

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 21, 2009
9:00 AM**

MINUTES

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

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

Call to Order (9:03 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:03 AM)

A prayer was followed by the Pledge of Allegiance.

Payment of County Bills (9:04 AM)

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

Sheriff Skip Shiver – Department of Corrections Contract Renewal (9:04 AM)

Sheriff Shiver informed the Board that the renewal contract for state inmates will expire as of July 1, 2009 due to budget restraints and he has been advised by Director Whitehurst of the Department of Corrections that the state will not renew this contract. Sheriff Shiver asks that the Board help with the renewal of this contract. Alan Pierce stated that there might be other funds available through the stimulus plan that can offset county spending. Commissioner Parrish asked if the contract needed to be signed now and Sheriff Shiver replied that the Department of Corrections suggested it be signed and sent in. Commissioner Parrish discusses Bill 2040, which is going through Legislature now, that will allow for the training of all dispatcher personnel to respond to emergency dispatch situations. Sheriff Shiver agreed that it would be an asset to the citizens of Franklin County to have all dispatch personnel trained in

this type of emergency communications training. Commissioner Jackel asked Attorney Shuler if he had reviewed this contract and if it was something they should approve. Attorney Shuler responded that he had reviewed it and that it is a standard state contract from the Department of Corrections. Commissioner Lockley asked for the amount of the contract and Sheriff Shiver gave a figure of \$399,974.40. Commissioner Jackel recommended that Governance might be able to help with some of the funding.

Motion by Putnal, seconded by Lockley, to sign the renewal contract; Motion carried 5-0.

Commissioner Sanders commented that she had visited the Sheriff's Office last week and was made aware of a problem with the roof leaking. She suggests having Dan Rothwell do a walk through of the Sheriff's Office to determine what repairs need to be done at this time.

Motion by Sanders, seconded by Jackel, to have Mr. Pierce and Mr. Rothwell seek a solution to the maintenance issues at the Sheriff's Office; Motion carried 5-0.

Commissioner Sanders voiced concerns about being able to contact someone from Animal Control after working hours. She recommended that Van Johnson and Sheriff Shiver meet and come to some type of agreement on how to deal with any type of Animal Control issues that occur after hours and on weekends. She also suggested that the two departments work out a better communication system between one another.

Motion by Sanders, seconded by Jackel, to approve a meeting between Mr. Johnson and Sheriff Shiver to discuss animal control related issues, especially during after hours and weekends; Motion carried 5-0.

Doris Pendleton- Property Appraiser, Service of new St. Joe Lawsuit (9:13 AM)

Ms. Pendleton distributed copies of a lawsuit that has been filed against the Property Appraiser's Office. Ms. Pendleton informed the Board that the St. Joe Company has filed this lawsuit in addition to a lawsuit that is still in litigation since 2007. Ms. Pendleton confirms to the Board that this lawsuit is pertaining to property values.

Commissioner Putnal also asked if property values have dropped in that area and Ms. Pendleton answered that they have decreased. Ms. Pendleton also mentioned that the lawsuit filed by St. James Bay was heard by the appellate court two weeks ago and they should be receiving an answer about that soon. Ms. Pendleton informs the Board that the figures being presented are not final as of this time. Marcia Johnson discussed available funds for lawsuits and that funds have been put aside for these situations.

Commissioner Jackel suggests placing earmarks in contingency fund to cover future lawsuits. Ms. Johnson suggests approving this amount and if Ms. Pendleton needs additional funds she can come back before the Board at that time.

Motion by Lockley, seconded by Sanders, to approve legal payments up to \$32,250 in estimated attorney's fees and \$15,000 for estimated expenses regarding this litigation; Motion carried 5-0.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:20 AM)

Mr. Chipman discussed repairs that have been made to some of the flooded roads in the county to allow the citizens to get to their homes and school buses to get to bus stops.

Commissioner Sanders inquired as to whether the Road Department is going to put down new culverts on West Drive and if it will eliminate the problem. Mr. Chipman says it will help to decrease flooding in that area.

Commissioner Sanders thanked Mr. Chipman for the work that the Road Department has done. Commissioner Putnal and Mr. Pierce discussed addressing drainage problems before the start of new paving projects to cut down on future repair costs.

Commissioner Putnal asked Mr. Chipman to take care of bad pipes before new paving starts. Mr. Chipman requested a list of the roads that will be paved during the project. Mr. Pierce provided a copy.

Commissioner Parrish also thanked the Road Department for assistance during recent storms and flooding. Mr. Chipman praised the cooperative efforts of all County Departments during the storm.

Van Johnson – Solid Waste Director (9:25 AM)

Mr. Johnson had no items for Board discussion and/or approval.

Commissioner Sanders distributed a picture of the Buck O'Neal statue and thanked Ms. Nikki Millender, of the Parks and Recreation department, for her work on this project and constant dedication to her job. The Commissioner also recognized Fonda Davis for helping with a sewage problem during the youth league day of ball.

Commissioner Parrish agreed that all of the Parks and Recreation employees have done a great job and discussed how much the citizens enjoyed their time at day of ball at D. W. Wilson Park in Apalachicola.

Commissioner Sanders recommended installing batting cages at the Kendrick Sports Complex in Carrabelle and asked Ms. Millender to follow up on prices for this project.

Commissioner Putnal recommended having inmates build a larger pavilion at Vrooman Park in Eastpoint and also installing lights at D. W. Wilson Park in Apalachicola.

Motion by Sanders, seconded by Lockley, to send the Apalachicola Youth League a letter congratulating them for their efforts on the first day of youth league ball; Motion carried 5-0.

Motion by Putnal, seconded by Sanders, asking Mr. Johnson to look into creating a pavilion at Vrooman Park in Eastpoint, lights at D. W. Wilson Park in Apalachicola, and also batting cages at Kendrick Sports Complex in Carrabelle; Motion carried 5-0.

Commissioner Jackel asked Mr. Johnson to report on a meeting between herself, Mr. Johnson and Fred Jenner about the recycle program at Carrabelle Beach and St. George Island Beach Parks. Mr. Johnson stated that he would have a more detailed report at the next meeting. Commissioner Putnal asked if the county receives any funding from the state for recycling efforts and Mr. Johnson confirmed that the county receives \$277,000 per year unless that has been cut due to budget restraints at this time.

Commissioner Jackel suggests staying on top of the green initiatives efforts because in turn the county might receive stimulus funding.

Commissioner Sanders mentions a new House Bill 5121 that will impose a \$1.25 per ton disposal fee that will be assessed on solid waste services. She asks Mr. Johnson to keep up with what happens with that House Bill.

Dan Rothwell – County Engineer (9:33 AM)

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

*Item 1 – BOARD ACTION: Carrabelle Airport Road Contract Change Order:
Staff requests the Board approval to replace the thermal plastic striping with paint striping to allow for the addition of crack relief for the road resurfacing project. Will go over the grant amount by \$1,432.80. But because of previous cracking on new roads he recommends doing this.*

Mr. Pierce says that Commissioner Putnal will take this overage out of his road paving budget to pay the difference.

Motion by Putnal, seconded by Sanders, to approve the contract change order to replace the thermal plastic striping with paint striping at the Carrabelle Airport Road which will be paid from Commissioner Putnal's road paving budget; Motion carried 5-0.

*Item 2 – BOARD ACTION: Carrabelle Airport Road:
Staff requests the Board approval to make the first and final invoice payment for the project for \$264,070.90 with no retainage left. The project is complete.*

Motion by Putnal, seconded by Sanders, to pay first and final payment for Carrabelle Road paving project; Motion carried 5-0.

*Item 3 – Alligator Point Dune Walkovers:
Parks and Recreation Department have completed the dune walkover at Chip Morrison Dr. The walkover at 1421 Alligator Dr is 60% complete and the walkover at 1517 Alligator Dr will be next.*

*Item 4 – Alligator Dr Resurfacing:
The re-surfacing project is complete, the final invoice paid, and the Florida Department of Transportation will be sent the final invoice this month.*

Item 5 – 924 East Gulf Beach Dr Drainage Project:

The Road Department has completed the drainage project to add 3 small diameter (10”) PVC pipes under the multiuse path and creating a swale to receive the water to drain an area where regular flooding occurs on the traffic path of East Gulf Beach Dr.

Item 6 – Linden Road and Peachtree Road Survey work:

The week of 4/21/2009 survey work is scheduled for Peachtree Rd and Linden Rd to analyze stormwater runoff and flow in the area.

Commissioner Jackel asks if C W Roberts can pave around the “cold mix” at 924 E. Gulf Beach Dr. during the paving project to be sure it doesn’t crack once the paving is completed. Mr. Rothwell stated that a concrete casting facing will be put in place to prevent cracking during the paving project.

Pam Register-Brownell – Emergency Management (9:37 AM)

Mrs. Register-Brownell didn’t have any items for Board discussion and/or approval.

Item 1 – Franklin County Emergency Management met with FEMA on April 15, 2009 to perform their preliminary damage assessment for Public Assistance and Individual Assistance as a result of the floods. The county did not have enough homes damaged from the floods to meet the requirements for Individual Assistance, however, we did quantify for Public Assistance.

*Item 2 – Franklin County Emergency Management attended the Franklin County K-12 School Table Top Exercise on April 14, 2009. Concerns were expressed by all parties about the fact that there is **no secondary egress** for emergency evacuation.*

Item 3 – Please find attached the press release which will be forwarded to the media on April 30, with regard to our upcoming Functional Table Top Exercise on May 8, 2009.

Item 4 – Franklin County Emergency Management has scheduled a meeting to discuss the flooding in the Tri-County Area for Wednesday, April 22, 2009 at 6:30 PM at the Wakulla County Senior Citizen Center in Crawfordville.

Commissioner Sanders and Mrs. Register-Brownell discussed upcoming meeting on flooding in the Tri-County Area.

Mrs. Register-Brownell confirms that she isn’t sure who will be in attendance at this meeting.

Commissioner Parrish expressed concerns of attendance and participation.

Mrs. Register-Brownell says everyone has been notified to attend the meeting and there are several agencies that plan to attend.

Commissioner Lockley asks if the County is storm ready and Mrs. Register-Brownell assures that the County is storm ready and she is working with VMS to get signs installed.

Bill Mahan – County Extension Office (9:42 AM)

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

Franklin - UF IFAS Updates:

Item 1 - BCC Vv/Vp Update Response Workshop (Board Action Requested) – After coordinating dates with all the potential speakers for the Workshop, May 12th, at 6:00 – 8:00 PM has been tentatively selected. If May 12th is approved, the Workshop will be held at the Apalachicola Community Center because the main courtroom and the Courthouse Annex meeting room are already reserved for Circuit Court and a P&Z Meeting. The following is the draft agenda for the workshop.

Potential Topics:

Welcome, Introduction and Purpose

Overview

- Brief review of history up to prevailing situation to set stage for invited experts*
- Regulatory briefing with predictions and options*
- ISSC role and meetings*

Responses to Date & Future Plans

- Task Force role and responses*
- Franklin County Commissioner's support*
- University Oyster Project (lab, processors and harvesters)*

Open Discussion

Potential Speakers:

Ottis Amison, President Franklin County Oyster & Seafood Industry Task Force

Kevin Begos, Director, Franklin County Oyster & Seafood Industry Task Force & ISSC-FL Industry Rep.

Charlene Burke, Director, Franklin County Oyster Industry Lab – UF

Victor Garrido, Director, Oyster Project – UF

David Heil, FL DACS

Bill Mahan, Director, Franklin UF IFAS Extension Program

Steve Otwell, FL Sea Grant Extension Seafood Specialist – UF

Are there any topics or speakers that the Commissioners would like to add to the agenda?

The Board discussed this matter and agreed to the May 12 meeting date.

Motion by Putnal, seconded by Lockley, to approve May 12, 2009 from 6pm – 8pm at the Community Center in Apalachicola as the date, time, and location for the workshop; Motion carried 5-0.

Item 2 - FWC Black Bear Sign Request (Board Action Requested) – At the Franklin County Community Traffic Safety Team Meeting on April 15th I was asked to bring a request from FWC/FDOT to the Commission for their approval. The FWC has had several requests for additional Bear Crossing signs in Franklin County. Both the FWC & FDOT agree the additional

signs are justified. However, due to the increasing number of Bear Crossing signs being stolen, the FWC/FDOT would like to put solar-powered, yellow caution light, bear crossing signs instead of the bear crossing signs with a bear's silhouette on them.

Commissioner Sanders asked if FWC would be paying for the new signs, and Mr. Mahan confirmed that they would.

Motion by Sanders, seconded by Putnal, to authorize the changing of the 'bear crossing' signs and send a letter of support to the Fish and Wildlife Commission and the Florida Department of Transportation regarding the new signs; Motion carried 5-0.

Mr. Mahan stated that it was brought to his attention at a recent FSU open house that many of the clam farmers and boaters from the Alligator Harbor area are having problems with the sun and sand boat ramp. Apparently because of prop dredging, a sand bar has been built up in front of the ramp and the boaters and clam framers would like some assistance with removing the sand bar. Commissioner Sanders warned that the Aquatic Reserve has been very resistant to the County doing any work in that area.

Motion by Sanders, seconded by Lockley, directing Mr. Pierce to contact the Aquatic Reserve for some guidance on removing the sandbars from in front of the boat ramp; Motion carried 5-0.

Jay Abbott- SGI Volunteer Fire Department (9:52 AM)

Mr. Abbott distributed minutes from UFA meeting and reviewed some of the items discussed at this meeting. He also distributed a poster regarding "The Wall That Heals" event, April 30th through May 3rd. The Wall will arrive on April 28th from Marianna to Apalachicola with Sheriff's Department escorts and motorcycles with flags.

Commissioners are invited to opening ceremonies April 30th at 11:00 AM at Veteran's Park. Commissioner Jackel commented on this event and the importance of supporting the efforts of Jimmy Mosconis to present this memorial to the public.

Mr. Abbott mentions that every name is going to have to be read and that volunteers will be reading the names on the Wall.

Commissioner Jackel says that there are Franklin County names on the wall and it is going to be a somber event showing the sacrifice our military personnel made and continue to make for us. Commissioner Jackel and Mr. Abbott discussed Homeland Security grants, through stimulus funding, for the fire department and the assistance Governance will provide to the County.

Open bids for County Paving Program (9:58 AM)

Mr. Pierce opened and read the bids.

C. W. Roberts – \$3,292,183.18 – bid bond

GAC – \$3,635,066.06 – bid bond

Commissioner Lockley asked Mr. Pierce to provide him a breakdown of the total amount of funds each district will receive for the paving project.

Motion by Sanders, seconded by Putnal, to forward the bids to the project engineer for a recommendation; Motion carried 5-0.

