

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MARCH 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 – Board Secretary

Call to Order (9:05 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:06 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes – March 1, 2011 Regular Meeting (9:07 AM)

Motion by Sanders, seconded by Parrish, to approve the Minutes of the March 1, 2011 regular meeting; Motion carried 5-0.

Payment of County Bills (9:07 AM)

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

Commissioner Jackel and Pam Brownell discussed a payment to Direct TV, which is for weather communications at the EOC.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:09 AM)

Mr. Chipman had no items for Board action or approval.

Mr. Chipman informed the Board that he has received milled asphalt and is in the process of distributing some of it now.

Commissioner Putnal discussed installing a four way stop at Lighthouse Road and Frank McKamey. Mr. Pierce stated that motion is needed.

Motion by Putnal, seconded by Sanders, to install a 4 way stop at Lighthouse Road and Frank McKamey Way; Motion carried 5-0.

Alan Pierce – Report Item #2

2- Inform Board that Transfield Services will be relocating the Stop Bar at the intersection of US 98 and Woodill Road to try to improve driver safety. DOT has recommended the Stop Bar be moved forward 15 feet.

Commissioner Putnal and Mr. Pierce discussed the need for maintenance at this location.

Commissioner Sanders, Mr. Chipman and Mr. Pierce discussed signs at St. James Bay.

Van Johnson – Solid Waste Director (9:13 AM)

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

Commissioner Jackel stated that there are streets in Eastpoint that are being missed during the week that there is trash pickup in District 1.

Commissioner Jackel asked about dumping on Highway 98 in the Eastpoint location and what can be done to stop it. She said it is illegal and it isn't supposed to be placed on the side of a state highway.

The Board, Mr. Pierce and Mr. Johnson discussed this matter further.

Commissioner Jackel stated where the location is, in the area of 4th Street, and discussed installing a sign notifying that there is no dumping allowed.

Motion by Jackel, seconded by Putnal, to authorize Mr. Pierce to write a letter to DOT asking for a remedy to this problem; Motion carried 5-0.

Commissioner Sanders thanked Mr. Johnson for cleaning up debris from a house fire site.

Motion by Sanders, seconded by Jackel, directing Mr. Johnson to attend the next Alligator Point Taxing Authority and Lanark Village Association upcoming meetings; Motion carried 5-0.

Chairman Lockley and Mr. Johnson discussed the shortage of manpower at the Landfill, especially with the upcoming tourist season.

The Board discussed rescheduling hours and safety issues for employees.

Mr. Pierce suggested looking into a program with the Gulf Coast Workforce Board and discussed necessary training with the Board and Mr. Johnson. Mr. Johnson said training is only for one day in Gainesville.

Chairman Lockley stated the importance of getting the help that is needed at the Landfill and asked Mr. Pierce to look into this issue.

Pam Brownell – Emergency Management (9:23 AM)

Mrs. Brownell presented her report to the Board.

Action Items: Request the Board submit a letter to the Florida Senate stating opposition to the Governor's proposal to eliminate the Emergency Management Preparedness and Assistance Trust Fund and to place EMPA surcharges into the General Revenue Fund.

Motion by Sanders, seconded by Parrish, to authorize submitting a letter to the Florida Senate stating opposition to the Governor's proposal to eliminate the Emergency Management Preparedness and Assistance Trust Fund and to place EMPA surcharges into the General Revenue Fund; Motion carried 5-0.

Information Items:

- 1. A Disaster Housing Class is scheduled to be held at the Emergency Management Office on March 17th, 2011 from 9:30 am -3:30 pm. This class is intended make sure the Disaster Housing Task Force understands the roles of the State and of FEMA during a disaster. Work will then begin on our county's Disaster Housing Plan.*
- 2. A meeting was held on March 9, 2011 at the Franklin County Sheriff's Office to inform the county's water districts about the use of the Sheriff's emergency notification system if a "boil water" notice was necessary.*

John Solomon, of the Franklin County Sheriff's Office, updated the Board on the meeting where the use of the WINS was discussed. He said the Sheriff's Office can't do a street by street notification because the County doesn't have a baseline map and WINS wanted it to be done street by street.

The Board discussed this matter with Mr. Solomon.

Chairman Parrish suggested tailoring the notification for the boundaries of the boil water notice.

Mr. Solomon said residents who have cell phones only need to go to the Sheriff's website, www.franklinsheriff.com and register their cell phone or email in order to receive notifications. Commissioner Sanders and Mr. Solomon discussed the problems with Telemarketing prompts on phone services because the notifications won't get through in that case.

Mr. Solomon discussed the time it takes to send out the calls once the emergency information is received. He said the system notifies for a wide variety of issues.

Mrs. Brownell explained some of the issues the water districts have with WINS.

The Board and Mrs. Brownell discussed this matter further.

Mrs. Brownell stated that the County is storm ready and she is currently working on a new application.

3. *Pamela Brownell attended the SART planning session February 28-March 3 and the county will be updating and making changes to its' animal response plan.*
4. *There is a Local Mitigation Task Force meeting scheduled for March 24, 2011 at the Emergency Management Office at 1:00pm.*
5. *There is a Preliminary Damage Assessment workshop on infrastructure schedule for March 29, 2011 at the Emergency Management Office from 1:00pm-3:30 pm.*

Bill Mahan – Extension Office Director (9:35 AM)

Mr. Mahan discussed the following item from his report.

Gulf of Mexico Fishery Management Council (GMFMC)

GMFMC Scoping Meetings – Starting on March 22nd, the GMFMC will hold a series of Scoping Meetings to collect public comments on a Generic Amendment the covers “crew size limits for dually permitted vessels” and “income qualifications requirements for commercial permit holders.” Dually permitted vessels are vessels with both a charter for-hire permit and a commercial reef fish permit. The proposal also looks at suspending the earned income qualification requirement for the renewal of commercial reef fish permits, and it will evaluate modifications to these requirements as well as an option to eliminate the requirements altogether. Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with the issue at hand. It provides the first and best opportunity for the public to make suggestions or to raise issues and concerns before the Council begins developing an amendment. The closest meeting to our area is scheduled for March 31, at the Royal American Beach Getaways in Panama City. Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with the issue at hand. It provides the first and best opportunity for the public to make suggestions or, to raise issues and concerns before the Council begins developing an amendment.

For more information on any of these meetings, please call the Gulf Council at 813-348-1630.

Paul Marxsen – Hospital Board Chairman – Discuss research process for replacing Hospital CEO (9:36 AM)

Mr. Pierce explained the reason for Mr. Marxsen’s appearance, saying that TMH has a contract with the hospital and will assist in the replacement of the CEO but doesn’t want to get stuck in the middle of difference of opinion between the Board and the Hospital Board. He said Mr. Marxsen is going to update the Board as to how the process is going to work.

Mr. Marxsen stated that TMH's role in this process will be like a research committee that will forward three candidates to the County for a selection.

Mr. Putnal explained the importance of the Board being included with the selection process. Chairman Lockley asked where we are in the process and Mr. Pierce said he didn't know how long the application window would be open.

Commissioner Jackel stated that there was a good local candidate applying for the job.

Commissioner Sanders wanted the candidate to be someone who will become part of the community and wanted the Board to have influence on the candidate.

Commissioner Jackel agreed with Commissioner Sanders and asked that it is a requirement that the candidate knows they are expected to live here and be part of the community.

The Board asked Mr. Pierce, as the Board representative, to be very involved in this process and to keep the Board informed.

Commissioner Putnal asked when the Carrabelle clinic will change to urgent care instead of family clinic, and stated how important it is to the community.

Mr. Marxsen said it would be as soon as possible and explained that there are staffing issues and other matters that have to be worked out.

Commissioner Sanders agreed with Commissioner Putnal about the importance of making the clinic urgent care.

Chairman Lockley asked if anyone had been working on making the clinic a FQHC clinic.

Commissioner Putnal suggested an advertising campaign ad to let people know how the hospital has improved because the County might be losing business to Sacred Heart Hospital in Gulf County. He said he has been hearing good things about the improvement at Weems and wanted other residents to know about it.

Mr. Marxsen, Mr. Pierce and the Board discussed this matter and also discussed Sacred Heart Hospital and the economy possibly affecting any drop in patients that Weems is seeing.

Mr. Marxsen discussed Mr. Colvert's end date and also the new records management act and how it will affect Weems.

Mr. Marxsen stated that TMH would also be used to assist the Hospital Board with finding a new physical therapy service company.

Open Bids – Litter Removal (9:52 AM)

Mr. Pierce opened and read the bids for bridge litter removal.

Willey Construction – \$6,000 x 12 payments = \$72,000

RJP Construction Services, of Apalachicola – \$11,724.75

Hank Garrett, of Eastpoint – \$18,976.00

Capt. Dave's Lawn Maintenance, of Carrabelle – \$5,940.00

Mark Nobles, of Carrabelle – \$11,945.91

Commissioner Putnal suggested that the Sheriff's Dept. be more diligent with litter enforcement to help offset with cost. He was also afraid that the State would require the County to do more if we start cleaning up State roads.
Mr. Pierce commented on this matter.

Motion by Sanders, seconded by Parrish, to forward bids to Attorney Shuler and Staff and return to the Board with a recommendation; Motion carried 5-0.

Mark Nobles, a bidder, discussed other possible funding sources for bridge clean-up and how enforcement would help with creating funding for this type of cleanup.

Recess (10:05 AM)

Chairman Lockley called for a recess.

Reconvene (10:22 AM)

Chairman Lockley reconvened the meeting.

Bruce Millender – Maintenance Dredge of Eastpoint Channel (10:22 AM)

Bruce Millender, of Seaquest Seafood in Eastpoint, asked for Board assistance with a maintenance dredge in the Eastpoint channel as it has been over 30 years since it has been done. He discussed the necessity of dredging in order for the seafood workers to get into the Bay to go to work.

Commissioners Sanders and Jackel discussed the funding that was available but taken away by the State to assist with Hurricane Katrina.

Commissioner Jackel and Mr. Pierce discussed the process that has to be followed.

Mr. Pierce stated that the Corps of Engineers is in full control of this process and would not dredge without having a permit in place.

Commissioner Jackel stated that the State would be supportive when funding becomes available.

Commissioner Putnal discussed what was done in the past regarding this dredging.

Commissioner Sanders suggested contacting our Legislative Delegation for funding this project.

Mr. Millender stated that a maintenance dredging permit is already in place.

Commissioner Parrish and Mr. Pierce discussed the possibility of seeking stimulus funding for this project.

The Board discussed the cost of the project and suggested that this would fit the Governor's plan of putting people to work.

Motion by Jackel, seconded by Putnal, to direct Staff to contact, by phone and letter, our Legislative Delegation, the Governor, Representatives Patronis and Bemby and Senator Montford, to assist the County with seeking funding for maintenance dredging of the Eastpoint Channel; Motion carried 5-0.

The Board discussed this matter further.

Wesley Tice – Health Department Administrator – Update (10:36 AM)

Wesley Tice, Health Department Administrator, updated the Board on the progress of the rehabilitation to the Health Department building. He stated that relocation should be completed in May.

Chairman Lockley and Mr. Tice discussed the condition of the temporary location.

Commissioner Sanders asked how the budget cuts would affect primary care at the Health Department in Carrabelle.

Mr. Tice stated that until the budget process is completed he doesn't know how the Franklin County Health Department will be affected.

Commissioner Sanders stated that a lot of residents depend on the Health Department for primary care and discussed how much funding the County has provided to the Health Department for primary care.

Mr. Tice discussed this matter further.

Commissioner Putnal and Mr. Tice discussed the County's funding of the Health Department.

Chairman Lockley and Mr. Tice discussed becoming a Federally Qualified Health Center.

Advisory BOA Consent & P & Z Consent Agenda Report (10:46 AM)

Mr. Pierce presented the following items to the Board.

The Advisory Board of Adjustment recommends approval of the following variance applications:

- 1. Variance to construct a grocery store 6 feet into the setback line off of Washington Street and 5 feet into the west side lot with the stipulation that the west side variance is for refrigeration units only, on property described a Lot 16, Block 105, unrecorded plat also described as 319 US Highway 98, Eastpoint, Franklin County, Florida as submitted by Kenneth W. Shiver, Owner.*
- 2. Variance to construct a boardwalk over jurisdictional wetland on property described as a 2.8 acre parcel lying west of Apalachicola in Section 08, Township 9 South, Range 9 West*

and further described as 2526 Egret Lane. This request is contingent upon receiving state permits. The request is submitted by Ellis M. Willis, owner.

Motion by Parrish, seconded by Jackel, to approve Item 1 & Item 2, contingent upon receiving state permits, of the Board of Adjustment report; Motion carried 5-0.

The Planning & Zoning Commission met on Thursday, March 10, 2011 with the following recommendations:

CRITICAL SHORELINE APPLICATION:

- 1- *(Recommended Approval- Unanimous), Re-Consideration of a request to construct a Single Family Private Dock located at 2526 Egret Lane, West of Apalachicola, Franklin County, Florida. This dock will be 3' x 150' dock with a 10' x 15' terminal platform with two 2' x 20' finger piers. This application meets all state, federal and local requirements. Request submitted by Ellis Willis, applicant. (House near completion)*

COMMERCIAL SITE PLAN REVIEW:

- 2- *(Recommended Approval- Unanimous) Consideration of a request commercial site plan review to construct a grocery store at 319 Highway 98, Eastpoint, Franklin County, Florida. (Contingent upon variance request approval in March 2011) Request submitted by Kenneth Shiver, applicant.*

RE-ZONING:

- 3- *(Recommended Approval- Unanimous) Consideration of a request to re-zone 3 contiguous one acre parcels lying in Section 30, Township 8 South, Range 6 West, off of Twin Lakes Road, Eastpoint, Franklin County, Florida from R-1 Single Family Residential to R-2 Single Family Mobile Home. Request submitted Hubert Bentley and Travis Bentley, applicants.*

SKETCH & FINAL PLAT APPROVAL:

- 4- *(Recommended Approval- Unanimous) Consideration of a request to replat a 3.95 acre parcel within Lot 19 Southland Subdivision, Apalachicola, Franklin County, Florida. This subdivision will be named "Squire 19 Subdivision" and will be 3 lots total. Request submitted by Inovia Consulting Group, Jim Waddell, agent.*

Motion by Jackel, seconded by Putnal, to approve Items 1 – 4 of the Planning and Zoning report; Motion carried 5-0.

Commissioner Sanders and Mr. Pierce discussed Mr. Carney's request for sand dunes and Mr. Pierce stated that the permit has not been issued as yet.

Marcia M. Johnson – Clerk of Courts – Report (10:50 AM)

Mrs. Johnson presented her report to the Board.

1-For information, the balance in the hospital's operating account at the end of February was \$226,305.00. The balance in the hospital's capital fund is \$437,624.46.

2-I've prepared a Resolution for adoption requiring that all budgets be turned in by May 1st instead of June 1st as required by law, to facilitate an earlier start to the budget process as we've done the past few years. We need to hear from our Property Appraiser soon regarding property values, and perhaps she will be willing to give us some figures prior to the statutorily required deadline which would be helpful.

**RESOLUTION
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, FLORIDA**

WHEREAS, the Board of County Commissioners of Franklin County, Florida, are concerned about the economic situation existing, and

WHEREAS, the Board wishes to begin the budget process earlier to ensure enactment of their proposed fiscal policies, and

WHEREAS, more time is needed to make sure the budget is in compliance with county requirements and is tentatively prepared.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Florida, that all Constitutional Officers, Department Heads, and any other entity requesting funds, be directed to submit their tentative budget by May 1, 2011 for the fiscal year 2011-2012.

ADOPTED in open, regular session this 15th day of March, 2011.

The Board asked Mrs. Johnson to include language in the Resolution asking departments to restrict any request for any increases in their budgets, including raises and said that exceptions would have to be on a case by case basis only.

Motion by Parrish, seconded by Sanders, to approve the Resolution and ask Property Appraiser's Office to appear before the Board to discuss accurate numbers for the upcoming Tax Roll; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (10:57 AM)

Mr. Pierce presented his report to the Board.

1- Inform the Board that the Indian Creek Park dedication will be Friday, April 1, at 9 AM. The Riverkeepers are organizing the dedication. School children will be involved in the dedication so the program will run from approximately 9 to 10 AM.

Commissioner Putnal and Mr. Pierce discussed the Summer Bars opening date affecting the dedication. He said the parking will be sparse.

Motion by Jackel, seconded by Sanders, to have the Board present Dan Tonsmeire with a commemorative plaque of appreciation for his work on the Indian Creek Park; Motion carried 5-0.

Commissioner Jackel discussed the need to re-align parking bumpers at the Indian Creek Park.

2- Inform Board that Transfield Services will be relocating the Stop Bar at the intersection of US 98 and Woodill Road to try to improve driver safety. DOT has recommended the Stop Bar be moved forward 15 feet.

This item was discussed earlier in the meeting.

3- Inform Board and public that there will be an OSAT II briefing on March 24, at 6 PM, here in the Annex. OSAT II is the second round of evaluations the Coast Guard, BP, and DEP, are doing to evaluate the clean-up and movement of any residual oil in the near shore waters of the Gulf of Mexico. For Franklin County they will do another baseline review of our shore in the next few weeks, and again in the fall. The OSAT crews will also be available in the event of a hurricane this season.

4- Inform the Board that Senator Bill Nelson, along with 31 members of Congress, have asked the President to do a better job of assuring the public that Gulf Coast seafood is safe to eat. Provide Board with copy of letter.

Commissioner Parrish commented on this item.

5- Board action to authorize Mark Curenton to be the Board's agent in applying for a Boating Improvement grant to construct a public restroom at the St. George Island boat ramp. Considering the high volume of use, and the close proximity of this boat ramp to oyster harvesting areas, this bathroom will be a great environmental benefit.

Commissioner Putnal commented on the poor condition of bathrooms at this location.

Commissioner Parrish asked for submission of an application to extend the Abercrombie Boat Ramp Dock.

Motion by Jackel, seconded by Putnal, to authorize Mark Curenton to be the Board's agent in applying for a Boating Improvement Grant and the request for an extension of the dock at the Abercrombie Boat ramp; Motion carried 5-0.

6- Inform the Board that I submitted 4 grants, totaling \$50,200,000, to Natural Resource Damage Assessment (NRDA) for consideration of funding by BP. There is a meeting about NRDA in Panama City on March 17, at 7:30 PM, that I will attend. Provide Board copy of grants.

7- Board action to purchase hardware and negotiate a monthly data cost so the county commission can move to paperless meeting format. Mr. Moron has informed me that the cost of the hardware (IPADS) will be approximately \$7,000. A paperless format will save substantial money over time as it will significantly reduce the amount of paper generated for county commission meetings. Board action to approve expenditure.

Motion by Sanders, seconded by Jackel, to approve the purchase of iPads and data costs for the Commissioners; Motion carried 5-0.

8- Inform the Board the state of Florida E911 Board has notified the county that Franklin County is eligible to apply for a state E911 grant for improvements to the county 911 system. I have turned this information over to Ms. Pat McWhinnie, 911 Coordinator. The deadline for applying is June 1.

Commissioner Parrish commented on this matter and believed the base map will be approved this time.

9- Provide Board with Weems Hospital Mission Statement, as approved by the Hosp. Board. Mr. Yonclas, Hospital Board member, helped create the Mission Statement and he has provided it to me. The Mission Statement is: "Our mission is to improve the health status of the residents and visitors to Franklin County, by providing quality, compassionate, cost effective and convenient health care through community leadership and in collaboration with other healthcare organizations which serve our communities."

10- Inform Board that the City of Apalachicola, through its water re-use grant, is providing the county with \$60,000 to resurface that section of Gibson Road that was damaged by the contractor installing the re-use system. It is the intention of getting the road paved by C.W. Roberts when they pave Brownsville Road.

11- Inform the Board that Commissioner Sanders is going to utilize her remaining road paving funds for the raising of the approaches to the Pine Log Bridge. By all estimates the CDBG grant does not contain enough money to complete the project so Commissioner Sanders is reserving her remaining funds so that the approach project can be completed. If the bids come in low and the funds are not used they will be earmarked for some future road paving project in District #2.

The only remaining work to be done on the current paving contract is some final work in Commissioner Jackel's district.

Mr. Pierce stated that Preble-Rish wants the retainage reduced to 1%.

Motion by Sanders, seconded by Parrish, to approve reduction of retainage to 1% at the Pine Log Bridge; Motion carried 5-0.

12- DOT has announced submissions for candidates for 2011 SCOP programs. I have spoken to Ms. Regina Battles, DOT, regarding submission guidelines. She was very emphatic that Franklin County follows the guidelines and submits no more than 2 projects. The projects need to be ranked in priority and the main criterion is road condition. The DOT will fund 75% of the construction costs so the Board has traditionally selected long collector roads for state funding.

A recap of where the county stands on projects in the DOT pipeline is as follows: The county submitted 4 projects for the County Incentive Program last year- CC Land, Oak St., Bayshore Drive, and Bluff Road. Of those DOT selected CC Land for milling and resurfacing in 2013. Under last year's SCOP program the county submitted 2 projects- Bluff Road and Oak St. DOT selected Bluff Road for milling and resurfacing in 2013. The DOT Agreements for both Bluff Road and CC Land Road will be sent to the county in July 2012.

The Board can change its list from last year, but of the road projects the county has previously submitted for state funding, the only two left are Oak St. and Bayshore Drive. Board direction on what projects to submit and in what priority. The deadline for submission is May 2, 2011.

Commissioner Sanders asked about the criteria for SCRAP projects.

Clay Kennedy, of Preble-Rish, explained that SCRAP can't be used because our County's gas tax is still one cent too low.

The Board discussed increasing the gas tax by 1%.

Commissioner Putnal discussed the condition of Tallahassee Street in Carrabelle.

Motion by Jackel, seconded by Sanders, to submit Oak Street then Bayshore Drive for the 2011 SCOP funding; Motion carried 5-0.

13- Board direction on commitment to continue to use Chapman Auditorium as an auditorium. I have been contacted by a person interested in donating money for theater curtains for Chapman, and then for initiating fund raising for additional improvements to the auditorium. The improvements we talked about were: curtains, sound system, redoing the floors, and changing rooms. The individual does not want to embark on a fundraising effort if the Board anticipates doing something else with the auditorium. I told the individual that since the Charter School were next door I was fairly certain the auditorium would stay in use because the Charter School uses it for their school productions. Board discussion.

Commissioner Parrish stated that inmate labor could be used for redoing the floors and changing rooms.

Motion by Parrish, seconded by Jackel, to authorize inmate labor, in July when school is out of session, to improve the auditorium and to also send a letter to the person making the donation thanking them and informing them of the Board's plan to keep and improve this building; Motion carried 5-0.

14- The TDC met on March 8 and discussed a number of issues. Mr. Curt Blair has contacted me to let me know that the county will be receiving a letter from the TDC informing the Board of its share of available infrastructure funds. According to an email from Ms. Fran Edwards on Friday afternoon, the county has \$41,000 dollars of infrastructure funds remaining from last year (2009/10), and there is a projection of an additional \$45,000 (2010/11) of funds for this year if the TDC revenues actually meet projections. The TDC fiscal year runs until Sept. 30 so we are halfway through the year. According to Mr. Blair revenues are on track for projections, but there is no excess. The total amount of infrastructure funds available, if projections are met, is \$86,000.

The county has talked about using TDC funds for improvements for the Armory, but before TDC funds can be spent on the Armory it needs to be designated a "convention center." The Board needs to direct its staff to research what steps need to be taken in order to designate the Armory a "convention center."

Commissioner Jackel and Mr. Pierce discussed how TDC funding is spent through-out the County versus Cities.

Motion by Parrish, seconded by Sanders, to direct Staff to research process to designate Armory as a convention center; Motion carried 5-0.

At this time the St. George Island Civic Club has submitted a request for \$8100 for materials for 5 small projects associated with the St. George Lighthouse. The Civic Club will provide the labor. Mr. Mason Bean should be in attendance to answer any questions regarding the projects. The projects include running underground power to the museum, extending the existing dune walkover 70 feet, and putting in curbing and planters at the entrance to the parking area. (The extension of the dune walkover needs to be coordinated with DEP as it is construction seaward of the CCCL. The estimated cost of the walkover is \$2500.)

Mr. John Sink, Rotary Club President and member of the Franklin County Soil and Conservation Board has a made a request to the TDC for \$2500 for partial funding of a sea oat project. He has already made plans to purchase 10,000 sea oats with joint funding from various groups and he is counting on \$2500 from the TDC. This will have to come out of infrastructure funds. While Mr. Sink has organized a volunteer effort to plant sea oats on St. George Island March 24-26, Mr. Sink is aware there are other beaches in the county that also need sea oats restoration, specifically Carrabelle Beach. Mr. Sink understands that if the county approves the \$2500 TDC funds that some of those sea oats will be reserved for planting at Carrabelle Beach.

Commissioner Jackel suggested using inmate labor, when appropriate, for these two projects.

Motion by Jackel, seconded by Parrish, to approve a request by the SGI Civic Club for \$8,100 for materials for 5 small projects associated with the St. George Lighthouse and also approve a request by the Rotary Club to the TDC for \$2,500 for partial funding of a sea oat project; Motion carried 5-0.

15- Board action to sign supplemental JPA for the airport to buy a mower for the airport, purchase herbicide, and possibly build a bathroom for the existing T-hangers. This is a 100% funded DOT grant and is for approximately \$47,000.

Ted Mosteller, Apalachicola Airport, explained these requests and the funding further.

Chairman Lockley and Mr. Mosteller discussed available funding to contract someone to do lawn maintenance.

Motion by Parrish, seconded by Sanders, to approve request to sign a supplemental JPA in the amount of \$47,000 for the airport to purchase a mower, spraying equipment and construct a bathroom for existing T-hangers; Motion carried 5-0.

Mr. Mosteller and Mr. Pierce discussed assistance at the airport.

Chairman Lockley stated that there is a possibility of Bill Ruic getting a government contract and said he would refer him to Mr. Pierce.

Mr. Pierce discussed an article that he saw in an Atlanta magazine regarding the St. Joe Company and their Summer Camp project property values.

Motion by Parrish, seconded by Putnal, to send a letter to the Governor and copy to the secretary of the DOC and Legislative Delegation regarding the importance of the prison and work camps to the County; Motion carried 5-0.

Commissioner Sanders asked Mr. Pierce to contact Pine Coast Plantation regarding the County assuming the roads.

Commissioner Sanders stated that she had received concerns from Lanark Village residents and asked that something be done about the burnt out buildings in that area.

Commissioner Sanders thanked the Clerk regarding the APTA records request for the use of Bald Point Trust Fund monies and also discussed emails that incorrectly stated use of Bald Point Trust Fund money and the misunderstanding of a fourth ambulance being promised specifically for Alligator Point.

Commissioner Sanders also discussed the military exercises that were recently held in Franklin County and how it affected the residents as some of the exercises were held in residential

areas. She said she was in support of the military returning to do their exercises but not in residential areas.

Commissioner Sanders asked Mr. Pierce to RSVP to the Small County Coalition dinner next week.

Commissioner Jackel stated that she had received complaints from a resident of surface cracking regarding the paving project on St. George Island. She asked other Board members to look at roads paved in their districts so that C.W. Roberts can address it. The Board and Mr. Pierce discussed this matter further.

Michael Shuler – County Attorney – Report (11:47 AM)

Attorney Al Shuler, who was in for Michael Shuler, had no items for Board action.

Action Items

1. None

Non-Action Items

2. *Water War Hearing in Atlanta March 9, 2011*

On March 9, 2011, the Federal Eleventh Circuit Court of Appeals in Atlanta, Georgia conducted an oral argument on Georgia's appeal of Judge Magnuson's Order. The three judge panel consisted of a judge from Georgia, a judge from South Florida and a judge from Illinois.

Essentially, Judge Magnuson ruled that the Corp of Engineer's management of Lake Lanier violated Federal Law. In pertinent part, Judge Magnuson's Order required that the Corp of Engineers and Georgia cease the present consumption of water from Lake Lanier for municipal purposes by June 2012, unless the states of Alabama, Georgia and Florida reached a settlement or Congress intervened. His Order also required that water draw-downs return to the mid-1970 levels, unless Congress intervened or the three states reached a settlement.

Although predicting the outcome of an appeal based on oral arguments is uncertain, in my opinion it appears from the tenor of the judge's questions during the hearing that the appellate court is going to overturn Judge Magnuson's Order.

The panel seemed inclined to rule that the use of water from Lake Lanier for municipal water supply for Atlanta was a use contemplated by Congress when it created the Lake. They also seemed inclined to send back to the Corp of Engineers the question of how much water Atlanta can take. So it may become a question, not of whether Atlanta should take the water, but how much water they can take. It does not bode well. The Corp said it would take them 24-30 months to answer that question.

The Court also seemed very strongly inclined to reverse that part of Judge Magnuson's Order which required that the present consumption of water supply by Atlanta would cease in June 2012 and return to the mid-1970's level of use; unless the three states reached a settlement or Congress intervened.

While I caution you that predicting a ruling accurately is difficult, I do not think that the written ruling will be a good result for Florida or Apalachicola Bay. Dark clouds loom.

3. TMH Contract/Replacement of Weems CEO

Attached is a copy of the contract with TMH. As you can see from paragraph 4, it terminated January 4, 2011. To my knowledge, no new contract has been executed.

4. Hospital Land Swap

a. The original deed from the City of Apalachicola to Franklin County is attached. It is recorded at Book 1028, Page 13, official Records of Franklin County.

b. The original deed from the City of Apalachicola to the Franklin County Land Trust is attached. It is recorded at Book 1028, Page 9, official Records of Franklin County.

c. The original deed from Franklin County to the Franklin County is attached. It is recorded at Book 1028, Page 11, official Records of Franklin County

5. Hospital Architect Contract

On March 7, 2011, I received the architect's contract from TRO. It has been forwarded to USDA for execution. I have not received a fully signed copy yet, but expect one soon as USDA is the last signature needed.

6. Fairpoint 911 System

On March 8, 2011, I forwarded to Fairpoint the executed addendum to its contract with us. This addendum modified the indemnification from them to Franklin County at my request to cover a possible patent infringement claim being raised against a subcontractor to Fairpoint. The Board had previously authorized the chairman to execute the contract and this furthers that authorization.

7. Capital City Bank

Attached is my March 8, 2011, letter to Ron Mowrey, Esquire's office providing additional public information at their request. They wanted to know how much the county estimated it would cost to relocate Alligator Drive through South Shoal. It seems fairly apparent that we can expect an offer from them that they at least want the balance of all the grants, however, they still have not made an offer, but seem keenly interested in the amount of Federal Grants available. Capital City said in December 2010 that they would make an offer right after the first week in January 2011. To date, that offer has not materialized. Capital City blames the delay on the surveyor and DEP, but we have no way of knowing the accuracy of what they tell us, as they are not subject to public record requests.

8. Progress Energy Easement

Attached is the executed easement previously authorized by the Board. The Board directed that the easement be executed and delivered only after Progress Energy provided proof that they had access from the City of Apalachicola and The Charter School in Apalachicola, accompanied by the release of an option by the St. Joe Company. They finally provided that proof last week and I delivered the easement to them on March 4, 2011.

Commissioner Putnal told Mr. Shuler that it was good to have him at the meeting.

Commissioners and Public Comments (11:48 AM)

Commissioner Putnal asked about a phone call from FAC requesting the Board go to lunch with their representative on April 5th after the Board meeting.

Mr. Pierce said they wanted input from the Board on programs with the FAC.

Commissioner Sanders was curious as to why they were interested in having Franklin County's input at this time.

Nancy Lazaryan, of Minnesota, stated that she was here to assist the County with any problems with oil in the local waters. She discussed the disbursements that were used by BP during the oil spill and how it affected the water. She stated that she had taken samples from Indian Creek and thought there might be a problem and asked the Board to look at her results. She discussed other people who are willing to assist the County with any problems with oil in the water.

Chairman Lockley suggested that she contact the Emergency Management Office.

Lisa Spooner, of Carrabelle, asked the Board to consider adding artificial reefs to the NERDA program and discussed funding of this program.

Adjourn (11:59 AM)

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

Noah Lockley, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts