

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
JANUARY 21, 2014  
9:00 AM**

**MINUTES**

**Commissioners Present:** Cheryl Sanders – Chairman, William Massey – Vice Chairman, Pinki Jackel, Noah Lockley, and Joseph Parrish

**Other Present:** Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Deputy Clerk to the Board

**Call to Order (9:00 AM)**

Chairman Sanders called the Meeting to order.

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

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes (9:01 AM)**

**Motion by Lockley, seconded by Massey, to approve the Minutes of the January 7, 2014 Meeting; Motion carried 5-0.**

**Payment of County Bills (9:01 AM)**

**Motion by Massey, seconded by Parrish, to approve the payment of the County's bills as presented; Motion carried 5-0.**

**Resolution – Georjanna Myers (9:02 AM)**

*Approve Resolution recognizing Georjanna Myers, grand-daughter of Commissioner Lockley, as the winner of the Franklin County Spelling Bee. Ms. Myers will represent the county at the Big Bend Spelling Bee in Tallahassee on Feb.*

Mr. Pierce presented this item from his report and asked Commissioner Lockley to introduce his family members to the Board. Mr. Pierce read the Resolution.

**Motion by Jackel, seconded by Massey, to approve a Resolution recognizing Georgjanna Myers as the winner of the Franklin County Spelling Bee; Motion carried 5-0.**

Board commented on how proud they were that Ms. Myers will represent the County at the Spelling Bee in Tallahassee.

**Department Supervisors Report**

**Howard Nabors –Superintendent of Public Works (9:06 AM)**

Mr. Nabors gave an update on the condition of County roads and ditches after the excessive rains.

Commissioner Jackel asked Mr. Nabors to check on the parking lot on St. George Island where there is some damage to the pavement.

Chairman Sanders asked Mr. Nabors to check on the ditch plugs in Tate's Hell that are causing flooding issues on Highway 67. She is concerned with the flooding possibly causing undermining of the base on Highway 67. She also asked Mr. Pierce to call NWFWM regarding the ditch plugs, as they installed them.

**Fonda Davis – Solid Waste Director (9:10 AM)**

Mr. Davis had no action items for Board direction.

Commissioner Jackel discussed issues with illegal dumping on W. Bayshore Dr. on St. George Island and asked to have signs installed at this location.

**Nikki Millender – Parks & Recreation (9:12 AM)**

Mrs. Millender had no items for Board action but discussed some grant funding that might pay expenses for the 'Leave No Trace Behind' Ordinance.

The Board and Attorney Shuler discussed a time frame for completing this project.

Attorney Shuler and Commissioner Jackel will review the amended ordinance before bringing it before the Board.

Chairman Sanders and Mrs. Millender discussed the estimate for a bathroom at Classy Lowery Park. Mrs. Millender stated that the cost would be around \$2,000 - \$3,000. The Board discussed the low estimate and the type of structure of the building.

**Motion by Parrish, seconded by Massey, to move forward with the bathroom project; Motion carried 5-0.**

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

Mrs. Brownell had no items for Board action.

*Action Items: None*

*Information Items:*

1. *Tress and Jennifer will be attending an exercise in Liberty County on January 24<sup>th</sup>.*
2. *Wide Area Search Training is scheduled for January 28-30<sup>th</sup>.*
3. *Pam and Tress will be attending the FEPA Conference February 2-7<sup>th</sup> in Daytona.*
4. *We are in the process of updating our Scope of Work reporting to SharePoint.*
5. *We are also in the process of updating our Special Needs Database for the year.*

**Ann Birchwell – Franklin County Librarian – Update (9:17 AM)**

Ms. Birchwell informed the Board that Wren Richardson is the newly hired part-time employee. She discussed upcoming events and programs being offered at the Library.

**Marsha Lindeman – Franklin County Health Department – Update (9:21 AM)**

Commissioner Jackel thanked Ms. Lindeman for the free physicals the Health Dept. provided for the County's Volunteer Fire Departments. Ms. Lindeman explained the program further.

Ms. Lindeman updated the Board on the upcoming Health Fairs. She discussed other programs being offered by the Health Dept., including services provided by an outreach enrollment specialist, Sarah Erickson. Ms. Erickson will be able to assist with the new Health Exchange program enrollment.

Ms. Lindeman reminded everyone to get the flu vaccine.

Commissioner Massey and Ms. Lindeman discussed age limits and insurance for the dental services.

Commissioner Jackel and Ms. Lindeman discussed the possibility of expanding to adult dental care. Ms. Lindeman stated that the program is not designed for adult care.

Commissioner Jackel and Ms. Lindeman discussed the problems with the underuse of the dental program in the County, especially since there is a need. Ms. Lindeman stated that discussing the program at the televised Board meetings helps to spread the word, and she stated other ways the program has been advertised and promoted.

Chairman Sanders and Ms. Lindeman discussed the problems with expanding the dental program to adults.

Commissioner Jackel suggested asking the school to provide transportation to the dental facilities.

**Marcia M. Johnson – Clerk of Courts – Report (9:37 AM)**

Mrs. Johnson had no report for the Board.

**Recess (9:38 AM)**

Chairman Sanders called for a recess.

**Reconvene (9:45)**

Chairman Sanders reconvened the Meeting.

**Alan Pierce – Director of Administrative Services – Report (9:45 AM)**

Mr. Pierce presented his report to the Board.

*1-Board action to approve Resolution recognizing Georjanna Myers, grand-daughter of Commissioner Lockley, as the winner of the Franklin County Spelling Bee. Ms. Myers will represent the county at the Big Bend Spelling Bee in Tallahassee on Feb.*

This item was addressed earlier in the Meeting.

*2- Board action to approve a Resolution supporting the application of a planning study to extend the Capital City to Sea Bike Trail from its current proposed terminus in Wakulla County to Carrabelle. The funding for the planning study is being sought from the DOT Transportation Alternative Program (TAP), and it is using federal funds. This is the study that Ms. Leslie Cox, David Butler, and others asked the county to support some time ago. I have been advised by Mr. Butler that the timeline for obtaining funds from TAP is fairly long, and the county's request would probably not receive funding consideration until 2016 or later.*

Chairman Sanders and Mr. Pierce discussed this project further.

**Motion by Massey, seconded by Jackel, to approve a Resolution supporting the planning study to extend the Capital City to Sea Bike Trail; Motion carried 5-0.**

*3- Provide Board with copy of bridge inspection report for Poston Bayou, which is the bridge on the Timber Island Road. The bridge itself is in adequate shape, but the report does say the bridge rails do not meet current state guidelines.*

*4- Inform Board that Ms. Christy Murphy, office assistant for the Extension Office, has submitted her resignation. She has accepted a job with the Dept. of Corrections. The Univ. of Florida has posted the vacancy of the Extension Agent and interviews will be taking place soon. Traditionally, the Board has let the Extension Agent hire their assistant.*

Commissioner Jackel and Mr. Pierce discussed the re-vamping of the Extension Office. Commissioner Parrish further discussed the changes to the Extension Office and suggested that the hiring of the administrative assistant be tabled until a new Extension Office agent is hired. The Board agreed.

*5- Board direction on community budget requests to be submitted to the legislature for line item funding. Commissioner Jackel has requested \$2.5M for the dredging of Eastpoint Channel. Commissioner Massey has requested \$300,000 for drainage improvements in a system known as Smokey Hollow drainage, which is on the east side of the City of Carrabelle. Chairman Sanders is requesting \$600,000 for land acquisition to purchase property known as Ell's Court and Island View as a county park.*

Commissioner Parrish asked that Creakmore Channel be added to the list at \$1.5 million. Commissioner Lockley asked that \$500,000 be added for drainage projects in Apalachicola.

**Motion by Jackel, seconded by Massey, to approve submission to the Legislature and to include Creakmore Channel in the amount of \$1.5 million and drainage projects in Apalachicola in the amount of \$500,000; Motion carried 5-0.**

*6- Board direction on approving additional design work at the Armory. Mr. Warren Emo has submitted a report, titled Facility Analysis Report, in which he concludes that it is possible that there will be enough funds in the current TDC funded budget of \$500,000 to install air conditioning in the side part of the Armory, which is where the new bathrooms, ADA entrance way, and renovated meeting room will be. If the Board would like to see air conditioning as part of the construction plans that will soon be put out for bid then Mr. Emo needs to be directed to complete the air conditioning design. The general plan is that for the funds currently available from the TDC the Armory would get complete new bathrooms moved into the hallway that leads to the storage area, a completely rebuilt side entrance meeting ADA requirements, and a completely rebuilt meeting room that would be expanded to include the space now occupied by the bathrooms. All that would get serviced by one air conditioning system.*

*The Armory itself would be designed for a separate AC system, with an estimated cost of \$250,000. The construction funds for the Armory AC would be sought from the TDC in the 2015 TDC budget.*

Mr. Pierced reviewed the plans with the Board.

Commissioners Lockley and Parrish stated that their preference is that the entire air conditioning project is completed instead of just the area referred to by Mr. Emo.

Mrs. Johnson asked if updates to the kitchen had been addressed and Mr. Pierce discussed this issue.

Mrs. Millender, Director of Parks and Recreation, discussed the possibility of the expansion of the kitchen area and also the possibility of adding more counter space.

Chairman Sanders reminded the Board that the Armory has been designated as the County's convention center and the project needs to be completed to use it in that manner as soon as possible.

Commissioner Jackel stated that a new fee structure should be considered for non-locals if that much money will be invested in renovating the Armory.

The Board discussed the Armory renovation project and funding, based on the estimate submitted by Mr. Emo.

The Board agreed that Mr. Pierce and Mrs. Millender will meet with Mr. Emo to discuss the proposed project further.

**Motion by Lockley, directing the County to borrow funds for the completion of the entire renovation project, including the HVAC in the main building; Motion failed for lack of a second.**

The Board discussed the additional cost of the design for the HVAC for the main section of the Armory.

Mr. Pierce stated that he will request that Mr. Emo attend the next Board Meeting.

Commissioner Jackel asked for a copy of the entire design in electronic format.

Commissioner Lockley asked for a report stating what was done during the electrical upgrade phase of this project.

*7- Remind the Board and the public that tomorrow, Jan. 22, the Health Dept. is sponsoring a Health Fair at the Armory, from 3-6 PM. There will be free blood pressure and cholesterol screenings.*

This item was addressed earlier in the Meeting.

*8- Board action to authorize the Chairman signature on an easement requested by Duke Power so they can provide electricity to the light at the Patton Drive boat ramp. Several meetings ago the Board directed that a conventional security light be installed at the boat ramp since the solar light had continuously failed. The work order has been approved by Duke Energy will not install the pole until an easement is granted.*

The Board and Mr. Pierce discussed the status and need for lighting at other boat ramps in the County.

Commissioner Parrish asked that the solar lights that are being moved from the Patton Drive boat ramp be used at the Abercrombie Boat Ramp.

**Motion by Jackel, seconded by Massey, to authorize Chairman's signature on easement requested by Duke Power so they can provide electricity to the light at Patton Drive Boat Ramp; Motion carried 5-0.**

*9- As the Board is aware, FEMA authorized a project to repair the part of the Alligator Point revetment between Tom Roberts and Clements St that was damaged by TS Debbie. The repairs will consist of adding more rock to the existing revetment in an attempt to stabilize the road shoulder. At the direction of the Chairman I attended the Alligator Point Taxpayer Assoc, meeting last Saturday and explained the project to them. There is only \$140,000 available for this repair, when the cost to replace the rocks with a more permanent solution such as sheet pile is estimated at \$1.2M. So this project is strictly a repair project. Until this section of All. Pt Road suffers more damage I am unable to obtain more funds to make better repairs.*

*The Board has a permit from DEP to make these repairs. The Alligator Point community is aware of the project and recognizes that without additional repairs the road is subject to damage under a very minor storm event. I request Board action to authorize Preble-Rish to prepare bid documents and specs for a contractor to repair the revetment within the scope of the funds available, and within the scope of the DEP permit.*

Attorney Shuler stated that there is litigation with Capital City regarding this revetment, but he suggested that the Board move forward with this project.  
Chairman Sanders commented on this item.

**Motion by Jackel, seconded by Massey, to authorize Preble-Rish to prepare bid documents and specs for contractor to repair revetment within scope of the funds available and within scope of DEP permit; Motion carried 5-0.**

Mr. Pierce and Attorney Shuler explained that this revetment will not be part of the project that will involve moving the road.

