

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
OCTOBER 5, 2010
9:00 AM**

MINUTES

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

Commissioner Absent: Commissioner Jackel was attending a PSC Hearing on St. George Island

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

Call to Order (9:06 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:06 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 pay the County's Bills as presented; Motion carried 4-0.

Approval of the Minutes for the September 7 & September 21, 2010 Regular Meetings

Motion by Lockley, seconded by Putnal, to approve the Minutes of the September 7 & 21, 2010 Regular Meetings; Motion carried 4-0.

James A. Harris, Franklin County Tax Collector- Discussion about Driver's License (9:08 AM)

Mr. Harris asked the Board to approve the extension of the 2010 Tax Roll prior to the completion of the Value Adjustment Board so that Tax Bills can be sent out on November 1st.

Motion by Lockley, seconded by Sanders, to approve the extension of the 2010 Tax Roll prior to the VAB completion; Motion carried 4-0.

Mr. Harris informed the Board that he had been contacted by Julie Jones, Director of DHSMV, asking that he consider issuing driver licenses in Franklin County. He said there are currently no driver license offices in the County and the closest offices are in Wakulla County or Gulf County, which will be closing in June. Mr. Harris said the State proposed that they would provide the salary and benefits for two employees for two years but after that the County would have to fund the positions along with office space, equipment and maintenance.

Commissioner Sanders and Mr. Harris discussed the mobile bus for driver licenses. Mr. Harris said he doesn't believe the bus will be coming back due to staffing and mechanical issues.

Commissioner Sanders asked how long the Board had to make a decision on this matter and Mr. Harris said he needed to give Ms. Jones an answer as quickly as possible so that she can make other arrangements if needed.

Warren Yaeger, Gulf County Commissioner, discussed Gulf County's issues with their driver's license office.

The Board and Mr. Harris discussed this matter further.

Commissioner Putnal suggested tabling this matter until more information is acquired.

Motion by Putnal, seconded by Sanders, to table this matter until more information is gathered so the Board can make a decision; Motion carried 4-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:20 AM)

Mr. Chipman had no items for Board action.

Commissioner Putnal asked Mr. Pierce about contacting VMS to install a sign at Woodill Road and Highway 98, notifying motorists of limited sight distance at that intersection.

Commissioner Putnal asked Mr. Pierce to contact St. Joe about opening up a road to allow residents to get to the water for cast netting.

Motion by Lockley, seconded by Sanders, to inquire about leasing the St. Joe property on the West and East ends of the County; Motion carried 4-0.

Commissioner Sanders suggested writing FWC a letter concerning bears destroying property in Eastpoint.

Mr. Pierce presented the first item on his report in response to this discussion.

Item #1 Alan Pierce Report (9:24 AM)

1- Inform the Board that FWC has responded to the letter concerning managing bears in Eastpoint. While the FWC states that public safety is FWC's top priority, and FWC says "it has devoted a significant portion of our available resources to addressing the problem in Franklin County," the bottom line from FWC is this: "Communities such as Eastpoint, which are adjacent to Florida's national forests, will continue to have problems with bears so long as there is easily available food to draw bears into town. Mandatory garbage pickup requiring the use of bear resistant garbage containers is the best way to reduce bear conflicts and resolve many of your safety concerns."

Commissioner Putnal said he thought the problem was becoming worse because of the bear proof containers.

Van Johnson – Solid Waste Director (9:25 AM)

Mr. Johnson had no items for Board action.

Commissioner Sanders asked Mr. Johnson to remind the public of the circus at Kendrick Park today.

Pam Brownell- Emergency Management Director (9:26 AM)

Mike Rundel had no items for Board action.

Bill Mahan – County Extension Director (9:27 AM)

Mr. Mahan was not in attendance and had no items for Board action.

Open RFP's for CDBG Administrator and Engineering services for CDBG Disaster Funds (9:28 AM)

Mr. Pierce suggested the Board make a decision or form a committee, and have them make a recommendation to the Board as to who is best qualified for these services.

Applicants for Administrator Services:

-Rumelis Planning and Development Services of Tallahassee, Florida
-Preble-Rish of Port St. Joe, Florida.

Motion by Sanders, seconded by Lockley, to form a committee of Mr. Pierce, Mark Curenton and the Clerk's Office to look over the two Administrator Services applications and make a recommendation to the Board; Motion carried 4-0.

Applicants for Engineering Services:
Preble-Rish of Port St. Joe, Florida
Inovia Consulting Group

Motion by Sanders, seconded by Putnal, to form a committee of Mr. Pierce, Mark Curenton and the Clerk's Office to look over the two Engineering Services applications and make a recommendation to the Board; Motion carried 4-0.

Debbie Rumelis Belcher, President of Rumelis Planning and Development Services, presented a written report to the Board and discussed the 2008 Disaster Grant to do elevation of bridge approaches at Pine Log.

Ms. Belcher and the Board discussed questions concerning mandatory connections for Eastpoint Water & Sewer.

Commissioner Lockley asked if the plant was able to accommodate the new connections and Ms. Belcher said capacity isn't a problem at this stage.

Ms. Belcher discussed future plans for Eastpoint Water & Sewer.

Ms. Joyce Estes - Announcement of USDA Funding for Eastpoint Library (9:40 AM)

Ms. Estes addressed the Board and announced that they had received a \$377,000 grant to finish the new building and grounds for the new Eastpoint Library. She said the grant does not include funding for furniture or interior items for the Library.

Chairman Parrish thanked Ms. Estes for her efforts on this project.

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

Mrs. Johnson had no items for Board action.

1. For information - I've attached a copy of my office's holiday schedule for 2011 which follows the holiday schedule set by the Court.

Item #8 Alan Pierce's Report (9:44 AM)

8-Board action renewing several annual TDC contracts for different services.

Renewal of Carrabelle Chamber of Commerce, Apalachicola Bay Chamber of Commerce, St. George Island Visitor's Center contracts each in the amount of \$35,000.

Motion by Sanders, seconded by Putnal, to approve renewal of contract with visitor centers; Motion carried 4-0.

Renewal of 2K Web Group contract.

Motion by Putnal, seconded by Lockley, to approve renewal of contract with 2K Web Group; Motion carried 3-0, Sanders abstained.

Renewal of Forgotten Coast TV contract.

Motion by Sanders, seconded by Putnal, to approve renewal of contract with Forgotten Coast TV; Motion carried 4-0.

Renewal of Bay Media contract.

Motion by Sanders, seconded by Lockley, to approve renewal of contract with Bay Media; Motion carried 4-0.

Renewal of contract with Allyn, Inc. to provide Administrative Staff to the TDC.

Motion by Sanders, seconded by Lockley, to approve annual contract to provide administrative staff to the TDC; Motion carried 4-0.

Renewal of Geiger & Associates contract.

Motion by Sanders, seconded by Putnal, to approve annual contract with Geiger & Associates; Motion carried 4-0.

Alan Pierce – Director of Administrative Services – Report (9:48 AM)

Mr. Pierce presented his report.

1- Inform the Board that FWC has responded to the letter concerning managing bears in Eastpoint. While the FWC states that public safety is FWC's top priority, and FWC says "it has devoted a significant portion of our available resources to addressing the problem in Franklin County," the bottom line from FWC is this: "Communities such as Eastpoint, which are adjacent to Florida's national forests, will continue to have problems with bears so long as there is easily available food to draw bears into town. Mandatory garbage pickup requiring the use of bear

resistant garbage containers is the best way to reduce bear conflicts and resolve many of your safety concerns.”

This item was discussed earlier in the meeting.

2- Inform the Board that the consulting firm GRD has written a grant for Franklin County in effort to obtain grant funds to build the GIS 911 map. This is a competitive grant so we do not know whether we will be successful. Ms. McWhinnie, 911 Coordinator, will continue to negotiate with the top 3 firms while the grant is being evaluated.

3- Inform the Board that the Governor’s Energy Office has once again notified the county that we will be awarded a \$500,000 energy conservation grant that has 3 components; \$250,000 to install solar panels on the courthouse annex roof to generate 25KW worth of electricity; \$125,000 to do an energy audit and replace the windows in the courthouse, and \$125,000 for an energy audit of the City of Carrabelle city hall complex and then fix whatever the audit reveals is the worst energy problem in city hall.

The Board should have the final grant documents in hand in about 60 days. Since this Energy grant will replace the windows in the courthouse with impact resistant windows there is no need to also try to put shutters on the courthouse, and I have been advised by an architect with the state Historical Preservation Board that if the county wants to continue to be eligible for Historic Preservation funds for the courthouse then we should not alter the exterior with shutters. (Of course this assumes that the state of Florida will some day fund historic preservation projects again.)

Commissioner Sanders asked Mr. Pierce to send the City of Carrabelle a letter presenting them with this information.

The Board discussed this matter.

4- Board action to approve Change Order No. 1 for the completion of the airport road project. The Change Order reduces the cost of the project to the funds remaining in the grant. The bid by CW. Roberts to finish the airport road was \$58,891 but there was only \$35,727 left in the grant so the Change Order reduces the scope of the project to the grant funds available. The road will still meet county road standards.

Motion by Putnal, seconded by Sanders, to approve Change Order No. 1 for completion of the airport road project; Motion carried 4-0.

5- Board action to approve two small JPA’s for DOT funded work at the airport. One JPA is for \$11,000 to rehabilitate some T-hangers at the airport, and the other JPA is for \$33,500 to rehabilitate the corporate hanger. Both these are projects are 100% funded by DOT.

Motion by Lockley, seconded by Putnal, to approve JPA’s for DOT funded work at the airport; Motion carried 4-0.

6- Mr. Ted Mosteller, Airport Manager, wants to remind the Board of the Airport Advisory Committee's earlier request to increase his compensation for work at the airport to a fixed \$12,000 a year plus a cap of 1% of grant award for administrative services. There was no action previously.

The Board discussed this matter.

Motion by Putnal, seconded by Lockley, to increase Mr. Mosteller's compensation for his work at the airport to a fixed \$12,000 a year plus a cap of 1% of grant award for administrative services; Motion carried 4-0.

7- Board action to re-appoint Ms Margie Solomon and Ms. Tammi Hardy to the Weems Hospital Board.

Motion by Sanders, seconded by Putnal, to re-appoint Margie Solomon and Tammi Hardy to the Weems Hospital Board; Motion carried 4-0.

8-Board action renewing several annual TDC contracts for different services

This item was discussed earlier in the meeting.

9- Remind Board that several members will be travelling to the FAC conference on Nov. 17-19. There is a Board meeting on Nov. 16th. In order to facilitate your schedule we will not schedule any afternoon session for the Board on Nov. 16th and we will try to keep the morning schedule as brief as possible.

10- Inform the Board that Commissioner Jackel will be completing her Advanced County Commissioner training in FAC workshops on Oct. 28-29, Jan. 6-7, and April 14-15. When she completes her training she will join Commissioners Sanders, Lockley, and Parrish as commissioners having completed Advanced County Commissioner training.

Recess (9:56 AM)

Chairman Parrish called for a recess.

Reconvene (10:13 AM)

Chairman Parrish reconvened the meeting

T. Michael Shuler – County Attorney – Report (10:13 AM)

Attorney Shuler presented his report to the Board.

Public Hearing on Progress Energy Easement (10:13 AM)

Attorney Shuler presented the following information to the Board:

This public hearing is to consider granting Progress Energy an easement for its Transmission Line at the intersection of Highway 98 and Airport Road, two miles West of Apalachicola. A copy of the Public Notice with a map is attached. The easement is approximately 35 feet wide and about 1,250 feet long. This is a new easement in a different location than the easements previously granted to Progress Energy for re-routing its new Transmission lines into Apalachicola.

I have confirmed with the Property Appraisers office that Franklin County owns the property on which Progress Energy requests this new easement.

This easement is not placing Transmission lines in a new location. The lines shall remain in the same footprint as they have always been in for more than 50 years. The purpose of the easement is to grant a legal recorded easement for Progress Energy. Progress Energy discovered that they did not have a written easement during the process of preparing to install the new 115kv Transmission lines with the taller towers.

Progress Energy's representative, Mr. Pickles, has given me the assurance that all towers shall be in conformity with FAA height requirements and will not interfere with the current operations of the airport.

Also, in exchange for the easement I have asked, and Progress Energy has agreed, to pay to Franklin County an amount more than sufficient to offset the cost Franklin County will pay to bring three-phase power to the Urgent Care Facility in Carrabelle. Although I presently only have a ballpark estimate, we will pay somewhere in the range of \$6,000 - \$8,000 to Progress Energy for three-phase power and will receive slightly more than that cost in return.

Chairman Parrish asked that this be contingent upon Progress Energy giving up the 1931 agreement.

Motion by Putnal, seconded by Lockley, to approve the easement transfer to Progress Energy contingent upon Progress Energy relinquishing the 1931 agreement, the Three Phase Power being run to the Carrabelle Urgent Care Facility, and that there is oversight by the FAA and FDOT on these matters; Motion carried 4-0.

Ted Mosteller, Apalachicola Regional Airport, asked that the FAA guidelines be reviewed before installing the towers.

Attorney Shuler said he would research this matter before moving forward.

Legal Advertisement RFP (10:21 AM)

Attached is a copy of the Request for Proposals I provided to the Apalachicola Times and The Chronicle. I plan to open them at 11:30 October 5, 2010. This does not include the advertising by the constitutional officers.

Action: The Board has the discretion to award a contract at this meeting if it chooses.

Attorney Shuler opened and read the RFP's for advertising from the FCBCC:

Apalachicola Times - \$2.25 per square inch

The Chronicle - \$1.04 per square inch

The Board and Attorney Shuler discussed the provisions of the RFP's.

Motion by Putnal, seconded by Lockley, to appoint a committee of Marcia Johnson, Mark Curenton, Alan Pierce and Attorney Shuler, as legal counsel only, to review the information and make a recommendation to the Board at the next meeting; Motion carried 4-0.

Public Hearing on Proposed Road Maintenance Ordinance (10:29 AM)

Attorney Shuler presented the following information to the Board:

This is a public hearing to consider adopting an ordinance regulating the repair and maintenance of private roads and drives. The ordinance provides that Franklin County will make certain limited repairs to private drives and roadways, provided that the private property owner pays in advance all costs incurred by Franklin County. The ordinance establishes a written protocol for requesting work, requires confirmation by the county engineer and prepayment to the Clerk's office before any work is performed. All the actual costs incurred by Franklin County will be paid by the property owner. A copy of the proposed ordinance is attached. One complaint I have received is from private businesses that provide road repairs and maintenance. They are concerned that the county is going to compete with them for business. I have provided in the ordinance that the intent is not to compete with private enterprise.

Commissioner Sanders inquired about Homeowners Association (HOA) agreements and Attorney Shuler explained the provisions of the ordinance concerning HOA's.

Chairman Parrish said some of the private businesses had approached him concerning having business loss because the County is doing private road work.

Chairman Parrish also said in the event of a storm he wanted to be sure that the County roads are maintained first. He felt like there might be a problem with people expecting their roads to be repaired before County roads have been repaired.

Commissioner Sanders expressed her concerns about this same issue.

Attorney Shuler read a portion of the ordinance that would prevent this from being an issue.

Mr. Pierce asked who would verify that all property owners in a homeowners association had signed an agreement to have roads maintained and Attorney Shuler said that would be up to the homeowners association.

Commissioner Lockley said subdivisions should be responsible for maintaining their own roads. Attorney Shuler explained that this would be for dirt roads only.

Chairman Parrish asked that this be contingent upon Progress Energy giving up the 1931 agreement.

Mrs. Johnson expressed concerns about the Road Dept. being pressured to work on private roads instead of County matters when they are already short-handed.

Commissioner Sanders felt like this should be made available for everyone since it had been done for Lighthouse Estates for many years but she said she does want to have safety nets in place.

Chairman Parrish opened up the floor for public comments:

Gail Dodds, of Green Point Construction, expressed her concerns with this ordinance and felt like it would be harmful to the private business sector.

Paul Renard, Vice President of Pine Coast Plantation HOA, and Bobby Sapp, President of Pine Coast Plantation HOA, were in favor of the ordinance and asked the Board for grading help on Hickory Hammock and Clarks Landing Roads when the Road Dept. was working in the area on Jeff Sanders Road. Mr. Renard said the PCPHOA will be responsible for repairs to culverts and wash-outs and they weren't asking the County to take over the roads.

Mason Bean, of Franklin County, was opposed to the ordinance and believed that passing it would set the County up for abuse and corruption. He also expressed concerns about loss of income for people in the County.

Fran Gigness, of Franklin County, was opposed to the ordinance and asked that the Board reconsider this issue.

Motion by Sanders, seconded by Putnal, to table this issue and ask Attorney Shuler to review the issues expressed by the Board and the public today; Motion carried 4-0.

Commissioner Lockley expressed concerns with people building subdivisions and not taking care of their infrastructure.

The Board and Mr. Pierce discussed the details of the provisions of the ordinance.

Commissioner Sanders asked Mr. Pierce to devise a plan to address the problem with the acreage and the road system.

Bobby Sapp, President of PCPHOA, explained the upgrades and costs made to the roads in Pine Coast. He said the roads aren't closed to the public and there is a lot of road traffic visiting the 23 homeowners in the HOA.

Steve Fling, of Alligator Point, wanted the County to keep in mind that emergency vehicles also have to be able to get down these roads.

Suntrust v. Brent Meyers (10-479-CA)

This is another foreclosure of a county special assessment fire lien recorded in 2010 at Book 1016, Page 656. The bank's mortgage is recorded in 2005 at book 846, page 312. The bank's mortgage is superior to the county's fire assessment. The subject property is located on St. George Island and the mortgage balance is in the approximate amount of \$307,000.00.

Action: I recommend that the Board authorize me to accept service of process and allow a default to be entered because the bank has the superior lien. The County will not collect this fire assessment, which is less than \$100.00, but will collect future assessment provided that no future foreclosure occurs.

Motion by Sanders, seconded by Lockley, to accept service of process and enter a default on Case #10-000479-CA and also to accept service of process on all future foreclosures but to bring any issues before the Board if needed; Motion carried 4-0.

Non-Action Items

Willie Ed Mathes

Attached is a copy of the September 23, 2010 letter Mr. Mathes concerning his recent disciplinary action at the Road Department.

Tanya James-Shelling Process-Franklin County Seafood Workers Association (11:08 AM)

Ms. James said the FCSWA had been working with the DACS office with the Shelling Process. She said there was no agreement made with the dealers at their recent meeting and asked that the County would allow the FCSWA to move forward with the Shelling Process.

Commissioner Lockley asked if there was a cap on the amount funded to Franklin County and Ms. James said the cap was \$100,000 at this time.

Mr. Pierce said the County spent about \$115,000 for the previous shelling process.

Commissioner Sanders asked if the jobs were being spread out and Ms. James said they were.

Mr. Pierce expressed concerns about using the money in the fall and possibly running out of work for the spring.

Chairman Parrish said the optimum times for shelling would be in the spring.

Motion by Lockley, seconded by Putnal, to continue with the Shelling Process; Motion carried 4-0.

Commissioners' & Public Comments (11:14 AM)

Commissioner Sanders expressed concerns of the Lanark Village Association about derelict residences in the Village. She said she let them know they could make a list of these properties and present them to Mr. Pierce and have him take care of the situation.

Commissioner Sanders also mentioned a bad fire that destroyed a front apartment and concerns of the residents of the apartments in Lanark Village. She said there is a common attic that runs along the apartments and asked Mr. Pierce if he had any ideas of how to find some way to remedy this issue and provide some type of fire protection.

The Board and Mr. Pierce discussed this issue further.

Commissioner Sanders said the citizens of Lanark Village wanted her to thank the Board for the newly installed sidewalk.

Steve Fling, Chief of Alligator Point VFD, said this issue would be addressed at the next Franklin County United Firefighters Meeting.

Adjourn (11:22 AM)

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

Noah Lockley Jr. - Chairman, FCBCC

Attest:

Marcia M. Johnson – Clerk of Courts