

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
NOVEMBER 4, 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 Director, Michael Morón – Board Secretary

Call to Order (9:00 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:01 AM)

There was a Prayer followed by the Pledge of Allegiance

Payment of County Bills (9:05 AM)

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

Approval of the Minutes: Regular Meeting- October 21, 2008 (9:05 AM)

Motion by Sanders, seconded by Putnal, to approve the minutes from the October 21, 2008 regular meeting; Motion carried 5-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:06 AM)

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

Alan Pierce – Director of Administrative Services – Report

Mr. Pierce presented the following item from his report as it related to the Road and other County Departments.

1- Inform Board that unless the Board disagrees, Mr. Shuler and I are making it a requirement for every county employee to attend the morning seminar on Anti-harassment on Thursday, Nov. 13 unless an employee is specifically released by a Dept. Head, or unless the employee is sick. The seminar will last approximately 2 hours- from 9:00- 11:00.

Commissioner Sanders wanted all County advisory boards notified that they are required to attend the afternoon session of this seminar.

Commissioner Putnal and Mr. Chipman discussed using milled asphalt, when available, on County Roads that are not paved nor need maintenance. Board preferred using milled asphalt over lime rock on unpaved County Roads.

Mr. Pierce stated that FDOT called him and recommended that the County ask for assistance from FDOT to help with maintaining Alligator Point Road.

Van Johnson – Solid Waste Director (9:10 AM)

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

VROOMAN PARK BASEBALL FIELD LIGHTING PROJECT:

FOR BOARD ACTION: I recommend that the Board award the Vrooman Park Baseball Field Lighting Project bid to Alternative Electric out of Eastpoint.

Alternative bid of \$53,073 for the Lighting Project is the best bid for the County and it will allow the Board to make other improvements at the Park, such as installing electronic scoreboards, fencing and improved parking.

We budgeted, a total of \$85,000 for the lighting project.

ACTION REQUESTED: Motion to award the Vrooman Park Baseball Field Lighting Project bid to Alternative Electric out of Eastpoint.

Motion by Sanders, seconded by Putnal, to award the Vrooman Park Baseball Lighting Project to Alternative Electric; Motion carried 5-0.

ST. GEORGE ISLAND COUNTY PARK

FOR BOARD INFORMATION: The repair work has begun on the playground equipment at the St. George Island County Park. **ACTION REQUESTED: None.**

Mr. Johnson stated that Mr. John Hanlon of Emerald Waste Services wanted to address the Board.

John Hanlon stated that he is actively trying to resolve all of the issues with garbage pickup in the County that was discussed at the last meeting.

Commissioner Crofton reminded Mr. Hanlon of the St. George Island residents who still have trash containers from Waste Management but not receiving trash pickup service from EWS who assumed Waste Management contract in the County.

Commissioner Putnal asked Mr. Hanlon to see if his company has some special program that can assist with reduced payments for Senior Citizens and special challenged residents.

Commissioner Lockley and Mr. Hanlon discussed the trash pickup routes EWS is using which are slightly different from Waste Management routes.

Commissioner Parrish asked for an update on the transfer station.

Michael Shuler – County Attorney – Report

Attorney Shuler presented the following item to update the Board on the transfer station.

3. TRANSFER STATION

On October 21, 2008, you instructed that I contact Waste Management concerning complaints by Eastpoint Water and Sewer District (EWSD) that the transfer station is leaking hydraulic fluid. Waste Management has met with your solid waste director, Van Johnson, and representatives of Eastpoint Water and Sewer to correct this problem. I understand that .EWSD has approved this correction.

I have sent an email to their attorney requesting that they withdraw their complaint and November 21, 2008 deadline for shutting down sewer service to the transfer station if the problems were not corrected.

Copies are attached.

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

Dan Rothwell – County Engineer (9:16 AM)

Mr. Rothwell presented his report to the Board for their review.

1. BOARD ACTION: W Gulf Beach Dr @ Franklin Blvd Drainage:

Staff desires Board direction to either bid or construct in house the W. Gulf Beach Drainage project. The project will drain ponding storm water at W. Gulf Beach Dr and Franklin Blvd and consists of installation of two (2) drop boxes, one (1) manhole and two hundred (200) feet of pipe to direct storm water to the FDOT detention ponds. Cost to bid the work is \$25,000.00 and to do the work in house approximately \$10,000.00. Staff also request two (2) open cuts in W Gulf Beach Dr for the installation. (see attached aerial photo)

Mr. Rothwell stated that there is no grant funding available for this project at this time.

Mr. Pierce stated that there might be some available funds in the Road Dept budget since the County is receiving milled asphalt that wasn't anticipated.

Commissioner Sanders suggested that Mr. Rothwell proceed with creating an advertisement to receive bids for this project since Mr. Chipman has stated he is uncomfortable with attempting to do this project.

Motion by Sanders, seconded by Parrish, to table this item until the next regular meeting which would give the staff an opportunity to identify a funding source; Motion carried 5-0.

Motion by Parrish, seconded by Crofton, to approve two open cuts in W Gulf Beach Drive for the installation; Motion carried 5-0.

2. Eastpoint Boat Ramp Project:

Bailey, Bishop & Lane has sent the FDEP permit to the County and the Army Corps of Engineers permit is expected within thirty days.

3. Ochlockonee Bay Boat Ramp Project:

Bailey, Bishop and Lane have prepared the survey for the project and the County Attorney has arranged with the St. Joe Company Attorney to review the plat and property request.

4. St George Island Survey Work:

One day of survey work was done on the Island for the W 9th St Park and to measure the rock volumes at the St George Boat Ramp for use on the Sawyer St Project and Indian Creek Park Breakwater Project, for an estimated value of \$1,500.00.

5. Apalachicola Regional Airport Projects:

Staff and the Airport Manager have met with the Airport Engineers to discuss in detail the proposed projects as funded by JPA & TRIP grants.

Commissioner Parrish stated that he was very pleased that the Airport Manager and the Airport Board are working well with the new Airport Engineers.

Commissioner Putnal asked Mr. Rothwell if the County could use inmate labor to help clear the ditch on West Highway 98 which would help with relieving the mosquito problem in that area. Mr. Pierce, Attorney Shuler, and Mr. Rothwell stated that the ditch is on private property so the County could not send inmates there. Mr. Rothwell stated that if the ditch is opened there will be a mix between salt and fresh water because the area is below sea level. Mr. Rothwell updated the Board on what he has done so far to try resolving this problem.

Lois Swoboda, of the Apalachicola Times, asked if mosquito BT dunks are being used and if the salt water and fresh water mixes there will still be a mosquito problem.

Mr. Rothwell said he will follow up with DEP to try and resolve these problems as soon as possible.

Pam Register – Emergency Management Director 9:28 AM

Mr. Register submitted her report for the Board's review.

Commissioner Lockley, Ms. Register, and Mr. Pierce discussed the status of replacing the heating system in the Emergency Operations Center.

Bill Mahan – County Extension Director (9:30 AM)

Mr. Mahan submitted his report for the Board's review.

Blue Crab Closed Season (Board action follow-up)- The following proposed draft rules pertain to the blue crab trap harvest and potential closed seasons to identify lost and abandoned traps. 68B-45.0045, Closed Seasons - The proposed draft rule would establish six regional statewide closures for blue crab traps, of up to ten days each, to facilitate identification and retrieval of lost and abandoned blue crab traps. These regional closures would be as follows: i) waters of the St. Johns River System, January 16-25; ii) all other coastal waters from the Georgia state line south through Volusia County, August 20-29; iii) all waters of Brevard County through Palm Beach County, August 10-19; iv) all waters of Broward County through Pasco County, July 10-19; v) all waters of Hernando County through Wakulla County; July 20-29; and **vi) all waters of Jefferson County to the Alabama state line, January 5-14.** All closures except the St. Johns River System would extend to three miles from shore. The proposed draft rule would also incorporate the language for the current Gulf Seasonal Closure Region that is listed in 68B-45.006 so that all season language is on one section.

Gulf Grouper Rules - 68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Tilefish, Wholesale/Retail Purchase Exemption - The proposed rule would decrease the recreational gag grouper bag limit from five-fish to two-fish, which would bring state rules into consistency with the federal interim rule for Gulf gag grouper. The proposed rule would also increase the recreational bag limit for Gulf red grouper from one-fish to two-fish, which is an action that will become a federal rule in the future but for which the state rule change is being implemented immediately because of the recovered status of the stock in state waters.

68B-14.0039, Gulf Grouper Recreational Season - The proposed new rule would establish a recreational closed season for Gulf gag grouper of February 1 through March 31, which would bring state rules into consistency with the federal interim rule for Gulf gag grouper.

Motion by Putnal, seconded by Crofton, to send a letter to the State opposing the proposed change to reduce the limit on grouper; Motion carried 5-0.

Sunray Venus Clam Restaurant Trials: As part of our UF Shellfish Aquaculture Program, we have been looking at alternative shellfish species that can be farmed in Florida in addition to hard clams (quahogs). One of the species being evaluated is the Sunray Venus clam. The methods to grow this species commercially have been ongoing for about five-years and filed

grow-out trials (including Franklin County) have been underway for several years. The development of this species as a commercial aquaculture species has reached to point of will consumers like the new product. Currently, four restaurants in Florida have been selected to participate in a consumer acceptance trial for Sunray Venus clams - The Gibson (Apalachicola), The Island Room (Cedar Key), Campbell's (Bronson), and Ballyhoo Grill (Gainesville). Next year the trial will be expanded to include sushi restaurants.

Monarch Butterfly Tagging: This year I am again working with the staff at the Apalachicola Estuarine Research reserve and volunteers to conduct our annual Monarch Tagging Program. Last week with the arrival of the first cold-front of the year, the group tagged and released more than 500 monarchs to continue their migration. The 2006 tagging data was recently posted on the Monarch Watch Website and we found out that three of the monarchs we tagged were found in Mexico, where many of these butterflies spend the winter.

School Monarch Programs: Last week I began teaching my Monarch/Insect Migration Program at the county's schools.

Marcia M. Johnson – Clerk of Courts – Report (9:38 AM)

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

1-Based on the predictions given you at the last meeting by the Tax Collector that tax revenues may be down and based on the state of the economy in general, I recommend you make a decision to notify all constitutional officers and department heads to keep spending at a minimum and to delay any large expenditures for the next several months.

Motion by Putnal, seconded by Crofton, to notify all constitutional officers and department heads to keep spending at a minimum and to delay any large expenditures for the next several months; Motion carried 5-0.

2-The health care tax generated \$110,849.86 for the month of August, and half of that amount was placed in the hospital's operating account and half was placed in the hospital's Capital Fund which now has a balance of \$528,644.00.

3-As my finance office completes necessary end of the year paperwork, I'll be presenting budget amendments for your approval from last year's budget. I have one today for approval which references the courthouse renovation project. The design contract for architectural services provided by Johnson Peterson Architects Inc. was approved at your March 7, 2006 meeting for \$52,585.50. There have been 3 approved changes to the contract and the final cost was \$75,244.50. In Fiscal year 2006/2007, \$48,004.14 was paid. In Fiscal Year 2007/2008, only the 3rd change received funding of \$8,299. The balance to be funded out of reserve for contingency for fiscal year 2007/2008 is \$18,941.36 for those architectural services provided by Johnson Peterson. The second portion of the budget amendment is to move the original budgeted expenditure as "infrastructure" to a classification of "buildings". We would increase 001.20.511.6201 Buildings - Courthouse Renovation Project by \$18,941.36 and decrease

001.99.584.9601 Reserve for Contingencies \$18,941.36. We would also increase
001.20.511.6201 Buildings - Courthouse Renovation Project by \$807,201.00 and decrease
001.20.511.6300 Infrastructure - Courthouse Renovation Project by \$807,201.00.

**Motion by Putnal, seconded by Parrish, to approve the requested budget amendments;
Motion carried 5-0.**

Alan Pierce – Director of Administrative Services – Report 9:44 AM

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

1- Inform Board that unless the Board disagrees, Mr. Shuler and I are making it a requirement for every county employee to attend the morning seminar on Anti-harassment on Thursday, Nov. 13 unless an employee is specifically released by a Dept. Head, or unless the employee is sick. The seminar will last approximately 2 hours- from 9:00- 11:00.

This item was addressed earlier in the meeting.

2- Provide Board with copy of DEP permit for the 50 foot long unloading dock at Abercombie Phase II. We will be opening bids for Abercombie Phase II boat ramp and Eastpoint boat ramp at the next Board meeting, on Nov. 18.

3- Provide Board with copy of paperwork submitted to DEP to get the Lombardi observation platform in the county's name on the submerged land lease.

4- Board action on letter and Resolution to Gov. Crist requesting he support full funding of the Offset Caused by Amendment 1 on Fiscally Constrained Counties. Currently Franklin County will not receive \$180,000 this fiscal year because the Governor has withheld funding for Fiscally Constrained Counties. This Resolution was requested by the Florida Association of Counties.

Motion by Sanders, seconded by Crofton, to authorize the Chairman's signature on the letter and Resolution to Governor Crist; Motion carried 5-0.

5- Board action to approve change order for \$9,725 to make some minor changes on the St. George Island Bike Path. A driveway is being repaired that was damaged during construction and some signs are being relocated. Grant funds will pay for this.

Motion by Crofton, seconded by Sanders, to approve the change order for the St. George Island Bike Path; Motion carried 5-0.

6- Board action to approve a change order for \$400 for additional concrete at the handicap ramp on St. George Island Boat Ramp. Grant funds will pay for this.

Motion by Crofton, seconded by Sanders, to approve the change order for the St. George Island Boat Ramp; Motion carried 5-0.

7- Inform the Board that I have contacted the School Bus Coordinator. There are 16 bus routes, with 10-20 stops per route, for a total of approximately 250 stops. They are evaluating which stops need additional lighting. I have the costs for street lighting from Progress Energy. There are a variety of lights that are available, but a safe estimate is \$10/month/light for each street light. I will report back with the School Bus Coordinator provides a total.

Motion by Parrish, seconded by Crofton, to send letter to the School Board informing them that the County was glad to assist them by providing lights at the different bus stop locations but the School Board will need to look into providing shelter for the children as there has been complaints from some of the parents; Motion carried 5-0.

8- Board action on proposed acquisition of land in Eastpoint under the Working Waterfront Grant, and on proposed business plan. While the Board does not have to act today, it must act on Nov. 18th as the deadline for submission is Nov. 26. Staff would prefer the Board act today to give time to properly prepare the grant.

The acquisition will be the five parcels immediately east of the boat ramp. Show map. The business plan is simple, but meets the minimum grant guidelines: the business will be using the existing commercial docks for loading and unloading of seafood product, and the land for parking. The county is not proposing to maintain any buildings, only docks and parking areas.

Art Riccard, owner of the property, asked the County to maintain at least one of the buildings as that would help with points on the grant application and would also provide a space for the seafood workers association to meet or store nets and other equipment.

Commissioner Crofton stated that he didn't want the County, by maintaining the building and using it for seafood purposes, to compete with any private seafood business in the County.

Commissioner Parrish stated that since the County is continually reducing its budget every year he didn't want the County to be obligated to maintaining any additional buildings.

Motion by Sanders, seconded by Crofton, to proceed with the grant application without including the maintenance of any building; Motion carried 5-0.

9- Inform Board that FEMA did declare only 5 counties in Florida as Presidential Disasters due to damage from Hurricane Gustav. All five were coastal counties and Franklin was one of them. We will be seeking funding for damages to Alligator Point Road and to the access road to the St. George Island Boat Ramp.

Motion by Sanders, seconded by Parrish, to proceed with seeking funding for damages to Alligator Point and the access road to the St. George Island Boat Ramp; Motion carried 5-0.

Motion by Sanders, seconded by Putnal, to contact Diane Scholz of the Governor's Office about seeking some type of assistance for seafood workers; Motion carried 5-0.

10- Inform Board that Alligator Point Road has received its layer of crack relief, the leveling course, but it will still receive another layer of asphalt for its finish coat.

11- Board action to re-appoint two members to Hospital Board- Paul Marxsen, and Dr. Miniat.

Motion by Putnal, seconded by Parrish, to reappoint Mr. Marxsen and Dr. Miniat; Motion carried 5-0.

12- St. George Island Fire Chief Jay Abbott requests another communications meeting on Fri, Nov. 14, at 9AM, at EOC with all interested parties to discuss current problems with the paging system at the Sheriff's Office that is used by all the Fire Departments. Chief Abbott would like the meeting publicized so that more than one county commissioner can attend. Board action.

Motion by Crofton, seconded by Parrish, to schedule the communication meeting on Friday, November 14, at 9AM; Motion carried 5-0.

13- Provide Board with packet of information regarding federal funding for something called the Secure Rural Schools and Community Self-Determination Act. Franklin County will receive \$39,000 some time in FY2008/09 and then lesser amounts in future years. Last year the county received approximately \$13,500 for something similar and the funds went into Road and Bridge. The Finance Office will continue to put the money in Road and Bridge, as by the guidelines we have that appears to be the appropriate place for the funds.

Commissioner Sanders asked for an update on coordinating a County Commission meeting once every three months in the City of Carrabelle at the new City Commission meeting room. Mr. Morón explained that he is in the process of determining what will be needed to record the meeting if it is held in Carrabelle.

T. Michael Shuler- County Attorney- Report (10:11 AM)

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

1. SUNSHINE LAW/ANTI-HARASSMENT SEMINAR

The details on the seminar scheduled for November 13th follow:

The employees will start at 9:00 am and have two sessions, each one 1.5 hours long.

The advisory boards will begin at 1:00 pm.

Alan's report has clarified the Board's instructions that attendance at the seminars for employees and advisory board members is mandatory.

BOARD ACTION NEEDED: What is the penalty for non-attendance without good cause? Employees can be disciplined for non-attendance as can advisory board members. The range of discipline for employees ranges from reprimand to time off without pay to discharge. The range of discipline for advisory board members is reprimand to removal from the advisory board. The choice belongs to the board and can include requiring completion of the training within a certain time period.

Attorney Shuler asked for Board action to make attendance mandatory for County employees and advisory board members.

Motion by Sanders, seconded by Putnal, to make attendance mandatory for all county employees to the anti harassment seminar on November 13 for the 9 am session and all advisory board members for the 1 pm session; Motion carried 5-0.

2. SOUTH SHOALS

On October 21, 2008, you directed that I contact Capital City Bank concerning the South Shoals project they are financing. I have spoken with Emory Mayfield at Capital City Bank. He says that his attorney informs him that Capital City Bank cannot be involved at this point in time as a decision maker, though he is willing to be involved to the extent their borrower wants them involved.

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

3. TRANSFER STATION

On October 21, 2008, you instructed that I contact Waste Management concerning complaints by Eastpoint Water and Sewer District (EWSD) that the transfer station is leaking hydraulic fluid. Waste Management has met with your solid waste director, Van Johnson, and representatives of Eastpoint Water and Sewer to correct this problem. I understand that .EWSD has approved this correction.

I have sent an email to their attorney requesting that they withdraw their complaint and November 21, 2008 deadline for shutting down sewer service to the transfer station if the problems were not corrected.

Copies are attached.

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

4. EWS GARBAGE SERVICE

On October 21, 2008, you instructed that I write EWS concerning service complaints resulting from delays in picking up garbage. That letter was mailed. I have not heard back from EWS.

A copy is attached.

BOARD ACTION RECOMMENDED. What does the Board want to do?

Mr. Hanlon, of EWS, addressed this item earlier in the meeting.

5. OCHLOCKNEE BOAT RAMP

On October 21, 2008, the Board instructed that I follow up with St. Joe Company concerning the boat ramp. I have contacted Bryan Duke with the St. Joe Company concerning this matter. He and I received the survey of the property on 11.3.08. I will report back to you on this matter.

BOARD ACTION: None Recommended.

6. DOG ISLAND STORM DEBRIS

I have mailed the two demand letters to Mr. Kuehne and Mr. Handland concerning the cleanup of the condemned houses on their respective lots.

Conformed copies of the letters are attached. The Clerk has the signed copy.

BOARD ACTION: None Recommended

7. EDDY TEACHES EASEMENT

I have reviewed the proposed easement he has requested from Franklin County. The purpose of the easement is for a sewer line under Pine Street to an adjacent lot for sewer drain field purposes.

I have recommended that we provide a revocable license instead of an easement. Furthermore, we need to see the drain field agreement between Eddy Teaches and the adjacent property owner before moving forward with this request.

BOARD ACTION: None Recommended.

Commissioners' & Public Comments (10:12 AM)

Motion by Parrish, seconded by Putnal, authorizing payment of travel expenses for any Commissioner who attends the Small County Coalition meeting in Tallahassee on November 12, 2008; Motion carried 5-0.

Mr. Pierce reminded the Board that next Tuesday November 11, is Veterans Day and County offices and the Courthouse will be closed.

Harriet Beach, of Lanark Village, stated that there are problems at recycling bin area, especially with bears, because people are throwing kitchen waste in the recycle dumpsters.

Motion by Crofton, seconded by Parrish, to direct Mr. Johnson, Solid Waste Director, to put “No Dumping” signs at recycle bin locations if he has not done so already; Motion carried 5-0.

Lois Swoboda, referring to the ditches that were discussed earlier in the meeting, stated that if the mosquito BT dunks aren't working, she suggested using guppies to get rid of mosquitoes in ditch. Board discussed this matter and thought it was a good idea. Chairman Lockley asked Mr. Pierce to suggest this to the mosquito control department.

Adjourn 10:19 AM

There being no further business Chairman Lockley adjourned the meeting.

Noah Lockley Jr. - Chairman FCBCC

Attest:

Marcia M. Johnson – Clerk of Court