Planning & Zoning Consent Report (10:01 AM)

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

CRITICAL SHORELINE APPLICATIONS:

Item 1 – Approved by the Planning and Zoning Commission (unanimous) Consideration of a request to construct a Single Family Dock, Lot 43, Block C, Unit 2, 2984 Highway 98 East, St. James Island Park, Franklin County, Florida. This dock will be 190' x 4' walkway and have a 20' x 10' platform. This application has met all state, federal and local requirements. Request submitted by Docks 4 Less, agent for Grant and Regina Griffin, applicant.

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

Item 2 – Approved by the Planning and Zoning Commission - under the recommendations of the County Attorney (unanimous) Consideration of a request to construct a 12 Slip Multi-Family Dock located at 2152 US Highway 98 East, Carrabelle, Franklin County, Florida. This dock will be 264' x 6' walkway, with 12 slips and a 270' x 8' T-Dock. This project has all state and federal permits. Request submitted by Garlick Environmental Associates, agent for Deer Partners, LLC, applicant.

Mr. Pierce presented a drawing of proposed dock.

Commissioner Jackel asks if this dock has ever been presented to the Board. Attorney Shuler stated that to the best of his knowledge, this dock has never been presented to the Board.

Dan Garlick, agent for the applicant, stated that this dock has been approved by the Department of Environmental Protection and the Corps of Engineers and the application has been in the process for two years and is ready for local approval by the Board.

Commissioner Sanders expressed her concerns with this request, as 10 or more slips is considered a marina, according to the Department of Environmental Protection, which could present a problem for seafood harvesting in this area. Attorney Shuler assured the Board that there are no harvesting areas in the area of this dock location, which was also stated by Mr. Garlick.

Commissioner Sanders still had concerns about a dock this size being in this location.

Commissioner Jackel wanted some type of assurance that this dock wouldn't be turned into a marina at some point in the future. Attorney Shuler stated that there would be restrictions on the plat and that any proposed changes would need Board approval.

Mr. Garlick indicated that the project already has approval for six docks with 2 slips apiece because there are six lots on the water side, which in his opinion would be worse than what is being proposed. Mr. Garlick believes that doing the docks this way will be more beneficial rather than six docks and recommended this 12 slip dock project.

Attorney Shuler explained that even though three of the six lots owned by the applicant are not buildable, the applicant still has riparian rights for the unbuildable lots which would allow him to build boat slips. Attorney Shuler further explained that even though the applicant is joining buildable lots on the north side of Highway 98 with those unbuildable lots on the south side of Highway 98 to make a parcel, the Board is not setting any precedent as the boat slips are for the lots on the south side of Highway 98.

Commissioner Sanders asked if there were any consistency letters available from the County when application was made.

Mr. Garlick agreed to provide copy of this letter.

Attorney Shuler explained who will have permission to use lots and the restrictions that will be on those lots.

Mr. Garlick agreed to contact each Commissioner to discuss this request.

Motion by Putnal, seconded by Jackel, to table this item until more information is provided; Motion carried 5-0.

Advisory Board Of Adjustment Report (ABOA)(10:15 AM)

Mr. Pierce and Mrs. Rachel Ward, of the Planning and Zoning office, presented the following items for Board discussion and/or approval.

Item 1 – Approved by the Advisory Board of Adjustment – a request to construct a vinyl seawall within the Critical Habitat Zone on Lot 94, Block 10, Unit 1, Southern Dunes, Alligator Point. Request submitted by David Keith, Docks 4 Less, agent for Drew Smith.

Mrs. Ward explained that approval was recommended because this wall would connect two structures, as the two adjoining lots are already protected.

Commissioner Sanders was in favor of this request because of the erosion problem.

Mr. Dan Tonsmiere, of Apalachicola Bay and RiverKeepers (ABARK), explained that ABARK was recommending a rock type wall as it is better environmentally, but realizes that the vinyl seawall are required.

Motion by Sanders, seconded by Lockley, to approve Item 1 of the Advisory Board of Adjustment report; Motion carried 5-0.

Item 2 – Approved by the Advisory Board of Adjustment - a request to construct an open shed five feet into the side setback line at 99 South Bayshore Drive, Eastpoint. Request submitted by A.M. Shuler, Jr., owner.

Mrs. Ward explained that this variance was approved five years ago, but because the applicant was sick the variance expired. Board approval is needed to allow Mr. Shuler to obtain a permit.

Motion by Sanders, seconded by Putnal, to approve Item 2 of the Advisory Board of Adjustment report; Motion carried 5-0.

Item 3 – Approved by the Advisory Board of Adjustment – a request to construct a dune walkover ten feet into the side setback line at 1452 and 1456 East Gulf Beach Drive, St. George Island. Request submitted by Gregory Reardon and Robert Sayle, owners.

Mrs. Ward explained the need for this request.

Motion by Sanders, seconded by Putnal, to approve Item 3 of the Advisory Board of Adjustment report; Motion carried 4-0, Jackel abstained as this property is adjacent to her property.

Item 4 – Approved by the Advisory Board of Adjustment – a request to construct a storage/office building 25 feet into the front setback line and ten feet into the side setback line on Lot 15, Alligator Harbor, Unit Three, Alligator Point. Request submitted by Charles E. Cook, agent for Alligator Point Water Resources District, owner.

Ms. Ward presented a site plan which indicated the location of the property.

Mr. Cook, the applicant, explained the request further.

The Board was in favor of this variance because it relates to a public service utility.

Attorney Shuler explained that the Alligator Point Water District is trying to reserve all possible space for future water tanks.

Motion by Lockley, seconded by Sanders, to approve Item 4 of the Advisory Board of Adjustment report; Motion carried 5-0.

Item 5 – Denied by the Advisory Board of Adjustment - a request for a variance to construct a single family dwelling 50 feet into the Critical Habitat Zone and an on-site waste water treatment system 57 feet into the 75 ft. county setback for onsite waste water treatment system on Lot 9, Block 35, Unit 4 East, St. George Island. Request submitted by Ben Bloodworth, agent for JTB, LLC, owner.

This item has been withdrawn by the applicant.

Item 6 – Denied by the Advisory Board of Adjustment - a request for a variance to construct a deck 15 feet into the Critical Habitat Zone on Lot 94, Block 10, Unit 1, Southern Dunes, Alligator Point. Request submitted by Daniel Cox, agent for David and Janet Foshee, owners.

Commissioner Putnal asked why this request was denied by the ABOA.

Ms. Ward explained that the ABOA denied this request because the original house was built in 2004 with a variance that allowed construction in the critical habitat zone and she nor the ABOA was not comfortable with issuing another variance.

Attorney Shuler stated that there is a Board policy not to issue multiple variances on the same lot.

Attorney Dan Cox, representing the applicant, stated that this request is a water dependent use, which Mr. Pierce and the ABOA disagrees with, and explained that this request is not against the Critical Habitat and Shoreline Ordinance.

Ms Ward quoted from a section in the County's zoning rules that supported a denial.

Motion by Lockley, seconded by Sanders, to uphold the ABOA's denial; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (10:33 AM)

Mrs. Johnson had no items for Board action or discussion.

Alan Pierce – Director of Administrative Services – Report (10:33 AM)

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

1- Inform Board that the public hearing regarding the flooding in Franklin, Wakulla, and Liberty is scheduled for the Wakulla County Senior Citizen Center in Crawfordville for Wednesday, April 22, 2009, at 6:30 PM. Commissioners from all three counties have been invited and the appropriate public notices have been advertised.

2- Inform the Board that the letter of objection about the proposed Bear Creek Reservoir in Georgia has not been sent yet. Mr. Dan Tonsmeire has been in contact with the Corps and he has told me, and Mr. Shuler, that the comment period was extended through May 18th, so I am waiting assistance from Mr. Tonsmeire on the text of the letter the Board will send.

3- Inform the Board that Commissioner Jackel has asked that the S-Curve on West Gulf Beach Drive be straightened out during the re-surfacing. Preble-Rish is contacting Progress Energy to get a power pole moved to make the curve safer.

4- Inform the Board that the Northwest Florida Water Management District is having its 5 year Land Acquisition Meeting on April 23 at 1:20PM in their Midway, Florida office. Commissioners are welcome to attend, but the proposed 5 year Plan does not include any more purchases of land in Franklin County.

5- Inform the Board that with the assistance of Governance, the county has provided all the Fire Departments with notices regarding 2009 Assistance to Firefighter Grants. This is Stimulus money available on a competitive basis directly to fire departments for a variety of uses.

6- Commissioner Jackel organized a meeting on April 1 with the ARPC, DEP, and me to get an update on the Eastpoint channel dredging. As the Board is aware, a request has been made to Congressman Boyd to seek funding for the project. Provide the Board with copy of ARPC letter to Congressman Boyd regarding the Eastpoint dredging. The letter reinforces the need for the Eastpoint channel to be dredged. I have contacted Mr. Terry Jangula, Corps representative, to have him revisit the proposed disposal site to make sure it will still work. Congressman Boyd has said he believes funding is possible this year so that is why we are initiating contact with the Corps.

Motion by Putnal, seconded by Jackel, directing Mr. Pierce to send a resolution in support of Eastpoint Channel dredging; Motion carried 5-0.

Motion by Lockley, seconded by Sanders, directing Mr. Pierce to send a resolution in support of 2 Mile Channel dredging; Motion carried 5-0.

Commissioner Jackel informed Mr. Pierce that she would like to meet with Mr. Jangula the next time he visits Franklin County.

7- Inform the Board that on May 21, at 10 AM in the Research Reserve Bldg in Apalachicola, St. Vincent Wildlife Refuge will be discussing a draft management plan for St. Vincent. There will be a public comment meeting a week or so later. If the Board members have any issues they want the Refuge to consider when they draft the management plan, please let me know, or plan to attend the May 21 meeting.

Commission Sanders asked Mr. Pierce to inquire into having a representative from the County Commission to serve on the St. Vincent Wildlife Refuge board.

8- Inform Board that on April 16 the County received notification from DOT that the three sidewalk projects with Stimulus funds have been approved and they have sent down draft documents for review. I have asked Preble-Rish to review the documents as they are going to be working on similar documents for their other counties. By DOT Stimulus guidelines Preble-Rish will not be allowed to provide all the services associated with these projects so I will be seeking Dan Rothwell's assistance to see what he thinks he can do and what he thinks Preble-Rish can do. The DOT agreements set aside money for engineering services and inspections and it is not clear if the money can be transferred to other items. I will present a more complete report at the next Board meeting.

Commissioner Jackal asked for a copy of these documents.

Commissioner Putnal asks that local contractors are used on this project.

9- Board action to approve a Revised Contract with Allyn, Inc, to continue to provide administrative support for the TDC. The one page Revised Contract is attached to my report. This was submitted for Board approval by Mr. Curt Blair.

Commissioner Sanders, the Board's representative on the TDC, asks that the Board support this contract.

Motion by Sanders, seconded by Jackel, to approve this contract; Motion carried 5-0.

10- Board direction on two Housing issues.

A) The Board directed that each year \$60,000 of SHIP funds be reserved for use by victims of natural disasters. This action was taken after the tornado of a few years ago. The Disaster funds from 07/08 were not spent so does the Board want the Disaster funds rolled over into this year, or re-allocate the Disaster funds to some other SHIP category. Ms. Switzer says she is out of funds in emergency repairs and only has enough funds for one more down payment assistance. Her recommendation is to allow her to spread the money into emergency repairs and down payment assistance, but it is the Board's decision.

Motion by Lockley, seconded by Putnal, to divide the \$60,000 of SHIP funds reserved for victims of natural disasters, and transfer \$20,000 to the emergency repair strategy, \$20,000 to the down payment assistance strategy, and \$20,000 for the rehabilitation strategy; Motion carried 5-0.

B) Housing Board recommends the following selection criteria be used for the special allocation of \$350,000 of SHIP funds for home ownership. Preference will be given to:

**Applicants who are not current home owners; mobile home ownership does not count.*

**Applicants who currently occupy a principal residence not suitable for rehabilitation as determined by the SHIP Housing Inspector. (This means that the principal residence is in such bad condition that it cannot be rehabilitated.)*

** Applicants who are elderly, disabled, or can demonstrate a documented economic, health, or public safety need.*

Commissioner Sanders asked the Housing Board that if necessary based on the applications they receive, do not hesitate to revisit the selection criteria.

Motion by Lockley, seconded by Sanders, to approve the Housing Board recommended criteria for the allocation of the \$350,000.00 SHIP funds for the new home construction assistance strategy; Motion carried 5-0.

11- Mr. Ted Mosteller to provide an update on airport projects.

Mr. Pierce stated that Mr. Mosteller will update the Board at a future meeting.

Commissioner Jackel asked Mr. Pierce if the landscaping contractor has replaced the shrubbery that was destroyed or removed when the ice machine was installed on St. George Island.

Mr. Pierce stated that he talked to the land owner and he said the old shrubbery has been removed and there are plans to plant more to enhance the property.

Commissioner Jackel asked Mr. Pierce to impose a reasonable deadline on the owner to have the landscaping on this property replaced.

Recess (10:47 AM)

Chairman Parrish called for a recess.

Reconvene (10:57 AM)

Chairman Parrish reconvened the meeting.

Michael Shuler- County Attorney- Report (10:57 AM)

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

Item 1 - Water Management Services, Inc. ("WMS")

Attached is a Notice of Application For Certificate for a Proposed Waste Water System on St. George Island, Florida. WMS is the existing water company on St. George Island. The purpose of the application is to by-pass local decision making authority and obtain from the State of Florida a license to operate a waste water treatment system on St. George Island. The State of Florida, not Franklin County, will make the ultimate decision whether to grant the sewer plant license applied for by WMS.

Franklin County has until May 15, 2009 to object or otherwise respond to the application. If Franklin County does not respond or object on or before the deadline, the application will proceed without your input or objection.

Franklin County has not been given a copy of the application. Franklin County only received a Notice that an application had been filed.

Board Action Recommended:

A. I recommend that you authorize me to consult with a utilities attorney concerning this application.

B. Since Franklin County will not want to be cut out of the application process at the State level, I recommend that you authorize me to timely respond or object to the application. If you do not get involved now, you will lose your right to do so later.

Motion by Jackel, seconded by Sanders, to table until the May 5th meeting as more information will be provided on this matter at the workshop this afternoon; Motion carried 5-0.

Item 2 - JP Morgan vs. Millard

I was served with an action to foreclose a \$42.00 county fire tax lien. This is a foreclosure of a \$544,000.00 mortgage on property described as Lot 23, Block 42, Unit 4, St. George Island Gulf Beaches (841 East Pine Street. St. George Island, Florida). The mortgage was recorded in 2006 at OR Book 918. The County fire tax lien was recorded in OR Book 969.

Board Action Recommended: Motion authorizing me to accept service of process and allow a default judgment to be entered. This means that the county will not be paid for the fire tax lien.

Motion by Lockley, seconded by Sanders, authorizing Attorney Shuler to accept service of process and allow a default judgment to be entered; Motion carried 5-0.

Item 3 - Capital City Bank vs. Steve Keller et al.

I was served with an action to foreclose a \$42.00 county fire tax lien. This is a foreclosure of several mortgages totaling around \$110,000.00 mortgage on property described as Lot 19, Replat of Bayou Harbor. The mortgage was recorded in 2000 at OR Book 649. The County fire tax lien was recorded in OR Book 970.

Board Action Recommended: Motion authorizing me to accept service of process and allow a default judgment to be entered. This means that the county will not be paid for the fire tax lien

Motion by Sanders, seconded by Lockley, authorizing Attorney Shuler to accept service of process and allow a default judgment to be entered; Motion carried 5-0.

Item 4 - Comprehensive Plan Amendments

On March 17, 2009, the Board directed that a public hearing be scheduled for April 21, 2009, to consider enacting ordinances removing two land use categories from your comprehensive plan and amending your future land use map returning these properties back to Agricultural. The two land use categories at issue are (1) Conservation Residential and (2) Rural Village.

Unfortunately, the notice requirements for such a hearing required that I schedule the ordinances for your May 5, 2009 hearing.

Attached are the Notice of Intent for your consideration, along with drafts of the proposed ordinances.

Note: On May 5, 2009, you will also consider a Resolution removing the unadopted St. James Island overlay. While unadopted, the overlay was attached as an appendix to the comprehensive plan.

Board Action: None recommended.

Note: The proposed easements will be delivered to you April 21, 2009.

Item 5 - Clifford vs. Franklin County

Attached is a copy of the lawsuit recently served, but not yet filed, by the Cliffords. The lawsuit speaks for itself. The lawsuit was not filed because Clifford did not send the filing fee to the Clerk.

A summary of the facts follows: This is the lawsuit involving the woman who burned her feet at the public beach on St. George Island about one year ago. It appears that someone held a memorial service at the public beach after dark and covered their feet with sand afterwards.

The next morning, Clifford stepped into the embers and burned her feet. The Cliffords claim that the county is responsible.

This matter has been forwarded to our insurance carrier to determine if they will provide a defense.

Board Action: None recommended.

Item 6 - Ben Withers vs. Franklin County

Ben Withers filed two lawsuits against Franklin County. The first lawsuit by Withers was filed in County Court and alleges that Franklin County wrongfully failed to award Withers the St. George Island Boat Ramp and the Eastpoint Boat Ramp projects. The second lawsuit involves a dispute over payments claimed by Withers for the Apalachicola Airport entry road project. Copies are attached for your review.

While FACT has stated it will provide a defense to the first lawsuit filed by Withers concerning the boat ramps it has not, contrary to my earlier communication to you, decided whether it will provide a defense concerning the airport road dispute over payments.

Board Action: None recommended.

Commissioner Jackel asked what defense expenses the County can anticipate if FACT doesn't provide a defense on second lawsuit and also wanted to know why FACT would deny coverage. Attorney Shuler stated that there is an exclusion in the FACT policy regarding these type of lawsuits, which he has experienced before with FACT. Attorney Shuler stated that the cost to defend the lawsuit will be less than what was authorized for the Property Appraiser earlier during the meeting, but will present some figures at a later date. Attorney Shuler informed Commissioner Jackel that the total amount of the claim in the dispute was about \$50,000.

Item 7 - Progress Energy

A copy of Mr. Mazr's letter from Progress Energy updating the Board on their investigation is attached. The letter speaks for itself.

I am still researching whether the Board can sue Progress Energy to require that they open a local payment office and/or stage repair crews in Franklin County.

Board Action: None recommended.

Commissioner Sanders did not like the tone of Progress Energy's letter, and stated some of the ongoing issues between the County and Progress Energy. Commissioner Jackel agreed that the letter had an arrogant tone. Commissioner Sanders says that Franklin County should file a lawsuit against Progress Energy. Commissioner Putnal restated his concerns regarding the lack of services that Progress Energy provides in Franklin County. The Commissioner is concerned that Progress Energy will no longer provide any type of services in Franklin County, especially emergency response which is so important to the citizens of Franklin County.

Motion by Putnal, seconded by Sanders, directing Attorney Shuler to start the litigation process against Progress Energy regarding the services that are no longer available, and present his strategy for this litigation at the next meeting; Motion carried 5-0.

Item 8 - WCTV Channel 6

Attached is the response letter from Channel 6 concerning satellite access to their channel. Although the letter speaks for itself, the essential message is put up an antenna.

Item 9 - Larry Handman/Dog Island Property

Attached is the letter from Mr. Handman. The letter speaks for itself.

Board Action: None recommended.

Item 10 - Carrabelle Urgent Center

A. On April 15, 2009, I finally received a written commitment from the architectural firm that it will abide by the terms of the addendum to the contract. I have delivered the original contract and letter to the Clerk.

B. I have delivered the application seeking to increase the reimbursement rates for the Carrabelle Clinic to the hospital for processing.

Board Action: None recommended.

Item 11 - St. George Island Sewer

Attached is a letter from one member of the Franklin County Soil and Water Conservation District concerning his personal opinion regarding central sewer on St. George Island.

Board Action. None recommended.

Item 12 - TDC

The TDC invited me to attend their April 7, 2009 meeting to discuss the following issues:

First, they asked my opinion concerning the level of insurance coverage to require for recipients of TDC funds. I informed them of the sovereign immunity waiver caps of \$100,000 per person, not exceeding \$200,000.00 per claim, along with the exception that to the extent insurance coverage exceeded those limitations, then the insurance limits prevailed. While the TDC had not polled other TDC's to determine what level of insurance other TDC's required, they informed me that all the current recipients of Franklin County TDC funds have one million dollar policies, except one group, which had a \$300,000.00 insurance coverage. I recommended that since the cost is minimal to increase the coverage to \$1,000,000.00, they could consider requiring all TDC recipients to have a million dollar policy.

Second, the TDC also awards small \$500 grants and they wanted to discuss insurance requirements for those grants. I informed them that all recipients of TDC funds from Franklin County should at least carry insurance sufficient to cover the \$100,000.00/\$200,000.00 statutory waiver of sovereign immunity. That is the minimum coverage to require. If a group does not have insurance, then the TDC will have to consider those non-insured applicants on a case by case basis before awarding any funds to such uninsured groups.

Third, there was some discussion whether the two cities should be exempt from providing insurance coverage to the TDC. I recommended that each city add the TDC/Franklin County as an additional insured to their existing policies. Typically, there is no cost to do so. I was told that one city had raised the issue that municipalities were exempt from providing insurance, but I cannot comment on that until I have had a chance to review the documents. Since each city is also subject to the sovereign immunity waiver mentioned above, it is a good policy to require that they add us to their insurance policies, especially since it should not cost them anything to do so.

There was a general discussion concerning the advisory nature of the TDC and that all decisions and funding had to be pre-approved by the County Commission. There was also a general discussion concerning the county's bid requirements. I advised them that although the bid policy as written only applied to the purchase of goods, that the County Commission had an unwritten policy of requiring bids for services. Only the County Commission can waive that policy.

Board Action: None recommended.

Commissioners and Public Comments (11:09 AM)

Commissioner Jackel brought to the Board's attention an article in 850 magazine about Ms. Alice Collins and her commitment to protecting the area that she lives in here in Franklin County. She congratulated and thanked Ms. Collins for her contributions to Franklin County.

Commissioner Sanders discussed the upcoming difficult budget year and asked the Board to work together for the betterment of the people of the County, expressed her gratitude for the good relationship the Board has with the Clerk, unlike other Counties in the State. She also discussed importance of the loyalty of County staff to the Board.

Commissioner Lockley asked where the County is with the newspaper bid protests. Attorney Shuler stated that he and Mr. Pierce have not had a chance to schedule a meeting to discuss the protests. He states that he should be able to report back at the next meeting with Mr. Pierce's findings.

Alan Pierce stated Ms. Maria Williams from FWC wanted to discuss a proposal with the Board. Ms. Williams explained an opportunity for Franklin county residents where FWC will provide financial assistance for electric fencing and garbage caddies to help with the problem of bears getting in to the trash. This offer will expire on May 31st and distributed a handout.

Jesse Page thanked the Board for approving the Eastpoint dredging, asked the Board for assistance with lowering the oyster license fee.

Mr. Page asked the Board to try and purchase property next to Allen Brothers Seafood house to allow for additional parking for public boat ramp.

The Board discussed the need to purchase this property.

Mr. Pierce stated that the County is working on finding an avenue to purchase this property.

Commissioner Putnal discussed that the license prices are high due to non residents coming here to harvest but he doesn't believe that happens much anymore due to inflation. He asked Mr. Pierce to send a letter to the State Department of Agriculture asking for the reduction in the oyster license fee.

Commissioner Parrish stated that Senator Lawson had said that he would look at this issue if he had endorsement from the seafood workers and seafood task force. He suggests meeting with and urging these groups to write letters to Senator Lawson asking to have the fees lowered.

The Board discussed this matter further.

Commissioner Jackel asked when the next FCSWA was going to be held. The Board discussed possible violations of the Sunshine Law if two or more County Commissioners attend this meeting without prior advertisement.

Attorney Shuler stated that if you are unable to post signs informing the public that two or more Commissioner's will attend a public meeting then it should be printed in the paper or advertised on the radio so that County Commissioners are able to attend.

Commissioner Jackel asks Attorney Shuler to send a letter to the Seafood Task Force and the Franklin County Seafood Workers Association requesting that they advertise the possibility of two or more Commissioners attending their future meetings.

Commissioner Parrish suggested that all committees who want Commissioners to attend their meetings do this type of advertisement.

Jesse Page, Eastpoint, proposes having restrictions on hunters using hunting dogs to be changed. He asked the Board to notify Legislative Delegation to try to have it changed.

Commissioner Sanders discussed meetings that FWC have scheduled addressing this situation further that might be a solution to the problem. She will attend meetings as frequently as possible to represent Franklin County.

Adjourn (11:28 AM)

There being no further business Chairman Parrish adjourned the meeting.

Joseph A. Parrish, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts