

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
MARCH 2, 2010  
9:00 AM**

**MINUTES**

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

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

**Call to Order (9:01 AM)**

Chairman Parrish called the meeting to order.

**Prayer and Pledge (9:02 AM)**

There was a Prayer followed by the Pledge of Allegiance.

**Payment of County Bills (9:02 AM)**

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

**Approval of the Minutes: February 16, 2010 Regular Meeting (9:03 AM)**

**Motion by Putnal, seconded by Lockley, to approve the minutes of the February 16, 2010 Regular Meeting; Motion carried 5-0.**

**Wayne Nash - Torch Run for Special Olympics on April 8, 2010 (9:03 AM)**

Mr. Pierce read a statement for Mr. Nash, who was unable to attend the meeting.

Mr. Pierce said Wayne Nash, Franklin County Sheriff's Department, was leading the Law Enforcement Torch Run, which is part of the Special Olympics, to raise money and awareness for the handicapped. He said the Torch Run is something that law enforcement agencies

throughout the Country and the Franklin County leg of the Run will be held on April 8, 2010 in Apalachicola. He said that anyone who would like to donate their time or help out with this great cause can contact Officer Nash or Lt. Bobby Shiver at the Sheriff's Office @ 850-670-8500. He said all monetary donations are greatly appreciated and all monies raised will go directly to support the Special Olympics. Mr. Nash said he would be available to answer any questions concerning this fundraiser.

Chairman Parrish encouraged everyone who could to donate time or give donations to this cause.

### **Department Supervisor Report**

#### **Hubert Chipman – Superintendent of Public Works (9:07 AM)**

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

Mr. Chipman thanked Mosquito Control for their assistance with stopping the beaver dam problems in the County.

Mr. Bill Mahan stated that Dewitt Polous, Mosquito Control, would trap beavers if the County approved and could buy the traps.

Attorney Shuler would like to have the insurance company review this proposal before Board action.

The Board discussed following FWC guidelines.

Commissioner Sanders expressed concerns about the possibility of the traps hurting other animals.

Commissioner Jackel spoke about the loss of Mr. Fred Nichols, a valued County Employee, who recently passed away. She wanted to express the Board's condolences to the family.

Commissioner Putnal asked about a contact number for anyone wanting sand deliveries. Mr. Pierce stated that they should call his office.

Commissioner Lockley asked Mr. Chipman how he is planning to fill the Road Dept.'s vacant position. Mr. Chipman said he had not thought about it yet but he would let the Board know once he made a decision. He said that someone would move up and he would then fill their vacant position.

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

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

Mr. Johnson said representatives of the Eastpoint Dixie League had contacted him and asked to do a fundraiser by using the Eastpoint end of the fishing pier to sell water during the Chili Cook-off weekend.

**Motion by Jackel, seconded by Lockley, to allow the Eastpoint Dixie League to use the Eastpoint end of the County fishing pier to sell water during the Chili Cook-off Weekend; Motion carried 5-0.**

Commissioner Putnal and Mr. Pierce stated that the Carrabelle Church of God wants to have a fundraiser for Franklin's Promise during the same weekend. He said they would like to sell chili on the opposite end of the County fishing pier.

The Board and Mr. Pierce discussed this matter and decided that this organization should contact Fire Chief Jay Abbott to discuss the possibility of making arrangements to sell chili. There was also discussion about vendors setting up on the Island during the Chili Cook-off.

The Board and Mr. Pierce discussed vendors setting up booths during the Chili Cook-off.

Commissioner Putnal asked Mr. Johnson what could be done to open up a temporary practice field next to the jail. Mr. Johnson said he would work on this item.

Commissioner Sanders asked Mr. Johnson to contact the Lanark Village Association about the trash problems in the Village. He said he will come up with a solution.

**Dan Rothwell – County Engineer (9:22 AM)**

*BOARD ACTION: Avenue A Resurfacing Project Small County Outreach Program: Staff desires Board approval to pay construction invoice #1 for \$179,347.50 with balance to finish including retainage is \$19,927.50.*

Commissioner Jackel, Mr. Pierce and Mr. Rothwell discussed what will be done with the remaining retainage fees. Mr. Rothwell said the retainage will be given back to the contractor once the Board decides the project is complete.

The Board discussed problems with repairing the 'humps' because they have been causing people problems with their driveways.

Commissioner Jackel and Mr. Rothwell discussed blue reflectors that mark fire hydrants on the roads. Mr. Rothwell said he wasn't sure if that was part of the contract but would check on it.

**Motion by Jackel, seconded by Putnal, to pay Construction Invoice #1 in the amount of \$179,347.50 and to mark fire hydrant locations with blue reflectors; Motion carried 5-0.**

*BOARD ACTION: C30A County Incentive Grant Program Resurfacing Project: Staff desires Board approval to pay construction invoice #1 for \$217,798.30 with balance to finish including retainage is \$24,199.81.*

Commissioner Sanders stated some concerns she had regarding this project and asked Mr. Rothwell to look into them.

**Motion by Sanders, seconded by Putnal, to approve payment of Construction Invoice #1 in the amount of \$217,798.30 for resurfacing project on C30A and to mark fire hydrant locations with blue reflectors; Motion carried 5-0.**

Commissioner Lockley wanted County Staff to find out who is responsible for servicing and making sure that the County's fire hydrants are working.

*BOARD ACTION: Seafood Landing Project (Lombardi):  
Staff desires Board approval to pay construction invoice #1 for \$18,820.00 and invoice #2 for \$11,500.00 totaling \$30,320.00 which completes the project.*

**Motion by Lockley, seconded by Sanders, to approve payment of Construction Invoice #1 in the amount of \$18,820.00 and Construction Invoice #2 in the amount of \$11,500.00, contingent upon the restrooms being completed; Motion carried 5-0.**

*BOARD ACTION: 2010 County Paving Project:  
Staff desires Board approval to pay construction invoice #7 for \$635,257.85 with balance to finish including retainage is \$1,354,244.36.*

**Motion by Putnal, seconded by Lockley, to approve payment of Construction Invoice #7 in the amount of \$635,257.85 for the County Paving Project; Motion carried 5-0.**

*Sawyer Street Shoulder Stabilization Work:  
The shoulder stabilization work is complete this week.*

*West Gorrie Drive Drainage Project:  
The drainage project from West 3<sup>rd</sup> Street to West 1<sup>st</sup> Street on Gorrie Drive has been 95% completed with the exception of shoulder work to be accomplished by the Road Department.*

*2010 County Paving Project:  
C. W. Roberts will be working in Commissioner Lockley's district and Commissioner Parrish's district over the next few weeks.*

Commissioner Sanders asked if Mr. Rothwell contacted Mr. Wren, a Carrabelle resident on West Drive and Mr. Rothwell said he had contacted him. She also asked if Mr. Rothwell had contacted Mr. Swanson on Alligator Point and if he was going to take care of the problem. Mr. Rothwell said it would depend upon the schedule of the Road Dept. There was discussion as to how these problems would be resolved.

George Pruitt, Eastpoint resident, asked about having humps repaired on Avenue A in Eastpoint. The Board assured Mr. Pruitt that they are working on this problem.

**Pam Brownell – Emergency Management Director (9:32 AM)**

Mike Rundel attended the meeting in place of Mrs. Brownell, who was ill.

Mr. Rundel said he was continuing to work on issuing County ID Badges.

*Action Items: None*

*Information Items:*

- *We will be attending our Region 2 quarterly meeting on March 3, 2010 in Tallahassee at the new Red Cross building.*
- *On February 19, 2010 with the help of the consultant The Management Experts, Franklin County School, and Franklin County Sheriff's office, we conducted our first planning session for our much needed school exercise.*
- *March 5, 2010 will be our next scheduled planning session for this school exercise.*
- *Franklin County Emergency Management has upgraded its web-site; please go to the web site [franklinemergencymanagement.com](http://franklinemergencymanagement.com).*
- *The State Emergency Management Division has rated Franklin County 1<sup>st</sup> for a new Emergency Management office and will be submitting our application to FEMA, we will not know if we will be receiving funding for this until sometime in September 2010.*

Commissioner Jackel commented on the County's #1 rating for a new Emergency Management Office.

**Alan Pierce – Report – Item #1**

*1- Inform Board that grant written by Pam Brownell, EM Director, and Rachel Ward, Planning Administrator, for a new EOC was ranked first by the State for funding. This ranking will now go to FEMA so if anyone gets funding it should be Franklin County.*

**Bill Mahan – County Extension Director (9:34 AM)**

Mr. Mahan discussed the following items from his report.

*Senator Bill Nelson Requests Fisheries Review – On February 23<sup>rd</sup>, Senator Bill Nelson requested that the Senate's Commerce Committee conduct an over-site hearing on the implementation of the Magnuson-Stevens Fishery Conservation and Management Act as soon as possible. He requested that the Committee specifically examine whether federal officials are using the best available scientific data to make fishery decisions, what resources are needed for reliable fishery data, and how to provide economic assistance to impacted fishing communities.*

Chairman Parrish said Senator Nelson had promised that he would take action on this and he was glad to see that he was listening and trying to act on this to be sure they are using the best scientific data.

*Vibrio vulnificus Time-Temperature Rules Public Hearing – FDACS has scheduled a Public Hearing for their proposed Vv Time-Temperature Rules for March 19<sup>th</sup>, at 4:00 PM in the Courthouse Annex.*

*Proposed Change To Oyster Rules – The FWC last Thursday proposed a draft rule amendment to help oyster fishermen adjust to pending new restrictions that will affect the time they are allowed to harvest and transport oysters on the water in Florida.*

*The FDACS is developing a rule to require harvesters to deliver their oysters to a certified dealer by 11:30 a.m. during May, June and July, and by noon during August, September and October. This action is being taken to meet new federal health safety requirements for the oyster industry by ensuring that harvested oysters are handled and processed during cooler morning hours in warm-weather months.*

*Oyster harvesting is permitted only between sunrise and sunset in Florida. Under the pending new rule, oyster harvesters would be limited to working only in the morning hours from May to October. To maximize the time oyster harvesters would be allowed to be on the water under the pending new time restraints, the FWC is proposing to change an oyster rule provision that now requires harvesters to stow their oyster tongs on their moored vessels during nighttime hours. Under the new proposal, they would be able to stow tongs on their vessels while they are in transit to oyster bars from sunset to sunrise. This would give fishermen time to leave their vessel-mooring site before dawn so they can begin harvesting oysters at sunrise.*

*A final public hearing on the proposed rule will take place during FWCs' April meeting in the Tallahassee area.*

Chairman Parrish said the Board was very glad that FWC had accommodated the oystermen during the limited Summer hours.

*Spring Red Tide Predicted for Gulf of Maine – On Wednesday, February 24th, scientists from the NOAA-funded Gulf of Maine Toxicity project issued an outlook for a significant regional bloom of a toxic alga that causes 'red tides' in the spring and summer of this year, potentially threatening the New England shellfish industry.*

*The outlook is based on a seafloor survey of the seed-like cysts of Alexandrium fundyense, an organism that causes harmful algal blooms, sometimes referred to as 'red tides'. Cysts deposited in the fall hatch the following spring; last fall the abundance of cysts in the sediment was 60 percent higher than observed prior to the historic bloom of 2005, indicating that a large bloom is likely in the spring of 2010.*

*The cyst bed also appears to have expanded to the south, so the 2010 bloom may affect areas such as Massachusetts Bay and Georges Bank sooner than has been the case in past years. Although the algae in the water pose no direct threat to human beings, toxins produced by Alexandrium can accumulate in filter-feeding organisms such as mussels and clams, which can*

*cause paralytic shellfish poisoning in humans who consume them. In order to protect public health, shellfish beds are monitored by state agencies and closed when toxin concentrations rise above a quarantine level. There have been no illnesses from legally harvested shellfish in recent years despite some severe blooms.*

*Florida's ENERGYSTAR Appliance Rebate Programs - The State of Florida will implement a mail-in rebate program to help residents replace older, inefficient appliances with ENERGY STAR® qualified appliances. The program is tentatively scheduled to begin on April 16, 2010 and end on April 25, 2010 and is timed to coincide with Florida's Earth Day Activities.*

*Florida's appliance rebate program will focus on replacing products in the Florida home that provide the state with the most energy and water savings and that are not already covered by a state or large utility program. Products eligible for Florida's rebate program are only new appliances purchased in the State of Florida for personal use by the consumer. Florida will offer a 20% rebate off the retail price of a new qualified ENERGY STAR appliance. Rebates only apply to the purchase of the appliance and not to delivery or installation costs. Rebates shall be available only for the following ENERGY STAR certified appliances and products: gas tank-less water heaters, clothes washers, refrigerators, dishwashers, room air-conditioners and freezers. Florida will offer residents a 20% rebate off the price of a new ENERGY STAR qualified appliance. Consumers may also receive an additional rebate with proof of having recycled the old appliance.*

*Florida will hire a third-party program administrator to handle the rebate process and to capture the needed metrics associated with the program. All advertising and marketing for the rebate program will be undertaken by our program partners.*

*While customers are encouraged to replace more than one appliance, they may only receive rebates on the purchase of one of each type of ENERGY STAR appliance per address. In addition to the rebate for purchasing the ENERGY STAR appliance, consumers will also receive an additional \$75 if they provide evidence of having recycled the old appliance. That evidence may consist of a statement on the retailer receipt indicating pick-up of the old appliance or a receipt from the local public or private landfill of delivery of the old appliance.*

*For additional information, contact: The [Florida Energy & Climate Commission](#) . Total program funding: \$17,585,000. The program's information is subject to change. Rebates will be offered for a limited time only. Before purchasing a product, check with your program sponsor to ensure rebates are available, and to confirm product eligibility and program requirements. Products purchased must meet efficiency criteria as established by the state.*

Commissioner Jackel asked for more information on this matter.

Mr. Mahan said that Florida will offer residents a 20% rebate off of the price of a new Energy Star qualified appliance and consumers may also receive an additional rebate with proof of having recycled their old appliance.

Commissioner Putnal expressed his dissatisfaction with the Federal Government's lack of assistance during the Seafood Workers' economic problems.

Mr. Pierce stated that Senator Nelson had encouraged the Governor to make a request for disaster unemployment benefits. He said the Governor made a request to the President for disaster unemployment benefits and of the sixty counties that got the freeze declaration, only nine are in the pool for disaster unemployment benefits and Franklin County is one of those nine. He said people who are able to show documentation that they were unemployed during the specified times would be given the unemployment benefits.

Mr. Pierce encouraged people to contact their Federal Legislative Delegation concerning this matter.

The Board discussed this matter further.

**Motion by Jackel, seconded by Lockley, to send a letter to Federal Legislative Delegation notifying them of Franklin County's #1 ranking by the Emergency Management Division of Florida for a new Emergency Operations Center and to ask for help with the funding for this center through FEMA; Motion carried 5-0.**

**Open Proposals for Design Services for Carrabelle Multi-Use Path (9:46 AM)**

Mr. Pierce opened the only bid, by Preble-Rish, Inc., for the design engineering project for Carrabelle's Multi-Use Path.

**Motion by Lockley, seconded by Putnal, to accept the proposal from Preble-Rish, Inc. for the Carrabelle Multi-Use Path; Motion carried 5-0.**

**Open Proposals for Lease of New Airport Hangar (9:48 AM)**

There were no proposals received for the Airport Hangar.

Mr. Mosteller, Airport Advisory Committee Chairman, said there were companies interested in leasing the Hangar but none were able to get the paperwork together in time.

Chairman Parrish suggested waiting until the Hangar is completed and then do a new request for proposals.

The Board discussed this matter further.

**Motion by Jackel, seconded by Sanders, to advertise for a new bid proposal for Lease of the new Apalachicola Regional Airport Hangar, once the Hangar is closer to completion; Motion carried 5-0.**

**Pierce – Report – Item #6 & 7 (9:51 AM)**

*6- Inform the Board that I responded to a Request for Proposals generated by Enterprise Florida for a German boat manufacturer, Nautikpro, which is looking to relocate part of its operations*



*to Florida. The company is looking for a small building near an airport and near water. The company produces small boats and they want an area where they can fly in product from Germany and test in a variety of water. I listed the hangars at the airport as available for lease.*

Chairman Parrish said this needed to be kept on the front burner when the new proposals go out for this new Hangar.

Mr. Pierce said they only want a very small space to lease.

The Board discussed this issue further.

**Motion by Lockley, seconded by Jackel, for Board approval to support Nautikpro's interest in possible Hangar lease; Motion carried 5-0.**

*7- While on the airport, Board action to sign a lease modification prepared by the County Attorney for CAAZ, Inc, to expand the area being leased at the airport to take in a small addition CAAZ is making to its hangar. The lease payments are being increased, and CAAZ is paying for the hangar addition out of its own funds.*

**Motion by Sanders, seconded by Putnal, to approve signing a lease modification for CAAZ, Inc.; Motion carried 5-0.**

**Recess (9:55 AM)**

Chairman Parrish called for a recess.

**Reconvene (10:16 AM)**

Chairman Parrish reconvened the meeting.

**Discussion of EMS Service by Jay Abbott and Steve Fling (10:16 AM)**

Steve Fling, Alligator Point VFD Chief and George Pruitt, Eastpoint VFD Chief, standing in for Jay Abbott, addressed the Board to discuss EMS Services.

Mr. Pierce asked Mr. Fling to answer questions raised earlier in the meeting about the maintenance of County fire hydrants.

Mr. Fling explained that normally individual Water and Sewer districts are responsible for maintaining fire hydrants.

Mr. Fling said the fire departments are responsible for marking hydrants.

Commissioner Lockley wanted verification that all hydrants throughout the County are being tested.

Mr. Fling said on Alligator Point the Alligator Point Resources District test and flush the hydrants twice a year. He suggested the Board contact individual districts to find out who does the maintenance on those hydrants.

Commissioner Putnal wanted to know if poor maintenance could have been what caused a hydrant not to work during a recent fire in Apalachicola and Mr. Fling said he had understood that the stem was broken.

Attorney Shuler stated that this matter would be addressed at a City of Apalachicola Commission meeting this evening.

Mr. Fling and Mr. Pruitt added additional information regarding fire hydrants.

Mr. Pruitt discussed the upcoming 9<sup>th</sup> Annual Eastpoint VFD Charity Rib Cook Off on March 20, 2010. He said the gates open at 9:00 AM and admission is free.

Mr. Fling stated that the City of Apalachicola Fire Dept. is now part of the United Firefighters Association. He said Alligator Point VFD is moving forward with a new building for their station and discussed new generators for the Alligator Point VFD communication systems. The Board discussed funding for the new generators.

Mr. Fling distributed information on EMS calls, and then discussed the problem with the availability of ambulances in the County and the possibility of reactivating the transport 'van' ambulance. He reviewed the information that was distributed.

Chairman Parrish asked if these issues were discussed with the Hospital Board and the CEO prior to this information being disseminated to the press.

Mr. Fling said the hospital was copied on the letters that were sent but the urgency became more and more apparent so they did not feel like they could go through the usual channels, which could take several months.

Commissioner Sanders stated that this item should have been discussed at the last APTA meeting; she did not agree with the avenue that Mr. Fling used to disseminate this information and said she would prefer that she is contacted directly when issues like this arise.

Mr. Fling said he did not intentionally mean to withhold information from the Board.

Chairman Parrish also said he did not like the way this situation was handled and believed it could have gone through different channels and been resolved differently. He said he was not pleased with the way the situation was handled.

Mr. Pierce said he believed there was some confusion about funding for a third ambulance to be in operation because of the transport ambulance that was purchased to be in use for ten weeks during the summer months.

Mr. Fling said their understanding was that the third ambulance was purchased to run transports and it was on the road to run transports but was taken off of the road because it was determined that it wasn't needed.

Mr. Pruitt stated the need for a mutual need agreement with other counties.

Chuck Colvert, Weems Hospital Board, stated that there is a mutual agreement in place with Crooked River Health Center and discussed the agreement, which says they will transport

patients as needed, both in county and out of county. He said there are six trucks with three locations, which are St. George Island for 10 weeks in the summer, Eastpoint and Lanark Village. Commissioner Lockley asked if the County was in compliance with State regulations as far as the service that is provided. Mr. Colvert said the State doesn't mandate how many trucks a county has to have.

Mr. Colvert compared our services to Gulf County and explained that Franklin County has more services available than Gulf County.

Commissioner Sanders asked if Mr. Colvert had the information on what the departments are concerned about and could they fund it.

Commissioner Jackel asked if our ambulance service is adequate for the County.

Mr. Colvert distributed information to the Board and discussed the information on ambulance runs and adding another 24 hour crew, which would have a cost of over \$300,000 for an ALS (Advanced Life Support) ambulance.

Commissioner Putnal asked if an additional ambulance crew could be funded through the one cent sales tax.

Attorney Shuler stated that he did not believe it would be possible to use the sales tax for this purpose because it was split in half for hospital infrastructure and hospital operations but said he would investigate it further to confirm.

Commissioner Lockley asked who is liable when First Responders respond to 911 calls.

Mr. Fling and Mr. Pruitt explained standard of care, which encompasses the State of Florida's Good Samaritan and said as long as Responders administer the proper care then Florida's Good Samaritan Law holds them harmless.

Mr. Fling believed that the amount of (non-emergency) transports would pay for an additional truck.

Commissioner Jackel and Mr. Colvert discussed the rate of collection on ambulance calls.

Commissioner Jackel and Mr. Colvert discussed the fact that the County does not need a third full time ambulance at this time and at what point they would need the additional 24 hour ambulance staff.

Chairman Parrish asked where the ambulance service stands with response times.

Mr. Colvert explained that with the new health care center and nursing homes in the County, transport calls have increased so response times also increased.

Commissioner Sanders asked that a hospital representative continue to attend the 911 Communications Meetings and suggested that first responders and hospital members meet to discuss this issue.

Chairman Parrish wanted the first responders to use proper protocols and meet with Hospital Board to try to resolve issues before taking them to the media.

Commissioner Lockley and Mr. Colvert discussed when an additional 24 hr ambulance crew will be needed.

Commissioner Lockley asked if the third ambulance could be used in the case of an emergency.

Mr. Colvert and Mr. Pruitt said that anyone who drives an ambulance has to go through special training.

Commissioner Sanders discussed the new Urgent Care in Carrabelle and believed that will increase transport needs so an option is going to be needed soon.

Mr. Fling said that at some point an ambulance will also be needed in Alligator Point. Commissioner Putnal and Mr. Colvert discussed the use of a third ambulance on St. George Island.

There was further discussion on this matter.

**Motion by Putnal, seconded by Sanders, to schedule a meeting with First Responders, Chuck Colvert – Weems Hospital CEO, Marcia Johnson - Clerk of Court, and Chairman Parrish as soon as possible to reach a solution and submit a recommendation to the Board; Motion carried 5-0.**

**Helen Spohrer, TDC, 2009-2011 Plan and Advertising at Panama City Airport (11:08 AM)**

Helen Spohrer, Tourist Development Council, addressed the Board with two items requiring Board action.

Item #1 Approval of new Tourist Development Plan:

Ms. Spohrer reviewed the agreed upon changes that have been made to the new TDC Plan, which include:

\*Clarification of how reimbursements are made.

\*Deleted the word infrastructure at the recommendation of the Clerk of Court.

\*Allocation of \$24,100 to be spent specifically for seafood marketing.

Attorney Shuler stated that he had reviewed the plan according to Florida Statute and found it to be a proper plan by State Law.

**Motion by Jackel, seconded by Putnal, to approve the new Tourist Development Plan, with a finding that these are not substantial changes, so therefore the changes are approved by a motion and no ordinance is needed; Motion carried 5-0.**

Item #2 Advertising Proposal:

Ms. Spohrer said the TDC had received an invitation to advertise at the new airport in Bay County. She said the new contract would be for 10 years at \$7,000 a year or for 5 years at \$1,000 more. She believed this would be beneficial to the County, especially with Southwest Airlines advertising \$75 fares from Panama City to Orlando. She said the TDC displays at the Panama City and Tallahassee Airports are very impressive.

She said the deal includes putting brochures in the visitor center and two LCD displays in the baggage area.

Ms. Spohrer discussed all of the details of the new airport.

Commissioner Jackel asked if there were any termination provisions and Ms. Spohrer said the contract includes sublease options but she isn't sure of any termination provisions.

Commissioner Lockley and Ms. Spohrer discussed advertising in other markets.

Attorney Shuler and Curt Blair, Franklin County Tourist Development Council, discussed the timeline of returning the contract.

Chairman Parrish would like some type of survey that would indicate how tourists are finding out about Franklin County and Ms. Spohrer said the TDC is doing some surveys at this time.

**Motion by Jackel, seconded by Lockley, to approve a 10 year advertising contract between the Bay County Airport and the Franklin County Tourist Development Council, contingent upon Attorney Shuler's review, if there is a problem Attorney Shuler will return to the Board; Motion carried 5-0.**

Commissioner Jackel asked why church related activities are excluded from advertising on TDC's website. Mr. Blair addressed this issue saying that the legal office doesn't recommend using public dollars to fund religious based advertising.

Attorney Shuler said there might be case by case exceptions made but based on the Separation of Church and State; public dollars may not be used to support or enhance religious associations.

Commissioner Jackel asked if anyone can buy advertising on the TDC website and Ms. Spohrer stated there are no sales for advertising on their website, with the exception of the lodging providers who collect the tax for the TDC.

There was further discussion of links between both Chambers of Commerce and the TDC's website.

**Marcia M. Johnson – Clerk of Courts – Report (11:32 AM)**

Mrs. Johnson presented her report to the Board.

*1-For information, the balance in the hospital's operating account at the end of January was \$366,744.96. The balance in the hospital's capital fund at the end of December was \$1,289,755.18.*

Commissioner Sanders wanted to state that the Urgent Care Facility in Carrabelle will be paid for by the one cent sales tax and no assistance from the State is necessary.

*2-I've prepared a Resolution for adoption requiring that all budgets be turned in by May 1<sup>st</sup> instead of June 1<sup>st</sup> as required by law, to facilitate an earlier start to the budget process. I want to forewarn you what lies ahead. This upcoming budget session will be challenging. Falling property values mean reduced revenue. Balancing the budget will be even more difficult if the Legislature shifts costs to counties for, among other things, Medicaid nursing home beds and juvenile justice detention costs. I believe all Commissioners should be looking at the current year's budget expenditures and determining what they consider to be essential county services and mandated services versus non-essential or desired services. We need to hear from our Property Appraiser to get an idea of the percentage the property value may be reduced.*

Commissioner Putnal would like 'no increase' wording in these letters.

The Board and Mrs. Johnson discussed the decrease in property values and the effects it has on the County's Budget.

Mr. Pierce stated that there was an approximate \$130,000 decrease for this year's Budget as reported by the Property Appraiser.

Mrs. Johnson said this is going to be a challenging budget year.

**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, 2010 for the fiscal year 2010-2011.*

*ADOPTED in open, regular session this 2<sup>nd</sup> day of March, 2010.*

**Motion by Lockley, seconded by Sanders, to adopt the Resolution asking that all Constitutional Officers, Department Heads and any other entity requesting funds be directed to submit their tentative budget by May 1, 2010; Motion carried 5-0.**

There was further discussion about the Budget.

Commissioner Sanders and Mrs. Johnson discussed keeping the Carrabelle Courthouse Annex open to serve the Eastern side of the County and how many people utilize the services offered there.

**Alan Pierce – Director of Administrative Services – Report (11:39 AM)**

Mr. Pierce presented his report to the Board.

*1- Inform Board that grant written by Pam Brownell, EM Director, and Rachel Ward, Planning Administrator, for a new EOC was ranked first by the State for funding. This ranking will now go to FEMA so if anyone gets funding it should be Franklin County.*

This item was addressed earlier in the meeting.

*2- Inform the Board that DOT has sent down a list of 6 locations where Bear Crossings signs will be installed. This includes locations in Eastpoint requested by Commissioner Jackel.*

*3- Inform the Board that the State of Florida purchased 675 acres in the county in 2009, so the county will be receiving Payment in Lieu of Taxes for this purchase, as well as the lands the state has purchased in the past.*

Chairman Parrish said the Legislature is looking at doing away with Payment in Lieu of Taxes. The Board discussed this issue further.

*4- Board action to sign inspection agreement with Bailey, Bishop, and Lane to provide construction inspections on Ocklochonee Boat Ramp. The fees will come out of the boat ramp grant.*

**Motion by Sanders, seconded by Jackel, to sign inspection agreement with Bailey, Bishop and Lane to provide construction inspections on the Ochlockonee Boat Ramp; Motion carried 5-0.**

*5- Board action to sign engineering and design agreement with Preble-Rish for airport road extension that will provide a paved road to the EOC. The fees will come out of the remaining funds leftover from the airport road grant.*

**Motion by Lockley, seconded by Jackel, to sign engineering and design agreement with Preble-Rish for the Airport Road extension to the EOC; Motion carried 5-0.**

*6- Inform the Board that I responded to a Request for Proposals generated by Enterprise Florida for a German boat manufacturer, Nautikpro, which is looking to relocate part of its operations to Florida. The company is looking for a small building near an airport and near water. The company produces small boats and they want an area where they can fly in product from Germany and test in a variety of water. I listed the hangers at the airport as available for lease.*

This item was addressed earlier in the meeting.

*7- While on the airport, Board action to sign a lease modification prepared by the County Attorney for CAAX, Inc, to expand the area being leased at the airport to take in a small addition CAAX is making to its hanger. The lease payments are being increased, and CAAX is paying for the hanger addition out of its own funds.*

This item was addressed earlier in the meeting.

*8- Inform the Board that there is a USDA conference in Gainesville on Thursday, March 11, that I plan to attend that is presenting information on Rural Energy Programs for which there might be some benefit to the county.*

*9- At the last meeting the Board directed that I investigate what it will take to get more inmate crews so that each county commission district could have an inmate crew assigned to it. I have spoken to Mike Shiver, DOC, and he says that all DOC squads are spoken for and that if the county wanted more squads it would have to hire more inmate supervisors and provide vans at county expense in order to get more inmates. The Board currently has at least five inmate squads working under the direction of Road Dept., Parks and Rec, and Solid Waste so for an immediate need the Board should review the allocation of the squads we currently have.*

Commissioner Putnal wanted to be sure that there are no new hires for Inmate Supervisors. Commissioner Lockley said he would like to have a crew assigned to District 3 to clean the ditches.

Mr. Pierce recommended asking Dewitt Polous, Mosquito Control, to assist in this matter.

*10- Inform the Board that Mr. Ronald Crum, Wakulla County resident, had been requested on Feb. 2 to provide me information in preparation for the FWC meeting that was occurring in Apalachicola on Feb. 17-19. Mr. Crum did not provide the information until Feb. 19 so I was unable to present anything at the FWC meeting.*

Commissioner Sanders asked staff to submit Mr. Crum's information at the next FWC meeting in April.

*11- Inform the Board that while the current USDA disaster declaration has provided little benefits to county residents, on Feb. 16<sup>th</sup> Governor made a request for Disaster Unemployment Benefits. That request is on the President's desk awaiting a decision. Of the 60 counties identified in the USDA declaration, only 9 counties were picked up in the request for Disaster Unemployment Assistance- Bay, Charlotte, Collier, Gulf, Hendry, Franklin, Glades, Lee, and Miami-Dade.*

This item was addressed earlier in the meeting.

*12- Inform the Board that the Seafood Task Force and the Seafood Worker's Association are continuing to work on the re-shelling program. As a re-shelling program involving individual seafood workers has not occurred since the 1995 everyone is trying to make sure the program works properly. It is going to take a lot of coordination to safely load 200 boats with shells and get them to their destination in an orderly fashion.*

*The intent of the re-shelling program is to put oyster shells on bars that have not been shelled. The state (DACs) is providing 1500 cubic yards of shell, and \$100,000, and the Task Force and the Association are administering the program. The county is involved in that the funds will initially come to the county.*

The Board discussed liability issues with this project.



Commissioner Putnal said that he was told the Cat Point and East Hole locations were picked for re-shelling because those two bars are depleted to the point of an extended or complete closure.

Taunya James, Franklin County Seafood Workers Association, explained that the State didn't influence the choosing of the bars but provided the dive readings and the readings were low in that area.

Kevin Begos, Franklin County Oyster and Seafood Task Force, stated the specific locations are Cat Point and Dry Bar.

Commissioner Lockley asked who would be responsible for the boats if they were to sink.

Ms. James discussed the waiver that will be signed releasing liability.

Attorney Shuler said he will draft proper documentation to release the County from liability.

Chairman Parrish discussed calls he had received regarding the re-shelling project and the project conflicting with days that oyster harvesting is allowed.

Mr. Begos addressed this concern and said that the Dept. of Agriculture asked the Seafood Task Force to poll dealers and the vote was overwhelmingly in favor because the current situation is so severe that they were willing to make exceptions. He said they asked that the project be done on Fridays so that they can plan their weeks.

Commissioner Lockley wanted to make sure that the oystermen know that \$100,000 is all that the County has for this program.

Ms. James said this will help approximately 100 boats per day working on the project. She said they have given all of the oystermen opportunity to be put on the list to work on this project. She discussed the need for dock workers for those who do not own boats.

Mr. Begos stated that GPS coordinates will be used to mark areas so there will be a record showing the location of the shells.

Commissioner Putnal said he was impressed with the turn-out at last night's Seafood Workers Meeting and Commissioner Sanders said she was also pleased with the ideas presented at the meeting.

Mr. Begos stated that Senator Boyd's Staff and the University of Florida recently determined that there is language in the Magnuson Stevens Fisheries Act that would allow economic assistance for the seafood workers or businesses that are hurt by public health closures. He would like for County Staff to look into this language and figure out how to document the damage.

Chairman Parrish said he brought this to the attention of Senator Boyd's office because he knew the mechanism was available and believed the County will qualify if the FDA shuts the Industry down.

There was further discussion on this matter.

**Motion by Lockley, seconded by Sanders, to direct Alan Pierce to contact Senator Boyd's Office and ask for assistance in finding out how this language could help local seafood workers and forward the information to Legislative Delegation; Motion carried 5-0.**

13- *Inform the Board that the committee set up by the Board to review the Classification Study proposals opened at the last meeting is still reviewing the bids.*

14- *Inform the Board that DACS has issued Notice of the summer harvesting rules for shellfish and I have put a copy in the Board file.*

Commissioner Sanders said someone from Eastpoint called her and asked her to have the County look at a problem with boat ramps in Eastpoint. Mr. Pierce said he will look into this matter.

Commissioner Sanders said in 2006 the Board and the Supervisor of Elections discussed the need for ADA (Americans with Disabilities Act) compliance at Chilas Hall and the Carrabelle Annex. She said the DOC crews can do these upgrades.

#### **T. Michael Shuler- County Attorney- Report (12:03 PM)**

Attorney Shuler presented his report to the Board.

##### *1. Clements vs. Taylor, Easley, Brown, Thomas Et al (Franklin County Case 09-109CA)*

*This is a lawsuit among private property owners disputing certain rights each alleged to have in St. Theresa Avenue. On February 24, 2010, Circuit Judge Hankinson granted the Defendants motion that Franklin County is a necessary and indispensable party to that lawsuit. I have been requested to accept service of process of the lawsuit.*

*Board Action: I request authority to accept service of process of the lawsuit.*

**Motion by Sanders, seconded by Lockley, authorizing Attorney Shuler to accept service of process; Motion carried 5-0.**

##### *2. RBC Bank vs. Franklin County, II Sun We ET al. (Franklin County Case 10-41CA)*

*This is a bank foreclosure against another property owner who has not paid two MSBU Fire Assessments. The property is located in Tarpon Run Subdivision, which is near Yents Bayou on Highway 98. The principal amount on the mortgage is \$370,000, plus interests and costs from December 2008. The two special assessment liens owed to the county totals less than \$200.00. The bank's mortgage was recorded in Official Record Book 862, Page 614 in 2005. The county's two liens were filed in 2009 at Official Records Book 992, Page 121 and Book 993, Page 46 in 2009. The County's two liens are inferior to the bank's mortgage.*

*Board Action: Authorization to accept service of process and allow a default judgment to be entered against the county. A default judgment means that the two fire tax liens will not be paid, but that future owners of the property will remain obligated to pay future fire tax assessments.*

**Motion by Sanders, seconded by Jackel, authorizing Attorney Shuler to accept service of process and allow entry of a default; Motion carried 5-0.**

##### *3. Franklin County, Leon County, Liberty County, Wakulla County vs. Northwest*

*Florida Water Management District and City of Tallahassee:*

*At your February 16, 2010 meeting the board voted to oppose the City of Tallahassee's plans to modify its Corn-Hydro Dam because of the adverse downstream impacts it would cause. Following that meeting, I learned that the Northwest Florida Water Management District had issued a notice of intent to issue permits allowing the city of Tallahassee to modify the dam. The filing deadline for objecting to the permits expired March 23, 2010. I have filed a timely objection opposing the permits, along with three other counties who will also be affected by the proposed modifications to the dam. An administrative law judge will be appointed and a hearing will typically be conducted within the next 120 days*

*Board Action: I need board approval ratifying this lawsuit and authorizing me to represent the county.*

**Motion by Lockley, seconded by Sanders, authorizing Attorney Shuler to ratify lawsuit and to represent Franklin County in this lawsuit; Motion carried 5-0.**

*4. Ajax Contract for Weems Urgent Care Facility in Carrabelle*

*At your February 16, 2010 meeting I provided a copy of Ajax's contract along with my proposed addendum. At that time the parties were still negotiating. Attached to this report is the final addendum which has been agreed to by Ajax, the hospital and the county's architect.*

*Board Action: I recommend that the Board authorize the chairman to execute the contract and addendum.*

**Motion by Putnal, seconded by Sanders, authorizing Chairman Parrish to execute contract and addendum; Motion carried 5-0.**

*5. Roscoe Daly House*

*I have spoken with your SHIP administrator who confirms the County's ownership of the house.*

*Board Action: I recommend that the county authorize me to proceed with a fair market sale of the property instead of renting. The Board will need to determine whether it wants the sales proceeds to go into the reserves or into the SHIP program.*

The Board discussed options as to the allocation of funds from the sale of this property.

**Motion by Lockley, seconded by Jackel, authorizing Attorney Shuler to proceed with a fair market sale of the Roscoe Daly House and return money to the SHIP Rehabilitation Program; Motion carried 5-0.**

*6. Peddler's Ordinance*

*At a prior meeting the Board directed that I meet with the interested parties concerning possible modifications to the Peddlers Ordinance. The purpose of the meeting was to address public concerns regarding persons peddling without a license and concerns over enforcement of the ordinance.*

*I recommend the following changes to Peddlers Ordinance beginning next year:*

- a. Leave the permit fee at \$150.00 if it is obtained before the deadline.*
- b. Change the permit deadline from March 30<sup>th</sup> to March 1<sup>st</sup> each year.*
- c. Increase the late fee from \$300 to \$750, which is five times the amount of the permit fee. This will make the county's peddler's ordinance consistent with the late fee charged by the state for oyster licenses with charges five times as much for the oyster permit if it is obtained after the deadline.*
- d. Place signage on St. George Island notifying the public that county law requires a permit for peddling and explaining the penalty if you peddle without a permit.*
- e. Contact the Sheriff and ask that he direct his deputies to provide enhanced patrol to enforce the peddling ordinance.*

*Your ordinance allows you to make these changes by resolution. The signage and enforcement can be done this year if the Board chooses.*

*Board Action: I recommend that the Board authorize the Chairman to sign a resolution making the above changes to the ordinance regulating Peddling.*

Commissioner Jackel discussed these modifications with Attorney Shuler.

Attorney Shuler said he has contacted the current long term peddlers and they are in agreement with this Ordinance.

Commissioner Putnal asked why items D and E were not addressed previously and believed the current Ordinance was still good if it is enforced.

Attorney Shuler agreed that enforcement is important.

Commissioner Jackel was in favor of the Attorney's recommendation.

Mr. Pierce stated that no late fee has been paid in recent years.

**Motion by Jackel, seconded by Lockley, to approve Attorney Shuler's recommendation and contact the Sheriff asking for strict enforcement of the Ordinance; Motion carried 3-2, Sanders & Putnal opposed.**

#### **NON-ACTION ITEMS**

##### **7. U.S. Department of the Treasury**

*Attached is my February 4, 2010 letter to the U.S. Treasury Department responding to their incorrect collections efforts concerning allegedly delinquent Medicare Overpayments owed by Marquis Healthcare more than a decade old. The letter speaks for itself.*

*In my opinion, Franklin County has no obligation concerning these overpayments.*

*Board Action: None*

##### **8. Auditor's Request of Information**

*Attached is my February 19, 2010 letter to your auditing firm providing them information concerning current and potential litigation matters affecting Franklin County. The letter speaks for itself.*

*Board Action: None*

##### **9. St. Joe Paper Company Land Lease**

*My February 18, 2010 letter to the St. Joe Paper Company requesting that they consider leasing Franklin County property in three areas of the county. The letter speaks for itself. I have spoken to the current lessee of the property in the Miles and he said he has no opposition to your request.*

*Board Action: None*

**10. Lanark Village Water and Sewer District**

*I continue to gather information concerning the assets and debts owned, if any, of the district.*

*I do not anticipate finding any debts or assets not previously transferred to the City of Carrabelle in its merger agreement with the Lanark Village Water and Sewer District.*

*If there are any assets, they become the property of Franklin County upon dissolution. If there are any debts, they become the obligation of Franklin County.*

*I will proceed with dissolving the district if it has neither assets nor debts. If it has either, I will report back to the Board.*

*Board Action: None*

**11. Chili Cook Off**

*I have obtained a copy of their insurance policy and confirmed that it names Franklin County as an additional insured.*

*Board Action: None*

**12. Newspaper Qualifications**

*I have twice met with David Mills of the Chronicle. Mr. Mills continues to provide information concerning the qualifications of his newspaper to publish the tax rolls. If he qualifies, I will proceed to advertise for bids. If not, I will report back to the Board.*

*Board Action: None*

**Commissioners' & Public Comments (12:23 PM)**

Commissioner Jackel thanked Weems Hospital for their services during her accident. She said she received excellent care.

Commissioner Jackel reminded everyone of the St. George Island Chili Cook-Off and Eastpoint Rib Cook-Off.

Commissioner Jackel also recognized her sister Pam, who was in the audience.

Commissioner Sanders discussed FWC's temporary ban on fox hunting enclosures. She said she had been approached by residents who would like a resolution in support of legal fox hunting enclosures.

**Motion by Sanders, seconded by Putnal, to support a resolution of support for legally operated fox hunting enclosures; Motion carried 5-0.**

**Adjourn (12:25 PM)**

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

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Joseph Parrish – Chairman FCBCC

Attest:

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Marcia M. Johnson – Clerk of Courts