

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 21, 2010
5:00 PM**

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, Michael Morón – Board Secretary

Call to Order (5:02 PM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (5:02 PM)

There was a prayer followed by the Pledge of Allegiance.

Payment of County Bills (5:03 PM)

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

Recognize Student Government Leaders from School requesting US Highway 98 to be closed for the October 15, 2010 Homecoming Parade (5:03 PM)

Stephanie Howze, the High School Student Government Sponsor, and the Student Government Treasure appeared before the Board seeking permission to close Highway 98 from the Norvell Road intersection to the 2nd Street intersection for the Homecoming Parade on October 15, 2010 at 1pm.

Motion by Sanders, seconded by Putnal, to approve closing US Highway 98 on October 15, 2010 @ 1:00 PM for the Homecoming Parade; Motion carried 5-0.

Commissioner Putnal suggested that the student government attend a County Commission meeting to see how local government operates.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (5:06 PM)

Mr. Chipman had no items for Board action.

Commissioner Putnal asked if there is any solution to the sight problem on Woodill Road merging onto US Highway 98.

Mr. Chipman suggested a possible solution to the problem and said that Transfield America (FDOT local contractor) also had some suggestions.

Commissioner Sanders commented on this issue, saying someone had taken care of a similar problem at Lake Morality Road.

Mr. Pierce discussed equipment at the Road Department.

Janice Hicks – Health Department (5:09 PM)

Mrs. Hicks requested Board action to approve the annual contract between the Franklin County Health Department and the Board.

Motion by Lockley, seconded by Putnal, to approve and sign the FCHD and Board contract, subject to Attorney Shuler’s review; Motion carried 5-0.

Mrs. Hicks updated the Board on the renovation of the Health Dept. building and thanked the Board for their support.

Department Supervisors Report - Continued

Van Johnson – Solid Waste Director (5:12 PM)

Mr. Johnson had no items for Board action.

Commissioner Sanders and Mr. Johnson discussed the process of completing the football field at Kendrick Park in Carrabelle.

Dan Rothwell – County Engineer (5:13 PM)

Mr. Rothwell had no items for Board action.

1. *Ochlockonee Bay Boat Ramp Invoice:*

Staff has approved payment of invoice #5 for \$67,337.52 with a balance to finish including retainage of \$47,282.50 for the boat ramp project. The work has been halted until the FDOT rip-rap project has been completed and the pre-construction meeting was to be on 9/14/2010 with a 40 day project time.

2. 2010 County Paving Project:

C. W. Roberts should be working in sites throughout the County.

3. Alligator Drive Lane Shift:

The lane shift signs are installed, line stripping is done, and concrete traffic barriers are installed.

4. Franklin County / Apalachicola Regional Airport:

The hangar project is awaiting a change order to extend the time of completion. The stormwater project is 30% complete.

Commissioner Sanders thanked Mr. Rothwell for his services as the County engineer. Chairman Parrish also thanked Mr. Rothwell for his service and said he gave him the highest recommendation possible for his future endeavors.

Pam Brownell – Emergency Management (5:15 PM)

Mrs. Brownell asked for Board approval for the Base Grant Agreement in the amount of \$77,043 and explained what the grant entailed.

Motion by Sanders, seconded by Lockley, to approve the Base Grant Agreement for the amount of \$77,043; Motion carried 5-0.

Commissioner Sanders and Mrs. Brownell discussed a possible EOC grant.

Information Items:

- 1. Franklin County Emergency Management presented a COOP planning workshop on Thursday, September 9. There was good attendance at this workshop.*
- 2. FCEM presented a clandestine meth lab awareness class on Monday, September 20 at Carrabelle Civic Complex. Detective Jeff Moore from the Jacksonville Sheriff's Office Swat was the instructor. The course covered meth manufacturing process hazards, meth indicators,, homemade explosives, homemade lab hazards, chemistry and biology*
- 3. The Franklin County Re-Entry Tag Program is still ongoing. The following is the total number of tags issued per each re-entry zone as of September 17, 2010.*

APALACHICOLA	321
ST GEORGE ISLAND	371
EASTPOINT	237
CARRABELLE	297
LANARK VILLAGE/ST JAMES/319 NORTH	121
ALLIGATOR POINT	164
ST TERESA	30
	1541

Bill Mahan – Extension Office (5:17 PM)

Mr. Mahan had no items for Board action but discussed the following item from his report.

Pacific Lionfish Found Off Pensacola, Mobile, AL & LA Coast -If you recall, a few weeks ago, I reported to the Board that a Pacific Lionfish was discovered for the first time in the Gulf of Mexico off the Dry Tortugas. In the past week Lionfish have been confirmed of Pensacola, FL and Mobile, AL and several areas off the Louisiana coast and they are expected to be found in Mississippi coastal waters any day. This is the first time this species has been confirmed in the northern Gulf of Mexico. This fish has poisonous spines and is a voracious predator on reef fish.

Marcia M. Johnson – Clerk of Courts – Report (5:18 PM)

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

1-The Health Department has requested approval of their annual contract with the Board to be effective from October 1, 2010 through September 30, 2011 to provide environmental health services, communicable disease control services, and primary care services. The contract does list the county's funding appropriation of \$156,190 as well as the State's appropriation of \$814,818 and other funding sources. It lists the two health dept. buildings now owned by the county, and it says all their vehicles will be transferred to the ownership of the County who shall assure insurance coverage. It references the current renovation project where the county committed \$80,000 towards the renovations. The Board would agree that the director/administrator be selected by the State with the concurrence of the County. There is a termination at will clause of no less than 180 calendar days notice in writing unless a mutually agreed upon lesser time is established, and there is a 24 hour notice of termination clause in the event funds become unavailable.

This item was addressed earlier in the meeting.

2- For information, the hospital's operating account had a balance of \$303,098.09 for the month ending August 2010.

Commissioner Sanders thanked Mrs. Johnson for her patience and her Staff's work on the budget.

Alan Pierce – Director of Administrative Services – Report (5:19 PM)

Mr. Pierce presented his report to the Board.

1- Inform Board that Ms. Pam Brownell, EM Director, has continued to keep the local state of emergency in place regarding the oil spill. At this time, the dates when the state of emergency has been extended are: Sept. 6, Sept. 13, Sept. 20, and it will be extended again on Sept. 27.

2- Inform Board that at this time the Florida Back to Work program has not been extended, and unless it is the program will end on Sept. 30. Senator Bill Nelson has been lobbying to get the program extended.

The Board discussed this item with Mr. Pierce.

3- Inform the Board, and the public, that a Mr. Roger Triplett will be harvesting sea oat seeds on St. George Island in conformance with his state permit. He will be doing his collection on Sept. 28, 2010. He collects the seeds, grows the plants, which are then made available to local governments who want to expand sea oat plantings. Franklin County received plants in the past when we did the dune crossovers and the associated dune stabilization project.

Commissioner Jackel asked Mr. Pierce to inquire if any local organizations or the civic club on St. George Island would be interested in sea oat planting.

4- Inform Board that Poloronis Construction has been held up in completing the Ochlockonee Boat Ramp project because DOT has not completed its construction work on the base of the bridge. In the payment of bills, the Board approved payment to Poloronis Const. but that does not represent a final payment. The Board is still holding some \$47,000 in payment to Poloronis and that will not be paid until the final work is completed.

Commissioner Sanders asked Mr. Pierce to require markers from Jack Husbands, of DOT, at the Ochlocknee Boat Ramp.

5- Provide Board with copies of the Emergency Services Advisory Committee by-laws that is in place in Santa Rosa County.

6- Board action to accept the rankings of the 911 mapping firms as Ms. Pat McWhinnie believes she has found funds to move forward with that part of the project. The committee ranked the firms as follows:

1. Digital Data Technologies

5. HAS Consulting Group

2. GeoComm

3. Contact One

4. Bruce Harris & Assoc.

6. Panda Consulting

7. Preble-Rish

8. Calvin, Giordano & Assoc.

Commissioner Jackel asked if any of these companies have local ties and Mr. Pierce said to his knowledge none of the companies had employees who reside in the County.

Commissioner Jackel preferred that the County select Preble-Rish because they currently have a relationship with the County.

Commissioner Sanders preferred that the project not move forward without grant funding.

Motion by Jackel, seconded by Putnal, to accept ranking as presented by Ms. McWhinnie, and any contract is contingent upon securing funding sources; Motion 5-0.

7- Board action to approve the recertification of the county's Community Rating System. The CRS system, which is maintained by the Planning Dept., earns enough points from the FEMA scoring that flood insurance policy holders in the county receive a 10% discount on their flood insurance premiums.

Motion by Sanders, seconded by Jackel, to approve the recertification of the County's Community Rating System; Motion carried 5-0.

8- Board action to approve SHIP Annual Report for FY 2010. While the Legislature did not approve any additional SHIP funds, Franklin County will have a SHIP program next year because it will move the unused Florida Homebuyer Opportunity funds into the standard SHIP funds as the state allows. The county SHIP program will have \$312,077 of program funds available starting Oct. 1. Board action to certify plan.

Motion by Sanders, seconded by Lockley, to approve certification of the SHIP plan; Motion carried 5-0.

9- Board action on Resolution opposing rate increase proposed by Water Management Services on St. George Island.

Attorney Shuler discussed the correspondence from the Public Service Commission regarding the increase to the water rates.

Commissioner Jackel commented on hearing from residents who oppose this increase. She said those residents believed the increase was an unreasonable amount at this time.

Commissioner Sanders questioned the need for a resolution since a letter had already been sent from the Board objecting to the increase.

Commissioner Jackel discussed why a resolution was needed opposing the resolution.

Chairman Parrish and Attorney Shuler discussed other legal remedies in this matter. Attorney Shuler said he had not kept up with this case once the letter of opposition was sent to the PSC. Chairman Parrish and Commissioner Lockley discussed the experience with objecting to Progress Energy's rate increase.

Commissioner Jackel explained the need for the Resolution further.

Nita Molsbee, Manager of Water Management Services, explained the process for opposing the rate increase at the October 5, 2010 PSC hearings. She explained the current rate system and also discussed the interim rate increase that was granted by the PSC.

Commissioner Jackel commented on the increase and expressed the residents' objection to the increase.

The Board and Mrs. Molsbee discussed the age, replacement costs, and permitting of the equipment for water services on St. George Island.

Commissioners Sanders and Putnal stated that they would like additional information, including any technical reasons, before sending any additional objections to the PSC regarding this proposed rate increase.

Commissioner Lockley suggested looking into the PSC approving some sort of cap on the water rates on St. George Island.

Chairman Parrish and Commissioners Sanders and Lockley stated that they are not in objection to opposing the proposed water rate increases, but wanted more information before they did. Chairman Parrish suggested that all residents that will be affected by this rate increase attend the PSC hearings and voice their objections.

Motion by Jackel to approve the Resolution opposing the proposed water rate increase; motion failed due to lack of a second.

The Board asked Attorney Shuler to investigate this matter further so that more information is available for proper objection to the increase.

10- Board action to verify that the City of Carrabelle had permission to install a water line along the Poston Bayou Bridge in 1998/1999. The purpose for the clarification relates to some outstanding DEP permit issue with the City of Carrabelle.

Motion by Sanders, seconded by Putnal, to approve verification that the City of Carrabelle had permission to install a water line along the Poston Bayou Bridge in 1998/1999; Motion carried 5-0.

11- Inform the Board that there will be a public presentation of the county's \$5,000 check to Farmshare next Thursday, Sept. 30, at noon at the Senior Citizen Center. The commissioners are invited for lunch and for the presentation.

12- Board action on Resolution recognizing Justin Brice Griffin for his role in promoting and developing the skateboard park in the City of Apalachicola. The City is renaming the park in

Justin's honor on Saturday, September 25. Mr. Griffin was the young man killed in a tragic car accident several months ago on US 98 near the Gulf County line.

Chairman Parrish commented on Justin Griffin's character and said that Justin was instrumental in teaching his son how to skateboard.

Commissioner Sanders suggested that everyone view the Facebook page dedicated to Justin. Chairman Parrish said he will present the Resolution at the dedication ceremony and said it will mean a lot to the community and family.

Motion by Lockley, seconded by Sanders, to approve a Resolution recognizing Justin Brice Griffin for his role in the promotion and development of the skateboard park in the City of Apalachicola; Motion carried 5-0.

13- Inform the Board that Public Works Dept. is moving forward with purchasing a Cat 93H wheel loader. A 1994 wheel loader is being used as trade in.

14- Inform the Board that while the C.W. Roberts contract for road paving expires at the end of the September, the final pay request has not been submitted. Preble-Rish just wants the Board to be aware that the final pay request is being finalized.

Michael Shuler – County Attorney – Report (5:57 PM)

Attorney Shuler presented his report to the Board.

1. Mid-Year Florida Association of County Attorneys Conference

The F.A.C.A. Board of Directors meets November 17-19, 2010 at Amelia Island for its mid-year board meeting and CLE conference. Since I have been elected to the FACA board, I request permission to attend the conference.

Action: I request Board approval to travel to this conference.

Motion by Sanders, seconded by Putnal, to approve Attorney Shuler's travel and expenses to the Mid-Year Florida Association of County Attorneys Conference; Motion carried 5-0.

2. JP Morgan Chase Bank v. McKay (10-452-CA)

This is another foreclosure of a county special assessment fire lien recorded in 2010 at book 1016, page 545. The bank's mortgage is recorded in 2007 at book 941, page 713.

The bank's mortgage is superior to the county's fire assessment.

The subject property is located on St. George Island and the mortgage balance is in the approximate amount of \$ 1,300,000.00.

Action: I recommend that the Board authorize me to accept service of process and allow a default to be entered because the bank has the superior lien. The County will not collect this

fire assessment, which is less than \$100.00, but will collect future assessment provided that no future foreclosure occurs.

Motion by Lockley, seconded by Putnal, to authorize Attorney Shuler to accept service of process and allow a default to be entered in case 10-000452-CA; Motion carried 5-0.

3. Wargo vs. Franklin County

The Florida Department of Environmental Protection issued a beach re-nourishment permit to Franklin County for the project at Alligator Point. A referendum defeated the project, but since the permit is valid for five years, and the people may change their mind during that time, the Board did not want to cancel the permit. Notwithstanding that the Board stated that it would not move forward with the permit unless the people approved beach re-nourishment, Mr. Wargo sued Franklin County to set-aside the permit.

For the last couple of years, the case has been held in abeyance while a case in Walton County worked its way through the court system. The Walton County case is now over and it is time to either litigate with Mr. Wargo or settle.

The County invested a lot of time and money in the permit application, but since the public voted against the project, the County agreed not to move forward with it at that time. The political climate could change during the five year life of the permit and we should have the permit in hand if it does, so we don't have to start the process anew.

However, the County may not want to litigate a permit it may never use. Wargo also does not want to litigate a permit which may never be used.

Mr. Wargo has asked if the Board would consider entering into a settlement wherein the permit is held in abeyance until such time as the Board may elect to use it with each party reserving all its rights, claims and defenses. Basically, it is simply putting off for another day litigation which may never occur, unless the Board chooses to move forward with beach re-nourishment.

BOARD ACTION: Does the Board want to authorize me to hold the case in abeyance, preserving all parties' rights, claims and defenses or move forward with the permit challenge.

The Board and Attorney Shuler discussed this matter.

Motion by Sanders, seconded by Lockley, to authorize Attorney Shuler to hold the case in abeyance, preserving all parties rights, claims and defenses; Motion carried 5-0.

NON-ACTION ITEMS

4. Possible Use of Hospital Surtax Proceeds for Ambulance Funding Attached is a copy of my September 7, 2010 letter to the City of Apalachicola and their September 10, 2010 response.

5. Proposed Progress Energy Easement

Attached is a copy of the Notice of Intent advertisement for a public hearing to be held October 5, 2010 at 10:15 a.m. for consideration of this easement.

6. Proposed Ordinance Authorizing Maintenance of Private Road and Driveways

Attached is a copy of the Notice of Intent advertisement for a public hearing to be held October 5, 2010 at 10:30 a.m. for consideration of this ordinance. A copy of the proposed ordinance is attached.

7. Northwest Florida Water Management District

Attached is a copy of my September 15, 2010 letter to the NFWMD requesting that they provide Franklin County with a copy of their plan to monitor downstream flooding from the Com Hydro dam and their plan to notify Franklin County thereof in a timely fashion so we can warn the public.

Commissioners and Public Comments (6:03 PM)

Commissioner Sanders asked about the FBO contract at the airport and why there hasn't been an extension granted.

Attorney Shuler and Mr. Pierce discussed the reasons why there has not been an extension to this contract.

Chairman Parrish commented on this matter and stated that he is aware of this situation because it is in his district. He said there are numerous possible scenarios in the works but did not want to comment any further at this time.

Commissioner Putnal stated that there needed to be a regular grass mowing schedule at the airport.

Mr. Pierce stated that the Airport license has recently been approved and he has assigned Chris Giametta to regularly cut the grass.

Chairman Parrish also commented on this matter and said there might be a possibility of hiring someone else to keep the airport property maintained in the future.

Commissioner Putnal suggested contacting DOT on this matter and asking for help to maintain the airport grass.

Mr. Pierce said he didn't believe there would be a chance of DOT giving the County any money to maintain this County owned proper.

Ted Mosteller, of Apalachicola Regional Airport, said that the DOT doesn't participate on maintenance.

Commissioner Putnal discussed the Eastpoint Water & Sewer grant to hook up residents living on Wilderness and Ridge Roads. He said most of the residents will be hooked up for free but the ones who don't fall under the grant guidelines will have to pay \$8,000 for a hook up.

Mr. Pierce said this is a Federal grant and comes with strings attached that the County has no control over. He said EWS actually sets these fees and would have more control over this matter.

The Board asked Mr. Pierce to research this matter further.

Attorney Shuler commented on this matter and said at some point all residents will be required to be hooked up to the system.

The Board discussed this matter further and asked that Attorney Shuler receive a copy of the grant and review EWS fees and report back to the Board.

Motion by Sanders, seconded by Putnal, to have Attorney Shuler review the CDBG grant guidelines and Eastpoint Water & Sewer fees; Motion carried 5-0.

Chairman Parrish thanked everyone for attending meetings and their conduct during the budget hearing process.

Rev. John Sink commented on Item #3 "Sea Oats" project on Mr. Pierce's report.

Commissioner Sanders asked if EWS has had any rate increases and Rev. Sink stated that they have not.

Steve Fling, Fire Chief of Alligator Point VFD, asked when the ambulance service will be addressed by the Board.

Mr. Pierce stated that Lifeguard will amend their proposal and contact each Commissioner individually before the Board addressed it at a meeting.

Commissioner Putnal commented on his phone conversation with the Lifeguard representative and discussed the need for a third ambulance.

Commissioner Sanders commented on the critical need for a third ambulance in the County. She said it is a shame to have to call an ambulance out of Wakulla County to help the citizens of Franklin County.

Chairman Parrish suggested a public hearing be held to allow the residents who believe an additional ambulance is necessary to voice their opinion. He said he hasn't been contacted by more than two people who have discussed this matter with him.

There was further discussion on this matter.

Motion by Lockley to reject Lifeguard's proposal; motion failed for lack of a second.

Motion by Jackel, seconded by Putnal, to hold a public hearing on the County's ambulance service on October 5, 2010 @ 5:00 PM; Motion carried 5-0.

Motion by Sanders, seconded by Lockley, to request a proposal from Weems Hospital regarding a third "on call" ambulance; Motion carried 5-0.

David Mills, of the Franklin Chronicle, asked for Board Action for RFP for County legal ads. Attorney Shuler said no previous action had been made to approve a time frame on the contract with the Apalachicola Times for the County's legal advertisement.

Attorney Shuler stated that if the Board so desires he would draft a RFP for the Board's review. Mr. Mills explained that this is normally done annually and explained why the Board should move forward with this action.

Attorney Shuler asked that he have time to review this process and speak with each entity involved.

**Motion by Lockley, seconded by Putnal, to proceed with RFP for the County's legal ads;
Motion carried 5-0.**

Adjourn (6:37 PM)

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

Joseph A. Parrish – Chairman, FCBCC

Attest:

Marcia M. Johnson – Clerk of Courts