuck its head back up in the in the late '70s. And that happens all the time. It happened in 2009, 2010, and lesser cyclones happen all the time too. Destroy marinas, destroy boating companies, all of that, and that's what I want you to think about, because you're about along Apalachicola Bay to the Landings Marina dry stack facility and resort, and I believe you're on course with this legislation and your follow-on steps to do it without any security at all. You're making a loan of enormous proportions of one of the most valuable assets, and certainly this part of the country, and maybe the whole country, without any security that the promises that attach to this development will survive bankruptcy. Will pass on to the next owner an interest. Will survive a hurricane. Will do any of that. It's a mighty big promise with almost nothing to secure it. And what I'm asking you to do is think about as you do this, and I would suggest you defer this and think about that. That you find ways to secure the promises that are necessary to assure that the Apalachicola Bay and the estuary attached to it will thrive in perpetuity, no matter who owns it. Based on I stayed, I kept a hand in the boating industry, representing shipowners and ship mortgagees and landowners suing the Corps of Engineers for pollution-it's not uncommon. So I know a little bit about the industry, and it's highly likely that this company will fail. You know, say what you will about the participants-they're new, they're advised by Edgewater, but they've already made some serious mistakes. You know, they didn't secure a proper deed for their property, didn't have all the property on it. They didn't look at the litigation file when they paid $8.5 million for a piece of property. That's enough to know that we ought to be

careful. So, how do you do that? This memorandum talks about the things that Attorney Schuler can look at and advise you to do to protect those promises that have to be made to preserve the bay. Promises about dredge spoil-you know where they're going to put it. What happens if they don't put it there but put it someplace else? Fuel spills, sewage spills, pump-out spills-all of these things happen in marinas. All of them can do damage, and in particular, given the proximity of East Hole of any of those reefs into which we put so much money, so that's what I'm asking to think. I've already made a case for opposing this, but assuming you go forward, I'd ask you to be extremely careful in taking all of the steps necessary to make sure the promises that they make-promises are easy to make-to make sure that they are secured with assets sufficient enough to be sure that they keep those promises, and that's a test, by the way, of their confidence in their own abilities. If they are unwilling to offer an interest in the property or a surety bond or any of the things that I list here, or other things, they're unwilling to do that, and that tells you something really important: they don't have any confidence that they can deliver, and I believe they likely will refuse to do these things. So, there you have an answer about whether you should trust them. That's all I have to say, except I wish I owned Grady White. Chairman Jones speaking, thank you, Mr. Alber. Anyone else?

Gail Riegelmayer speaking, you all know me, Gail Riegelmayer, Saint George Island. Well, on a positive note, we're looking at two versions tonight, and version two is by far better than version one because of the removal of the multifamily, and I don't like either version. As I said at the LPA hearing on September 22nd, I'm very angry that a single developer has put this board and Franklin County's people in this position due to a completely bogus lawsuit. I also read the deposition, and I agree with Mrs. Sanders that there's a lot of holes in there that they knew about that overlay. And this group has a history of flipping, so we could go through all these machinations, and then they're going to just grab their money and run and flip it for the most money they can get, and then we're left holding the bag. So we're, this board and the public are jumping through hoops and bending to the need to accommodate one developer what they want to do, even though it doesn't align with our overlay ordinance. If changes are made, it sets a bad precedent for other developers to pull the same kind of nonsense, find some minor issue, and threaten or follow through on a lawsuit. Where will it end? Now think about it. This developer wants us to believe that they were willing to pay 8.4 million dollars for property and didn't do their due diligence. Anyone with half a brain would have enough sense. And they even admitted in the deposition they knew about the overlay. So they didn't explore what can and cannot be done on their property before purchasing it. This defies logic and simple common sense. Yet here we are, as discussed at the September 23rd County Commission meeting. This board acknowledged and is charged with preserving Franklin County's old Florida character and natural resources. It was talked about extensively at that meeting. I do understand the concerns about legal costs, and I respect the BOCC has a duty to the taxpayers. However, settling by weakening the ordinance isn't free. It costs the community the very protection the 2018 ordinance was written to secure, and those costs can't be undone. A trial date is set. The county has defenses worth presenting. If the county's position is as strong as many of us believe, a judge should hear it. I plead with you not to cave and urge you not to amend this ordinance tonight. Proceed with the scheduled March 4th and 5th non-jury trial. At the trial, testimonies, witnesses, and other evidence will be heard by the judge. I feel confident that it can be proven that the developer knew about the ordinance before they bought the property, and the Bert Harris Act claim will be proven completely and totally unfounded, and require that they pay court and attorney fees. Thank you. Chairman Jones speaking, anyone else?

Teresa Spohrer speaking, did y'all do that drainage system over on St. George Island? Chairman Jones speaking, county? yes. Ms. Spohrer speaking, good job. It works. We have tested it out this week. Chairman Jones speaking, yes, we have. I'm glad to hear it works, Ms. Teresa. Ms. Spohrer speaking, but I just, I walk by the water every day, and I was thinking about how that bay has sustained humans for millennia. I mean, when I first moved here, most of the people around here worked the bay. From spat to harvestable in 18 months, I heard that a lot. Then it had some bad blows. Atlanta took our water. We had an oil spill. We have hurricanes, and it's down on its knees. And I think that we owe it to the bay to help it back up. And this ordinance sounds like it's a death sentence, and I just want you to think about how precious that bay is. Chairman Jones speaking, thank you, Ms. Teresa. Anyone else? You do not have to have filled out a speaker card, it's a public hearing.

Jason Timber speaking, I'll try to talk softer this time, but I don't know if I can. You know, last time I was here, I was yelling at everybody. Jason Timber, Saint George Island, chief of the Saint George Island Volunteer Fire Department. You know, I've been up here a few times, but I just wanted to kind of re you know reiterate two things. One, out the public hearing from the planning and zoning. You know, even though it did get voted through, we had some discussion on, you know, the precedent it sets that we're singling out a single parcel. All right, within the over, you know, the overlay for the corridor, and some of the challenges that that will set forward, especially from a public safety fire protection standpoint, and then two, just want to make sure that you know, even though we are opposing this, that we need to be mindful and make sure that when it does come to fire protection, and if this were to move through, that the adopted Florida Building Code and the NFPA one, 103, and 303 requirements, as far as you know water supply, hydrants, standpipe connections, alleyways for apparatuses-all those instrumental things, right, are mindful and kept in the forefront because that's what's going to give us as the fire department and first responders the ability to do what we need to do. So, just want to come with those two things tonight. Thank you for your time. I appreciate it. Chairman Jones speaking, thank you, Chief. Anyone else?

Cheryl Klaus speaking, I'm Cheryl Klaus, no stranger to public comment. I wanted to talk just a little bit about some of the things I've said before to rezone this for an individual owner so that they can accommodate a plan that's already presented to the public feels a lot like spot zoning. Now I know spot zoning is illegal, and we wouldn't be doing that, but it sure feels a lot like it. They have presented this to the public, and who are they? They are flippers. I have also read the deposition. They are people whose business is flipping properties. They are people who have done so little due diligence that they didn't realize that somebody who is quote really hard to talk to, but I wanted his land, might not be honest when he said, "Oh, the lawsuit's just because I want to have a fish camp, and they didn't bother to check, and that's who we're trusting and entrusting our precious commodity to and our future, and we're going to spot zone for them. I am not against purposeful good development. I am against destruction of natural resources that cannot be fixed. They cannot come back, and why? Because we're scared. Because they filed a lawsuit. Because we have a lot of stuff going on at the state that's scaring us about our budgets. But this is our money, and we may not be the most educated people in the whole world, but we know what we want. And for two and a half years, people from all walks of life have stood up here and said no. Do not give in. I hope you all have read the deposition. I've read the deposition, and there are holes in it that are bigger than my big butt could fit through. We can win. There are lots of alternatives, and David Theriaque right now is-he-he's a great attorney. He has my entire life savings in his hands, and I trust that he

can see those giant holes and will lead us home. This might be an option, but it isn't our only one. Don't do it. Don't sell our future because we're scared. We know it's a lot of money, and the public has spoken. Thank you. Chairman Jones speaking, thank you. Anyone else?

Attorney Theriaque speaking, Mr. Chairman, when the public is done, may I make a few comments? Chairman Jones speaking, yes, for sure.

T.J. Saunders speaking, City of Apalachicola. No stranger to speaking in front of you guys. Thank you again for the opportunity. We've heard many times throughout the course of this two-and-a-half-year long process, the community has asked you, please don't do this, and we persist through the process. We persisted through the process for sure, and the community said time and again, "Please don't do this. And here we are with development going on in the south side of East Point, right at the head of the bridge to go to Saint George Island, and we're here again tonight with the community saying, "Please, don't do this. Fight the fight. Fight the fight for us to preserve what is the old Florida feel of Franklin County. And I understand that we have a process, and we have to go through this. And here we are, and we persist. So you've heard from the fire chief. You've heard from all of the fellow community members. Please don't do this. I want you to take a minute and think about what it means if you continue along this path. What the legacy of this commission will be. Your legacy as our commissioners will be the development of the forgotten coast. We will now be the found coast. You will be responsible for what I like to call the Destinization of Franklin County. We will become another one in the pocket of coastal communities that are overdeveloped, and we will lose our personality. I don't have the luxury and the pleasure of being from here. I chose to move here for what this community is, and it's sad to see two and a half years later we're losing that. I don't know where I'm going to go, but I can tell you it won't be here. Think about that. Thank you. Chairman Jones speaking, anyone else?

Tom Moses speaking, hi, Tom Moses, Saint George. I really didn't think I was going to speak tonight, but the more I listened to this, and I just read this deposition, we've got this moment right now. I agree with a lot of what he just said. We're not getting on a slippery slope. We've been on it, and I feel like we're accelerating. I think if we walk away from this and having read the deposition as a layman, certainly not an attorney or a litigator, it sounds really thin to me. It's their responsibility before they do buy property to do their due diligence, and they clearly didn't do it. Somehow, we become responsible for that. I can't make that leap, and I know the numbers are big. This time of year, I think we're all very aware of how much money that is, because I'm already looking at okay, it's time to write those checks to the county, and I don't mind. It's a beautiful place to live. It's a beautiful community. We're incredibly lucky to be here, but I feel like if we walk away from this, what message are we sending to other developers? They come in and throw this eight-digit number around, and we go running. This is going to be open season on Franklin County to any developer who wants to come in, because we send a message to them. They can do it. We're not controlling it. You can come in hiring and turning and do what you wish. This moment could lead to many more in the future. Please stand up. Please take control of our county. Please demand responsible development. Thanks for your time. Chairman Jones speaking, anyone else? Anybody attending by Zoom? Mr. Moron speaking, yes, we have four.

David Covington speaking, okay. Hey, commissioners, David Covington, St. George Island. You know, I'll tell y'all the same thing I told the people at the LPA meeting. This is the most confusing thing I've ever heard. And I'm, you know, like to feel like I'm part of the community down there as

far as knowing some of this stuff. But this stuff between version one, version two, and all these changes, and this only applies to this certain piece of land north of Bayshore, of West Bay Shore, and to the other side of the other of Franklin Boulevard. It's just, it. I think we're setting ourselves up for some bad precedents here. I, you know, I've told y'all before. I'm not necessarily against the marina, but you know, we had an overlay district. I did actually read the deposition, which I was really kind of shocked with what was kind of said in the deposition? I feel like we, as a county, probably have the upper hand here in this situation. I mean, I think you know these people came in and they spent a lot of money for this piece of property, and you know apparently, they were talking with George Floyd about this, and they, you know, decided to go ahead and make the decision to go ahead and pull the trigger, and then all of a sudden they get through it. George Floyd passes away. You've got Dan Garlick passes away. Nobody can, you know, there's no records there. This, that, or the other. You know, I have concerns about, you know what I read in this deposition and read about what these developers are doing or have done previously up in Quincy and some of these other areas up in South Georgia you know and they were talking about that they were flipping some of this property up there even though it was 1,100 acres they were flipping parts of this. You know, that's a real thing that we need to be thinking about here. You know, what leverage do we lose if these guys come in and get all the permits and then turn around and sell it off to somebody else? I haven't even still seen the latest plans on this. You know, the last time we talked about this in public hearings, they had like 83 different revisions. But if you go out online on Citizen Serve Portal, the only thing that's there are the clearing permits for the you know for them to clear the trees and some of the culverts and stuff over there. But there's no permits out there to look to see what the latest update is. I don't know. I hope you guys have seen something because the public, at least I haven't seen it. I haven't been made aware of it. So, I just think that this changing this particular thing, and then you know, even to take it one step further to go, okay, we're going to carve out this little one piece that this doesn't apply to, I just think that just is really bad policy for the county to get into, and I understand. I want to make this clear because this was brought up in the LPA meeting. Is that you know this a public hearing? If this passes, okay, they still have to go through the whole process of public hearings for the development itself. So, I mean, we've got a whole, you know, probably workshops and hearings and stuff that we're going to have to go through in in that regard as well. But I'm going to tell you, you guys have got your hands full here. You know, we I just wish that we could all learn to get along, and that we could get out of this lawsuit, and find a solution for everybody that works, that where we can have things be the way they want to be. We all know development is going to happen on the island. We don't have too much land that's left. You look at residential pieces. We got like 23, 24% of the 3200 parcels that are on that island. There's only about 22% left, so we don't have a lot of land left on that island. So, we need to be thinking about that as well. So, you guys have got your hands full. I just want to tell you all I really appreciate you know this past year and a half or two years of going through this process of you know you guys thinking about stuff, so I really appreciate your time and what you do for the county. Thanks for listening to me. Chairman Jones speaking, thank you.

Brenda Carlin speaking, good evening, commissioners. I just, this is Brenda Carlin, Saint George Island. I just want to stand alongside the folks who have spoken tonight. I agree that of the two ordinances, the second one appears to be better. What I don't know if we'll ever know. It still seems like there's some information that the public doesn't know about as to why we're doing this. For some reason, I get the sense that y'all are in a been put in a corner somehow. Even though I think, as others have stated, that we could go to court. On this, and I'm not. My husband and I are not opposed to development. We built their home here. The island has been developed to allow people

to live here in the in the commercial corridor. You know to have services. So, I'm for responsible development. I feel like this has been somewhat of subterfuge on the part of the developer. I think you're trying to do the best you can, but we don't have all the information. I have a sense as to what you're going to do tonight. I have a sense too, just by looking, you know, online here, that you have made up your mind, and but I appreciate what everyone has said, and I just want to add my voice, my husband's voice, in support of if that would ask that neither ordinance be passed and that we go to court on this and not set a precedence that I believe we will not we will regret later on. And if we're going to develop that area, and its private property, so I get it. I totally get it. But I think there needs to be some responsibility too on the property owner's part, recognizing the area. We've lived in other areas, and developers have done that, and it's been a wonderful asset for the community. So, and they have not been at these meetings. There's been no representative to you know come and reassure the excuse me reassure the community. So that's just what I want to add to my comments. And thank you very much. I appreciate it. Chairman Jones speaking, thank you Ms. Brenda.

Jamie Lynch speaking, okay. All right, Jamie Lynch. I'm a resident on Saint George Island, as well as our first responder with our wonderful volunteer fire department. My hope tonight is that somehow, we can persuade you or reach you to preserve the island's character, rather than to satisfy land developers, whose only concern is turning a profit. I believe the developers have outplayed you from the start. They bought a property without doing their due diligence. Really, I doubt it. They figured correctly. They threatened you with a lawsuit. They figured they had the money and the lawyers, and they would, and you would all just fold under the pressure, and that's exactly what you did, and you can ask, "How do I know this? Well, two years ago in May, when we were under all under the false assumption that Saint George Island was protected from having PUDs enabled on the island, my husband and I were at a meeting, and the developers were there at that time also. Afterwards, my husband and I decided to go over to the Franklin for dinner. We sat down at the bar, and soon after, all the developers came in and sat down right next to me. They were having plenty of drinks and plenty of laughs, laughing at all of us. They acted and looked like a bunch of slick, big city, 30-year-olds who were going to show all of us what was best for us. They referred to us in their conversation amongst themselves. By the way, which I was right sitting next to them and heard everything. They referred to us as unsophisticated, backward hicks that didn't know a thing about progress or advancement or about making money, they laughed at us and they laughed at you. They knew they had the money and the lawyers that were going to use they were going to use to win. Lawyers, by the way, who could care less about the future of Franklin County or Saint George Island. Well, you know who cares? We all do, Mr. Theriaque. I'm sorry to say, but shame on you. And Commissioner Jones also. I'm sorry to say, the same goes for you. The only thing I've heard from Mr. Theriaque and Mr. Shuler is that you are throwing in the towel. I never seen a lawyer who didn't have the gumption to fight for a cause, a winnable cause. These developers bought a property without doing their due diligence, maybe, but that's their damn problem. But instead of standing your ground and fighting for Saint George Island, you wrote up a new ordinance modifying the overlay district to give the developers every damn thing they wanted, and you, Mr. Jones, your name is at the bottom of that document. But honestly, that doesn't surprise me. You directly told me and my husband in a telephone conversation that we had with you that Saint George Island was excluded from the PUD ordinance, and then just days later, the meeting that none of us will forget. At the final moments of that meeting, you, Mr. Jones, raised your hand and voted to remove the exclusion, and here we are today, the day when you, I believe, will put the final nail in that coffin. After you voted, I saw you a few days later, and I asked you

directly, why did you raise your hand? And you said to me, and I assume you'll remember this: that you said because I believe our county will benefit from economic development, and you are looking out for the future of your sons. Well, Mr. Commissioner, we all care about our sons, but you were not voted in office for the benefit of your sons. You were voted into office to look out for the homeowners and residents of St. George Island, and the homeowners of St. George Island do not want a dry boat storage, a fuel dock, buried fuel tanks, traffic delays, crowds, or for the character of the island to be changed for good. Sorry, my place here. It seems to me that the Saint George Island of yesteryear holds a really special place in your hearts, all of you. You grew up here when practically you had the whole island to yourselves. You played on the dunes, you fished, you enjoyed the peaceful enjoyment of the idyllic childhood here on Saint George Island, and it's quite clear there has been a resentment that you feel about all of us newcomers who populated your beaches and crowded your special place, and honestly, I don't blame you. I wish I had the childhood you had growing up here on the island. Yet here we all are, all of us opposing explosive growth, opposing multi-unit housing, opposing unsightly and potentially dangerous boat and fuel storage, sewage facilities, traffic, and it's not the people in this room who want to change the character of the island. Rather, it will be all of you, if you vote tonight to amend the overlay district, it will be all of you. If you vote to overlay the vote to change the overlay amend the overlay district, it will be all of you who will be forever known as the board that destroyed Saint George Island. Thank you. Chairman Jones speaking, thank you, Miss Lynch.

Dottye Thornburg speaking, okay, this is Dottye Thornburg, and I've lived on St. George Island for over 20 years. This island is precious to me and my husband. We had the blessings to find Saint George a long time ago. Although we could have chosen anywhere to retire, but we are fortunate enough to meet these wonderful people, and I'd like to keep it mostly that way. We're not against development. We want small, responsible development. I agree with everyone that has said it tonight. And way to go, Jamie Lynch! You are on fire. The only thing left to say is option number one: vote no. Option number two: vote no. That's all. Chairman Jones speaking, thank you, Miss Thornburgh. All right. Anybody? Nobody else online. If she does, she doesn't have her hand raised. Commissioner Ward speaking, you got another page on there, Michael. We need to flip to. Mr. Moron speaking, well, the other page is panelists. Commissioner Ward speaking, oh, okay. Chairman Jones speaking, that's difficult to see that far away.

5. Commission Discussion and Possible Action to Adopt the Proposed Ordinance

Chairman Jones speaking, so we're past public comments. Attorney Theriaque, did you want to make some comments? You asked earlier to make some.

Attorney Theriaque speaking, there's a few points that I'd like to just make so both the audience and all the commissioners and chairman are fully apprised. If the board votes to pass version one or version two, the board is not approving the site plan application. The result of amending the overlay district ordinance would be to allow an application to be processed. There is an application pending. It was filed, I believe, in December of 2024. It is incomplete. We have put them on notice many months ago that the application is incomplete. Multiple reasons why it's incomplete, but the developer chose to go the Bert Harris route to sue y'all. But I want to stress that if you allow the application to be processed, public hearings, quasi-judicial hearings, and the developer has the burden of demonstrating compliance, full compliance with your comprehensive plan and your zoning code. If the developer fails to demonstrate through competent, substantial evidence that their application meets all of your regulations, then you have the legal authority to deny it. So this

is a this opens the door for an application, but it by no means ends up with a result that the board has to approve that application. There are a few suggestions today that I thought were really good: financial assurance of the site plan application. I think that's at the application stage when you're doing a final decision. Now, an amendment to the overlay ordinance. I thought the fire issues were very legitimate, but once again, I think those are at the application stage when you're analyzing the site plan application, not at an amendment to an overlay district. I need to be careful about what I say publicly, and I, I apologize to the public that I can't just share all of my legal thoughts with you, my legal analysis. I don't want my words to be used against the county in the courtroom. Anything I say that if the count, the developer can use against the county, they'll use it in court against us. So while there are pros and cons to any litigation, I you know I've been doing this for 35 years, and I always call that there are good facts and there are bad facts. We have some bad facts that are already known. I have one of our defenses is that they knew who's going to spend 8.4 million on property and be told that the property is in litigation and not know about the overlay district. Yeah. So, but I, in order to win that, I have to prove that they had knowledge. And the way I would do that normally is I would depose the seller. The seller was HLS property management, stolen by George Floyd. George Floyd has passed away. I can't depose the seller. I can't ask the seller, "Did you tell the buyer that there was an overlay on this property isn't that the developer admits that Mr. Floyd told him that the property was in litigation, but allegedly only said it dealt with my RV park, and the developer never looked at the court file. That is a unrefuted fact that the developer knew of the litigation. That Mr. Floyd told him of the litigation, and the developer never went to the courthouse. And I think in 2022, 2023, 2024, all you had to do was click the clerk of the court website. You didn't have to go to the courthouse, and they admit they looked at nothing. I will Say that if they had looked at the court file, the third amended complaint that George Floyd filed, I believe, has 11 instances of mentioning the overlay district. So, if he had read the third amended complaint, would have been full knowledge that there's an overlay. He didn't read it. If he had read that the motion for summary judgment that George Floyd filed, multiple instances in Mr. Floyd's motion refers to the overlay. He never read that. The judge's order ruling in our favor denying Mr. Floyd's motion for summary judgment references the overlay district. He never read it. So, but I still have to prove that they had knowledge. You know, they didn't read it is a constructive knowledge argument, but the actual knowledge, you know, I would also depose their application their and their engineering firm, environmental firm. It was Dan Garlick. Attorney Theriaque speaking, Dan Garlick was George Floyd's environmental guy who did all the permitting work on the RV park, filed an affidavit acknowledging the overlay district, mentioning the ban on the boat rack or boat storage. But Dan Garlick is dead, so I can't depose Dan. So, trying to get to actual knowledge is a bad thing for us. The other side already knows that. I'm not giving away anything. They know that for us to prove actual knowledge, we have an uphill battle. I believe I'm not the one in the road, but I believe, and I'm going to argue in court. And this isn't going to be a surprise. And if the I know the developers' attorneys are going to watch tonight, but I believe that by not going to the court file and check. checking the litigation pending on the property, the prop the buyer did not perform due diligence, did not do a proper due diligence. But I have to convince a judge that they should have gone to the court file, and they should have seen the overlay district, and that should have put them on notice that they couldn't do the dry dock storage facility. I can't guarantee you a judge is going to say that. Sometimes in my Bert Harris cases, I've been the, the largest one I ever handled was 298 million for Union County, and the developer went away, and I felt really strong on that case because they were reading the plan incorrectly. I had a black and white document that I could rely on. I got to prove things that a court could disagree with and rule against us. This is not a slam dunk case. But you know, one of our strong arguments is under the

Burt Harrison, the developer has to prove that the developer had reasonable investment-backed expectations. That's right out of the Burt Harrison, and I will argue that by being told that there was litigation on the property and not looking at the court file, that they did not have a reasonable investment-backed expectation because they didn't do their full due diligence. But again, the judge could disagree with me, and the stakes in this case are high. You know, you're looking at I think conservatively 8 million to 10 million if you lose. I mean that's what this board is facing tonight. And if we amend the overlay, it and I know I'm not tipping my hand on this because I've already discussed it with opposing counsel. I'm going to argue that their Burt Harris case is undermined, because in order to win Burt Harris, you have to have a permanent prohibition, and if we amend the overlay to allow for an application, not an approval, an application, that we are undercutting their eight to $10 million potential damages if we lose because there's not a permanent prohibition, two years at most. One person from the public today stated that in the deposition. By the way, I think this is going to be the most read deposition I've ever seen, which is great. It shows a great level. Interns, but Mr. Clint West was the plaintiff's corporate representative for the deposition a couple weeks ago and the deposition today. He did not say they knew before they close. They closed on April 30, 2024. They learned of the overlay when Mark Curenton sent an email to one of the landing representatives dated June 10, 2024, and informed them of the overlay district. In a subsequent email, Mr. Curenton stated that he didn't think the overlay mattered because the developer was processing a PUD application, and it wasn't until they learned that the PUD ordinance had been repealed and PUD was not an option, and that they proceeded with their c3. Mr. Shuler reminded Mr. Curenton, and these are all in emails that were provided to us from the plaintiff, Mr. Curenton, and learned of the overlay district. He just did not think it was in play because of the PUD ordinance. So, I can't give this board the degree of certainty that I would like to be able to give to you-that I think you have a high probability of success-I can't say that. We have areas that a judge and I've got. I'm not going to get into my legal interpretation of the Burke Harris Act. There are multiple statutory provisions that we raised in our motion to dismiss, but these factual issues could go either way, and I think if the board desires to reduce potential risk, I recommend the adoption of version two. I think that provides me with the argument that there has not been a permanent prohibition, and therefore Bert Harris does not apply. No guarantees. This fact pattern-I don't know of a single case, Bert Harris case in Florida-that has our fact pattern, especially with two of the key people passing away, so I'll be happy to answer any questions. Again, I apologize; I can't share more of my legal analysis. I don't want my words to come back and be used against me in court.

Ms. Klaus speaking, I do have one question. I did have one question about Dan Garlick. I understand he's dead and he can't be deposed, but the company emails still exist, correct? And company emails can be searched, or is that incorrect? Attorney Theriaque speaking, they don't exist. Attorney Theriaque speaking, they don't exist. Thank you. Chairman Jones speaking, are you good with answering questions like this? Attorney Theriaque speaking, it's up to you, Mr. Chairman. Chairman Jones speaking, well, I also don't have anything that's going to. Attorney Theriaque speaking, I will not answer anything that I think will hurt. Chairman Jones speaking, okay, that's fine. I just I know it's kind of unprecedented.

Mrs. Sanders speaking, I'm not going to ask you about your work product, but it should have known a standard under Bert Harris and due diligence, knew or should have known. Attorney Theriaque speaking, the Bert Harris Act does not specifically address actual knowledge versus should have known. We will make the should have known. I don't know of any case that supports

or cuts us either way. We are plowing new ground. Mrs. Sanders speaking, and while you assert that if the ordinance amendment is adopted that allows boat storage, that doesn't mean the developer will get boat storage. What would be the county planner's leg to stand on to deny that boat storage? Attorney Theriaque speaking, that we will not discuss today. Mrs. Sanders speaking, okay. Thank you.

Mrs. Riegelmayer speaking, Mr. Theriaque, thank you for you know the added information. My concern about changing the ordinance and allowing a boat barn and the history of the flipping that these people do, so we allow a boat barn. They flip it, make a ton of money, and we're stuck with what somebody else wants to do. So, is it possible that we do this tonight for the purpose of let's just go along and figure out how this plays out? Get this Bert Harris thing behind us, and then could the public be assured that once that's done, and because I feel confident, we're going to win, then come back and go back to the ordinance as it stands today. Attorney Theriaque speaking, yes, the board could do that, but then it's also potentially triggering another Bert Harris claim. Mrs. Riegelmayer speaking, in what way? Attorney Theriaque speaking, it's a new regulation adopted after 1995 that a property owner could contend that the prohibition on a boat barn, as you call them, creates an inordinate burden that it devalues their property and it's inconsistent with their investment-backed expectations, so it can open the door to a subsequent Bert Harris claim. Mrs. Riegelmayer speaking, so we're going to be stuck with a boat barn, no matter how we slice it. Attorney Theriaque speaking, only if it's approved. Mrs. Riegelmayer speaking, but if it's allowed. Attorney Theriaque speaking, what's allowed is an application. Mrs. Riegelmayer speaking, okay, can we have any kind of language? Because I visited a couple of boat barns over in Alligator Point. It was built for 140, but because of the T-tops, instead of four levels, it's three levels, and so it's 104. And they've got fuel and everything. So, can we have something? If we have to live with a boat barn, can we manage it in the language that says it can only be so big, and put some parameters around the size, and require that it be masked in some way with vegetations, or you know, not just wrapping with multifamily or retail, but could we put some criteria in there that says you've got to do something so it's not as hideous as just this big old box as you come off the bridge? Is that possible? Attorney Theriaque speaking, give me a second, please. I can't answer that question. Mrs. Riegelmayer speaking, okay. Attorney Theriaque speaking, for litigation purposes, I'm sorry, I cannot answer that. Mrs. Riegelmayer speaking, well, I guess I leave you with anything you can do. I mean, I think enough is said. Chairman Jones speaking, thank you, ma'am.

Mr. Alber speaking, Mr. Theriaque, thank you for all of your answers. I have a couple of discovery questions. You say that Dan Garlick's email no longer exists, but I spent a fair amount of my career finding email that doesn't exist, and I was wondering what makes you say that-that it's not discoverable from the provider, discoverable from CC sources, and so on. What made you say that? Attorney Theriaque speaking, I can't disclose that today. Mr. Alber speaking, okay, right. I get that. I also wanted to ask about files from the attorneys representing the parties in the closing, in particular the buyers, or I'm sorry, the sellers, George's attorneys. It strikes me that those would not be privileged given this down. Attorney Theriaque speaking, that's correct. Mr. Alber speaking, and have you subpoenaed those files? Attorney Theriaque speaking, we have done a voluntary production agreement with the plaintiff. Mr. Alber speaking, yeah. Attorney Theriaque speaking, they have fulfilled the voluntary production agreement. Mr. Alber speaking, thank you for answering my questions. Attorney Theriaque speaking, yes, sir.

Chairman Jones speaking, commissioners, do you all have any questions for Attorney Theriaque?

What's the pleasure of the board?

Commissioner Ward speaking, Mr. Chairman, I have plenty to say, but I don't think it's a time or place to say it. Again, anything that I say, because I've read the depositions, I've read the lawsuits, can be used against us, and I don't want to put the county in that kind of predicament. I do want the public to be aware, though, for future reference. Regardless of how, I do want people to be aware that our zoning is zoning. Like, if somebody has a commercially piece zoned piece of property they can put like the Sherwin Williams, for example, that was a commercially zoned business. They were allowed to put a commercial business on that property that was zoned that way. Of course, they have to meet all the setbacks, and it goes for a site approval plan, right, Bree? All that to say I know people were talking about a marina. I just want the public to be aware. No matter how tonight turns out, they still have the c3 zoning, correct? So, they can still put things with or within that zoning. Of course, again, they'd have to still go through the process as previously discussed. So, I do want the public to be aware of that, so I just want them to understand that as well. That's almost single. Commissioner Croom speaking, and also to add to that, you know, there was there's been plenty of I guess discussion or question that you all have asked. We all ask those same questions. Those same questions. We know a lot of the answers to those questions that you've asked, but we can't discuss that, which make it so much harder because we know the good and bad facts. So, so I have to add. Commissioner Ward speaking, Mr. Chairman, I will say too that I hate that Commissioner Sanders is not with us tonight, but I know she can't help that. But I know that tabling this is again not an option. So, anyway.

Chairman Jones speaking, the simple fact of the matter is, none of us actually want to be here. We had multiple meetings with our legal defense about this lawsuit. This is something that we definitely have spent hours discussing to get even to this point. But you know, at the end of the day, if we five residents of the county are government and we're all the evil, then so be it. Because I am still the same person I always was, and the same person always will be. And for those who don't know me, then that's I'm readily accessible. I could be at the school with the kids. I could be at the church. I can be at the you know wherever you're else you're at, volunteering and coaching kids or doing things in the community, we're all a part of this community, and the sad fact is, you get to stuff like this, and it is tough because there are things, we do know that we can't say. We've been advised by legal counsel not to do that because we don't want to put any more ammunition to be fired to make this go even further, so good, bad, indifferent. Regardless of what the board does decide today, I don't know what they're going to say. I'm just here in the middle waiting for someone to make a motion or a second. But whatever that decision is, please know and understand this group of people I have the pleasure of serving with, I know we have your best interest in mind. Even though sometimes you might not see it that way, I promise you we do. We have a vested interest in this place we all call home, just like you do. So, we would not even be here today if we didn't feel like we needed to be here today on your behalf.

Commissioner Amison speaking, I'm still trying to figure out what to say and what not to say. I will say this, I went to the doctor today, and that's the first time I prayed for a COVID positive result. It’s again, and I'm that one that has to really be careful because I let my emotions get to me at times. That, this doesn't mean easy. I know I've heard a lot of things with folks in the comments and stuff like that, and about you know, moved here a couple years ago. I'm not staying. I'm leaving, you know. But y'all got to realize something. We got a community full of other people that don't have that option, and we also have to look at it from that standpoint as a commission as well

when we make a decision. And I hope y'all can understand that. I hope I'm not going to you dial me back and do your thing. So, like I said, this hasn't been easy. There's been some sleepless nights, some early 3 o'clock mornings. I'll be glad when everything is where we can have a discussion. Everybody can understand where we're at. We're positioned. We're at, or we may be at, or hypothetically this and hypothetically that. **But that being said, I'm going to make the motion to go with Amendment Two. I mean, option two of amending the overlay to allow the dry stack storage without residential or anything. Bare minimum version two.**

Attorney Theriaque speaking, version two. Chairman Jones speaking, so we do have a motion to approve by Commissioner Amison. Commissioner Croom speaking, and that's your recommendation is version two, correct? Attorney Theriaque speaking, correct. **Commissioner Croom speaking, I will second that.** Chairman Jones speaking, we do have a second by Commissioner Croom. Commissioners, do you have any discussion before we vote? Seeing no discussion, all in favor. Any opposed?

Commissioner Ward speaking, I oppose. Commissioner Croom speaking, I oppose.

Chairman Jones speaking, let the record reflect that there's a two-two vote. So, Commissioner Croom, you oppose and you oppose, correct? So, it's a two-two vote. We haven't done anything yet. Chairman Jones speaking, this is what it is. We're the ones that sit here, so I can't pass it off on a commissioner that's absent because she's sick.

Commissioner Ward speaking, I know. Just saying. I just yeah. I'm going to shut up.

Ms. Klaus speaking, you know, we all want to fight. I know there are people calling me on a Sunday.

Commissioner Amison speaking, can I just hypothetically throw something out there? Let's say we decide to fight this. Would the people of Saint George Island be willing to have a specially non-ad valorem assessment to pay for these damages? I'm just asking. I'm just asking because you know I know a lot of people in my district that can barely get by with what they got right now, much less you know having to face even a bigger financial burden in life. Now I mean I'm not sitting here trying to make anybody feel any which way, but you know the community that's muted. You know we're an impoverished community. You leave the island. Just let me finish, please. And you know and that's what I was getting at earlier. You know this is I've heard this. Oh, it's $10 million. Ain't no, you know, y'all raise taxes 10 million. $10 million is a lot of money. We still got to figure out a way to pay for that. If that was the case, you know.

Chairman Jones speaking, I will say this, based on what you're saying, we're not talking about monopoly money at all. This year, our budget that we approved, I think, was 19 million. You've heard today what we're looking at. Here's the thing: we could win, yes, but we could also lose. So how is Franklin County going to recoup those funds and still function as a government with everything we're facing? That's the fiduciary responsibility that we're looking at. That regardless of what's being said in the room or out of the room, that really doesn't matter because we're responsible to all 13,422 people that live in this county. Every one of them. Mr. Alber speaking, so that's the problem. Chairman Jones speaking, I understand that sir, but sometimes we have to agree to disagree. Mr. Alber speaking, I understand we put a price on our community. And to my mind.

Chairman Jones speaking, no, sir, we did. No, sir, we did.

Mr. Alber speaking, well, mostly people have developed and saying that. In fact, I think we're inviting a whole mind concern, sir.

Chairman Jones speaking, simple fact is, I think Attorney Theriaque said it very well. There are still some things we cannot discuss tonight. I don't know how this is going to go, but I'm just telling you that's what we've been dealing with now for months and months. I understand. You know, several people tonight have said, "Well, this has been going on for two and a half years. We've been having to trudge through this. We can't, as county government, short circuit the process of any step of anything that we do. The only time it ever is just approved and goes on is an instance that you brought up earlier, the Sherwin Williams Paint Store wanted to put a building on a commercial piece of property, and it didn't require any setbacks, any variance, anything different. Boom, that's not an issue. But anytime there's any special consideration involved, it's a longer process. We can't. It's not due diligence to try to short circuit that process, and we're never going to try to do that because it's not fair to the residents we serve. Our job is not to put people in business or keep them out of business. Our job is to make sure the rules are consistent. That's our only job. So anyway, so what's the pleasure of the board? Commissioner Ward speaking, I'm sticking with my guns. I mean, again, there's a lot more that I want to say, but I can't and I won't say it because we I don't, I'm not going to say it.

Chairman Jones speaking, we don't have time to table it for going to court. So, if y'all don't want to vote for it, let's vote no. But please, let's not just sit here for hours on end with a stalemate.

Commissioner Ward speaking, I'll make a motion to deny.

Chairman Jones speaking, okay, so we have a motion to deny by Commissioner Ward. Do we have a second? Do we have a second to the motion to deny? **Motion fails for lack of a second.**

Commissioner Ward speaking, a motion to table. Chairman Jones speaking, we have a motion to table by Commissioner Ward. Do we have a second?

Commissioner Amison speaking, Monday's the deadline? Chairman Jones speaking, so we do have a motion to table. Do we have a second? **Motion fails for lack of a second.**

Gordon Adkins speaking, vote of two to two. You made the motion. Who seconded?
Chairman Jones speaking, Commissioner Croom. Mr. Adkins speaking, right, that's what I thought. Parliamentary question: If you second the motion, can you vote against it? So parliamentary proceeding question. Chairman Jones speaking, you can vote however you want to, but I'm not a parliamentarian.

Mr. Adkins speaking, he seconded the motion. Chairman Jones speaking, yes, sir, he did. Mr. Adkins speaking, the motion. I'm not a lawyer in anything else. Parliamentary proceeding questions. Somebody else to deal with answer the questions you ask.

Attorney Shuler speaking, can we deal with that, or you want me to do it? We have said we Franklin County, going back into the far smoky distant past, has never adopted Roberts Rules of

order, and thank God they have never done so. It's a nightmare. So yes, that's probably a little flippant to say it that way, but the commissioners can make a motion and a second, and then they vote their conscience. Attorney Shuler speaking, Mr. Chairman, where is point of order? We're at commissioner discussion. I know you're very lenient and generous, but y'all are at the point of. I mean, unless the board wants to take additional, open up the floor again, that's entirely up with commission. But absent the board reopening the floor for discussion, this is going to county commission at this point.

Mr. Bean speaking, Mr. Chairman listen, why is there a deadline?

Chairman Jones speaking, so, I don't think there's a deadline. I think what we, the discussion we've had, to be fair, is about whatever we're trying to do to strengthen our case, and that's all I'll say.

Ms. Klaus speaking, I'm a five-element redhead and gay hair with a French accent, and I know a little bit about bullies, and I know a lot about fear. Please don't let bullies and fear guide you, and I know that it is not certain, but after. Dang, good at what he does, and I know it might not be his first choice, but I think he can win, and I think we've all said that. So, pretty please, don't let him hold.

Chairman Jones speaking, thank you for that, Miss Cheryl. But I think you know me well enough to know that I don't scare easily. So, where are we at procedurally? We have to make some kind of vote, correct? Attorney Shuler speaking, we'll see. We had a motion and a second to approve that resulted in a two-two tie. Motion to deny with no seconds, but died for lack of a second. The motion to table died for lack of a second. Chairman, I think you're correct. We don't need to sit here for hours. The board just make a decision. I mean, either approve it, deny it, or table it.

Commissioner Ward speaking, Mr. Chairman, with all due respect, and I understand given the circumstances why we're here. I also again want to reiterate what's already been said. There are things that we can't say, but I'm not changing my vote. I'm sorry. I'm just not. I can't, and I'm not for reasons that I have my own. That's all. I guess we're at impasse. I don't know what to do about it, but don't think bad about having things like this. Yeah.

Chairman Jones speaking, well, we've been at forever now. Let's take a five-minute recess.

Chairman Jones speaking, all right. Franklin County Board of County Commissioners now back in session.

Attorney Shuler speaking, alright. Thank you, Mr. Chairman. Okay, commissioners. We have had the presentation, the ordinance, and public comment. There has been discussion and action by the board up to this point. So, my recommendation to the board is, unless you have any further questions for myself or Mr. Theriaque, or if the board has any further discussion among itself, that it be had now. Otherwise, my recommendation to the board is: you have three options before you: either a motion to approve, either version one or version two; a motion to deny, both version one and version two; or a motion to table. Those are the three options on the board. So again, unless questions for the attorneys or more discussion amongst the board, I'd say make a decision. Commissioner Amison speaking, which version? Attorney Shuler speaking version two.

Commissioner Amison speaking, again, I'll make that motion for version two.

Chairman Jones speaking, motion to approve? Commissioner Amison speaking, yes. Chairman Jones speaking, okay. So, there's a motion to approve by Commissioner Amison. **Commissioner Croom speaking, second.** Chairman Jones speaking, there's a second by Commissioner Croom. Commissioner Croom, go ahead.

Commissioner Croom speaking, as a lot of y'all can probably know, this is a tough position. It's not easy, but if it was easy. You know, some of other people be sitting on the other side of the table. Just be honest. And I'm not here to go give a whole lecture or anything, but you know, the only thing that you know when I got elected. Said I'm going to do what's right and in the best interest of Franklin County. Okay, and as commissioners, we can only make the best-informed decision with the information that we have at this time, at the time. So, I'm not governed by any kind of never been you know my career any kind of implied threats or express threats, or coerced to do anything, but I just don't know if I can gamble at the expense of all of our taxpayer money, eight to $10 million. So, Mr. Chair, a second. Okay, mistaken with my second.

Chairman Jones speaking, any other discussion before we vote?

Mrs. Sanders speaking, remind you of your procedures. Paragraph O says, and I will quote it as soon as I get it big enough for me to read. 'In the event, in case of a tie in votes on any item, the item fails.' Paragraph O of your procedures.

Chairman Jones speaking, thank you, Mrs. Sanders. Any other discussion before we vote? Seeing none, all in favor. Any opposed? **Commissioner Ward speaking, I oppose. Chairman Jones speaking, 3-1 passes, Commissioner Ward opposed.**

There being no further business before the Board, the meeting was adjourned.

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Ricky Jones – Chairman

Attest:

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Michele Maxwell – Clerk of Courts

The audio is available upon request. Please e-mail jgay@franklinclerk.com, call 850-653-8861 to speak with the Administrative Assistant, or submit a request in writing to obtain audio of this meeting.