Mr. Pierce stated that Attorney Nick Yonclas will be the alternate member of the canvassing board if Judge Russell is unable to serve.

Commissioner Lockley asked if Attorney Yonclas needs to attend the canvassing board training and the Board discussed.

**Motion by Parrish, seconded by Lockley, to authorize travel and expenses for Attorney Yonclas for canvassing board training if he will serve; Motion carried 5-0.**

Chairman Sanders asked Mr. Pierce to get a total available amount in the County's road paving fund.

Commissioner Parrish asked about the progress of the Bluff Road projects that seems to be moving slowly. Mr. Pierce stated that the problem is caused by recent inclement weather. Mr. Clay Smallwood, of Preble-Rish, gave an update on the Bluff Road paving project. Commissioner Parrish stated his displeasure with the progress of the Bluff Road paving project. Chairman Sanders asked that Commissioner Parrish is made aware of the upcoming progress meeting for this project. The Board and Mr. Smallwood discussed penalties if the contractor doesn't complete the project on time.

Commissioner Jackel and Mr. Smallwood discussed the North Bayshore Drive project. Mr. Smallwood stated that Preble-Rish is waiting for DOT to approve the project. Chairman Sanders stated that Preble-Rish needs to communicate better with the Board on active projects they are involved with.

**Michael Shuler – County Attorney – Report (10:38 AM)**

Attorney Shuler presented his report to the Board.

1. Orion Marine v. Franklin County (Franklin County Fishing Pier)

*Attorney Robert Dees represents Franklin County in this matter. The expert's name is Ed Hays at American Nautical Services in Ft. Lauderdale and he charges \$150.00 per hour. Mr. Dees has advised me that he recommends that the county retain an expert witness to provide testimony as to the negligence of Orion Marine in failing to properly secure the two barges onsite at the time of the damage to the fishing pier. The expert will also provide testimony as to the amount of the damages and the value of the barges.*

*The ceiling on the expert witness fees, per Mr. Dees is between \$12,000 and \$15,000.*

*The Board will need an expert to testify at trial.*

Action: *Motion to approve Mr. Dees request to give him authority to retain Mr. Hays as an expert witness in the above litigation.*

Commissioner Parrish and Attorney Shuler discussed the County recouping attorney and expert witness fees.

Commissioner Lockley and Attorney Shuler discussed Duke Energy's responsibility in this matter.

**Motion by Jackel, seconded by Massey, to approve to retain expert witness Ed Hays, of American Nautical Services, with a \$10,000 cap; Motion carried 5-0.**



2. Jerry Hall and Beverly Hewitt

*The Board's lease of the property next to the Eastpoint Pavilion expired last year. The Board offered to renew the lease for the existing rent, which is the payment of real estate taxes and utilities used on the property. Mr. Hall and Ms. Hewitt agreed to that rent while the county applied for a state grant to purchase the property.*

*The state grant made an offer of \$29,000.00 to them for the purchase of two water front lots. Mr. Hall and Ms. Hewitt rejected that offer. As a result, they are not willing to rent the property to the county for taxes and utilities.*

*Mr. Hall and Ms. Hewitt have countered that they want \$2,000.00 per month for rent.*

*Action: Does the Board want to agree to pay \$2,000.00 per month rent? If not, then we need to notify Mr. Hall and Ms. Hewitt that we reject their counter-offer and then pay the taxes due for 2013 since we occupied and used their property during 2013, including the period after the lease terminated around May 2013.*

**Motion by Jackel, seconded by Massey, to reject offer of \$2,000 per month rent for property next to the Eastpoint Pavilion owned by Mr. Hall and Ms. Hewitt; Motion carried 5-0.**

**Motion by Jackel, seconded by Massey, to pay 2013 taxes on the property next to the Eastpoint Pavilion owned by Mr. Hall and Ms. Hewitt; Motion carried 5-0.**

3. Eastpoint Water and Sewer District

*The Eastpoint Water and Sewer District has not responded to your request that it address the letter sent by their outside consultant, who stated that Franklin County, not the water and sewer district was responsible for the maintenance and repairs to the lift station serving the jail and the landfill.*

*Action: Motion authorizing a further written communication to the district regarding their responsibility to maintain and repair the lift station mentioned.*

Commissioner Parrish and Attorney Shuler discussed the next action to take on this matter, which is litigation.

Commissioner Parrish asked that a stern letter be sent to Eastpoint Water and Sewer and explain the County's situation in this matter.

Commissioner Lockley asked that the letter is hand delivered by Attorney Shuler or Mr. Pierce.

**Motion by Massey, seconded by Lockley, to send a letter to Eastpoint Water & Sewer, as recommended by Attorney Shuler, and have it hand delivered by Attorney Shuler or Mr. Pierce; Motion carried 5-0.**

Informational Items

4. St. Joe Company vs. Franklin County

*On December 13, 2013, The St. Joe Company filed a Bert Harris Claim against Franklin County alleging that the Board's 2009 amendments to the comprehensive plan damaged them. As of January 3, 2014, the lawsuit has not been served.*

*As a reminder, in 2009 the Board authorized Mr. David Theriaque to represent the county if such a lawsuit was filed. I have been in communication with him regarding the lawsuit.*

5. Capital City Bank

*Attorney Ron Mowrey has contacted Mr. Pierce and stated that the banks experts inform them that Restore Funds are available for repairing damages to Alligator Drive. Staff has informed Mr. Mowrey that we are unaware of any such availability, but have invited his experts to make a presentation to staff regarding this matter.*

6. Florene Fowler

*Ms. Fowler has delivered the deed from her to the county conveying Lot 32, Unit 7, Peninsular Point Subdivision. I have recorded the deed.*

*I have informed Mr. Pierce that Ms. Fowler must obtain a certified appraisal of the value of the lot prior to the county executing the IRS form granting her a tax deduction.*

Attorney Shuler updated the board on litigation regarding the Eastpoint tourist corridor.

**Commissioners and Public Comments (10:53 AM)**

Commissioner Lockley stated that he has received complaints that no one from Apalachicola has been hired for the last few vacancies with the County and would like some type of assurance that candidates from Apalachicola are considered.

Attorney Shuler discussed this matter further.

Rev. John Sink discussed a presentation that was made to the Wilderness Coast Public Libraries Consortium and suggested that Franklin County consider the same idea.

**PUBLIC HEARING – Debris Removal Ordinance (11:00 AM)**

Attorney Shuler reviewed the proposed Debris Removal Ordinance.

Commissioner Lockley and Mrs. Brownell discussed how this Ordinance will affect cleaning County roads first and then addressing private property issues. Mrs. Brownell stated that debris will not be removed from private property until FEMA approves it, so that the County can be reimbursed.

Commissioner Parrish stated that he couldn't support the ordinance because the language of FEMA first approving the debris isn't included in the ordinance. He also spoke of liability concerns and the burden of the tax payers that could result from this ordinance.

Attorney Shuler explained that the FEMA condition isn't in the ordinance due to Federal Government requirements.

Chairman Sanders also expressed her concerns with the ordinance and discussed lengthy waits for FEMA reimbursements.

Attorney Shuler discussed the issues with a FEMA reimbursement. He discussed the risks the County would be taking with this ordinance.

Commissioner Parrish stated that he didn't think the County has the budget to take the risk that this ordinance presents.

Chairman Sanders opened the floor for public comment.

There were no comments from the floor.

Commissioner Lockley expressed his discomfort with the possibility of public versus private priorities during a storm clean-up.

Mr. Pierce discussed a problem on Alligator Point, during a past storm, with FEMA reimbursement.

Mrs. Brownell stated that this ordinance would be something to fall back on, if needed, during a storm clean-up. She explained that it could be used only if the County chose to use it.

Commissioner Parrish discussed the issues this ordinance could cause amongst County residents.

Chairman Sanders stated that there were alternative methods already in place for clean-up on private property.

Commissioner Jackel agreed that without adding that language she wasn't comfortable with this ordinance.

Chairman Sanders and Commissioner Jackel discussed what has been done in the past for storm clean-up.

**Motion by Lockley, seconded by Parrish, not to approve the Debris Removal Ordinance;  
Motion carried 5-0.**

Chairman Sanders stated that she will be attending a Consortium meeting in Tallahassee on Friday and she will report back to the Board at the next Board Meeting.

**Adjourn (11:28 AM)**

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

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Cheryl Sanders, Chairman – FCBOCC

Attest:

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Marcia M. Johnson, Clerk of Courts