

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
FEBRUARY 17, 2009  
9:00 AM**

**MINUTES**

**Commissioners Present:** Joseph Parrish – Chairman, Bevin Putnal – Vice Chairman, Pinki Jackel, Cheryl Sanders, Noah Lockley

**Others Present:** Marcia M. Johnson – Clerk of Court, 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 Parrish called the meeting to order.

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

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes: February 3, 2009 Regular Meeting (9:04 AM)**

**Motion by Sanders, seconded by Jackel, to approve the minutes of the February 3, 2009 regular meeting; Motion carried 5-0.**

**Payment of County's Bills (9:04 AM)**

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

**Department Supervisors Report**

**Hubert Chipman – Superintendent of Public Works (9:05 AM)**

Mr. Chipman did not submit a written report to the Board.

Commissioner Sanders asked Mr. Chipman to post some "road flooding" signs on Alligator Point road just west of Chip Morrison road.

Commissioner Putnal asked Mr. Chipman to post some "no littering" signs in both directions on West Drive in Carrabelle.

**Motion by Putnal, seconded by Sanders, authorizing the Road Department to post "no littering" signs on West Drive; Motion carried 5-0.**

Commissioner Putnal stated that some of the residents on Bayou Harbor Road, off of Timber Island Road, have asked for County assistance with maintenance of the road about once a month. There was some discussion regarding Harbor Drive being a public road.

**Motion by Putnal, seconded by Sanders, authorizing the road department to do maintenance on Harbor Drive, contingent on Attorney Shuler verifying that it is a public road; Motion carried 5-0.**

Commissioner Jackel suggested scheduling an "early budget overview" meeting on March 17, 2009 in the afternoon after the regular meeting and request the attendance of all department heads and Constitutional Officers. Commissioner Jackel wanted each of the department heads and Constitutional Officers to have year to date expenditure figures and 2009-2010 budget projections available at that meeting.

Mr. Pierce stated that Mrs. Pendleton, the Property Appraiser, was on the March 17, 2009 agenda to discuss preliminary numbers with the Board. Commissioner Lockley and Mr. Pierce discussed preliminary versus final numbers further and Mr. Pierce stated that the deadline for the final taxable figures would be July 1.

Mrs. Johnson was unsure if the departments would be able to have the information Commissioner Jackel requested in March, especially since the Finance office was currently working with the auditors and suggested waiting until first meeting in April to have the "early budget overview" meeting.

Commissioner Putnal stated that the economy problem is not just national, but worldwide. Commissioner Sanders stated that the Board needed to discuss how the \$500,000 shortfall will be absorbed in the current budget. Commissioner Sanders was in favor of having all County departments and Constitution Officers play an equal role in absorbing this shortfall.

Commissioner Jackel asked if the Board had the authority to move funds from one department to another during the current budget year.

Mr. Pierce discussed the budget appeal options of some of the Constitution Officers.

Attorney Shuler stated that he would research the process of reducing budgets for county departments and Constitution Offices and create a memo which he will circulate to the Board.

Mr. Pierce informed the Board that a 20%-25% reduction to the tax base is what is being estimated at this time.

**Motion by Jackel, seconded by Sanders, to schedule an “early budget overview” meeting on April 7 after the regular meeting and ask all department heads and constitutional officers to attend with their year to date spending and 2009 – 2010 projections; Motion carried 5-0.**

**Discussion – County cell phone use (9:23 AM)**

Mr. Pierce asked for some clarification on the requirement for two forms of communication for inmate supervisors.

Chairman Parrish stated that based on his conversation with the Warden all inmate supervisors need two forms of communication.

Mr. Pierce stated that he is currently looking at different cell phone packages, especially those offering push to talk service. Mr. Pierce stated some of the staff members that currently have cell phones and asked the Board to decide who should continue to use these phones.

Chairman Parrish stated that it was very important for Mr. Pierce to have a cell phone.

Board discussed other employees who have cell phones and discussed the cost of calling from Carrabelle to the Courthouse.

Mr. Pierce stated that the current list of county employees who have cell phones will need to be updated base on the information that Chairman Parrish received from the Warden.

Commissioner Jackel suggested asking the Road and Solid Waste department to review the list and try and update it at this meeting.

Commissioner Jackel stated that she attended a Wilderness Coast library board meeting where employee cell phone use was discussed and the CPA who conducted an audit stated that the IRS is paying special attention to personal use of employer cell phones. Commissioner Jackel read the IRS directive on this matter. Commissioner Jackel also stated that a Wakulla County Commissioner, who also attended the meeting, stated that Wakulla County was also audited on this basis and they were working on creating some criteria for cell phone use. Commissioner Jackel discussed some of her findings after reviewing some of the County’s cell phone bills.

Commissioner Sanders asked if instituting cell phone logs would help this situation.

Commissioner Jackel and Mr. Pierce suggested a long distance block on the cell phones.

Commissioner Lockley stated that only supervisors should have long distance access, not the other employees.

Mr. Chipman, Superintendent of the Road Department, listed his employees who were inmate supervisors but didn’t have cell phones.

Mr. Johnson, Solid Waste Director, also stated which of his employees were inmate supervisors that did not have cell phones.

Chairman Parrish stated that after it is determined which employees need a cell phone the County will move to one provider.

Chairman Parrish reminded the Board that Mr. Polous, of Mosquito Control, also supervises inmates during the winter season and will need a cell phone.

The Board discussed other County departments that have cell phones.

Mr. Bill Mahan, of the County extension office, explained why he needs a cell phone for his department.

Commissioner Sanders suggested that the University of Florida share in Mr. Mahan's cell phone cost.

Commissioner Jackel stated that employees who do not have a personal cell phone are using the County phone assigned to them for personal use in most cases and the Board needs to include this when creating the criteria for cell phone use.

The Board also discussed travel expenses for the Veteran's and Extension offices.

Chairman Parrish asked Mr. Pierce to review the information that was presented today and bring a recommendation back to the Board, including packages offered by cell phone providers.

**Department Supervisors Report – Continued**  
**Van Johnson – Solid Waste Director (9:40 AM)**

**RECOVERED MATERIALS ANNUAL CERTIFICATION:**

*FOR BOARD ACTION: I have for the Boards approval and the Chairman's signature, the annual Application for Recovered Materials Certification and Reporting Form. We are required by Florida Statutes to report our recycling activities to the Florida Department of Environmental Protection annually. During the year 2008, the recycling program, recycled 997.02, tons of solid waste. The annual cost for this certification is \$50.00. ACTION REQUESTED: Motion authorizing the Chairman's signature on the FDEP Application for Recovered Materials Certification and Reporting Form" and authorizing the payment of \$50.00 for the annual fee.*

**Motion by Lockley, seconded by Jackel, to authorize the Chairman's signature on the FDEP Application and authorize the \$50.00 payment for the annual fee; Motion carried 5-0.**

**BEACHES ALONG US HIGHWAY 98:**

*FOR BOARD ACTION: I received a letter from Dr. Mike Horan, resident of Carrabelle, concerning the miscellaneous debris along the beachside of U.S. Highway 98, starting west of Carrabelle at the Tarpon Run subdivision, passed the consolidated school into the outskirts of Eastpoint. Dr. Horan is asking that the County address the removal of the stumps and uprooted trees that line this scenic portion of Franklin County. ACTION REQUESTED: Direction from the Board.*



Commissioner Putnal was concerned that this action might add to the erosion problem. Attorney Shuler informed the Board that this request involves Highway 98 which is a State road, so this request should be forwarded to the State's (FDOT) contractor VMS. Commissioner Putnal suggested contacting the members of the Annual Coastal Clean-up committee and see if they could assist with this request. Commissioner Parrish stated that because this request includes private property, the County should not get involved in this matter.

**Motion by Putnal, seconded by Sanders, to forward this matter to FDOT, since the request involves Highway 98; Motion carried 5-0.**

**ANIMAL CONTROL REPORT:**

*FOR THE BOARDS INFORMATION: Animal Control Officer Albert Floyd and I met with Sheriff Deputies to discuss the dog attack and shooting of a miniature horse in the Eastpoint area. Mr. Brad Shiver, the owner of the horse, informed the Board of this issue at your February 3 meeting. I have spoken with Mr. Shiver about his concerns; however, on the advice of the County Attorney, the County should allow the Sheriff's Department to complete its criminal investigation before taking action.*

*The results of the criminal investigation may provide the County with information as to the owner of the dog, which attacked the horse, which the County could then prosecute under its animal control ordinance. On a related note, the County will continue to enforce its animal control ordinance concerning stray animals and dangerous throughout the County.*

*In addition, I would like to meet with each Commissioner later to discuss some other issues and concerns that I have. ACTION REQUESTED: None.*

Brad Shiver, owner of the horse that was killed, stated that he contacted the Sheriff's Department, and in his opinion, the investigation is not moving forward. Attorney Shuler restated his recommendation and asked the Board to let Sheriff Department complete their investigation before taking any type of action. Chairman Parrish suggested that Mr. Shiver contact the Sheriff himself to discuss the problem. Commissioner Sanders assured Mr. Shiver that the Board will take action as soon as the Sheriff's Department has completed their investigation. Mr. Shiver discussed some of the other problems he has had with stray dogs in his neighborhood, and that after talking to animal control there are still stray dogs in the neighborhood. Mr. Johnson again asked for the opportunity to discuss this matter personally with each Commissioner. Commissioner Putnal agreed that there is a stray dog problem in the County but has seen the animal control officers picking up stray dogs.

Commissioner Lockley asked Mr. Johnson to take a look into what could be done about speeding in the Housing projects in Apalachicola.

Commissioner Sanders asked Mr. Johnson to take a look at Madison County's mandatory garbage fees because there is a garbage pick-up problem in certain parts of the County like Lanark Village and Alligator Point areas, and possibly, mandatory garbage pick-up could help resolve this problem.

Commissioner Putnal was against a County wide mandatory garbage pick-up because it would affect many of the residents who are on fixed incomes.

Commissioner Sanders stated that she was not recommending County wide mandatory garbage pick-up, but would like to know what options the County has.

Attorney Shuler stated that he would assist Mr. Johnson with researching this matter.

Commissioner Jackel stated that there is a possible health hazard on Gulf Beach Drive next to East Gorrie on 1<sup>st</sup> Street. Mr. Pierce stated that he has looked at it and doesn't think that there is a need for the Health Department to be involved because it is mostly a garbage pile up. Mr. Johnson stated that the Health Department has a process in place to address these types of problems.

Attorney Shuler agreed with Mr. Johnson and will investigate this matter further and report back to the Board.

Commissioner Jackel stated that she has been receiving calls from residents complaining of refrigerators with the doors still attached that are stored on properties in Eastpoint, which is a safety hazard, especially for children.

Attorney Shuler will investigate this matter and report back to the Board.

Mr. Johnson updated Chairman Parrish on Lombardi property recreational project.

#### **Dan Rothwell – County Engineer (10:02 AM)**

##### **1. Sawyer St Breakwater Project:**

*The Road Department finished the breakwater construction in one day, except for minor clean up. The project will be completed with the required marsh grass planting.*

##### **2. W. Gulf Beach Dr Drainage Project:**

*The project is approximately 60% complete and is expected to be finished the week 2/16/2008.*

##### **3. Indian Creek Park:**

*Staff has completed the permit application and pre-review from FDEP for the breakwaters. Staff is working on modification of the plans for continued work which may require a Northwest Florida Water Management District Environmental Resource Permit for storm water control and treatment.*

Commissioner Jackel asked for a completion date on this project.

Mr. Rothwell stated that after forwarding the payment and the permit application, the process should take about three weeks to a month because it is a joint permit, and discussed the project in more detail.

Mr. Rothwell said that the ABARK might assist with some grant funds to help with moving the rocks on St. George Island.

**4. Alligator Point Dune Walkovers:**

*The Parks and Recreation Department started the dune walkovers last week.*

**5. Staff Construction Observation:**

*Staff continued construction observation throughout the Sawyer St and W. Gulf Beach Dr. construction projects.*

**6. Apalachicola Airport Access Road Construction:**

*The project is still not complete or closed out, and is awaiting construction completion, final inspection by the URS, and final acceptance by URS, Florida Department of Transportation and Franklin County.*

Commissioner Sanders asked if URS was no longer under contract with the County, why are they still receiving payments.

Mr. Rothwell stated that the Airport access road project is the only project not completed or closed out that involved URS, but he would investigate this matter further.

Later during the meeting, Mr. Rothwell explained that URS still had two pending projects with the County, and the payment Commissioner Sander referred to was for an inspection on one of these projects, which is covered by grant funds.

**7. Phase 2 of the Bluff Road Boat Ramp:**

*Construction of Phase 2 of the Bluff Road boat ramp is scheduled to start this week.*

Mr. Rothwell informed Commissioner Lockley that the paving project on Alligator Point Road was completed.

Commissioner Jackel complimented the County staff on their work on the Sawyer Street project.

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

Mr. Pierce presented the following item from his report.

*19- Provide Board with copy of proposal by the St. Joe Company to sell the property necessary to make the Ochlockonee Boat Ramp work as designed. We asked FWC if we could use FWC grant funds for land acquisition and they told us no. The FWC Program Administrator told the Planning Office in an email that "the Program guidelines specifically prohibit land acquisition." Board direction.*

Mr. Pierce read an email from St. Joe Company which was about the sale of the property next to the Ochlockonee boat ramp.

Commissioner Sanders stated that the County has maintained this area for years now and was not pleased with the reverter clause that was included as part of the sale agreement.

Chairman Parrish asked for the size of the property that St. Joe wants to sell to the County, and if the County builds this boat ramp, won't it enhance the neighboring development that St. Joe is trying to sell.

Commissioner Sanders asked Mr. Pierce and Mr. Rothwell to take a closer look at this project to find out if we really need this property to complete the boat ramp project.

**Motion by Sanders, seconded by Lockley, to table this matter until the next meeting; Motion carried 5-0.**

Mr. Rothwell stated that the St. Joe Company has requested drawings of Kendrick Park and he will forward it to them.

**Pam Register – Emergency Management (10:14 AM)**

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

*1. Action Items: Requests the Board to authorize the Chairman to sign the FEDERALLY FUNDED SUB GRANT AGREEMENT (DHS GRANT) for training and exercises for 2009/2010.*

**Motion by Putnal, seconded by Sanders, to authorize the Chairman's signature on the DHS grant; Motion carried 5-0.**

*Information Items:*

*2. Our office observed the Franklin County School and ABC school for the State Tornado drill that was conducted on February 04, 2009 and we will be submitting our report to the Franklin County School Superintendent and Principal Hungerford of the ABC School later this week.*

*3. I will be attending a MASS FATALITIES class being conducted at the State EOC on February 24-25, 2009.*

*4. Gunn Heating & AC has completed the installation of the new HVAC units at the EOC and they are working nicely.*



5. Paper work has been submitted to Progress Energy for rebate on units.

6. We have received as a gift from the Gulf County Sheriff s Office 2 portable 800 MHZ radios.

Mrs. Register thanked the Gulf County Sheriff for the radios, and discussed how these radios will help EOC, especially during a disaster.

**Bill Mahan – Extensions (10:16 AM)**

Mr. Mahan submitted a report for the Board’s review.

Commissioner Sanders asked Mr. Mahan if FWC was ever contacted and asked to place “Bear Crossing” signs on Highway 98 at Newman Street.

Mr. Mahan stated that FWC was contacted about those signs already, but he will check on it again.

Commissioner Putnal stated that Franklin County needs a representative at the upcoming ICC regional meeting April 13 – 16 in Mississippi.

Chairman Parrish said that he would attend the meeting if needed.

Mr. Mahan stated that he wasn’t planning on attending the ICC meeting but will look at the agenda and notify the Board if he thinks the County should send a representative to the meeting.

Mr. Mahan informed the Board of the following meetings.

*2009 ISSC Spring Meeting: This year’s Spring ISSC Meeting will be held May 5 – 7, 2009 at the Radisson Hotel Manchester in Manchester, NH.*

*The ISSC 2009 Biennial Meeting: This year’s Biennial ISSC Meeting is scheduled for October 17 – 23, 2009 at the Radisson Hotel Manchester in Manchester, NH.*

Commissioner Lockley asked Mr. Pierce if he was able to contact the Supervisor of Elections office about the vacant position that was recently filled during the County’s hiring freeze and without advertizing the position.

Mr. Pierce stated that he was unable to make contact with the Supervisor of Election before the meeting.

Mr. Pierce explained that each Constitution Officer has their own procedure for hiring, so once their budget is set, hiring is at their discretion.

Attorney Shuler explained that the Constitution Officers are independent elected officers and the Board’s hiring freeze is binding on the County employees only; the Constitutional Officers are not bound by this decision.

Commissioner Jackel stated that she got many calls from residents in her district looking for jobs but she explained to the callers that there was a hiring freeze in the County, which she was told after she was elected. Commissioner Jackel further explained that the recent hiring of an

employee makes her look bad, and wanted the Board to realize that the public in general did not understand the “legalities” between the different County departments.

Chairman Parrish thought it was unfair that after the Budget is set, if there are any shortfalls, the Board can only reduce the budgets of their departments, not the offices of the Constitutional Officers, to make up for the shortfall.

The Board, Mr. Pierce, and Attorney Shuler discussed the possibility of the Board having the ability to reduce the current budgets of the Constitutional Officers.

Commissioner Sanders stated that County departments, such as the Road Department, has not been filling vacant positions over the last few years but still serving the public, so she assumed that all Constitutional Officers would follow the hiring freeze that the Board instituted.

Commissioner Jackel asked if when the current Constitutional Officers budgets are reviewed at the “early budget overview” meeting in April, does the Board have the authority to reduce those budgets if there are any unspent funds for employees.

Attorney Shuler stated that there is the possibility that the Board will have some options, especially due to the current economic conditions.

Commissioner Jackel stated what she thought happened in the Supervisor of Elections office regarding the shifting of personnel, once Mrs. Ida Elliot took office as the Supervisor of Elections, and asked if the County could have reduced that budget, by not funding the vacant position of that office, based on the current economic situation.

Attorney Shuler stated that based on the lack of revenue, there is probably some process to amend budgets, but needs to further investigate this matter and report back to the Board.

Commissioner Lockley stated that he is not against hiring, but thought that everyone should have a fair chance at the job, so the vacancy should have been advertised.

Attorney Shuler explained, for the record, that Constitutional Officers are independent of the Board and are not bound by any of the Board’s employment rules, such as advertising vacant positions.

Commissioner Putnal stated that Constitutional Officers are independent of the Board because they are elected and if they don’t please their constituents, they can always be voted out of office.

Commissioner Jackel asked if the policy of the Constitutional Officers is not to advertise vacant positions.

Attorney Shuler explained that he not familiar with the policies of the Constitutional Officers.

Commissioner Putnal stated that the Board actually doesn’t hire County employees, the department heads do.

Mr. Pierce agreed.

Attorney Shuler discussed the County hiring policy further.

Commissioner Jackel, Mr. Pierce, and Attorney Shuler discussed hiring policies of the County, including the different procedure when a new budgeted position is created.

Commissioner Jackel didn’t think that a good tone is being set by Constitutional Officers not following the hiring freeze set by the Board, especially in these economic conditions.

Mrs. Johnson, Clerk of Courts, stated that Constitutional Officers are not department of the Board. Mrs. Johnson also stated that there are Constitutional Offices positions that have been advertised.

Commissioner Jackel stated that there is an inconsistency, and would like to be able to tell the public that the County advertises all vacant positions, Board's or Constitutional Officers'. Mrs. Johnson suggested that if a Commissioner receives a call regarding a Constitutional Officer or their office that the caller should be forwarded to that Constitutional Officer. Commissioners Jackel and Sanders stated that they were not comfortable with referring the caller to someone else, as "their" Commissioner they would like to be in a position to respond directly to their constituents.

#### **Jay Abbott – SGI Volunteer Fire Department (10:34 AM)**

Mr. Abbott distributed the minutes and reviewed some of the items discussed at the 2/11/09 911 communications meeting, and reminded the Board of the United Firefighters Association meeting on March 4 at 7pm at the Eastpoint firehouse.

Mr. Abbott stated that the next 911 communication meeting is on March 11 at 9:00 AM at the Sheriff's department.

Commissioner Sanders discussed some of the questions she posed to Progress Energy at this meeting, and asked Mr. Pierce to remind Warden Harrison of the 911 communications meeting dates, because he was not at the last meeting but did express an interest in attending.

Chairman Parrish discussed Progress Energy's rate increase and their proposed temporary rate reduction.

#### **Presentation – FWC Officer Kip Froelich – Bears (10:46 AM)**

Officer Froelich introduced himself and mentioned two other members from his team that was in the audience.

Officer Froelich discussed the FWC's bear management program for Franklin County, including what the FWC has done recently to help with the bear problem in the County and the hiring of a coordinator who will act as a liaison between the community and FWC.

Commissioner Lockley and Officer Froelich discussed the amount of bears in Franklin County versus other counties in the State.

Commissioner Sanders suggested that FWC contact more homeowners groups to discuss bear problems such as the Lanark Village Association, Alligator Point Taxpayers Association, and St. Teresa Association.

Officer Froelich stated that FWC does have prepared presentations that he can make to different homeowner groups and discussed other options that the agency has to help with bear problems, such as electric fences.

Commissioner Lockley stated that FWC should take more aggressive preventative actions when bears are moving closer to the community.

Officer Froelich stated that Franklin County has a lot of State forest properties that border with private owned property which adds to the bear problem and discussed other options to stop bears in populated areas.

Commissioner Lockley stated that the new consolidated school is one of the properties that border State forests.

Chairman Parrish thanked Officer Froelich for attending the meeting.

**Recess (11:00 AM)**

Chairman Parrish called for a recess.

**Reconvene (11:12 AM)**

Chairman Parrish reconvened the meeting.

**Planning & Zoning Consent Agenda (11:12 AM)**

Mr. Pierce presented the following items for approval.

*1 – Approved by the Planning and Zoning Commission (unanimous) Consideration of a request to place an “Ice Machine” on Lots 1 & 2, Block 6, Unit 1 East, 61 East Gulf Beach Drive, St. George Island, Franklin County, Florida. Request submitted by Jason Cheek, applicant.*

***Motion by Sanders, seconded by Jackel, to approve Item 1 of the Planning and Zoning report; Motion carried 5-0.***

*2 – Approved by the Planning and Zoning Commission (unanimous) Consideration of a request to construct an open deck 15 feet into the critical habitat zone on property described as Lot 94, Block 10, Unit 1, Southern Dunes, Alligator Point, Franklin County, Florida. Request submitted by Daniel Cox, agent for David and Janet Foshee, applicant. MOTION: It was agreed to recommend that the Board of Adjustment hear the issue of the deck on the Foshee’s property on Lot 94, Block 10, Unit 1, Southern Dunes, as an appeal of Mr. Pierce’s administrative decision that the deck request does need a variance.*

Commissioner Sanders stated that it has been the policy of the County to forward these types of requests to the Advisory Board of Adjustment.

**Motion by Sanders, seconded by Lockley, to forward Item 2 of the Planning and Zoning report to the Advisory Board of Adjustment; Motion carried 5-0.**

*3 - MOTION FAILED by the Planning and Zoning Commission (by 3 Yeas and 5 Nays) Consideration of a request to re-zone Lot 10, 12 and 20, Block 14, Gulf Colony from R-1 Single Family Residential to R-4 Single Family Home Industry. Request submitted by Darren and Deborah Guillotte, applicants.*

**Motion by Sanders, seconded by Lockley, to schedule a public hearing on Item 3 of the Planning and Zoning report; Motion carried 5-0.**

**4 – Approved by the Planning and Zoning Commission** (7 to 1 vote) Consideration of a request to re-zone a 10 acre parcel lying in Section 10, Township 8 South, Range 7 West, North of Eastpoint, Franklin County, Florida from A-2 Forestry Agriculture to R-3 Estate Residential and a Landuse change from Agriculture to Estate Residential. Request submitted by John Patrick Floyd, applicant.

**5 – Approved by the Planning and Zoning Commission** (7 to 1 vote) Consideration of a request to re-zone a 10 acre parcel lying in Section 10, Township 8 South, Range 7 West, North of Eastpoint, Franklin County, Florida from A-2 Forestry Agriculture to R-3 Estate Residential and a Landuse change from Agriculture to Estate Residential. Request submitted by James Barrs Floyd, applicant.

**6 – Approved by the Planning and Zoning Commission** (unanimous) Consideration of a request to re-zone a 10 acre parcel described as Tract 7-D unrecorded, lying in Section 22, Township 6 South, Range 4 West, North of Carrabelle, Franklin County, Florida from A-2 Forestry Agriculture to R-6 Rural Residential and land use change from Agriculture to Rural Residential. Request submitted by Timothy C. Saunders, Sr. applicant. (Agent: Timothy Saunders, Jr.)

**7 – Approved by the Planning and Zoning Commission** (unanimous) Consideration of a request to re-zone a 10 acre parcel described as Tract 8-B unrecorded, lying in Section 22, Township 6 South, Range 4 West, North of Carrabelle, Franklin County, Florida from A-2 Forestry Agriculture to R-6 Rural Residential and land use change from Agriculture to Rural Residential. Request submitted by Alice C. Saunders, Sr. applicant. (Agent: Timothy Saunders, Jr.)

**8 – Approved by the Planning and Zoning Commission** (unanimous) Consideration of a request to re-zone a 10 acre parcel “Tract B” lying in Section 30, Township 5 South, Range 7 West, North of Eastpoint, Franklin County, Florida from R-6 Rural Residential to R-3 Estate Residential and a land use change from Rural Residential to Estate Residential. Request submitted by Blair Morgan, applicant.

**9 – Approved by the Planning and Zoning Commission** (unanimous) Consideration of a request to re-zone a 10 acre parcel “Tract A” lying in Section 30, Township 5 South, Range 7 West, North of Eastpoint, Franklin County, Florida from R-6 Rural Residential to R-3 Estate Residential and a land use change from Rural Residential to Estate Residential. Request submitted by Sherry Thacker, applicant.

**Motion by Lockley, seconded by Sanders, to schedule public hearings for Items 4 – 9 of the Planning and Zoning Report; Motion carried 5-0.**

**Alan Pierce – Director of Administrative Services – Report (11:23 AM)**

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

*1- Inform Board that I personally thanked Mr. Jackie Barber, C.W. Roberts, for their support of the Carrabelle Urgent Care Clinic instead of writing him a letter.*

*2- Remind Board that our Legislative Delegation meeting has been scheduled for next Thursday, Feb. 19, at 5PM, here in the commission meeting room. At this point the meeting will about budget cuts and budget reductions, as we have already been given notice that the Legislature will not be considering any special funding requests.*

*3- Inform the Board that I have received notice from the Florida Association of Counties (FAC) that Commissioner Jackel has been appointed to an FAC Energy Independence Work Group that hopefully will bring with it opportunities to get federal stimulus money.*

*4- Inform Board that the St. George Island Sewer workshop has been scheduled for April 21, at 2 PM, here in the commission meeting room. This is after a regular Board meeting. Presentations will be made by four groups on how they would or could provide central sewer to the Island. The presenters at this time will be: Ms. Jeanni McMillan and her FAMU/FSU engineering students, Eastpoint Sewer and Water District, Mr. Gene Brown, and Mr. James Waddell and Integra Water. This is an information gathering workshop for the Board and the public to understand some of the options and opportunities in providing central sewer to St. George Island.*

*5- The Planning Office has been discussing possible FCT grant applications for land acquisition with The Nature Conservancy (TNC). The TNC will consider pursuing funding for land acquisition if the FCT program is funded. It is possible that the only funding going to be available will be enough to fund those acquisitions that were approved in 2008, and then stricken during the special legislative session. The Board does not have to decide today, but in the event funding is available the Board needs to determine what priority it would like to acquire land. The potential projects discussed with TNC are: acquiring the South Shoal property on Alligator Point, paying off the Lombardi property already acquired, the St. George Island tract across from Harry As that had previously been the focus of development interests, and a Phase II for Indian Creek Park in Eastpoint. Board discussion.*

Mr. Pierce informed Commissioner Putnal that the property next to the boat ramp in Eastpoint was not large enough to qualify for a FCT grant.

Mr. Pierce reminded the Board that two of these projects were already scored and funded, but due to a failure in negotiations with the property owners, the funds were returned to the State. Commissioner Putnal asked if there were any other funding sources available for the property next to the Eastpoint boat ramp.

Chairman Parrish stated that the County is still pursuing funding for this property through working waterfronts program.

Commissioner Jackel suggested having preliminary talks with the property owners of the two properties that was funded but not negotiated, and inform them of the County's intent to resubmit these applications.

*6- Provide Board with copy of application to Rep. Boyd's Healthcare Council, and provide narrative. The purpose of the narrative is to explain the Board's shift from specifically discussing an FQHC with the Congressman's aide present to the application for just a primary care facility.*

Mr. Pierce explained why the County was shifting from a FQHC specifically to a primary care facility.

Commissioner Sanders thanked Commissioner Lockley for his continued service on this Council. Commissioner Putnal discussed a conversation he had with a couple who needed medical attention and because there were no local doctor offices open and there was only one doctor on duty in the emergency room that was full, they went to Tallahassee for medical attention. Commissioner Lockley asked that Mr. Colvert, Weems CEO, attend the next meeting.

Attorney Shuler stated that the recent partnership with Tallahassee Memorial Hospital will help alleviate some of these problems as more primary care doctors will be available.

Commissioner Jackel asked if the County receives \$600,000 for healthcare funding and is able to save some of these funds by incorporating urgent health care and primary health care in Carrabelle, can some of these funds be used for primary healthcare in Eastpoint.

The Board and Mr. Pierce discussed problems with the FQHC in Eastpoint and the need for it to be more a part of the community.

Mr. Pierce distributed the narrative for the Board's review.

*7- Inform Board the NFWWMD is having its annual public hearing on its Five Year Land Acquisition Work Plan on Feb. 26, at 1:20 PM in Havana. No action needed by Board.*

Commissioner Sanders asked that a reduction in road closings in Tate's Hell is added as a comment.

*8- Board action to sign CRA Architecture Services Contract for the Urgent Care Clinic in Carrabelle. This has been reviewed by the county attorney.*

**Motion by Lockley, seconded by Putnal, to authorize the Chairman's signature on the contract with CRA Architecture Services; Motion carried 5-0.**

*9- Board action to sign Grant Agreement to purchase 21.34 acres of land from DSW as part of the runway protection zone of Runway 13. This purchase will be done with FAA grant funds.*

**Motion by Lockley, seconded by Putnal, to authorize the Chairman's signature on the FAA grant agreement; Motion carried 5-0.**

10- Inform Board that the annual DOT airport inspection will take place on March 13. Mr. Mosteller will be assisting in the inspection.

11- Board action to accept low quote for additional work to be done on the St. George Island Multi-Use Path. Because of time constraints, DOT has agreed to allow the county to seek three quotes and to award the low quote for the work of installing solar lighting and park benches on the Path. Low quote is Sol Verde Renewable Energy Solutions, LLC at \$46,800. The other two quotes were \$62,000, and \$61,500.

Attorney Shuler recommended waiving bid requirements on this project due to time restraints and restrictions on the funding.

**Motion by Jackel, seconded by Lockley, to waive the bid policy on installing solar lighting and park benches on St. George Island Multi-Use Path and accept the low bidder Sol Verde Renewable Energy Solutions; Motion carried 5-0.**

12- Inform the Board that there will be a dedication of the St. George Island Lighthouse and Park on Sat. April 4. Details to follow.

Commissioner Jackel stated that county employees can use lighthouse free of charge until the end of March, and thanked Will Kendrick for his efforts on the lighthouse project.

13- Inform Board that Mediacom will be present at the March 17<sup>th</sup> meeting to explain its Feb. 4 letter to the Board that says, "Pursuant to the Florida state franchising statute Mediacom's local franchise agreement in Franklin County will be terminated on the date the Department issues the state certification of franchise authority." Evidently the state is taking control of franchise agreements away from counties.

Attorney Shuler discussed Mediacom's franchise fee payments and the State changing the franchise agreement statute. Attorney Shuler stated that Mediacom will attend the March 17 meeting.

14- Inform Board the USACOE has written the Board that "The Corps is not currently authorized to study the installation of locks in the Bob Sikes Cut. In order to proceed with a study, authorization and appropriations from Congress will be required. We have already written our Congressional delegation so we will see what happens next.

15- Inform Board that on Friday morning I attended the FDOT tele-conference about the federal stimulus package and how FDOT was going to administer the funds, and then Friday afternoon I drove FDOT personnel around the county and visited all 20 proposed projects submitted for funding. The proposed projects had been cut down from the original \$125Million the Board had requested because of guidelines imposed by the legislation. In summary, of the \$800B in the



*federal stimulus package only 3% is going for infrastructure projects nationwide. (Where the other 97% is going is unknown to me).*

*Florida will get \$1.3B for infrastructure but those funds will be divided among, highways, airports, mass transit, railways, high speed rail, and ports. Of Florida's \$1.3B for infrastructure, only about \$450M is available statewide for highways and road projects. As explained by FDOT, the federal rules restricted paving funds to those roads already on the federal aid list. In Franklin County there are only 3 roads- 30A to Gulf County, Gulf Beach Dr to the state park in S. George Island, and CR67. Because 30A and Gulf Beach Dr. have or are getting state funds to make improvements, the only road eligible is CR 67 so I requested that road be widened to 24', just as it is in Liberty County. The FDOT estimate for that project is \$8.9M.*

*If the \$450M highway funds were distributed equally in all 67 counties, our share would be approximately \$7M. So, even if the funds are distributed equally, which they won't be because populated areas are going to get more money, but even an equal distribution would not be enough to widen CR 67. So, then I had to come up with other projects that met the federal criteria and were probably in the funding range, and the only thing on the list provided by DOT were sidewalks. So I have submitted 18 sidewalk projects around the county totaling 14 miles of sidewalks, and 2 railroad crossings. Attached to my report are the sidewalk segments and the DOT estimate of cost. Late Friday I drove DOT personnel to all the sites. The criteria they are looking for are what segments could be ready for construction in 30 days. Some of the segments had problems, some did not, but all were submitted. FDOT is meeting this week to determine what every county will receive. The estimated cost of all the sidewalk projects is approximately \$3.7M. It is my expectation that Franklin County will receive far less than \$3.7M but FDOT would not make any projections on Friday.*

*In a related note, Mr. Scott Maddox, of Governance Services, LLC, is here to offer their services in a regional effort to obtain more stimulus funds (the other 97% that is not transportation infrastructure) for the county.*

Mr. Maddox introduced himself, stated some of the people that make up his firm, and discussed the services that his firm provides, especially regarding the new stimulus package. Mr. Maddox stated how the funding from the stimulus package will be divided nationally and for the State of Florida. Mr. Maddox stated that his approach to seeking these funds will be from a regional standpoint, but his lobbying services will cost the County \$20,000 for one year of representation, and he could not guarantee any funding from the stimulus package. Mr. Maddox told Commissioner Lockley that he would have to be paid upfront and not from any grants or money that he might bring into the County. Mr. Maddox told Commissioner Jackel that he could not even guarantee \$20,000, which is the same amount the County would need to invest, of grant funds for the County. Mr. Maddox stated that the County would be able to benefit from both regional and county projects, discussed how applying for grants from a regional standpoint is an advantage to the County, and that his firm would walk these requests and applications through the State and Federal government.

Chairman Parrish and Mr. Maddox discussed the time table for engaging his firm, which Mr. Maddox advised would be as soon as possible.

Commissioner Sanders asked Mrs. Johnson if there is any funding in professional services where the County could pay Mr. Maddox's firms.

Mrs. Johnson stated that she would need an opportunity to look at that account.

Commissioner Lockley was not comfortable with the County having to pay for a firm to get stimulus funds for the County when the stimulus was designed to help the County.

Commissioner Jackel stated that the small population of our County put us at a disadvantage versus bigger counties in the State.

Mr. Maddox stated that there are funds set aside for rural areas, which makes applying for funding from a regional standpoint more advantageous for the County. Based on an inquiry from Commissioner Jackel, Mr. Maddox stated that the economic development funds, which are mostly tax breaks, are tied up with road projects.

Commissioner Jackel stated that detailed information for stimulus funds Georgia will be receiving is in the media, but finding the funds that Florida will be receive is difficult.

Mr. Maddox stated that his firm is currently compiling these numbers, but there is also a lot of misinformation that is being circulated about stimulus funding. Mr. Maddox also stated that the only funding that is known as a certainty is formula driven and gave some examples.

Mr. Maddox stated that there will be other stimulus packages and discussed the need to get the funding to a local level.

Attorney Shuler stated that the Board will need a letter of agreement to review, waive the bid policy, and designate a funding source.

Chairman Parrish expressed his concerns of spending this type of funds, especially after discussing having to make up the budget shortfall earlier during the meeting, without any type of guarantee of some return and recommended that the Commissioners take some time out to think what has been presented by Mr. Maddox.

Commissioner Jackel asked Mr. Maddox when he would need a decision by the Board.

Mr. Maddox stated that other Counties have sent a County Commissioner and an administrator the regional meetings, with the next meeting being held either the end of this week or early next week.

Commissioner Jackel asked how many meetings will be held.

Mr. Maddox stated that it won't be many because most of the work will be done with county staff, and explained what his firm would do with each of the different counties requests.

Mr. Maddox stated that the proposed region is made up of Franklin, Gulf, Calhoun, Washington, Jackson, and possibly Bay County.

Mr. Maddox discussed some of the funds that will be available for healthcare.

Chairman Parrish stated that he would like to take some time to think about this issue.

Commissioner Sanders stated that the County does need someone to help lobby in Washington for some of this funding.

**Motion by Sanders, seconded by Putnal, to authorize Commissioner Jackel and Mr. Pierce to go to the regional meeting and report back to the Board, and the Board will decide at the**

**March 3, 2009 meeting if it will engage Mr. Maddox's firm; Motion carried 4-1, Lockley opposed.**

**Recess for Lunch (12:22 PM)**

Chairman Parrish recessed for lunch.

**Reconvene (1:35 PM)**

Chairman Parrish reconvened the meeting.

**Update – HRS OSDS Complaints on St. George Island, Jason Flowers and Ms. Jennifer Tschetter, DOH Attorney (1:35 PM)**

Attorney Tschetter, of the Department of Health, introduced herself and stated that Mr. Flowers and Mr. Tice, also with the Department, were also in attendance. Attorney Tschetter then updated the Board on the status of the commercial businesses on St. George Island that were non compliant due to waste water issues.

Attorney Tschetter discussed the letter she sent to Mr. Steve Rash, of the Blue Parrot Restaurant, whose aerobic system is currently adequately servicing his establishment. Attorney Tschetter stated that the department was pleased that he submitted plans for permanent modifications to the aerobic system, so she was closing his file at this time.

Commissioner Jackel asked if the modifications that Mr. Rash submitted to the department were completed as yet.

Attorney Tschetter and Mr. Flowers explained that even though The Blue Parrot is currently compliant, those modifications which have been installed but not yet inspected are needed for him to remain compliant especially during the summer months when his business will be at its peak season.

Attorney Tschetter explained that in her letter to Mr. Kourkolis, owner of Harry A's, the department was aware of the variance he received to install a performance based system which should bring his business into compliance, so the department was willing to hold any legal action in abeyance temporarily.

Attorney Tschetter then reviewed the letter she sent to James Frost of Eddy Teach's Raw Bar. Attorney Tschetter stated that the department was pleased that Mr. Frost hired an engineering firm to assist him with building a performance based system that would accommodate the needs of his establishment. Attorney Tschetter stated that she has received calls from Mr. Frost's engineers and they are in the process of gathering data and seeking an easement or an license from the County to gain access to recently purchased property to use as a drain field, so the department is willing to hold any legal action in abeyance for a period of sixty days.

Commissioner Jackel asked if all of the three businesses discussed so far were in non compliance.

Attorney Tschetter stated that the Blue Parrot is not in non compliance, but both Harry A's and Eddy Teach's Raw Bar is currently in a non compliant status.

Attorney Tschetter also stated that she has filed a Verified Petition for Injunctive Relief against Mr. Billy Blackburn Jr. of BJ's Pizza and Hunter Investments, L. L. C., operators of Subway restaurant, because they are also not in compliance, and explained the next steps after these petitions are served.

Chairman Parrish and Attorney Tschetter discussed options for the Business to come into compliance, especially by reducing seating capacity rather than the businesses closing. Commissioner Jackel and Attorney Tschetter discussed the frequency of testing and the last date tested.

Mr. Flowers discussed what criteria was used, which was agreed to by the Board at a previous meeting, to try and remedy the wastewater problems on St. George Island, which of the businesses tried to comply and to what extent. Mr. Flowers explained that a variance may allow the businesses to keep their current seating capacity, but the business must then add a performance based system that will treat the wastewater at a higher level.

Chairman Parrish stated that the public wants this situation remedied; it is not a vendetta against any of the businesses on St. George Island, but was unsure why the businesses in violation were not willing to reduce their seating capacity to become compliant.

Billy Blackburn, of BJ's Pizza, stated that he understood what the Board and the Department of Health was trying to accomplish but if he reduces his seating capacity he will have to close his business. Mr. Blackburn stated that he is willing to expand his system but he was waiting to see what the other businesses are going to do about this problem. Mr. Blackburn also stated that the Health Department suggested he reduce his seating to 20 seats but that would not allow him to make enough to pay his mortgage, and the last time his store was tested by the department was in August when his business was at his peak, and should be retested.

Chairman Parrish assured Mr. Blackburn that his business was not being singled out, as the Department of Health was addressing similar situations with 5 other businesses on St. George Island but there has to be some type of resolution to this wastewater problem.

Mr. Blackburn stated that the rental houses are as guilty as the businesses on St. George Island with the wastewater problem.

Commissioner Jackel asked Mr. Flowers to explain the testing results, as in what is a bad result versus what is acceptable.

Mr. Flowers stated that testing was done in August of 2008, because that was when he was asked about the wastewater problems on St. George Island and how the commercial businesses were contributing to this situation. Mr. Flowers then explained how the testing is done and what the test results meant. Mr. Flowers stated that even though the State approved the original design of these systems, the lack of maintenance caused these systems to become out of compliance, but business owners should be aware that the maintenance and testing of these systems is their responsibility.

Mr. Blackburn stated that Mr. Flowers is the first person that ever did an inspection of his business for the 20 years that he has been in business.

Chairman Parrish stated that the Board, based on complaints it received, asked Mr. Flowers to go out and conduct these inspections.

Mr. Flowers stated that increased seating capacity over the years has also contributed to a lot of these wastewater problems.

Chairman Parrish stated that he was glad that the Health Department was moving forward with this problem, because in the past he received complaints that the Health Department was not moving fast enough.

Commissioner Lockley stated that at this point, pointing fingers is not important, resolving the problems before it hurts the Bay in a manner that can't be fixed, is what is important.

Terry Brewer, of Harry A's, stated that he has data where testing was done on beaches where there are no restaurants, including the State Park, and the results were just as bad. Mr. Brewer stated that Finnis's Restaurant and Aunt Ebby's are not tested.

Mr. Flowers explained that both of these restaurants are not tested because they are standard systems, not aerobic, therefore they have no performance standards.

Mr. Brewer stated that the Health Department and the County should look at who consumes the most water on St. George Island and test them.

Attorney Shuler reminded everyone that the County Commission received complaints that there were wastewater systems that were not compliant and the Board then forwarded these complaints to Health Department so that they could investigate. The Board did not at anytime pick out any businesses for testing.

Mr. Brewer thought it was unfair that Finnis's Restaurant, which is the largest restaurant on St. George Island, is not tested or pays the maintenance fee to the State due to the fact that they have an old wastewater system. Mr. Brewer listed some other issues he thought was unfair with this process, other issues that may contribute to the wastewater problem, and the County's plans to discuss a central storm water system after asking these businesses to increase their current wastewater system.

Commissioner Jackel asked if the rental homes are subject to the same testing procedures as the commercial businesses.

Mr. Flowers explained that there are procedures in place to regulate the rental houses.

Commissioner Jackel explained that this issue is complicated because the rules seem different for commercial businesses than for residential rental units, but the important factor is that the Bay is suffering from all of the violators, so the workshop on a central system is needed.

Commissioner Jackel asked that everyone work together to save the County's natural resources.

Commissioner Putnal stated that apparently the County has outgrown the aerobic systems and asked why some businesses are not being tested.

Mr. Flowers stated that the businesses that are not tested are basically "grandfathered in". Mr. Flowers discussed some of the procedures his department uses to enforce the use and correct capacity of the rental houses, even though it is actually difficult to police how many actually sleep in a rental house. Mr. Flowers reminded everyone that maintenance is the key to keeping the aerobic system working correctly and within compliance.

Dan Tonsmeire, of the Apalachicola Bay and River Keepers, stated that better monitoring and testing is needed to keep these systems in compliance.

Linda Raffield, of the Franklin County Seafood Workers Association, stated that she understands the concerns of the small businesses discussed today, but would like everyone to remember that seafood workers are small businessmen and women also, and these wastewater issues

negatively affect the seafood workers livelihood, so everyone should adhere to the rules and regulations.

Chairman Parrish thanked the representatives from the Department of Health for the info and effort provided today.

**Alan Pierce – Director of Administrative Services – Report – Continued – (2:36 PM)**

*16- Inform the Board that we also submitted two projects for Coastal Program Habitat Restoration Projects that we thought were going to be funded by the Stimulus bill, but now will be considered by normal grant funding. Commissioner Jackel had sent me an email on this subject and we have submitted the grant requests for rebuilding the sand dunes and vegetation at Carrabelle Beach and at the St. George Island County Park.*

*17- Inform Board that FEMA is being very difficult on approving permanent repairs on Alligator Point caused by Hurricane Gustav. Preble-Rish has helped me prepare draft cost estimates of some \$600,000 for repairs to the road and existing revetment, and some \$2M to in Hazard Mitigation to install sheet piles to protect the road. FEMA has only agreed on \$300,000 for repairs, so I have not signed the proposed PW prepared by FEMA because it does not adequately reimburse the county for cost of repairing the road to its pre-storm condition. Part of the problem admittedly is that since C.W. Roberts just finished paving the entire road, FEMA inspectors do not accept the county's argument that what we paved over is not properly compacted in the area that was damaged. They are requiring we do soil borings and geotechnical testing to confirm what we know- that the county put down asphalt to give the residents a temporary surface to drive on regardless of the underlying stability of the road base. We knew that there was no point in spending money preparing the base until there is adequate protection against erosion along the shore. The road is so vulnerable that it will be damaged again in any minor storm.*

*18- Board action to set public hearing for April 7<sup>th</sup> at 10 AM for the adoption hearing of the EAR based comp plan amendments. Provide copies of amendments. These amendments have been reviewed by DCA and are ready for adoption. These amendments should not be controversial as they are based upon the Evaluation and Appraisal Report (EAR) that has already been reviewed by the public, reviewed by the Board at a transmittal hearing in October, and now approved by DCA. These EAR based amendments are a required process by DCA.*

**Motion by Lockley, seconded by Sanders, to authorize a Public Hearing on April 7 at 10 AM for the adoption hearing of the EAR based comp plan amendments; Motion carried 5-0.**

*19- Provide Board with copy of proposal by the St. Joe Company to sell the property necessary to make the Ochlockonee Boat Ramp work as designed. We asked FWC if we could use FWC grant funds for land acquisition and they told us no. The FWC Program Administrator told the*

*Planning Office in an email that "the Program guidelines specifically prohibit land acquisition." Board direction.*

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

Mr. Pierce stated that there has been some discussion about night meetings, and he has received requests for night meetings but those are small numbers compared to the total amount of people in the County.

Commissioner Putnal and Chairman Parrish stated that length of this meeting is a prime example why we should not have night meetings.

Commissioner Jackel stated that she is constantly getting calls from residents requesting night meetings.

Chairman Parrish reminded everyone that there is an option to schedule public hearings in the evening if public input is requested or needed.

**Motion by Jackel to schedule one monthly meeting in the evening; Motion failed for a lack of a second.**

**Motion by Sanders, seconded by Jackel, directing Mr. Pierce to erect signs (placards) on properties where rezoning or variances are being considered, and color code these signs based on the type of zoning or variance requests that are made; Motion carried 5-0.**

The Board and Mr. Pierce discussed the FDOT stimulus funding list that was attached to his report.

**Marcia M. Johnson – Clerk of Courts – Report (2:49 PM)**

Mrs. Johnson did not have any items for Boards review or approval.

**Michael Shuler – County Attorney – Report (2:50 PM)**

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

Attorney Shuler informed the Board that he had a copy of the Clemons Rutherford contract with the Chairman's signature, but because no one from Clemons Rutherford signed the addendum portion of the contract, he is withholding the copy with the Chairman's signature until the addendum is signed.

***1. Bank of America vs. Lee Mullis (Franklin County Case 09-47-CA)***

*On February 6, 2009, I was served with another lawsuit foreclosing a Franklin County Fire Tax bill for \$42.00. The property is located in the Plantation on St. George Island. The bank's mortgage is superior to the County's lien. We have no factual or legal basis to contest the foreclosure.*

*Board Action Requested: Board authorization to accept service of process and to allow a default to be entered against the County. The default will wipe-out the lien of the fire tax bill and the County will not be paid.*

**Motion by Jackel, seconded by Lockley, authorizing Attorney Shuler to accept service of process and allow a default to be entered against the County; Motion carried 5-0.**

## *2. County Probation Services Contract*

*I have prepared the probation services contract. Judge Russell has approved the form of the contract.*

*Board Action: Motion authorizing the Chairman to sign the contract.*

**This item will be addressed at the next meeting.**

## *3. South Shoals*

*For the reasons outlined in my Memorandum and Motion for Continuance delivered to you earlier, I ask for your authority to dismiss the last claim in the lawsuit. That last claim asks that the developer be required to build the advanced waste water treatment plant ("AWT").*

*This does not mean that the AWT will not have to be built. The ordinance requiring the AWT will remain in full force and effect.*

*If it occurs, the dismissal simply means that the County will not pursue a claim against South Shoal to build it. Since South Shoal is in foreclosure, it is unlikely that they have the money to build the AWT.*

*For strategic reasons involving attorney fees, it may be that dismissal is not appropriate, but I need your authorization today so that I can dismiss the claim if it is the right thing to do. As of today, I have not yet dismissed the claim.*

*Board Action Requested: Motion authorizing me to dismiss count three of the lawsuit to compel construction of the advanced waste water treatment plant, with the understanding that the ordinance requiring the AWT will remain in full force and effect.*

**Motion by Sanders, seconded by Lockley, authorizing Attorney Shuler to dismiss count three of the lawsuit to compel construction of the advance waste water treatment plant, with the understanding that the ordinance requiring the AWT will remain in full force and effect; Motion carried 5-0.**

## *ITEMS NOT REQUIRING BOARD ACTION*

### *4. Legal Advertisements*



*I have confirmed that the Franklin Chronicle qualifies as a publisher of legal advertisements. You previously authorized me to publish a request for proposals for legal advertisements. You will open the RFP's at your March 17, 2009 meeting.*

*Board Action: None recommended.*

**5. Media Com Cable Franchise**

*The State of Florida will issue a new "Statewide" franchise agreement to Media Com in the near future. The statewide franchise will supersede the Franklin County franchise. I have not seen the statewide franchise and I do not know the exact date when it takes affect.*

*I have notified FCTV of this situation so that they may investigate what affect, if any, the statewide cable franchise will have on their operations. Presently, FCTV operates without charge on a local channel Media Com is required to provide as part of its county franchise agreement. I do not know what affect, if any, the new statewide franchise will have on the local channel.*

*Also, Barbara Bonowicz, the Media Com representative for this area, will appear at your March 17, 2009 meeting to discuss this and other service related issues.*

*Board Action: None recommended.*

**6. Chambers Bank of Arkansas/Eastpoint**

*Attached is a letter I sent to the attorney for Chambers Bank requesting that they provide me with information about their plans to clean up the property in Eastpoint that they foreclosed and took from Eastpoint Redevelopment.*

*Board Action: None recommended.*

**7. Carr Creek**

*I am still reviewing whether it is a Mosquito Control Ditch.*

**8. School Bus Insurance**

*I am still reviewing whether the school is providing a bus and bus driver for vocational training.*

**Recess (2:54 PM)**

Chairman Parrish recessed the meeting to begin the Termination Hearing.

**Reconvene (4:22 PM)**

Chairman Parrish reconvened the regular meeting.

**Commissioners and Public Comments (4:22 PM)**

Commissioner Putnal discussed a complaint he received from Mr. Demetrius Buizer who was a client of the SHIP Program and was asked to repay \$6000 of the SHIP funds he received for down payment assistance, after he decided to refinance his home.

Chairman Parrish had a problem with Mr. Buizer signing a new SHIP contract.

The Board discussed this matter.

Commissioner Sanders suggested that Mr. Buizer and a member of the housing board should attend the next meeting to discuss this matter with the Board.

Attorney Shuler, who did research this matter, explained the situation to the Board, and recommended no other action is taken in this matter.

The Board agreed that no further action was needed on this matter.

Commissioner Sanders stated that she did support night meetings, but not every month.

**Motion by Sanders, seconded by Jackel, to schedule the second meeting of every quarter as an evening meeting that will start at 5 PM; Motion carried 5-0.**

Commissioner Jackel recommended that department supervisor reports are no longer attached to the agenda and uploaded to the website until it has been approved by the Board or some staff member.

The Board discussed this matter.

Commissioner Sanders suggested loading reports only and not any pictures.

Attorney Shuler recommended continuing with the current procedure and if there are any problems in the future the Board would address them at that time.

**Adjourn 4:47**

Chairman Parrish adjourned the meeting.

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Joseph A Parrish – Chairman, FCBCC

Attest:

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Marcia M Johnson – Clerk of Court