

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
FEBRUARY 2, 2010
9:00 AM**

MINUTES

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

Others Present: Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Service, Michael Shuler – Attorney Shuler, Michael Morón - Board Secretary

Call to Order (9:00 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:00 AM)

There was a prayer followed by the Pledge of Allegiance.

Payment of County Bills (9:01 AM)

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

Approval of Minutes: December 15, 2009 Public Hearing & January 19, 2010 Regular Meeting (9:03 AM)

Motion by Sanders, seconded by Lockley, to approve the minutes from the December 15, 2009 Public Hearing & January 19, 2010 Regular Meeting; Motion carried 5-0.

Commissioner Sanders discussed the Lanark Water and Sewer District and her desire to dissolve the district.

Commissioner Putnal asked Attorney Shuler to explain the process of opening a new district in the case it was necessary.

Attorney Shuler said the Board would have to form a dependent special district and would probably go through a process of creating an MSBU district to provide that essential water and

sewer service. He said he didn't have a definite timeline of this process but said he couldn't imagine Carrabelle services being in such a state that they would terminate before the County could create a new service district.

Mr. Pierce said there are permits that tie Carrabelle and Lanark Village together so he didn't see where there would be any type of issues in the future if the district were to be dissolved.

Motion by Sanders, seconded by Putnal, to direct Attorney Shuler to start the procedure to dissolve the Lanark Water and Sewer District; Motion carried 5-0.

Sheriff Skip Shiver and Jay Abbott, SGI Fire Chief: Chili Cook-off Road Closure Request 9:05

Sheriff Shiver and Jay Abbott requested Board action to close portions of Franklin Blvd., Gulf Beach Drive and also the bike path, in order to fence the area in for the 28th Annual Chili Cook-Off on March 6, 2010.

Commissioner Sanders requested proper signage is installed ahead of time so that local people are aware of the road closures.

Commissioner Jackel and Sheriff Shiver discussed not allowing parking on the new sidewalks and the flow of traffic.

Commissioner Jackel and Mr. Abbott discussed using vacant lots in the area for additional parking.

Motion by Jackel, seconded by Lockley, to approve closure of portions of Franklin Blvd., Gulf Beach Drive and the bike path for the Chili Cook-Off on March 6, 2010; Motion carried 5-0.

Mr. Abbott asked for Board action to rename Franklin Blvd. to Chili Blvd.

Motion by Jackel, seconded by Sanders, to approve renaming a portion of Franklin Blvd., from West Gulf Beach Drive to Gorrie Drive, to Chili Blvd.; Motion carried 5-0.

Commissioner Jackel and Mr. Abbott discussed judges and auction item donations for the Chili Cook-Off.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:13 AM)

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

Mr. Chipman stated that due to the recent heavy rains he had numerous calls about washed-out driveways and the Road Dept. had been busy responding to those issues.

Commissioner Sanders and Mr. Chipman discussed cold mix she ordered for roads in her district.

Commissioner Putnal and Mr. Chipman discussed an issue with 2nd Street in Carrabelle and whether or not the cold mix would work there. Mr. Chipman suggested a hot mix.

Commissioner Lockley asked Mr. Chipman to look at a drainage problem on Timothy Simmons Road in Apalachicola.

Motion by Putnal, seconded by Sanders, to change the name of Airport Road in Carrabelle to Thompson Field Airport Road; Motion carried 5-0.

Van Johnson – Solid Waste Director (9:18 AM)

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

Mr. Johnson updated Chairman Parrish on bids for lights at D.W. Wilson Park in Apalachicola, saying that bids will be opened at the next meeting.

Commissioner Jackel thanked Mr. Johnson for help with clean up on Patton Drive and Commissioner Sanders thanked him for taking care of a problem for her.

Marcia Johnson – Report Item #3

Mrs. Johnson presented this item for Board Action.

3-) Board approval is requested to remove a Trashmaster Compactor, Property #A003816, from the property records of the Solid Waste Department. It was purchased in 2000 with an original value of \$173,242.00. Removal is requested because this equipment is now considered to be junk and obsolete.

Motion by Sanders, seconded by Jackel, to remove a Trashmaster Compactor, Property #A003816 from the County's Inventory; Motion carried 5-0.

Dan Rothwell – County Engineer (9:20 AM)

Mr. Rothwell presented his report to the Board.

1. BOARD ACTION: 2009 Road Paving Project:
Staff desires Board approval to pay construction invoice #6 for \$111,382.62 with balance to finish including retainage is \$1,989,502.21.

Motion by Lockley, seconded by Sanders, to approve payment of construction invoice #6 for \$111,382.62 with balance to finish including retainage is \$1,989,502.21 for the road paving project; Motion carried 5-0.

Commissioner Putnal thanked Andy Bailey for explaining to him how the paving project works and thanked them for the job that they do even though the Board had been critical of them.

Alan Pierce – Report Item #14

14- Board action to extend C.W. Roberts contract to complete the paving project.

Motion by Lockley, seconded by Putnal, to extend time on contract to June 30, 2010; Motion carried 5-0.

Mr. Pierce stated there is an additional \$200,000 available for the paving project.

Motion by Jackel, seconded by Sanders, to approve an additional \$40,000 for each district for the paving project; Motion carried 5-0.

Mr. Rothwell stated that he spoke with Andy Bailey and George Roberts and they said they will communicate more often with the Board on the paving project.
The Board discussed the paving project further.

Commissioner Lockley and Mr. Pierce discussed a crack on the new sidewalk in Apalachicola and what can be done to repair it.

Motion by Jackel, seconded by Lockley, to post signs to keep all motorized vehicles off of the new sidewalks; Motion carried 5-0.

2. East Gorrie Drive Drainage Work:

The Road Department has finished road shoulder drainage work at the following East Gorrie locations:

- East 5th Street
- East 4th Street
- East 7th Street

3. Indian Creek Park:

Staff has been working with the Apalachicola River Keeper, Apalachicola National Estuarine Research Reserve, and neighbors to finish the Park design to apply for more grant funds to meet environmental and recreational goals while maintaining the intent of the Park Management Plan for the Florida Communities Trust.

4. West Side of Linden Road Drainage:

Staff has finished the survey and design with the recommended ditch modifications of no change, where the survey, design and CAD work is valued at approximately \$6,000.00.

Pam Brownell – Emergency Management Director (9:34 AM)

Mrs. Brownell was attending a conference and was not in attendance.

Commissioner Jackel gave an update on aid for the seafood workers.

She said Governor Crist had signed off on the State's disaster request to the Federal Government so the County's application would be accepted also. She said the letter the Governor signed off on would go to the Federal level and would require the signature of the President. She said the Board needed to follow up with our US Senator.

Clarice Powell stated that Catholic Charities will be at the Catholic Church in Apalachicola on Thursday, February 4, 2010 @11:00 AM with available information and aid.

Reverend John Sink, Vice President of Franklin's Promise, explained the process of how the disaster declaration will allow additional funding to be used in the County. He said the Eastpoint Church of God in Eastpoint and Living Waters Assembly of God Church in Apalachicola were also involved with disaster assistance, giving Franklin's Promise more help. He said there are between 1,100 and 1,300 families who now need assistance because of lost wages.

Reverend Sink said Franklin's Promise, along with assistance from Commissioner Sanders, will be an umbrella agent, known as Bay Aid, where people can contribute cash donations that will be distributed to the seafood workers.

Joe Taylor, of Franklin Promise, explained that Bay Aid will be a long term solution for emergency situations, which will soften the impact of needs in the future. He said the plans are to have fundraisers and a committee that will look at how to distribute the funds and also working with those who are currently providing assistance.

Tonya James, Seafood Workers Association, discussed a food distribution program being held on Thursday, February 4th @ 6:00 PM at the Seafood Workers Association Meeting at the Eastpoint Fire Station.

Commissioner Sanders asked who was eligible to receive the food and Ms. James said that anyone who is a member of the Seafood Workers Association is eligible. She said any seafood worker could be a member and there are no annual dues.

Commissioner Jackel and Ms. James discussed the Salvation Army's assistance in the County. Commissioner Jackel said the Salvation Army is helping with rent and mortgage assistance.

Commissioner Lockley and Ms. James discussed the possibility of perishable items. Ms. James said she believed it had been arranged for non-perishable items.

Commissioner Jackel thanked the news media for their assistance with advertising for this program.

Commissioner Putnal and Attorney Shuler discussed Commissioners attending this Seafood Workers Association meeting.

Commissioner Jackel asked Mr. Pierce to follow up with the Governor's office to sign off on the local declaration of emergency so that it can go to the next level.

Ms. Powell thanked Harry Arnold for his assistance on getting the food here for the seafood workers.

Commissioner Jackel thanked all of the faith based organizations for their assistance with these programs and appealed to the public to please contribute to the seafood workers in the County.

Bill Mahan – County Extension Director (9:50 AM)

Mr. Mahan presented his report to the Board.

1. *ISSC, Use of Press Committee Conference Call* – Thursday at 1:00 pm, I will be participating in a conference call meeting of the ISSC’s “the Use of Press Committee.” Jim Hickey is the Chairman and the committee is assigned the following tasks for 2010-2011:
 - Continue to develop a press protocol for use in addressing press releases associated with outbreaks and product recall.
 - Address the use of press in situations where significant time lapses have occurred between the last reported illness and the proposed use of press. The protocol should address the rationale for using press in situations where product is not likely to still be available for consumption.
 - Complete the protocol and present the protocol to the Executive Board at the 2010 Spring Meeting.
 - Investigate and review the use of press by state and federal agencies.
 - Look for ways to coordinate use of press.

2. *South Atlantic Fisheries Management Council Amendment 17A* – The SAFM’s Amendment 17A could close the entire South Atlantic EEZ to red snapper fishing as well as a portion of the EEZ — as much as 26,600 square miles — to fishing for all snapper and grouper species, for up to 35 years. Amendment 17B will include additional restrictions on nine other species of snapper and grouper that are classified as overfished. By the council’s analysis, net revenues for commercial fishermen in hardest hit Georgia and northeast Florida could plunge 71 percent.

Commissioner Putnal asked Mr. Mahan to provide each Commissioner with a copy of the Management Plan for the Bay and said he would like to have it updated. There was further discussion on this matter.

Motion by Jackel, seconded by Putnal, to send a letter to Federal Delegation and the Governor objecting to Amendments 17a and 17b; Motion carried 5-0.

Mr. Mahan stated that Mr. McLain wanted to update the Board on ACF matters. Dave McLain said Apalachicola will host the February 25 – 26, 2010 ACF (Apalachicola-Chattahoochee-Flint) Stakeholders Governing Board Meeting. He said the ACF was founded by consensus charter in 2009 to reach common ground and grass roots stakeholder solutions for the water wars they have had for the past 18 years. He said this meeting is open to public observers and will be held upstairs in the Cotton Warehouse. He discussed who will attend the meeting and who represents the ACF Stakeholders. Commissioner Sanders thanked Mr. McLain for his hard work in representing the County with the ACF.

Commissioner Putnal said the judge had ruled in the County's favor on the water flow but he had concerns about the Governors coming up with a plan that could destroy what the judge had done.

Mr. McLain said he had concerns with the confidential meetings also. He said they had met with Secretary Michael W. Sole, Department of Environmental Protection and believed that he understood the concerns of the ACF Stakeholders and he believed that through Secretary Sole they have an avenue to voice concerns.

Andy Smith, ABARK, also said they have voiced their concerns with confidential meetings but it didn't make any difference but it might make a difference if the Board voices their concerns.

Motion by Sanders, seconded by Lockley, to have Mr. Pierce meet with Dave McLain and Andy Smith to draft a letter and send letter to Secretary Michael W. Sole of DEP, supporting open door meetings on the ACF issue; Motion carried 5-0.

Chairman Parrish said he had received a call from Secretary Sole saying that he would be coming to Franklin County to meet with him on this issue.

Commissioner Lockley suggested that the Secretary meet with all of the Board members. Commissioner Jackel thanked Mr. McLain for holding his place on the panel that was held at FSU objecting to the offshore drilling.

Ronald Crum and Franklin County Fisherman to discuss proposed FWC Fishing Rules (10:05 AM)

Ronald Crum, Wakulla County, addressed the Board and gave some history on the net ban. He said he had petitioned the courts and asked that they reconsider the net ban. He had been working on net ban issues for 15 years and was trying to write a book on the subject.

Mr. Crum said that with nets now being considered legal with a 2" mesh, there exists a 90% by-catch fish death rate but FWC won't entertain changing the mesh size because they determined there was only a 3% to 4% by-catch fish death rate. He showed the Board how the fish get caught in the net.

Mr. Crum said in the 1990's most of the fishermen went into the construction business when the net ban was imposed but with changes in the economy they can't make a living and are back in the seafood industry.

Mr. Crum said that he was told by the DCA that no one could question the wisdom of the FWC, which he said means there is no constitutional due process. He asked the Board to support a resolution and send a letter to Governor Crist and Representative Bemby asking them to look at the net ban issue as well as the rule-making authority of FWC.

Mr. Crum asked that the resolution direct FWC to place this matter on their agenda at their next Commission meeting, which will be held in Franklin County in February.

Mr. Crum wanted to ask Dr. Felicia Coleman, FSU Marine Lab, to conduct a workshop on this issue.

Commissioner Sanders asked for a copy of the rules and regulations relating to this matter. Commissioner Sanders and Mr. Crum discussed all of the issues with the net ban. Commissioner Putnal mentioned the letter that the Board had sent to the Governor asking to reverse the net ban.

The Board suggested that Mr. Crum present this same information to the Gulf County Board of County Commissioners.

Motion by Sanders, seconded by Putnal, to send a letter to Governor Crist and Legislative Delegation asking them to establish due process that will oversee FWC, support a resolution asking FWC to place this item on their next Commission meeting agenda, and ask the FSU Marine Lab to schedule a workshop on this issue; Motion carried 5-0.

Kevin Begos – Update of GOIC Meeting (10:29 AM)

Kevin Begos, Oyster and Seafood Task Force, had prepared a binder with information for the Board on the oyster ban.

He said they had received tremendous bi-partisan support on the FDA's oyster ban at the GOIC (Gulf Oyster Industry Council) Meeting in Washington, D.C. He said staff members from Republicans to Democrats wanted to take the lead on fighting the FDA and they appreciate them sticking with the task force.

Mr. Begos said they met with FDA's Michael Taylor, who is second in command and Don Kramer, who is head of negotiating on oyster issues for FDA. He said they were side by side with members of the East and West Coast Shell Fish Organizations. He said it's clear from the talks with the FDA that they are not budging on their long term goal. He said they are basically going to let the executive board of ISSC enact the ban on raw oysters and the FDA is trying to keep it out of the public eye and not have a full open debate.

Mr. Begos said that Michael Taylor, FDA, does not see the light on the oyster industry's side of the oyster ban and does not see the economic impact it will cause. He said GOIC is moving ahead with requests for an independent economic impact study of how the ban can affect the entire Gulf Coast.

Mr. Begos said Louisiana is moving ahead through their Legislature with a law that guarantees Louisianans the right to consume raw oysters 12 months a year and the GOIC was hoping that the Florida Legislature would take this up also.

Chairman Parrish thanked Mr. Begos for his efforts on behalf of the people of Franklin County. Commissioner Putnal asked if there are any grants to assist seafood workers with coolers on their boats and Mr. Begos said that they are working with the seafood workers and the University of Florida to put together a grant request.

Recess (10:36 AM)

Chairman Parrish called for a recess.

Reconvene (10:55 AM)

Chairman Parrish reconvened the meeting.

Marcia M. Johnson – Clerk of Courts – Report (10:55 AM)

Mrs. Johnson presented her report to the Board.

1-) A letter was received from the City of Apalachicola giving notice of a proposed modification of the Apalachicola Community Redevelopment Plan. By law, they must give notice to each taxing authority which levies ad valorem taxes on property contained within the boundaries of the Community Redevelopment Area (CRA). The purpose of the Redevelopment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities.

The City's CRA is made up of a developmental corridor comprising Market Street, Commerce Street, Water Street and a section of 4th Street, bound by Scipio Creek on the north and Battery Park Marina on the south, Avenue E from 4th Street to 17th Street, AND a developmental corridor of 6th Street bound by Battery Park Marina on the south and Gorrie Square on the north.

The modifications include:

- 1) expanding the CRA to connect the C-2 zoned area centered at Avenue J and 8th Street to the current developmental corridor of Market Street;*
- 2) delete the developmental corridor of 6th Street, with Gorrie Square remaining;*
- 3) expand the developmental corridor of Avenue E to include a span of adjacent lots;*
- 4) update the list of Proposed Methods of Financing; and*
- 5) add Tax Increment Financing (TIF) to the list of proposed methods of financing.*

When you have a community redevelopment area, there is created a funding mechanism know as Tax Increment financing (TIF). Property values in the community redevelopment area are capped or frozen at the assessed value for a particular base year - in this case, the 2009 certified tax rolls. Thereafter, any tax revenue due to increases in value in excess of the base are dedicated to the redevelopment area. The generated revenue is known as TIF. In other words, once the area is established, the amount of ad valorem tax the county received from the 2009 certified tax roll will remain at that same level. Any time the assessed property value increases, that increased tax revenue, will go the CRA and not the county.

Mr. Pierce read a letter he received this morning from the City of Apalachicola asking that Commissioner Lockley be appointed to the City of Apalachicola's CRA.

Mrs. Johnson said she thought they would like to have the County's involvement so that they could have additional input.

Attorney Shuler discussed the dual office holding prohibition and didn't believe Commissioner Lockley could hold, simultaneously, two official offices.

The Board discussed this matter further.

Motion by Sanders, seconded by Lockley, to table this item until the Board receives more information on this matter and to direct Attorney Shuler to attend the City of Apalachicola's meeting on this matter and to discuss some of his concerns with the City of Apalachicola; Motion carried 5-0.

2-)Per the Board's Instructions, here's a summary on Drug Courts:

Drug Courts offer an alternative approach to incarcerating offenders with the goal of the offender's recovery and the consequent reduction in criminal behavior and costs of incarceration.

Our judicial circuit includes Franklin, Wakulla, Liberty, Leon, Gadsden, and Jefferson counties. The Drug Court Program is in place at Leon County which has both Adult and Juvenile Drug Court, Gadsden County which also has both Adult and Juvenile Drug Court, and Wakulla has Juvenile Drug Court. Jefferson County is in the planning stage at this time for Juvenile Drug Court.

There is a lot of data supporting Drug Court which reports that incarceration of drug offenders in jail costs much more money than participation in drug court does. In short, Drug Court may reduce the overall cost of the state court system. It's typical for a Circuit Judge to handle drug court or oversee it through State Probation officers.

In Florida, some Drug Courts are funded by local county funds and local law enforcement block grants. A number of programs receive state funds through Edward Byrne Grants and collaborate with the Departments of Children and Families, Juvenile Justice, and Corrections. There are also some other Federal funding sources.

In Franklin County, the Board has adopted an ordinance where the Judges assess a \$65 court cost and 25% of the \$65 assessment is used to fund court innovations determined by the Chief Judge which includes Drug Court as an option, so perhaps some funding could be procured from this source. The Chief Judge would have to approve this expenditure and part of the 25% revenue is being used now to fund other items. Currently, Franklin County has no funds budgeted for Drug Court. In some jurisdictions, including Leon County, participant fees are collected to offset treatment and other operational costs of the Drug Court. Leon County Drug Court receives some funds from the Dept. Of Corrections and some funds from the Dept. of Children & Families.

The County Commission would need to see the Plan being proposed and that Plan should specify any local county funding requirements. Under F.S. 29.008(2), Drug Court would classify as a specialized local program, and the Board, if it approves creation of a Drug Court program, could be committing themselves to fund it in the absence of grants, etc. without the proper language

in a Plan.

It appears one role of the Clerk's office is to sit on the Drug Court Team, to be present at Court sessions, and to maintain the case records. It would increase the court clerks' workload because of the need to maintain separate confidential files on medical records and Urinalysis Results as well as having to receipt any fees collected on the case. The finance clerks would also act as fiscal agents processing invoices and payments and monitoring the funds from participants and grants. Hopefully, the increased workload would be minimal, but until Drug Court was established and operating, it would be difficult to determine the workload or time involved for the Clerk's Office.

Court Administration is presently evaluating the application for a Drug Court made by Coastal Rehabilitative.

The Board discussed this matter and expressed concerns of County obligations, funding for this program and the success rate of the program.

Chairman Parrish expressed concern about the Legislature cutting grants this year and not being able to fund this program and would like for the company to present a plan or presentation to the Board.

Mrs. Johnson suggested the Board wait on a decision from Court Administration office and then request that Coastal Rehabilitative come before the Board to discuss their proposal.

Commissioner Jackel asked if the Board would need to go out on Request for Proposals (RFP). Attorney Shuler said that traditionally the Board had gone out for RFP's for professional services.

The Board discussed this matter further.

Attorney Shuler suggested waiting to make a decision until a determination is made by Court Administration to decide whether or not the plan suits the needs of the State Court System.

3-) Board approval is requested to remove a Trashmaster Compactor, Property #A003816, from the property records of the Solid Waste Department. It was purchased in 2000 with an original value of \$173,242.00. Removal is requested because this equipment is now considered to be junk and obsolete.

This item was address earlier in the meeting.

Alan Pierce – Director of Administrative Services – Report (11:15 AM)

Mr. Pierce presented his report to the Board.

Mr. Pierce made the Board aware of a pre-construction meeting with AJAX concerning the Urgent Care Clinic in Carrabelle. He said the meeting will be held at the Carrabelle City Complex on February 3, 2010 at 6:00 PM.

1- Provide Board with copies of the letters concerning Green Steel authorized at the last meeting. I sought Green Steel's input on the letters and they requested they be referred to as Hexaport so the letters reflect that name. An aide in Senator Nelson's office did call and say that Haiti is still in the response mode and will be for another week or so, and no decisions have been made on recovery efforts. He did say he would put Hexaport on the list of firms interested in doing business. He asked for my email contact so he could keep the county informed on what will happen next.

Commissioner Jackel said she spoke with representatives of Opportunity Florida regarding this issue and they said from their prospective they thought this was a great idea but there wasn't a funding mechanism in place right now for replacement housing in Haiti. She said right now it is more of a recovery and clearing effort but Opportunity Florida said they would be involved and help Hexaport make application if the Federal Government called for replacement housing. Commissioner Sanders hoped Franklin County would receive support from other counties on this matter.

2- Inform the Board that by the end of 2010 the Franklin County 911 system will be upgraded to the next generation 911 system, which means it will be able to receive and respond to text messages.

3- Inform the Board that DOT is moving forward with the Lanark Village sidewalk project. Provide Board with copy of maintenance agreement for maintaining the sidewalk once it is built on Oak Street. The maintenance agreement had to be signed because DOT would not go to the construction phase without the county agreeing to maintain the sidewalk. A Notice of Bid will be placed in the local paper in the near future.

4- Inform the Board that I have had a site visit by FEMA personnel regarding Alligator Point Road. A great deal of progress was made on the relocation efforts. FEMA acknowledged that because of a number of personnel changes the relocation project became lost in the shuffle. The FEMA personnel I met with are attempting to get a sign-off on the relocation within the next 30 days. On a related note, Mr. Shuler and I met with Capital City Bank representatives regarding the disposition of South Shoal. The meeting was informational gathering by the bank representatives but we did discuss the proposed relocation with them.

Regarding building the sheet pile revetment along that section of Alligator Point Road that will not be relocated; I have submitted a Hazard Mitigation request to FEMA. Because the cost of a vertical sheet pile (\$1.7M) is so much greater than the currently authorized repairs to the rock revetment (\$600,000) FEMA has asked for proof that DEP will not permit additional rocks. I have contacted DEP on this.

5- Inform the Board that Congressman Boyd's office is preparing the annual meeting of the District Healthcare Council. The meeting will take place on Friday, Feb. 19th at the Leon County Courthouse. The Board needs to appoint a representative. Commissioner Lockley has been the representative in the past. Board action.

Motion by Putnal, seconded by Jackel, to appoint Chairman Parrish to the District Healthcare Council Board and authorize attendance; Motion carried 5-0.

6- Inform the Board that the Gulf Coast Workforce Board will be advertising for 3 maintenance positions for Franklin County. The Workforce Board will qualify applicants and then Franklin County will interview and select the applicants we believe are most qualified. We are seeking applicants with lawn care and basic carpentry skills to work in the Parks and Rec. Dept. The advertisements and application period will be announced in February.

7- The GulfCoast Workforce Board requests the re-appointment of Ms. Randi Turpin as a private sector representative. Her term expires Feb. 6. The other Franklin County private sector representatives are Ted Mosteller, Lyn Martina, and Betty Croom. Sheila Houser, and Nina Marks also sit on the Board but for different reasons. Board action to re-appoint Ms. Randi Turpin.

Motion by Sanders, seconded by Jackel, to approve re-appointment of Randi Turpin as a Franklin County private sector representative to the GulfCoast Workforce Board; Motion carried 5-0.

8- At a previous Board meeting, the Board learned from the Area Agency on Aging representative that Elder Care Services stopped providing services in Franklin County as of Jan. 1. The Board had budgeted \$26,208 to pay Elder Care for a year's worth of services, starting with the Oct. 1 fiscal year. Elder Care did provide services for the first quarter of the fiscal year and have now submitted an invoice for one quarter of the funds. The City of Apalachicola is now providing the same services as Elder Care and the City is aware that the most it can receive is the remaining 3 quarters of the budgeted amount. The Board froze any payment to Elder Care because it was unclear at the time what Elder Care was doing. Board direction on paying Elder Care for the services it provided during the first quarter of the fiscal year.

Motion by Sanders, seconded by Lockley, to approve payment to Elder Care Services for payment for services for the first quarter of the year; Motion carried 5-0.

9- Inform the Board that the Hospital has cancelled the joint meeting scheduled for this afternoon as all issues were dealt with at the last county commission meeting.

10- Mr. Jack Husband, Bailey, Bishop and Lane engineer, is here to present a recommendation on the bids opened at the last Board meeting for the construction of the Ochlockonee Boat Ramp.

Jack Husband, Bailey, Bishop and Lane, recommended removing Redfish Construction's low bid because they did not use the Tedder Boat Ramp System for his specs, which is what the engineers recommended.

Motion by Sanders, seconded by Jackel, to accept Bailey, Bishop and Lane's recommendation to remove the low bid by Redfish Construction for the Ochlockonee Bay Boat Ramp project; Motion carried 5-0.

Mr. Husband recommended Poloronis Construction be awarded the bid on the Ochlockonee Boat Ramp project because he believed they would not leave the project until it was in tip top shape.

Motion by Putnal, seconded by Sanders, to approve Bailey, Bishop and Lane's recommendation to award the Ochlockonee Bay Boat Ramp project to Poloronis Construction; Motion carried 5-0.

The Board and Mr. Pierce discussed locations and starting applications to install other boat ramps.

Motion by Sanders, seconded by Lockley, to direct Mr. Pierce, in consultation with Apalachicola and Carrabelle City Commissioners, to suggest new boat ramp locations and start applications; Motion carried 5-0.

11- Emergency Management Director Pam Brownell is at a required Emergency Management training but she requests the Board authorize her to sign a subcontract agreement with a firm called The Management Experts who will assist Pam in training exercises and other emergency management functions. This firm would be paid out of a Homeland Security Grant that Pam has been awarded. Board action.

Commissioner Jackel wanted to be clear that this would be paid for by grant funding and that the program would cease if grants were not received.
Attorney Shuler and Mr. Pierce discussed the contract for this assistance.

Motion by Sanders, seconded by Putnal, to approve signing a subcontract agreement with The Management Experts, which will be paid out of a Homeland Security Grant; Motion carried 5-0.

12- Board action to award low bids on the two Airport projects- stormwater improvements, and utility expansion.

Lee Lewis, AVCO, said they received the bids, evaluated the bids to be sure they met all of the requirements and wanted to be sure the bidders were qualified to do the job and would provide the best value for the County. He said the low bidder, Sikes Concrete, was missing a couple of requirements with the bid forms but had provided that information after being informed about the missing forms. He said the County has the right to waive the irregularities

in the bid or to reject it. He said they had not had time to review the missing documents presented by Sikes Concrete at this time.

Mr. Lewis said that AVCON recommended that the County consider awarding the bid to GAC Contractors because their bid was complete.

Hubert Sikes, Jr., of Sikes Concrete, addressed the Board and explained that the documents not being completed was an oversight but the documents had been submitted at this time.

Commissioner Jackel asked Attorney Shuler for his opinion and the Attorney said that Sikes Concrete had omitted the completion of the questionnaire and omitted providing the information for the DBE (Disadvantaged Business Entity). He said if the Board elects to waive those technical requirements they could award the bid to Sikes Concrete, otherwise they could choose another bidder.

Mr. Lewis said in the instructions to the bidders it said the County reserved the right to reject an incomplete bid or to waive any irregularities.

Mr. Lewis explained that because the information from Sikes Concrete was received late it did not allow him to do a proper investigation of this company. He said he would like to be able to speak with other municipalities who have worked with Sikes Concrete in the past.

Motion by Lockley, seconded by Sanders, to waive the documents not completed by Sikes Concrete and award both bids to Sikes; (rescinded)

Motion by Sanders, seconded by Putnal, to reject any and all bids and re-advertise the bids for both projects; (rescinded)

Attorney Shuler suggested that the Board table this matter so that Mr. Lewis can finish his review of the bidders and present a recommendation to the Board at the next meeting. He said it would save time and possible public conflict due to the figures already being public information.

The Board and Mr. Lewis discussed the need to allow the engineers to investigate all of the bidders for these projects to be sure that the Board is able to choose the most reputable contractor and they also discussed the clarity of the bidding instructions.

Motion by Sanders, seconded by Jackel, to table this item until the next meeting to allow AVCON to do a full investigation of all bidders; Motion carried 5-0.

13- Board action to transfer several half lots the county owns in the City of Apalachicola in return the City will transfer a part of Washington Square to the county. Washington Square is the location of the Hospital. The City currently owns the part of the Square where the entrance road is. Any expansion of the Hospital is going to require the County to obtain this property. Show map locating the property to be exchanged.

The Board discussed this property exchange.

Attorney Shuler explained that the process would be to advertise in the local newspaper for two weeks describing the properties to be exchanged and the terms and conditions, if any, would be included in the advertising. He said the soonest opportunity to act on this would be at one of the March Board Meetings.

Motion by Lockley, seconded by Putnal, to start the process to exchange property as requested; Motion carried 5-0.

14- Board action to extend C.W. Roberts contract to complete the paving project.

This item was discussed earlier in the meeting.

15- Board action to extend BMI's Pine St. sidewalk project to add one block and to provide additional time to complete. DOT has approved the expenditure of funds. The addition will connect West Pine St. to Franklin Blvd.

Commissioner Jackel said the funding was left over from the stimulus funds received from the State.

Motion by Jackel, seconded by Lockley, to approve to extend BMI's Pine St. sidewalk project to add one block and to provide additional time to complete the project; Motion carried 5-0.

Commissioner Lockley asked Mr. Pierce about the Avenue M sidewalk project.

Motion by Jackel, seconded by Lockley, to direct Mr. Pierce to follow up on available DOT funding for sidewalks in Apalachicola; Motion carried 5-0.

T. Michael Shuler – County Attorney – Report (12:00 PM)

1. Florida Association of County Attorneys

The annual county attorney conference will be held with your annual conference in late June. I would like to attend.

BOARD ACTION: Board permission to attend the annual conference.

Motion by Sanders, seconded by Jackel, to approve Attorney Shuler's attendance at the annual Florida Association of County Attorney Conference; Motion carried 5-0.

2. Proposed Courthouse Facilities Fee Increase:

Franklin County ordinance 04-28 imposes a \$15.00 fee for non-criminal traffic infractions and for certain criminal traffic violations, such as fleeing and eluding, leaving the scene of a crash, DUI and reckless driving.

In 2009, the Legislature provided counties with the authority to increase this fee from \$15.00 to up to \$30.00.

The present ordinance annually raises approximately \$25,000.00, so if the increase is adopted, it is expected to annually raise \$50,000.00 to maintain the state court system.

The money is used to fund courthouse facilities for the state court system and is spent as provided for by the Franklin County Board of County Commissioners.

BOARD ACTION: Board permission to schedule a public hearing to consider adoption of an ordinance increasing the fee from \$15 to \$30.00.

Motion by Lockley, seconded by Jackel, to schedule public hearing to consider adoption of an ordinance increasing the fee from \$15 to \$30.00 for traffic fee increase; Motion carried 5-0.

NON-ACTION ITEMS (4)

3. Emerald Warrior 2010 Licensing Agreement

Attached is a copy of the license agreement signed by the Chairman for use of the airport from March 8-19, 2010 for military training. They will return a fully signed copy for the Clerks records.

4. City of Apalachicola Community Redevelopment Agency:

Last week, the City of Apalachicola delivered to the Clerk a legal notice of their intent to proceed with the modification of a Community Redevelopment Agency, commonly referred to as a "CRA."

That meeting is to occur February 2, 2010 at 6:00 p.m. (ET) at the Apalachicola Community Center.

The purpose of this notice to you is to alert the county to possible changes in its budget that may occur as a result of the redevelopment action.

A copy of the notice to the Clerk is attached.

5. Chambers Bank/Eastpoint Clean Up

Attached is a copy of a letter I sent to Chambers Bank concerning certain clean-up efforts. The letter speaks for itself.

6. Patricia Rickards and Kayla Rickards Lawsuit

As you know, the Rickards have notified the county of their intent to file suit and claim \$100,000.00 each due to injuries they allege result from a collision with a county ambulance.

As of February 1, 2010, the insurance company has not provided me with a copy of their reply to this claim, so I have no further information for the Board at this time.

Commissioner Jackel thanked Attorney Shuler for his efforts in helping with the clean-up of the Eastpoint property owned by Chambers Bank.

Commissioners' & Public Comments (12:02 PM)

Commissioner Jackel thanked Mr. Pierce and County Staff for their collective efforts on Board directives. She said she appreciated their efficiency in dealing with Board matters.

Commissioner Sanders discussed the upcoming FWC meeting and asked the Chairman to represent Franklin County and to be sure to question them about their response to the Board's request to discontinue the Turkey Hunting Quotas.

Chairman Parrish suggested that all Commissioners send their concerns to Mr. Pierce so that he can make a presentation at the meeting.

Commissioner Putnal discussed FWC Quota restrictions on Turkey hunting in the County and especially requiring quotas for those over 65 years of age.

Commissioner Sanders discussed a notice she received from Camp Gordon Johnston event coordinators, to sponsor returning soldiers.

Commissioner Sanders thanked the Board for their support with dissolving the Lanark Village Water and Sewer District.

Cal Allen, City of Carrabelle Commissioner, thanked the Board for their support for the Hexaport project.

Commissioner Allen asked Mr. Pierce if he had heard back from Legislative Delegation concerning Hexaport's desire to help with Haiti's recovery. Mr. Pierce explained that he had received a response from Senator Lemeiux's and Senator Nelson's offices with a list of websites which are compiling information, which he had forwarded to Hexaport.

Milton Strickland, local fisherman, commented on the FWC and FDA restrictions on seafood and presented some suggestions, regarding the seafood industry and the proposed restrictions, for the Board to consider. He thought using different health warning labels and also instead of doing economic impact studies, do studies to determine if this is a bigger problem than other "at risk" foods and present that to the FDA.

Chairman Parrish recognized Ralph Rish, of Preble-Rish, who was in the audience.

Adjourn (12:15 PM)

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

Joseph A. Parrish, Chairman FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts