

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JUNE 2, 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, Rachel Ward (for 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 (9:03 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:04 AM)

There was a prayer followed by the Pledge of Allegiance.

Payment of County Bills (9:05 AM)

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

Motion by Sanders, seconded by Putnal to approve payment to G & N Painting; Motion carried 4-0, Lockley abstained.

Approval of the Minutes: Regular Meeting - May 19, 2009 (9:05 AM)

Motion by Jackel, seconded by Lockley, to approve the minutes from the May 19, 2009 regular meeting; Motion carried 5-0.

Jimmy Harris, Update of Tax Certificate Sales (9:06 AM)

Mr. Harris informed the Board that their decision to advertise the County Tax Certificate Sale in the Panama City Herald and the Tallahassee Democrat paid off, as around 30 new bidders registered for the tax certificate sales this year. Mr. Harris said the County had \$2,897,393 in certificates that was offered this year, and he sold 1,791 certificates, making this one of the

longest Tax Sales he has ever had. The County was left with about \$200,000 in certificates after the Sale but at this date he has sold certificates on all but \$30,848 of this amount, leaving the County with a much lower shortfall. He also said he had spoken with several Tax Collectors around the State and they didn't seem to fare as well with their Tax Sales as Franklin County. Mr. Harris said the County will receive a commission from the sale in the amount of \$139,730.95 and he will be sending the Recapitulation of the Tax Roll to the Florida Department of Revenue and once it is returned he will give this report to Marcia Johnson, Clerk of Court to present to the Board for signatures. He said he is aware the Board had questions about the Errors and Insolvencies Report last year and will be glad to come before the Board to answer any questions they may have this year and discussed the audits his office is subjected to. Mr. Harris is in constant contact with Mrs. Johnson so the Board and Finance Office can be informed if any adversities to the County should arise.

Mrs. Johnson said a lot of thanks should be given to Mr. Harris for working so hard on getting the shortfall to the County reduced by such a large amount, he really worked with the bidders to get this accomplished.

Commissioner Sanders asked if Mr. Harris thought the ads were helpful in generating interest in the Tax Sale. He said they were and he had spoken with surrounding Tax Collectors who mentioned residents of their county calling to inquire about the ad. Commissioner Sanders suggested putting an earmark in the budget to offset the cost of advertising for future Tax Certificate Sales.

Mr. Harris said he is hopeful that he might be able to reduce the shortfall even more since he has had interest from bidders since the sale.

Commissioner Jackel mentioned that Franklin County was the only other county advertising in the Tallahassee Democrat and commended Mr. Harris for this idea.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:12 AM)

Mr. Chipman discussed calls he is getting about milled asphalt on 5th & 6th Streets on St. George Island and would like for those residents to know that the Road Department will be back to finish clearing the debris once C. W. Roberts is finished with their paving project which should be removed within the next week or two. Commissioner Jackel thanked Mr. Chipman for taking care of this matter.

Mr. Chipman informed Commissioner Putnal that they will be removing two trees that he inquired about.

Mr. Chipman asked Commissioner Lockley if he knew if the poles on Earl King Street had been removed. Commissioner Lockley said they have been in touch with Progress Energy and are waiting for them to remove the poles. Mr. Rothwell and Mr. Chipman discussed plans for removing material off of the right away once the relocation plans for the road are finalized. Commissioner Jackel asked where the paving was going to start and Mr. Rothwell said he had spoken with Clay Kennedy and C. W. Roberts has not provided a plan for the paving project yet. Commissioner Putnal asked Mr. Chipman and Mr. Rothwell to speak with property owners and have any fences that are in the right of way removed before the project begins.

Commissioner Lockley informed Mr. Chipman that Mr. Rothwell will work with him on the pole removal project. Mr. Rothwell informed the Board that he is working with a Progress Energy Representative and they are working on three different pole removal projects on Alligator Point, Eastpoint and Apalachicola.

Commissioner Sanders thanked Mr. Chipman for taking care of repairs on the shoulder of the road on Gulf Avenue.

Chairman Parrish thanked Mr. Chipman, on behalf of the Board, for doing a good job.

Van Johnson – Solid Waste Director (9:16 AM)

Mr. Johnson presented his report to the Board.

SOLID WASTE GRANT APPLICATION:

FOR BOARD ACTION: I also have for the Board's approval and the Chairman's signature on the completed Consolidated Solid Waste Management Grant application for Fiscal Year 2009-2010. In the recently concluded session, the State Legislature reduced the grant award from \$277,316.00 to \$78,787.00 for counties with population of less than 100,000.

The grant has historically been used by the Solid Waste Department to offset the cost to provide solid waste management services. The application needs the Chairman's signature, and is due back to the State by July 1.

ACTION REQUESTED: Board Approval and the Chairman's Signature on the Consolidated Solid Waste Management Grant Program Application for Fiscal Year 2009-2010.

Commissioner Jackel asked Mr. Johnson about money left in the current year's budget and if there were funds that had to be spent. Mr. Johnson confirmed that it would and the cost for the containers, which will be addressed later in the meeting, will be paid from these funds. Commissioner Sanders and Mr. Johnson discussed how this reduction in grant money will hurt his department's budget.

Commissioner Putnal asked if any more reductions were going to come down from the State. Mr. Johnson said those are the only monies he receives from the State.

Commissioner Sanders and Mr. Johnson discussed the accident at the scale house, where one employee was hurt so a workman's compensation claim will have to be completed.

Motion by Lockley, seconded by Sanders, to authorize the Chairman's Signature on the Consolidated Solid Waste Management Grant Program Application for Fiscal Year 2009-2010; Motion carried 5-0.

SCALEHOUSE HIT BY TRACTOR TRAILER:

FOR BOARD INFORMATION: Last Tuesday, May 26, a tractor-trailer truck visiting the Landfill to pick up a load of cardboard for recycling hit the scale house while trying to weight the truck. A State Trooper was dispatched to investigate the crash and both the county engineer Dan Rothwell and building official Robin Brinkley came out to examine the structure, both of which

determined that the building needed to be replaced. We have contacted the trucking company's insurance carrier and are now awaiting a response. ACTION REQUESTED: None.

Dan Rothwell – County Engineer (9:19 AM)

Mr. Rothwell presented his report to the Board.

1. BOARD ACTION: Eastpoint Boat Ramp:

Staff request approval to pay invoice for \$61,802.78 where balance due including retainage is \$49,958.82 of the original contract amount of \$235,724.00. The parking area has been resurfaced.

Commissioner Jackel reminded Mr. Rothwell to contact Poloronis Construction about completing this project as soon as possible, which he has not done as yet, because the seafood workers need to utilize the ramp during the summer. Mr. Rothwell replied that Poloronis Construction is likely waiting for materials to be delivered due to the change order received 2 weeks ago. Mr. Rothwell explained to Commissioner Lockley that the only section of the boat ramp that was paved was approved by DEP which is the pre-existing parking area and the County would have had to purchase additional land or use the existing land dedicated for storm water treatment to pave for additional parking. Commissioner Lockley reemphasized that the ramp will need to be completed as soon as possible.

Motion by Jackel, seconded by Sanders, to approve the \$61,802.78 payment to Poloronis Construction Inc.; Motion carried 5-0.

2. BOARD ACTION: Gulf Beach Drive Resurfacing Project:

Staff request approval to pay invoice for \$797,756.62 where balance to finish including retainage is \$243,740.94 of the original contract amount of \$1,472,760.60.

Motion by Jackel, seconded by Lockley, to approve the \$797,756.62 payment for the Gulf Beach Drive Resurfacing Project; Motion carried 5-0.

3. BOARD ACTION: Indian Creek Park Shoreline Restoration Project:

Dan Tonsmeire, the Apalachicola Riverkeeper wishes to announce the recommended low bidder for the Park Breakwater Project. This is a project which was applied for and is grant funded though the Apalachicola Riverkeeper and is intended to install a breakwater and for shoreline restoration.

Dan Tonsmeire, Apalachicola Bay and Riverkeepers (ABARK), reported that 5 bids were received for this project but unfortunately the lowest bid was above their current funds. He said he discussed the situation with Attorney Shuler and Mr. Rothwell and they determined the best option is to re-bid the project. Mr. Tonsmeire said they will break down the bid schedule items into smaller components so there will be more flexibility in what they can allow the contractor

when they receive the set of bids, hopefully he will be back for the July 7th meeting to update the Board with a qualified bidder and permit in hand, and they are still pursuing available funds for this project at this time.

Commissioner Jackel thanked Mr. Tonsmeire for all of his work on this project.

The Board took no action on this item at this time.

4. BOARD ACTION: Bluff Road Boat Ramp:

Staff requests Board approval to pay the final invoice of \$87,896.27 of the original \$340,751.00 contract amount to C. W. Roberts.

Chairman Parrish informed the Board that the new ramp is filling with sediment because of high river levels and is not able to be used at this time and asked Mr. Rothwell to speak with the contractor to have this sediment removed. The Chairman talked to Clay Kennedy, Preble-Rish about this and Mr. Kennedy has called the firm that installed the boat ramp but no action has been taken, but he realizes that it isn't the contractor's fault but this problem needs to be resolved. Mr. Rothwell said he would speak with Mr. Chipman about a solution to resolve the problem as he has previously made repairs to the Timber Island Boat Ramp in Carrabelle. Attorney Shuler inquired as to how much additional funds were left in the grant after final payment. Mr. Rothwell said it would be a small amount if any at all.

Chairman Parrish commented that other than the issue with the ramp, he has seen the public utilizing the area and he thinks the contractor did a good job.

Motion by Lockley, seconded by Jackel, authorizing the final payment to C. W. Roberts, contingent upon removal of the sediment, of the Bluff Road Boat Ramp; Motion carried 5-0.

5. Amend speed limit on island drive from 35 mph to 25 mph.

Commissioner Jackel said she had been contacted by the Brown Family asking that the speed limit be lowered because of a number of accidents that have occurred on the curve on this road.

Motion by Jackel, seconded by Lockley, to amend speed limit on Island Drive from 35 mph to 25 mph; Motion carried 5-0.

Commissioner Sanders directed Mr. Rothwell to contact the Sheriff's Department about the change of speed.

*6. Survey Weems Hospital Drainage Topographic Survey:
Weems Hospital Drainage drawings have been started.*

*7. West Gorrie Drive from West 3rd Street to South Franklin Boulevard Drainage Project:
Construction drawings have been started for this project.*

Commissioner Sanders thanked Mr. Rothwell for going to Bayfront Road on Alligator Point and conducting a survey for those residents.

Pam Brownell – Emergency Management Director (9:30AM)

Mrs. Brownell presented her report to the Board.

1 - Franklin County Emergency Management and Franklin County Road Department met with FEMA on May 28, 2009 to signoff on project work sheets for:

- A. Bloody Bluff rd.*
- B. Gardner's landing rd & Jeffrie Tucker rd*
- C. Sand Beach rd & Chason rd*
- D. New River rd*
- E. Crooked River rd*

There are several more project work sheets that will be ready at a later date to signoff on.

Chairman Parrish asked if the issue regarding the ownership of these roads had been resolved. Mrs. Brownell said this issue will be addressed later during Mr. Pierce's report, but she was informed by FEMA that they were going to sign off on the road projects for this year but that in the future there may be different staff working for FEMA who may question ownership and the responsibility of maintaining these roads. Mrs. Brownell said that FEMA suggested that the County research who owns the roads and get legal documentation showing proof of ownership. Attorney Shuler said the Board needs to speak with the appropriate State agencies and get whatever documentation is needed.

Mrs. Brownell informed Commissioner Sanders that Jeff Sanders Road is on one of the project work sheets coming up in the future.

Commissioner Sanders pointed out that there won't be deeds for some of those roads that have been in existence since the 1800's.

2 - Mike Rundel and I attended the Region 2 Area meeting in Madison County at there new EOC facility on May 27, 2009 and it was very nice.

3 - Franklin County's new EOC applicant came in 2nd after Gadsden County with the state and now it will be submitted to FEMA and just a reminder the grant is open national.

4 - Franklin County is participating in the State Hurricane Suiter Exercise that started on May 28, 2009 and will run through June 03, 2009. We conducted a planning session on May 28 with the road department and mosquito control and May 29, with the other county partners on what protective measures would they be taking at this time with this scenario. June 01, we conducted the evacuation portion and June 02, will be the recovery portion of this exercise.

5 - Forecasting say there is a 70 percent chance of having nine to 14 named storms, of which four to seven could become hurricanes, including one to three major hurricanes.

Bill Mahan – County Extension Director (9:36 AM)

Mr. Mahan presented his report to the Board.

Commissioner Putnal said that Senator Bill Nelson explained some of the Snapper and Grouper Restrictions & Regulations at his recent meeting in Carrabelle stating that local data to compare with what FWC has found in their studies is needed. Mr. Mahan said, from speaking with FWC, he has gathered that there are plenty of fish in State Waters but not in Federal Waters.

Commissioner Putnal believes that there will be a different outcome if it were mandated that studies be done in individual areas instead of testing in one area and using that data to determine the fish counts for all areas, so there should be more testing in local areas.

Mr. Mahan said FWC informed him that they will be going out into the Gulf for testing in the future. Commissioner Putnal said it is hurting the County's economy by having these regulations in place.

Commissioner Lockley said people are losing their jobs and a lot of people are being hurt by these regulations.

Commissioner Jackel asked when Senator Nelson said he would come back down to discuss this issue; Commissioner Sanders said he never gave a date.

Commissioner Jackel suggested that Mr. Mahan gather data concerning local fishery studies.

Mr. Mahan said he could acquire data from Marine Fisheries to present to Senator Nelson.

Commissioner Sanders said she would like for Mr. Mahan to also speak with local guide fishermen and get feedback from them. Commissioner Jackel and Mr. Mahan discussed the criteria for gathering this data with Mr. Mahan stating that anecdotal data collected is no longer accepted, scientific is required.

Commissioner Putnal said that Senator Nelson was adamant that if the Board helps him by providing sufficient data, he will then take action to help the Board.

Motion by Putnal, seconded by Sanders, directing Mr. Mahan to gather data on the snapper and grouper restrictions which the Board will then present to Senator Nelson; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (9:44 AM)

Mrs. Johnson presented her report to the Board.

1-) Recently, there's been much said about the number of foreclosures filed in my office, so here's a report for you on the actual numbers:

In 2007, we filed a total of 136 cases

In 2008, we filed a total of 276 cases (doubled)

Through May 31, 2009, we filed a total of 156 cases

Foreclosure sale information is available on the Clerk's website, www.franklinclerk.com. Under the main menu, see Public Sales and click on Foreclosures. You will be directed to another page and you will see "Click Here to View Foreclosure Sales". This provides a listing by sale date of case number, plaintiff and defendant, final judgment amount, and the legal description. To see the image of the lis pendens, there's a place you can "click here". It will take you to www.myfloridacounty.com. Put in the name information, select Franklin County, select lis pendens as your document type, and enter begin search.

2-) Regarding the Hospital Sales Tax, we collected \$100,124.37 for the month of March. March 2008 collections totaled \$119,055.05. We also collected an additional \$27,468.22 for out-of-county collections for January through March. The total in the Capital Fund for the hospital including the March collections is \$742,066.38.

3-) Since the Board has received the deed to the Chapman Administrative Building, a decision needs to be made regarding which offices will be relocated there. I'd like the Board to take the opportunity from now until your next meeting to talk with myself, our chief judge, and some of your other officials or departments so that a final determination can be made at the meeting on June 16th. Before any renovations can be started, we need to have the decision on who will be housed there so those people can play a part in whatever renovations occur.

4-) I need help and direction from the Board. The House and Senate passed legislation which directs that interest earned on deposits be deemed income of the county instead of income of the clerk's office. In the past, the interest earned on the Board's General Fund and the Fine and Forfeiture Fund was deemed income of the Clerk. The Clerk has three areas of the office: 1) court-related functions which are funded through a State budget; 2) County Commission related functions which are funded through the County budget; and 3) Official Records section which has been funded from recording revenues and supplemented with the interest earned. Currently, our recording revenues have been down due to the real estate market drop, and our interest has been down because the rates have dropped so dramatically. Since being in office, I have worked diligently to get all the Official Records on the internet. I've also worked hard to get marriage license records, county board minutes, county ordinances, plats, tax rolls, and probate records scanned and imaged and converted to microfilm and CDs for the protection of the records and the convenience of the public. In addition, I added a full-time position to work at the Carrabelle Annex to offer all the services of the Clerk's Office for the convenience of the citizens in that area. Here's a breakdown for your information:

Budget Year	Recording Revenue	Interest Earned	Total	Recording Expenditures	Difference returned to Board
2004/2005	\$ 371,292.91	\$ 193,805.04	\$ 565,097.95	\$ 138,511.79	\$ 426,586.16
2005/2006	\$ 227,019.98	\$ 352,666.51	\$ 579,686.49	\$ 187,380.86	\$ 392,305.63
2006/2007	\$ 150,296.71	\$ 375,357.68	\$ 525,654.39	\$ 159,345.11	\$ 366,309.28
2007/2008	\$ 108,135.93	\$ 278,610.60	\$ 386,746.53	\$ 162,184.45	\$ 224,562.08

As you can see, I've been very conservative in spending only what is necessary for operations,

and I returned excess funds every year instead of looking for ways to spend.

I am requesting you continue to allow me to utilize the interest earned to supplement the Official Records Department with any excess to be returned to you as in the past. The alternative is possible reduction in staff, possibility of services being withdrawn from Carrabelle annex, and a reduction in services.

When recording picks up again, you can always readdress your action. For example, look at year 2004/2005 when recording was doing well and notice the higher return to the County. I helped the Board in good years, and I need the Board's help in these lean times.

Our attorney and our auditor have been made aware of the request and have no problems with it.

Commissioner Sanders stated that she didn't have a problem with approving Mrs. Johnson's request to keep the interest, but it might be necessary for the Board to utilize part of this interest at a later date.

Commissioner Putnal said that we are all going to have to work together during these times to provide these services.

Mrs. Johnson explained that this problem started because of the relationship between a Clerk and the Board of County Commissioners in one of the southern counties, which resulted with the Clerk winning a lawsuit. Mrs. Johnson further explained that because of this the Florida Association of Counties lobbied and had the Legislation changed this year to make this interest payable to the Board of County Commissioners, which will hurt a lot of the small county clerk offices. Mrs. Johnson informed the Board that she will remain conservative in her spending.

Motion by Sanders, seconded by Lockley, to allow Mrs. Johnson to keep the interest earned on deposits made to the Board's General Fund and the Fine and Forfeiture Fund; Motion carried 5-0.

Evelin Ramirez – U.S. Census – Discuss Complete Count Effort (9:54 AM)

Ms. Evelin Ramirez, U. S. Department of Commerce Census Bureau, appeared before the Board to discuss the importance of the upcoming Census. Ms. Ramirez said the Census questionnaires will go out in March of 2010 and she stressed the importance of participation in the Census because it affects how funds are allocated especially for building roads, new schools, and other infrastructure projects. Ms. Ramirez suggested that the Board form a "Complete Count Committee" which is a volunteer committee based on a group of people that should reflect the diversity of the community and will help in overcoming the challenge of having people complete the questionnaire. Ms. Ramirez informed the Board that numbers gathered from the Census, determine the district lines for the 435 seats in Congress and without a proper and accurate count, there is no way that funding can be distributed equally to this County. Ms. Ramirez stated that the Census Bureau will be hiring locally, scheduling promotions and

awareness programs, and would like to establish as many community partnerships as possible to help educate the public on the importance of the census.

Commissioner Jackel asked for contact information especially for those interested in job opportunities. Mrs. Ramirez said she would leave her contact number but suggested anyone interested should go to www.census.gov and all information concerning job opportunities will be on that site, explained why hiring the local community was important, and once again stressed the importance in acquiring a complete and accurate count, especially in the case of multi-families living under one roof and part time residents. Commissioner Jackel and Ms. Ramirez discussed the advertising of these job opportunities in the local community. Ms. Ramirez explained to Commissioner Sanders that the Bureau will be hiring enumerators, who will essentially be going to door to door.

Commissioner Sanders raised an issue from the Census taken in 2000 that determined there were 1,200 more residents living in her district than were actually there, due to "Snowbirds" who live here temporarily, but do not vote, which caused incorrect re-districting lines within the County. Ms. Ramirez explained that "Snowbirds" do count regarding the census because they use the roads, emergency services, and make an impact on this area.

Commissioner Sanders said she is aware of that but explained why the total resident count is essential within County Government and stated that it took months to have the incorrect information corrected from the 2000 Census Bureau, which still isn't totally accurate. Ms. Ramirez said she understands that there is an issue with acquiring accurate counts due to migrant workers or part time residents but urges anyone who has an issue with the count to contact the Bureau. She said the "Complete Count Committee" will be vital in making sure accurate counts are recorded and these types of mistakes are avoided in the future.

Chairman Parrish asked if the Board would be responsible for gathering the "Complete Count Committee". Ms. Ramirez explained how this process works and provided written instructions to Attorney Shuler. Ms. Rachel Ward informed the Board that Mr. Pierce said he would be glad to work with the Census Bureau.

Open Bids for recycling containers (10:10 AM)

Attorney Shuler recommended all bids be rejected at this time and the County re-advertise this bid because one of the bids was inadvertently opened.

Motion by Sanders, seconded by Lockley, to re-advertise bids for recycling containers; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (10:11 AM)

Mrs. Rachel Ward presented Mr. Pierces report.

1- Provide Board with copy of letters the Chairman hand delivered to Senator Bill Nelson regarding assisting in land acquisition in Eastpoint, and seeking assistance in getting FEMA to

move on the Alligator Point project. These same letters were sent to Rep. Boyd with the request that he get the letters to the White House.

Members of the Board discussed with the Senator the need for help in dredging the Eastpoint Channel and the Two Mile Channel. Lyn Bannister has asked the county to put the request in writing. Board action to send Senator Nelson a letter to that effect.

Commissioner Putnal suggested using the fill dredged from the channel to put in the hole that is now called the Gator Pond.

Commissioner Jackel asked the Board to consider writing two separate letters to Senator Nelson because in the event there isn't enough funding to do both, it might be possible to have one request granted.

Chairman Parrish said that neither letter was provided in the report that he read to Senator Nelson, but he isn't sure why.

Motion by Sanders, seconded by Lockley, to send letters to Senator Bill Nelson, one for dredging Eastpoint Channel and other for dredging the Two Mile Channel; Motion carried 5-0.

2- Provide Board with copies of DEP Notices of intent to issue permits for the Ochlockonee Boat Ramp and the observation dock at Lombardi.

3- For information, provide Board with copies of the types of reporting/guidelines that DOT is requiring the county to follow in order to secure the Stimulus funds for the sidewalks. Mark Curenton is in Chipley today on required training on the Davis-Bacon Wage Act which is federal rules regarding the wages a contractor must pay when receiving federal funds.

4- Board action to approve ARPC to do the biannual assessment of small quantity hazardous waste assessment. The ARPC does this for the Board every two years. The cost is \$3500 and the Finance Office says the funds were budgeted.

Motion by Sanders, seconded by Lockley, to authorize ARPC to do biannual assessment of small quantity hazardous waste assessment; Motion carried 5-0.

5- Board action on appointments to the Gulf Coast Workforce Board. A letter has been received from Ms. Kimberly Bodine, Executive Director, requesting Ms. Betty Croom is re-appointed for another 3 year term, and to move the appointment of Ms. Sheila Houser, from Carrabelle, to a slot for economic development. Ms. Hauser was in the private sector slot but when Ms. Lynn Martina was appointed as a private sector appointment, then Ms. Hauser needs to be moved to another slot, which would be economic development. She qualifies for that slot because of her work with the Carrabelle Chamber of Commerce. Board action on Ms. Croom and Ms. Hauser. For the Board's information the following county representatives on the Gulf Coast Work Force Board are: Betty Croom, Ted Mosteller, Randi Turpin, Lynn Martina, Sheila Hauser, and then in a rotation Nina Marks as Superintendent. (This seat rotates between three counties).

Motion by Jackel, seconded by Sanders, to reappoint Ms. Croom for another 3 year term and move Ms. Hauser's appointment to the economic development slot; Motion carried 5-0.

Commissioner Jackel requested that Ms. Ward ask Mr. Pierce to have one of the members provide a report to the Board after the Gulf Coast Work Force Board has a meeting, keeping them informed of what is discussed at their meetings.

6-Board action on proposed Resolution naming certain public roads as county roads. These roads have been maintained by the county, and are known public roads, but the county does not have deed or title to these roads. FEMA is requiring the county document proof that the county is taking legal responsibility for these roads in order for FEMA to process reimbursement for the funds the Road Dept. expended on repairing the roads after the March floods. Resolution is attached. Both Pam and Alan argued, with FEMA, that the county has received reimbursement on these roads before without this step being required, but for whatever reason, FEMA is now requiring proof of ownership. FEMA has gone so far as to contact the State and Federal Forests for verification and both of those entities agree these roads are not theirs.

Commissioner Putnal was informed that there are approximately 22 roads that do not have deeds, which Commissioner Sanders explained that this because the County has been maintaining these roads forever.

Commissioner Putnal is concerned that without proof of ownership, FEMA will not continue to reimburse the County for the maintenance of these roads after any type of disaster.

Mrs. Brownell assured the Board that the funding will be available for the following year but FEMA's is recommending that the deeds are in place for the next go round.

Attorney Shuler suggested the Board approve the Resolution accepting these roads as County Roads, because there needs to be documentation in the file showing proof that the State and Federal Agencies agree that these roads belong to the County and even though there is no State Law that requires that the County do this, it is his recommendation.

Motion by Sanders, seconded by Putnal, to approve the Resolution accepting the roads as described as County Roads, and include Attorney Shuler's recommendations to notify State and Federal agencies of this Resolution; Motion carried 5-0.

7- Inform the Board that in the development of the management plan for the Armory Mark Curenton and Nikki Millender have scheduled a meeting at the Armory on Wednesday, June 17, at 5 PM to take comments from the public on what they would like to see the Armory used for. The Commissioners are welcomed to attend but this is not a Board workshop. The comments given by the public will be evaluated by Mark and Nikki for consideration in the plan. Once the plan is completed the Board will review it before it is submitted. The general understanding of Mark and Nikki is that the Armory will continue to be used as it is now.

Attorney Shuler assured the Board that they will not be in violation of the Sunshine Law if they attend this meeting.

8- Mr. Kevin Ward, Boys and Girls Club, would like to house the Boys and Girls Club summer program at the old School Administration building from at least June 15- June 30. Mr. Ward would like to stay at the Admin building until July 30 which is the end of the summer program. The Boys and Girls Clubs will pay all utilities. If the Board does not want the summer program at the Admin Building then the program will move to the Armory after June 30. It is Mr. Ward's preference that the program stay at the Admin Building for the summer but it is the Board's decision. Board direction.

Commissioner Putnal asked Mrs. Johnson if this would interfere with moving any County offices to this building. Mrs. Johnson said she didn't believe it would be a problem but suggested that Attorney Shuler check into the liability issues.

Mr. Kevin Ward, County Area Club Director for the Big Bend Boys and Girls Club, stated that the Boys & Girls Club does have proper liability insurance in place to cover them in this building, and if there are any scheduling conflicts to please let them know and they will work with the Board.

Commissioner Putnal asked about funding for this club and if they will be able to continue. Mr. Ward said they have a renewed grant for at least 4 more years and he understands that the County may not be able to provide any additional funding.

Motion by Lockley, seconded by Putnal, to approve use of the Administration Building by the Boys and Girls Club, contingent upon Attorney Shuler's review of liability insurance; Motion carried 5-0.

9- Board update on Airport Hanger. This does not require Board action, but is for information. As the Board is aware, the county has received funds to build a large corporate hanger at the airport. The Board and the Airport Committee have directed AVCON build a hanger that will create jobs and revenue at the airport. There has been a great deal of discussion on whether a paint hanger, which costs approximately \$300,000, will be used if built. Neither AVCON, the Airport Committee, nor the Board, want to build facilities that sit empty so to that end the following strategy is being used to maximize the use of the building:

July 7: Board will open Request for Proposals for leasing a commercial use paint facility. The lease states that the successful lease holder will have to put up a \$150,000 performance bond that in the event the paint hanger is not used the county will call the bond. This is done to insure that whoever leases the building will have a financial incentive to use the paint hanger. If no suitable lease proposals are received the county will not award a contract to build the paint hanger and instead office space will be built.

August 4: Open bids for construction of hanger: The construction plans will be advertised with an option to build the paint hanger and an option without the paint hanger. The decision on which option to build will be determined by the review of leases submitted in July.

August 18: Award construction of hanger based upon response or lack of response to paint hanger lease.

Commissioner Jackel asked what the lease amount is going to be for this building but Attorney Shuler said he has not received a lease as yet.

Chairman Parrish clarified that the terms for a lease have not been determined as yet because it is not yet known if they are building a paint hanger or office space.

Commissioner Jackel said she was going by what the report says about a lease.

Attorney Shuler said he will find and review the lease.

Commissioner Jackel said she would like Board action requiring AVCON to hold a pre-bid conference, with mandatory attendance for all bidders, to clarify the guidelines and avoid any confusion on how the bid process will proceed and request AVCON to appear before the Board to discuss this matter further.

Commissioner Lockley said he doesn't understand the argument over building the paint hanger especially if it is going to provide jobs for the community.

Motion by Jackel, seconded by Sanders, to have AVCON schedule a mandatory pre-bid conference and request AVCON to appear before the Board to discuss this project further; Motion carried 5-0.

Recess (10:33 AM)

Chairman Parrish called for a recess.

Reconvene (10:44 AM)

Chairman Parrish reconvened the meeting.

Seth Blitch - Update on Water Quality Program (10:45 AM)

Seth Blitch, of the Apalachicola Reserve, updated the Board on several meetings that he, Jason Flowers of the Health Department, DEP Water Quality Program staff, Dan Tonsmiere of ABARK, and several others have attended to discuss a tentative plan for sampling the water on St. George Island. Mr. Blitch stated that the basic idea is to do 10 transects across the Island, which would be designed to sample areas in the business district, residential district, rental district and also the State Park and should give a broader resolution than is in place now. Mr. Blitch said the Health Department is only testing in 4 locations and they only take one point, but the new testing will be more involved than testing that is in place now. Mr. Blitch said there will be 60 points taken in the new plan but there would need to be several teams to be able to do this and he isn't sure what the cost of this would be, but hopefully, the testing would coincide with Health Department's testing and they could determine if they are receiving the same results. Mr. Blitch stated that the thinking is, when the sampling is done at the end of the

summer, they could hone in on where the trouble spots are which should inform the Board of the actions that need to be taken to help resolve the bad readings.

Mr. Blitch clarified, for Attorney Shuler, that there would be 56 more tests done than are currently being conducted which would give significantly more data. He said as it stands now the testing is done mostly on the Gulf side, but the new testing will test both in the Gulf and in the Bay and there will also be more transects across the Island than exist now.

Commissioner Jackel said she is going to speak with Lee Edmiston about having the State help fund this testing as the Board has stated that the State should play a big role in this additional testing and should also help pay the cost.

Attorney Shuler asked if the Board might want to use a State lab or private lab that isn't affiliated with the State.

Commissioner Jackel said before the Board could make that decision they would need more information on costs of this plan and asked Mr. Blitch when they might be able to begin testing.

Mr. Blitch said they could begin once a lab is retained and committed to do the sampling and the group that met on this matter decided the best time to test would be during the high occupancy times in the summer, which is coming up soon.

Chairman Parrish said he prefers an independent lab to help get a different and true independent assessment of what is going on and how to address the problem; whatever is done should be in the best interest of the County.

Commissioner Jackel would like to meet with Mr. Blitch and Mr. Edmiston to discuss the costs and options of this plan.

Commissioner Lockley asked where closest independent lab might be to this area.

Mr. Blitch said it is going to either be Panama City or Tallahassee, which is a 90 minute drive and as long as protocol is followed there shouldn't be a problem getting the samples there within the 6 hour window.

Commissioner Putnal wanted the Board to be aware that there are more bad samples still coming out of Carrabelle Beach than anywhere else in the County and central water and sewer has been implemented.

Commissioner Jackel asked if there should be more testing done on Carrabelle Beach.

Mr. Blitch said there is testing going on at Carrabelle Beach at this time but he doesn't have any results yet.

Commissioner Sanders asked that this matter be addressed before the next meeting.

T. Michael Shuler – County Attorney – Report (10:57 AM)

Attorney Shuler presented his report and handed out brochures presented by Mrs. Ramirez of the Census Bureau.

ACTION ITEMS

1) Franklin County vs. South Shoal

The attorneys have prepared a proposed settlement for consideration by their respective clients. I need board permission to schedule a public hearing to consider the settlement. The settlement will amend the South Shoal plat and ordinance substantially as follows:

- a. Dedicate all roads in the subdivision to the public, including Tom Roberts Road. All the roads have been paved at the developer's expense.*
- b. Abandon Alligator Drive in front of South Shoals, reserving to Franklin County a thirty foot easement for pedestrian access and future beach access in the event that the beach is re-nourished in the future.*
- c. Franklin County would no longer be responsible for the revetment in front of South Shoals.*
- d. The developer would be allowed to convert from a central AWT plant serving the subdivision to an onsite aerobic system serving each lot. The County Code currently requires everyone else on Alligator Point to install aerobic systems.*
- e. Reduce the number of lots from 23 to 20.*
- f. There will only be 11 lots fronting on Alligator Drive.*
- g. The developer would not build the Fire Substation or the Sheriff's substation.*
- h. The lawsuit would be dismissed with each party paying their own attorney fees and costs.*

BOARD ACTION: Motion authorizing me to schedule a public hearing to consider amending the South Shoal Plat and PUD.

Motion by Sanders, seconded by Jackel, to table Item #1 until June 16, 2009 meeting; Motion carried 5-0.

2. Legal Advertising Bids

On March 17, 2009, Franklin County opened bids for the publication of legal advertisements and official announcements. Two bids were received. One bid was from the Apalachicola Times and the second bid was from the Franklin Chronicle. A copy of each bid is attached.

A review of the two bids indicates the following:

- A. The Apalachicola Times bid \$1.05 per square inch for legal advertisements and official announcements.*
- B. The Franklin Chronicle bid \$3.11 per square inch for legal advertisements and official announcements.*

On March 19, 2009, the Franklin Chronicle filed a bid protest alleging that the bid by the Apalachicola Times was defective because it quoted "display ads" in per column inches, not square inches. Second, the protest challenged the sufficiency of the RFP, alleging that the RFP did not give the Franklin Chronicle the opportunity to bid one price for official announcements and a second bid for legal advertisements. A copy of the bid protest letter is attached.

I find that the Franklin Chronicles bid protest is without merit and that the Apalachicola Times are the lowest responsible and responsive bidder at \$1.05 per square inch for legal

advertisements and official announcements. A copy of my March 31, 2009 memorandum to the Board is attached.

On May 5, 2009, a bid protest hearing was held by Mr. Pierce. At the bid protest hearing, the Franklin Chronicle withdrew its bid protest after the Apalachicola Times confirmed that its per square in price was \$1.05 per square inch. A copy of their May 11, 2009 letter withdrawing the bid protest is attached.

BOARD ACTION: I recommend that the Board award the bid to the Apalachicola Times as the lowest responsible and responsive bidder.

Commissioner Jackel recommended having a rebid on this situation because of the confusion with the current bid responses, discussed the protest of the bids, and would like the County to support both newspapers.

Chairman Parrish said it would be unfair to rebid after the numbers had been made public. He said he could understand doing a rebid if the bids were both over budget but in this case he doesn't believe it would be fair.

Commissioner Jackel clarified that she wasn't offering a suggestion that she thought was unfair or not forthright but the way the bids were presented by the bidders were different formats; The Times submitted their bid one way and the Chronicle a different way, therefore it was hard to compare them accurately. Commissioner Jackel recommended stating what the Board is willing to pay for advertisement rather than taking bids.

Commissioner Lockley thought it might be possible to give business to both papers.

David Adlerstein, Apalachicola Times, stated that the Franklin Chronicle dropped their protest of the bid process so the Board should move forward at this time. He said that The Times is approaching its 125th year as the newspaper of record in this County, and they submitted a competitive bid, there was a protest which was later dropped. Mr. Adlerstein said that the Times doesn't take this job lightly, is very dedicated to the community, produces a quality product for the citizens, and is circulated to many more residents than the Chronicle, therefore the Board will be getting the information out to more citizens, but didn't want this to become a "personal" issue.

Russell Roberts, of the Franklin Chronicle, thanked the Board for considering rebidding the project but stated that the Chronicle cannot compete with the prices presented by The Times; therefore a rebid wouldn't change anything. Commissioner Jackel asked if the bid price was for display ads.

Attorney Shuler explained to Commissioner Jackel that ads are calculated at a cost per square inch.

Mr. Adlerstein clarified how The Times determines the cost for the ads, which is an across the board cost for all County ads.

Attorney Shuler confirmed that his interpretation of the submitted bid was the same as explained by Mr. Adlerstein, and The Times are obligated to the prices submitted in the bid as they had the opportunity to withdraw the bid at any time before the opening.

Mr. Adlerstein said The Times submitted this same amount to the Tax Collector when he requested bids for advertisement.

Motion by Jackel, seconded by Sanders, to award the bid to the Apalachicola Times as lowest responsive bidder; Motion carried 4-1, Lockley opposed.

3. Clifford vs. Franklin County

I need Board approval to accept service of process. This matter involves a claim by Elizabeth Clifford that Franklin County is responsible for foot burn she received on the public beach on St. George Island in April 2008.

FACT has already assigned Bill Warner to represent the County in this lawsuit. I will be working with him to the extent he so requests.

BOARD ACTION: Motion authorizing me to accept service of process in this lawsuit.

Motion by Sanders, seconded by Lockley, to accept service of process in lawsuit filed by Elizabeth Clifford; Motion carried 5-0.

Commissioner Putnal questioned why Attorney Shuler was not defending the County in this lawsuit and Attorney Shuler explained that the insurance company was providing counsel free of charge.

4. Wells Fargo Bank vs. Esta Helms and Franklin County (no case # provided)

This is another foreclosure case. The property in question is located in Lanark Village. The principal balance of the mortgage is \$88,000.00 and it is recorded in OR Book 858, page 507. The County fire tax liens are recorded in OR Book 939, Page 590 and OR Book 907, Page 122, and total \$84.00.

BOARD ACTION: I recommend that the Board authorize me to accept service of process and allow a default judgment to be entered. This means that Franklin County will not be paid for its fire tax liens.

Motion by Lockley, seconded by Sanders, to accept service of process and allow a default judgment to be entered in Wells Fargo Bank vs. Esta Helms case; Motion carried 5-0.

INFORMATIONAL ITEMS

5. St. George Island Central Sewer Plant

A. On May 28, 2009, I was informed that Mr. Brown's company had withdrawn its Motion for Variance from part of the Administrative Rule and PSC Forms. Essentially, the motion sought to speed up the process by asking the PSC to issue the permit before certain types of information necessary to determine rates and charge were available. The hearing on this motion scheduled for June 15, 2009 will not occur.

B. On May 19, 2009, the Board authorized me to hire a utilities attorney. I spoke with Mr. Atkinson and Mr. Armstrong, the two utility attorneys I mentioned to the Board. Mr. Atkinson, with the firm of Ortel Hoffman in Tallahassee, indicated that his hourly fee would be reduced to \$250 per hour and his associate's hourly fee would be \$200. Mr. Armstrong, with the Nabors Giblin firm also in Tallahassee indicated that his hourly fee would be reduced to \$150.00 per hour. I hired Mr. Armstrong as the best attorney at the best hourly rate as directed by the Board. Mr. Armstrong filed Franklin County's Petition Objecting to the sewer plant application.

Commissioner Sanders expressed concerns about Brian Armstrong representing the County because of the history he has with the Board when he represented the Lanark Village Water & Sewer district previously and because the residents of Lanark Village would not be comfortable with this situation and she could not support allowing Attorney Armstrong to represent the County. Commissioner Sanders also expressed her concerns regarding the amount of emails the Board is receiving concerning the central sewer plant on St. George Island and asked for Board action to send Mr. Gene Brown, of Water Management Inc., a letter asking him to hold off on his application to the PSC until the Board is able to gather more information regarding the plant, which would also allow Attorney Shuler time to hire a different utilities attorney. Commissioner Lockley stated that Attorney Shuler did exactly what the Board instructed him to do, which was to hire a good utility attorney for the least amount of money.

Commissioner Sanders said if Mr. Brown would hold off on his application to the PSC for 6 months that will give Attorney Shuler more time to hire a new attorney, who doesn't have any history with the County.

Chairman Parrish echoed Commissioner Lockley's statements that Attorney Shuler did exactly what the Board instructed him to do, find the best utilities attorney for the best price available, and under the circumstances of a time shortage and budget concerns, he believes Attorney Shuler did the best he could in finding a utilities attorney. Chairman Parrish was happy that Commissioner Sanders was recommending that the Board ask Mr. Brown to delay his application to the PSC, as he has also received an overwhelming amount of emails against this idea of a central sewer plant.

Attorney Shuler asked the Board if a different attorney from the same firm would be acceptable to represent the County at the PSC.

Commissioner Jackel said she believed that if the same firm was used that Mr. Armstrong would be involved in the process.

Commissioner Sanders asked Attorney Shuler to use a completely different firm.

Motion by Sanders, seconded by Jackel, to instruct Attorney Shuler to write Mr. Gene Brown a letter asking him to delay his application to the PSC Board for at least 6 months and direct Attorney Shuler seek a different firm, other than Brian Armstrong, to represent the County regarding Mr. Gene Brown's application; Motion carried 5-0.

6. Okaloosa Interlocal Hazardous Waste Agreement

I have reviewed the contract and forwarded it to Mr. Johnson with an addendum clarifying that the term of the agreement, like the last agreement, is for a five year term and that Franklin

County's financial guarantee is capped at \$5,000.00 per year. The agreement as submitted had no such cap.

7. County Bid Policy Waiver

On May 19, 2009, you agreed to purchase handicap playground equipment for Kendrick Park in Carrabelle and waive your bid policy. I find no state statute requiring that the county must competitively bid such a purchase. Although your bid policy requires such bidding, it is your policy and you may waive it. I am informed that the public benefit in this instance comes in the form of cost savings which occur by piggy backing this purchase onto an existing project by this same company while they are at the park will result in savings as they are already staged.

8. FEMA Funding of Existing Dirt Roads in the National Forest

On May 19, 2009, Mr. Pierce informed you that FEMA is questioning why it should reimburse Franklin County for repairs made to a number of dirt roads in the National and State Forest, such as Brickyard Road, Bloody Bluff Road and McIntyre Road. There are probably two dozen other roads impacted by this issue.

FEMA has asked for documentation of county ownership of such roads, but there probably is no such documentation.

The list of roads was generated by Mr. Chipman and indicates the roads maintained by the County.

The Board will want to consider this issue upon Mr. Pierce's return.

9. School Board Buses

I have contacted the School Board's attorney, Mrs. Sanders, concerning the issue whether their insurance policy will cover the school buses when they are used for hurricane evacuation. I am waiting on a reply from the school board.

10. Florida Fish and Wildlife Commission

Attached is a letter from the Commission concerning the handling of Class I and II Captive Wildlife Facilities.

11. Lobbying by Former Local Officials

Attached is my memorandum concerning lobbying by former local officials before the County Commission. Essentially, former local officials may not act as a paid lobbyist for third parties within two years of the end of their term.

12. Eastpoint Nursing Home

Attached is the May 5, 2009 letter from Dr. Randolph, whose company owns the old nursing home, indicating that he is working on boarding up the property. The letter speaks for itself.

13. Chambers Bank (Old Miller Junkyard)

Attached is the May 12, 2009 letter from attorney John Lovett on behalf of Chambers Bank indicating that they will meet with Commissioner Jackel the first week of June 2009 to discuss clean-up issues.

Discussion – Airport Land Purchase (11:25 AM)

Chairman Parrish stated that he requested that this item be placed on the agenda because of the number of inquiries he has received from residents on this issue.

Mr. Al Mirabella, representing the Airport Advisory Board (AAB), presented a new proposal from the property owner, changing the purchase price of the property for the protection of the safety zone of the approach of runway 13-31 to \$9,000 per acre. Mr. Mirabella said the money is already available but the AAB need Board approval to purchase the property which would be a 3 phase project with a total of 70 acres.

Chairman Parrish asked Mr. Mirabella to verify, which he did, that the purchase of this property is for the protection of the approach to runway 13-31, there will be no extension of the runway, and it is protection from any type of construction being done on this property.

Mr. Mirabella stated that the purchase of this property was suggested by the FAA, not the County or the Airport Advisory Board.

Chairman Parrish addressed the issue of this property being branded as wetlands. Chairman Parrish stated that approximately $\frac{3}{4}$ of Franklin County would be considered wetlands and any large parcel would probably include wetlands, and if the County bought this land and some of it was designated as wetlands, it might be able to be used as mitigation at a later date.

Chairman Parrish and Mr. Mirabella discussed the new price offered by the seller which was reduced to reflect a price that was on the low end of both appraisals and that the FAA, not the property owner, asked the AAB to purchase this property.

Commissioner Putnal was concerned that if this property wasn't purchased using the grant funds that was available, at some point the FAA might require the County to purchase this property and there will be no grant funds available to assist the County with the purchase. Commissioner Lockley also supported purchasing this property while grant funding is available. Chairman Parrish said this is the only approach left at the airport that can be protected without going into eminent domain with other property owners.

Mr. Mirabella said if the airport doesn't get this 1st phase they won't get the other 2 phases either, therefore the County would lose \$631,000 in grant funding and the attempt to buy this land has been going on for about 3 years now.

Randy Randolph who utilizes the airport and whose father, Cleve Randolph ran the airport for over 40 years, discussed utilization of the airport and asked the Board to purchase this property because there is a need for this buffer.

Motion by Lockley, seconded by Putnal, to approve all three phases of the property purchase proposal to protect runway 13-31 at the Apalachicola Airport; Motion failed 2-2, Sanders and Jackel opposed, Parrish abstained.

Commissioners' & Public Comments (11:35 AM)

Commissioner Jackel stated that she is working with Mr. Pierce on some options that would provide additional parking at the Eastpoint Boat Ramp and once Mr. Pierce is back from vacation a follow up would be done and these options would be presented to the Board. Commissioner Jackel stated that she attended the Franklin Promise Meeting this past week and enjoyed learning more about what they do for the citizens of Franklin County and commended Andy Buchleitner and Beverly Connors for keeping the Board up to date on what is going on and thanked them for what they do for the County. Commissioner Jackel recognized her Church's Pastor, Casey Smith, and stated that she hopes to see him at future meetings. Commissioner Jackel asked Attorney Shuler for an update on Mr. Ken Cozey's re-plat request to merge two lots in the Plantation, on St. George Island, as Mr. Cozey was under the impression that he would need the signature of every property owner in the Plantation in order to merge the two lots and separate from the Plantation. Attorney Shuler said he would need to speak with Mr. Cozey to know what the question is before he could give an explanation and explained that Planning and Zoning is preparing documents in their office for a technical review and once that is completed he will do his legal review. Commissioner Jackel asked to be kept informed on the progress of this request.

Commissioner Lockley stated the importance of Polaronis Construction completing the Eastpoint boat ramp project as soon as possible because the oyster summer bar is now open. Commissioner Jackel said she believes the contractor had 75 days to complete the project so she will speak with Bailey, Bishop, & Lane, who is overseeing this project, and find out when the project is estimated to be completed, and agreed that this needs to be completed as soon as possible, especially with the overcrowding situation that presently exists.

Commissioner Sanders said she would like to schedule some Board meetings in Carrabelle and asked Mr. Michael Morón to assist her with this request. Commissioner Sanders reminded everyone that the next regular meeting will be on June 16, 2009 @ 5:00 PM and asked that all department heads are aware of the time. Commissioner Sanders stated that she will be having knee surgery and she isn't sure how long she will be incapacitated so if she is unable to attend the meeting, she will be available by email and telephone.

Adjourn (11:42 AM)

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

Joseph A. Parrish, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts