

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
SEPTEMBER 4, 2012
9:00 AM**

MINUTES

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

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

Call to Order (9:00 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:00 AM)

There was a Prayer followed by the Pledge of Allegiance.

Approval of the Minutes (9:02 AM)

Motion by Lockley, seconded by Sanders, to approve the Minutes of the July 17, 2012 Regular Meeting; Motion carried 5-0.

Payment of County Bills (9:02 AM)

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

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:02 AM)

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

Fonda Davis – Solid Waste Director (9:03 AM)

Mr. Davis presented his report to the Board.

New Credit Card Machine for the Franklin County Landfill:

FOR BOARD INFORMATION: In an effort to modernize the Franklin County Landfill, a credit card machine has been installed, so that Franklin County Residents can pay tipping fees, by means of Discover Card, MasterCard or Visa. **REQUESTED ACTION:** None

Right-of-Way Debris Pickup / Recycle Material Hauled August 16th – August 29th

FOR BOARD INFORMATION:

**AUGUST 16TH – AUGUST 29TH
 RIGHT-OF-WAY DEBRIS PICKUP**

<i>Apalachicola</i>	<i>Eastpoint</i>	<i>St George Island</i>	<i>Carrabelle</i>	<i>Lanark</i>	<i>Alligator Point</i>
<i>44.20 TONS</i>	<i>110.08 TONS</i>	<i>46.17 TONS</i>	<i>25.92 TONS</i>	<i>-0-</i>	<i>-0-</i>

RECYCLE MATERIAL HAULED

	<i>Apalachicola</i>	<i>Eastpoint</i>	<i>St George Island</i>	<i>Carrabelle</i>	<i>Lanark</i>	<i>Alligator Point</i>
<i>Cardboard</i>	<i>5.02 Tons</i>	<i>5.98 Tons</i>	<i>3.42 Tons</i>	<i>1.23 Tons</i>	<i>2.44 tons</i>	<i>-0-</i>
<i>Plastic, Paper, Glass, Aluminum</i>	<i>2.44 Tons</i>	<i>.48 Tons</i>	<i>3.04 Tons</i>	<i>.95 Tons</i>	<i>.41 Tons</i>	<i>.61 Tons</i>

Mr. Davis stated the dates that the Landfill will be open for free disposal of storm debris.

Mr. Davis stated that he had received a report from Mr. Walker, of the Franklin County Health Dept., of a fox with rabies in Apalachicola so traps had been set up in the area. He stated that the fox has been put down.

Commissioner Putnal asked that animal control step up their patrol for stray dogs.

Chairman Jackel stated that the area of Patton Drive and Highway 98 has some stray dogs that are causing public health concerns and need to be picked up. Commissioner Putnal stated other areas in Eastpoint that have the same problems.

Nikki Millender – Parks & Recreation (9:08 AM)

Mrs. Millender presented her report to the Board.

- *For Board Information: Cost Analysis to host a Dixie Boys All-stars Baseball Tournament and Dixie Girls All-Stars Softball Tournament would be approximately \$2,500.00 to \$5000.00 per each tournament. This cost covers tournament fees, trophies, and supplies. The following*

estimate does not include overtime pay for the County Employees that would be working the tournament. REQUESTED ACTION: None

Commissioner Putnal spoke in favor of a Dixie Boys All Stars Tournament.

Commissioner Lockley suggested seeking funding from the Franklin County Tourist Development Council.

Chairman Jackel asked Mrs. Millender to look into vendors possibly installing or purchasing electronic scoreboards for each of the County's fields in order to be able to host more tournaments.

Motion by Putnal, seconded by Parrish, to authorize Dixie Boys Baseball and Dixie Girls Softball All Star Tournaments; Motion carried 5-0.

Commissioner Lockley and Mrs. Millender discussed folks who are interested in establishing a basketball league in the County. Commissioner Lockley also suggested placing ads in the newspaper asking for volunteers interested in coaching basketball.

Chairman Jackel asked Mrs. Millender to assess all of the County parks for deficiencies and report back to the Board.

Commissioner Sanders and Mrs. Millender discussed the condition of the parks for soccer play.

Mrs. Millender provided information for County little league football and cheerleading sign-ups.

- *For Board Information: Fort Coombs Renovations/Armory and Convention Center*

Section One: Summary

EMO/ARCHITECTS, INC. (EMO) is currently completing their Task Two services for partial re-roofing and gutter repairs. Through 30 August 2012 EMO has completed approximately 98% of the Final Architectural Construction Documents (Drawings and Specifications). The Site Survey necessary for the design of infrastructure by the Civil Engineer for connecting roof drainage to the new offsite drainage improvements, recently installed by the City of Apalachicola has now been completed and the Civil Engineer is developing the final documents required. EMO is on schedule to review and incorporate the Engineer's drawings to allow the project to be released for Bid in early September.

Section Two: Activities and Progress

Basic Services

<i>400</i>	<i>Construction Documents</i>	<i>98% Complete</i>
<i>500</i>	<i>Bidding/Negotiations</i>	<i>0% Complete</i>
<i>600</i>	<i>Construction Administration</i>	<i>0% Complete</i>

Pam Brownell – Emergency Management Director (9:16 AM)

Mrs. Brownell presented her report to the Board.

Action Items: I would respectively request the Board adopt the Emergency Staffing Policy presented to them in this document.

The Board and Mrs. Brownell discussed how this process will work. Mrs. Brownell stated that Attorney Shuler and Mr. Pierce had looked over the document and approved it.

Commissioner Parrish had questions concerning the assignment of County employees required to respond during emergencies. Mrs. Brownell explained that the employees would only be those employed under the Board.

Motion by Putnal, seconded by Sanders, to approve the Emergency Management's Emergency Staffing Policy; Motion carried 5-0.

Commissioner Putnal discussed the condition of the oyster bars and asked Mrs. Brownell if there is any type of disaster relief from the Federal Government for the oyster workers. Mrs. Brownell stated that in order to apply for this type of relief some documentation is needed from the Dept. of Agriculture stating that this disaster was caused by the drought.

Chairman Jackel asked Mrs. Brownell to provide some information as to the command and responsibilities during a storm and emergency situations. Mrs. Brownell stated that she will distribute the requested information.

Information Items:

- 1. August 23, 2012 at 1:00 pm the Emergency Management conducted an Emergency Operations Center (EOC) activation hot wash to discuss what went right and how we could improve the next time we activate. The biggest down was not enough staffing.*
- 2. The EOC was activated from August 24-28 for Tropical Storm Isaac.*
- 3. The Emergency Management office will be doing Public Assistance Damage assessment on September 5, 2012 with the State and FEMA at 9:00am at the EOC.*
- 4. There is a Debris Management training class scheduled for September 11-12, 2012 at the Emergency Management Office starting at 8:30 am till 4:30 pm.*

Commissioner Parrish and Mrs. Brownell discussed the City of Apalachicola and the City of Carrabelle establishing their own debris management contracts.

Bill Mahan – County Extension Director (9:29 AM)

Mr. Mahan had no action items but discussed some of the items from his report.

Commissioner Putnal and Mr. Mahan discussed the lack of response from the Department of Agriculture concerning the issues with the Bay.

Franklin - UF IFAS Updates

1) *Discussion Item – Sea Turtle Lightening Issues – I met with Kelly Roberts & Robin Trindell of FL Fish & Wildlife (FWC) and Lisa Lehnhoff with the U.S. Fish & Wildlife Service (USFW) on the evening of August 23rd to discuss the county’s sea turtle lightening ordinance and to conduct a beach lighting survey on St. George Island. Sea turtle nests have started hatching and two of the six nests hatched became disoriented as a result of house lights. During the discussion on our County Lighting Ordinance, it was clear that both FWC & USFWS feel that the ordinance is not strong enough and that enforcement needs to be increased. One issue that was pointed out is that the County’s ordinance only covers homes & businesses built on lots along coastal construction line. However, the Endangered Species Act covers any light source that causes disorientation of sea turtles. During the evening, a number of lighting issues were pointed out ranging from using inappropriate lights (for example, globe lights – “light bombs”) and fixtures, to using appropriate fixtures however, using the wrong type of light bulb (color & wattage). During the evening we discussed a number of educational efforts to try to decrease/eliminate sea turtle disorientations. These included: conducting beach walks with rental property managers and homeowners to show them the lighting problems and educate them on solutions; putting a renter’s information pack together to inform renters of the importance of keeping the beach dark during the sea turtle nesting season; using the sea turtles as a marketing tool to attract tourists and at the same time educate visitors about the county’s oldest visitors and applying for grants to purchase sea turtle friendly lights and fixtures that can be make available to property managers/homeowners to retrofit their properties. The implied threat was that if no effort was made to decrease sea turtle disorientations and have increased enforcement of the County’s lighting ordinance that USFW will send their law enforcement officers “in” to write Endangered Species Act violations which have a minimum fine of \$5,000.00. As part of the educational effort, I’m currently working with FWC Sea Turtle Biologists to setup an educational display on sea turtles at the National Estuaries Day Celebration to be held at the Apalachicola National Estuarine research reserve on September 28th. I also spoke to Beth Brinkley about the idea of doing a sea turtle lighting walk with FWC turtle biologists on SGI to see and learn more about the lighting issues. She liked the idea. There is also a possibility of getting some grant funding to purchase sea turtle friendly light bulbs and lighting fixtures.*

The Board and Mr. Mahan discussed the possible need for re-educating the public and also the expense of retro-fitting light fixtures. Mr. Mahan said that USFW would like for the County to step up efforts to enforce the lighting regulations.

Commissioner Parrish asked Mr. Mahan to make sure the property managers on St. George Island aware of some of these fines and consequences.

Gulf of Mexico Fishery Management Council (GMFMC)

2) Gulf of Mexico Fishery Management Council Update – The GMFMC met in New Orleans, Louisiana, August 20 - 23, 2012. During the weeklong meeting, the Council took the following actions:

Gray Triggerfish - Reef Fish Amendment 37 – The Council voted to send draft Reef Fish Amendment 37 out for public hearings. The Amendment considers modifying the rebuilding plan for gray triggerfish and making changes to commercial and recreational management measures so that the overfished stock can rebuild as fishing continues. The Council also requested that NOAA Fisheries Service extend the interim rule that reduces overfishing of gray triggerfish by lowering commercial and recreational Annual Catch Limits for another 186 days until Amendment 37 can be approved and implemented.

Shallow-Water Grouper Accountability Measures - Amendment 38 – The Council gave final approval to Reef Fish Amendment 38, which revises the accountability, measures for shallow-water grouper. Currently, if the recreational annual catch limit for gag or red grouper is exceeded, the season for all recreational shallow-water grouper is required to be shortened in the following year. Under this revision, only the species for which the annual catch limit was exceeded will have its season shortened. The final amendment will be submitted to NOAA Fisheries, which must review and approve the amendment before it is implemented.

2013 Recreational Gag Season – The Council approved for public hearings, a draft framework action that considers a split recreational gag season for 2013. Changing the season could reduce the total number of fishing days but would allow for fishing at more desirable times of the year. However, the Council has asked for an analysis of reducing the gag bag limit from 2 to 1 fish per person, which could extend the recreational season.

Sector Allocation - Reef Fish Amendment 28 – The GMFMC reviewed a scoping document that explores setting allocations for gag, red grouper, black grouper, and red snapper, based on various scenarios, including separating the recreational sector into two or three subsectors. The Council agreed to table discussion on the amendment until after it receives the 2013 red snapper benchmark assessment. The assessment is expected to be complete in the summer of 2013.

Coastal Migratory Pelagic Amendments 19 and 20 – The Council continued to work on Amendments 19 and 20 to the Coastal Migratory Pelagic Fishery Management Plan. Amendment 19 considers limiting the sale of recreationally caught fish and making changes to the permit requirements for Coastal Migratory Pelagic fisheries. Amendment 20 considers modifying commercial zone boundaries, changing the commercial opening date for the western zone, and establishing a transit provision.

Generic Amendment for Dealer Permits and Electronic Reporting – The GMFMC gave final approval to an amendment that changes federal seafood dealer permit and reporting requirements. Because this is a joint amendment, approval by the South Atlantic Council is necessary before the amendment can be sent to the Secretary of Commerce for approval and implementation.

If approved, the amendment would require a universal dealer permit to purchase all federally-managed species, except South Atlantic coral, South Atlantic Sargassum, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

Permitted dealers would also be required to report purchases weekly, via computer or Internet. Forms from trips landing between Sunday and Saturday will need to be submitted to the Science and Research Director (SRD) by 11:59 pm local time on the following Tuesday. Finally, "No purchase forms" must also be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms." A dealer would only be authorized to receive commercially harvested species if previous reports were submitted and received by NOAA Fisheries in a timely manner. Delinquent reports would need to be submitted and received before a dealer could receive commercially harvested species from a federally permitted vessel.

For-Hire Charter Vessel Electronic Reporting – The GMFMC has directed staff to work with the Southeast Fishery Science Center to develop an amendment to require electronic reporting for for-hire charter vessels. The amendment will also include options to bring headboat reporting requirements in line with current Southeast Fishery Science Center electronic reporting requirements.

The intent of the amendment is to improve the timeliness and accuracy of fisheries data in the for-hire sector.

Fixed Petroleum Platforms and Artificial Reefs as Essential Fish Habitat – In order to consider artificial substrates for description and identification as essential fish habitat (EFH), and to conduct subsequent EFH consultations, the Council needs information and advice regarding the implications of including manmade substrates and structures for federally managed fish species. The Council agreed to form an Ad Hoc Artificial Substrate Advisory Panel made up of members of the petroleum industry, state artificial reef biologists, and others as appropriate, to assist the Council with our fixed petroleum platforms and artificial reefs as potential essential fish habitat.

Red Snapper Recreational Catch Overrun in 2012 and Reevaluation of 2013 Quotas – The Council received preliminary catch estimates for the recreational red snapper season. Current data accounts for 3.23 mp, or about 82% of the 3.959 mp recreational quota. NOAA Fisheries projects recreational landings will be 4.4 to 4.8 million pounds of red snapper so far this year. Part of the reason for the increase in landings is because the average weight of recreationally caught red snapper continues to increase. The average weight for 2012 was projected to be 6.34 - 6.97 pounds, but the observed average weight was 7.14 pounds. Because the red snapper quota will be exceeded in 2012, there will not be an automatic increase in 2013.

Vermilion Snapper Emergency Rule Requested to Increase 2012 Annual Catch Limit – Based on a recent update stock assessment that found the vermilion snapper stock is neither overfished nor experiencing overfishing, the Council began developing a regulatory amendment to increase the vermilion snapper annual catch limit beginning in 2013. However, preliminary landings data suggest that the 2012 vermilion snapper annual catch limit may be reached before the end of the year, resulting in a closure of both the commercial and recreational vermilion snapper seasons. In order to avoid social and economic disruptions from an early closure, and based on a recommendation from the Reef Fish Advisory Panel, the Council has requested that NOAA Fisheries implement an

emergency rule to increase the 2012 vermilion snapper annual catch limit from 3.42 mp to 4.19 mp.

Seafood Worker Issues

Chairman Jackel explained that she contacted Ms. Leslie Palmer, of DACS, regarding the issue with the Bay. She also thanked the seafood workers for attending this meeting to discuss their issues.

Commissioner Sanders explained that she was contacted about this problem during the weekend and wanted to be sure the Board was available to help as much as possible. Mr. Pierce contacted Ms. Palmer on the phone so she could listen to the comments. Commissioner Sanders asked Ms. Palmer when she might be able to meet with the Board to discuss the issues with the Bay and Ms. Palmer explained that it would be a combined effort with FWC but that they are scheduled to attend the September 18th Board Meeting. Commissioner Putnal and Ms. Palmer discussed letters that had previously been sent asking for an extension of some of the summer bars. Ms. Palmer stated that if she were to leave these bars open the FDA would send a notice stating that the State is out of compliance. Commissioner Lockley asked that the Board be informed as to what is going on with the east and west ends of the Bay.

Commissioner Parrish stated that he had been telling the Florida Association of Counties about the depletion of seafood in the Bay and that someone needed to do some type of study to see what is going on with this situation. He also commented on the economy and said it is going to be severely bad in Franklin County if we don't get some help.

Commissioner Putnal discussed the possibility of the County going bankrupt without the support it receives from the seafood industry.

Shannon Hartsfield, President of the Franklin County Seafood Workers Association, said the status of the Bay is worse than they thought and can't wait to be discussed at the September 18th Board Meeting. He explained how bad the condition of the Bay is, including both the east and west ends of the Bay. Mr. Hartsfield stated particular areas that are without any oysters at all.

Mr. Hartsfield stated different people from the State agency he has talked to about the condition of the Bay and he is afraid that the reports will not state the true bad condition of the Bay. He said the seafood workers are in a real bad situation.

Mr. Hartsfield stated that Tropical Storm Debbie made the Bay worse than it was before, at least by 50%.

Commissioner Lockley agreed with Mr. Hartsfield's comments. He also stated that he knows something is wrong with the Bay because it cannot be as over worked as the State claims.

Chris Millender, of the FCSWA, stated that there is no spat on the winter bars and something needs to be done as soon as possible.

Commissioner Putnal stated that financial help is needed from the Federal Government to help with relaying.

Ricky Banks, Vice President of FCSWA, reiterated all of the previous comments and said by September 18th there will be people without homes and vehicles if something isn't done quickly.

Leslie Palmer, of DACS, stated that she understands the urgency of this situation and will contact FWC to find out if they will be available to meet this week.

Chairman Jackel wanted Ms. Palmer to be aware of how many seafood workers were in attendance at this Meeting.

Jesse Lolley, Jr., an oysterman, stated that a local rain is the cause of the problems with the Bay. He explained some of the other issues causing problems with the Bay.

Jerry Williams, seafood worker, stated that the Bay is the worst he has seen it in over 40 years and discussed some of the problems he is experiencing with the Bay and oysters.

Neil Braswell, seafood worker, stated that there are too many people living off of the Bay and other jobs need to be created for County residents.

John Crum, seafood worker, discussed some of his past experiences with the Bay. He stated some of what he thinks has hurt the Bay and how long some of the bars have been "dead".

Curtis Nowling, seafood worker, asked what could be done to stop the shells from going to Pensacola.

Commissioner Putnal explained that he was told that those shells would be bad for our Bay.

Rex Phipps, seafood worker, stated that the problem is with the water in the Bay and believed turning over the bottom of the Bay would help. Mr. Phipps also discussed the absence of periwinkles and ghost crabs on the beaches. He also expressed concerns of the ripple effect the destruction of the Bay will have on the local economy.

Wayne Braswell, seafood worker, asked if the relaying isn't working what else can be done. He also said any money received from BP should be reinvested in the seafood workers to give them an opportunity to find alternate ways to earn a living. He said any BP monies shouldn't go to repairs of boat ramps and things like that.

Chairman Jackel and Commissioner Sanders stated that the Bay is the number one priority of the County Commissioners.

Commissioner Parrish said right now there is no funding and discussed possible BP funding, the Restore Act, and explained the process for determining how funding will be distributed. He said funding could not be used as compensation for seafood workers. He stated the importance of contacting the State Legislature and the Governor to possibly find a short term option for the seafood workers. Commissioner Parrish also discussed NERDA funding. He said he goes to every meeting and makes sure that Franklin County is represented but so far none of the projects have been approved. He also discussed the need to change the laws pertaining to oil spills.

Ricky Banks, VP of FCSWA, asked if the Seafood Worker Association can seek funding from the Restore Act as an association. Attorney Shuler stated that he thinks that is possible. Mr. Banks discussed his problems with filing claims with BP.

Judy Chambers, seafood worker, stated how long she has been oystering and stated how bad the Bay is now. She also thinks something else is wrong besides the storms.

Denise Sapp, seafood worker, stated that the State is also responsible for the problems with the Bay for what they have been putting in the Bay.

Lisa Richards, seafood worker, stated that they can't afford the \$45 per week charged by the school for a matter pertaining to her children.

Chairman Jackel suggested that they contact the school on this matter.

Commissioner Putnal suggested that Federal and State Governments are contacted to seek emergency funds to assist the seafood workers now.

Commissioner Sanders suggested that the County issue a State of Emergency regarding the problems with the Bay. She said this might be the only way to get the attention of the State.

Mrs. Brownell explained the status of the County and the State's State of Emergency. She said at this time the County is not under a State of Emergency.

Motion by Sanders, seconded by Putnal, to issue a State of Emergency, due to economic impact regarding the condition of the Bay and seek state and federal funding and contact the Legislative Delegation, Governor, Governors Cabinet, and any other State or Federal representative who can assist; Motion carried 5-0.

Mrs. Brownell also recommended that all seafood workers file for unemployment and food stamp assistance. She explained that the seafood workers can go to the library or Gulf Coast Work Force to get started.

Chairman Jackel directed Mr. Pierce and Mrs. Brownell to contact Kim Bodine to help assist with applying for assistance.

Glen Richards, seafood worker, stated his past experience with filing for unemployment or food stamp assistance.

Tim Miller, seafood worker, discussed some of the chemicals used by BP for cleaning the Bay and the effect it has had on the Bay and seafood that comes out of it.

Aaron Edgecomb, seafood worker, discussed his experiences as a long time seafood worker. He said he had applied for other jobs but due to the economy those options have fallen through.

He commented on some of the recommendations made by others during the Meeting.

Chairman Jackel encouraged all seafood workers to be in attendance at the September 18th Meeting.

Anna Carmichael, concerned citizen, stated that the Bay has to be treated with respect and the State needs to listen to the voice of the seafood workers who have been working the Bay for hundreds of years.

Roscoe Rotella, seafood worker, stated that the condition of the Bay has to be improved and discussed the condition of the seafood that comes out of the Bay.

Sandra Allen, seafood worker, stated that there is something wrong with the water because the seafood is dying in a strange way. She commented on the depletion of bait fish in the Bay and also the future for guide fisherman and other seafood workers. She recommended bringing other job types in the County to help the seafood workers. Mrs. Allen commented on the process BP uses for assisting the seafood workers in the County.

Dennis Burke, Jr., longtime seafood worker, discussed some of the changes to the seafood in the Bay in different locations.

Chairman Jackel asked Mr. Pierce to summarize some of the concerns raised today for the meeting with the State.

Recess (11:04 AM)

Chairman Jackel called for a recess.

Reconvene (11:37 AM)

Chairman Jackel reconvened the Meeting.

Chairman Jackel stated that during the break Leslie Palmer had notified the Board that DACS and FWC would like to meet with the Board and County residents on Thursday at 5:00 PM. She asked for public comments to be held at this upcoming meeting and asked that the seafood workers pack the courtroom out for this event.

Motion by Sanders, seconded by Lockley, to continue this discussion on Thursday, September 6, 2012 at 5pm, where DACS and FWC will be present to hear comments in a Board setting; Motion carried 5-0.

Henry Jackson, of Liberty County, discussed the status of Franklin County residents who have moved to Liberty County but still have an oyster license.

Lisa Mitchum, County resident, thanked the Board for their efforts and offered to help the seafood workers file for assistance online.

The Board thanked Ms. Mitchum for volunteering her time.

Frances Estes, seafood worker, stated that the status of the Bay will end up affecting the River if a remedy isn't found soon.

Keith McCarron – ARPC – Update of DOT 5 Year Plan (11:44 AM)

Keith McCarron, of Apalachee Regional Planning Council, stated that he was here to discuss the FDOT 5 year work plan, which had been adopted by the Secretary of the FDOT after being approved by the Legislature. He distributed a copy of the plan and discussed it with the Board. Mr. McCarron said these projects are based on the funding that's available or projected to be available in the Transportation Trust Fund. He said with the economic downturn, the State Legislature has had to divert some of the trust fund monies for other State priorities so funding has either been stable or declining. He also said FDOT establishes priorities based on safety and system preservation and capacity improvement.

Chairman Jackel stated that Highway 98 from Carrabelle to Eastpoint is in greater need of repair than the project to repair Highway 98 from the Gulf County line to the bridge.

Commissioner Sanders questioned listed items for emergency operations for Tropical Storm Debby and said she has spoken with FDOT numerous times concerning the problems with Highway 98 between Eastpoint and Carrabelle.

Chairman Jackel and Mr. McCarron discussed the process FDOT uses to determine the priority of the repairs.

Commissioner Lockley and Mr. Pierce discussed reasons why the State won't move Highway 98 further inland.

Chairman Jackel, Mr. Pierce, and Mr. McCarron discussed previous projects that have been submitted, such as Pine Street and Bayshore Drive. Commissioner Putnal discussed roads that have been paved twice in Wakulla County instead of Highway 98 between Eastpoint and Carrabelle. The Board discussed other roads that should be maintained and also funding for these projects. Commissioner Lockley stated that the FDOT should consider moving Hwy. 98 inland and using the current highway as an alternate.

Marcia Johnson – Clerk of Courts – Report (11:59 PM)

Mrs. Johnson presented her report to the Board.

1. *Board action is requested relative to the Value Adjustment Board (VAB):*

a. Two county commissioners must be appointed;

b. A citizen member who owns homestead property within the county must be appointed. The citizen member can't be a member or employee of any taxing authority. Walter Armistead has served in the past and has expressed a willingness to serve again;

c. Recommend to the VAB the appointment of Mr. Paul Curenton for the position of Special Magistrate to hear the petitions. Mr. Curenton has served the Board well and has received all the statutorily required training; and

d. Accept Ms. Rachel Chestnut as the Attorney for the VAB. She stepped up and has served in the position for the past two years and has also received the necessary training.

Board action to appoint two commissioners and Mr. Walter Armistead to serve on the VAB, recommend Mr. Paul Curenton as the Special Magistrate and accept Rachel Chesnut as the attorney for the VAB.

The Board discussed which Commissioners should serve on the VAB.

Motion by Lockley, seconded by Sanders, to appoint Commissioner Parrish and Commissioner Sanders as the appointed Commissioners to the VAB, accept Mr. Curenton as the special magistrate, and Rachel Chestnut as the attorney for the VAB; Motion carried 5-0.

Alan Pierce – Director of Administrative Service – Report (12:03 PM)

Mr. Pierce stated that he received a check in the amount of \$213 from NACO for the health cards. He said that represents one month.

Mr. Pierce presented his report to the Board.

1- Inform the Board that the FEMA Request for Funding Agreement for T.S. Debbie has been executed by the Chairman and submitted to FEMA for approval. It was submitted electronically and by mail. The submission of the funding agreement means that Franklin County can begin submitting PWs for reimbursement. However, the writing of the FEMA PWs for T.S. Debbie appears to be going very slowly, and Hurricane Isaac is not going to help the situation. The request for the waiver of the local match has been submitted to the Governor's Office.

2- Inform the Board that the Emergency Declaration authorized by the Board on August 21 was not submitted separately to the Governor's Office but was put with the Emergency Declaration extension signed by the Chairman on August 28 as part of the preparation for Hurricane Isaac.

3- Board direction on contacting Transfield about having the county mow the US 98 ROW between the Bay City Work Camp and the City of Apalachicola city limits in an agreement similar to what the county currently does in Eastpoint and Lanark Village. There have been continuing complaints about the high grass as one enters Apalachicola from the west.

Commissioner Putnal stated that there is still an area on Hwy. 65 in Eastpoint that Transfield hasn't maintained.

Commissioner Parrish suggested an option to maintain the areas Transfield has neglected to maintain.

The Board discussed this matter further and also mentioned other areas that need to be better maintained.

Motion by Lockley, seconded by Sanders, to contact Transfield about allowing the County to maintain the area between Bay City Work Camp and the City of Apalachicola, and also 12th Street to Kendrick Park in Carrabelle, with the County receiving the funding Transfield would receive for these services; Motion carried 5-0.

4- Inform Board that Panhandle Insurance, located in Calhoun County, is interested in providing the county a quote for employee health insurance.

The Board discussed this matter and decided to look at the quote and discuss it at the budget hearing tomorrow.

Mr. Whitfield, of Panhandle Insurance, discussed his quote with the Board and stated that he would attend tomorrow's Meeting.

5- Inform the Board and the public that on Sept. 12, from 4 to 7, the new FEMA flood maps will be available for public inspection at the courthouse annex. Staff from FEMA, Northwest Florida Water Management, and the contractor who revised the maps will be available to answer questions.

6- Inform Board that DOT is requesting a proposed budget for landscaping projects in the county in 2013. DOT would provide the funds and the county would be responsible for maintaining the projects once built. The funds can only be used for plants, labor, and other material. It cannot be used for design or land acquisition. The projects have to be built within DOT right of way, which is US 98, SR 65, and Island Drive in Eastpoint. At this time, DOT is only looking for the amount of funds the Board might be interested in. I recommend the Board request \$50K be budgeted for possible landscaping projects in Franklin County.

The Board discussed this item further and will revisit at the next Meeting in order to compile a more specific list.

7- Board direction on completing the re-surfacing project on Wilderness Road. Mr. George Allen, Eastpoint Water and Sewer District, has contacted me regarding the situation. According to Mr. Allen, the District Board is willing to contract with C.W. Roberts to overlay the road using the funds previously agreed to. The one stipulation the District requests of the county is that if the District moves forward with contracting the work that C.W. Roberts warrantee the work to both the District and the county. The District does not want to be responsible for deciding if C.W. Roberts's work on a county road is adequate. A decision needs to be made soon as Ms. Belcher has told me the CDBG funds must be spent by Sept. 30.

Motion by Parrish, seconded by Putnal, to proceed with agreement as requested; Motion carried 5-0.

8- Airport Advisory report on prospective FBO.

The Board was concerned that the deadline for selection was called for this Meeting and there is a need to move forward because of the cost to the County. The Board agreed that a decision has to be made at the next Meeting.

9- Ms. Lori Switzer recommends the Board approve the 2011/2012 SHIP Housing Plan. Even though the Legislature did not provide any new SHIP funds, Ms. Switzer must continue to update and submit a Housing Plan for those funds the Board received in previous years. Board action.

Motion by Putnal, seconded by Sanders, to approve the 2011/2012 SHIP Housing Plan; Motion carried 5-0.

Commissioner Putnal and Mr. Pierce discussed the status of the SHIP program.

10- Inform Board I have spoken with Mr. Mark Thomas, DOT Maintenance Engineer, regarding the fishing area on the Eastpoint end of the long bridge. Rather than develop a plan that might or might not work, Mr. Thomas is going to provide the county a key and Hubert is going to take some equipment in there so see what he can do. If he can knock down the offending corrugated iron then he will do so; if he cannot then we will develop a plan to fence the area off.

Motion by Putnal, seconded by Sanders, to remove the gate once the County can remove the corrugated iron; Motion carried 5-0.

Mr. Pierce stated that he had received a phone call from Dan Tonsmiere and asked that he inform the Board that the General of the United States Army Corps of Engineers was going to be in Franklin County on October 22nd and/or 23rd to check on the status of the Apalachicola River.

Chairman Jackel asked Mr. Pierce to check on the pothole in front of the Dollar General in Eastpoint.

Mr. Pierce stated that Leslie Palmer suggested that the Board ask someone from the Dept. of Economic Development to be at the next Meeting.

The Board also suggested contacting and inviting any State Agency that would be able to provide assistance.

Chairman Jackel complained about a congregation of residents on Patton Drive that is causing a traffic and public safety hazard. Chairman Jackel stated that she realizes that this is private property but something has to be done. She suggested that the Sheriff's Department is contacted for some type of remedy to this situation and stated some of the other problems caused by the people congregated in this area. She said even if these people are homeless they still have to abide by the law.

Commissioner Putnal stated that he had talked about this situation several times and wanted to know what can be done with them. He said it is a sad situation.

Commissioner Sanders said she had received complaints this morning about this same situation.

Motion by Sanders, seconded by Putnal, to send the Sheriff's Department a letter about this issue asking for some type of resolution to this problem; Motion carried 4-1, Lockley opposed.

Commissioner Lockley stated that he wanted to go assess the situation.

The Board discussed this matter further.

T. Michael Shuler – County Attorney – Report (12:35 PM)

Attorney Shuler presented his report to the Board.

Action Items

1. *Bald Point Trust Fund*

Ketcham Appraisal has submitted an invoice for \$14,100.0 for services appraising the fair market value of the partial taking of Lots 1-4, Alligator Harbor Unit 3 (Revised). This is the property the county is taking by eminent domain because it necessary to complete an inland by-pass around the most storm vulnerable section of Alligator Drive, Alligator Point, Florida. A copy of the invoice is attached.

FEMA will reimburse the county for this expense.

Board Action Requested: Motion authorizing the payment of \$14,100.00 out of the bald point trust fund to Ketcham Appraisal.

Motion by Sanders, seconded by Putnal, to approve payment of \$14,100.00 out of the Bald Point Trust fund to Ketcham Appraisal for appraisal services; Motion carried 5-0.

2. Eastpoint Highway Patrol Station Property

On August 29, 2012, Tracy Peters, who is handling the transfer of the old highway patrol station property to us on behalf of the state, informed me that the property is subject to a lease and a sublease for the old tower site. She has not been successful in obtaining releases of the two leases and this is holding up the transfer of the property to the county. Copies are attached. One of the two leases in question is with the Department of Management Services and the second lease with the Harris Corporation.

Board Action Requested: Does the Board want to send a formal communication to the two lease-holders urging them to execute the release of lease so that we can obtain title to the property?

Commissioner Parrish spoke in favor of sending the letters.

Motion by Parrish, seconded by Sanders, to send letters to the Department of Management Services and the Harris Corporation asking for the execution of the termination of their leases with the FHP station property in Eastpoint; Motion carried 5-0.

3. Amendment To The Hospital By-Laws

In recent weeks it has become apparent that a further amendment to the hospital by laws should be made to facilitate open communication between the CEO and the hospital board. The current by-laws provide that the CEO is a ex officio non-voting member of the hospital board. Because the CEO is a board member, Ch. 286 Florida Statutes, known as the Sunshine Law, applies and limits the CEO's communications with other board members to public meeting on any issue that will or may come before the hospital board. This is the same rule that applies to the county commissioners and all other county boards. Furthermore, it may be difficult to actually separate those communications which may be allowed and those that are not. It is a better practice to cure this.

The hospital board was informed of this by me on August 30, 2012, and they desire that they have more flexibility in communications with the hospital's CEO and has unanimously requested that the county amend the by-laws to remove the CEO as a member of the hospital board. I made this recommendation to them.

The CEO will continue to attend all hospital board meetings and act in the same capacity as in the past, but the CEO would not be a member of the hospital board. This action will increase the ability of the board to communicate openly with the CEO.

Also, the current by-laws provide that the county's director of administrative services recommend replacement hospital board members to the county commission. That is not how hospital board members have been appointed in the past. In the past, the hospital board made recommendations to the county commission, and the commission then selected the hospital board members. I recommend that the by-laws reflect the actual practice in selecting hospital board members.

Board Action Requested: A motion authorizing me to amend the hospital by-laws to remove the CEO as a member of the hospital board and to also amend the by-laws to provide that the hospital board will recommend its members to the county commission instead of the director of administrative services.

The Board and Attorney Shuler discussed this matter further.

Commissioner Sanders wanted the CEO of the hospital to know that communication is important between her and the Chairman of the Hospital Board.

The Board discussed appointing new members to the Hospital Board and new wording in the by-laws to make sure that each County Commissioner has a say on their district representative on the Hospital Board.

Attorney Shuler stated that he can figure out some language in the by-laws and bring it back to the Board at the next Meeting.

Motion by Parrish, seconded by Sanders, to authorize Attorney Shuler to amend the Weems Hospital by-laws and present wording to the Board at the next Meeting; Motion carried 5-0.

4. Bridge Fund/SGI Fishing Pier Damage

On August 17, 2012, the board requested a legal opinion whether the Bridge Maintenance Fund can be used to repair the damage to your fishing pier caused by Orion Marine Group's barge during Tropical Storm Debby. As you know, their barge destroyed two sections of the fishing pier on the St. George Island pier.

I have reviewed the contract with DOT that created the bridge fund. In my opinion, the repairs to the fishing pier are within the scope of the uses allowed by the bridge fund. Although the contract only uses the word "maintenance," I find that such repairs are necessarily implied within the meaning of the word "maintenance," and that the county has the authority to make a legislative determination that such repairs are necessary for the county to provide and keep up the two fishing piers.

If the board desires to make this use of the bridge fund, I suggest that the board notify DOT of our intent and adopt a motion authorizing this use of the bridge fund.

I also recommend, but it is up to the board, that before we proceed with repairs, we first have Preble-Rish provide professional services to the county recommending the scope of the repairs that are necessary and the materials to be used. That information can then be given to the responsible party with a deadline for them to inform the county if they will timely proceed with

repairs. Orion Marine Group is in the business of marine construction and could perform the repairs directly. If not, then the board can decide to further engage Preble-Rish to complete engineering services to design the repairs to the fishing pier and proceed with making those repairs.

A copy of my July 6, 2012 demand letter to Orion Marine Group is attached. I am informed by Orion that they are sending their insurance company to appraise the damage, but I have not been informed if that has been completed.

A copy of my August 27, 2012 email to Mr. Schmidt, Esquire, at Orion Marine Group is attached for your consideration.

If no settlement is reached, I will return to the board to request authorization for Preble-Rish to provide you with an engineered design for the repairs.

Board Action Requested: I recommend a motion finding that the bridge fund may be used to repair the damage to the fishing pier because such repairs are necessary for the board to provide and keep up the maintenance of the fishing pier and also authorizing Preble-Rish to provide professional services outlining the general scope of work and the necessary materials.

Chairman Jackel stated that that she would like an assessment from Preble-Rish, which will then be presented to the Board. She said she would like this assessment forwarded to Orion Marine Group with a 30 day limit on a response, after the 30 days she would like the Board to make a decision based on their response and the cost of the repairs. She said she would also like to have Progress Energy forwarded a copy of the assessment.

Commissioner Parrish agreed with Chairman Jackel. He said he didn't agree with Orion Marine Group's stance on not wanting to repair the bridge because the structure is 50 years old. He said it doesn't matter how old it is, they need to fix what they broke and said people utilize this structure.

The Board discussed this matter further.

Attorney Shuler discussed his correspondence with the Orion Marine Group.

Motion by Putnal, seconded by Sanders, to get a bridge damage assessment from Preble-Rish forward assessment to Orion Marine Group with a 30 day limit on a response, after the 30 days, the Board to make a decision based on their response and the cost of the repairs and also forward a copy of the assessment to Progress Energy; Motion carried 5-0.

Informational Items

5. Draft Ordinance for the Repair and Maintenance of Private Roads

Attached is a draft ordinance for the repair and maintenance of private roads for your consideration, together with the minutes from the October 5, 2010 meeting when you first considered this.

6. Health Insurance Quote

A copy of the limited agent of record letter is attached.

Nathan Marks informs me that the health insurance quote should be ready September 4, 2012. I have turned this over to the chairman, as the board only asked me to review the agent of record letter and I do not have any further role to play.

I instructed Mr. Fenstermaker to ensure that his limited appointment did not divert any commissions that may be due to Gary Barber/Digital.

7. BM Rule and AIATC, Inc.

Attached is a final judgment of eviction and for past due rent. His attorney has told me that the check is in the mail.

August 31, 2012 is Mr. Ruic and AIATC's last day at the airport. Any items remaining in the hanger after that date, including the airplane he held possession of under a claim of lien, will be considered abandoned by him. If the airplane is left in the hanger, the owner of the plane wants to rent the hanger.

8. Franklin County v. DEP

As you know, DEP served Franklin County with a Notice of Violation ("NOV") over the placement of construction debris in the revetment at Alligator Point, Florida. In response to that action, on August 23, 2012, I filed two lawsuits. The first was an administrative action challenging the NOV and the second was a declaratory judgment action filed in the local circuit court. There are two challenges pending and I intend to file a motion to abate the administrative challenge while we litigate the matter in circuit court. Copies are attached.

9. Troy v. McCall and Franklin County

The Troys have served me with their amended complaint on August 24, 2012. The nature of the lawsuit against the county (excluding the claims against the McCalls) is the allegation that Franklin County should have made the McCalls take down a street light, removed a small rope fence separating their property from the road, removed a "no trespassing" sign, removed a small fire pit and removed some limestone rocks (about the size of a small beach ball) along the fence. The Troys consider these to constitute improper development in the critical habitat zone and that the street light violates the dock ordinance. A copy of the amended complaint is attached, less exhibits.

Commissioners' & Public Comments (12:54 PM)

Commissioner Parrish stated that he will be traveling to the meeting for the oil spill commission meeting on September 12th. He discussed some of the concerns that are discussed at these meetings.

Motion by Sanders, seconded by Lockley, to approve and pay travel expenses for Commissioner Parrish to attend oil spill commission meeting; Motion carried 5-0.

Chairman Jackel commented on a personal issue with homestead exemption and explained that the situation has been resolved and corrected.

Commissioner Sanders asked Mr. Pierce to be sure he contacts all agencies that can provide assistance to the seafood workers and ask them to attend the meeting on Thursday.

Chairman Jackel stated that this is a community problem and the community needs to come together to help these folks.

Commissioner Parrish stated that this isn't just an oyster problem; it's a seafood industry problem.

Adjourn (1:00 PM)

There being no further business, Chairman Jackel adjourned the Meeting.

Pinki C. Jackel, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts