

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
JULY 7, 2009  
9:00 AM**

**MINUTES**

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

**Others Present:** Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Linda Phillips – Finance Clerk, Michael Morón – Board Secretary, Renee Stone – Deputy Clerk.

**Call to Order (9:05 AM)**

Chairman Parrish called the meeting to order.

**Prayer and Pledge (9:05 AM)**

There was a Prayer followed by the Pledge of Allegiance.

Commissioner Sanders expressed condolences to the Sharp Family of Alligator Point for the loss of their son who was serving in the military in Afghanistan.

**Payment of County Bills (9:07 AM)**

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

Commissioner Sanders questioned Attorney Shuler concerning the invoice for Nabors, Giblin & Nickerson and asked that this item be tabled until Attorney Shuler can provide details of services rendered.

**Motion by Sanders, seconded by Putnal, to table paying invoice to Nabors, Giblin & Nickerson until details are confirmed by Attorney Shuler; Motion carried 5-0.**

**Approval of the June 2, 2009 and June 16, 2009 Minutes (9:08 AM)**

**Motion by Putnal, seconded by Lockley, to approve the minutes of the June 2, 2009 & June 16, 2009 meetings; Motion carried 5-0.**

Commissioner Jackel pointed out that there were some minor grammatical errors in these minutes and will discuss with Mr. Moron.

**Department Supervisor Report**

**Hubert Chipman – Superintendent of Public Works (9:09 AM)**

Commissioner Putnal stated that VMS hasn't maintained the ditches in Eastpoint from 10<sup>th</sup> Street to Hwy 65 for over a year and expressed concerns about the safety of drivers pulling out of driveways onto Hwy 98. Commissioner Putnal said some of the owners are cleaning the ditches out themselves and asked that a letter be sent to VMS regarding this problem. Commissioner Jackel asked that the area around 4<sup>th</sup> Street also be included in the letter but Mr. Chipman said his crew takes care of that area. Commissioner Sanders also mentioned a problem at Rio Vista with a Willow tree obstructing the road. Mr. Pierce said that should be VMS's responsibility. Commissioner Lockley discussed setting up the Tree Removal project with Mr. Chipman.

**Motion by Putnal, seconded by Sanders, to send letter or call VMS requesting that they take care of the ditch and tree issues in Eastpoint; Motion carried 5-0.**

Commissioner Sanders asked Mr. Pierce to send a copy of his letter to Mr. Jimmy Rogers, Interim Secretary of District 3. Mr. Pierce said he has problems getting a response from VMS.

Commissioner Sanders said C.W. Roberts contacted her and wants to be sure that they will be able to put scraps, from shaving the road, at the pit in Carrabelle once they begin the paving project and asked Mr. Chipman to please contact Andy Bailey, of C. W. Roberts, about this matter.

Commissioner Sanders said the Emergency Management Director informed her that Alligator Point Water Resource District (APWRD) needs some type of radio to be able to have communications in the event of a storm and asked Mr. Chipman if he has spare radios that the APWRD can use. Mr. Chipman stated that he has 2 radios that they can use.

**Motion by Sanders, seconded by Putnal, to allow APWRD to acquire 2 radios from Mr. Chipman and have APWRD be responsible for all cost related to activating the radios; Motion carried 5-0.**

**Van Johnson – Solid Waste Director (9:17 AM)**

Commissioner Putnal submitted a document to Mr. Johnson asking for help repairing the fields for the All Star Team, who is practicing at Vrooman Park to go to State Tournaments.

Commissioner Sanders asked Mr. Johnson if there is still a County Inmate Work Crew who helps with the parks and he said there is a work crew.

Mr. Pierce explained that he discussed, with the Warden, the availability of inmates after the State transfers their inmates from the County jail and was told that there will be additional inmates at the work camp for the County. Mr. Pierce discussed this matter further.

Commissioner Putnal and Mr. Johnson discussed an issue with the overflow of garbage at the Carrabelle Beach Park during the July 4<sup>th</sup> Weekend. Mr. Johnson recommended hiring more people to work the parks on the weekend.

Commissioner Jackel asked if the County could agree to have additional staff on duty during holiday weekends, especially because of the additional visitors and tourists, to keep the beaches clean which would avoid the possibility of trash getting into the water or the roadside.

**Motion by Jackel, seconded by Putnal, directing Mr. Johnson to research the possibility and cost of hiring additional workers for beach clean up on holiday weekends; Motion carried 5-0.**

Commissioner Putnal expressed some concerns of Mr. Johnson's department only having one mechanic on duty, since the other mechanic Mr. Leonard Brannan, was out with a knee injury. The Board discussed this matter further and recommended that Mr. Johnson temporarily transfer a County employee from their current duties to assist with the mechanic duties while Mr. Brannan is recuperating.

**Motion by Putnal, seconded by Sanders, authorizing Mr. Johnson to temporarily transfer a County employee from their current duties to the County garage to assist with the mechanic duties until Mr. Brannan is able to return to work; Motion carried 5-0.**

**Dan Rothwell – County Engineer (9:25 AM)**

*1. BOARD ACTION: Eastpoint Boat Ramp Invoice to Poloronis Construction: Staff request approval to pay invoice for \$54,531.10 where balance due is \$55,379.58 of the current contract amount to date of \$295,675.89 for construction.*

Commissioner Putnal told Mr. Rothwell that Tracey Carroll had contacted him and explained to him that because of the way the ramp drops down at the water's edge it caused his trailer to lose an axel while he was pulling his boat out of the water. Mr. Rothwell said he would get with the contractor and find out how this problem can be resolved within the contract amount.

Commissioner Jackel said she had spoken with Mr. Poloronis about putting material there to prevent a problem before this incident occurred, but she wasn't sure if he had done that as of yet. Commissioner Jackel cautioned that funding for this project is just about depleted so asked the Board to be careful when asking for extra work to be done. Mr. Rothwell suggested having Poloronis Construction use scrap concrete that the County has stored.

**Motion by Jackel, seconded by Sanders, to authorize payment of the invoice to Poloronis Construction; Motion carried 5-0.**

Commissioner Sanders suggested that the County resolve this issue before other boat ramp projects begin.

2. *BOARD ACTION: Gulf Beach Drive Resurfacing Project:*  
*Staff requests Board approval to allow the Chairman to approve a change order for \$88,363.40 for additional asphalt.*

**Motion by Jackel, seconded by Sanders, to approve the change order; Motion carried 5-0.**

Commissioner Lockley asked if the paving projects had begun. Mr. Pierce said they were to begin paving on the East end Monday but had not started because of the rain and also commented about milling to be done for resurfacing on Hwy 98 where repairs were done to the revetment.

3. *BOARD ACTION: Gulf Beach Drive Resurfacing Project:*  
*Staff request approval to pay the final invoice for \$332,104.34 of the original contract amount of \$1,472,760.60.*

**Motion by Jackel, seconded by Sanders, authorizing payment of the final invoice on the Gulf Beach Drive resurfacing project; Motion carried 5-0.**

4. *933 East Gulf Beach Drive Drainage Project:*  
*Construction of 3~ 8" PVC stormwater pipes have been installed under the bike path and the drainage ditch for percolation has been revised and completed.*

5. *East Gorrie Drive @ E 6<sup>th</sup> Street Drainage Project:*  
*Topographic survey and plans have been completed, yet final recommendations are to be made once East Gorrie Drive shoulder work has been completed and the results evaluated.*

6. *South Franklin Blvd Drainage Shoulder Work:*  
*The Road Department has completed work on the east shoulder of Franklin Blvd at West Gulf Beach Dr to eliminate ponding on the road surface which increased flows to the new drop boxes on West Gulf Beach Dr.*

*7. Weems Hospital Drainage Project:*

*Weems Hospital Drainage drawings should be completed this week and the plans forwarded to the Hospital Administrator along with the bill of materials and construction cost estimate.*

*8. Road Resurfacing Project Culvert Inspections:*

*Districts 2 and 5 have been completed and recommendations will be reported to the district Commissioners and to the Engineer of Record this week*

*9. Ochlockonee Boat Ramp Permits:*

*The Florida Department of Environmental Protection permit has been received and we are waiting for the U.S. Army Corps of Engineers and National Fisheries permit before the project may proceed.*

*10. Indian Creek Park Permits:*

*The Florida Department of Environmental Protection permit has been received and we are waiting for the U.S. Army Corps of Engineers and National Fisheries permit before the project may proceed.*

Dan Tonsmeire, of the Apalachicola Bay and RiverKeepers, while updating the Board on the Indian Creek project, stated that there was a re-bid on the project and they now have 3 qualified bidders, but they do not have adequate funds to fund the project based on the bids received. Mr. Tonsmeire stated that there is a good probability of negotiating with the lowest bidder to do a portion of the work and accumulate funds to complete the entire project by the end of the year. Existing funds will be used to reshape & stabilize the shoreline and put in the breakwater, and the landscape design and planting should be completed by November. Mr. Tonsmeire said the low bidders were Greenpoint Construction, to excavate the fill, Coastline Construction to construct the breakwater and do grading and erosion control, and BCL to do the landscape design, but they wouldn't be pursuing the landscape design at this time. Commissioner Lockley asked where the bidders were from and Mr. Tonsmeire said that Greenpoint Construction and Coastline Construction were both local companies. Commissioner Jackel was glad to see that local companies' submitted bids were the lowest responsive bids.

Mr. Rothwell said permitting on this project was half finished.

Mr. Tonsmeire said FWC was sending information to give the clearance for the project.

Commissioner Jackel said it was the same type of permitting required for the Eastpoint Boat Ramp project and the key is to call every week to track progress, which helped in expediting the permit process for the Eastpoint Boat Ramp. Commissioner Jackel told Mr. Tonsmeire that she would forward the contact information to him.

**Pam Brownell – Emergency Management Director (9:35 AM)**

*Information Items:*

- 1. The U.S. Forest Road Agreement entered into by Franklin County on July 1, 2009, has been signed and sent to FEMA.*
- 2. Our office has redesigned the I.D. badges so they are more unified. We need the county agencies to schedule with Mike Rundel, for times to have their employees badges re-made.*
- 3. The Emergency Management office now has a notification system in place. Citizens need to go to the web-site <http://www.nixle.com/> to sign up for notification by e-mail and text messaging. This is free to the county and the only cost to citizens will be whatever text messaging plan they have with their carriers.*
- 4. I attended a Special Need meeting in Leon County on June 25, 2009 to coordinate with Leon County for the sheltering of our special need citizens in Franklin County.*
- 5. The Franklin County Local Mitigation Strategy Task Force is holding and public hearing located at Eastpoint Firehouse on July 20, 2009 at 6:00 p.m. This is to give the public a chance to hear purposed strategies and to finalize the updated document.*

Commissioner Sanders asked if Mr. Mike Rundel had the information for the numbers for the corn hydro letter, as Liberty County is waiting for this information and she doesn't want it go by the wayside. Mrs. Brownell said that Mr. Rundel was waiting for a response from Mr. Ben Nelson.

**Bill Mahan – County Extension Director (9:37 AM)**

Mr. Mahan was attending 4-H camp.

Commissioner Putnal said FWC is in the process of closing the commercial and recreational Grouper season for next year and suggested that the County send a letter stating that the County opposes this action because it would affect tourism and further hurt the County's economy. Commissioner Putnal felt that FWC should be considerate of the economy and lighten up on some of their rules.

**Motion by Putnal, seconded by Sanders, to write FWC a letter stating the County's view on this action and consider keeping the grouper season open next year; Motion carried 5-0.**

**Open Bids for Recycle Containers (9:38 AM)**

Alan Pierce opened and read the bids.

RDK Truck Sales - \$23,000  
ProTainer - \$16,800

Commissioner Lockley asked if there was a bid bond, but Mr. Pierce said there wasn't a bid bond for either bid so it's possible Mr. Johnson did not require one.

**Motion by Sanders, seconded by Lockley, to forward the bids to Mr. Johnson for a recommendation; Motion carried 5-0.**

**Open RFP's For Lease of Commercial Paint Hanger at Airport (9:43 AM)**

Mr. Pierce explained that the purpose of these proposals is to find out first the cost of building the empty hangar, then the cost of the two alternates which is a paint hangar insert or office space, and Mr. Lee Lewis, of AVCON, is here explain the project and RFP in further detail along with options.

Skyway Ventures out of Valdosta, Georgia and A.I.A.T.C, out of Apalachicola, both submitted letters expressing interest in a lease.

Lee Lewis, of AVCON, presented information and drawings for the design of the proposed paint Hangar project to the Board, but expressed his concerns of making sure that there was sufficient interest in a paint hangar before any investments were considered or made and that the project would be acceptable to DOT, which would require some fair market value as a condition for rewarding the grant. Mr. Lewis said he will be working with the Airport Advisory Committee and looking at the letters of interest to be sure they can make a recommendation to the County, explained that the building would be 140 x 80 and a total of just over 11,000 square feet and proceeded to present the drawings to the Board and explained that there would be a bid package with 4 separate bid items. These items are:

- 1) Site work – would include the parking lot, drainage pond and sight utilities.
- 2) Price of the building – would include everything inside the building and full build-out.
- 3) Bid Alternate 1 – Paint booth insert, which is a commercial use facility & will take up roughly half of the building.
- 4) Bid Alternate 2 – Office spaces.

Mr. Lewis reminded the Board that DOT is funding this project and there will be no cost to the Board, but DOT had taken back \$150,000 of the grant money. Mr. Lewis said they have spoken with several contractors to be sure that the base bid would be within the budget and the contractors have indicated that because these are very competitive times, this is the best opportunity for the County to get this building completed.

Commissioner Lockley said the County needed to move forward with project before we lose any more of the grant funds.

Commissioner Putnal inquired into the location of the nearest Paint Hanger which would affect the demand for this type of facility. Mr. Pierce mentioned several different location that have Paint Hangers, none of which are within a close distance of Franklin County. Mr. Pierce stated

that he had spoken with a representative from Fort Rucker Military Base Helicopter section and they were interested in the paint hanger, but they won't agree to a contract until they can see the facility; the problem is the County will not build the paint hangar facility unless there is enough interest for its use. Commissioner Putnal agreed that there needs to be substantial interest for the use of the paint hangar before it is built, although based on a conversation with Mr. Bill Ruic, the paint hanger is a big opportunity to put local people to work.

Bill Ruic, of Apalachicola Airport Operations, said the airport requested this Paint Hanger two years ago, and even though the aviation industry is in a downturn, there is going to be a need for this type of facility because many of the aircrafts that have not been in use for a while will need to be re-painted and have their interiors re-done. Mr. Ruic said building this facility now will give the County a head start and an advantage for employment opportunities for local citizens. Mr. Ruic also stated that there are local residents, Connie & Andrew Johnson, that will help teach people how to sew and make the interiors for the aircraft, there are local vocational schools that offer courses for other professions, and he expressed hope of having this turn into a place for aircraft companies to locate their businesses and provide long-term jobs for residents, with decent salaries and benefits. Mr. Ruic gave a list of names and companies, who are supportive of this project, wants the hangar designed in accordance with what they need for government contracts, and there are companies interested in this facility but they won't commit until they can look at the facility and grade and check the employees. Mr. Ruic believes there is hope for a huge facility in the future that will employ 400 people.

Mr. Ruic did admit the funding needed for this project is not yet available, but if the facility use is listed as industrial use instead of commercial use there would be additional funding for the project.

Mr. Pierce said the County would have to depend on private sector funding to complete the paint operation portion of the hangar.

Commissioner Sanders said until there is financing available, the County can't do it and Mr. Pierce agreed.

Mr. Ruic discussed his history and progress with the Apalachicola airport.

Commissioner Jackel asked about possible clients for the paint hangar portion of the building.

Mr. Lewis stated that they have researched the demand for the hangar and spoke with a number of operators who indicated if they had a competitive price for the hangar space, even if they were off site, they could use it for storage but didn't find much interest in the paint operation. Mr. Lewis does believe what Mr. Ruic is proposing will be a wonderful asset to this community to create jobs and they are trying to gear everything they have done in a direction that will accommodate what he has suggested, but DOT said that the last thing they want to do is help the County fund or construct a hanger that sits empty, so they are going to be willing to provide some flexibility as to how they define fair market value on the hanger space. Mr. Lewis said that to encourage tenants, the lease rates will be competitive and believes there will be a demand for the space. Mr. Lewis explained that there is enough funds to build the hangar without any of the alternatives, paint operation or office space, and believes DOT will replenish the \$150,000 that it took, but he isn't sure when.



Commissioner Putnal wanted everyone to be aware that the County does not have funding in its budget to make up for any of this project's shortfalls. Mr. Lewis agreed that this project is on a tight budget but it is important to get some type of feel of the pricing for the paint operation or office space portions of this project.

Commissioner Lockley asked if there had been any interest in the leasing of office space. Mr. Lewis said, going back to the beginning of the year, there had been interest in that area but there are no signed leases at this time.

Commissioner Jackel asked if DOT taking back the \$150,000 from the grant created the problem of the County not having sufficient funds to complete the hangar project. Mr. Lewis said it did. Mr. Ted Mosteller informed Commissioner Jackel that the County has had the funds for this project for over a year. Commissioner Jackel stated that the County had the funds for almost two years and questioned why the project isn't further along than what it is. Mr. Mosteller said because there wasn't a tenant in place, the Commission wasn't amenable to building a spec building, but we are now at the point that the funds will be lost if the building isn't built soon. Commissioner Jackel asked if there were tenants interested in leasing the building as soon as it is completed. Mr. Mosteller said there are 2 tenants who are interested right now.

Commissioner Jackel and Mr. Mosteller discussed the lease information and exactly what is going to be built with the paint hanger further.

Mr. Pierce, summarizing the discussion, said there is enough money available to build the hanger but not the paint booth insert so there is a need for private sector or a partner to fund the installation of a paint booth and questioned why build the paint hanger until someone is going to finish and use it. Mr. Pierce stated that Mr. Ruic's plan doesn't have enough details for the County to proceed.

Commissioner Sanders wanted it verified that there was enough in the budget to complete the hangar without any of the options. Mr. Lewis confirmed that there are enough funds.

Commissioner Sanders and Mr. Lewis discussed the administrative and engineering costs associated with this project and concluded that there should be enough money to cover the building and the other costs.

Chairman Parrish said there is enough to construct the building but the change in engineering firms delayed the project, but with the change in firms he hopes that jobs will be created at the airport and hopefully the paint booth and office space will play a role in this job creation.

Commissioner Putnal repeated that it is important to build this building, but he wants it to be clear that the County can't fund any of the cost of this project.

Commissioner Lockley recommended moving forward with the building, and when possible the paint hangar, because it will put people to work.

Mr. Ruic asked that the new hangar be built next to the current hangar for convenience purposes.

Commissioner Lockley asked if Mr. Ruic's request was possible or feasible. Mr. Lewis explained that changes to the current plans would have to be made, and discussed with Commissioner Lockley in further detail the location of the Hangar.

Commissioner Jackel asked if AVCON is recommending Mr. Ruic's plan to the Board. Mr. Lewis said he would like to review both proposals closely before making any recommendation,

suggested maintaining the schedule to open the bids for constructing the hangar with the Paint Booth alternate and office space alternate on August 4<sup>th</sup>, have the County award the bid to the lowest bidder, and proceed with construction by the end of August because of a deadline with one of the grants.

Commissioner Jackel asked Mr. Lewis to provide the Board with a break down of numbers for grant amounts, administrative fees, construction design, and project management fees at the next meeting so they will have more information. Mr. Lewis said he would distribute that information to the Board.

Mr. Pierce said there is already a schedule in place to advertise and open bids on August 4<sup>th</sup>. Commissioner Sanders said she wanted more information and details about how this is going to provide jobs for the County.

There was further discussion on this issue between all parties involved.

**Motion by Lockley, seconded by Sanders, to forward the RFP's opened today to Lee Lewis, of AVCON, for a recommendation at the August 4<sup>th</sup> meeting; Motion carried 5-0.**

**Gathana Parmenas, Red Cross, discuss Shelter situation in Franklin County (10:39 AM)**

Ms. Parmenas, of the Red Cross, distributed the new Hurricane Guide to the Board and explained that the reason there is no shelters in Franklin County is because there are no buildings with roofs that have acceptable ratings and there is no way to get needed supplies in to the County if there has been severe damage to the roads leading in and out of the County.

Ms. Parmenas said the hurricane guide shows where shelters are located in surrounding Counties, mentioned that special need citizens should contact the EOC to let them know that they are in need of special assistance, and suggested that everyone read the guide and become familiar with them. Ms. Parmenas recommended that everyone have their own plan but adhere to instructions from Emergency Management Officials, and stated that the guide is full of information and links to emergency websites.

Commissioner Sanders reminded the Board about her suggestion to create an agreement and partnership with Gadsden County to provide a shelter for Franklin County residents and discussed the benefits of this plan and hoped that the Red Cross would support it.

Commissioner Jackel said she also spoke with Audrey at Governance about stimulus funds for building or leasing a structure that could be used as a hurricane shelter in the County.

Ms. Parmenas said that using pre-existing buildings or strengthening existing buildings up to hurricane standards is a good way to save money.

Chairman Parrish said he spoke with members of the Gadsden County Board about a hurricane shelter and they requested that Franklin County send a letter requesting the partnership. The Chairman stated that he spoke with Scott Maddox, of Governance, who said he would look into availability of stimulus funds as the Counties partner together.

**Motion by Jackel, seconded by Sanders, to send letter of intent to partner with Gadsden County to provide an emergency shelters during storms for Franklin County residents; Motion carried 5-0.**

There was further discussion by the Board and Ms. Parmenas on the need for a plan to provide a shelter.

**Marcia M. Johnson – Clerk of Courts – Report (10:49 AM)**

Mrs. Johnson presented her report.

*Item 1 – I want to clarify my remarks from the last meeting regarding the Carrabelle Health Department building. In listening to Mr. Wesley Tice, Administrator of the Health Department, it was my understanding he was reporting to the Board that he'd made an administrative decision, based on budgetary reductions, to close the Health Department's operations in Carrabelle. I re-listened to the tape from the meeting, and Mr. Tice even said he wasn't asking for money. I'm sure this wasn't an easy decision for Mr. Tice.*

*Based on my knowledge as the Board's financial officer, and in communications with the Health Department's personnel, I pointed out that I'd reported to them the County wasn't financially able to assume that expenditure. This also comes from conversations I've had with the Commission in which you have expressed concern about budget reductions we will face in the next year. Budget revenue reduction is a reality we must deal with, and I just can't see where the County can start making up the shortfalls that other agencies are experiencing. We have enough State mandates already on local governments that are required yet not funded.*

*The County (population 12,300) is now subsidizing the Health Department at approximately \$126,000 or \$10.24 per capita. We also budget separately \$20,000 for maintenance, and we also pay for the insurance for the buildings, insurance for the vehicles, and insurance for the boat. Before I was elected Clerk, the Board agreed to fund the Health Department in order to have the doctor (who was also the administrator) in the County five days a week thereby funding part of his salary. Later, the Board agreed to add to the subsidy to provide the salary for a custodian since the county does own the buildings. In more recent years, changes were made and the subsidy is used for custodial and administrative duties as opposed to the doctor's supplement. I can't see allocating additional funds to subsidize a non-county, state- operated facility at this time.*

*Here's a breakdown of surrounding counties and their support of their health departments:  
Gulf (population 16,900) budgeted \$130,000 for operations at their health department - \$7.69 per capita  
Wakulla (population 30,700) budgeted no money for their health department  
Leon (population 275,000) budgeted \$237,000, which supports utilities and a custodial contract*

*as well as a mental health services contract (we have a separate budget item for mental health here) - \$.86 per capita*

*Liberty (population 8,100) budgeted \$46,000 - \$5.68 per capita*

*Calhoun (population 14,300) budgeted \$30,000 - \$2.10 per capita*

*Gadsden (population 50,600) budgeted \$100,000 - \$1.98 per capita*

*Jefferson (population 14,500) budgeted \$18,000 but it is for a mosquito control program - \$1.24 per capita*

*Jackson (population 52,000) budgeted \$209,000 & is reimbursed for vehicle insurance - \$4.02 per capita*

*When I made my remarks, they were with the understanding the Health Department was closing its operation and the building would be vacant. I certainly don't want to see the people in Carrabelle without health care. I am committed to all the citizens of this county, and I care about the people in Carrabelle. I said then, and I stand by it now, that speaking from a financial standpoint, it would be more feasible to use that empty building to house the Weems Urgent Care Facility than to construct a new building next door. The County could modify the existing health department building to fit the needs of the Weems facility. The money saved could be used to enhance the services offered county-wide. At the same time, the Health Department could be allocated several rooms to offer those services they perform that Weems doesn't. Again, Mr. Tice reported he was closing the facility, wasn't asking for money, and following my suggestion would save the county money while also allowing the health department operations to continue to provide services to the people in the Carrabelle area.*

*I wasn't trying to create an east-west issue or diminish the needs for the citizens of the Carrabelle area. The Health Department agreed to offer adult primary care services at a time when Dana Holton was no longer in business to meet the need and there wasn't a doctor. Our Health Department traditionally hasn't offered adult primary care services, but focused on pediatric and public health issues. Weems is now available, has doctors on staff, and does offer adult primary care in Carrabelle. Our Hospital and our Health Department should not be in competition with each other for business but should compliment each other. Besides, if the county budgets additional funds now are there a guarantee the health department will remain in operation a year from now?*

*Commissioner Putnal was concerned about people not being able to travel to Apalachicola. We have Croom's Transportation which offers services to the transportation-disadvantaged. They also receive a subsidy from the County, so perhaps the Health Department could work out some type of agreement with them to provide transportation for those people without the means themselves.*

*Our hospital is moving forward with plans for the construction of the new facility and paying engineers or architects and schedules are on-going. I've presented the Board with a different option, and I'd ask that you make a decision as soon as possible because time is of the essence.*

*If the Health Department Building is going to be vacated, it's my recommendation we renovate it to accommodate our Weems facility, thereby saving money.*

Commissioner Jackel asked when the Commissioners will receive their budget books and if she has any figures on the final budget. Mrs. Johnson replied that the budget books will be available on July 15<sup>th</sup> and the Finance Office is still waiting for information from some of the departments to be turned in.

Commissioner Lockley recommended scheduling a workshop with the Health Department, Weems Hospital, and the Board to discuss what can be done to help the Health Department in Carrabelle.

Commissioner Putnal expressed the importance of the clinic in Carrabelle, said that the clinic had seen 2,000 patients since the beginning of the year, and those people probably will not get health care if the Carrabelle clinic is closed. Commissioner Putnal did not agree with Mr. Tice's comment at an earlier meeting that Weems Urgent Care and the Carrabelle Clinic were competing with each other in Carrabelle. Commissioner Putnal mentioned that the Health Department in Apalachicola is within walking distance from the hospital and the Carrabelle Clinic is vital to the citizens.

Commissioner Sanders said Commissioner Putnal and Kendall Wade, the previous Clerk of Court, worked hard to have the Carrabelle Clinic opened in Carrabelle and said that she called the Department of Health in Tallahassee and was told that the Department would honor the wishes of the Board. Mrs. Johnson, who also spoke to the office in Tallahassee, agreed that the wishes of the Board would be followed if the Board subsidized the Health Department.

Commissioner Sanders did not agree with Mrs. Johnson and said that the officials told her the Carrabelle Branch would remain open whether the County provided funding or not and stated that the Board might have to use the interest in general funds that was recently ear-marked for the Clerk, but would not make that determination until she saw the final budget.

Commissioner Sanders said that she had requested \$50,000 to be put aside to help keep the Health Department Carrabelle Branch because it provides an essential service to the people on the eastern end of the County, and discussed this matter further.

Mrs. Johnson stated that if the Board funds the Health Department, which is a State run agency, it will open the door for other State agencies to seek county funding, and believes it is the Department of Health's responsibility to fund their operations. Mrs. Johnson questioned how the Board is going to cut County departments when they are subsidizing a State agency. Commissioner Sanders discussed how the Board kept Weems hospital opened for several years ago by taking funds from other County funds.

Mrs. Johnson stated she is not suggesting or recommending that the Carrabelle Clinic is closed; she is proposing that Weems assume responsibility of the building and provide space for the Health Department to operate and as the County's Finance Officer it is her responsibility to discuss or make recommendations regarding financial matters in the County.

Commissioner Putnal said he will do whatever it takes to keep the Carrabelle Clinic open because people from throughout the County utilize the facility.

Commissioner Lockley believes the workshop will be very productive and will help everyone to agree to the best solution.

Mrs. Johnson said that the Board usually asks that the people from the State appear before the Board to discuss such issues so she suggested having Department of Health officials attend and discuss this issue.

Commissioner Putnal said Kendall Wade was instrumental in having the Carrabelle Clinic along with the Courthouse Annex opened and he doesn't want to see anyone suffer by a decision he makes to close the Carrabelle Clinic.

Mrs. Johnson stated that she brought this information and recommendation before the Board from financial reasons but is not trying to close the Carrabelle Clinic, and just wants to know where the money is going to come from to subsidize this facility.

Commissioner Lockley reiterated his recommendation for the workshop, discussed the benefits it would provide and need to have all parties involved attend, and stated that if the State doesn't have the money to keep the Carrabelle Branch open then the County has to step up to the plate to do what it takes to take care of the people on the eastern end of the County.

**Motion by Lockley, seconded by Putnal, to schedule a workshop with representatives of the Health Department, Weems Hospital, County Finance Office, and the Board on July 21st at 1:30 PM; Motion carried 5-0.**

*2. The hospital's sales tax collections for April 2009 totaled \$111,276.14. The hospital's capital fund now has a total of \$789,190.94.*

*3. The County's Auditing Firm, Carr, Riggs, & Ingram, has been in touch with my finance office regarding a new standard, GASB 45 - Other Post Employment Benefits (OPEB), which requires the County to disclose the liability for future benefits to be paid out to employees after they leave the service of the County. To try and explain, the State of Florida requires government entities to offer health insurance to retirees and in Franklin County, we pay for part of retiree health insurance premiums. By doing this, we are in effect subsidizing the health insurance costs because our premiums would be lower if only active employees participated. The difference in cost is considered to be an OPEB cost, and now, we must acquire the services of an actuary to determine Franklin County's cost difference and the amount of liability. Our audit will not be issued until the actuarial report is received by our auditors. The Actuary must be independent of the County. My office has contacted the Florida League of Cities who has agreed to act as the actuary and complete the report. Since the cost will be below the bid policy amount set by the Board, bids aren't required. I would request the Board's approval to pay the Florida League of Cities to complete this new report required as part of the audit process.*

Commissioner Putnal asked how many people are participating in the retiree program and Mrs. Johnson said she doesn't have an exact number but there are quite a few.

**Motion by Sanders, seconded by Lockley, to authorize the Florida League of Cities to complete the report; Motion carried 5-0.**

Commissioner Jackel mentioned a letter received by the Board from the City Attorney for the City of Carrabelle regarding the possible closing of the Health Department Carrabelle Branch and recommended that the County reply to this letter. Attorney Shuler said with Board authorization he would respond to the letter and state the Board position on this issue.

**Motion by Jackel, seconded by Sanders, to direct Attorney Shuler to send a letter to the City of Carrabelle's Attorney informing of and inviting him to the workshop, and clarifying the Board current position on the Health Department in Carrabelle; Motion carried 5-0.**

**Recess (11:21 AM)**

Chairman Parrish called for a recess.

**Reconvene (11:35 AM)**

Chairman Parrish reconvened the meeting.

**Alan Pierce – Director of Administrative Services – Report (11:35 AM)**

Mr. Pierce presented his report to the Board.

*1- Inform Board that the FWC has responded to the Board's request for additional hunting opportunities in Franklin County. Lt. Co. Roberson thanks the Board for the support and says a recommendation will be going to the FWC Commissioners later this year.*

*2- Inform the Board that DOT has removed 5 more pilings from the old St. George Island Bridge alignment, and has marked the entire alignment of where the pilings were.*

Commissioner Jackel asked Mr. Pierce to call and find out when the remaining pilings will be removed. Commissioner Jackel stated that even though the pilings are marked you cannot see them at night until you are on them. Mr. Pierce said from what he understood DOT had done all that they were going to do concerning the pilings.

Commissioner Putnal said DOT needs to check the North side and Eastpoint side of the channel to see if any pilings have been left in those locations.

**Motion by Jackel, seconded by Lockley, to send a letter to DOT requesting a date or timeline stating when all of the pilings that are currently marked will be removed and requesting that any unmarked pilings are marked and copies of this letter is sent to Tommy Barfield, Tommy Spates & Jimmy Rogers; Motion carried 5-0.**

*3- Inform Board and public that St. Vincent Wildlife Refuge is holding a public meeting on July 16<sup>th</sup>, 6-9 PM, at the Apalachicola City Hall to receive input for the development of a St. Vincent Wildlife Management Plan.*

Commissioner Sanders asked Mr. Pierce to let her know who the members on the Wildlife Refuge Board are, because she would like local representation on that Board. Mr. Pierce said he isn't sure if there is a committee but he will find out and let the Board know and that the purpose of the meeting is to let the public have input.

*4- Inform the Board that the City of Carrabelle has requested the county take over issuing building permits on behalf of the city. The County would issue the permits, receive the fees for the permits, and then do the inspections for the city. The City would still retain its Planning and Zoning Commission. Essentially the county would resume doing for the City what we were doing when we stopped approximately 4 years ago. Board action to allow the County Building Dept. to resume issuing building permits for the City of Carrabelle. This is projected to increase revenues by approximately \$15,000 without any additional personnel.*

The Board wanted to be sure this would not require additional employees and Mr. Pierce said that it would not.

**Motion by Sanders, seconded by Putnal, to authorize the County to resume duties of the building department of the City of Carrabelle contingent the County receiving a letter requesting this action from the City; Motion carried 5-0.**

*5- Provide Board with copies of proposed MSBU rates as requested by the Franklin County United Firefighters. The Board has a public hearing scheduled to discuss the proposed rates on Aug. 4, at 10:30 AM, during a regular Board meeting.*

Chairman Parrish asked that Mr. Pierce allow enough time on the August 4, agenda for this discussion.

*6- Inform the Board that we found the Resolution concerning the net ban that the Board adopted on March 3, and re-sent it to the Governor. Copies of the letter were put in commissioner boxes. The letter to the Governor regarding Stimulus funds was also sent and copies put in commissioner boxes.*

Chairman Parrish asked that the Board review a disc that he was given by Wakulla County concerning the net ban which could be discussed at a future meeting. Commissioner Lockley suggested if there is no response from the Governor regarding the net ban, the Coastal Counties should get together and make a joint presentation to the State.



Mr. Pierce said that the letter was sent during the Legislative Session and it might have gotten lost in the shuffle because there was no response from anyone.

*7- Inform the Board that Commissioner Putnal has asked that Governance look into a funding source he found imbedded in the Stimulus bill that might pay for programs at state public health departments. There is an allocation of \$3Billion for a prevention and wellness fund, which will provide grants for state and local public health departments, immunization programs, and evidence-based disease prevention programs. We have asked Governance to investigate and are waiting a response.*

Commissioner Putnal said there is a lot of grant money for health care stemming from stimulus funds and he believes the County Health Department might qualify for some of these funds and asked Mr. Pierce to look into this matter.

*8- Board action on future occupancy of the former School Board Admin. Building. The Boys and Girls Club is not going to use the building this summer so the Board can begin to allow the future occupier to work on what changes need to be made in the building. The Board has a copy of a letter from the Chief Judge speaking to the long-term use of the Courthouse. The county is currently paying for the Supervisor of Elections to be in rented office space. The School Board Admin building is more than large enough to accommodate the Supervisor of Elections, so does the Board have any particular requests for who else should occupy the building?*

Commissioner Sanders said there is enough room at the facility for more than just the Supervisor of Elections Office so another office might be able to move there also, and asked Mr. Pierce to provide her with a copy of the letter from the Chief Judge.

Commissioner Putnal said that if the Tax Collector moves then the Property Appraiser should also move because the two offices work hand in hand.

Mr. Pierce read the letter from the Chief Judge and there was further discussion on this matter by the Board.

*June 2, 2009*

*The Honorable Marcia Johnson  
Clerk of the Court  
33 Market Street, Suite 203  
Apalachicola, FL 32320  
Re: Concerning the Franklin County Courthouse*

*Dear Marcia,*

*As discussed previously, this letter affirms my belief that the Franklin County Courthouse is primarily a courthouse and as such, priority for its long-term use should be reserved for the court and the Clerk of Court's court-related functions. It is well established in case law that when it comes to courthouses, "the*

*primary purpose of a courthouse is for court. This primary purpose is the reason the building is called a courthouse and is defined to be a building occupied for the public sessions of a court with its various offices."*

*As you know, Franklin County is responsible for providing reasonable and necessary buildings and office spaces for the Court under Article V, section 14, Florida Constitution, and section 29.008(1 )(a), Florida Statutes. The court and Franklin County generate an estimated \$21,877.00 per year (based upon last fiscal year) to assist the county with these expenses under the provisions of section 318.18(13)(a), Florida Statutes, in conjunction with a county ordinance. Recent revisions to statute by the 2009 Florida Legislature allows us to increase this revenue if necessary.*

*We have always enjoyed an outstanding working relationship with you and your office, and I hope this letter fully explains our thoughts. Please contact me if you wish to discuss further.*

*Respectfully,*

*Charles A. Francis*

Commissioner Lockley suggested making a decision before the budget is completed so that the County isn't funding a rental office for the Supervisor of Elections unnecessarily. Mrs. Johnson suggested having a meeting with all parties concerned to discuss this matter.

**Motion by Lockley, seconded by Putnal, to schedule a workshop for County Departments and the Board to discuss who will utilize the School Board Administration Building; Motion carried 5-0.**

*9- Inform the Board that Commissioner Jackel's request to have the Pine St. sidewalk project revisited by DOT has met with success. While we are still awaiting the paperwork, DOT staff came down last week and reviewed the project and said it appeared that they could amend the Stimulus project to include connecting the Gulf Beach Drive bike path to the proposed Pine St. sidewalk.*

*10- Inform the Board that Commissioner Jackel, Sheriff Shiver, and myself, have been inundated with calls and complaints about peddling on St. George Island. In 1996, the Board adopted a Peddler's Ordinance regulating where on St. George Island day vendors could set up. The Ordinance has been in effect for 13 years, and every year the same problem re-occurs in the summer. Every summer people show up trying to capitalize on summer crowds and sell things as day vendors and peddlers. Because the space that can be used to vend is limited, and because the vendors often show up on the weekend when county code enforcement is at its weakest, there is constant tension between the tax paying business owners trying to get the vendors into compliance with the county ordinance. Upon review of the 13 years of history of the ordinance, something is clear; the only two repeat vendors are Doug McKinney and Dale Carmichael. Both sell fresh seafood in appropriate locations. The other vendors never come back a second year. This year the county has issued a total of 6 licenses.*

*My recommendation is that the county recognizes that both Doug and Dale pre-date the ordinance, and provide some sort of grandfather status to those two, and then repeal the Ordinance so that it will be clear to law enforcement who are called on weekends that peddling is not allowed anywhere on the Island. This will make enforcement so much easier. Board direction.*

Mr. Pierce said that there is a problem for law enforcement trying to get information on complaints about peddlers during the weekend because there is no clear ordinance stating the rules and he isn't always available if they try to contact him.

Commissioner Jackel said that by the time the complaint is made it's Monday morning, the weekend is gone and so is the vendor, and the damage is done to the folks on the Island who are paying rent, electricity and everything else that is required to be in business on the Island. Commissioner Jackel supported Mr. Pierce's recommendation, which they have discussed, and stated that she has gotten calls from the public concerning this issue. Commissioner Jackel said she is keeping an open mind about this but she realizes it is a problem because she has gotten numerous calls and emails about it, and the County needs to take control of County properties so that there is a positive outcome for the citizens.

Billy Blackburn, of BJ's Pizza on St. George Island, supported Mr. Pierce's recommendation and said these vendors are causing a problem with parking, they are using St. George Island business's restrooms, and all of the businesses on the Island are suffering in some way or other because of these peddlers, so asked the Board to support Mr. Pierce's recommendation.

Mr. Pierce said a public hearing would be required to repeal the ordinance.

Commissioner Putnal asked Attorney Shuler to research and be sure that it is acceptable to allow two individuals to utilize County property but not allow anyone else to do so. Attorney Shuler said he would like to do more research on this matter before he gives an opinion.

Commissioner Jackel believes that in a lot of situations where new laws are enacted, existing uses are "grandfathered" so it may be that the Board can look at meeting that standard, but if they can't, the Board still needs to move forward with repealing the ordinance.

**Motion by Jackel, seconded by Lockley, to move forward with Mr. Pierce's recommendation contingent on Attorney Shuler research; Motion carried 5-0.**

*11- Commissioner Jackel and I have been discussing ways to improve the clean-up in areas around the county. The County has an opportunity to get 4-5 temporary workers paid for through the GulfCoast Workforce Board National Emergency Grant. The employment period is six months or less so these are strictly temporary workers. In years past the county has employed such temporary workers at the landfill sorting hurricane debris. I have spoken to Van Johnson and Fonda Davis about how these temp workers could be managed and supervised. One of the most direct ways would be to assign these workers to the two Park and Rec employees who clean the public bathrooms around the county. While the Park and Rec employees are cleaning the bathrooms the temp workers will do litter control in the public parks*

*and roads surrounding the parks. The three areas to be included would be the St. George Island County Park, Carrabelle Beach Park, and Alligator Point. The women already have a van that could carry the workers, and they also have an ATV to assist in clean-up. Neither the temps nor the Parks and Rec workers would litter control the bridges as the Gulf Coast Workforce agreement forbids temp employees from working on bridges. Board action to sign Agreement with Workforce if the Board wants to move forward with this concept.*

Commissioner Jackel asked that approaches to St. George Island & Apalachicola bridges be considered for the clean-up crew, as the inmates pick up the park and surrounding area trash every Monday on Franklin Boulevard, but the brunt of the trash is around the bridge approaches. Mr. Pierce didn't see where it would be a problem as long as there are not any concrete sidewalks between the workers and traffic. Commissioner Jackel clarified that it was the grassy area.

Mr. Pierce said he spoke with Van Johnson and the Solid Waste Department can supervise the workers.

The Board discussed this matter further and decided to allow Gulf Coast Workforce to hire and pay the workers.

**Motion by Lockley, seconded by Putnal, to authorize the Chairman's signature on agreement with Gulf Coast Workforce, adding bridge approach areas, contingent on Attorney Shuler's review of the agreement; Motion carried 5-0.**

*12- Ms. Debbie Belcher is here to give an update on the Eastpoint CDBG project. This is a project which improves some part of the Eastpoint Sewer and Water System.*

Ms. Belcher, the Franklin County CDBG consultant, distributed a handout and spoke about a grant that is funding Eastpoint Sewer and Water System to extend the sewer line on Ridge Road that goes across Bear Creek Road to tie in with Wilderness Road. Mrs. Belcher said the grant will also fund extending the water line along Bear Creek and tie Ridge and Wilderness Roads together and will pay for most service connections for the water & sewer to the new customers. Ms. Belcher said this is part of an overall project that the Eastpoint Water & Sewer is doing and when the grant application was written, the original plan was to put the vacuum station on Otter Slide Road between Ridge and Wilderness Roads but because of reduced funding, they are no longer going to put in the vacuum plant on Otter Slide Road but will upsize the vacuum station on 5<sup>th</sup> St., which is the only change to the CDBG grant. Ms. Belcher said she requesting Board approval to submit a grant modification request to DCA which will change the accomplishment schedule and the location of the vacuum station.

Commissioner Lockley asked about the cost of the tap fee for the residents. Ms. Belcher explained that if the wording remains "tap fee" instead of "impact fee" most residents wouldn't be charged to hook into the system, and furthermore the cost of abandoning the septic tank, capping the wells and installing the lines will be covered but refundable deposit will be required as with any utility account.

Commissioner Putnal stated his concerns about whether or not the plant has the capacity to handle the extra load of these new customers especially since the addition of the school and the extension on CC Land Rd has already increased the load. Commissioner Putnal didn't want any wastewater going into Indian Creek. Mr. Pierce explained that many sewer lines had recently been upgraded which allowed the new school to be added to the current plant without any problems.

Ms. Belcher explained to Commissioner Jackel that this project was requested by the Water District. Mr. Pierce explained that Eastpoint Water & Sewer isn't eligible to get CDBG funds on their own so the County does it on their behalf.

Commissioner Jackel asked for more detailed information on this project. Ms. Belcher explained that this grant is ongoing with an agreement already in place between the County and Eastpoint Water & Sewer, and this amendment refers only to the change of the vacuum station location.

Commissioner Putnal said he would like the District to look into building a new sewer plant because this one is getting old.

The Board and Ms. Belcher discussed this matter further, including Commissioner Jackel's issue of not forcing residents to connect to the sewer system once the lines have been extended. Commissioner Sanders wanted the public to know that Eastpoint Water & Sewer made this request, not the Board of County Commissioners.

**Motion by Lockley, seconded by Putnal, to authorize Chairman Parrish's signature on the grant modification request for the construction phase of this project; Motion carried 5-0.**

**T. Michael Shuler - County Attorney - Report (12:11 PM)**

Attorney Shuler presented his report to the Board.

*1a. Suntrust Mortgage v. Emily Crum and Jamie Crum (09-316-CA)*

*This is another mortgage lawsuit foreclosing out a special fire assessment owed to Franklin County. The county's lien was recorded after the bank's mortgage and is inferior.*

*BOARD ACTION: Board action authorizing me to accept service of process and allow the entry of a default. Entry of a default means that the county will not receive its \$42.00.*

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

*1b. This is another mortgage lawsuit foreclosing out a special fire assessment owed to Franklin County. The county's lien was recorded after the bank's mortgage and is inferior.*

*BOARD ACTION: Board action authorizing me to accept service of process and allow the entry of a default. Entry of a default means that the county will not receive its \$42.00.*

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

*2. Carrabelle Health Department: Attached is a letter I received today from the City of Carrabelle. The letter indicates their mistaken belief that the Franklin County Board of County Commissioners has taken action to close the State's health department building in Carrabelle, Florida.*

*Board Action: How does the Board want me to respond to this letter.*

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

*3. Ethics Commission:*

*a. Supplementing my correspondence with Mr. Anderson, the ethics commission attorney, attached is a scanned copy of the promissory note I received yesterday from Mr. Garlick.*

*b. The Ethics Commission does not meet until July 24, 2009 to render a formal ethics opinion concerning whether Chairman Parrish may vote on the county's possible purchase of property to protect the main runway at the Apalachicola Airport.*

*c. A draft ethics opinion will be issued in advance of the July 24, 2009 ethics commission meeting. I will distribute that draft upon my receipt of it from Mr. Anderson.*

*Board Action: None Recommended.*

Commissioner Jackel stated that the information Attorney Shuler submitted to the Ethics Commission has hit the airways as it is public information and she has received some phone calls from people who have received this information and they have asked a couple of questions that she did not have the answers to but she told them she would try to find the necessary information and get back to them.

Commissioner Jackel addressed one of the questions which related to the Apalachicola Airport Advisory Board statement that on or about 2006 the FAA recommended to them that Franklin County purchase the property outside the airport, which abuts the main runway, and while inquiring about supporting documentation for this statement, Mr. Ted Mosteller sent her a email stating that the FAA does not normally request the owner of an airport to purchase property so there is no FAA document that requests the County to purchase the Runway Protection Zone. Commissioner Jackel further stated that the public's contention is that the County Attorney has made this statement to the Ethics Commission regarding this issue and based on Mr. Mosteller, the Airport Manager, this document does not exist.

Attorney Shuler said he wasn't sure what the question was but his statement to the Ethics Commission was based on public statements made by the Airport Advisory Committee (AAC), any clarification or corrections should be made publicly by the AAC.

Commissioner Jackel stated, and Attorney Shuler agreed, that any corrections should be forwarded to the Ethics Commission. Attorney Shuler said he believes that is an excellent idea. Commissioner Jackel stated that another question raised was the Affidavit of Arms Length Transaction that was prepared for Mr. Garlick to sign. Commissioner Jackel asked Attorney

Shuler if he prepared the document and expressed concerns that even though Mr. Garlick bought the property for a total amount of \$459,000, DSW, the seller, still has the \$459,000 note on the property. Commissioner Jackel said the question posed to her, and she believes it does have some legal issues, is how can this be termed a true Arms Length Transaction when no consideration or cash has changed hands?

Attorney Shuler stated that the issue raised by Commissioner Jackel is what the Ethics Committee is being asked to review and give an opinion on.

Commissioner Jackel said that in Attorney Shuler's letter to the Ethics Commission, there is an affidavit by Mr. Garlick attached to the letter stating that the transaction, absolute and unconditional, is an Arm's Length Transaction, and by virtue of the fact that no consideration and no cash has changed hands, she doesn't think is an Arm's Length Transaction.

Attorney Shuler stated that the information which was sent to Attorney Anderson, of the Ethics Commission, was given to him and that was what he used to prepare the affidavit, so if any of the information was inaccurate, it was given to him that way.

Commissioner Jackel stated, which was verified by Attorney Shuler, that based on the documents she received DSW paid for all of the recording cost and pointed out that the seller paid the recording fees so no cash or consideration exchanged hands for that transaction either.

Attorney Shuler said there is a promissory note that has been signed so the buyer has obligated themselves and He isn't arguing the merits of the transaction.

Commissioner Jackel said she isn't going to argue the merits either, but she needs clarification on the information that was given to the Ethics Commission.

Attorney Shuler said that the questions Commissioner Jackel is asking, which are good questions, should be directed to the buyer and seller because he wasn't involved in the transaction.

Commissioner Jackel said she was asking Attorney Shuler these questions because he prepared the Affidavit of Arms Length Transaction and thought he would know the answers.

Attorney Shuler said he prepared the affidavit based on information that was given to him.

Commissioner Jackel said she was also asked if there was a reverter clause in the property purchase contracts that says if the County doesn't buy the property, it reverts back to DSW.

Attorney Shuler said he did review the mortgage and the note but he doesn't recall seeing any such reverter provision in it, and if there is a contract he hasn't seen it so he can't comment on that document.

Commissioner Jackel said the other Commissioners will likely be receiving some questions on this matter now that this information has hit the airwaves, and said she saw an item in the airport minutes from the May 1<sup>st</sup> meeting stating that politics appeared to be the main reason that the land purchase approval has been stalled. Commissioner Jackel said she doesn't know the reason for these comments and doesn't appreciate this remark being part of the official minutes of the airport advisory board because she has made her stance very clear on the purchase of the airport property. Commissioner Jackel continued stating that she has never been opposed to purchasing property for the protection of the runway zone; she has consistently been opposed to the price, disagrees with the appraisals, and thinks that Attorney

Shuler's remarks to the Ethics Commission should have included comments that there is some dispute on the Board about the appraisal amounts. Commissioner Jackel said Attorney Shuler did report that the values of the land were appraised, told how they were appraised, but did not report that there is dispute among the Board about the value of the appraisals and wanted the record to be clear that her stance is not political, it is about a land deal that does not pass muster with her. Commissioner Jackel said voting not to purchase the property is the right thing for her to do until there is movement on the price that she believes reflects a current market value and also said that Mr. Mosteller sent her information from Peter Green, Senior Airport Environmental Planner, about the RPZ for runway 13 stating that it is sized for aircraft approach categories A & B.

Attorney Shuler asked Commissioner Jackel if the only issue she wanted him to look into is whether or not the FAA requested to the airport committee to initiate the purchase of the runway property. Commissioner Jackel said she also wants him to clarify if there is a reverter clause in the mortgage for the purchase, wants Mr. Garlick to sign an affidavit stating that he has the wherewithal to purchase this property, regardless of whether the County purchases it or not, as the note is a balloon note that expires on September 10, 2009, with principle and interest due, and she also wants financial proof if the Board requires it.

Commissioner Sanders said the reason she has voted no on this issue is because of price of property and along with some other issues such as the property in question is wetlands and that there is a safety issue with lighting and faded markings, that is more important, than the need for the property purchase. Commissioner Sanders asked Attorney Shuler if his contact with the Ethics Commission concerning this matter was before he was directed to do so by the Board.

Attorney Shuler said he had been in contact to get information on what would have been needed to be done.

Commissioner Sanders said copies of emails she had received that were sent back and forth between Attorney Shuler and Attorney Anderson did not have the full context of the email and asked Attorney Shuler to provide her with the full body of the emails, and she wanted to make sure that the Ethics Commission is receiving all of the correct information.

Attorney Shuler said complete and truthful answers have been given to each question asked of him by the Ethics Commission and a matter that he takes very seriously and he agrees that transparency is the way to go.

Commissioner Sanders clarified that she isn't questioning his ethics, she just wants to be sure that the Ethics Commission receives all of the pertinent information and commended Chairman Parrish for asking for an Ethics Commission opinion because this isn't something to be taken lightly.

*4. MSBU Rates: Ordinance 87-2 provides that MSBU rates are established by resolution by the Board. A copy is attached.*

*5. TOC Expenditures: The Clerk is meeting with the TOC on July 7, 2009 to discuss which TDC funding items I am to review. Once all the issues are framed, I will report back to the Board.*



6. *Dilapidated Structure Ordinance Draft: The draft ordinance is attached for your review.*

7. *Jay Hill: A copy of my letter to Jay Hill is enclosed. It speaks for itself.*

8. *Peddler's Ordinance: A copy of the Ordinance is attached. It appears that the Board never adopted a resolution outlining the area, therefore, peddling may occur throughout Franklin County except the area marked "park" and "parking" on the plat of St. George Island Gulf Beaches, Unit I, as recorded in Franklin County Plat Book 2, Page 7.*

9. *Health Department: The Memorandum of Understanding between the Health Department and the Department of Children and Families is sufficient for the purpose of providing space in your building at no cost to Franklin County.*

10. *Bridge Clean Up: On June 16, 2009, the Board asked my opinion concerning its role in VMS subcontracting bridge clean-up for two bridges between Apalachicola and Eastpoint and the bridge between Eastpoint and S1. George Island. I was also asked by Commissioner Jackel whether she could allocate a portion of her road paving money to bridge clean up. Mr. Pierce has informed me that he has taken care of this matter.*

11. *Sandra Fields Lease: The draft lease was delivered to Ms. Fields on June 18, 2009. She has not contacted me concerning the lease.*

12. *Elizabeth and James Clifford vs. Franklin County: Attached is the suit acknowledgement letter from FACT. They have appointed Bill Warner of Panama City to defend Franklin County. The County's insurance company will provide a defense at no cost to Franklin County. The Plaintiff alleges that she burned her feet on the public beach on S1. George Island and her husband claims a loss of consortium (love and affection) due to his wife's injuries.*

### **Commissioners' & Public Comments (12:37 PM)**

Commissioner Jackel congratulated the Dixie Belles softball team who won the District 2 championship, and even though they fell short of the State Championship, they had a great season and are invited to come to a Board Meeting.

Commissioner Jackel thanked County Staff for everything they did for the dedication of the Eastpoint Boat Ramp, especially Mrs. Roxie Allen and Mrs. Amy Ham-Kelly and thanked the Board members who were present and recognized that Commissioner Putnal was having surgery that day. Commissioner Jackel said she has received great comments about the ramp from people in Eastpoint but was sorry to hear about what happened to Tracey Carroll and know that the County will find a solution to make it the best ramp it can be.

Commissioner Sanders congratulated Chairman Parrish on his County Commission certification at the annual conference.

Commissioner Sanders mentioned NACO, the National Association of Counties, and how it benefits County residents by the County being part of that organization. Commissioner Sanders provided information on the prescription card that is available to residents of the County and helps with costs of prescription drugs, as it has saved County residents over \$245,000 in less than 3 years.

Commissioner Lockley mentioned the \$28,000 STAR grant received because of its association with NACO, which paid for dune walkovers on St. George Island.

Commissioner Jackel said that when the County built the new boat ramp on St. George Island, we lost access to getting an emergency vehicle on the fishing pier, so the St. George Island Volunteer Fire Department decided that an emergency type cart or vehicle that could access the new handicap ramp and be able to drive out to the end of the pier was needed and Preble-Rish stepped up and volunteered to assist the fire department with purchasing that type of emergency vehicle. Commissioner Jackel said Clay Kennedy, of Preble Rish, is going to present the fire department with a check for \$5,000 later today to help in purchasing the vehicle.

Commissioner Putnal asked Mr. Pierce about vocational classes available by Gulf Coast Workforce and Haney Vo-Tech.

Commissioner Jackel said Ms. Kim Bodine, of Gulf Coast Workforce Board told her that they will help provide transportation, which is on a first come first serve basis, from Apalachicola to the school, and this transportation service would be available for 5 – 6 individuals.

Mr. Pierce said individuals needed to speak with Ms. Bodine of Gulf Coast Workforce or Mr. Bill Ruic at the Apalachicola Airport.

**Adjourn (12:43 PM)**

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

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Joseph Parrish – Chairman FCBCC

Attest:

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Marcia M. Johnson – Clerk of Courts