

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 4, 2007
9:00 AM**

MINUTES

Commissioners Present: Russell Crofton – Chairman, Noah Lockley Jr. – Vice Chairman, 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 (9:00 AM)

There was a Prayer followed by the Pledge of Allegiance.

Approval of Minutes (9:03 AM)

Motion by Sanders, seconded by Lockley, to approve the Minutes of the August 24, 2007 and the August 30, 2007 Public Workshops; Motion carried 5-0.

Payment of County Bills (9:04 AM)

Commissioner Sanders asked if the final work product was submitted for the Highway 67 project. Dan Rothwell, the County's Engineer, stated that it was not.

Motion by Lockley, seconded by Putnal, to approve payment of the County's bills as submitted; Motion carried 5-0.

Representative Will Kendrick (9:05 AM)

Representative Kendrick expressed his concerns of lobbyists coming before the County Commission and making claims of seeking funding and supporting Franklin County in Tallahassee. Representative Kendrick stated that the funds that will be presented today for the Carrabelle Sports Complex is not associated with any FRDAP grants, so he encouraged the County to apply for FRDAP grants, discussed the grants that will be presented on Saturday September 15, 2007

for the St. George Island Lighthouse and the adjacent park and the Crooked River Lighthouse and adjacent grant that will be presented at a later date. Representative Kendrick then presented check to County Commission for the Carrabelle Sports Complex.

Department Supervisors Reports

Hubert Chipman – Superintendent of Public Works (9:10 AM)

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

Item 1 – As requested by the Board 9 loads of black dirt was hauled to the Senior Citizen Center in Carrabelle

Alan Pierce – Director of Administrative Services (9:11 AM)

Mr. Pierce presented the following item from his report for discussion and/or approval as it related to the Road Department.

Item 4 - I have received a blank Memorandum of Agreement with Dept. of Transportation which will allow the county to obtain milled asphalt from DOT. There are several conditions the Board needs to be aware of: The milled asphalt is to be used for public use on public right-of-ways; the milled asphalt should be used as part of an ongoing project, and not stockpiled or stored for later use; and the liability for the use of the milled asphalt rests solely with the receiving entity.

I have discussed these conditions with Public Works Superintendent Hubert Chipman, and then again with DOT. Because of the county's limited fleet, DOT is willing to let the county haul milled asphalt for two weeks, then apply it, and then ask for some more. Does the Board want to agree to these terms?

Motion by Sanders, seconded by Parrish, to agree to the terms set forth by the Department of Transportation, which would allow the County to receive milled asphalt from the Department; Motion carried 5-0.

Commissioner Sanders asked Mr. Pierce to search the records for County imposed weight limits on Jeff Sanders Road and Tom Hand Bridge.

Commissioner Putnal stated that the "dip" on Ryan Drive is getting worse and will cause a potential traffic problem and asked Mr. Chipman what can be done to repair this problem. Mr. Chipman discussed an option of using a hot mix to repair the road but the Board discussed other options that might be a more permanent repair.

Motion by Putnal, seconded by Sanders, to direct Mr. Chipman to repair the "dips" on both Ryan Drive and Apalachee Street with the best permanent option; Motion carried 5-0.

Van Johnson – Solid Waste Director (9:18 AM)

Fonda Davis stated that there were no items to report.

Dan Rothwell – County Engineer (9:19 AM)

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

Item 1 - Airport Access Road Observations:

Access road is 95% complete and is within the contract time limit.

Item 2 - CR-67 Widening & Resurfacing:

The final lift of asphalt should have been started by C.W. Roberts last week.

Item 3 - Lake Morality Road:

On 8-30-2007 Clay Kennedy Preble-Rish said that his firm and C.W. Roberts have not yet met to devise a response to the lab results concerning rutting of the road. He said they will not release the lab results to the County until that meeting has taken place.

Commissioner Sanders discussed places on Highway 98 where asphalt is eroding. Other members of the Board also brought up locations where newly paved roads had some type of cracks.

Mr. Rothwell discussed some options to repairing the cracks on some of these roads and with input from the Board listed what roads might need a better base because of the heavy use.

Commissioner Lockley and Mr. Rothwell discussed the length and extent of guarantees for newly paved roads. Commissioner Sanders recommended that the County uses performance bonds and specific length of guarantee time for any future road paving project.

Item 4 - County Engineer Works:

• Designs	\$99,000.00
• Construction surveys	\$19,475.00
• Meetings, inspections, service requests 6,091 min. @ \$125/hr	\$12,689.00
• Phone calls 2,362 min. @ \$125/hr	\$4,920.00
• Emails (5 min. ea. @ \$125/hr)120 in 1025 out	<u>\$15,810.00</u>
TOTAL	\$151,894.00

Note: based on panhandle consultant fees a charge out rate is approximately Senior Project Manager @ 165.00/hr and an Engineering Technician @ \$85.00/hr and the average is \$125.00/hr. The meetings, inspections, phone calls and email times are extracted from Microsoft Outlook use for meeting schedules, phone notes and email log.

Mr. Rothwell discussed the outcome of his meeting with Mr. Chuck Colvert, the hospital's CEO/CFO, regarding the cost, per square foot, of both the proposed Health Care Facility in Carrabelle and the proposed new hospital in Apalachicola.

Commissioner Putnal suggested that the Board considers expanding the building in Carrabelle rather than constructing a brand new building.

Mr. Rothwell referred to the discussion held earlier with Mr. Chipman, and explained why certain culverts collapse and some options that can be used to repair these roads. The Board asked Mr. Rothwell to get with Mr. Chipman to look at the problems at Ryan Drive and Apalachee Street and present some options to the Board at the next meeting.

Bill Mahan (9:41 AM)

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

Item 1 - FL Fish & Wildlife Commission Update: The next FWC meeting will be held September 12-14 at the St. Petersburg Hilton. On Thursday, the Commission will consider draft rules for red snapper harvested in the Gulf of Mexico state waters. These rules are consistent with the pending permanent rules for red snapper in federal waters that will replace the interim federal rules.

- Reduce the daily recreational bag limit from four to two fish/person/day
- Zero daily bag limit for captains and crew of Gulf for-hire vessels
- Set the total-allowable-catch (TAC) at 5-million pounds
- 16-inch minimum recreational size limit
- 13-inch minimum commercial size limit
- Assume 10% reduction in effort/landings due to hurricanes when evaluating TAC
- Change the recreational season from April 15 – October 31 to June 1 – September 15 (2-fish limit), or June 1 – September 30 (2-fish limit & zero bag limit for captain & crew), or May 15 – October 15 (if 10% reduction is established)
- Require non-stainless steel circle hooks baited with natural bait, and de-hooking devices in the reef fisheries

Red snapper by-catch from shrimp fishery

- 74% reduction in Gulf shrimp trawl by-catch mortality on red snapper benchmark years of 2001-2003
- Seasonal closure in the 10-30 fathom depth zone in the Gulf on the same start date as the closure of federal waters off Texas
- Evaluate shrimp trawl fishery effort annually

Item 2 - FSU Marine Lab Seminar: Attached for your information is a flier for the upcoming lecture 'Sea-Level Rise, Coastal Erosion, and the Future of the Florida Coast' by Dr. Joseph

Donoghue. The program is scheduled for September 13th at FSU Marine Lab at Turkey Point, from 7-9 PM.

Item 3 - UF IFAS Right-of-Way & aquatic Pesticide Applicator Training: UF IFAS is teaching a Right-of-Way & Aquatic Pesticide Applicator Training Class on October 16-18, 2007 at the Edgewater Beach Resort, in Panama City Beach. Anyone currently certified to do weed control in canals, lakes, water retention ponds, gulf course ponds, rivers, parks, highway right-of-ways or transmission lines and employees of a manufacturer or distributor of aquatic or vegetation herbicides is encouraged to attend. Registration by September 17th is \$275.00. Up to 12 CEU's can be earned in the areas of Aquatics, Right-of-ways, Natural Areas, and the General Standards (CORE) pesticide application. To register online go to <http://conference.ifas.ufl.edu/applicator> .

Item 4 - Oyster School Update: Although the official registration packets for the Oyster School are scheduled to be mailed out this week, there are already five seafood buyers registered for the school; two from Winn-Dixie, and one each from Wal-Mart, Super K-Mart, and Sysco Foods.

Budget Discussion (9:48 AM)

Jimmy Harris, Tax Collector, stated that in order to meet the 9% budget cutback requirement he would have to reduce his staff salaries and terminate some of his staff. Mr. Harris stated that he has reduced his travel budget by \$1000 and will not accept his raise from the State. Commissioner Putnal asked Mr. Harris if this cut in his travel budget would affect any certifications his office needs to have. Mr. Harris stated that he will have to work around it. Commissioner Sanders stated that she did not want any employee terminated but her intention is to try and prepare all of the departments for the additional budget cuts that will be required next year. Board discussed the future budget cuts. Commissioner Parrish explained that the Board actions are not personal, but it is the responsibility of the Board to enforce the requirements of the State.

The Board Tentatively Approved this Budget.

Doris Gibbs, Supervisor of Elections, stated that due to the presidential election her office is unable to meet the 9% cuts, as she only has 2 employees besides herself. Mrs. Gibbs discussed the breakdown of her budget, and stated that she will also forgo her raise from the State.

The Board Tentatively Approved this Budget.

Mrs. Gibbs addressed the special election cost, stating that this cost was not in her budget, but the process for this election had already been started, so some sort of board action or direction was needed to address the \$18,000 cost.

Motion by Sanders, seconded by Lockley, to transfer \$18,000 from Reserve for Contingency to the Supervisor of Election's Budget to cover the cost of the election; Motion carried 5-0.

Mrs. Gibbs stated that she needed a Commissioner to be appointed to the Canvassing Board.

Motion by Lockley, seconded by Sanders, to appoint Commissioner Parrish to the Canvassing Board; Motion carried 5-0.

Mrs. Marcia Johnson, Clerk of Courts, stated that she intended to forgo her raise this year. Mrs. Doris Pendleton stated that she would also forgo her raise this year.

Commissioners Crofton, Sanders, and Parrish stated that they will forgo their raises this year.

Alan Pierce reviewed the Engineer's budget. Commissioner Sanders suggested that the County go out for bids on engineering services on large projects. Commissioner Parrish stated that the County will see some reduction in engineering costs in the future.

Motion by Sanders, seconded by Putnal, to have the County bid out for engineering services on all large projects to help reduce the overall engineering costs for the County; Motion carried 5-0.

Bruce Ballister – ARPC, DOT Liaison Program (10:15 AM)

Mr. Ballister asked the Board to verify the transportation projects and road enhancements that were submitted to DOT for funding, and reminded the Board that these projects are restricted to state roads. The Board and Mr. Ballister discussed the possibility of including roads that could be used as bypasses and evacuation routes, and the need for traffic control at the intersection at the County's new consolidated school.

Motion by Sanders, seconded by Putnal, directing Mr. Pierce to contact school board to discuss traffic control projects at the entrance to the new school and the entrance from Highway 65; Motion carried 5-0.

Mr. Ballister discussed proposed projects with EDA for Franklin County, especially the Seafood Park. Mr. Pierce suggested contacting the Seafood Task Force to discuss this matter.

Motion by Lockley, seconded by Putnal, asking Mr. Ballister to attend the next Seafood Task Force meeting and discuss projects that can be submitted for funding; Motion carried 5-0.

Motion by Sanders, seconded by Lockley, to approve and support Mr. Ballister's recommendations of projects to submit for funding; Motion carried 5-0.

Chuck Colvert – Hospital CEO/CFO (10:26 AM)

Mr. Colvert stated that the Weem's Hospital finally received a provider number for the ambulance service.

Motion by Lockley, seconded by Sanders, directing Mr. Pierce to send a letter to Congressman Allen Boyd expressing the Board's appreciation for his assistance in getting a provider number for Weem's Hospital; Motion carried 5-0.

Mr. Colvert stated that the Hospital Board recommended that first proceeds from sales tax, if passed, go towards building an Urgent Care Center in Carrabelle to serve the eastern end of the County. Mr. Colvert stated that there is not enough property to expand the building the County currently owns that is used by the Health Department, in Carrabelle. Commissioner Putnal suggested purchasing land surrounding the current building for expansion instead of building a new facility.

Motion by Sanders, seconded by Lockley, to support and approve the recommendations made by the Hospital Board regarding the sales tax; Motion carried 5-0.

Bid Opening County Property Insurance (10:34 AM)

Mr. Pierce opened the bids that were submitted for the County's Property Insurance.

- Pat Thomas \$19,0243 Total Premium
- PRIA Option 1 \$24,3151 Option 2 \$24,2369

Motion by Sanders, seconded by Lockley, to forward these bids to the review committee for a recommendation; Motion carried 5-0.

Alan Pierce – Director of Administrative Services (10:38 PM)

Mr. Pierce presented the following item from his report for discussion and/or approval.

Item 2 - Board action to revoke the current Certificate of Public Conveyance and Necessity for emergency air transport and issue a new one to the new carrier. Mr. Marty Tompkins and Mr. Trevor Hicks, representing the new carrier PHI, should be present. John Anderson, of PHI, explained why this change was necessary.

Motion by Sanders, seconded by Putnal, to revoke the Certificate of Public Conveyance and Necessity and issue a new Certificate to the new carrier contingent on Attorney Shuler's approval; Motion carried 5-0.

Attorney Shuler stated what changes he would make to the agreement.

Marcia Johnson – Clerk of Courts – Report (10:42 AM)

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

Item 1 - My office is authorized by law to pay into the fine and forfeiture fund all unclaimed money deposited or collected. A list was published, and pursuant to the law, proof of the publication is to be filed and recorded in the minutes of the county commission. For informational purposes, the list totaled \$603.30 and represented checks issued as refunds or restitution by my office that were never cashed. We did reissue \$198 to individuals who made claims, and the charge for the advertisement was over \$300, so we're only talking about less than \$100 being paid into the fine and forfeiture fund.

Motion by Sanders, seconded by Putnal, to authorize Mrs. Johnson to transfer all unclaimed money deposited or collected into the fine and forfeiture fund; Motion carried 5-0.

Item 2-Commissioner Lockley requested I get some information on the 5 cent local option gas tax since it was mentioned at the workshop on August 30th. Through the month of July, we received \$211,041.75. This gas tax money can only be used for resurfacing or new road construction. These monies are being maintained in a separate fund to be carried forward until a sufficient amount has accumulated for a paving project.

Item 3-The Health Department has requested you adopt a resolution approving their fee schedule. The Dept. of Health requires the county to approve the fee schedule for services. The fees were also submitted to you as part of the health department's budget request.

Motion by Sanders, seconded by Parrish, to adopt the resolution that states the new fee schedule for the Health Department; Motion carried 5-0.

4-Reminder to the Board that the first public hearing on the budget is scheduled for 5:30 P.M. on Monday, September 10, 2007 in the annex.

Alan Pierce – Director of Administrative Services – Report (10:48 AM)

Item 1 - Board direction on hiring freeze. Several months ago, before the Legislature acted, and before the Board held its own budget workshops, the Board imposed a hiring freeze on any vacancies under its control, and asked the same for all county agencies. The Board's action was effective until the end of the fiscal year, Sept. 30. The Franklin County Library has been operating with one employee short for some time, and the custodial position at the courthouse also is vacant. The Library and the custodial position are tentatively budgeted for next year and can be filled effective Oct. 1. Therefore, unless the Board continues the hiring freeze for positions that have been tentatively approved in next year's budget, there will be job advertisements for these two positions in the next few weeks.

In the case of the Library, if the position is not filled, the Library will have to cut back hours. In the case of the courthouse custodian, the position was filled by Sharon Hall and she had been out on sick leave for several weeks, but she has now received her medical disability and has been terminated. The Board may want to consider contracting the custodial work out, but if the Board wants to continue using an employee, the custodial hours will be different than normal courthouse hours because some of the work, such as mopping and waxing the halls needs to be done after hours. Board action on Library, and then separate action on custodian position- decision on contract or on starting salary.

Motion by Sanders, seconded by Parrish, to authorize the Library to advertise for the vacant position, which is already included in the budget; Motion carried 5-0.

Commissioner Putnal suggested that the County do an RFP for custodian services for the courthouse. Commissioner Lockley stated that benefits currently paid for a custodian employee should be considered when comparing against the RFPs.

Motion by Sanders, seconded by Putnal, to authorize the advertising of RFP for courthouse custodian services; Motion carried 5-0.

Item 2 - Board action to revoke the current Certificate of Public Conveyance and Necessity for emergency air transport and issue a new one to the new carrier. Mr. Marty Tompkins and Mr. Trevor Hicks, representing the new carrier PHI, should be present.

This item was addressed earlier in the meeting.

Item 3 - Several months ago the Board agreed to spend up to \$5000 on improvements at the Lanark Village Fire Department so that it could be used to house the county ambulance service. The last invoice came in for \$1,711.87 when there was only \$1,647.05 left out of the \$5000. The overage is \$64.82 and it is owed to Jackson's in Carrabelle. Board action to authorize \$64.82 out of Reserves to pay the bill.

Motion by Sanders, seconded by Lockley, to authorize a \$64.82 payment out of Reserves for the improvements at the Lanark Village Fire Station to house the County's ambulance service; Motion carried 5-0.

Item 4 - I have received a blank Memorandum of Agreement with Dept. of Transportation which will allow the county to obtain milled asphalt from DOT. There are several conditions the Board needs to be aware of: The milled asphalt is to be used for public use on public right-of-ways; the milled asphalt should be used as part of an ongoing project, and not stockpiled or stored for later use; and the liability for the use of the milled asphalt rests solely with the receiving entity.

I have discussed these conditions with Public Works Superintendent Hubert Chipman, and then again with DOT. Because of the county's limited fleet, DOT is willing to let the county haul milled asphalt for two weeks, then apply it, and then ask for some more. Does the Board want to agree to these terms?

This item was addressed earlier in the meeting.

Item 5 - Inform the Board that because the county took the appropriate action several meetings ago to address old inconsistencies with the county's SHIP Program, the Franklin County SHIP Program has now been found satisfactory by the reviewing agency, Seltzer Management Group. Provide Board with copy of letter.

Item 6 - The Escambia Housing Finance Authority has contacted the county and said that it is beginning the process of issuing new bonds, and if Franklin County is interested in having the Authority make its services available to the residents of the county, the Board needs to act. The Authority hopes to sell bonds in January, 2008. At this time 24 counties in the state are served by the Authority. Previously when the Board contacted the Authority all of its existing bonds had been dedicated so there were not funds for Franklin County.

The Board has directed that someone from the Authority be invited to a Board meeting. Now that the Authority is considering a new bond issue, the time is now appropriate. Unless the Board directs otherwise, I will schedule a presentation by the Authority.

Item 7 - Inform the Board that while the county has just initiated the work with Meridian Planning for the feasibility of a county utility there is a timeline for reserving funds in next year's Legislative session that will require the Board to act before the study is complete. The Board will not be asked to act today but in the next few weeks the Board will be asked to make an application to DEP for funds. The Board's application is intended to preserve our access to funds next year in the event the Board does choose to move forward with some sort of utility. The Board will not be obligated to spend the funds, but if do not apply we would to have wait until 2009 if we did have something we wanted to accomplish.

Item 8 - Board action to approve a Resolution asking DEP to establish an Erosion Control Line on Alligator Point in the area where the Beach Renourishment Project is intended to occur. Read Resolution.

Motion by Lockley, seconded by Sanders, to approve the Resolution asking DEP to establish an Erosion Control line on Alligator Point; Motion carried 5-0.

Item 9 - Mr. Will Sellers, owner of a Lot 7, Block b, Unit 1, Peninsula Point, has offered to sell his heavily eroded lot on Alligator Point for the tax value of \$9000. Mr. Sellers' lot is in the same block where the county owns other eroded lots, and the acquisition of this lot will enhance public access with or without the beach restoration. The Board still has some land acquisition

funds available, and I recommend we purchase this lot for the amount of \$9000. The Finance Office asks that this acquisition be done before Sept. 30, if the Board is going to do it. Board action.

Motion by Sanders, seconded by Parrish, to authorize Attorney Shuler, on behalf of the County, to administer the purchase of the property owned by Mr. Will Sellers, and approve payment of the recording & doc stamps; Motion carried 5-0.

Item 10 - Board action on making an application to the Small County Technical Assistance Services Program. Previously the Program has subsidized some of the consulting fees for the Alligator Point project. Rep. Kendrick has advised that it is possible there will be no Program this year, but we need to make a request. Deadline is Sept. 14.

Motion by Sanders, seconded by Lockley, directing staff to apply for the Small County Technical Assistance Services Program, including grants for EMS services; Motion carried 5-0.

Item 11 - Board action to accept recommendation from Airport Advisory Committee to accept the proposal from Global Jet for the construction of a new Maintenance hangar at the airport, and to direct Mr. Shuler to work out the details with Global Jet.

John Bone and Doug Gilland, representing Global Jet discussed their proposal. Board spoke of local employment opportunities regarding this and future projects in the County.

Motion by Sanders, seconded by Putnal, to approve Global Jet's proposal; Motion carried 5-0.

Bill Ruic, of the Apalachicola Airport, discussed how other projects at the airport could provide local employment opportunities, and stated that the location of the Global Jet project could affect another project planned for the Airport. The Board suggested that he discuss this matter with the Airport Committee.

Kevin Begos – Seafood Task Force

Mr. Begos stated that after meetings with DEP, the Seafood Task Force was unanimously against an open permit for aerial insecticide spraying, but if some sort of emergency arises where aerial spraying might be needed, Mosquito Control Department will have to seek specific permission from the Board.

Motion by Lockley, seconded by Sanders, to accept the Task Force recommendations regarding aerial insecticide spraying; Motion carried 5-0.

Public Hearing CDBG Application (11:18 AM)

Debra Belcher, the County's CDBG consultant, discussed a proposed skilled nursing facility at the end of Crooked River Road and recommended that the Board approve the extension of the water and sewer to this facility which would cost approximately \$150,000, once more information is known about this project. Ms. Belcher stated that at that time another public hearing would be held with more definite information.

Commissioner Sanders and Ms. Belcher discussed how this project will give the County an additional 20 points when applying for funds from CDBG.

Chairman Crofton opened the floor for public comments.

Commissioner Putnal asked how the County can get involved with assisting a private company. Mark Curenton, the County Planner, explained that the County can apply for Economic Development grants to help with water and sewer in this type of situation.

Ms. Belcher further explained how to apply for Economic Grants.

Commissioner Putnal asked if there are any Economic Grants that can be used to repair neighborhood roads.

Ms. Belcher explained how the application procedure works for Neighborhood Grants.

There were no other comments from the floor.

Ms. Belcher asked for an amendment to the workplan for the grant for Eastpoint Water and Sewer that would allow them to change the timeline on this project.

Motion by Putnal, seconded by Sanders, to approve the amendment to the timeline for the Eastpoint Water and Sewer project; Motion carried 5-0.

CDBG Fair Housing Education Session (11:33 AM)

Ms. Belcher distributed and discussed a handout relating to Fair Housing rules and regulations.

Chairman Crofton opened the floor for public comment.

There were no comments from the floor.

Michael Shuler – County Attorney (11:37 AM)

Attorney Shuler submitted the following written report.

Item - 1 TDC/Geiger Contract

Paul Parker, the TDC Chairman, is on the agenda to speak with the Board about this matter at 11:30..

There are two reasons I recommend against approval of the Geiger contract:

The First Reason I recommend against the Geiger Contract: Her publishing contract specifically disclaims her ability to publish any articles about Franklin County, though they advocate increased risk to the county based on positive publicity.

At Ms. Geiger's insistence, the following disclaimer appears in her proposed contract: ***"a. It is understood that while Geiger And Associates has a successful history and excellent track record for getting articles in a host of publications, the firm cannot guarantee that all writers that visit the county will prepare articles for publication or that all articles will be published."*** If the disclaimer is industry standard, I have no objection.

This means that she will be paid \$116,000.00, but she is only responsible to arrange the free writer trips, not publish anything advertising Franklin County.

The Second Reason I recommend against the Geiger Contract: Ms. Geiger will not agree to the standard complete indemnification agreement.

The complete indemnification agreement offers protection to the county in the event any lawsuit is filed against or judgment is obtained against the county arising from her contract to the extent her company is able to do so. Ms. Geiger wants to limit the standard indemnification or not provide one at all, I'm not clear what she will agree to because I can't get her to answer that question. I just know that she will not agree to the complete indemnification.

Recent Contracts with full indemnification of the County include:

1. The Courthouse Renovation Contract,
2. The Hurricane Debris Clean-up Contract,
3. The Airport Hanger lease,
4. All Grant recipients of Tourist Development Funds,

Ms. Geiger's position puts the County at more risk. Typically, a complete indemnification of all liability is placed on the service provider, such as Geiger, because they are in the best position to prevent the liability and because they are being paid to provide a service. The County just provides the money, Geiger is in charge of the rest.

The additional liability to the County is especially unusual as Ms. Geiger has insisted that her publishing contract with the County disclaim any obligation to publish any articles about Franklin County.

ATTORNEY RECOMMENDATION ON GEIGER CONTRACT: Because of Geiger's specific disclaimer that she can get any articles published for the County's \$116,000 and because she wants to expose the County to increased risks, I recommend disapproval of Ms. Geiger's contract.

BOARD ACTION ON GEIGER CONTRACT : Either approve the contract as Geiger demands or disapprove Geiger's contract. I recommend disapproval for the reasons stated above.

Item 2 - Lanark Village Water and Sewer District

a. A copy of my letter on your behalf to the Attorney General's Inspector General and the State Attorney requesting they investigate the allegations of wrongdoing by the Lanark Village Water and Sewer District is attached.

b. For Your Information: On August 27, 2008, investigator Mike Ellis with the FDLE Economic Crimes Squad called me. He stated that he had received a complaint alleging wrongdoing by the Lanark Board. He wanted to know the relationship between the Lanark Village Water and Sewer District and Franklin. I explained to him that they are an independent district within Franklin County.

BOARD ACTION: NONE RECOMMENDED.

Item 3 - Northwest Florida Transportation Corridor: Alan mailed a letter to the Department of Community Affairs requesting a facilitator.

Item 4 - Armory Contract: I have amended the contract to allow for the return of deposits made within six months of the event date.

Item 5 - Hospital Surtax

a. The City of Apalachicola unanimously approved the interlocal agreement on August 27, 2007.

b. On August 23, 2007, I forwarded to the Department of Revenue the draft hospital tax ordinance and interlocal agreement as required by Florida Law.
A copy of that notice is attached.

Item 6 - Retiree Dental Coverage

I understand that the request has been withdrawn.

Item 7 - Litigation Status:

a. **Henry Rochelle's Claim Alleging Racial Discrimination:**

Our insurance carrier is continuing its investigation. Thus far, our insurance company has not notified me of any final decision on their investigation.

b. **Henry Rochelle's Appeal of Suspension Without Pay for leaving Work**

On August 23, 2007, Mr. Pierce notified Mr. Rochelle that his grievance seeking pay for time that he left work without permission was denied. Mr. Rochelle could appeal this decision to the County Commission and be entitled to a hearing.

On August 29, 2007, Mr. Rochelle has demanded a stage two grievance hearing before the county commission. I will work with Lucy Turner to schedule same. She will appear to represent the board at that time.

c. Ashley vs. Franklin County.

The Ashleys and DCA have signed the settlement. I am still waiting on St. Joe's signature. 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.

d. 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.

e. Franklin County vs. Jason White Construction and Stuart White

The settlement with the White's fell through because they lost their buyer. The Court has ordered mediation September 27, 2007 before Nick Yonclas. The Trial is scheduled for October 25, 2007.

f. 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.

g. 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. There has been no further action on this matter since the last meeting.

h. John Clark vs. Franklin County :

Mr. Clark has filed a Notice of Appeal of the Board of Adjustment decision to deny his request for a after the fact height variance.

i. Gibbes Miller Construction, Inc. vs. J. Galloway, Franklin County et al

This is an action to foreclose a \$42.00 fire tax bill. Typically, I do not defend such actions because the cost of defense far exceeds the \$42 at issue. I intend to allow a default foreclosing the County's fire tax bill.

j. SunTrust vs. Bowden and Franklin County et al

This is an action to foreclose a \$42.00 fire tax bill. Typically, I do not defend such actions because the cost of defense far exceeds the \$42 at issue. I intend to allow a default foreclosing the County's fire tax bill.

Commissioner Sanders asked Attorney Shuler that he try and have some sort of conclusion to the Gieger contract as soon as possible.

Attorney Shuler stated that this issue should be resolved by the next meeting.

Commissioner Sanders asked Attorney Shuler to address a letter she received from someone regarding Lanark Water and Sewer district.

Commissioner Putnal reminded everyone of the hurricane exercise at the Emergency Management Center and recognized Mr. Al Shuler, the prior County Commissioner.

Commissioners' and Public Comments (11:40 AM)

Commissioner Sanders reminded everyone of the upcoming St. George Island Lighthouse ceremonies on September 15.

Commissioner Lockley asked if the \$200,000 figure was the total of the gas tax money available.

Commissioner Putnal asked Mr. Billy Buzzett to check on why the St. Joe Company blocked water access around their project.

John Pat Thomas and Craig McMillian, of Pat Thomas Insurance, discussed their affiliation with Florida League of Cities and the Florida Association of Counties and thanked the Board for the opportunity to bid on the County's Property Insurance and stated that because of the bidding process the County will see savings in insurance. Mr. McMillian stated that he is Chairman of the Hospital Board in Gadsden County and discussed some of the problems they are having.

Commissioner Lockley inquired as to the process for employees to transfer from County employment to employment with a Constitution Officer.

Attorney Shuler explained that Constitution employees are not County employees and therefore cannot transfer into the job but must apply for the job.

Adjourn (11:48 AM)

There being no further business Chairman Crofton adjourned the meeting at 11:48 AM.

G. Russell Crofton, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts