

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
JANUARY 18, 2011  
9:00 AM**

**MINUTES**

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

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

**Call to Order (9:00 AM)**

Chairman Lockley called the meeting to order.

**Prayer and Pledge (9:01 AM)**

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes – December 21, 2010 & January 4, 2011 Regular Meetings (9:02 AM)**

**Motion by Sanders, seconded by Putnal, to approve the Minutes of the December 21, 2010 & January 4, 2011 Regular Meetings; Motion carried 5-0.**

**Payment of County Bills (9:03 AM)**

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

**Department Supervisors Report**

**Hubert Chipman – Superintendent of Public Works (9:03 AM)**

Mr. Chipman presented his report to the Board.

Mr. Chipman stated that the rain was delaying some of his road maintenance work. Mr. Chipman also asked for some milled asphalt.

**Motion by Jackel, seconded by Sanders, to direct staff to try and acquire some milled asphalt, especially while road work is being done in the area by FDOT; Motion carried 5-0.**

Chairman Lockley asked for some maintenance work to be done at the Hospital.

Commissioner Sanders stated that there are roads in her district that need shoulder work.

**Van Johnson – Solid Waste Director (9:06 AM)**

Mr. Johnson had no report for Board action.

Commissioner Jackel stated that she will get with Fonda Davis about the park on 9<sup>th</sup> street.

Commissioner Sanders asked that the trash be secured after it is collected as some of it had been blowing on the streets after it is collected.

**Pam Brownell – Emergency Management Director (9:08 AM)**

Mrs. Brownell had no items for Board action.

Mrs. Brownell updated the Board on payment for the subcontractors who worked during the BP Oil Spill.

- *The Emergency Management office will be conducting a Disaster Housing Planning Workshop on January 21, 2011 at 9:00 am to update the old county Disaster Housing Plan and to form a Disaster Housing Task Force.*
- *We are in the process of setting up dates and times with different agencies and business to finish issuing re-entry tags. Joyce Durham was at the Franklin County K-12 School on January 12, 2011 to issue tags to school employees who had not yet applied. Joyce will be at the ABC School on January 20, 2011 at 8:00 am to start issuing re-entry tags to their employees.*
- *Our efforts to seek expanded cellular phone coverage in Franklin County continue. We expect to receive a supporting resolution from Wakulla County shortly, at which time the complete packaged regional request will be forwarded to the Florida Division of Emergency Management.*
- *Emergency Management has advertised for Requests for Qualifications (RFQ) for Training and Exercises (EM Contractual Services) in the coming year.*
- *Mike Rundel continues work on the Lanark Village Voluntary Firewall Survey.*
- *Franklin County Emergency Management has received word from North West Florida Water Management District that construction on the three new Flood Warning and Forecast Monitoring Stations in Franklin County will begin in about 10 weeks.*
- *Pamela Brownell and Joyce Durham will be attending training classes at the Florida Emergency Preparedness Association January 24-28, 2011 in Orlando, Fl. This is a mandatory part of our State Scope of Work.*

Commissioner Putnal asked Mrs. Brownell to discuss the housing disaster committee.

Mrs. Brownell informed the Board that the EOC is currently in the process of putting a committee together to update the current housing disaster plan. Commissioner Putnal and Mrs. Brownell further discussed the housing disaster plan.

Mr. Pierce provided additional information concerning issues with the disaster plan.

**Bill Mahan – Extension Office Director (9:14 AM)**

Mr. Mahan presented his report to the Board.

Mr. Mahan stated that because of new policy changes, Mr. Heil will not be able to attend the meeting today.

Mr. Mahan and Mr. Pierce discussed the implementation of the seafood rules and regulations.

*Lion Fish Cookbook Published – The Reef Environmental Education Foundation (REEF) announced the release of “The Lionfish Cookbook”, a collection of 45 delicious recipes designed to encourage the removal and consumption of invasive lionfish in the Atlantic. Lionfish have a delicate, mild-flavored, white meat and are considered a delicacy.*

*Red Lionfish, native to the Indo-Pacific, is the first non-native marine fish to successfully invade Atlantic waters. Lionfish densities in the Caribbean, Gulf of Mexico, and the East Coast of the United States are on the rise due to their lack of predators and prolific, year-round reproduction. Thriving lionfish populations pose a serious risk to marine ecosystems through their predation on native marine life including both commercially and ecologically important species.*

Mr. Mahan gave a recent update on the possible dangers of consuming Lionfish and said the FDA is in the process of studying the toxic properties of the Lionfish.

*Gulf Coast Claims Facility Administrator Feinberg To Hold Town Hall Meetings in AL & FL – Gulf Coast Claims Administrator Ken Feinberg will be holding a series of Town Hall Meetings to explain guidelines and process for interim & final payments and “quick pay” claims from the independent fund setup to compensate people and businesses for economic losses caused by the BP oil gusher. All of the Town Hall meetings are open to the public and the media. The closest meeting to our area is scheduled for Panama City Beach on Wednesday, January 19<sup>th</sup> from 11:00 AM – 12:00 noon (CST). The Panama City GCCF Town Hall Meeting is scheduled for the Edgewater Beach Resort, 11212 Front Beach Road; Panama City Beach, FL.*

**Motion by Jackel, seconded by Putnal, requesting Michael Allen, of WOYS, to announce the town hall meeting on Oyster Radio; Motion carried 5-0.**

Mr. Mahan discussed some of the meetings listed on his report.

**Motion by Parrish, seconded by Sanders, to send a letter to the Dept. of Agriculture stating the importance of Mr. Heil attending Board Meetings to update the public on seafood items**

**and also the importance of Mr. Heil keeping his current position in that agency; Motion carried 5-0.**

**TDC – Presentation (9:22 AM)**

Ms. Fran Edwards of Tourist Development Council Staff, presented Commissioner Sanders with a “Thank You” plaque for providing her time and service to the TDC. Commissioner Sanders thanked the TDC for the plaque and gave some history and discussed the mission of the TDC.

**Alan Pierce – Director of Administrative Services – Report Item #4 (9:25 AM)**

*4- Provide Board members with copy of the TDC statement I handed out at the Legislative Delegation meeting. The statement had been given to the Chairman but he was unable to attend and asked me to hand it out. The statement is a general statement on three areas of concern: the seafood industry, tourism, and government.*

*As a subset to this TDC item, provide Board with a copy of a thank you note the Wildlife Foundation of Florida sent the Board for its \$5000 contribution. Upon investigation, I learned the contribution was not from the Board, but it was a TDC contribution.*

Ms. Fran Edwards provided information concerning the \$5,000 contribution and said it was an agreement made last year with River Way South to match a contribution.

**Dan Tonsmeire – Indian Creek update and suggestion for an Ordinance amendment (9:27 AM)**

Dan Tonsmeire, of Apalachicola Bay Riverkeepers, updated the Board on the Indian Creek project. He distributed a handout with additional information. He thanked the Board for their participation in helping to complete this project.

Mr. Tonsmeire listed some information items that he would like permission to post in the kiosk located at Indian Creek.

Mr. Pierce provided some additional information regarding a dedication date, specific work the County will be doing, and other items regarding this project.

Commissioner Putnal discussed the importance of this project.

Commissioner Jackel thanked Mr. Tonsmeire and the Riverkeepers for their efforts and contribution on this project.

Commissioner Jackel asked that the students who participated in this project be part of the dedication.

Chairman Lockley, on behalf of the Board, also thanked Mr. Tonsmeire and the Riverkeepers for their efforts on this project.

Mr. Pierce discussed Ordinance # 87-1 that Mr. Tonsmeire would like the Board to change some of the language concerning the critical shoreline protection.

Mr. Tonsmeire explained the exact wording that he would like changed in the ordinance.

Commissioner Putnal and Mr. Pierce discussed the difference with State and County regulations regarding this ordinance.

Commissioner Putnal asked about regulations regarding houseboats in restricted areas.

Mr. Pierce, Attorney Shuler and the Board discussed this matter further.

Commissioner Sanders asked Mr. Pierce if he was comfortable with the changes presented and Mr. Pierce stated that he was and explained this matter further.

Commissioner Sanders verified with Attorney Shuler that this proposed change would have to be advertised.

**Motion by Sanders, seconded by Putnal, to schedule and advertise a public hearing on the proposed wording changes; Motion carried 5-0.**

**David Heil – Update on ISSC meeting (9:50 AM)**

Kevin Begos updated the Board on the ISSC meeting since Mr. Heil was not able to attend. Mr. Begos discussed a report regarding the oyster and seafood industry and stated that he would forward a full copy of the report to the Board. He said there will be no shut downs for the oyster industry this summer.

Mr. Begos informed the Board that he had resigned from ISSC because of the FDA not being realistic and that some local seafood workers and dealers are not following the oyster processing rules, especially with cooling. He said he understands the pressure that is on the harvesters and the dealers but that things needed to change.

**Recess (9:55 AM)**

Chairman Lockley called for a recess.

**Reconvene (10:16 AM)**

Chairman Lockley reconvened the meeting.

**Paul Marxsen, Chairman – Hospital Board – Weem’s Hospital Architect RFQ Selection (10:16 AM)**

Mr. Marxsen informed the Board that seven applicants had responded to the Hospital Board’s RFQs for an Architect. He said the Hospital Board interviewed four of the seven applicants and selected TRO Young Brannan, of Sarasota, to recommend to the Board as the Architect for the Weems project.

Mr. Marxsen discussed the qualifications of TRO.

Attorney Shuler explained the process by which the firms were selected and stated that it would not be a problem if the Board wanted a presentation by the recommended firm.

Commissioner Jackel asked who would be responsible for payment to this firm if the USDA loan is not approved.

Attorney Shuler and Mr. Marxsen explained the process concerning the fees and payment regarding the construction.

Attorney Shuler stated the design that would be required before the USDA loan would be approved.

Commissioners Jackel and Sanders stated their concerns of the County being liable for any fees to TRO if the USDA loan is not approved.

Chairman Lockley suggested a maximum cap if the USDA loan is not approved in the contract.

Attorney Shuler explained the role the USDA will be taking with this project.

Commissioner Jackel was in favor of Chairman Lockley's suggestion of a maximum cap in the contract.

Attorney Shuler stated that the County would use the health surtax Capital Outlay Fund to pay for this project.

Commissioner Sanders wanted to verify that there would be enough funds to start the operation of the Urgent Health Care Center in Carrabelle.

Mrs. Johnson, Mr. Pierce and the Board discussed the available balances in the healthcare surtax accounts.

**Motion by Parrish, seconded by Putnal, to accept the Hospital Board's recommendation to negotiate with TRO; Motion carried 5-0.**

**Advisory Board of Adjustment Report (10:33 AM)**

Mr. Pierce presented the following items for approval.

*1 - Approve a request for a variance to construct a storage building and a water tank 16 feet into the setback line off of West Bayshore Drive and 13 feet into the setback line off of 2nd Street West on property described as Lots 12-15, Block 3, Unit One West, St. George Island, Florida. Requested by Water Management Services, Inc.*

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

*2 - Approve a request for a variance of 3 feet to the S-4 Special District in Lanark Village to construct an addition to an existing structure 14 feet from the original wall facing Dahlia Court, Lanark Village on Lot 20 and 21, Block 3, Unit One, Lanark Village. Requested by Wade and Janice Weldy, owner.*

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

**Marcia M. Johnson – Clerk of Courts – Report (10:37 AM)**

Mrs. Johnson had no items for Board action.

*For information, the balance in the hospital's operating account for the month ending December*

2010 was \$196,139.51. The balance in the hospital's capital fund is \$501,974.70.

Commissioner Sanders, Mrs. Johnson, and Mr. Pierce discussed the Courthouse elevator project.

**Alan Pierce – Director of Administrative Services – Report (10:37 AM)**

Mr. Pierce presented his report to the Board.

*1- Provide Board with copy of letter from Mr. John Ford, Chairman of Florida E-911 Board, that I referenced last meeting. A copy will be sent to Mr. David Baker.*

*2- Board action on participating in the Camp Gordon Johnston Parade on Saturday, March 12<sup>th</sup>. Parade line-up is at 9:30. Parade starts at 10:45 AM.*

*3- Board action to approve the contract with the ARPC to do the small quantity hazardous waste assessment. The contract is for \$3500 and it is a budgeted item.*

**Motion by Putnal, seconded by Sanders, to approve the ARPC Contract to do the small quantity hazardous waste assessment; Motion carried 5-0.**

*4- Provide Board members with copy of the TDC statement I handed out at the Legislative Delegation meeting. The statement had been given to the Chairman but he was unable to attend and asked me to hand it out. The statement is a general statement on three areas of concern: the seafood industry, tourism, and government.*

*As a subset to this TDC item, provide Board with a copy of a thank you note the Wildlife Foundation of Florida sent the Board for its \$5000 contribution. Upon investigation, I learned the contribution was not from the Board, but it was a TDC contribution.*

*5- Escambia County Commissioner Grover C. Robinson is asking the seven counties impacted by the BP oil spill to write a letter to DEP, US Coast Guard, and Unified Command, asking that the Univ. of West Florida (UWF) be part of the research team being put together by Unified Command to do a "near-shore scientific study of the Gulf of Mexico." Commissioner Robinson contends that the prime contractor, Temple University out of Philadelphia, PA, needs to involve UWF in order to utilize the Gulf waters knowledge UWF already has. Board direction.*

**Motion by Parrish, seconded by Sanders, to support and write the letter to DEP asking that UWF be chosen to partner with Temple University to do the study; Motion carried 5-0.**

Chairman Lockley stated that he was told by Tanya James, Seafood Workers President, that the University of Florida had received \$800,000 for a re-shelling program.

Mr. Pierce stated that he would investigate this matter further.

6- Board direction on request Mr. Thurman Roddenberry has made on behalf of the owners on Block "T", Penn Point Unit 6, Alligator Point to abandon a one block long platted street. If the Board agrees to the abandonment the two lots on either side of the street would receive the property. The street is an interior street and has never been opened. The Board has abandoned right-of-ways in the past, but it has been rare.

Commissioner Parrish asked if there would be any future decision to install an infrastructure on this County ROW. He wanted to be sure this wouldn't obstruct the fire department in fighting fires or installing water and sewer lines, etc.

Commissioner Sanders suggested bringing this item to APTA, during one of their meetings, for their input.

**Motion by Sanders, seconded by Putnal, to forward this item to APTA for their input; Motion carried 5-0.**

7- Update on efforts of 7 counties impacted by the BP oil spill to make the region whole again. I have reported at various times in November and December on a series of conference calls I have participated in with the six other counties. At the Dec. 7 Board meeting, the Board adopted a Resolution stating the 7 counties were going to work together to develop a Unified Recovery Plan. All 7 counties adopted similar Resolutions and we all sent them to our legislative delegations, as well as other appropriate parties. The Resolution itself did not include a Plan, but just stated it would be developed.

The seven counties had another conference call Wed. Jan. 12. Part of the call was to discuss the results of the Operational Science Advisory Team (OSAT) report that each county received. The report for Franklin County is as you would expect- the Team reported no actionable oil in our area, and no dispersant. But the important part of the teleconference, in my opinion, dealt with something that was not on the agenda. State Senator Gaetz, who represents very western Florida, has introduced Senate Bill 248, which if passed will substantially replace the meaning of the Resolutions the 7 counties adopted.

The highlights of the bill, as it is currently stands, are:

A). It directs that \$10M of funds be placed under the control of OTTED (Office of Tourism, Trade, and Economic Development) who will then contract with Florida's Great Northwest for "the purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation" in any of the seven impacted counties.

B). Creates a Commission made up of state and local representatives to look at a wide variety of issues related to the oil spill and its recovery.

C). Any funds received by the state from any governmental or private entity for damages caused by the oil spill "shall be deposited into the applicable state trust fund and expended pursuant to state law or as approved by the Legislative Budget Commission."

(75% of any funds would be directed to the 7 impacted counties for a variety of uses.)

*I am seeking direction from the Board to develop a list of projects that we might submit for funding for either the \$10M OTTED or the any future BP fine money as I do not believe a Unified Recovery Plan will ever be adopted by all 7 counties.*

Commissioner Sanders suggested that Franklin County submit its own plan. The Board and Mr. Pierce discussed items that could be submitted as part of a plan.

**Motion by Sanders, seconded by Putnal, to designate Commissioner Parrish as the lead on this matter; Motion carried 5-0.**

*8- Board action to advertise for bids for the paving of Brownsville Road.*

**Motion by Parrish, seconded by Sanders, to approve advertisement for bids for paving Brownsville Road; Motion carried 5-0.**

Commissioner Sanders asked Mr. Pierce for an update on the paving of other roads in the County.

*9- Provide Board with copy of annual report for the St. James Bay Development. The report is a requirement of the state and there is no action by the Board.*

*10- Board direction on allowing family members to live in a second residential unit on the same parcel of land while recuperating from major illness. A gentleman in Eastpoint contacted me about his elderly mother-in-law who is recuperating from quadruple by-pass surgery live in temporary housing on a parcel of land that already has a single wide on it. The mother-in-law needs daily monitoring and the single wide is occupied by a family member who provide the care for elderly woman. Under a medical hardship he would like permission to place a second trailer on that lot so that his mother-in-law can have some assistance. He understands the trailer would have to be removed once the mother-in-law is no longer living there. Board direction on what guidelines should be established to allow this. The Board did this once in the past under different circumstances and as I recall the Board required the owner to sign an affidavit agreeing that the second trailer would be removed once the person needing assistance was able to live on their own.*

Attorney Shuler explained the process that was used before which was a permit that had to be renewed every six months.

**Motion by Putnal, seconded by Sanders, to approve this item with the use of an affidavit and permit that has to be renewed every six months; Motion carried 5-0.**

*11-Mr. Mosteller wanted the Board to be aware of the night time military training flights at the Apalachicola Airport.*

12- Ms. Tanya James, Seafood Worker President, contacted me last week about starting the re-shelling program in early February. I told her that I remembered the last discussion the Board had was to wait until the end of February/ early March, so to be placed closer to the spring spat set. The Board has a signed contract with DACS to pay for \$100,000 worth of labor to plant shells. The Board contract is valid until June 30, 2011. Board direction on when to move forward with shell planting.

Tanya James, President of the Franklin County Seafood Workers Association, explained the funding source for this project is federal disaster assistance money.

The Board expressed their concerns for saving this funding for Bay closures.

Billy Dalton stated that the re-shelling needed to be done early enough so that the oysters have an opportunity to grow.

The Board and Mr. Pierce discussed the possibility of doing a partial re-shelling program.

The Board, Ms. James and Mr. Dalton discussed how the oystermen are selected to participate in the program.

Commissioner Putnal expressed his concerns of using the available funding before the Bay closes.

Chairman Lockley stated that he would like more information regarding funding before the Board commits to this program and the Board agreed.

Commissioner Sanders expressed her sympathy to the family of Mr. Leroy Hall, who passed away recently.

Commissioner Sanders discussed an email received from Alligator Point Water Resources regarding CDBG funding. Mr. Pierce said he will investigate this matter further.

Commissioner Sanders also asked about the status of the signs at the St. James community. Mr. Pierce said he will check into this matter.

Commissioner Sanders would also like an update from the engineer on various projects that are going on at the Airport.

Commissioner Sanders would also like the results from the recent census.

The Board discussed this matter further.

Attorney Shuler and Mr. Pierce said they will work together on this matter.

Commissioner Jackel asked that Preble-Rish work on completing the paving project in District 1.

Commissioner Sanders would like the remaining balance from the paving project in her district saved for an upcoming approach raising project.

### **Michael Shuler – County Attorney – Report (11:23 AM)**

Attorney Shuler presented his report to the Board.

*1 - David Theriaque*

*Mr. Theriaque requests that the Board approve the attached Confidential Settlement Discussion Agreement.*

*Mr. Theriaque asks that the Board authorize the Chairman to sign it.*

*I recommend that the Board approve the agreement. It does not bind you, or the St. Joe Company, to anything other than keeping settlement discussions confidential. No agreements will be reached until and unless the full board in an opening meeting approves a settlement.*

*Board Action: Board pleasure.*

**Motion by Sanders, seconded by Putnal, to authorize Chairman Lockley's signature on the Confidential Settlement Discussion Agreement; Motion carried 5-0.**

The Board and Attorney Shuler discussed the confidentiality of this matter.

*2 - Eastpoint Library Contract*

*The landlord requests that Franklin County sign the attached one year lease in the amount of \$1,000.00 per month. I have read the lease and recommend approval.*

*Board Action: Board pleasure.*

**Motion by Jackel, seconded by Putnal, to authorize the renewal of the Eastpoint Library Lease; Motion carried 5-0.**

The Board discussed the use of the new building that will house the Eastpoint Library.

*3 - Land Swap*

*The land swap deeds have been received and recorded.*

*4- Legal Ads in the Times Newspaper*

*A fully executed copy of the contract with the Times is attached.*

*5- South Shoals/Capital City Bank*

*The bank's attorney informed me that they will deliver its request for a PUD amendment this week. I am also seeking to engage an appraiser to assist us with valuing the two parcels the board is interested in. The first parcel is the roadway through South Shoals and the second is the four lots at the intersection of Alligator Drive and Harbor Circle.*

Mr. Pierce informed the Board that he was meeting with DEP regarding removing the revetment at South Shoal on Alligator Point.

**Commissioners and Public Comments (11:32 AM)**

Commissioner Jackel stated that Richard Bickel Photography, of Apalachicola, was featured in the Tallahassee Democrat and his photos will be exhibited on the 22<sup>nd</sup> floor of the Capital in Tallahassee.

Mr. Pierce said there will also be some of his photos displayed at the FWC Meeting at the Courthouse.

Mr. Pierce showed a photo that will be displayed at the Urgent Care Center. Commissioner Sanders reminded the Board that there will be an open house on January 28, 2011 @ 3:00 PM at the Urgent Care Center in Carrabelle.

Dan Tonsmeire, of ABARK, updated the Board on the ACF Water Wars and informed of an upcoming meeting that will be held in Apalachicola at the Cotton Exchange. He also discussed a video that was produced on the ACF Water Wars.

Reverend Sink thanked the Board for their participation in the Martin Luther King celebration yesterday by Commissioner Jackel's presence.

Ms. Amy Rogers, Branch President of the Gulf County NAACP, which serves Franklin County, explained the services her agency provides and explained that they represent all people. She wanted the Board to know that the NAACP supports single member districts.

**Adjourn (11:43 AM)**

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

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Noah Lockley, Chairman – FCBOCC

Attest:

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Marcia Johnson, Clerk of Courts