

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
AUGUST 7, 2007
9:00 AM**

MINUTES

Commissioners Present: Russell Crofton – Chairman, Noah Lockley Jr – Vice Chariman, Cheryl Sanders, Joseph Parrish, Bevin Putnal

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

Call to Order (9:00 AM)

Chairman Crofton called the meeting to order at 9:00 AM.

Prayer and Pledge

There was a Prayer followed by the Pledge of Allegiance.

Approval of Minutes

Regular Meeting: July 17, 2007

Motion by Sanders, seconded by Lockley, to approve the Minutes of the July 17, 2007 Regular Meeting; Motion carried 5-0.

Payments of County Bills

Commissioner Sanders inquired about the payment to C W Roberts; Mr. Pierce stated that the payment was for County Road 65 project; Commissioner Sanders asked that Mr. Pierce and Mr. Rothwell, the County Engineer, make sure that the project is completed to specifications.

Motion by Lockley, seconded by Putnal, to approve payment of the County Bills as presented; Motion carried 5-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Roads (9:04 AM)

Mr. Chipman presented the following items for discussion and/or approval:

Commissioner Putnal thanked Mr. Chipman for all of the work done by his department in Carrabelle and St. George Island, especially for the recent emergency situation that required him to work on a Saturday

Commissioner Sanders expressed her concerns about a recent water leak in Lanark Village; Mr. Chipman stated that his crew is already addressing this problem.

Commissioner Putnal asked Mr. Pierce to discuss item 1 from his report.

Alan Pierce – Director of Administrative Services

Mr. Pierce presented the following item for discussion.

Item 1- Inform Board that Anderson Columbia will sell the county milled asphalt for \$20/ton. They can deliver up to 125 tons per week.

Board discussed other solutions for the problem of excess dust

Commissioner Sanders stated that Tommy Barfield of FDOT suggested sending letter to FDOT requesting mill asphalt for the County.

Public Hearing – MSBU – Alligator Point Re-nourishment Project (9:13 AM)

Mr. Pierce stated that an Ordinance must be adopted today with an interim rate structure or the process would end today.

Camile Tharpe, of Government Services Group, further explained the time line and the process for the project, and the need to adopt the ordinance and resolution; stated that the proposed rate structure is not final and can be changed or removed at the next public hearing; explained the issue with area on Alligator Point known as “the gap”.

Mr. Pierce stated that it is still unknown if DEP will fund “the gap”.

Commissioner Putnal wanted to verify that this was not the final decision on the rate structure and he was told that it wasn't.

Attorney Shuler recommended approving the ordinance and stated that any decision made today on this matter could be reversed.

Ms. Tharpe stated that the Tax Increment Financing (TIF) amounts are still unknown and explained the process.

Chairman Crofton opened the floor for public comment regarding the Ordinance.

Ann Maruszak, of Alligator Point, asked why she is being assessed if she cannot see the beach from her property.

Mr. Pierce explained that a public beach is being created near her property.

Ken Osborne, of Alligator Point, asked if the Ordinance had 2 sets of rates the highest and the lowest; discussed the rates and pointed out a discrepancy; stated that the TIF is necessary for the project to be successful.

Ms. Tharpe explained that the rates for collection were in the Resolution, the Ordinance only contained the rules and agreed with Mr. Osborne's comments and suggested some options to solve the discrepancy.

Phil Guzzetta asked what would happen if bids for the project came in higher than what was projected as the maximum amount; Mr. Pierce responded.

Joanne Dieble stated four questions for the Board to consider that have been used by Rotary International, is the facts accurate, is it fair to all, will it build goodwill, will it be beneficial to all concerned; and discussed how these questions could be answered relating to this renourishment project.

Dick Waters discussed state participation with current numbers, and asked what if bids exceed the maximum projected amount and discussed options if bids come in under or over.

Commissioner Putnal asked if specific information from the State would be available before the Aug 24, 2007 public workshop; Mr. Pierce stated that the County has done everything possible and is waiting for the information from Department of Environmental Protection.

Jim Wetherton stated that he is against sand in "the gap", as it is not needed and suggested putting the minimum collection rates in the resolution and then work our way up as needed; and suggested using Zone 5.

Commissioner Sanders stated that she is in favor of the TIF.

Motion by Sanders, seconded by Putnal, to approve the Ordinance for the Alligator Point MSBU Special Assesment; Motion carried 5-0.

Ms. Tharpe discussed the Resolution and recommended adopting the scenario of putting sand in "the gap".

Motion by Sanders, seconded by Putnal, to approve the Resolution that states for the Safety Component that affect Zones 1, 2, 3, and 4 a billing rate per unit of \$552.00, for the Storm Protection Component that affects Zone 1 a billing rate per unit of \$2,596.00, and for the Aesthetics and Recreational Components that affect Zones 2 & 3 a billing rate per unit of \$609.00; Motion carried 5-0.

The original copy of this Resolution is in the Board meeting file.

Mr. Pierce reminded public of the scheduled Public Workshop which will be held on August 24, 2007 at the Mission by the Sea Church in Alligator Point.

Department Supervisor Report (Continued)

Van Johnson – Solid Waste Director (9:58 AM)

Mr. Johnson presented the following items for discussion and/or approval:

Item 1 – Board action to approve the Small County Solid Waste Management Grant of \$277,316.00 which has increased by \$86,140.00 from last Fiscal Year

Motion by Sanders, seconded by Lockley, to authorize the Chairman's signature on the Small County Solid Waste Management Grant for Fiscal Year 2007-2008; Motion carried 5-0.

Item 2 – Board action to advertise to fill vacant Secretary/Clerk position, after recent resignation, at the Solid Waste Department at a starting position of \$25,000
Board discussed County's starting salaries

Motion by Lockley to authorize advertising for the vacant position at a starting salary of \$25,000; motion failed as there was no second.

Motion by Sanders, seconded by Putnal, to authorize advertising for the vacant position at a starting salary of \$23,000; this motion was withdrawn by Commissioner Sanders.

Motion by Sanders, seconded by Lockley, to authorize advertising for the vacant position at a starting salary of \$25,000; Motion carried 4-1, Crofton opposed.

Item 3 – Board action to authorize the naming of two separate baseball fields at the D. W. Wilson Sports Complex.

Motion by Lockley, seconded by Sanders, to authorize naming two separate baseball fields at the D. W. Wilson Sports Complex after Jacobie O'Neal and Tyler Eddie; Motion carried 5-0.

Dewitt Polous – Mosquito Control (10:28 AM)

Mr. Polous presented the following item for discussion and/or approval:

Item 1 – Board action to authorize aerial spraying over the County beaches to treat dogflies & mosquitos which would be free of charge.

Board discussed the use of these chemicals affecting the seafood and other wildlife. Lois Svoboda, of Apalachicola Times, asked what chemicals would be used; Mr. Polous responded.

Bill Rose, of Gulf Terrace, discussed his experiences with aerial sprays in south and central Florida

Mr. Pierce suggested a representative from this company meet with the Seafood Task Force and discuss this matter, and then have the Seafood Task Force forward a recommendation to the Board at the next regular meeting.

Motion by Lockley to approve the aerial spraying for dogflies and mosquitos contingent on review and approval of the Seafood Task Force; this motion was withdrawn by Lockley.

Dan Rothwell – County Engineer (10:38 AM)

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

Item 1 - Timber Island Parking:

Project is almost complete, except work at boat ramp turn around.

Item 2 - Airport Access Road Observations:

Access road is 90% complete and is within the contract time limit.

Item 3 - Road Department Maintenance Shop:

The Mark Edwards of Sperry & Associates has scheduled an acceptance walk through for 8/8/07. Work on the stormwater report and site construction permit preparation is still in progress.

Item 4 - Road Bond Estimates:

Several regional paving and construction companies were asked for road construction work estimates for 2008 costs. Costs for paving existing unpaved roads do not include right of way purchase costs.

Board discussed funding a paving project.

Motion by Lockley, to start a paving project; motion failed there was no second.

Item 5 - CR-67 Widening & Resurfacing:

The widening, leveling course, and sod has been applied to CR-67 from Pine Log Bridge to Liberty County line.

Item 6 - Lake Morality Road:

Rutting damage has been observed in Lake Morality Road. Preble Rish with C.W. Roberts is having samples taken of the road for analysis and a written report from the lab is expected soon.

Bill Mahan – County Extension Director (11:00 AM)

Mr. Mahan presented the following items for discussion and/or approval:

Item 1 - Interstate Shellfish Sanitation Conference Update: Attached for your information is a copy of the Task Force issues that will be discussed at the ISSC meeting next week; Task Force I (Growing Areas) – 21 issues (78 pp), Task Force II (Harvesting/Handling /Distribution) – 43 (151 pp) and Task Force III (Administration) – 16 (63 pp). I have been appointed by the Conference Executive Board Chairman (Kirk

Wiles) to the following committees; Biotoxins, Education, Foreign Relations, and *Vibrio* Education.

Item 2 - FL Fish & Wildlife Conservation Commission (FWC) Updates: The FWC recently released a press release “Florida fish kills common during the summer but need reporting;” The statewide FWC Fish Kill hotline is 1-800-636-0511 to report fish kills in natural water bodies. It is not necessary to report fish kills in man-made retention ponds.

Item 3 - Apalachicola Regional Stewardship Alliance (ARSA) Meeting: Last week I organized and hosted the quarterly meeting of ARSA. The meeting focused on water management issues of the Apalachicola River/Bay area. Topics included: managing shellfish harvesting and aquaculture; derelict vessels; swimming/beach advisories; red tide; and water quality/quantity issues. The membership of ARSA is primarily made up of federal, state, and private land owners/managers located in the Apalachicola River/Bay water shed. Their next meeting will be on November 1st, at the Nature Conservancy’s Office in Bristol.

Item 4 - FSUML Lecture – Bivalves Under Fire: How Stress Affects Shellfish: This Thursday, August 9th, 7 – 9 pm, at the FSU Marine Lab on Turkey Point, Dr Laura Petes will discuss her research on how stress affects shellfish growth & reproduction. In addition, she will talk about her future research on how changes in freshwater input into the Apalachicola Bay affect oyster survival, growth, and reproduction.

Chris Doolin – Small County Coalition (11:07AM)

Mr. Doolin discussed the mission, benefits, and purpose of the Coalition; stated that Franklin County’s memberships dues for the upcoming year is \$3041.60, but the total due payments over the last 14 years as members of the Coalition for Franklin County has been \$22,500; stated that Franklin County will receive over 3 million of funding from programs that the Coalition is involved in and listed some of the programs that receives this funding including libraries, sheriff’s dept, solid waste, and the courthouse. Commissioner Sanders explained that Franklin County never intended to pull out of the Coalition but because of the budget cutbacks implemented by the State, the County would like the Coalition to keep membership dues to the 2006-2007 level as other Associations have done, such as Florida Association of Counties, and would like representatives of the Coalition to attend more County Commission meetings. Mr. Doolin stated that it was not his intention to cast Franklin County in a bad light to other members of the Coalition, that dues are based on population growth and Franklin County has increased in population, but this figure can be corrected if the information received regarding the population is wrong and will check on it and respond back to the Board.

Commissioner Lockley suggested that the Coalition reduce its membership dues by 9% in the same manner the counties had to reduce their budgets.

Discussion – Parking Issue on Alligator Point (11:28 AM)

Mr. Pierce discussed the parking issue and the need for the no parking signs on this property, which was due to in part to safety and access, which is on County right of way. Phil Guzzetta stated why he would like the no parking signs removed allowing him to park his truck on this property; stated that other property owners throughout the County has the same opportunity to park on County right of way and the signs were erected without ordinance and is selective enforcement; also discussed need for notification of property owners for any changes that might impact them by actions of the County.

Commissioner Sanders explained why the Board moved to erect the “no parking signs” on the County right of way.

Commissioner Crofton stated that there are locations on St. George Island that has restricted parking on County right of way and property so the enforcement actions of the County in this matter are not selective.

Commissioner Putnal stated that the issue is actually permanent use versus temporary use of the County right of way.

Kevin Begos – Seafood Task Force – Update (11:54 AM)

Mr. Begos gave an update on the proposed purchase of the Lombardi property, discussed the result of meetings with Florida Communities Trust, Tourist Development Council, and the Chamber of Commerce; stated that the County will not have single grant that will purchase entire Lombardi property, so the County might need to consider lease purchase agreement while funding is being secured to purchase the property but the County currently has a \$5000 commitment on property purchase; stated that there is a possible plan to move the Allen Boyd lab to a new location and there might be new upcoming restrictions from Interstate Shellfish Sanitation Commission.

Commissioner Putnal stated that if new restrictions affect oystering during the summer months there should be options for the seafood workers, because some of these restrictions could create hardships on seafood dealers and workers; asked about any federal grants for preserving waterfront property; Mr. Pierce and Mr. Begos discussed Commissioner Putnal’s concerns.

Clerk of Court Report – Marcia M. Johnson (12:02 PM)

Ms. Johnson presented the following items for discussion and/or approval.

Item 1- Each year, the Tax Collector certifies a list of all errors, insolvencies, double assessments and discounts on the Assessment Roll. He’s presented that list for your

approval that includes amounts for errors and insolvencies of \$6,569.18, subtractions from the Roll of \$568,964.08, and additions to the Roll of \$273,591.20. We need a motion to that effect and the signature of each commissioner.

Motion by Lockley, seconded by Sanders, authorizing all Commissioners signatures on the Tax Collector certified Assessment Roll; Motion carried 5-0.

Item 2 - The Public Defender's Office has requested the following amendment to their budget due to unanticipated expenses for their networking communication line:

Increase	120.34.603.4101 Comm. Svcs/Network	\$7,440.91
Decrease	120.34.603.4600 Repair & Maintenance	\$3,000.00
Decrease	120.34.603.5200 Operating Supplies	\$1,088.57
Decrease	120.34.603.6400 Machinery & Equipment	\$3,352.34

I need a motion to approve the budget amendment.

Motion by Sanders, seconded by Putnal, approving the budget amendment as requested by the Public Defender's office; Motion carried 5-0.

Item 3 – August 8, 2007 Budget Workshop Reminder

Director of Administrative Services Report – Alan Pierce (12:05 PM)

Mr. Pierce presented the following items for discussion and/or approval.

Item 1- Inform Board that Anderson Columbia will sell the county milled asphalt for \$20/ton. They can deliver up to 125 tons per week.

This item was addressed earlier in the meeting.

Item 2- Ms. Lori Switzer, SHIP Administrator, has been informed by Ms. Ruth Williams that there is \$2,714.31 left of administrative funds from the Red Tide program the county ran several months ago. Ms. Switzer has checked with the Florida Housing Agency, who oversees the SHIP funds, and has received approval to utilize the administrative funds for continuing clerical assistance. The funds would be used to continue to pay Ms. Switzer's part-time assistance for another few pay periods. Ms. Switzer herself would not get the funds. Board action to authorize Ms. Switzer to utilize the remaining Red Tide administrative funds to pay for clerical help.

Motion by Putnal, seconded by Sanders, authorizing Ms. Switzer to utilize the remaining Red Tide administrative funds to pay for clerical help; Motion carried 5-0.

Item 3- Ms. Switzer has been informed by Seltzer Management that as far back as the 2003/04 SHIP years some SHIP recipients received funds in excess of what the SHIP plan authorized. All the recipients were eligible, but for various reasons some emergency repairs, rehabs, and one down payment exceeded the program limit. The Board needs to acknowledge with a motion that the following individuals received funds in excess of the program limit. All the work for these individuals has been done, and was done in some cases several years ago.

03/04 Rehab program recipients receiving excess funds: Gary Shiver, Clara Walden, Lauren Rife, L. Warren.

03/04 Emergency Repair program recipients receiving excess funds: Helen Griffin, Mildred Sipes, Katherine Robinson, Mary Smith, Clydie Russ, Clifford Williams.

04/05 Rehab program recipients receiving excess funds: Charlseey King, Pamela May, Robert Abel, John Horbeck, Lizzie Rhodes, Bernice Weaver, Nancy West, Roberta Robertson, B. Lewis, Richard Ham, Michael Lee.

04/05 Down Payment Assistance: John Buzier.

Ms. Switzer has done a good job of reviewing cases to make sure this not continuing to happen, but these old cases need to be dealt with. Board action.

Motion by Putnal, seconded by Sanders, to authorize the following excess payments for the following SHIP Program fund recipients:

Gary Shiver	\$22,343.50	John Buzier	\$18.50
Clara Walden	\$418.50	Charlseey King	\$30,270.50
Lauren Rife	\$215.00	Pamela May	\$11,985.17
Larry Warren	\$293.50	Robert Able	\$10,373.50
Helen Griffin	\$3,507.50	John Horlbeck	\$248.00
Mildred Siples	\$7,243.50	Lizzie Rhodes	\$452.00
Katherine Siples	\$12,193.50	Bernice Weaver	\$293.50
Mary Smith	\$4,293.50	Nancy West	\$168.50
Clydie Russ	\$2,606.70	Roberta Robertson	\$293.50
Clifford Williams	\$4,725.50	Barbara Lewis	\$418.50
Richard Ham	\$293.50	Michael Lee	\$168.50

Motion carried 5-0.

Item 4- Board action to approve an Amendment #1 to our beach renourishment project to extend the deadline till July 31, 2008, and revises certain aspects of requesting reimbursement. This amendment was initiated by DEP.

Motion by Sanders, seconded by Lockley, to approve Amendment #1 to our Alligator Point beach re-nourishment project; Motion carried 5-0.

Item 5- Provide Board with copy of Status Report for Resort Village. No action needed.

Item 6- Inform Board that DOT said the US 98 shoulder stabilization project should have begun July 30. Work will take approximately 18 months to complete.

Item 7- Inform the Board that Mr. Hal Foy did attend the recent Lanark Village Sewer Board meeting, and did inform them that he would be doing an audit of the their system for DEP and Franklin County. Part of the audit that Mr. Foy has been hired to do also provides a board training workshop for the Lanark Commissioners in the proper operation of a utility, which is scheduled for Aug. 13.

It is estimated that it will take 2 to 3 months before the audit is complete.

Item 8- Board action to re-appoint Mr. Ted Mosteller to the Gulf Coast Work Force Board. The appointment should have been made before July 1, so I ask that the motion reflect that the appointment is retro-active to July 1 because Mr. Mosteller has been serving through this period. He does this at his own expense and the term is 3 years.

Motion by Sanders, seconded by Parrish, to re-appoint Mr. Ted Mosteller to the Gulf Coast Work Force; Motion carried 5-0.

Item 9- Board action on whether it wants to continue membership in Opportunity Florida. Dues are \$1,084.50, payable before Oct. 31.
Board directed Mr. Pierce to ask a representative from Opportunity Florida to attend an upcoming regular meeting.

Item 10- Board action to schedule a public hearing to amend the land use and zoning map to reflect county staff's understanding of what DCA wants regarding the DSW land use change. The Board may recall that DCA sent back the land use change for DSW and asked the Board to reconsider its actions. Staff recommends the Board authorize a public hearing for October 2, at 9:30 am, to amend the land use and zoning map to reflect the action staff thinks will satisfy DCA.

Motion by Lockley, seconded by Sanders, to authorize the scheduling of a public hearing on October 2, 2007 at 9:30 am to amend the land use and zoning map regarding the DSW land use change; Motion carried 5-0.

Item 11- Inform Board that DCA has sent its ORC Report regarding the proposed land use changes the county submitted May 18th, 2007. Staff is reviewing report, but some of the land use changes to have objections that the county traditionally requires the applicant to address.

Item 12- While Lampl/Herbert Consultants were assisting the Seafood Task Force with the development of the Seafood Feasibility Study, they applied for another grant on behalf of the county. They applied for a grant with DEP to continue to develop the concept of Seafood Sustainability. This grant was called Seafood Sustainability: Water

Access for Seafood Harvesters in Franklin County. DEP has awarded the county a \$50,000 grant, that must be matched by \$50,000 worth of in-kind services, for which we have already provided proof that the county can meet the match.

Board action to accept the grant, and to request the Seafood Task Force assist in selecting a consultant to perform the work.

Motion by Putnal, seconded by Lockley, to accept the DEP \$50,000 grant and request the assistance of the Seafood Task Force in selecting a consultant to perform the work; Motion carried 5-0.

Item 13- Remind Board that Sen. Nelson will be in town August 9, 8:30 am for a town meeting in Apalachicola at the School District Office Building, 155 Avenue E.

Item 14- Board action to approve a lease with DEP for re-construction of St. George Lighthouse. The lease is for a 40 x 40 area on county property in front of the bathrooms on St. George Island.

Commissioner Sanders stated that she would like to see drawing or plans for project. Attorney Shuler commented on length of the lease and other provisions within the lease.

Motion by Lockley, seconded by Parrish, to approve 30 year lease with the 30 year option; Motion carried 5-0.

15- Concerning Courthouse renovations, Peter Brown Construction, in order to keep the renovation project in budget will be bidding the renovations in two phases. Phase One will be for all the things associated with renovating the courtroom. Phase Two will be for the other items desired to be done in the courthouse. The list for Phase Two will be refined after we see how much Phase One is going to cost. Unless the county puts in additional funds, there is only \$435,000 of state funds available for construction.

16 – Congressman Allen Boyd will be in town on August 21, 2007. He would like to meet with the Board before the Board meeting on August 21, for about an hour. He suggest the Board have a one hour public session with him in the Board room from 3:30 pm to 4:30 pm, and then the Board can break and come back at its regular meeting at 5:00 pm, and the Congressman will go on to other functions; Board action.

Motion by Sanders, second by Lockley, to authorize a special meeting with Congressman Allen Boyd on August 21, 2007 at 3:30 pm; Motion carried 5-0.

County Attorney Report – T. Michael Shuler (12:22 PM)

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

Item 1 – Board action on Airport Lease with CAAZ
Ted Mosteller, airport Manager, discussed this proposed lease.

Motion by Parrish, seconded by Lockley, to authorize the Chairman’s signature on the proposed 20 year Airport Lease with CAAZ; Motion carried 5-0.

Item 2 - Ambulance Provider Number

I need board action authorizing the chairman's signature on a letter required by Medicare as part of the ambulance provider number application. At my suggestion, the letter was signed and sent to Medicare after the last board meeting so as not to delay the application process.

As part of the application process, Medicare requires a letter from the county stating that it will obey Medicare rules and will be responsible for ambulance debts incurred resulting from the county's operation of the ambulance since February 1, 2007.

A copy of the letter is attached.

BOARD ACTION: MOTION RATIFYING THE CHAIRMAN’S SIGNATURE ON A LETTER TO MEDICARE CONCERNING THE AMBULANCE PROVIDER.

Motion by Lockley, seconded by Parrish, ratifying the Chairman’s signature on the July 18, 2007 letter sent to Medicare concerning the Ambulance Provider; Motion carried 5-0.

Item 3 – Hospital Surtax Workshops

The Apalachicola Workshop is scheduled at the Annex for August 30, 2007 @ 5p.m.

The Carrabelle Workshop is scheduled at the Senior Center for August 28, 2007 @ 5p.m.

BOARD ACTION: None recommended. This is for your information.

Item 4 – Hospital Surtax Ordinance and Inter-local Agreement

I have prepared a draft Hospital Surtax Ordinance and Inter-local Agreement. Copies have been provided to the Hospital Board for use in presenting these matters to Apalachicola and Carrabelle. The hospital board will be reviewing these drafts at its meeting August 6, 2007.

Copies of the drafts are attached for your review

BOARD ACTION: None recommended. This is for your information.

Item 5 – Pat Kinser and Kathleen Henrikson

In April 2007, the County approved a conditional variance for the Kinser/Henrikson house to sit slightly below base flood level. The County acknowledged no liability. The error is the problem of the contractor and the homeowner. Attached is a copy of a July 23, 2007 letter from the Kinser/Henrikson's attorney demanding \$150,000.00 from the County and requesting that our insurance carrier be notified. I have forwarded their demand to our insurance carrier. To date, our insurance carrier has not contacted me.

BOARD ACTION: None recommended. Let's wait on the insurance carrier. I don't recommend the Board take any further action concerning the variance. It will expire in one year if Kinser does not use it.

Item 6 - TDC/Geiger Contract

The TDC is continuing to examine this contract. The issue continues to be whether Ms. Geiger will sign a contract indemnifying the County from any liability which may result from its contract with her.

BOARD ACTION: None recommended. This is for your information

Item 7 – TDC Lighthouse

The lease between the County and the State Department of Environmental Protection has been completed. It is for a thirty year term, and a second 30 year renewal. The lease can be terminated early if the space is not used for a lighthouse or if they cannot get the lighthouse rebuilt.

The lease is for a portion of the public park area on St. George Island as you come onto the island. It involves about 1,600 square feet. The lease rate is \$1.00 for the 30 year term.

BOARD ACTION: None recommended. This is for your information.

Item 8 – Public Record Request

An attorney has requested that the building department copy copy-righted engineered drawings. I have advised the building department not to make such copies as it would be a violation of Federal copy right law. I have been told that a lawsuit may be filed, which is why I am informing you. Probably, no suit will be filed. I have researched the County's obligations under copy right law, and do not believe that we can lawfully make such copies without permission.

BOARD ACTION: None recommended. This is for your information.

Item 9 - Litigation Status:

a. Bifano vs. Robin Brinkley

The Bifanos are homeowners on St. George Island who sought to file a lawsuit against Robin Brinkley personally. They alleged that his gross misconduct of his duties as building official resulted in damages to their home.

I attended a hearing on July 25,2007. At that hearing, Circuit Judge Hankinson denied the Bifano's request to file a suit against Robin Brinkley individually.

The County is immune from such suits, so I do not expect any suit to be filed against the County directly.

b. Henry Rochelle's Claim Alleging Racial Discrimination:

Our insurance carrier is continuing its investigation. Thus far, the investigation indicates the claim is without merit. Charles Barfield, Mr. Rochelle's attorney has threatened to

sue Van Johnson personally. This is becoming a frequent threat, but so far no such lawsuit has been filed against Mr. Johnson.

c. Henry Rochelle's Appeal of Suspension Without Pay for leaving Work:

Mr. Rochelle recently left work without permission of his supervisor, Van Johnson, or assistant supervisor, Fonda Davis. Mr. Rochelle was not paid for this time and he has filed a grievance challenging the docking of his pay. After consulting with Lucy Turner, it was decided that Alan Pierce would represent the County in this matter instead of Mr. Johnson. Mr. Pierce represented the County in the first grievance filed by Mr. Rochelle alleging racial discrimination. No date has been set for the grievance hearing, as Mr. Pierce was on vacation when this matter arose.

d. Ashley vs. Franklin County:

Last meeting I provided a copy of the final form of the settlement. It appears that all parties have agreed to this and the settlement is being distributed for the signatures of the Ashleys, St. Joe Company and The Department of Community Affairs. Once I receive everyone else's signed settlement, I will schedule the statutorily required public hearing for the county's consideration of the settlement.

Please note that you have previously authorized me to schedule the required public hearing on this matter before you can act to approve or disapprove the settlement.

e. Ashley vs. Administration Commission. DCA. Franklin County and St. Joe:

We continue to wait on the district court to rule. There is no stated deadline for the ruling.

f. Franklin County vs. Jason White Construction and Stuart White:

A status conference has been scheduled for August 27, 2007, with the new circuit judge, The Honorable Judge Hankinson. A new trial date should be set at that time.

g. Banks vs. Franklin County and Eastpoint Water and Sewer:

The County was notified of a claim for a trip and fall in Eastpoint involving a sewer pit someone fell into. This claim by the Banks' has been forwarded to the County's insurance carrier. There has been no further action on this matter since the last meeting.

h. Jack Osborne vs. Franklin County:

This is a worker's compensation claim filed for an alleged on the job injury. The claim has been turned over to the County's insurance carrier.

i. Franklin County vs. Williams:

This matter was settled without the cost of a trial. Mr. Williams paid the \$50.00 fine.

Attorney Shuler asked the Commissioners if they received their copy of the County Audit; All Commissioners acknowledged receiving a copy of the audit.

Mr. Pierce asked if the Commissioners will send a letter opposing the energy coal plant or attend the meeting in person to oppose energy coal plant. Board discussed this matter.

Motion by Putnal, seconded by Sanders, to write a letter to the Governor and other concerned parties stating the County's objections to having a coal plant upriver; Motion carried 5-0.

Commissioners' & Public Comment (12:35 PM)

Commissioner Sanders expressed her concerns of the water break in Lanark Village that caused residents to be out of water for 18 hours and when the residents of Lanark Village called the Governor's office to complain, staff in that office referred the residents to County Commission.

Motion by Sanders, seconded by Lockley, to direct Attorney Shuler to contact the Governor's office and get clarification on who governs the Lanark Water and Sewer district; Motion carried 5-0.

Commissioner Sanders suggested a Interlocal agreement between the City of Carrabelle and Lanark Village to assist with water and sewer problems could possibly avoid the length of outage that the Lanark Water and Sewer residents experienced this past weekend.

Motion by Sanders, second by Putnal, to direct County staff to create a proposed Interlocal agreement between the City of Carrabelle and Lanark Village to assist the Lanark Village Water and Sewer District with water and sewer problems; Motion carried 5-0.

Bill Rose, of Gulf Terrace, discussed problems the residents are having with the Lanark Village Water and Sewer Board including problems with the Attorney that represents the district, and asked the County Commission to help with solving problems with the Water and Sewer Board

Mayor Kelly, of Carrabelle, stated that Carrabelle's water and sewer employees did assist the Lanark District with fixing their recent water break and would be glad to assist with any water and sewer problems throughout the County but agrees with Commissioner Sanders that a formal interlocal agreement is needed.

Commissioner Putnal and Attorney Shuler discussed the process and extent of the proposed interlocal agreement; it was agreed that the County Commission would act as a facilitator in this process.

Commissioner Putnal stated that an Eastpoint resident, Mr. Bo Bentley, complained that VMS is not maintaining some of the roads and visibility at some intersections is restricted because of this.

Attorney Shuler stated that he will get a list of the roads from Mr. Bentley and contact VMS on this matter.

Attorney Shuler stated that he was served with legal documents on behalf of the County.

Motion by Sanders, seconded by Lockley, to authorize Attorney Shuler to accept legal service on the County's behalf on legal action; Motion carried 5-0.

Commissioner Lockley stated that he would like workshop scheduled with the City of Apalachicola and the City of Carrabelle to discuss affordable housing for the entire County.

Attorney Shuler stated that he would contact the County's Affordable Housing Board to discuss this matter, and inform the Commission of the Housing Board's actions and recommendations.

Motion by Lockley to enact sales tax and with a sunset clause; Motion failed, there was no second.

Attorney Shuler stated that the interlocal agreement regarding the sales tax with the Cities of Apalachicola and Carrabelle is not completed but is needed before the County enacts the sales tax.

Commissioner Crofton discussed what process will be used for the budget workshop on Wednesday Aug 8, 2007; Board discussed this matter further; Mrs. Johnson discussed the tentative approval process and asked the Board on a whole to approve each budget item; Board agreed.

Ted Mosteller stated that the Airport in Apalachicola passed Department of Transportation licensing inspection.

Adjourn (1:05 PM)

There being no further business, Chairman Crofton adjourned the meeting at 1:05 PM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts