

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
AUGUST 5, 2008  
9:00 AM**

**MINUTES**

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

**Others Present:** Marcia M Johnson – Clerk of Courts, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Linda Phillips – Finance Officer, Michael Morón – Board Secretary

**Call to Order (9:00 AM)**

Chairman Lockley called the meeting to order.

**Prayer and Pledge (9:00 AM)**

There was a Prayer followed by the Pledge of Allegiance.

**Approval of the Minutes - Regular Meeting of July 15, 2008 (9:02 AM)**

**Motion by Sanders, seconded by Crofton, to approve the minutes for the July 15, 2008 Regular Meeting, Motion carried 5-0.**

**Payment of County Bills (9:03 AM)**

**Motion by Sanders, seconded by Crofton, to approve the payment of the County Bills, except for G & N Contractors, as presented; Motion carried 5-0.**

**Motion by Putnal, seconded by Crofton, to approve payment for G & N Contractors; Motion carried 4-0, Lockley abstained.**

**State Representative Will Kendrick – Update (9:03 AM)**

Mr. Kendrick stated that on August 11, 2008 at the Wharf Park in Carrabelle, the Legislative Delegation will present, to the County and the City of Carrabelle, a check from FRDAP and legislative appropriations.

Mr. Kendrick stated that it was necessary for him to use the ambulance and hospital recently and was very impressed with the service he received and congratulated the Board on all of their efforts with improving these services.

Commissioner Sanders presented a Certificate of Appreciation to Representative Kendrick on behalf of the Small County Coalition.

**Doris Pendleton, Additional information of County Tax Base (9:07 AM)**

Mrs. Pendleton explained the differences between the various taxing districts within the County and how it relates to the taxable values.

Commissioner Crofton stated that some residents approached him and were confused between the various types of districts within the County.

Richard Harper, a St. George Island resident, stated that he was able to get the taxable value for St. George Island and other areas of the County.

Mrs. Pendleton stated that the numbers stated by Mr. Harper were not final, and would not be until sometime in September.

**Croom's Transportation, Budget Request (9:17)**

Mr. John Croom apologized for not attending the Budget public workshops. Mr. Croom then presented his budget request, which had a 10% reduction, for the non-profit division of his organization.

Mr. Butch Baker, Emergency Management Director, stated that even though Croom's Transportation is responsible for evacuation during a storm, that cost is billed separately from this budget request.

Board discussed the necessity of the service Mr. Croom provides versus the tax relief that the residents in Franklin County are expecting.

**Motion by Sanders, seconded by Putnal, to tentatively approve this budget request for \$13,400, which is a 10% reduction from his previous budget; Motion carried 4-1, Crofton voting nay.**

**Department Supervisor Report**

**Hubert Chipman – Superintendent of Public Works (9:30)**

Mr. Chipman presented the following report for the Board's review.

**Board Action Needed:** Authorization to advertise within the County for a new truck driver to fill the position of someone who is intending to retire due to illness.

Attorney Shuler recommended that this employee officially submits the necessary documents for retirement, which would officially make this position vacant.

**Motion by Putnal, seconded by Sanders, to authorize advertisement of this position “in-house” contingent on the County receiving official notification of the current employee intent to retire; Motion carried 5-0.**

**Board Action Needed:** Need the approval and signature for the new VMS contracts, there was a small rate increase since the June 17<sup>th</sup> meeting to the county from the VMS contracted maintenance and therefore the contract needs to be approved and signed.

**Motion by Sanders, seconded by Putnal, to authorize the Chairman’s signature on the new VMS contracts with the small rate increase; Motion carried 5-0.**

Commissioner Sanders directed Mr. Chipman and Mr. Johnson, Solid Waste Director, to create RFPs for fuel and present it for approval at the next meeting.

### **Material Hauled Summary**

#### ➤ ***Lime Rock Hauled***

- 2 loads from Gulf Coast Aggregates (38.18 T) to roads in Apalachicola
- 2 loads from stock pile (Approx 38 CY) to roads in Apalachicola
- 122.5 loads from Gulf Coast Aggregates (2331.7 T) stock piled in the Carrabelle Pit
- 8.5 loads from Gulf Coast Aggregates (169.99 T) to roads in Carrabelle
- 1 load from the stock pile (Approx 19 CY) to roads in Carrabelle
- 4 loads from Gulf Coast Aggregates (61.62 T) to roads in Eastpoint
- 25 loads from the stock pile (Approx 484.5 CY) to roads in Eastpoint
- 1 load from the stock pile (Approx 3 CY) to the Apalachicola Health Department
- 1 load from the stock pile (Approx 19 CY) to roads in Lanark
- 17 loads from Gulf Coast Aggregates (321.54 T) stock piled at the shop in Eastpoint
- 12 loads from stock pile (Approx 228 CY) to roads on St. George Island
- 2 loads from Gulf Coast Aggregates (39.16 T) stock piled at the state yard in Apalachicola

#### ➤ ***Debris Hauled***

- 1(Approx 9 CY) Load of Debris hauled from Alligator Point
- 8 (Approx 60 CY) Loads of Debris Hauled from Apalachicola
- 10 (Approx 162 CY) Loads of Debris Hauled from Carrabelle
- 4 (Approx 36 CY) Loads of Debris Hauled from Eastpoint
- 3 (Approx 27 CY) Loads of Debris Hauled from Lanark

#### ➤ ***Cold Mix Hauled***

- 1 (Approx 3 CY) Load hauled to Eastpoint

#### ➤ ***Dirt***

- 7 (Approx 133 CY) Load hauled to Apalachicola
- 1 (Approx 3 CY) Load hauled to County Jail
- 1 (Approx 19 CY) Load hauled to Landfill

#### ➤ ***Milled Asphalt***

- 2 (Approx 12 CY) Load hauled to Apalachicola
- 1 (Approx 3 CY) Load hauled to Carrabelle
- 1 (Approx 3 CY) Load hauled to Landfill
- 1 (Approx 18 CY) Load hauled to St. Teresa

➤ **#57 Shell**

- 1 (Approx 19 CY) Load hauled to Eastpoint

**Work Performed Summary**

➤ **Ground Maintenance**

- A B C School, in Apalachicola
- The Learning Center in Eastpoint
- Courthouse and Courthouse Annex in Apalachicola
- Courthouse Annex in Carrabelle
- Weems Memorial Hospital

➤ **Health Department**

- Installed culvert in Apalachicola

➤ **New Well Center**

- Started bush hogging grounds

➤ **Landfill / Parks & Recreation / Recycle Work**

- Repaired entry driveway next to State Road 65 with milled asphalt
- Prepared new site in Lanark for relocation of recycle canister

➤ **Sidewalks and Bike Paths**

- *Cut grass, Edged, Cleared and Litter Control sidewalks in Lanark*
- *Cut grass, Edged, Cleared and Litter Control bike path on St. George Island*

➤ **Roads Graded**

- Apalachicola
- Carrabelle
- Eastpoint
- Lanark
- St. George Island

➤ **Bushes / Trees Cut off of Right Of Way**

- Lanark
- Apalachicola

➤ **Pothole Repair**

- Apalachicola
- Carrabelle
- Eastpoint

➤ **City Work**

- *Cut trees down, widened roads and hauled lime rock for preparation to be paved*

➤ **Driveway Repair**

- *Apalachicola*
- *Eastpoint*

➤ **Roads Upgraded**

- Eastpoint

➤ **Roads Tilled**

- Eastpoint

➤ **Litter Control**

- Alligator Point

- Apalachicola
- Carrabelle
- Eastpoint
- Lanark
- St. George Island
  
- **Grass Cut**
  - Alligator Point
  - Apalachicola
  - Carrabelle
  - Eastpoint
  - Lanark
  - St. George Island
- **Ditches Cut**
  - Apalachicola
  - Carrabelle
  - Eastpoint
  - Lanark
- **Ditches Dug / Pulled**
  - Apalachicola
  - Eastpoint
  - Lanark
- **Culverts Installed**
  - Apalachicola
  - Eastpoint
- **Sign Maintenance**
  - Cleaned signs in Apalachicola and Eastpoint
  - Built signs in Eastpoint
  - Cut bushes and weed eat around signs in Apalachicola and Eastpoint
  - Put up new signs in Apalachicola, Carrabelle, Eastpoint and St. George Island
  - Put up culvert markers in Eastpoint
  - Replaced signs in Eastpoint
  - Sign Inspection in Apalachicola and Eastpoint
  - Straightened signs in Apalachicola and Eastpoint

**Van Johnson – Solid Waste Director (9:40 AM)**

Mr. Johnson presented the following report for the Board's review.

**CONSOLIDATED SMALL COUNTY SOLID WASTE GRANT:**

FOR BOARD ACTION: I have for Board approval and the Chairman's signature the Consolidated Small County Solid Waste Grant for Fiscal Year 2008/09. The purpose of the Grant is to assist counties with populations under 100,000 with their solid waste management operation. The award amount for Fiscal Year 2008/09 is

\$277,316, the same as the prior fiscal year. **ACTION REQUESTED: Motion accepting the Consolidated Small County Solid Waste Grant for Fiscal Year 2008/09 and authorizing the Chairman signature on the award.**

**Motion by Crofton, seconded by Sanders, to authorize the Chairman's signature on the Consolidated Small County Solid Waste Grant award; Motion carried 5-0.**

**RESOLUTION OF APPRECIATION PRESENTATION OF FOR PAUL OSTERBYE:**

FOR BOARD PRESENTATION: Presentation of a Resolution of Appreciation for the volunteer effort and role played by Paul Osterbye in the renovation of the Carrabelle Beach Wayside Park restrooms. **ACTION REQUESTED: None.**

Chairman Lockley presented the Resolution of Appreciation to Mr. Paul Osterbye.

Mr. Osterbye complimented Mr. Johnson and his staff and recognized some other volunteers, for the work done on the Carrabelle Beach Wayside Park restrooms project.

Mr. Osterbye stated some other concerns that needed to be addressed such as the protection of the Bay, as the water in the Bay has been tested high for bacteria, which would include providing dispensers for dog waste, educating the public on the negative effect of feeding seagulls, changing the location of a dumpster that is located on the sand close to the beach and asked the Board to consider the baffle system that has recently been installed in Eastpoint by North West Florida Water Management District. Mr. Osterbye also stated that something has to be done about the willful destruction and vandalism of the equipment and supplies at Wayside Park, and recommended closing the Park from dusk to dawn.

Commissioner Putnal agreed that vandalism is a problem at the Park and has already asked Mr. Johnson to present some options to help solve this matter.

**Motion by Putnal, seconded by Crofton, to direct Mr. Rothwell, the County Engineer, to seek funding to install the baffles, like the ones recently installed in Eastpoint, at the Wayside Park in Carrabelle; Motion carried 5-0.**

**Motion by Sanders, seconded by Putnal, to direct Mr. Pierce and Attorney Shuler to research laws that apply to the vandalism problems at the Park and discuss this matter with the Sheriff; Motion carried 5-0.**

Commissioner Sanders asked Mr. Johnson to present a recommendation on the new small engine repair position at the next meeting.

Commissioner Crofton and Mr. Johnson discussed relocating the recycling bins in Eastpoint, and replacing the playground equipment on St. George Island.

**Alan Pierce – Director of Administrative Services – Report**

Mr. Pierce presented the following item from his report as it related to Mr. Johnson.

Item 5 – Board action to clarify the record from the July 15<sup>th</sup> meeting that the motion approving a Resolution identifying Mr. Van Johnson as Project Manager for Lombardi also included a Resolution identifying Mr. Van Johnson as Project Manager for Vrooman Park as well.

**Motion by Sanders, seconded by Crofton, to appoint Mr. Johnson as the project manager on Vrooman Park project; Motion carried 5-0.**

Mr. Johnson stated that he would address an email he received this morning relating to a dog complaint.

**Open Bids - Wood Work on St. George Island Boat Ramp (10:17 AM)**

Mr. Pierce opened and read the name and the amount of the responding bidders.

BCL – \$129,800 – bid bond included

Larry Joe Colson – \$49,183 – bid bond included

J D James – \$66,585 – bid bond included

R J Petersen – \$199,850 – bid bond included

Poloronis Construction – \$153,750 – bid bond included

**Motion by Sanders, seconded by Crofton, to forward the bids to the project Engineer for a recommendation; Motion carried 5-0.**

**Dan Rothwell – County Engineer (10:21 AM)**

Mr. Rothwell presented the following report for the Board's review.

**1. BOARD ACTION: Carrabelle Airport Road Small County Outreach Program (SCOP) Contracts:**  
Staff wishes Board to authorize the Chairman to sign the SCOP project contracts for resurfacing and improvements to Airport Road CR 376.

**Motion by Sanders, seconded by Putnal, to authorize the Chairman's signature on the Small County Outreach Program project contracts; Motion carried 5-0.**

**2. BOARD ACTION: St. George Island Boat Ramp:**  
Staff desires Board permission to approve the final invoice to BCL Contractors as the Engineer of Record has approved this final invoice and the County Engineer has made post construction observations of the project and it appears that all items are substantially constructed to permitted plans and specifications.

**Motion by Sanders, seconded by Crofton, to authorize the payment of a \$5,591.39 change order for the St. George Island Boat Ramp; Motion carried 5-0.**

**Motion by Crofton, seconded by Parrish, to authorize payment of the final invoice for the St. George Island Boat Ramp; Motion carried 5-0.**

**3. Eastpoint County Landing Park Project:**  
Bailey, Bishop & Lane has submitted permit to Florida Department of Environmental Protection and is responding to the Request for Additional Information and revising contract drawings accordingly.

**4. Ochlockonee Bay Boat Ramp Project:**

Bailey, Bishop & Lane has submitted permit to Florida Department of Environmental Protection and is responding to the Request for Additional Information and revising contract drawings accordingly.

**5. Sawyer Street Project:**

FDEP, Submerged Lands Division has finally issued the Consolidated Wetland Resource Permit and Sovereign Submerged Lands Authorization Permit/Authorization for the project and advertising for contractors may soon begin. Army Corps of Engineers has their copy of the permit application from FDEP.

**6. St. George Island (SGI) Multi-use Path Bids:**

C. W. Roberts is working and 100% of the rough grading is completed and 40% of the limerock base has been placed.

**7. Franklin Blvd at West Gulf Beach Dr Drainage:**

Staff continuing work has been scheduled.

**8. Squire Road, Peachtree Road Survey and Long Road:**

Work on the plans and field marking is still pending prior to starting any Public Works project on these roads.

Commissioner Sanders asked for an update on the Alligator Point paving project and repairs to roads in Lanark Village. Mr. Rothwell stated that he would have more information on these items at the next meeting.

**Alan Pierce – Director of Administrative Services**

Mr. Pierce presented this item from his report as it related to Mr. Rothwell.

Item 16 - Board direction on county-wide paving program. From the budget workshops, the Clerk informed the Board there was approximately \$4.8 Million available for paving. I recommend the Board direct Mr. Dan Rothwell to get a short list of critical roads from each commissioner, and then to work with Preble-Rish on cost estimates of the roads so that each commissioner get approximately \$800,000 worth of paving in their district. I also recommend the Board direct staff to contact the cities to see if they have funds to add to a paving program. Five years ago, Apalachicola added \$200,000, and Carrabelle added \$100,000.

By leaving \$800,000 of county funds unspent, these funds will be used for another paving project two years from now. If all goes well in two years, the Board might be able to accumulate \$2 Million for another paving project.

Board discussed creating a list of roads that needing paving for each district.

Warren Yeager, of Preble-Rish, stated that they would try and get the best price for the County.

**Motion by Putnal, seconded by Sanders, directing Mr. Pierce to contact the City of Apalachicola and the City of Carrabelle and discuss their contributions to a county wide paving project, and direct Mr. Rothwell to get with all Commissioners and create a list of roads for a paving project; Motion carried 5-0.**

Commissioner Crofton and Mr. Rothwell discussed drainage problems at Lake St. George which is on the corner of Franklin and Gulf Beach streets.



**Bill Mahan – County Extension Director (10:34 AM)**

Mr. Mahan presented the following report for the Board's review.

***Florida Fish & Wildlife Commission (FWC) Updates:***

GROUPEL and SNAPPER – Action: Pending and Proposed Federal Regulations: Gulf of Mexico Grouper regulations for state and federal waters of the Gulf of Mexico remain presently unchanged. However, the Gulf of Mexico Fishery Management Council is scheduled to address and take final action on proposed regulation changes for gag, black, and red grouper at their August 2008 meeting in Key Largo.

The following are possible changes to the Gulf grouper regulations but are subject to change:

Recreational (would reduce gag harvest by 25%; increase red grouper harvest by 4%)

- Reduction in bag limit to 4 grouper aggregate per person
- Two-fish gag grouper bag limit within the aggregate
- Two-fish red grouper bag limit within the aggregate
- Season closure during February 1 – March 31

Commercial

- 200-lb trip limit for gag or red grouper when 80% of gag, black or red grouper quota reached
- Prohibit all grouper harvest during March and April
- Remove current 15 February – 15 March closure if other closure approved
- Season closure during January through April at 'Edges 40' (see \* below)

Interim Rule

Additionally, the Gulf Council requested that NOAA Fisheries Service prepare an interim rule for gag grouper. This interim rule is intended to reduce the recreational and commercial harvest of gag grouper while the Gulf Council implements permanent management measures. The proposed interim rule is scheduled to be reviewed at Council's August meeting and would take effect in January 2009 if approved.

Other Council Action

The Gulf Council is also initiating action on establishing an Individual Fishing Quota (IFQ) for the commercial grouper and tilefish fisheries. The Council has requested approval from the Secretary of the Department of Commerce for a referendum of qualifying grouper and tilefish fishermen. Public hearings on the Grouper IFQ proposal will occur throughout the state in various locations July 21 through July 31, 2008.

Proposed Area Closure

\*The Gulf Council is considering a new area closure to protect gag spawning aggregations along the 40-fathom contour. The preferred location of this proposed protected area, called the "Edges 40 fathom contour reserve", is adjacent to the northern portion of the Steamboat Lumps protected area and is approximately 390 square miles in size. This closed area would affect recreational and commercial fishers but may or may not cover all types of fishing.

The FWC will be discussing federal issues and the draft interim rules at their September meeting in Jacksonville.

Timeline: Interim rules to take effect January 1, 2009 for federal waters on both coasts. The next FWC meeting is scheduled for September 17-19 in Jacksonville.

***FWC schedules workshop on federal fishery-management coordination:*** The FWC has scheduled a workshop

to discuss how state and federal marine fisheries management is coordinated. The workshop will take place on Tuesday, Aug. 19 beginning at 10 a.m. at Rosen Plaza, 9700 International Drive in Orlando.

This workshop is intended to provide FWC Commissioners a forum to discuss and exchange ideas about state and federal marine fishery management coordination in the context of the existing federal regulatory structure. The Commission will not be taking action on any specific regulatory issues.

Commissioners will review and discuss controlling laws and the structure and functions of the Gulf of Mexico and South Atlantic fishery management councils and the National Marine Fisheries Service, and how they develop and implement fishery-management plans.

They will also review and discuss the current working relationships and interactions between the FWC and federal managers pertaining to regulatory consistency, data collection and assessment and law enforcement. Commissioners also will review and discuss types of regulatory or management measures that are available to control fishing effort and possible strategies to better coordinate with and influence federal marine fisheries management processes.

***FWC to host summit on Florida's wildlife and climate change:*** Florida's wildlife stands at the forefront of the battle against the effects of climate change. But they don't stand alone. The FWC and other state and federal agencies and environmental groups are bracing to fight for their protection, management and adaptation.

Florida's Wildlife: On the Frontline of Climate Change, a summit hosted by the FWC, will highlight the challenges facing wildlife managers, governments, industry leaders and the public in the next 50 years in the struggle with climate change. On Aug. 20-22, experts from the FWC and other state and federal agencies will converge in Orlando at the Rosen PLAZA to discuss the predicted consequences of climate change on wildlife, while seeking answers on how to manage and conserve Florida's wildlife and habitats wisely.

The summit will feature presentations and workshops to stimulate discussion and offer solutions to the complexities of a state growing rapidly in an environment changing just as quickly.

The early registration fee, prior to Aug. 4, is \$175, which includes two breakfasts, two lunches and a reception. After Aug. 4, the fee is \$195.

#### ***Gulf of Mexico Marine Fisheries Council (GMMFC) Updates:***

***Next GMMFC Meeting Scheduled:*** The next GMFMC meeting is scheduled for August 13-15, 2008 in Key Largo, FL. In addition, several of the GMFMC's Committees are scheduled to meet in Key Largo on August 11-13. The Reef Fish Management Committee will meet August 11 to discuss Amendment 30B (Gag/Red Grouper) and Amendment 29 (Grouper/Tilefish IFQ). The Shrimp Management Committee will meet on August 13, to review shrimp stock reports.

***Extended Comment Period on Shrimp Bycatch Reduction Device Proposed Rule:*** On June 3, 2008, NOAA's National Marine Fisheries Service (NOAA Fisheries Service) began accepting public comment on proposed changes regarding the use of bycatch reduction devices (BRDs) in the Gulf of Mexico shrimp fishery. In summary, NOAA Fisheries Service proposes to:

- Decertify the Expanded Mesh BRD.
- Decertify the Gulf Fisheye BRD.
- Establish a more restrictive placement for the Fisheye BRD.

The intent of this proposed rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. At the request of the shrimp industry, the comment period for this proposed rule has been extended through August 6, 2008.

Written comments on these proposed changes must be received no later than 5 p.m., Eastern time, August 6, 2008.

### **ISSC Updates:**

**FDA Changes Mind on “For Cooking Only” Labeling:** On July 8<sup>th</sup>, the U.S. FDA (Don Kraemer) sent a letter to the ISSC stating that FDA after further consideration, does not concur with the ISSC’s adoption of “For Cooking Only” labeling as a control measure under the *Vibrio parahaemolyticus* (*Vp*) Control Plan adopted in Proposal 07-202. Since many states have already been promoting the “For Cooking Labeling” the FDA will currently only encourage states not to use the labeling. However, by June 20, 2009 the FDA expects States to have implemented *Vp* Control Plans that have eliminated the use of “For Cooking Only” labeling.

**ISSC *Vibrio vulnificus* Workshop Planned:** I was contacted by the ISSC to assist them in planning a *Vibrio vulnificus* Workshop for Florida. The Workshop is scheduled for August 18<sup>th</sup> from 4:30 – 6:30 p.m. in the Courthouse Annex. The FL Department of Agriculture and Consumer Services will send out a meeting agenda to all of Florida’s certified oyster dealers and oyster industry groups.

### **UF – IFAS Extension Updates:**

**4-H County Camp:** This year’s County 4-H Camp was a big success with 17 Franklin County youth attending. One of our campers served as a Cabin Councilor and six served as Councilors in Training. On average attendance was down this summer at Camp Timpoochee. However, we had a full camp with 105 youth from Covington County, AL, Franklin and Walton Counties. We had the largest camp of the summer.

**FEMA – Homeland Security Training/Joint Preliminary Damage Assessment Training:** On July 22 – 25, I attended and completed the ICS-300: Intermediate ICS for Expanding Incidents and the ICS-400: Advanced ICS Command and General Staff – Complex incidents training offered at the Franklin EOC. In addition, on July 29<sup>th</sup> I attended the Joint Preliminary Damage Assessment – Housing and Business training offered at the Franklin EOC.

**Shellfish School Dates Set:** Last year’s highly successful “Oyster School” has a new name this year “Shellfish School – Oysters and Clams.” The state’s clam industry asked us to add clams to our programs menu this year, thus the name change to Shellfish School. This year’s program focus is “What buyers need to know to be successful.” The dates for the program are October 7<sup>th</sup> – 9<sup>th</sup>.

**Forgotten Coast Bear Festival Planned:** The FL Fish & Wildlife Commission has taken the lead in organizing a multi-agency/government/citizen action group planning committee to assist in them in organizing the “Forgotten Coast Bear Festival.” It is scheduled for Spring of 2009.

### **Presentation by Tallahassee Memorial on Trauma Center, Mr. Warren Jones & Ms. Frieda Lyons (10:38)**

Mr. Jones apologizes for missing the last meeting and introduced Ms Lyons.

Ms. Lyons discussed the differences between the levels of trauma centers, the process of starting the Trauma Center which includes the submission of their action plan to the State, the advantages to the surrounding

counties of having a trauma center at Tallahassee Memorial, and the requirements of trauma centers. Ms. Lyons also provided data that stated how many residents of Franklin County were served at Tallahassee Memorial.

Mr. Jones explained why Tallahassee Memorial decided to start a Trauma Center.

Commissioner Sanders stated that since Weems and Tallahassee Memorial Hospital are partnering, hopefully the funds from Franklin County should help with funding the Trauma Center.

Attorney Shuler gave an update on the proposed partnership with Tallahassee Memorial Hospital.

**Public Hearing to Re-zone 29 Acres from R-3 to R-3MH, DSW applicant (10:53 AM)**

Mr. Pierce presented the re-zone request. Mrs. Rachel Ward, representing the applicant, provided some additional information on this request.

Chairman Lockley opened the floor for public comment; there were no comments from the floor.

**Motion by Putnal, seconded by Crofton, to approve the re-zoning request; 4-0, Parrish abstained.**

**Keith McCarron, ARPC, update of DOT 5 year plan (10:55)**

Mr. McCarron updated the Board on the DOT 5 year plan and distributed a handout that provided information on the proposed plan.

Board, Mr. Pierce, and Mr. McCarron discussed in more detail the information that was on the handout. Representative Kendrick provided some information that helped address some of the Board's concerns.

Mr. McCarron encouraged the County to discuss any suggestions and comments they had on this plan. Board discussed current projects and possible funding for future projects.

**Kevin Begos, Seafood Task Force Update (11:11 AM)**

Mr. Begos stated that there has been at least 3 *Vibrio parahaemolyticus* cases reported related to Apalachicola oysters, actions that FDA might take because of these reported cases, and how it affects the seafood industry in the County.

Mr. Begos stated that the Lombardi project is moving forward and possibly might be ready this weekend and, as suggested by Chairman Lockley, the Board should invite Commissioner Bronson, of the Department of Agriculture and Consumer Affairs, for the dedication of the boat ramp, but mentioned that there are some safety and security issues that need to be worked out if the boat ramp is to be used before the dedication.

Mr. Begos presented some information relating to his research on the Eastpoint boat ramp project.

Mr. Begos distributed a news article that talked about building additional dams in Georgia.

**Marcia M. Johnson – Clerk of Courts – Report (11:26 AM)**

Mrs. Johnson presented the following item for information and/or discussion.

Item 1 – Inform the Board that the Open House for the newly renovated courtroom is scheduled for Wednesday August 13, 2008 beginning at 2:00 PM.

## **Michael Shuler – County Attorney – Report**

Attorney Shuler presented the following items from his report as it related to Mrs. Johnson.

### **1. Carrabelle Urgent Care Facility**

The County began bush hogging the property last week in advance of the survey work. Upon completion of the survey, I will prepare the deed.

The Clerk needs authorization to pay \$100,000.00 from the health care surtax for the property.

BOARD ACTION NEEDED: Motion Authorizing the Clerk to pay \$100,000 to the School Board for the property in Carrabelle.

**Motion by Sanders, seconded by Crofton, to authorize payment of \$100,000 from the health care surtax for the school board property and payment of all associated recording cost; Motion carried 5-0.**

### **7. REGIONAL CONFLICT COUNSEL LITIGATION**

The Clerk asked for my recommendation on whether the County should join the other counties (about 25) that filed suit last week in Leon County, Florida challenging the legality of the legislative requirement that counties fund the various regional conflict counsels.

I have recommended that we not join that litigation. If the other counties win the suit, we will receive the benefit of that victory.

The issue in the lawsuit is the legality of the state law requiring counties to fund the regional conflict counsels.

BOARD ACTION: None Recommended.

Board agreed not to take any action on this matter at this time.

**Motion by Sanders, seconded by Parrish, directing Mr. Pierce and Mrs. Johnson to create RFPs for the County's legal notices; Motion carried 5-0.**

Commissioner Sanders asked if the hospital workers and ambulance workers are entitled to the same raises the Board approved for the County employees.

Attorney Shuler and Mr. Pierce stated that because the employees at the hospital and ambulance service are leased and because the Board no longer funds the hospital, the Board cannot directly give those employees raises.

Mrs. Johnson stated that any raises for the hospital or ambulance employees should have been included in the hospital budget.

Commissioner Parrish talked about a discussion he had with Mr. Chuck Colvert, the Hospital CEO, about raises for the hospital employees and ambulance workers.

Commissioner Sanders asked the Clerk to verify that all Constitutional Officers will return any excess funds from the 2007-2008 budget year back to the Board.

**Alan Pierce – Director of Administrative Services – Report (11:38)**

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

1- Inform Board that FWC has responded to the Board's letter concerning the possibility of reduced hunting in Tate's Hell WMA north of the new consolidated school. The FWC does not plan to close or change any hunting regulations in the area. The FWC believes there is an adequate buffer in place currently.

2- Inform Board FWC has notified the Board that construction funds for the Ochlockonee Boat Ramp have been awarded to Franklin County in the amount of \$533,370. Award agreements will arrive in next few weeks. No funds can be expended until grant documents are fully executed. While Bailey Bishop has done the design, there has been no award to either Bailey Bishop or Preble-Rish on who should supervise construction. The Board can reserve that decision until the grant documents are executed because there can be no work done until then anyway.

3- Inform Board FWC has notified the Board that construction funds for the Eastpoint Boat Ramp have been awarded to Franklin County in the amount of \$396,000. Award agreements will arrive in the next few weeks. No funds can be expended until the grant documents are fully executed. Again, neither Bailey Bishop nor Preble-Rish has been directed to supervise construction.

4- Inform Board that the Dept. Agriculture and Consumers Services (DACS) has fully executed its agreement with the county for \$150,000 to build the Lombardi boat ramp and landing platform. Because the agreement has been fully executed, Tedder Construction has been notified that they can begin construction. The appropriate DEP permits have been expedited.

Because the county has executed an agreement for a boat ramp using DACS funds, a letter has been sent to FWC withdrawing the grant request for FWC to build the Lombardi boat ramp. The county has finalized plans for the \$150,000 Legislative appropriation for the Lombardi site and sent it to DEP for approval.

5- Board action to clarify the record from the July 15<sup>th</sup> meeting that the motion approving a Resolution identifying Mr. Van Johnson as Project Manager for Lombardi also included a Resolution identifying Mr. Van Johnson as Project Manager for Vrooman Park as well.

**This item was addressed earlier in the meeting.**

6- Board direction on proposed FRDAP application for Indian Creek. Under the agreement with FCT, the Board had agreed to make certain improvements at Indian Creek Park, including the installation of a canoe/kayak launch, picnic area, parking, etc. Those improvements needs to be made, and at this time they will have to

funded out of Parks and Rec, or TDC funds, but it is possible those same improvements could be paid through a FRDAP grant, and save local funds. Board direction.

Crofton stated that he didn't want FCT timeline affected by FRDAP grant application.

**Motion by Crofton, seconded by Sanders, to direct Mr. Pierce to apply for the FRDAP grant for Indian Creek; Motion carried 5-0.**

7- Inform Board that DOT has agreed to let county obtain 250 loads of milled asphalt from the stockpile in Tallahassee. Franklin County Public Works will be organizing the pick-up of that material with DOT.

8- Inform Board that Fairpoint Communications is moving their existing communications junction box on the west side of Bluff Road to the east side of Bluff Road near Bay City Road. Board action to authorize Fairpoint to relocate their junction box from one side of the Bluff Road right-of-way to the other side. Mr. Shuler has been provided a copy for his review.

**Motion by Parrish, seconded by Crofton, to authorize Fairpoint to relocate their junction box; Motion carried 5-0.**

9- Inform Board that another letter from Senator Nelson's office has been received requesting the Board look into complaints about the Eastpoint Sewer and Water District. On behalf of the Board, I responded to the first letter explaining the Board does not appoint members to the District Board, and to my knowledge, and the knowledge of the County Attorney, the Board has no oversight of the District. The Governor of Florida is the one who should be contacted. I have not responded to the second letter.

**Motion by Sanders, seconded by Crofton, directing Mr. Pierce to send a letter to the Governor for clarification on who is responsible for the Eastpoint Water and Sewer Board and their actions; Motion carried 5-0.**

10- Inform Board that a letter has been sent to Mayor Messer, City of Carrabelle, explaining that the Board had previously discussed the Carrabelle Beach Wayside Park, and that the consensus of the Board was that the County wanted to keep the Park. However, the Board did not vote on the matter. I recommend the Board vote on the matter this time so there is definitive record.

**Motion by Sanders, seconded by Crofton, to send a letter to Mayor Messer, of the City of Carrabelle, that the County will keep the Carrabelle Beach Wayside Park; Motion carried 5-0.**

11- Ms. Lori Switzer, SHIP Coordinator, and the County Housing Advisory Board, recommend the Board approve the following technical revisions to the county SHIP program.

(A) Raise the cap on Down Payment Assistance to the following:

Very Low Income: from \$10,000 to \$15,000

Low Income: from \$10,000 to \$12,500

Median Income: Remains at \$10,000

**Motion by Crofton, seconded by Parrish, to approve the requested technical revisions for the SHIP program; Motion carried 5-0.**

(B) Revise the Plan to make assistance from a Disaster Grant not a prohibition from receiving assistance from the other standard SHIP programs. The Disaster grants are intended to fix an immediate problem caused by a disaster, and are not large enough to correct other problems an eligible recipient might also need help with. Currently the Plan prohibits an applicant from getting additional assistance within 5 years of the first request, so the recommendation is to exclude Disaster grants from that prohibition.

Board action to approve these technical changes recommended by the Housing Board.

**Motion by Crofton, seconded by Sanders, to approve the requested technical changes recommended by the Housing Board; Motion carried 5-0.**

12- Inform Board that Ms. Leslie Cox has requested the Board be invited to Kendrick Park on October 18, 2008, from 9 to 4, for "Black Bear Appreciation Day." Ms. Cox may be present to briefly explain the program.

**Motion by Putnal, seconded by Sanders, to send a letter of support to the Tourist Development Council to award the "Black Bear Appreciation Day" program during their funding cycle; Motion carried 5-0.**

13- Inform Board that VMS does not want the 100 to 120 truckloads of granite/dirt material left over from constructing the St. George Island Boat Ramp. For the right contractor, that granite has value as it is very expensive to get granite in Florida. Board authorization to advertise for sale to the highest bidder all of the material, save for the few truckloads the county will need on Sawyer Street.

Commissioner Sanders suggested using this granite on Alligator Point.

Ken Osborne agreed with Commissioner Sander's recommendation and asked if it would help with the Wargo litigation challenge. Attorney Shuler stated that the Wargo challenge is stalled because the County is no longer pursuing the permit for debris removal.

Mr. Pierce stated that the granite could not be used without a permit from DEP and would damage the County equipment by moving it.

Board discussed this item further.

Commissioner Sanders suggested that the Board table this matter and ask Preble-Rich to present a suggestion at the next meeting.

14- Direction on filling the vacancy created by Mr. Butch Baker, EM Director, upon his retirement effective Sept. 30. While Mr. Baker announced his retirement there was no action by the Board to indicate how they wanted the Director's position filled. There is a hiring freeze in effect, but it is important the county have a full-time EM Director. Mr. Baker is here to discuss the matter.

Board directed Attorney Shuler and Mr. Pierce to have the procedure followed for in house advertisement of the job.

15- Board action on the request from Opportunity Florida to sign the Second Memorandum of Agreement that was discussed by Mr. Rick Marcum at the July 1 Board meeting



Chairman Lockley stated that he would like Opportunity Florida to look for smaller economic opportunities for small rural counties like Franklin County.

**Motion by Crofton, seconded by Putnal, to authorize the Chairman's signature on the Second Memorandum of Agreement; Motion carried 5-0.**

16- Board direction on county-wide paving program. From the budget workshops, the Clerk informed the Board there was approximately \$4.8 Million available for paving. I recommend the Board direct Mr. Dan Rothwell to get a short list of critical roads from each commissioner, and then to work with Preble-Rish on cost estimates of the roads so that each commissioner get approximately \$800,000 worth of paving in their district. I also recommend the Board direct staff to contact the cities to see if they have funds to add to a paving program. Five years ago, Apalachicola added \$200,000, and Carrabelle added \$100,000.

By leaving \$800,000 of county funds unspent, these funds will be used for another paving project two years from now. If all goes well in two years, the Board might be able to accumulate \$2 Million for another paving project.

**This item was addressed earlier in the meeting.**

17- Board direction on utilizing capital outlay funds to build addition to courthouse. From the budget workshops, the Clerk informed the Board there was approximately \$900,000 designated in capital outlay. Over the years, the Clerk has been asked by the Office of Court Administration whether the county is planning for the future, i.e. for the day when the Chief Judge is going to want non-judicial functions out of the courthouse.

There appears to be enough money now to build a building that would house the Tax Collector, Property Appraiser, and Supervisor of Elections. On an initial review of options, it appears the best option would be to connect this new building to the courthouse where the back doors are. This would require the City to close the street behind the courthouse, but it would save some construction costs because restroom facilities might be shared, and if the building had a second story the existing elevator shaft could be used. Both the old jail and the Public Defender's Office would be torn down for parking, which would dramatically increase parking. The Public Defender, which is a judicial function, would be brought back into the courthouse, and possibly space for the new Office of Conflict Attorney, who currently wants \$12,000 annually to rent office space somewhere.

If the Board wants to move forward, it needs to direct staff to prepare a Request for Qualifications for an architect to development plans for the courthouse addition, and to direct staff to contact the City about closing Commerce Street behind the Courthouse. Board direction.

Commissioner Sanders asked that the staff look into options for expanding the Annex in Carrabelle.

**Motion by Sanders, seconded by Parrish, to direct staff to prepare a Request of Qualifications to start the process for the Courthouse addition; Motion carried 5-0.**

18- Brief update on Weems Hospital Emergency Room activity. (Show graph). The bottom line is that with the known wait times in surrounding ERs of over four hours to see a physician, a person needing emergency care can get in and out of the Weems ER in less than two hours. Residents in surrounding counties are becoming

aware of the fast service at Weems and are actually coming to Weems ER instead of going to Bay Medical or TMH.

19- Board action to schedule a transmittal hearing to consider sending to DCA the comp plan amendments required to be made based upon the Evaluation and Appraisal Report (EAR) that DCA has already approved. The EAR based amendments do not include any land use changes, but are all text changes. I have provided an executive summary of those changes attached to my report. County staff is going to recommend a few land use changes, but they will be only for publically owned property, and the land use changes will be for recreational uses. The parcels involved will be: Indian Creek Park, D.W. Wilson Park, St. George Island County Park, Will Kendrick Sports Complex, and Bald Point State Park.

The Board can be reviewing the executive summary between now and the transmittal hearing, but I would like to schedule the transmittal hearing either Sept. 2, or Sept. 16<sup>th</sup>, which are both Board meetings. Board direction.

**Motion by Sanders, seconded by Crofton, to schedule the transmittal hearings comp plan amendments on Sept 16; Motion carried 5-0.**

20- Mr. Ted Mosteller, Airport Advisory Chairman, requests Board action to

- (A) approve a \$350,000 DOT Agreement for stormwater improvements at the Airport, and
- (B) sign contract with Poloronis Const. for runway rehab.

**Motion by Sanders, seconded by Parrish, to approve the \$350,000 DOT Agreement and authorize the Chairman's signature on the Poloronis Contract for runway rehab; Motion carried 5-0.**

21- Inform Board that there will be a FRDAP check presentation by Rep. Kendrick on Monday, August 11, at 2:00 PM at Wharf Park on Marine St. in the City of Carrabelle. Franklin County will receive checks for 3 legislatively funded projects: Lombardi Park, Vrooman Park, and Phase IV Kendrick Park., and Carrabelle will receive one check. The commissioners and the public are invited to attend.

**Representative Kendrick addressed this item earlier in the meeting.**

22- Board action to sign one year lease with Island Drive Properties, LLC for the space occupied by the Franklin County Library in Eastpoint. The lease payments/rent is anticipated in Library budget. The County Librarian recommends only a one year lease as it is hoped that the new Library will be finished in a year.

**Motion by Sanders, seconded by Crofton, to authorize the Chairman's signature on the one year lease for the Franklin County Library; Motion carried 5-0.**

23- Inform Board that the School Board came and picked up the band equipment shortly after it was returned to the Armory several months ago. I am waiting a letter from the School Board verifying the equipment is at the Consolidated School. I authorized the school to receive the equipment based upon my recollection of the Board's discussion that if the School Board wanted to use the band equipment that they could have it.

The Board decided to table this item until it researched further.

**T. Michael Shuler - County Attorney - Report (12:33 PM)**

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

**1. Carrabelle Urgent Care Facility**

The County began bush hogging the property last week in advance of the survey work.

Upon completion of the survey, I will prepare the deed.

The Clerk needs authorization to pay \$100,000.00 from the health care surtax for the property.

BOARD ACTION NEEDED: Motion Authorizing the Clerk to pay \$100,000 to the School Board for the property in Carrabelle.

**2. Alligator Point**

A. South Shoals

The lawsuit was filed July 16, 2008.

Last week, the Water District, our Co-Plaintiff, filed a motion for an Emergency Hearing before the Court concerning the water line. The Court denied the motion

B. Lorelei Clapper:

The deed was mailed to her July 29, 2008. She has offered to convey Lot 6, Unit 1, Block A, Peninsular Point to Franklin County.

BOARD ACTION NEEDED: None.

**3. Apalachicola River Litigation**

I attended the July 21, 2008, hearing in Jacksonville. The hearing was merely a status conference discussing procedural issues.

No decisions in the case were made concerning the flow of water into the Apalachicola River.

The procedures discussed included:

A. How to incorporate the DC Appellate decision into the Jacksonville case. The parties are considering filing various amended complaints and entering future orders determining the schedule of the case. Basically, incorporating the new order will require a re-scheduling of the issues in the case.

B. We received a rainfall update. Basically, the lower ACF basin is improved and the upper ACF basin is about where it was last year, a little worse.

The judge discussed his view that it may make no difference what he does in this case. There are simply too many demands on the water use at current levels. His order cannot make it rain. He will enter an order at the end of the case which hurts someone a lot and helps someone else a little. Of course, he did not say who would be hurt.

BOARD ACTION: None.

#### **4. Garbage Contract**

On July 15, 2008, Waste Management confirmed in writing that they have set aside landfill space for the new company.

I am also waiting on written confirmation from the new company (EWS) that customer's rates will remain stable during the remaining term of the contract

BOARD ACTION: None Recommended.

Rory Cassidy, of Waste Management, stated that he felt that all of the County's concerns were addressed, including the Waste Transfer item and the maximum rate allowed, so he is asking the Board to approve the transfer agreement.

Attorney Shuler stated that there was a difference between establishing the maximum rate and stating the actual rate for the residential customers and did not recommend approving the agreement until this matter is settled.

Commissioner Sanders stated that she was not comfortable with moving ahead until all of the issues are addressed and Attorney Shuler is comfortable with the agreement.

Attorney Shuler and the Board discussed this matter further.

**Motion by Sanders, seconded by Parrish, to table this item until Attorney Shuler recommends signing the agreement; Motion carried 5-0.**

#### **5. BIKE RENTALS**

I have communicated with a gentleman on St. George Island renting bikes from a residential area. (Sam Ganopolous - 850-491-3014)

He tells me that he has moved the bikes into the garage and taken down the "Bike Rental" sign. He is moving to a commercial lot the middle of August 2008.

BOARD ACTION: None Recommended

#### **6. BOAT ON RIGHT OF WAY**

The boat parked in the right of way of Patton Drive, Eastpoint has been moved. (David Volk 670-4536)

BOARD ACTION None Recommended.

#### **7. REGIONAL CONFLICT COUNSEL LITIGATION**

The Clerk asked for my recommendation on whether the County should join the other counties (about 25) that filed suit last week in Leon County, Florida challenging the legality of the legislative requirement that counties fund the various regional conflict counsels.

I have recommended that we not join that litigation. If the other counties win the suit, we will receive the benefit of that victory.

The issue in the lawsuit is the legality of the state law requiring counties to fund the regional conflict counsels.

**BOARD ACTION:** None Recommended.

## **8. Airport Engineering Requests for Qualifications**

Your committee has met and Mr. Ted Mosteller is here to present the committee recommendation. A copy is attached to this report.

**BOARD ACTION:** Motion authorizing the Clerk to schedule a date for the County Commission to interview and rank the airport engineering applicants.

**Motion by Sanders, seconded by Parrish, to schedule the interviews and ranking of the airport engineering applicants for Tuesday, August 19, 2008 at 1:30 PM; Motion carried 5-0.**

### **Commissioners' & Public Comments (12:47 PM)**

Richard Chatham, representing Emerald Waste Services, apologized to Attorney Shuler for the information regarding the transfer agreement not being provided on a timely basis.

### **Adjourn (12:49 PM)**

There being no further business, Chairman Lockley adjourned the meeting.

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Noah Lockley Jr., Chairman FCBCC

Attest:

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Marcia M. Johnson, Clerk of Court