

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
FEBRUARY 15, 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 (9:04 AM)

Chairman Lockley 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 (9:06 AM)

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

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:06 AM)

Mr. Chipman was ill and Mr. Larry Brown had a previously scheduled appointment.

Alan Pierce – Report Item #5 (9:07 AM)

5- Inform the Board that the City of Apalachicola has requested assistance with installing a large culvert pipe on a road recently paved in Chairman Lockley's district. The City is paying for the pipe and the county is installing it.

Commissioner Putnal stated that beavers are causing water to back up on the north side of town on Highway 67 in Carrabelle.

Van Johnson – Solid Waste Director (9:09 AM)

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

Mr. Johnson discussed the upcoming baseball season with the Board.

Commissioner Jackel thanked Mr. Johnson for work done at the 9th street Park on St. George Island.

Commissioner Jackel asked that the parking bumpers be removed before the start of the SGI Chili Cook-off and informed Mr. Johnson that a recycle bin is needed in Eastpoint.

Pam Brownell- Emergency Management Director (9:12 AM)

Action Items: Requesting the Board approval to place the two companies, DSI and The Management Experts on an Emergency Management Contractual Services Qualifications List for training and exercise. This work will be task based with all funding coming from the State Homeland Security Grant Program.

Motion by Putnal, seconded by Sanders, to approve the placing of DSI and The Management Experts on the Emergency Contractual Services Qualifications List for training and exercise; Motion carried 5-0.

Mrs. Brownell updated the Board on BP payout matters and problems.

Commissioner Parrish said he had discussed this with House Member, Steve Southerland, and provided additional information on this matter.

The Board and Mrs. Brownell discussed this matter further and hoped that this will be resolved soon so everyone can move on.

Information Items:

- 1. Joyce Durham was located at the Apalachicola Community Center on February 09, 2011, at Weems Memorial Hospital on February 10, 2011 and Carrabelle City Complex on February 15, 2011 to issue re-entry tags to city and hospital employees and the general public.*
- 2. FCEM hosted the State's ESF17 Animal Protection annual meeting on February 14, 2011 for the different agencies in the county to review county plans.*
- 3. A Debris Management Workshop will be conducted at the Emergency Management Office on February 16, 2011 at 10:00 am. Franklin County Solid Waste Department,*

municipalities, gated communities and local government have been asked to attend in order to have a better understanding of their responsibilities and to assist them with their Debris Management contracts.

4. *FCEM office will attend the North Florida Domestic Security Task Force meeting February 18, 2011 in Midway, Fl.*
5. *February 28-March 2, 2011 Pamela Brownell has been asked to be on a panel for the State Animal Response Team conference in Orlando.*

Bill Mahan – Extension Office Director (9:17 AM)

Mr. Mahan had no items for Board action.

He discussed the following items from his report.

Coastal Resilience Index Training – On February 22 & 23, I will be attending a Coastal Resilience Index Training Workshop in Mobile, AL. The index is a tool to conduct a local self-assessment of a community's coastal storm hazard resiliency. The index helps in the development of a Post-Disaster recovery Plan.

Franklin's Promise Coalition Report - as a member of the Franklin's Promise Coalition Board, I've been asked to provide the Board with Coalition updates. Attached for your information is the January 2011 summary.

Mr. Mahan stated that Franklin Promise Coalition was awarded the Outstanding Community Partner Organization of the Year and it will be presented to them in Tallahassee.

Lee Lewis – AVCON – Airport Update (9:18 AM)

Mr. Lewis updated the Board on the three projects at the airport. He stated that the utility project is complete and there are leftover funds in the grant that could be used for another project. He discussed this project further and said it provides water service throughout the western side of the hangar.

Mr. Lewis said the storm water project still had some follow up work but is now 95% completed. He discussed this project further and said once this is completed that surveys will be done to be sure it is in compliance with permitting.

The third project, which is the hangar project, is still in progress and he is requesting a timeline from the contractor for completion date. He discussed this project further stating that it will have an office attachment and will be a beautiful multi-aircraft storage hangar with a paint insert booth. Mr. Lewis said this would provide a valuable resource for the airport in the future. He stated that a majority of this project should be at substantial completion within the next 6 weeks and thought it to be at 60% completion at this time.

The Board and Mr. Lewis discussed potential companies that are interested in the hangar once it is completed.

Commissioner Jackel and Mr. Lewis discussed the length of construction and an estimated completion date for the hangar project. Mr. Lewis discussed problems with the soil and roots at the site of the hangar and explained the efforts that were taken to remedy this situation. Commissioner Jackel and Mr. Lewis discussed AVCON's efforts to market the available space at the airport. Mr. Lewis stated that even though his company wasn't scoped to market the airport but said he believed it was part of AVCON's job to promote the airport when opportunity presented itself.

Commissioner Sanders stated that the reason AVCON was selected is because they did state that they would promote the Airport.

Commissioner Jackel stated that the Board on its own had approved, constructed and completed another project that started after the hangar and stated how important it was for this hangar to be completed.

Mr. Lewis stated that his company was disappointed that the hangar would not be completed by the deadline as promised.

Chairman Lockley requested that AVCON provide more frequent reports to the Board.

The Board and Mr. Lewis agreed that there needs to be stepped up efforts on marketing the Airport.

The Board discussed the Commissioners attending the Airport Advisory Board meeting and that the correct Sunshine Law notice is made.

Attorney Shuler stated that he would discuss the appropriate requirements for the meeting notices with Mr. Mosteller and also the hangar project with Mr. Lewis.

Mr. Mosteller discussed the Airport meetings with the Board. He also discussed a list of prospective tenants for the hangar at the airport and didn't believe there would be a problem finding a tenant.

Mr. Pierce discussed a possible benefit to the delay of the completion of the hangar.

Advisory BOA & P&Z – Reports (9:42 AM)

Mr. Pierce discussed this matter.

*Advisory Board of Adjustment
Consent Agenda
February 15, 2011*

The Advisory Board of Adjustment met on Wednesday, February 2, 2001, and made the following recommendations:

Approved by the Advisory Board of Adjustment: a request for a variance to construct a sand dune within the Critical Habitat Zone on Lots 462-470, SummerCamp East, as requested by White Sands Group, LLC, owner.

Motion by Sanders, seconded by Jackel, to approve a request made by White Sands Group, LLC, for a variance to construct a sand dune within the Critical Habitat Zone on Lots 462-470 at Summer Camp East, with all conditions set forth by the Advisory Board Of Adjustment; Motion carried 5-0.

Commissioner Putnal and Mr. Pierce discussed interest in the status of this development and the St. Joe Company.

PLANNING & ZONING COMMISSION
CONSENT AGENDA
February 8, 2011

The Planning & Zoning Commission met on Tuesday, February 8, 2011 with the following recommendations:

CRITICAL SHORELINE APPLICATION:

(Recommended Approval 5-1 Vote by Planning and Zoning) Consideration of a request to construct a Single Family Private Dock located at Lot 17 Driftwood, 2750 US Highway 98, St. James, Franklin County, Florida. This walkway will be 4' x 155' and dock will be 210' x 4' with a 20' x 6' terminal platform. This application meets all state, federal and local requirements. Request submitted by Gene K. Strickland, agent for William Rowell, applicant.

Motion by Sanders, seconded by Putnal, to approve request for construction of a Single Family Private Dock at Lot 17 Driftwood St. James; Motion carried 5-0.

(Recommended Approval-Unanimous by Planning and Zoning) Consideration of a request to construct a Single Family Private Dock located on Lot 1, Block S, Peninsular Point, Unit 5, 1550 Alligator Drive, Alligator Point, Franklin County, Florida. This dock will be 4' x 350' dock with a 16' x 10' terminal platform with two uncovered boat lifts. This application meets all state, federal and local requirements. Request submitted by Garlick Environmental Agency, Inc. agent for Edward Lyons, applicant.

Motion by Sanders, seconded by Parrish, to approve request for construction of a Single Family Private Dock located on Lot 1, Bl. S, Peninsular Point, Unit 5; Motion carried 5-0.

RE-ZONING:

(Recommended Approval to hold a public hearing- Unanimous by Planning and Zoning) Consideration of a request to re-zone a 10 acre parcel lying in Section 13, Township 7 South, Range 5 West, off of Mill Road, Carrabelle, Franklin County, Florida from R-1 Single Family Residential to R-2 Single Family Mobile Home. (Small Scale Land use Change and Re-Zoning from I-1 Industrial to R-1 Single Residential on July 18, 2006). Request submitted Aaron Wray, agent for Jeanne Dail, applicant.

Motion by Putnal, seconded by Sanders, to approve a Public Hearing for consideration of a request to re-zone a 10 acre parcel lying in Sec 13, T7S, R5W off of Mill Road, Carrabelle; Motion carried 5-0.

Marcia M. Johnson – Clerk of Courts – Report (9:52 AM)

Mrs. Johnson presented her report to the Board.

1- For information, the balance in the hospital's operating account for the month ending January 2011 was \$172,089.29 and the balance in the hospital's capital fund is \$400,304.61.

The Board and Chuck Colvert discussed the operational hours for the Urgent care Center in Carrabelle.

Commissioner Sanders and Mr. Colvert discussed available funding for the operation of the Urgent Care Clinic in Carrabelle.

Mr. Colvert discussed projections for the UCC to start being self sufficient rather than being dependent on the subsidy.

Commissioner Sanders wanted to be sure the the doctor on duty is someone the folks in the community "like".

Mr. Colvert stated the projected spring time operational hours for the Urgent Care Clinic.

Commissioner Sanders stated the importance of advertising the operational hours.

Commissioner Jackel discussed the importance of signage for the Clinic on Highway 98 for residents and travelers.

Mr. Pierce discussed problems he is having with posting signs and the Board discussed possible solutions to this problem.

There was further discussion concerning signage for the Clinic.

Commissioner Jackel suggested putting flyers in vacation homes on the East end of the County.

Recess (10:02 AM)

Chairman Lockley called for a recess.

Reconvene (10:20 AM)

Chairman Lockley reconvened the meeting.

Alan Pierce – Director of Administrative Services – Report (10:20 AM)

Mr. Pierce presented his report to the Board.

1- Inform Board that I attended the DACS oyster workshop last Monday, Feb. 7, for the purpose of talking to Ms. Leslie Palmer, DACS bureau chief, regarding the request the Board made for Mr. David Heil to be available to the Board to discuss oyster industry issues. Ms. Palmer said that she appreciated the faith the Board had in Mr. Heil but that all the agencies, including DACS, are under new budgetary guidelines. Ms. Palmer said that the focus of her agency will be back to their core mission as a regulatory agency. Any request the Board had for Mr. Heil will need to be made to Ms. Palmer to see whether the request fits the core mission.

Commissioner Putnal explained concerns of restrictions on local fishermen and seafood workers. He suggested sending a letter to the Governor explaining how changes to the rules and regulations would help the economy of the County.

The Board discussed the changing role of DACS affecting the County.

Commissioner Parrish spoke about his disappointment with the statement made regarding DACS as a regulatory agency.

The Board discussed this matter further.

Motion by Sanders, seconded by Parrish, to send a letter to the Commissioner of Agriculture, Adam Putnam, explaining the need for DACS to be a supporting agency, a request for a meeting (preferably during Legislative Days) and also include statistical information regarding the seafood industry in the County; Motion carried 5-0.

Attorney Shuler reminded the Board of Sunshine Law restrictions and said that one Commissioner needed to meet with the Commissioner of Agriculture or ask him to come to a Board Meeting.

Public Hearing – Proposed Ordinance – Alcohol consumption at boat ramps (10:30 AM)

Attorney Shuler reviewed the proposed Ordinance with the Board.

Chairman Lockley opened the floor for public comment but there were no comments from the floor.

Commissioner Parrish stated that he had received complaints of intoxicated individuals at the boat ramps.

The Board discussed other problems with the consumption of alcohol at the boat ramps.

Commissioner Sanders asked Attorney Shuler to coordinate appropriate Ordinance signage with the Road Department.

Commissioner Jackel stated that the Sheriff was in favor of the proposed Ordinance.

Motion by Jackel, seconded by Parrish, to adopt the Ordinance in reference to alcohol consumption at public boat ramps in Franklin County; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report – Continued (10:38 AM)

Mr. Pierce continued presentation of his report to the Board.

2- Inform the Board that Commissioner Parrish and I participated in the meeting on Friday, Feb. 4 in Walton County of the 7 counties impacted by the BP oil spill. Four main points came out of the meeting:

A) County Commissioner Grover Robinson is encouraging each county to send a delegation to the meeting Mr. Feinberg is holding in Tallahassee on Feb. 18. Mr. Fienberg is scheduled to appear from 9-11 AM at Webster Hall at 212 Knott Bldg in front of the House Economic Affairs Committee in the state capital complex. Commissioner Robinson would like 200 people from the impacted counties to pack the room. (I have an email saying the meeting starts at 8:45AM but that is to allow for roll call for the Legislative members attending the meeting).

B) Former DEP Secretary Mimi Drew was in attendance and explained that each county would be receiving a request to submit projects for funding through the Natural Resource Damage Assessment (NRDA) process. We received the letter electronically on Feb. 8, and I have copies for the Board. Each of the impacted counties is eligible to propose potential restoration projects. A list of potential restoration projects will be provided to the Natural Resource Trustee Council, of which Florida is a member, and will be evaluated for eventual submission to the responsible party for funding. Quoting from the letter, "This is your opportunity to directly participate in the process of identifying potential projects that are related to natural resource injuries and service losses requiring restoration." The deadline for submitting is March 4, 2011.

Mr. Lee Edmiston has also contacted me and encouraged the county to provide him with costs for the project.

Board discussion on other projects it would like to submit. The description of eligible restoration projects leads me to believe that Alligator Point, Dog Island, and Carrabelle Beach would be eligible to receive funds if the Board wants to list them as projects. Please realize that being eligible is no guarantee that funds will be allocated.

1. Apalachicola Bay Oyster Industry Restoration

The Apalachicola Bay produces 90% of the oysters sold from the state of Florida. The Bay is recognized with national and international environmental designations for its resource production, high water quality, and ecosystem diversity. The BP oil spill and the damage it caused to the Louisiana oyster industry is the motivation to enhance and renourish the Apalachicola oyster industry so that it continues to maintain its preemence.

This proposal is to repair and replenish the natural oyster bars with proper substrate so that oyster spat will continue to have a place to grow. The proposal also includes a component to

develop and test food safety measures so the consumer will continue to have confidence in oysters as a food source, as there was considerable doubt cast in to the public regarding the safety of eating Gulf coast seafood product.

2. Beach Nourishment

Franklin County beaches (Alligator Point, Dog Island, St. George Island and Carrabelle Beach) have been subject to repetitive vehicular traffic. Unlike some other Gulf coast counties, Franklin County does not allow vehicles on the beach, but due to the extreme damage oil would have caused the county allowed vehicles on the beach for monitoring and oil recovery purposes. Franklin County also suffered a loss in aesthetic value and perception by having its beaches associated with BP oil contamination in the media. This proposal is designed to restore the natural, functional, and aesthetic value of county beaches.

The Alligator Point beach has a known approved sand source, and a fully developed beach renourishment plan submitted to DEP. Dog Island will need to develop a beach renourishment plan. Carrabelle Beach will be renourished from an upland sand source so it will not involve dredging or pumping of sand. St. George Island will utilize DEP approved sand fencing and dune vegetation to repair the damage to the beaches so it will not involve any dredging either.

3. Boat Ramps

Franklin County public boat ramps provide local recreational and commercial boaters access to valuable fishing grounds and great recreational opportunities. Several county boat ramps were used to stage and deploy boom and other oil spill response equipment. This proposal will construct new boat ramp facilities to offset the lost opportunity of boating access. This will require purchasing land for ramps and parking.

*Estimated Cost Schedule**

<i>PROJECT</i>	<i>ESTIMATED COST</i>
<i>1. Apalachicola Bay Oyster Reef Restoration</i>	<i>\$25,000,000</i>
<i>2. Beach Nourishment</i>	<i>\$12,500,000</i>
<i>3. Boat Ramps</i>	<i>\$ 1,500,000</i>
<i>Total Environmental Restoration Cost Estimate</i>	<i>\$39,000,00</i>

**Costs are preliminary estimates only*

Commissioner Jackel stated that she would like more funding added to the boat ramp project in order to increase the parking areas. The Board agreed to ask for \$5 million for that project.

Andy Smith, of ABARK, asked the Board to consider a website that was started by ABARK during the oil spill recovery. He discussed different uses for this website which include the dissemination of information, communication coordination and educational purposes for the community. He discussed some of the grants that were received to start this website and asked the Board to include a \$40,000 fee for the next five years to maintain the website.

The Board suggested that the Oyster Reef Restoration project is increased to \$30 million.

Mr. Pierce discussed the beach nourishment project and Chairman Lockley thought this project needed more funding.

Commissioner Parrish provided additional information that was discussed during the meeting in Walton County. He said building the beaches back up was a way of drawing tourists back to a bigger and better beach.

The Board agreed to increase the beach nourishment project to \$15 million.

The Board discussed these matters further.

Motion by Sanders, seconded by Jackel, to approve amounts as amended and discussed, including ABARK's request for \$200,000 and also allow for additional items or amounts to be submitted; Motion carried 5-0.

C) Commissioner Robinson led the discussion on a Joint Resolution from the 7 counties. I have the attached the draft Resolution to my report. The desire by Commissioner Robinson is to have each county adopt the resolution before Mr. Feinberg's Feb. 18th meeting so that the joint resolution can be presented to him and the news media on that day.

The Board asked Commissioner Warren Yeager of Gulf County to comment on the amounts submitted and the Joint Resolution.

Commissioner Yeager stated that Gulf County was in support of the Resolution and said that Gulf County's requests would be very similar to the requests of Franklin County.

Commissioner Parrish reviewed the proposed Joint Resolution and gave details of each item. He said he thought this was a good Resolution.

The Board discussed the importance of being sure the County receives its share of this funding.

Motion by Parrish, seconded by Jackel, to support and adopt this 7 County Joint Resolution; Motion carried 5-0.

D) There was discussion about the legislation that Senator Gaetz has introduced regarding the handling of the potential BP fine money. It appears that the 7 counties are going to have to accept that the funds will go to Florida's Great Northwest, but the money will be set up in a separate 501(c)(3) that will be controlled by the 7 counties.

3- *The Crooked River Lighthouse would like the county to write a letter of support for its acquisition of 3 additional acres of land around the lighthouse. While the county is submitting its own projects to FCT, Mark Curenton has checked and there are no points awarded for letters of support so it will not impact the county's application if the Board chooses to support the Lighthouse application. Board direction*

Motion by Sanders, seconded by Putnal, to approve Letter of Support for the acquisition of 3 additional acres of land around the Crooked River Lighthouse; Motion carried 5-0.

4- *Board direction on 2 requests for the Board to consider abandoning public right of way. The Board is aware that several weeks ago a request was submitted for a platted street to be abandoned on Alligator Point. Now we have received a request for a section of St. Teresa Blvd, in the St. Teresa area, to be abandoned also.*

Both of these requests come with signatures of the bordering property owners supporting the request.

It has been more than 20 years since the Board abandoned any property in either one of these areas. In the case of Alligator Point, the road to be abandoned has never been opened, but it is within a block from the water. In the case of St. Teresa, the road to be abandoned has not been maintained by the county, and there are encroachments into the ROW in various places.

However, once the roads are abandoned they are lost to the public forever. I have been contacted by various members of APTA and a great many questions have been raised as to the public need of abandoning the Alligator Point ROW. I am unable to describe a public need in abandoning the ROW. I have had no communication from anyone in St. Teresa but I am also unable to describe a public need for abandoning the ROW. In both cases the land is not costing the county any money so the question is why abandon something now that might be needed in the future. At this time I recommend the Board not proceed with the abandonments.

Steve Watkins, Attorney representing Bill Moore, stated that his client would like to request abandonment of the St. Teresa R-O-W and said that his client would like a public hearing on this matter. Attorney Watkins described the area regarding the road.

Attorney Shuler stated that he supported Mr. Pierce's recommendation.

Motion by Putnal, seconded by Parrish, to support Mr. Pierce's recommendation to not proceed with a public hearing on this matter; Motion carried 5-0.

5- *Inform the Board that the City of Apalachicola has requested assistance with installing a large culvert pipe on a road recently paved in Chairman Lockley's district. The City is paying for the pipe and the county is installing it.*

Michael Shuler – County Attorney – Report (11:16 AM)

Attorney Shuler presented his report to the Board.

ACTION ITEMS

1. Ordinance Banning Alcohol Consumption at Boat Ramps

*The public hearing on this ordinance will take place at 10:30 a.m. on February 15, 2011.
A copy of the ordinance is attached.*

This item was discussed earlier in the meeting.

2. Draft RFP for Bridge Clean Up and Proposed Contract:

*The draft RFP and contract is attached for board action.
Board Action: Pleasure of the Board*

The Board, Attorney Shuler and Mr. Pierce discussed the details and timeline of the contract.

Chairman Lockley expressed his concerns with finding anyone who would want to obtain this job because it wouldn't be very feasible. He said he didn't believe in working people for nothing.

Motion by Jackel, seconded by Putnal, to approve RFPs with an accurate amount disclosed in the RFP; Motion carried 4-1, Lockley opposed.

3. Draft RFP for Leasing the Armory is attached:

*The draft RFP for leasing the Armory is attached.
Board Action: Pleasure of the Board.*

Mr. Shuler reviewed the draft for the Board.

Commissioner Sanders stated that the reason the Armory was initially obtained by the County on the prefix that it would be there for public use and also preserve part of Franklin County history. She suggested that the Board devise a plan using TDC funds to improve and upkeep the Armory, just as was done with the purchase of Lombardi's, rather than allow a For-Profit company to have control of the Armory.

The Board discussed alternate sites for the Parks & Recreation and also the County Extension Offices, which are currently housed in the Armory.

Commissioner Jackel suggested that TDC funds are received on an annual basis and are used in each district for infrastructure purposes, which would include the Armory and restrooms at fishing piers. She said the TDC monies are there for these purposes.

Commissioner Parrish stated that even if the County controls and upgrades the Armory, For-Profit companies can still utilize the armory and provide an economic boost to the County, but wanted to make sure that the Board moves forward with renovating and upgrading the Armory.

Motion by Sanders, seconded by Putnal, to table RFP's for the Armory until a plan to upgrade the Armory, using TDC funds, is considered; Motion carried 5-0.

Commissioner Sanders asked Mr. Pierce to coordinate a time to sit down with her and complete a plan to upgrade the Armory.

4. Hospital Contracts/Service Providers

Attorney Shuler reviewed the Contract with the Addendum for the Board.

a. Architect Contract with TRO Jung/Brannen and Shuler's Addendum: A copy of the contract and the addendum is attached. The contract is subject to USDA approval. Mr. Colvert recommends approval. A summary of the contract follows:

i. The estimated construction cost of the new hospital is \$8,400,000.00.

ii. The architect's "basic services" fee is 5.8% of that amount, which is \$487,000.00. Basic services include things like structural, mechanical, electrical, medical gas design and "as-constructed" plans. These services are more particularly described in Article 3. This fee is within the USDA Guidelines.

iii. The contract includes "additional services" totaling \$268,500.00 which would be in addition to the \$487,500.00. Additional services include matters such as Civil Engineering, Landscape design, Interior Design, Furniture Design and communications design. These are more particularly described in Article 4.

iv. They have estimated \$106,000.00 for reimbursable expenses.

v. To ensure that all the architect's fees and expenses are reimbursed to Franklin County by USDA, I have amended the contract such that the architect must obtain USDA preapproval before incurring the expense or fee.

vi. This contract does not include anticipated renovations of the current Weems Hospital building. Following construction of the new hospital it is anticipated that the old building will be renovated.

vii. USDA will require the project to have a full time onsite building inspector. USDA has allotted up to \$176,000.00 for this service. I have proposed to USDA that instead of hiring a full time onsite building inspector, that USDA allow Franklin County to use one of its two building inspectors. . If approved, we would be able to put that savings toward construction or possibly to reimburse the county for the inspectors salary.

USDA is evaluating this request.

viii. USDA will reimburse the county for the architect's fees and expenses.

Board action is needed on the TRO Jung/Brannen Contract and Addendum as approval of the architect's contract is the next step in the USDA loan process. Any approval would need to be made subject to USDA concurrence and joiner.

Attorney Shuler explained what cost the County would be responsible for regarding architectural services and the payment process that would be followed.

Commissioner Jackel asked if there were enough funds available to pay the architectural costs out of the Hospital Fund.

He said there will be no further architectural fees incurred until the USDA loan is approved and did not expect the County to have to pay any out of pocket monies for architectural services.

Commissioner Jackel wanted to verify that everything that is paid for architectural services will come out of USDA funds and Attorney Shuler said that was correct.

Attorney Shuler explained which funds would have to be paid up front but would be refunded by the USDA loan.

Attorney Shuler discussed this matter further.

Motion by Parrish, seconded by Putnal, to accept the TRO Jung/Brannen contract; Motion carried 5-0.

b. Adams: USDA is requiring a financial feasibility study to prove that the county can afford the new hospital. The preliminary study approved by USDA shows that we can, which is why they gave us permission to complete the loan application. This final study costs \$20,000.00, which would be paid out of the infrastructure portion of the hospital surtax. It will not be paid out of the operational portion of the hospital surtax. Once the loan is approved, the county will be reimbursed for this expense. If the loan is not approved, then the county will not be reimbursed. Adams informs me that they have completed the study.

No Board Action is needed on Adams; the hospital has already hired them.

c. BKD: USDA is requiring that the financial feasibility study be audited. BKD is the company that our consultant, Adams, recommended for this audit. The estimated expense is a "not to exceed" amount of \$75,000.00, which is less than the other company quote of \$125,000.00. A copy of BKD's proposal is attached. Once the loan is approved, the county will be reimbursed for this expense. If the loan is not approved, then the county will not be reimbursed. The original estimate from BKD via Adams was \$60,000.00, but after reviewing Weems financial information, BKD has increased that to a "not to exceed \$75,000.00" estimate. A copy of their letter dated February 10, 2011 is attached. I have asked Adams to attempt to locate a less expensive auditor and I should know by the February 15, 2011 meeting whether a less expensive option is possible.

Board action is needed on the BKD contract, unless Adams locates a less expensive replacement auditor.

Commissioner Jackel asked if the County was required to put these contracts out for bid and Attorney Shuler explained why the County was not required to do so in this case.

Motion by Parrish, seconded by Sanders, to accept the BKD contract; Motion carried 5-0.

Attorney Shuler distributed and discussed a copy of the confidential agreement with St. Joe regarding the Burt Harris Act. Attorneys Shuler and Theriaque recommended the execution of this document.

Attorney Shuler said if these discussions result in a settle agreement there will be a public hearing scheduled and all of the terms of the proposed settlement would be presented to the Board by himself and Attorney Theriaque at a public hearing.

The Board wanted to be sure that these discussions are confidential and Attorney Shuler assured that they were.

Motion by Sanders, seconded by Parrish, to approve execution of the confidential agreement with St. Joe regarding the Burt Harris Act; Motion carried 5-0.

Attorney Shuler distributed information regarding the sale of the Roscoe Dally property and asked for Board action to schedule a public hearing.

Motion by Sanders, seconded by Jackel, to schedule a public hearing regarding the sale of the Roscoe Dally property; Motion carried 5-0.

Attorney Shuler distributed a proposal to appraise property in South Shoal.

Motion by Sanders, seconded by Parrish, to approve hiring Ketchum to appraise property in South Shoal; Motion carried 5-0.

Attorney Shuler distributed notification of a lawsuit against the County by a Mr. Baucham.

NON-ACTION ITEMS

5. Road Department:

A copy of the ten day unpaid suspension of Mr. Willie Mathes is attached.

6. Com Hydro Electric Dam Modification:

Attached is a copy of the October 5, 2010 letter from the Northwest Florida Water Management District stating that they will not provide downstream monitoring as requested by Franklin County.

The Board and Attorney Shuler discussed this matter.

7. South Shoals/Capital City Bank

a. I still have not received the bank's proposed revised PUD for South Shoal. They tell me that they are waiting on the surveyor and DEP. A copy of that email is attached.

b. Also attached is correspondence with appraiser Clay Ketchum to provide an estimate for appraising two parcels. One parcel is the proposed public road through South Shoal subdivision. The second parcel consists of four lots at the intersection of Alligator Drive and Harbor Circle, which is to use as a continuation of moving the public road inland. I will proceed with engaging Mr. Ketchum if his fee is less than the \$10,000.00 bid threshold. The FEMA funds will pay for his services.

8. The Radiology Group vs. Franklin County

Franklin County has been sued by a radiology service provider whose services were terminated by Weems Hospital. TRG alleges that the hospital improperly canceled their service contract. The hospital canceled the contract due to improper service delivery by TRG. The complaint has been filed and an Answer filed by Franklin County.

The suit is pending in Federal District Court and the Constangy, Brooks and Smith, LLC law firm represents Franklin County, Florida. A copy of the complaint and removal to Federal Court is attached.

The Hospital is paying the cost of the defense and will be responsible for payment of any damages which may be awarded, if any.

FACT has denied coverage. A copy of the declination is attached.

9. Wargo v. Franklin County

A copy of Mr. Wargo's dismissal of his lawsuit against the county is attached.

Commissioners and Public Comments (12:08 PM)

Chairman Parrish updated the Board on issues discussed at the GOIC Meeting in Washington, D.C. He said it was a busy time and he was able to do a lot of networking for Franklin County.

Commissioner Sanders reminded the Board that FWC is holding another meeting in Franklin County and asked Chairman Lockley to represent the Board at this meeting and also asked Mr. Pierce to address the FWC regarding County concerns that have yet to be resolved, such as the bear/garbage problem.

Chairman Lockley stated that he had received complaints that the Tourist Development Council Board members are getting grants that are negatively affecting local businesses. He stated that

Mr. Joe Taylor is one of the members he is referring to and asked that he be removed from the TDC Board.

Chairman Lockley and Commissioner Sanders discussed the tenure of Mr. Taylor's position on the TDC Board.

Commissioner Jackel stated that she was unaware of the specific facts in this matter but said she knows that Mr. Taylor had been very active in the community so she is not sure how to act on this item.

Chairman Lockley explained that Mr. Taylor is applying for grants but is using his position in order to qualify for these grants.

Commissioner Parrish stated that he would like to open up these positions to give other residents the opportunity to serve on these boards.

Commissioner Sanders supported Chairman Lockley and said she was also aware of the grants Mr. Taylor had received which compete with local businesses.

Motion by Putnal, seconded by Sanders, removing Mr. Joe Taylor from the Franklin County Tourist Development Council; Motion carried 5-0.

Chairman Lockley reminded the Board of the "H Cola" African American celebration this weekend.

Ted Mosteller, of the Apalachicola Airport, discussed the dedication ceremonies that were held this past weekend at the airport.

Chairman Parrish stated that he had a family emergency and was unable to attend this event.

Lisa Spooner, of Carrabelle, asked the Board to consider adding artificial reefs to the NERDA process proposals Mr. Pierce plans to submit for BP funding. She explained the benefits of artificial reefs and also discussed other funding possibilities.

Adjourn (12:34 PM)

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

Noah Lockley, Chairman – FCBC

Attest:

Marcia M. Johnson, Clerk of Courts