

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MAY 19, 2009
9:00 AM**

MINUTES

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

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, Renee Stone – Deputy Clerk

Call to Order (9:08 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:09 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes: Regular Meeting: May 5, 09 & Termination Hearing: February 17, 09 (9:10 AM)

Motion by Sanders, seconded by Lockley, to approve the minutes from May 5, 2009 regular meeting and February 17, 2009 termination hearing; Motion carried 5-0.

Payment of County Bills (9:10 AM)

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

Jimmy Harris – Tax Collector – Discuss Tax Certificate Sales (9:10 AM)

Mr. Harris updated the Board on the County's Tax Certificate Sale, which will be held May 29, 2009 @ 9:00 AM. He said that property tax collections for the year were at eighty four percent as opposed to eighty five percent from last year. Mr. Harris also said that he advertised 1,860

Certificates last year but this year the amount rose to 2,452. He said that this increase is happening all over the State of Florida. Mr. Harris suggested that the Board advertise the Tax Sale in the Tallahassee Democrat and the Panama City Herald newspapers in addition to the local newspapers which might help draw new investors into the County. He told the Board that several of his large investors have informed him that they are not coming to the Tax Sale this year. Mr. Harris said that if a large number of Certificates roll back over to the County, it will be 2 years before the County will receive any revenue from these Certificates and then gave the Board the cost for advertising in the Democrat and the Herald. He explained that he doesn't have money in his budget for this additional advertising, wanted to discuss this recommendation with the Board because of its potential benefits. The deadline to submit the ads is Wednesday, May 20, 2009. Mr. Harris explained the process of buying and holding tax certificates.

Alan Pierce inquired as to why certificate holders were not attending this year and Mr. Harris said because some Certificates from last year have not been redeemed as of yet and these investors aren't sure they want to invest now, due to the economy.

Mr. Harris elaborated on the County owning these certificates, and if the County proceeds, might eventually cause people to be evicted from their homes, which would also affect Homesteaded properties with a tax amount over \$100.

Commissioner Putnal inquired as to the difference in prices on advertising and size of the advertisement.

Mr. Harris recommended advertising on Saturday & Sunday in both newspapers.

Commissioner Sanders said that if these certificates are not sold the County will have a larger deficit to contend with this upcoming budget year.

Mr. Harris stated that he wouldn't know the exact amount the County would have to contend with until after the sale. Last year there was a little over \$200,000 of unsold tax certificates after the sale, but he was able to sell most of those Certificates to individuals after the Sale.

Mr. Harris and Mr. Pierce recommended doing weekend advertising, because that is when the newspapers are mostly read.

Attorney Shuler agreed with Mr. Harris's recommendation.

Commissioner Jackel recommended advertising only on Sunday. Mr. Harris said that Sunday only would cost about \$709.50.

Mr. Harris informed the Board that fees for Hunting & Fishing Licenses, Drivers Licenses & Vehicle Registrations will be increased at an astronomically rate but the County will not receive any of these increased fees.

Motion by Sanders, seconded by Jackel, to allow the Tax Collector to advertise the Tax Certificate Sale in the Sunday editions of the Tallahassee Democrat & Panama City Herald newspapers; Motion carried 5-0.

Mr. Harris will inform the Board of the results of the Tax Certificate Sale once it is over.

Michael Shuler – County Attorney – Report (9:24 AM)

Attorney Shuler presented a draft petition that he prepared for the Board, at the request of Commissioner Jackel, in consideration of the application for a central wastewater system on St. George Island filed by Water Management Inc., and asked that the Board approve the filing of this petition.

Commissioner Jackel reiterated that a comprehensive study needs to be completed to fairly assess the issue for the present time and for the future of St. George Island. The Commissioner stated that at the last meeting she asked Attorney Shuler for a memo stating the facts of the Florida Statutes regarding the County's basis for requesting a hearing with the PSC, and based on the information he provided, she asked him to provide a draft petition in anticipation of the deadline for filing with the PSC on May 20, 2009.

Attorney Shuler stated that he was comfortable with the information in the petition and he has done the best he can under the circumstances.

Attorney Shuler recommended the Board authorize him to file this petition with the PSC which would allow the County to be part of the process to either endorse or object to the petition. Commissioner Putnal and Commissioner Jackel discussed doing an environmental study and the process the Board would follow to accomplish this, which Mr. Pierce would address during his report later during the meeting.

Commissioner Putnal asked about the expense of this study and the possibility of the State assisting with the cost. Mr. Pierce didn't know the exact cost of the study, especially since the amount of samples that will be needed is unknown, but did think that most of the expense would be in labor and lab analysis fees. Commissioner Putnal agreed with the other Board members that this study needs to be completed and suggested that volunteers be found to help with the cost of the study.

Commissioner Lockley said that it still needs to be determined if the cause of the pollution is animal or human.

Mr. Pierce said that the technology to determine this is not yet available.

Commissioner Sanders and Commissioner Jackel confirmed that the petition being filed is only for the County to be part of the process, not that the County is objecting to the wastewater plant application as yet.

Nita Molsbee, of Water Management, questioned why this subject was being discussed this time and not later during the meeting, because Mr. Gene Brown, of Water Management Inc. wanted to be present during these discussions but was not yet at the meeting.

Commissioner Jackel said it wasn't intentional to discuss this matter without Mr. Brown being at the meeting but because of the importance of this issue, she wanted it resolved as soon as possible.

Mrs. Molsbee asked that this matter be held off for at least 30 minutes until Mr. Brown arrived. Attorney Shuler said it was the Board's discretion to delay this issue or not.

Chairman Parrish did not want this matter to turn into a public hearing, as it was not advertise as such.

Attorney Shuler said that Mr. Brown is not going to be affected in any way by the Board's action today, as the correct venue for Mr. Brown to speak would be at the PSC hearing.

Commissioner Sanders said this action is not an objection to Mr. Brown's application.

Attorney Shuler agreed with Commissioner Sanders and further stated that this action only allows the County to be part of the PSC process regarding the central wastewater application and the Board may decide, at any point before the final hearing, to oppose, endorse, or take a neutral position on the construction of the treatment plant.

Attorney Shuler said that he needs the Board's approval to send the petition to the PSC and also the authority to consult with a utilities attorney for the hearing.

Commissioner Sanders suggested that the Board go out for RFPs, for a utilities attorney, so that the County gets the best possible representation and reiterated that the County is only trying to be part of the process.

Mrs. Molsbee said this action results in filing an objection.

Commissioner Jackel stated that this is the only option that the PSC allows so that the County could be part of the process.

Mrs. Molsbee again asked if this matter could be held off until Mr. Brown arrives.

Attorney Shuler reminded that Board they can move forward on this matter because Mr. Brown's opportunity to speak on this matter will be at the PSC hearing.

Commissioner Lockley said that the Board needs to be involved in this decision, but at some point, they are going to be looking for someone to install a system because the County can't afford to do it.

Commissioner Sanders discussed the importance in having a seat at the hearing table.

Motion by Jackel, seconded by Lockley, to direct Attorney Shuler to file an objection to Water Management's application for a central wastewater plant with the PSC on behalf of Franklin County; Motion carried 5-0.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:38 AM)

Commissioner Sanders said she received a request asking the County to assist the City of Carrabelle with road base work on NE 1st and 2nd Streets and Avenue I in Carrabelle. The roads need to be prepared before the paving project begins.

Motion by Sanders, seconded by Lockley, to authorize Mr. Chipman to contact Ms. Keisha Smith at the City of Carrabelle regarding the request and proceed with base work on roads before the paving project begins; Motion carried 5-0.

Mr. Pierce informed Commissioner Lockley that Mr. Clay Kennedy, of Preble-Rish would be in contact with each of the Commissioners within the next couple of weeks to inform them of when the paving project would begin, but also reminded the Board that it has only been 2 weeks since C. W. Roberts was awarded the low bid, and believes that it will be close to 90 days before the paving project starts.

Commissioner Putnal stated that he is receiving a lot of calls regarding the paving project and wanted to be able to inform his constituents.

Commissioner Sanders stated that there was some damage done to some of the County roads by the knuckle boom trucks while they were picking up debris and asked Mr. Chipman to look into repairing these roads.

Commissioner Putnal asked Mr. Chipman to make sure that all necessary culvert pipes are being replaced before the paving project begins.

Mr. Chipman said the Road Department has replaced most of the culverts.

Mr. Rothwell recommended replacing any metal pipes before the paving project begins

Mr. Chipman stated that a lot of the areas that have these metal pipes that need replacing have fences and other structures in the County's right of way.

Commissioner Putnal instructed Mr. Chipman to have the homeowners to move whatever is in the County's right of way so that the pipes can be replaced before the paving project starts.

Commissioner Jackel told Mr. Chipman that the Pennycuffs, of Fisherman's Choice in Eastpoint, expressed their appreciation for the work they have done cleaning the ditches in Eastpoint, and the Board also appreciates the work that the Road Department does for the County.

Van Johnson – Solid Waste Director (9:44 AM)

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

Item 1 - FULL COST OF SOLID WASTE MANAGEMENT ANNUAL REPORT:

FOR BOARD ACTION: I have for Board approval the Public Notice advertising the County's Full Cost of Solid Waste Management Annual Report. Governmental Consulting Services out of St. Augustine prepared the report mandated by Florida Statutes, for Franklin County.

The intent of the report is to determine and disclose the full cost incurred by Florida Counties, to provide solid waste management services to their communities. The report identifies all costs, both direct and indirect, whether budgeted or not. The report does not take into account the offsetting factors of revenue, grants, amnesty days, equipment or inmate labor used in the production of services.

During Fiscal Year 2007-2008, the full cost that Franklin County incurred to provide Solid Waste Management services to the public was \$1,906,911.00, which is a significant increase of \$204,395.00 over FY 06/07. The Public Notice must be published in a newspaper of general circulation and a copy of the report sent to the Florida Department of Environmental Protection. ACTION REQUESTED: Motion authorizing the advertisement of the Public Notice as required by Florida Statutes.

Motion by Lockley, seconded by Sanders, to authorize the advertisement of the Public Notice; Motion carried 5-0.

Item 2 - INTERLOCAL AGREEMENT BETWEEN FRANKLIN AND OKALOOSA COUNTY:

FOR BOARD ACTION: I also have for Board approval and the Chairman signature the renewal of the Inter-local Agreement between Franklin and Okaloosa County. The 5-year agreement is for Okaloosa County to assist Franklin County once a year with the bulking, shipping and disposal of Household Hazardous Waste collected at the landfill. The waste includes such item as old gas,

paint, pesticides, florescent bulbs, and discarded televisions that cannot be disposed of in a Class I, II, or III landfill. The average annual cost for Okaloosa to provide this service is \$3,000, payable from the Small County Consolidated Grant.

The agreement is similar to the one entered into by the Board at the November 16, 2004, regular meeting. At this time, I'm asking for Board approval and the Chairman signature, contingent upon the County Attorney's final review of the document. ACTION REQUESTED: Motion to approve the Inter-local Agreement between Franklin and Okaloosa County for Household Hazardous Waste bulking, shipment and disposal contingent upon the County Attorney's final review of the document.

Commissioner Putnal asked Mr. Johnson if any hazardous waste is stored in Franklin County. Mr. Johnson stated that only household hazardous waste is stored at the Landfill. Commissioner Putnal asked Mr. Johnson to notify the Board if he ever receives a request to store hazardous materials at the Landfill, because the Board is not in favor of doing this. Mr. Johnson informed Commissioner Sanders that a once a year pick up is sufficient for the removal of the hazardous waste materials.

Motion by Sanders, seconded by Putnal, to approve the Inter-local Agreement between Franklin & Okaloosa Counties for Household Hazardous Waste bulking, shipment and disposal contingent upon Attorney Shuler's final review of the document; Motion carried 5-0.

Item 3 - NATURE TRAIL AT KENDRICK SPORTS COMPLEX:

FOR BOARD ACTION: The Company Game Time that's installing the handicap playground area at Kendrick Sports Complex also has the ability to install the nature trail that scheduled to go in at the complex as part of the Phase 4 FRDAP grant.

The Company has proposed to provide the necessary labor and material while onsite to complete the project for the total cost of \$13,907.94.

The trail will also be handicap accessible and connect to the walking track around the baseball fields, go around the wetlands, and connect to the concession stand at the football field for a total of 4,225 square feet.

I'm requesting Board approval to waive the bid policy for this specialized service and equipment and authorize its purchase. ACTION REQUESTED: Motion to waive the bid policy to purchase from Game Time the specialized material and installation of a handicap nature trail at Kendrick Sports Complex.

Motion by Sanders, seconded by Jackel, to waive the County's bid policy and allow the purchase and installation of the material and equipment needed from Game Time for a handicap nature trail at Kendrick Sports Complex contingent on the County Attorney's Approval; Motion carried 5-0.

*Item 4 - LOMBARDI SEAFOOD LANDING PARK UPDATE:
FOR THE BOARDS INFORMATION: Construction on the pavilions at the Lombardi Seafood
Landing Park is underway. ACTION REQUESTED: None.*

Dan Rothwell – County Engineer (9:49 AM)

Mr. Rothwell submitted that following items for Board approval and/or discussion.

*Item 1 - BOARD ACTION: Eastpoint Boat Ramp Project Change Order:
Staff request approval of a contract change order for \$53,161.86. The additional items are
additional sod, oyster shell foot path, native plant landscaping, trash receptacles, picnic tables,
and solar lighting.*

Mr. Rothwell said that the original contract amount was \$235,724, and \$396,000 is still available for use.

Commissioner Jackel stated that the Board previously approved this action at the February 3, 2009 meeting, but because of the bid amount and the way they accepted, it was recommended that this change order be approved separately.

Commissioner Putnal had concerns that this project would affect the amount of available parking in the area, and had concerns of parking during the busy summer months.

Mr. Rothwell assured Commissioner Putnal that Commissioner Jackel has been working closely with the engineers on this project and some of the parking area will be paved but there will be no decrease in the area designated for parking. Mr. Rothwell explained that the picnic tables will be in an area where there can be no parking.

Mr. Pierce stated that the County has been working with Mr. Fred Millender to clean up an area on the property that he has been using for storage.

Commissioner Putnal asked Mr. Pierce to contact the owners of the old run down oyster houses that are adjacent to the boat ramp and inquire if they would allow parking on their property if the County agrees to clean up the oyster houses. Commissioner Putnal would also like the County to purchase this property if there is ever an opportunity.

Commissioner Jackel also mentioned some other property near the ramp that would be a great place to lease from the owner.

Commissioner Sanders asked Mr. Pierce to contact the owners of these properties and discuss this option with them.

Commissioner Jackel would also like to discuss with the property owners on the other side the use of their property for parking and asked Mr. Pierce to assist her with this venture.

Commissioner Lockley directed Mr. Pierce to contact Governance, the County's stimulus funding lobbyist, and request assistance with seeking funding to purchase any of this property that the owners are willing to sell.

Motion by Jackel, seconded by Lockley, to approve the Eastpoint Boat Ramp Project Change Order; Motion carried 5-0.

Mr. Pierce presented the following item from his report for Board approval.

6- Board action to approve written change order approved by Bailey Bishop for the Eastpoint Boat Ramp for \$53,161.86. This change order is for the additional work Commissioner Jackel had requested. The grant funds will pay for the change order. The items were approved at a Board meeting on Feb. 3, but were not written into the original contract. Additionally, Bailey Bishop also has an amendment to their contract to do the inspections of the construction for \$7500. Bailey Bishop thought their contract amendment had been approved in December 16, 2008, but the Board minutes do not reflect it. Grant funds will pay for this inspection.

Motion by Jackel, seconded by Sanders, to amend Bailey Bishop contract for \$7,500 to pay for inspections on the Eastpoint Boat Ramp project; Motion carried 5-0.

*Item 2 - BOARD ACTION: Eastpoint Boat Ramp Project Invoice:
Staff requests Board approval to pay the first invoice of \$123,962.40 which is 52.6% of the original \$235,724.00 contract amount to Polaronis Construction, Inc., the total grant available is \$396,000.00.*

Motion by Jackel, seconded by Putnal, to approve a \$123,962.40 payment to Polaronis Construction which is the first invoice for the Eastpoint Boat Ramp project; Motion carried 5-0.

Commissioner Lockley asked about the completion date for this project and wanted to make sure that the project wouldn't interfere with the seafood workers accessing the ramp during the summer.

Mr. Rothwell said the project should be completed within the next 30 days.

*Item 3 - BOARD ACTION: New Airport Access Rd and Temporary Access Road:
Staff requests the Board to accept both roads as County maintained roads.*

Motion by Lockley, seconded by Putnal, to accept both Airport Access Roads as County maintained roads; Motion carried 5-0.

*Item 4 - BOARD ACTION: Gulf Beach Dr Resurfacing Pay Request #1:
Staff requests Board approval to pay the first invoice of \$431,263.04 which is 29.3% of the original \$1,472,760.00 contract amount to C. W. Roberts.*

Motion by Jackel, seconded by Lockley, to pay the first invoice of \$431,263.04 for the Gulf Beach Drive resurfacing project to C. W. Roberts; Motion carried 5-0.

*Item 5 - St. George Multiuse Path Construction Contract Time Extension:
Staff has requested and received a time extension to Phase 2 of the project to July 31, 2009.*

Item 6 - W. 3rd St to Franklin Blvd on W. Gorrie Dr Topographic Survey: Survey work for this project has been completed.

Item 7 - Survey Weems Hospital Drainage Topographic Survey: Survey Weems Hospital Drainage has been completed.

Item 8 - Eastpoint Boat Ramp Project Status:

The Eastpoint boat ramp has the Teddar ramp installed and the ramp area channel has been dredged. The piles for the floating dock were installed 5/8/09; floating dock should be constructed 5/15/09, and resurfacing of parking 5/14/09. The change order materials and work will wait the signing of the C.O. on 5/19/2009.

Mr. Rothwell informed Commissioner Sanders that staff will be submitting the permit application for Ochlocknee Boat Ramp this week.

Pam Brownell- Emergency Management (10:01 AM)

Mrs. Brownell was not in attendance but Mr. Pierce submitted these items for Board discussion.

Information Items:

Item 1 - Franklin County Emergency Management and Franklin County Road Department and Sheriff's office met with FEMA on May 06, 2009 for an applicant briefing and FEMA kick-off meeting. We have started gathering the information needed to start working with FEMA on project work sheets.

Alan Pierce discussed a letter Mike Rundel is working on for the tri-county flooding situation. Mrs. Brownell had the kick off meeting for FEMA recovery flood efforts.

Mr. Pierce said the new face of FEMA is "belt tightening" and is now contesting the County's responsibility for maintaining roads in some of the rural areas. He said they are trying to force the County to buy deeds and legal documentation to maintain roads that the County has traditionally maintained. Mr. Pierce said that letters to the effect that the County has always maintained those road is not adequate for FEMA. He is in the process of having Attorney Shuler argue the case that the County has the legal responsibility to maintain some of the roads FEMA is contesting.

Mr. Pierce said the good news is that FEMA is now recognizing disaster claims from Hurricane Gustav and they have put the reimbursement in the system for the SGI Boat Ramp but not the Alligator Point Boat Ramp.

Commissioner Sanders stated that Senator Bill Nelson will be in the County next week and she wants to be sure that he is informed about this situation.

Item 2 - Mike Rundel and I will be attending an Emergency Manager training event at the National Weather Service Tuesday, May 19th 2009.

Item 3 - Franklin County Emergency Management held its Coastal Conflagration Exercise on May 8th 2009 and we had great participation and it was a great learning experience.

Bill Mahan- Extension Office Director (10:03 AM)

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

Franklin - UF IFAS Updates:

- 1. Black Bear Letter (Board Action Requested) – I was finally able to track-down who needed to be notified at FWC of the Board's approval of using the solar-powered, yellow caution light, bear crossing signs in place of the bear silhouette signs. Attached, please find the letter for your review, approval, and signature of the Chairman of the Board.*

Mr. Mahan advised that the Traffic Safety Committee (TSC) of Apalachicola had a request to install a 4 way stop at the intersection of 4th Street and Avenue D because of poor visibility. He said the TSC really did not want to go with a 4 way stop so they asked that the Oleander bushes be removed and the County Employees park their vehicles in a different location to solve the problem.

Mr. Mahan said the letters to FWC for the Black Bear signage had been approved and that they will be sent out.

- 2. Reputation of Florida's Grouper Fishery & Products Workshop – The UF IFAS/FL Sea Grant Grouper Workshop went very well last week to discuss issues surrounding the fishery and illegal product substitution. This meeting is part of a project funded by the regional Gulf & South Atlantic Fisheries Foundation and the FL Sea Grant Program. The Panama City Workshop was the first of three to be held around the state. Did you know that currently, 48 species of fish can legally be called grouper?*

Commissioner Putnal asked for more information about the study of these fish and who makes these fishery rules. The Commissioner stated that someone needs to implement a new study because the grouper seems to be in abundance around the area, mentioned that these regulations are hurting the tourism industry because people aren't allowed to keep enough fish to make it worth the expense, and believes the industry is over protected at this point.

Mr. Mahan stated that the fisheries biologist recommend going with bio-regional approaches, meaning if there is a strong fishery in Franklin County but a sparse fishery in another area, they manage it in the Franklin County area.

Commissioner Lockley suggested FWC stop regulating from behind the desk and get in the field to see what is going on.

Commissioner Putnal asked Mr. Mahan to send a letter and request studies be done in the Franklin County area concerning the limits on Grouper and Redfish.

Mr. Mahan suggested contacting the FWC Marine Fisheries that work out of an Eastpoint office to inquire as to where they are doing these studies.

Mr. Pierce agreed that offshore fishing has been devastated by new regulations.

United Fire Fighters – Jay Abbott – SGI Volunteer Fire Department (10:09 AM)

Mr. Abbott distributed a handout.

Mr. Abbott said there will be a 911 Communications meeting on June 10, 2009 at the Franklin County Sheriff's Office, and issues relating to Fairpoint Communications and Progress Energy will be discussed. He also said Pat McWhinnie will have a display showing how dispatch equipment works and encouraged the Commissioners to attend this meeting.

Mr. Abbott reminded the Board that May 18 – 22 is EMS week and he asked that everyone thank them when they see them and there will be a United Firefighters Association meeting scheduled for June 3, 2009 @ 6:00 PM at the Lanark Village Fire Dept.

Mr. Abbott presented the Board with a letter concerning a meeting from 2004 on MSBUs. He asked for Board action to schedule a workshop which would allow all of the County's Fire Departments to discuss an increase in MSBU fees. He stressed that the meeting be held as soon as possible due to an August deadline.

Chairman Parrish agreed that there is a need to schedule this workshop.

Motion by Putnal, seconded by Sanders, to schedule a public workshop on MSBUs with the County's Fire Departments on June 2, 2009 @ 2:00 PM; Motion carried 5-0.

Commissioner Putnal stressed that scheduling this Workshop does not mean that the Board is in favor of the increase of fees.

Recess (10:17 AM)

Chairman Parrish called for a recess.

Reconvene (10:39 AM)

Chairman Parrish reconvened the meeting.

C.J. Pipkin – Escambia County Housing Authority – Renew Agreement for Housing Assistance (10:33 AM)

Alan Pierce informed the Board that Mr. Elbert Jones was representing the Escambia County Housing Authority (ECHA), in place of C. J. Pipkin, and that the Housing Authority is asking the County to renew an agreement for housing assistance.

Mr. Pierce stated that the issue the County has with the ECHA benefitting Franklin County is that 2 years ago when the County agreed to join in with the ECHA and County didn't see any benefit locally because either the bonds were sold out or the opportunities were gone, so why should the County renew the agreement with ECHA if it isn't clear when the bonds will be available and may not even be beneficial to the County.

Chairman Parrish said he understood that 2 years ago when the County entered into this agreement there were supposed to be bonds issued at that time and he asked Mr. Jones if those bonds were ever issued.

Mr. Jones replied that they were not and that the ECHA has not been able to issue bonds for a couple of years now due to the state of the economy. He said that Franklin County was the last of 24 counties to join in this agreement.

Mr. Jones said that the ECHA has gotten a new financial plan that will allow them to issue \$3 million in bonds over the next 3 years and that the ECHA is positioning itself so that bonds may be issued right away, once market conditions change. He said that they offered the best interest rate of any of the HFA's in the State, at a 1.19 % interest rate.

Mr. Jones said that the ECHA would like for Franklin to continue with the program and asked that the agreement be for a 3 year period due to the cost of doing a one year plan. He assured the Board that there will be no cost, risk or liability for Franklin County.

Chairman Parrish asked that the Board be notified periodically of the status of these bond issuances by letter to the Franklin County Director of Administrative Services.

Mr. Jones said that he would update the Board on a regular basis and Mr. Pierce is welcome to contact the ECHA at any time concerning this agreement.

Commissioner Putnal said that most of the housing assistance that he has seen has too many qualifying conditions that would rule out a lot of residents who might need to qualify.

Mr. Jones said that ECHA make the money available to the lender, who in turn lends the money to the homeowner. Mr. Jones stated that there are little to no foreclosures with their program because they have stayed with the standard 30 year fixed rate mortgages. He said that the down payment assistance does not have special qualifications; it goes along with the loan application.

Chairman Parrish explained that this will not help with affordable housing or help low income applicants because they still have to qualify for the loan. He said the difference in this program is that the interest is much lower than traditional mortgage rates.

Mr. Jones stated that these loans are not for high income families either, most applicants are in the \$50 to \$60,000 income range with the average loan size at about \$130,000.

Chairman Parrish said that in that case it would be affordable housing for Franklin County.

Commissioner Putnal asked Mr. Jones about being able to help the people who cannot afford housing. Mr. Jones said that they will not be able to help everyone but these loans will apply to lower income based families. He said he will get the exact numbers for the Board on who would qualify for these bonds.

Commissioner Jackel asked what the rates are for these loans.

Mr. Jones said in 2007 the interest rate was 5.19 % and which was the lowest in the State.

Motion by Lockley, seconded by Sanders, to renew the Housing Assistance agreement with Escambia County Housing Authority for 3 years contingent upon Attorney Shuler's approval of the agreement; Motion carried 5-0.

David Avant – Complaint about Patton Street on St. George Island (10:44 AM)

Mr. Pierce explained that Mr. David Avant, of St. George Island, is appearing before the Board to discuss an ongoing issue with a neighbor on Patton Street on St. George Island. Mr. Pierce explained that Mr. Avant claims that the neighbor is using residentially zoned property to conduct commercial business and it is causing several problems in the neighborhood.

Mr. Avant stated that he is a 25 year resident of St. George Island and his family has been here since the 1820's and he is speaking not only for himself but also numerous other neighbors on Patton Street about an issue that has been ongoing for at least 15 years. Mr. Avant said that last year the County sent a letter to the property owner in question asking that they not park on the County right of way, stop renting the property for the storage of boats, trailers, gas tanks etc., on this lot but this did not resolve the issue. He and his neighbors are at wit's end because of the pollution, traffic, noise, parking on private property, and that there are numerous boats running charter trips throughout the day, every day, on one small canal. Mr. Avant said this is a constant problem and this issue has been before the Board several times and letters have been written, trying to resolve this matter, but to no avail, and he believes the only way this matter will be resolved is to sue the County. He recommended code enforcement to ensure that the properties are being used for their intended use. Mr. Avant said the property owner in question also has a commercial lot that is used commercially as a restaurant, a commercial building and an apartment building, which is not the original intended use. Mr. Avant presented pictures of the residential lot that displayed some of the uses over the last 3 years. Mr. Avant also discussed drainage problems that have been caused by oyster shells that the property owner has used to fill in the County's ditch to allow for additional parking for her customers, of which there has been 15 – 20 cars parked in this area on any given day. The drainage issues are causing mosquito problems and he asked that the Board have these ditches cleaned out to allow for proper drainage.

Mr. Avant presented pictures taken of a campsite set up on this property which have fire rings, clotheslines and outside bathrooms. He asked that the campers be removed from this property and moved to approved campgrounds and that the County please enforce the code rules concerning this matter and clears this land out. Mr. Avant said that he and his neighbors do not want to have to sue the County or this property owner to resolve this problem.

Mr. Avant said that he wanted to present this matter to the Board before filing a lawsuit to avoid wasting his and the County's money, but at this point, it looks like it might be the only option if the County doesn't do something.

Mr. Avant also stated that fish are being cleaned on that property and afterwards, the carcasses are being thrown in the canal on Patton Street, which is often blocked, so the carcasses remain in the stagnant water which presents a health problem.

Commissioner Jackel asked Mr. Pierce if he had any additional information on this matter.

Mr. Pierce said only the information that has been presented by Mr. Avant today.

Mr. Pierce informed Commissioner Sanders that this property is zoned residential not commercial.

Commissioner Sanders suggested that Attorney Shuler investigate this matter and make a recommendation to the Board at the next meeting.

Mr. Avant said this matter was brought before the Board last year and a letter was written but nothing has been resolved.

Commissioner Sanders directed Mr. Pierce to contact the Road Department and have them clean the ditches and sides of road in this area.

Commissioner Jackel asked for an update on a complaint about a fence owned by the same property owner.

Mr. Pierce said that he had spoken with the property owner and they came to a verbal agreement regarding the fence but he had not yet followed up to see if the matter was resolved.

Commissioner Jackel disclosed to the Board that her mother owns the adjacent lot to the property owner in question, this has been an ongoing problem and it has gotten worse with time, and believes the Board really needs to step in and enforce the County's zoning rules. Commissioner Jackel agrees with Commissioner Sanders that Attorney Shuler needs to investigate this matter as soon as possible.

Commissioner Lockley said this all goes back to code enforcement.

Commissioner Putnal expressed his concerns about the amount of boat slips being used and that it might be looked at as a marina, and because it is very close to one of the most productive summer bars, didn't want the opening of the oyster bar affected this summer.

Mr. Avant expressed that he is willing to work with this property owner but this has continued to be a problem in this neighborhood because the property owner isn't willing to cooperate.

Motion by Sanders, seconded by Jackel, to direct Attorney Shuler to investigate this complaint and present some solutions to the Board at the next meeting, direct the Road Department to clean the ditches and roadside on Patton Street on St. George Island, and direct Mr. Pierce to verify that the issue with the fence has been resolved; Motion carried 5-0.

On another matter, Mr. Avant asked that the County endorse the Shark Tournament that he hosts on St. George Island. He said that the Humane Society, not of Franklin County, is protesting this tournament but he asked that the County ignore the protests because this tournament is perfectly humane.

Mr. Pierce said the County has not had any issues with this tournament as yet.

Planning & Zoning Consent Agenda (10:59 AM)

Mr. Pierce presented the following items for approval.

CRITICAL SHORELINE APPLICATIONS:

Item 1 – Approved by Planning and Zoning (unanimous) Consideration of a request to construct a Single Family Pier on Lot 3, Tarpon Bay, Alligator Point, Franklin County, Florida. This pier will be 72' x 4' walkway and have a terminus of 12' x 8' and have an 8' x 5' step down. This project has all state and federal permits. Request submitted by Garlick Environmental Associates, Inc, agent for Ellis Smith, applicant.

Chairman Parrish asked about the need for the 8' x 5' step down in this location.

Dan Garlick, of Garlick Environmental, informed the Board that this step down would be used for launching kayaks and canoes.

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

Item 2 – Approved by Planning and Zoning - 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.

Commissioner Jackel was concerned that this might be considered a marina because there were more than 10 slips. Commissioner Jackel and Attorney Shuler discussed imposing restrictions on the property that would stop this property from being used as a marina if ownership was to change. Attorney Shuler said that there are use restrictions that have been imposed but the County does not have the ability to alter the State's definition of what is or is not a marina. Attorney Shuler said there are exclusion zones for oyster bars but there are no bars in the area as far as he knows.

Attorney Shuler explained that some of the restrictions address the 6 lots that front the water, there are 3 lots that are buildable with riparian rights, but there are 3 lots that are unbuildable also with riparian rights. Each lot will be allowed 2 slips that will be tied to the 6 lots; owners cannot transport ownership of slips to non-riparian lots, or rent the boat slips for commercial use.

Mr. Pierce and Attorney Shuler presented a map displaying the subdivision across the street from the 6 lots that front the water and explained that the lots across the street do not have riparian lots but 3 of them are tied to the unbuildable waterfront lots with riparian rights. Attorney Shuler explained to Commissioner Sanders that these lots in question were pre-existing lots of record, but the County still has to approve the final plat.

Mr. Garlick said that there has been preliminary approval of the replat by the County Commission which includes restrictions of no more than one unit per acre and also includes a 60 foot road right of way on the site. Mr. Garlick explained that the proposed dock is only for the 6 lots on the water side of the subdivision and this large multi-family dock was preferred by the property owner rather than 6 small individual docks that might affect the grass beds or keep from churning up the bottom of the Bay which is in keeping with the County policy. Mr. Garlick also explained that he has had many meetings with Mr. Pierce and Attorney Shuler to

ensure they have met the County rules, especially for marinas and multi-family docks; he has also applied for all DEP and Army Corps of Engineer permits, and has a hurricane evacuation plan in place.

Commissioner Jackel was uncomfortable with the size of the dock being so huge.

Mr. Garlick said it would be the same width as if they built the 6 docks although it would be 60 feet longer, and explained to Commissioner Jackel that a 270' x 80' T dock was necessary to create a safe area and access for boats that are mooring at the dock, and it the design that most marina builders are using throughout the state. Commissioner Jackel and Mr. Garlick discussed if this size dock, versus individual docks, was better or worse for the grass beds.

Mr. Garlick informed Commissioner Lockley that each of the docks have lifts and there is a hurricane evacuation plan that involves moving the boats 72 hours in advance of a hurricane.

Mr. Pierce informed Commissioner Putnal that all applicable permits from State and Federal agencies have been issued and this project has been approved by the County's Planning and Zoning Commission.

Commissioner Putnal didn't think that this request could be denied by the Board because the property owner has followed all County rules and regulations and obtained all State and Federal permits.

Commissioner Sanders was not in favor of approving this dock request.

Commissioner Jackel was not in favor of approving the dock request, unless it was contingent on the final plat of this subdivision being approved by the County.

Mr. Pierce clarified an issue raised by Commissioner Jackel regarding Attorney Shuler's recommendation of this request. He explained that Attorney Shuler didn't recommend for or against approval of this dock, only provided the information on the use restrictions he would impose on the property to the Planning and Zoning Commission.

Mr. Pierce liked Commissioner Jackel's idea that a final plat approval contingency should be attached to the approval of this dock.

Commissioner Sanders said that her problems with this dock stems from the way the "great wall", which is also on this property and was submitted to the Board for approval at a previous meeting, as both her and Commissioner Putnal thought that the wall would be constructed at a different location. Commissioner Sanders also thought that the dock was too large for the area as there are no other docks of this size in the area and still had concerns of the damage this size dock would do to the environment in the area.

Mr. Garlick said there are docks of this size in other areas of the County.

Commissioner Sanders said that they aren't in an area where major damage might occur during a major storm, unlike this one.

Commissioner Jackel said that she was out on the Bay recently and noticed that there are other property owners in the area, a Mr. Crutchfield and Mr. Almond, who have docks but they're nothing like the one that is being proposed. Commissioner Jackel renewed her concerns with the size of the dock and also expressed concerns of the possible impact on the grass beds.

Mr. Garlick guaranteed Commissioner Jackel that the grass beds will be lost if the Board decides to deny this application and use the other option which would allow 6 individual smaller docks, according to studies that were conducted prior to plans for this dock.

Commissioner Jackel could not support a dock of this size.

Mr. Garlick said that the applicant has already been approved for the 6 smaller docks but still recommends the one larger dock as the better option.

Commissioner Sanders wanted to clarify that State and Federal approval doesn't guarantee County approval and couldn't vote to approve because of the size.

Mr. Garlick agreed with Commissioner Sanders regarding County approval and explained that applicants rely heavily on these approvals and also the approval of the Planning and Zoning and guidance from County staff.

Commissioner Sanders stated that she was opposing this dock because she thought it was in the best interest of the County and its residents.

Commissioner Putnal suggested changing the County's Ordinance, because if all Federal, State, and the County's Ordinance was followed, turning this application down might create legal problems for the County.

Chairman Parrish said he doesn't believe there is a problem with the Ordinance. The decision that has to be made today is should the County approve one pier going out into the Bay that is 264' x 6' or do they want 6 piers going out into the Bay that are 264' x 4' which will run across the grass beds. Chairman Parrish understood that the docks have to be far enough out into the Bay, to get the water depth to be able to dock the boats and not churn up the grass beds with the propellers and was in favor of adding a final plat approval contingency to the approval of the dock as discussed earlier by Attorney Shuler and Mr. Pierce.

Attorney Shuler said that his review of the process and review of the Ordinance to be sure that compliance has been fully made, which he is confident that Planning and Zoning has already done and the Board adding the Board's approval of the final plat amendment contingency to this approval are two conditions to consider before final approval. Attorney Shuler said the County would still be preserving their rights to have further discussion with the applicants even if the Board votes to approve this permit because there are still several steps involved in other words, today's vote would not be a final vote.

Chairman Parrish and Mr. Pierce discussed bathroom requirements on these lots with the boat slips.

Mr. Garlick confirmed for Commissioner Jackel that only the owners of the 3 lots on the North side that are tied to the unbuildable lots on the water side of the road have exclusive use of these docks; the other 15 lot owners will not have any use at all.

Chairman Parrish, Attorney Shuler, and Mr. Garlick discussed the combining of the lots on north side to the lots on the water side, restrooms, and other items relating to this request.

Motion by Putnal, seconded by Lockley, to approve Item 2 of the Planning and Zoning report contingent on Attorney Shuler's review of the application file for compliance of all Federal and State permit requirements and the adherence to all applicable County ordinances; Motion carried 3 – 2, Jackel and Sanders opposed.

FINAL PLAT REQUESTS:

Item 3 – Approved by Planning and Zoning (unanimous) Consideration of a request for Final Plat approval of a one (1) lot subdivision names "Queen's Cove" formerly known as Lots 10 & 11

Oyster Bay Village, St. George Island, Franklin County, Florida. Request submitted by Ken Cosey, agent for B.L. Cosey, applicant.

Commissioner Jackel and Mr. Pierce discussed this request and the possible need for Attorney Shuler's review.

Motion by Jackel, seconded by Sanders, to approve Item 3 of the Planning and Zoning report contingent on Attorney Shuler's review and approval of the final Plat; Motion carried 5-0.

Item 4 – Approved by Planning and Zoning (unanimous) Consideration of a request for Final Plat approve of a 7 lot subdivision named "Black Bear Bayou" (formerly called "Pickett's Bay") on a 29.50 acre parcel lying in Section 17, Township 7 South, Range 4 West, North of Carrabelle, Franklin County, Florida. Request submitted by Florida Environmental and Land Services, Inc., agent for Jon P. Johnson, applicant.

Commissioner Putnal and Mr. Pierce discussed the location of this request which is where the Alligator Farm used to be.

Mr. Pierce explained that this request was reduced to 7 lots from 10 lots because of the wet land configuration.

Mr. Gene Langston, representing the property owner Mr. Johnson, stated that this was the original Jimmy Meeks property.

Mr. Langston explained to Commissioner Jackel that this property was located to the West of the Alligator Farm along Crooked River and stated that the property owner will maintain the roads on this subdivision.

Motion by Sanders, seconded by Putnal, to approve Item 6 of the Planning and Zoning report contingent on Attorney Shuler's review and approval; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (11:38 AM)

Commissioner Sanders asked Mrs. Johnson if all of the budgets have been turned in and if they are being processed at this time.

Mrs. Johnson informed Commissioner Sanders that she has received the budgets from the different departments and Constitutional offices and will be working on the proposed 2009-2010 budget during the next two months and is planning to schedule a budget workshop in July.

Commissioner Putnal asked Mrs. Johnson to keep the Board informed on the budget process so that they are aware of what they will be facing.

Commissioner Lockley and Mr. Pierce discussed what budget information the State has provided which would help the County with its 2009-2010 budget.

Commissioner Sanders said the only two allocations the County received from the State were through Work Force.

Commissioner Jackel asked Mrs. Johnson for copies of what budget information she has received thus far.

Alan Pierce – Director of Administrative Services – Report (11:40 AM)

1-Board action to sign Hold Harmless Agreement to allow Progress Energy to use Kendrick Park as a temporary staging area during disaster response activities.

Motion by Sanders, seconded by Jackel, to allow Progress Energy to use Kendrick Sports Complex in Carrabelle as a Temporary Staging Area during Disaster Response; Motion carried 5-0.

2- Board action to approve Interlocal Agreement with School Board to allow school board buses and drivers to be available in the event the county commission needs them during a state of emergency. This is an agreement that Pam Brownell, EM Director, has worked out with School Board.

Motion by Sanders, seconded by Putnal, to authorize the Chairman’s signature on the Interlocal Agreement with the School Board to allow school board buses and drivers during an event; Motion carried 5-0.

Commissioner Putnal asked Attorney Shuler to find out who is responsible for insurance during these situations.

3- Inform Board that Dept. of Ag can be an applicant to FEMA for damage done to oyster bars, so county EM personnel have put Dept. of Ag in contact with FEMA people. The county cannot be an applicant because the county does not maintain the oyster bars; the state does.

4- Inform Board that I made a request to the TDC for infrastructure funds to complete the following county projects:

\$6K to build a large picnic pavilion at Vrooman Park

\$14K for a batting cage at Kendrick Park

\$3k for St. George Lighthouse Keeper’s House plans and specifications

Chairman Parrish instructed Mr. Pierce to add allocations to install lighting at D.W. Wilson Park in Apalachicola.

Mr. Pierce said there wasn’t enough funding available for the cost of the lighting and that is why he didn’t include that in this project.

Commissioner Jackel recommended that the Board consider acquiring enough funding for this project over a 2 year period.

Commissioner Sanders asked Mr. Pierce to contact Mr. Van Johnson, the Parks and Recreation Director, in July or August to see if there is any available funding in his budget to install the lighting in the park.

5- Inform Board that the Franklin Chronicle withdrew its protest of the Apalachicola Times proposal for legal ads after meeting to discuss the issue. The Chronicle had sought verification of exactly what the Times' legal ads price quote was.

Chairman Parrish asked that the proposal information be brought before the Board at the next meeting so a decision could be made.

6- Board action to approve written change order approved by Bailey Bishop for the Eastpoint Boat Ramp for \$53,161.86. This change order is for the additional work Commissioner Jackel had requested. The grant funds will pay for the change order. The items were approved at a Board meeting on Feb. 3, but were not written into the original contract. Additionally, Bailey Bishop also has an amendment to their contract to do the inspections of the construction for \$7500. Bailey Bishop thought their contract amendment had been approved in December 16, 2008, but the Board minutes do not reflect it. Grant funds will pay for this inspection.

This item was addressed earlier in the meeting.

7- Inform Board that Senator Bill Nelson will be holding a Public Officials meeting at the Carrabelle City Hall on Tuesday, May 26, from 2-3 PM for all elected officials, county and city. The Senator's Office is taking care of the public notice requirements.

Commissioner Lockley asked that Mr. Pierce write letters to the County's Legislature Delegation requesting stimulus funds to purchase property next to the Eastpoint boat ramps.

Chairman Parrish said this letter could be presented to the Senator at the Workshop.

Commissioner Putnal verified that Senator Nelson would visit the Oyster bars while he was in the County on Tuesday.

Commissioner Jackel and Mr. Pierce discussed proper advertising that would allow all of the Commissioners to attend the Senator's Workshop and not violate any Sunshine Laws.

Commissioner Jackel expressed her concerns regarding a letter that was sent to the newspaper stating that the County Commissioners are not complying with the Sunshine Laws.

Commissioner Jackel explained that this letter stemmed from a prior meeting where the Board was discussing what is required for the Commissioners to attend public meetings and that the Board takes this matter very seriously and strives to comply with all laws.

Attorney Shuler stated that the Board is in compliance with the Sunshine Law, he strives to make sure that the Board is in compliance with all rules and regulations.

Chairman Parrish said that the letter was ludicrous, as all of the Commissioners has attended the training on the Sunshine Laws and other matters and Attorney Shuler does a very good job on keeping the Board informed on these and other laws and procedures.

Commissioner Lockley was very disappointed that a former City Commissioner would be responsible for publishing this type of misinformation. Commissioner Jackel agreed and was concerned that there are some people that will read this letter in the newspaper and assume it is true.

8- Board direction on lowering the speed limit through the S-Curve on Alligator Point to 25 mph.

Motion by Sanders, seconded by Jackel, to authorize the reduction in the speed limit to 25 mph on the S-curve on Alligator Point; Motion carried 5-0.

9- Update on effort to develop a study to examine connection between DOH swimming advisories and existing St. George Island on-site sewage disposal systems and high Coliform counts in the bay. At the May 5th Board meeting, Mr. Lee Edmiston and Mr. Seth Blich, both DEP senior personnel, offered to assist the county in implementing a water testing program to see if there is a connection between the Island's septic/aerobic systems and the high fecal coliform readings the DOH is getting in the beach water testing. Since May 5th, there have been a series of meetings and teleconferences to try to develop a consensus on how the study should work. The latest on May 14th at the Health Dept.

At this time these are some of the points of agreement:

A) The current tests can not indicate the fecal coliform present is human; it can only indicate the bacteria came from a warm blooded animal. The more specific tests to trace it to humans are expensive and have a low confidence level for specifying the exact source (human or animal).

B) The groundwater flow on St. George Island was studied extensively in 1999. Mr. Newt Colson, St. George Island resident and environmental engineer, summarized the study: the horizontal movement of water on St. George Island ranges from 6 inches to 16 inches a day. Fecal coliform lives for only a short time in the soil, dying off at a rate according to one study of 90% of the population every six (6) days, so most of the coliform that could be getting out of a failing system would be dead before it got to the beach. If there is a problem with a failing septic tank polluting the Gulf or Bay it is more likely to be nearer the shore than inland.

C) The main problem for St. George Island beach advisories is that a three week moving average is used to determine whether a warning is issued. Because there are high spikes in fecal coliform and enterococcus bacteria population it keeps the average high enough to require an advisory notice.

D) There are strong environmental conditions that affect how abundant fecal coliform exists in an area, including the presence of warm, still waters; the presence of high organic sediment loads of the kind that come out of rivers; and lack of off-shore flushing. An EPA study documented that fecal coliform decreases as one moves away from the shore due to its low survivability in salt water.

The group that met at the Health Dept. on May 14th has developed a preliminary scope of work to determine if there is any correlation between the location of on-site sewage disposal systems and the presence of fecal coliform or enterococcus bacteria in the near shore waters around St. George Island. There may be a correlation or the Island might be subject to

some naturally occurring phenomenon which causes the high readings. The scope of work is being circulated among the attendees and then will be presented to the Board. The general approach will to sample transects across the Island in selected locations, starting from knee deep water in the Bay to knee deep water in the Gulf. The range of tests will include general water quality indicators as well as the specific tests for coliform and enterococcus. What is still being developed is the exact number and location of the transects, the exact sampling parameters, and selection of the outside consultant to do the collection of additional data and analysis of existing and collected data.

Commissioner Putnal stated that there is a definite need for a study based on the results of the tests that are being received throughout the County. Commissioner Putnal said that even though the residents of Carrabelle Beach were mandated to go on central water and sewer, the results of the testing is still bad. He also discussed testing on St. George Island and questioned the relation between the two.

Commissioner Lockley and Attorney Shuler discussed requesting the State fund the study. Commissioner Lockley commented on why there are no testing on Cape San Blas and Mexico Beach in Gulf County.

Mr. Pierce stated that it has been determined that Gulf County's testing did not include Cape San Blas and Mexico Beach because of the 6 hour window and not being able to get the samples to the lab within the allotted time. Mr. Pierce suggested that Franklin is at the edge of the 6 hour window to get the test results to Tallahassee and this might be causing the bad readings.

Commissioner Sanders suggested sending the samples from the east end of the County to Tallahassee and samples from the west end of the County to Panama City, because after 6 hours of having the water samples, the bacteria starts multiplying which will result in bad test results.

Commissioner Jackel asked if the County has formally written a letter to the State discussing how the tests are being conducted and the history of the results of testing.

Attorney Shuler said a letter has not been written.

Chairman Parrish said that he made these same suggestions, regarding the timeline of getting the samples to the lab, at a meeting with the Health Department, and also suggested that the Health Department call about how these tests are being conducted and find a way to do the testing to have accurate results.

Commissioner Jackel suggested asking the State if they have a mobile lab the County could use while conducting the tests.

Attorney Shuler suggested that Mr. Pierce present the historical data he has collected to the State. Commissioner Jackel said she would be willing to accompany Mr. Pierce to a meeting with the Department of Health.

Motion by Lockley, seconded by Jackel, directing staff to write a letter to the State explaining the County's concerns with water pollution and suggest that a water testing lab be built at the new Cat Point location; Motion carried 5-0.

Mr. Ken Osborne, of Alligator Point, asked, and Commissioner Jackel agreed, if the FSU Marine Lab can be used for testing.

Mr. Jason Flowers, of the Franklin County Health Department, stated that the Health Department has to follow EPA protocol when conducting the tests, and the samples are put on ice, following EPA protocol as followed across the State. He explained that Cape San Blas was not included in testing because it is based on the number of storm water outfalls, number of residences in the area and use of the beach and criteria was followed. Mr. Flowers also stated that in the beginning of the beach water sampling program, test were done bi-weekly and it was Federally funded, with only so many allotted sampling sites, so test were conducted in the higher use areas. Mr. Flowers said that only State Certified Labs can be used at this time and there is not a local lab in Franklin County.

Attorney Shuler suggested trying to certify someone local.

Mr. Flowers said that David Polk from the State Health Office is aware of what is going on and suggested directing questions and suggestions to him. He invited County Staff to accompany him when they sample and the Board to keep in mind that if there is a bad reading out there, they want to find the source because it is a health advisory. Mr. Flowers stressed that the integrity of the sample is important because of the health risk to the public.

Chairman Parrish questioned how they determine if a beach has high usage.

Mr. Flowers said they determine how many public access areas are located at each beach which includes beach walkovers, as they are designated as public access.

Mr. Pierce pointed out that most of St. George Island would be considered public access, which is beneficial to County citizens but is hurtful when it comes to testing.

Commissioners and Public Comments (12:11 PM)

Commissioner Jackel said that she and Chairman Parrish attended Relay for Life over the weekend, it was a great event, and there were enough luminaries purchased to line the entire circle track honoring and memorializing those who have or are battling cancer. Commissioner Jackel commended Susan Hoffritz for her efforts and her months of planning and coordinating this event.

Commissioner Jackel also thanked everyone for their concerns, thoughts, and prayers for her son following his surgery. She said the surgery went well.

Commissioner Jackel wanted to wish her Mother a Happy 81st Birthday and said she is going to Wacissa to visit her and celebrate her birthday. She is very thankful and blessed to still have her Mother with her.

Commissioner Putnal directed Mr. Pierce to ask the State to build a water testing lab at the Cat Point site that will soon be built which the Board added to an earlier motion.

Commissioner Putnal shared his excitement about the school's football team and new coach. Commissioner Putnal said that he watched them during a squad scrimmage and thought that the team looked bigger, faster, and stronger than they did last year and the team will be

traveling to Destin to play in a Jamboree on Thursday. Commissioner Putnal hoped that team wins a lot of games during the upcoming season.

Chairman Parrish said he had the opportunity to meet and welcome, on behalf of the Board, the new Football Coach at a ceremony held two weeks ago at the Franklin County School and the coach was very energetic. Chairman Parrish said the new coach is young enough to have motivation but also has the wisdom from eighteen years of experience in the coaching profession. He believes he is going to be an asset to the football team and the Franklin County School.

Commissioner Sanders reminded everyone that these athletes are products of the Franklin County Youth League.

Commissioner Sanders asked Mr. Pierce about funding for Carrabelle Beach and Alligator Point dunes restoration.

Mr. Pierce said that the funding has been approved but it hasn't been received as of yet.

Commissioner Sanders suggested the Board find out about Code Enforcement and who governs the rental houses and restaurants on St. George Island (SGI) and that the Board needs to find out about the density values on SGI and be sure that they stay at the same level as they are now.

Chairman Parrish echoed Sanders' sentiments on this issue. He said this could be an integral part of the comprehensive solutions to the water pollution problem on SGI.

Commissioner Lockley asked Mr. Pierce about stimulus money for the sidewalk projects on SGI and when these projects will be started.

Mr. Pierce said Clay Kennedy, of Preble-Rish, could give him a better report on that but he did express his disappointment with stimulus funding and how long it is taking to trickle down to the county. Mr. Pierce said he did contact Senator Nelson's office and expressed his disappointment of the slow access, for the County, to the stimulus funding. He said the Federal Government is retaining ownership of this funding for as long as possible, which is putting burdens on Local Government and expressed his disappointment with the new standards that the County is having to follow. Mr. Pierce said Clay Kennedy is designing things that he may not be reimbursed for because there has been no funding from the DOT.

Mr. Clay Kennedy and Mr. Pierce discussed the pending projects, the 120 day window for funding which actually applied to DOT having to allocate the funding, not having the funding available on a County level.

Mr. Kennedy, updating the Board on the paving project, said that he plans to look at the paving projects on Thursday to see how they are going to tackle them and hopes to present project outlines at the next Board Meeting.

Commissioners Putnal and Lockley stated that they have received many calls asking about a start date for the paving project.

Commissioner Jackel asked if the contractor would use multiple crews, or will do project by project.

Mr. Kennedy said it would probably be one project at a time.

Mr. Andy Smith, of the Apalachicola Bay and RiverKeepers (ABARK), said, according to the PSC Attorney who is handling the Water Management central sewer application, that the first hearing will be June 15, 2009 and believes that this process will offer the opportunity to look at other things besides waste water treatment. Mr. Smith said Mr. Garlick had sent a memo to the Board about looking at storm water as well as density and in the memo was the idea of establishing a working group to look at some of these issues. Mr. Smith didn't think it was a good idea to say if the current system works or not because the regulations have not been enforced, and it would be helpful to have some sort of reporting to determine how the enforcement progress is going with the noncompliant onsite disposal systems.

Attorney Shuler stated that if the first hearing is scheduled for June 15, 2009 he is suggesting that the Board waive the RFP process for the utilities attorney so that he can get someone in place as soon as possible, especially since there are several attorneys in the surrounding areas that would be helpful with this matter.

Commissioner Jackel directed Attorney Shuler to find a reasonably priced attorney.

Attorney Shuler said that he will, but also asked the Board to realize that the hourly rate of this type of attorney will be substantially higher than his hourly rate and that the cost could be offset because of his involvement in the case, but doesn't know this for sure.

Motion by Lockley, seconded by Jackel, to waive the RFP process and authorize Attorney Shuler to engage a utilities attorney to assist with Water Management central sewer application; Motion carried 5-0.

Attorney Shuler, following up on Commissioner Sander's discussion about density and code enforcement on St. George Island, said that the County can impose a stricter protective standard than the State has in place regarding treatment level. He said that this can be done through the Ordinance process which would allow for a more stringent water treatment quality issue. Attorney Shuler cautioned that whatever this Board puts in place today another Board can undo in the future.

Commissioner Lockley stated that something has to be done because the County is so involved in the ACF water wars but at the same time have pollution problems in our own waters.

Adjourn (12:33 PM)

There being no further business Chairman Parrish adjourned the meeting.

Joseph Parrish – Chairman FCBCC

Attest:

Marcia M. Johnson – Clerk of Court