

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
AUGUST 17, 2010  
9:00 AM**

**MINUTES**

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

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

**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.

**Payment of County Bills (9:08 AM)**

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

**Recognition of Dixie Youth League (9:08 AM)**

Toni Eddy, of Franklin County Dixie Youth League, addressed the Board and thanked them, along with the Parks and Recreation Department, for their support.

Danny Brooks, of Dixie Youth League, thanked Bob and Toni Eddy for all of their efforts with the young ladies of the Franklin County Team.

Mr. Brooks stated that he does a lot of talking with umpires and others when judging which team should win the sportsmanship award, which is one of the most prestigious of all, and he said “hands down” the Franklin County Dixie Belles won every vote this year. He presented them with a trophy and also individual player awards.

Kevin Newell, a coach, announced each team member and presented their awards. He also mentioned the other coaches, Matt Kelley and Teresa Segree, and thanked the parents for their support.

Ms. Eddy presented the Board with a trophy for the County's trophy case and she also presented softballs to the Board and Van Johnson, Parks and Rec Dept. Chairman Parrish congratulated the team and stated how proud Franklin County is of their accomplishments. He said he has enjoyed watching the young ladies turn into such good ball players. Other Board members also congratulated the team.

**Department Supervisors Report**

**Hubert Chipman – Superintendent of Public Works (9:18 AM)**

Mr. Chipman had no items for Board action.

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

Mr. Johnson had no items for Board action.

**Dan Rothwell – County Engineer (9:19 AM)**

Mr. Rothwell had no items for Board action.

Commissioner Sanders said Sam Rogers, of Alligator Point Taxpayers Association (APTA), would like for Mr. Rothwell to contact him concerning the dune walkovers on Alligator Point.

Commissioner Sanders stated that APTA would also like for the Board to send a letter to the DEP asking for additional parking at Bald Point.

The Board and Mr. Rothwell discussed this matter further.

**Motion by Sanders, seconded by Jackel, to send a letter to Bald Point State Park Administration to increase available parking spaces; Motion carried 5-0.**

**Pam Brownell – Emergency Management (9:18 AM)**

*Action Items: Request Board approval for the Emergency Management office to submit a Community Emergency Response Team (CERT) grant application (not a match grant).*

**Motion by Sanders, seconded by Putnal, to approve submission of a Community Emergency Response Team grant application; Motion carried 5-0.**

*Information Items:*

1. *Local State of Emergency was extended on August 09, 2010.*

2. Ms. Rachel Ward from Planning and Zoning and Pamela Brownell attended a Disaster Housing Planning Workshop on August 11, 2010. They will review the county's plan and ask the county partners to participate in order to update this plan.
3. The Emergency Management office will be exercising its Continuity of Operations Plan (COOP) on August 19, 2010.
4. September 09, 2010 from 1:00pm-3:00pm the Emergency Management office will be conducting a COOP workshop for all department heads and local business that would like to attend. We will provide them with the tools, worksheets and a template that they will need to complete their COOP. We will go through the concepts to assist them in the development of this plan.
5. September 20, 2010 Emergency Management will be hosting a Meth Lab Awareness Workshop for the Franklin County Volunteer Fire Departments, Law Enforcement and Emergency Medical personnel at the Carrabelle City Complex from 1:00pm -5:00 pm.
6. The **Franklin County Re-Entry Tag Program** is still ongoing. Joyce Durham will be at the Franklin County Senior Center on Thursday, August 26th for anyone still needing to pick up a Re-Entry Tag. The following is a total number of tags issued per each re-entry zone as of August 12, 2010.

APALACHICOLA	303
ST GEORGE ISLAND	357
EASTPOINT	233
CARRABELLE	271
LANARK VILLAGE/ST JAMES/319 NORTH	116
ALLIGATOR POINT	157
ST TERESA	28

**Alan Pierce – Director of Administrative Services – Report**

Mr. Pierce presented the following items from his report

2- Board action to cancel the CGA contract for oil spill response services and direct CGA and county staff to begin close-out efforts effective Aug. 31. A subcontractor of CGA, known as GRD, will actually perform the close out work. Ms. Pam Brownell, EM Director, and I have agreed that it is unlikely that the Governor will extend his emergency declaration when it expires on Aug 28 so in order to assist GRD in recouping CGA funds they need notice from the county of an end to their services. CGA and GRD are in agreement with this recommendation.

Commissioner Jackel said she was not in favor of terminating the CGA contract at this time because it isn't costing the County anything to keep them.

Mr. Pierce said he didn't believe the Governor was going to extend the state of emergency. Charles Tear, of CGA, said he had separated employment from CGA two and a half weeks prior and discussed the proposed closing out process. He wanted to end the CGA contract and continue a new contract with GRD.

Commissioner Jackel believed this is something that should be settled between CGA and GRD but that until the Governor expires the state of emergency she thought the contract should stay in place with CGA.

George Keller, Vice President of CGA, said he had no problem with continuing the contract and working through GRD.

Commissioner Sanders expressed her dissatisfaction with the way CGA handled the separation with Mr. Tear.

Chairman Parrish was in support of Commissioner Sanders' comments and further discussed this matter.

Commissioner Lockley asked that CGA and GRD verify that all of the subcontractors are paid. Mr. Keller stated that CGA will verify that all subcontractors are paid.

Commissioner Sanders stated the importance of communication with the oil spill response, especially during natural disaster times. She said she meant no disrespect but she didn't believe CGA had done right by Franklin County.

Commissioner Lockley asked that if GRD takes over the contract that the lines of communication be reinstated.

Mr. Tear discussed GRD's services and asked the Board to send a letter of support and thanks to Unified for their efforts to help with the oil spill response.

**Motion by Lockley, seconded by Putnal, to terminate CGA's contract with the County effective August 31, 2010, to engage GRD with the same contract, and require GRD to provide the Board with daily status update; Motion carried 5-0.**

**Motion by Putnal, seconded by Lockley, to send a letter to Unified thanking them for their support and services in Franklin County during the oil spill response; Motion carried 5-0.**

*3- Inform Board that Ms. Brownell continued the local state of emergency regarding the oil spill on Aug. 9, Aug 16, and will do it again on Aug. 23. The August 23 declaration will be the last one unless the Board sees some reason to continue them.*

The Board decided to extend the local state of emergency until the next regular meeting.

Mr. Pierce said that he and Mrs. Brownell had received a phone call from Glen Burkett, of BP, saying they were going to remove the remaining boom in Franklin County. He said the boom would be stored and staged in Tallahassee.

Commissioner Putnal stated that the Timber Island Boat Ramp should be opened as soon as the boom is removed from the County.

General Ron McLough, of Unified, stated that Unified had only used Franklin County residents for labor and had paid everyone that had worked for Unified. He said five local people are still employed. He thanked the Board for being gracious hosts to their people in the County.

Chairman Parrish stated his concerns with this plan to remove the boom from Franklin County and wanted some type of assurance that the boom will stay in Franklin County.

**Motion by Lockley, seconded by Sanders, to direct Staff to research the minutes, then send a letter to the Governor and other State agencies asking that all boom for Franklin County is earmarked as belonging to and staying available to Franklin County; Motion carried 5-0.**

Warren Yeager, Gulf County Commissioner, discussed what is being done in Gulf County regarding the boom.

Commissioner Sanders stated that she wanted the boom available when it is needed, even if it is stored in Tallahassee.

Mrs. Brownell commented further on this topic.

The Board discussed storing the boom.

**Motion by Lockley, seconded by Jackel, to ask that boom is stored and staged in Franklin County; Motion carried 5-0.**

#### **Bill Mahan – Extension Office (10:00 AM)**

Mr. Mahan had no items for Board action but discussed the following items.

#### *Franklin - UF IFAS Updates*

1. *HACCP Sensory Training for Oil Tainted Seafood To Be Piloted in Franklin County – The UF IFAS FL Sea Grant Seafood Safety Team, taught a pilot Sensory Training on August 4<sup>th</sup> to train area seafood processors to use sensory evaluation techniques in their HACCP plans as an added step to insure consumer confidence in seafood products harvested in from the Gulf. The pilot training went very well with seafood dealers/buyers coming from as far away as Jacksonville, Orlando, and Atlanta for the training. 25 people participated in the training and it was well covered by area and national press. The focus of the training was on HOW (Harvest from Open Waters).*

#### *USDA Farm Services Agency*

2. *USDA Announces TAA Program for Shrimpers – Florida shrimp fishermen have again qualified to receive Trade Adjustment Assistance funds for the shrimp they harvested in 2008. According to the information I have, FWC should be mailing out the TAA packets to the 512 individuals in Florida who harvested shrimp in 2008. The packets will have all the information needed for each shrimper to establish their own TAA eligibility. They have until September 23<sup>rd</sup>, 2010 to get the application packet into the local FSA office. Included in the*

*application packet is a letter from the Southern Shrimp Association that provides very clear directions on how to determine eligibility, what data are needed, how to complete forms, etc. Please see attached copy of the letter for your information. The USDA Farm Services Agency Office that covers Franklin County is located in Blountstown – USDA BLOUNTSTOWN SERVICE CENTER, 17413 NW LEONARD ST, BLOUNTSTOWN, FL 32424-1343, (850) 674-8388, (850) 674-5099 fax*

### *Gulf of Mexico Fisheries Management Council (GMFMC)*

- 3. Gulf of Mexico Fishery Management Council seeks public input on a possible recreational red snapper season reopening – This spring, the GMFMC increased the overall red snapper quota from 5.0 million pounds to 6.945 million pounds, yet the 2010 recreational red snapper season was open for only 53 days. This shortened season was due, in part, to an increase in catch rates and the average size of red snapper. This increase, coupled with past effort, led to projections that the quota would be filled sooner than in 2009. But the BP/Deepwater Horizon Oil Spill and subsequent [federal fishing area closure](#) may have resulted in reduced effort, possibly leaving the recreational red snapper quota unfilled. While the federal fishery closure owing to the BP/Deepwater Horizon oil spill remains in effect for some portions of the Gulf, NOAA Fisheries Service is following [established protocols](#) in efforts to open closed areas as quickly as possible. Sampling to detect contaminated fish in near shore areas along the Florida panhandle is complete, and sampling along western Louisiana, Mississippi and Alabama coasts is underway. These areas will be reopened if they remain oil free, and if sensory and chemical tests of samples taken from the areas show no oil contamination. Sampling will continue throughout the closed area. In light of this information, the Gulf Council requested that NOAA Fisheries Service institute rulemaking to reopen the recreational red snapper season later this year – after September 30 – if it is determined that the 2010 quota was not filled before the fishery closed on July 24. NOAA Fisheries Service is in the process of calculating the landings data to make that determination. If the recreational quota was not filled, the season may reopen for a period of time to allow the harvest of the remaining red snapper quota. During the Council’s August 16- 20 meeting in Pensacola, Florida, NOAA Fisheries Service will provide the Gulf Council with updated information on areas cleared for reopening, along with the amount of remaining recreational red snapper quota, and the projected length of any supplemental season. The length of the supplemental season would depend on the amount of quota remaining, the time of year the season reopens, and the amount of federal waters that are open at that time. In anticipation of a possible reopening, the Gulf Council is seeking input from the public on when - between September 30 and December 31 - the season should reopen. Comments will be accepted by e-mail to: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org), Please include; “RED SNAPPER SEASON” in the subject line. Comments will also be accepted by U.S. mail to: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607. Finally, comments may be submitted during the public testimony portion of the August meeting of the Gulf of Mexico Fishery Management Council in Pensacola, Florida. The [agenda](#) for that meeting is available at [www.gulfcouncil.org](http://www.gulfcouncil.org).*

**Helen Spohrer – TDC – Update on Marketing Plan (10:02 AM)**

Ms. Spohrer, Chairman of TDC, stated that Franklin County has been awarded a Phase 3 grant of \$360,000 from BP for marketing. She said this grant has some challenges involved with expending because it has to be utilized in September and the six counties east of Franklin County have also received grant money for marketing and will be in competition to draw tourism to those counties. Ms. Spohrer said after speaking with local businesses an idea was discussed to target customers by utilizing a gift card promotion. She said the card would allow the customer to help pay for lodging, buy seafood, dine at local restaurants, etc. Commissioner Lockley asked Attorney Shuler if this would be legal and the Attorney commented on this plan and said he would like an opportunity to review this plan with the TDC. The Board had questions concerning whether or not the gift card would be spent in the County. Ms. Spohrer discussed the specifics of the plan further. Commissioner Jackel preferred that the gift card is given at check in time so it can be spent during the time that visitors are here. Mrs. Johnson stated that the Finance Office would need additional information on this plan. Mrs. Johnson also discussed the need for more administrative funds because of the increased workload on the Finance Staff from the TDC. Commissioner Sanders and Mrs. Spohrer discussed the benefits of these grants to the County. Chairman Parrish and Mrs. Spohrer discussed the benefits of additional television ads. Commissioner Lockley said he doesn't understand why BP is quick to give marketing money but won't help the seafood workers.

**Motion by Sanders, seconded by Lockley, to approve the Phase 3 BP grant fund, contingent upon the Clerk and Attorney's review and requirements, and to seek the possibility of administrative funds for the Finance office; Motion carried 5-0.**

**Recess (10:25 AM)**

Chairman Parrish called for a recess.

**Reconvene (10:42 AM)**

Chairman Parrish reconvened the meeting.

**Keith McCarron – ARPC – Discuss DOT 5 Year Work Plan (10:42 AM)**

Mr. McCarron, of Apalachee Regional Planning Council, distributed and reviewed a copy of the DOT work plan.

The Board discussed some of these projects, including the Island Drive Intersection and the Bryant Patton Bridge pilings.

Commissioner Jackel discussed whether or not these projects meet safety requirements and wanted to know if the project list was guaranteed. She discussed an ongoing issue with convincing DOT of the dangers of the pilings from the old Bryant Patton Bridge.

Mr. Pierce also discussed the pilings.

Mr. McCarron stated that funding would not be a problem for these projects but he would track the projects which are important to the Board.

Commissioners Lockley and Putnal discussed concerns on how Stimulus funding was spent throughout the County and State.

McCarron responded to some of these concerns.

Commissioner Lockley discussed stimulus funding that was leftover for sidewalks and also the use of outside contractors instead of locals to complete past projects in the County.

Commissioner Putnal and Mr. Pierce discussed the restrictions on this funding and making it hard for the County to qualify.

Commissioner Jackel asked if the County would have any road projects from 2013 – 2015 or if this is the 5 year plan that the County is stuck with. Mr. McCarron stated that DOT is trying to use a different process to update the 5 year plan.

Mr. Pierce said that DOT may add projects as money becomes available.

Commissioner Jackel complained about the condition of Highway 98 after the shoulder project was completed and Mr. Pierce said the heavy equipment used for that project damaged the seaward lane of the highway, which was paved over in patches and has made the highway uneven.

Commissioner Putnal also complained about re-striping for passing lanes on Highway 98.

Mr. McCarron stated that he would look into the Highway 98 issue.

Commissioner Lockley stated that the sidewalk project in his district didn't use all of the funds that were allocated and he would like to extend sidewalks in his district rather than the State keeping the balance of the funds.

Mr. McCarron discussed the importance of prioritizing road projects for the County and submitting to DOT. He also discussed how DOT distributes funding for each county.

Commissioner Putnal asked if road projects could be spread over funding cycles.

Mr. McCarron said that is something that needed to be researched and addressed.

Mr. Pierce and Mr. McCarron discussed the SR 65 project that is on the list.

There was further discussion between the Board, Mr. Pierce and Mr. McCarron on road projects.

### **Alan Pierce – Director of Administrative Services – Report**

Mr. Pierce presented the following item from his report.



6- Board action on submitting project to DOT for consideration of funding in 2013 under CIGP. I have attached to my report the Project Eligibility from DOT which emphasizes the need for the project to demonstrate it will relieve congestion on the state highway system.

On Friday, August 13, 2010, I spoke to Ms. Myra Suggs, DOT Program Administrator. She verified that both Bluff Road and Oak St. are being reviewed by DOT for funding in the Oct. SCOP announcement.

While the DOT directions said submit only one project for CIGP, I did ask Ms. Suggs what happens if the county submits more than one project. She said she would prefer the county submit one, but if more than one is submitted DOT will then make its own assessment of which road is most appropriate. Preble-Rish has done a cost estimate on the projects the commissioners have discussed. The projects and costs are below:

Project	Cost Estimate
Bayshore Loop	\$2,089,966.00
Bluff Road	\$2,258,220.65
C.C. Land Road	\$1,489,970.79
Oak St.	\$1,481,701.37

If the Board wants to re-submit Oak and Bluff then it should at least submit one more project in the event Oak and Bluff are funded out of SCOP. Because of the extensive work that needs to be done on Bluff and Oak the county is better off if those projects are funded through SCOP. SCOP pays 75% of costs. The CIGP pays 50% of cost. Board action.

The Board discussed this matter with Mr. Pierce.

Mr. Pierce believed that Bluff and Oak should be left in the SCOP program and to submit the other roads in the CIGP program.

Commissioner Sanders believed that all of these streets would alleviate traffic concerns in the event of a storm and should be approved.

**Motion by Lockley, seconded by Jackel, to submit all four road projects for CIGP; Motion carried 5-0.**

**Marcia M. Johnson – Clerk of Courts – Report (11:22 AM)**

Mrs. Johnson presented her report to the Board.

1-On July 6, 2010, you approved the appointment of Ms. Kristy Banks as Attorney for the Value Adjustment Board. Due to a conflict, she will be unable to serve. The law requires that the attorney must have practiced law for over 5 years, and may not represent the property appraiser, the tax collector, any taxing authority, or any property owner in any administrative or

*judicial review of property taxes. In keeping with your directives on hiring locals, several local attorneys were contacted, and Ms. Rachel Chestnut meets the requirements of the law and is willing to serve. It's recommended that her name be submitted to the VAB who makes the appointment.*

There was discussion concerning a required certification course for Ms. Chestnut and Attorney Shuler said he was confident that she would pass the course and be certified.

The Board and Attorney Shuler discussed qualifications for this position.

**Motion by Lockley, seconded by Putnal, to appoint Rachel Chestnut as the VAB Attorney, contingent upon her passing the certification course test; Motion carried 5-0.**

*2-For information, the balance in the hospital's operating account for the month ending July 2010 was \$234,423.28.*

*3-Board approval is requested to hire a structural engineer to do an analysis of the main courthouse building and apply for a pre-disaster mitigation program grant to be used to do some disaster prevention upgrades to the courthouse. The structural analysis has to be done as part of the application process. Pam Brownell, EOC Director, supplied me the information and said she has access to a grant writer with the State Emergency Management Office who will assist in preparing the grant application if our structural analysis shows the building is sound to warrant the upgrades.*

The Board, Mrs. Johnson and Staff discussed acquiring an analysis of the Courthouse.

**Motion by Lockley, seconded by Putnal, to get an estimate for hiring a structural engineer to analyze courthouse building; Motion carried 5-0.**

**Alan Pierce – Director of Administrative Services – Report (11:32 AM)**

*1- Inform the Board that FEMA has finally approved funding for the relocation of Alligator Point Road from Tom Roberts through South Shoal to Harbor Circle and then across 4 private lots and tie back in to Alligator Point Road at the Fire Station. The funding was not what the county had requested but we will have to see if we can make the project work. The biggest issue will be the acquisition of the land.*

*I have asked if FEMA has any particular steps the county must go through in negotiating to acquire land and I am waiting for a response. Board direction on whether it wants to direct Mr. Shuler to officially contact the property owner of the Board's intention or wait to see if FEMA has a particular path we are to follow.*

**Motion by Sanders, seconded by Jackel, to direct Attorney Shuler to officially contact the property owner of the Board's intention; Motion carried 5-0.**

*2- Board action to cancel the CGA contract for oil spill response services and direct CGA and county staff to begin close-out efforts effective Aug. 31. A subcontractor of CGA, known as GRD, will actually perform the close out work. Ms. Pam Brownell, EM Director, and I have agreed that it is unlikely that the Governor will extend his emergency declaration when it expires on Aug 28 so in order to assist GRD in recouping CGA funds they need notice from the county of an end to their services. CGA and GRD are in agreement with this recommendation.*

This item was addressed earlier in the meeting.

*3- Inform Board that Ms. Brownell continued the local state of emergency regarding the oil spill on Aug. 9, Aug 16, and will do it again on Aug. 23. The August 23 declaration will be the last one unless the Board sees some reason to continue them.*

This item was addressed earlier in the meeting.

*4- Board action to direct Mr. Shuler to review contracts submitted by Fairpoint Communications regarding the upgrade of 911 equipment at the Franklin County Sheriff's Office. The purchase of equipment is being paid for by a grant that Franklin, Gulf, and Calhoun counties jointly received.*

**Motion by Sanders, seconded by Putnal, to direct Attorney Shuler to review contracts submitted by Fairpoint Communications regarding the upgrade of the 911 equipment at the FCSO; Motion carried 5-0.**

*5- Board action on expenditure of funds for renovating Weems Hospital. As the Board is aware ½ of the county sales tax is reserved for building an urgent care clinic in Carrabelle, and then for renovating/rebuilding Weems Hospital. Mr. Chuck Culvert, Ms. Marcia Johnson, Ms. Linda Phillips, and I met last week to discuss two items that fall under the category of renovating Weems. The subject has come up because the current balance in the capital outlay is more than the contract price for building and furnishing the Urgent Care Clinic. The current balance remaining on the Urgent Clinic, including equipment and furnishings is \$1,240,280. The current balance in the capital outlay account is \$1,362,599 so there is currently some \$100,000 in the capital outlay account that can be put to work at Weems. The Hospital would like to spend some \$6000 to replace some air conditioning and then begin the acquisition of a new CT scanner.*

Commissioner Sanders asked what happens if the Urgent Care Center project runs over cost and said she would like to verify the ballot language to make sure the funding is being expended correctly.

Attorney Shuler said he would provide the ballot language and inter-local agreements with the Cities of Carrabelle and Apalachicola to the Commissioners at the next meeting.

**Motion by Lockley, seconded by Putnal, to approve the purchase of an air conditioner and to begin acquisition of a new CT scanner; Motion carried 5-0.**

The Board discussed Dr. Applebee's employment in the County.

*6- Board action on submitting project to DOT for consideration of funding in 2013 under CIGP. I have attached to my report the Project Eligibility from DOT which emphasizes the need for the project to demonstrate it will relieve congestion on the state highway system.*

*On Friday, August 13, 2010, I spoke to Ms. Myra Suggs, DOT Program Administrator. She verified that both Bluff Road and Oak St. are being reviewed by DOT for funding in the Oct. SCOP announcement.*

*While the DOT directions said submit only one project for CIGP, I did ask Ms. Suggs what happens if the county submits more than one project. She said she would prefer the county submit one, but if more than one is submitted DOT will then make its own assessment of which road is most appropriate. Preble-Rish has done a cost estimate on the projects the commissioners have discussed. The projects and costs are below:*

<i>Project</i>	<i>Cost Estimate</i>
<i>Bayshore Loop</i>	<i>\$2,089,966.00</i>
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<i>C.C. Land Road</i>	<i>\$1,489,970.79</i>
<i>Oak St.</i>	<i>\$1,481,701.37</i>

*If the Board wants to re-submit Oak and Bluff then it should at least submit one more project in the event Oak and Bluff are funded out of SCOP. Because of the extensive work that needs to be done on Bluff and Oak the county is better off if those projects are funded through SCOP. SCOP pays 75% of costs. The CIGP pays 50% of cost. Board action.*

This item was addressed earlier in the meeting.

*7- As the current road paving program winds down Commissioner Jackel has a small amount of funds remaining in her district that is insufficient to pave any additional road. She would like Board action to allow her to transfer approximately \$7500 of her remaining road paving funds out of the road paving account into General Revenue for the purpose of installing holiday lighting along US 98 in Eastpoint. Other communities in the county such as Carrabelle and Apalachicola have holiday lighting. Board action.*

The Board discussed transferring funds from paving projects and the cost of installing the lights.

Mrs. Johnson wanted the Board to be aware that due to the cost of electricity, this would cause a re-occurring expense each year. She also expressed concerns that the Board may be setting a precedent in spending left-over paving funds.

Commissioner Jackel believed that this was a small amount of money and something the citizens of Eastpoint and other areas of the County would enjoy.

Attorney Shuler wanted it to be clear that this would be funded by ad valorem tax money and not gas tax money.

**Motion by Jackel, seconded by Sanders, to approve Commissioner Jackel's request to transfer approximately \$7,500 from her road paving account to General Revenue for the purpose of installing holiday lighting along US 98 in Eastpoint; Motion carried 5-0.**

*8- Board action approve a Resolution of support for Levy County and other counties where FWC is issuing Class I and Class II captive wildlife licenses to individuals without regard to local government authority. The issue is that FWC apparently has the authority to issue an individual a permit to own a lion or a tiger or other large game without regard to whether the local government thinks the neighborhood is suitable for such an activity.*

**Motion by Sanders, seconded by Jackel, to approve a resolution of support for Levy County and other counties to issue Class I and Class II captive wildlife licenses to individuals; Motion carried 5-0.**

*9- The FWC is inviting any county commissioners that are interested to learn more about the proposed black bear management plan to a public meeting at the Apalachicola City Hall on Thursday, August 26 at 3 PM.*

*Bear populations are expanding in some areas but still quite restricted in others. Because of this variability, the plan proposes a framework to manage bears at a local, rather than a state, level. The plan would create several designated areas called Bear Management Units, which would allow FWC to consider the specific challenges and characteristics of the different geographical areas where bears reside. The state plan does call for the creation of an Apalachicola Bear Management Unit.*

Commissioner Putnal stated that bears are causing problems behind the Dollar Store in Eastpoint and expressed serious concerns about children being in danger.

Commissioner Jackel suggested that County Staff attend the meeting and state the Board's concerns relating to bears.

Chairman Parrish suggested that Commissioner Putnal attend the meeting.

**Motion by Jackel, seconded by Lockley, to direct Staff to create a cover letter for Commissioner Putnal to submit at the FWC Meeting on August 26<sup>th</sup> @ 3:00 PM and to pay for Commissioner Putnal's travel expenses; Motion carried 5-0.**

*10- Board action to sign Memorandum of Agreement with Governor's Office of Tourism, Trade and Economic Development over the continuation of Franklin County as part of the Northwest Florida Rural Areas of Economic Concern. This renewal will carry through Jan. 8, 2015.*

**Motion by Sanders, seconded by Jackel, to sign a Memorandum of Agreement with the Governor's Office of Tourism, Trade and Economic Development over the continuation of Franklin County as part of the Northwest Florida Rural Areas of Economic Concern; Motion carried 5-0.**

*11- Inform Board that Senator Nelson did get a response out of the U.S. Coast Guard that "A homeport change of USCGC SEAHAWK has not been approved."*

Chairman Parrish said he spoke with someone in Senator Nelson's office and expressed his concerns about moving the Seahawk.

Commissioners Sanders said commented she wished they would stop trying to move it.

*12 – A request to have the County's support in having the Florida Seafood Festival signs erected back on Highway 98.*

**Motion by Sanders, seconded by Jackel, to approve erecting Florida Seafood Festival signs on Highway 98; Motion carried 5-0.**

Commissioner Jackel asked Mr. Pierce for an update on the meeting with the #1 ranked ambulance service provider.

Mr. Pierce updated the Board on the meeting, saying personnel cost seems to be the most expensive part of the service.

Commissioner Putnal asked about a transport instead of three ambulances.

Jason Kimbrell, of Lifeguard Ambulance Service, stated that payroll records and operational data had been reviewed and believed that maximizing the ALS response is the number one key. He said the system in the County is underdeveloped because of missed opportunities to make a difference and doesn't believe the County is up to standards on response calls. Mr. Kimbrell said it is an excellent opportunity for the Board to make a difference and get up to industry standards for response to emergency calls. He said they will work from the beginning dispatch team all the way to the first responder and follow to continuing care at the hospital.

Mr. Kimbrell said their biggest challenge is the current pay scale for personnel because there is a significant difference in the County's pay scale with other counties.

There was further discussion concerning salaries.

Commissioner Sanders said she still wants a roundtable meeting with all appropriate parties relating to ambulance services and creating some type of committee to accumulate information in order to build the response to 911 calls.

Commissioner Jackel asked about an advisory committee mentioned earlier and Mr. Kimbrell said he would provide the Board with information regarding the Santa Rosa Emergency Services Advisory Committee.

Commissioner Lockley asked about differences in pay and Mr. Kimbrell said Franklin County was paying higher salaries than the comparables in Gulf County.

Chairman Parrish suggested that the other counties may provide benefits that this County doesn't provide.

**Motion by Sanders, seconded by Jackel, to start the procedure to create an emergency services advisory committee that will include representation throughout the County and provide more information to the Board at the September 7, 2010 Board Meeting; Motion carried 5-0.**

**Michael Shuler – County Attorney – Report (12:13 PM)**

Attorney Shuler presented his report to the Board.

*1. Suntrust vs. Joseph Carroll, Jeff Galloway et al (10-408-CA)*

*In 2005, the bank loaned money to the defendants on property on St. George Island. The amount due to the bank is \$2,018,170.80, plus interest, attorney fees and other charges. Franklin County is owed two special assessment liens for fire protection for the years 2008 and 2009. These two county liens are inferior to the banks lien and total less than \$500.00.*

*Board Action: Motion authorizing me to accept service of process and to allow a default to be entered against the county. Our liens are inferior and it is not economical for the county to pay me to file an Answer or attend hearings in this case. The county will not collect these two fire tax liens, but will collect future fire tax assessments.*

**Motion by Sanders, seconded by Lockley, to approve acceptance of service and to allow a default to be entered against the County for Case #110-000408-CA; Motion carried 5-0.**

*2. Proposed Ordinance Regulating Maintenance of Private Drives*

*I request Board permission to schedule a public hearing to discuss enactment of an ordinance regulating maintenance of private drives. A copy of the proposed ordinance is attached.*

*Board Action: Motion authorizing me to schedule a public hearing.*

Attorney Shuler explained that if this ordinance is adopted, for a fee set by the County, property owners would be able to have the County do grading work or haul in fill dirt for their private driveways.

**Motion by Sanders, seconded by Jackel, to authorize Attorney Shuler to schedule a public hearing regarding the enactment of an ordinance regulating maintenance of private drives; Motion carried 5-0.**

### *3. Land Swap with the City of Apalachicola*

*On August 3, 2010, Franklin County asked me to have the City of Apalachicola clarify its comprehensive plan as it related to a land swap involving Washington Square, which is the location of Weems Hospital, the Health Department and the Love Center Complex.*

*The land on Washington Square is required for the new hospital called for by the interlocal agreement between Franklin County, the City of Apalachicola and the City of Carrabelle.*

*As you recall, at your August 3, 2010 meeting you were informed by a resident of Apalachicola that the City's comprehensive plan required that Washington Square be returned to green space and that further development on the square would violate the City's comprehensive plan.*

*The City of Apalachicola, at its meeting August 3, 2010, clarified that its comprehensive plan does not include Washington Square because they understood it was for the existing hospital and also for the construction of the new hospital. The City expressed their continued support for the land swap and the donation of lands to the Franklin County Land Trust. They reaffirmed the delegation of authority to their City Manager, Mrs. Betty Webb, to facilitate the land swap and the transfer of two buildable lots owned by the City of Apalachicola into the Franklin County Land Trust.*

*Franklin County needs to select the two lots that it wants to donate to the Franklin County land trust so that I can advertise for a public hearing on September 7, 2010. A map of Apalachicola is attached showing the lots owned by the county.*

*Board Action: Motion identifying two buildable lots for transfer into the Franklin County Land Trust.*

*I will schedule a public hearing on the land swap and land trust conveyance for September 7, 2010.*

Chairman Parrish asked Commissioner Lockley to look at the proposed property and to give his opinion because the lots are in his district.

The Board and Attorney Shuler discussed the locations of all of the available lots.

Commissioner Lockley said he would like to transfer City Block 125 Lots 6 and City Block 120 Lot 9 in the City of Apalachicola.



**Motion by Lockley, seconded by Sanders, to identify City Block 125 Lot 6 & City Block 120 Lot 9, City of Apalachicola, as the lots being transferred into the Franklin County Land Trust; Motion carried 5-0.**

**4. County Wide Voting**

*County Wide voting will be discussed at your August 17, 2010 meeting, beginning at 1:30 p.m. Persons in favor of at-large voting will ask that you place on the ballot a binding referendum returning the county to at-large voting.*

*This is the same issue as was presented in 2007 and the answer has not changed since that time. A federal court order prevents Franklin County from returning to at-large voting. You may not return to at-large voting unless and until a further court order allowing you to do so is entered. A copy of that court order is attached. Please pay particular attention to paragraph seven on page ten.*

*The only way to change the court order is to file a lawsuit in federal court and have the judge decide whether Franklin County can return to at-large voting.*

*Only the judge can make this decision. Neither the County Commission nor the voters can overrule the judge.*

**5. Ajax Construction**

*Attached is an email from me to Alan Wooden with Ajax concerning changes they have proposed to their contract with the county. The email speaks for itself.*

*I am told by Mr. Wooden that the changes are minor, but I have not seen them yet for myself. Once I receive this information, I will present it to the Board.*

**Commissioners and Public Comments (12:21 PM)**

Commissioner Putnal asked if the water situation had been resolved at the Eastpoint Cemetery. The Board and Mr. Pierce discussed providing water for the Eastpoint Cemetery.

**Motion by Putnal, seconded by Jackel, to have Staff follow up on this matter and allow the County to provide water for the Eastpoint Cemetery; Motion carried 5-0.**

Commissioner Putnal asked for assistance in paving a section of 2<sup>nd</sup> Street in Carrabelle and Commissioner Sanders stated that she would assist Commissioner Putnal in this matter.

Commissioner Lockley asked if the Commissioners will be reimbursed for their expenses while attending emergency meetings due to the BP oil spill.

The Board discussed this matter and Attorney Shuler said they will investigate and come back to the Board with an answer.

David Mills, of the Chronicle, asked the Board to consider an RFP for County Ads.

Attorney Shuler said he would like the opportunity to review the County's agreement with the Apalachicola Times before discussing.

**Recess for Lunch (12:30 PM)**

Chairman Parrish adjourned the meeting for a lunch break.

**Reconvene (1:44 PM)**

Chairman Parrish reconvened the meeting.

**Ms. Cora Russ – Franklin County – County Wide Voting PAC Presentation (1:44 PM)**

Van Johnson, Chairman of the County Wide Voting PAC, stated that there are citizens who are interested in County Wide Voting here to present a signed petition to have a binding County Wide Voting referendum placed on the upcoming November ballot. Mr. Johnson also read a statement justifying why the County should switch to County Wide voting from Single Member District voting.

Mr. Johnson believed that there no longer being a need for single member district voting is cause for celebration because it shows unity within the community.

Commissioner Sanders asked how many signatures were on the petition and Mr. Johnson said there are over 800 signatures.

Commissioner Jackel asked how many signatures are required for the petition.

Mary Ellen Davis, a Crawfordville Attorney representing the County Wide Voting PAC, stated the process for which the signatures should be received by the Board and submitted to the Supervisor of Elections. She said the Board has no choice but to accept the petitions because there are no exemptions from the statutory framework.

Commissioner Lockley believed the Board is under a Federal injunction but Attorney Davis said it is no longer an active injunction.

Attorney Shuler discussed the Federal Order that the County is under regarding single member district voting and the restrictions of this Federal Order. He also discussed the process of releasing the Order.

Commissioner Sanders stated that she had previously asked to have Judge Stafford issue a ruling on this order.

Attorney Shuler further explained the process by which the ruling could be changed, which would require going to court.

Attorney Davis disagreed with Attorney Shuler's statements.

Commissioner Jackel said this is an issue that needs to be resolved once and for all no matter what the decision. She said there would be no resolution at this meeting.

The Board discussed the need for a motion if the Board must forward the signatures to the SOE. Attorney Shuler recommended submitting the petitions to the Supervisor of Elections and allow him time to research the statutes before advising the Board as to their next step.

Attorney Davis read the statute and commented on this issue.

Commissioner Lockley was not in favor of moving forward until Attorney Shuler had a chance to review the Florida Statutes discussed today. He said the Board can't go against the injunction issued by the Federal Judge.

**Motion by Jackel, seconded by Putnal, to forward the signatures presented today to the Supervisor of Elections for certification; Motion carried 4-1, Lockley opposed.**

Attorney Shuler asked permission to speak with Attorney Davis concerning this matter. Attorney Shuler said he needs to research whether or not a referendum that is passed trumps a Federal Order.

The Board discussed getting an outside opinion on this matter, including outside counsel or the Attorney General.

Commissioner Jackel wanted to hire an outside attorney who specializes in elections and civil rights.

Commissioner Lockley believed that the County shouldn't be responsible for legal fees in this matter.

Commissioner Sanders asked Commissioner Jackel who would select the attorney for this issue and suggested going to the Attorney General.

Commissioner Jackel suggested going out for RFP's or doing interviews in order to hire an attorney for this matter.

Chairman Parrish said rather than hiring someone for an outside opinion that this matter be sent directly to Judge Stafford and have him listen to all arguments then render a decision.

The Board discussed this matter further.

Attorney Shuler said in order to make any changes a memorandum of law supporting a position had to be filed with the court. He said that only Judge Stafford or his equivalent can change Judge Stafford's Order.

Commissioner Putnal said he didn't believe that the County had the funds to take this matter to court.

Rose McCoy Thomas, of Apalachicola, was in favor of keeping single member district voting and read from a statement explaining how and why single member district voting was enacted in Franklin County. She urged that the Board not accept the signatures.

Bobby Miller, of Apalachicola, spoke in favor of county wide voting and suggested hiring a federally certified attorney.

Clifford Williams, who was one of the original plaintiffs who filed the petition for single member district voting, spoke against moving toward county wide voting. He said he has been told that some of the people who signed the petition did not know what they were signing.

Pastor David Walker, of Apalachicola, spoke against county wide voting and stated how it would be a set-back for the minority community in this County. He believed this issue was causing racial division within the community.

Betty Williams, one of the original plaintiffs in this matter, was also against moving toward county wide voting.

Chairman Parrish said the Board had already made a decisive step in allowing the petitions to be certified by the Supervisor of Elections and should move forward from here.

Commissioner Lockley asked Commissioner Jackel to take back her motion to present the petitions to the Supervisor of Elections.

Commissioner Jackel said there was no harm in giving the petitions to the Supervisor of Elections. She said she recommends outside counsel on this matter.

Chairman Parrish said the decision would be up to Judge Stafford and should be done before this is presented to the voters. He wanted the public to be aware that this process will require spending tax payers' dollars and could be a long process.

Attorney Davis agreed that the County would have to get clarification or an opinion from the Federal Court before proceeding and suggested that the Board hire an attorney who is licensed in Federal Court to try and re-open the current case.

**Motion by Jackel, to have the County engage an outside Attorney, who is an expert in election and civil rights, to prepare a brief to send to Judge Stafford for a ruling or clarification; Motion failed for a lack of a second.**

**Adjourn (2:50 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