

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
MARCH 18, 2014  
9:00 AM**

**MINUTES**

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

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

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

Chairman Sanders called the Meeting to order.

**Prayer and Pledge (9:00 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 March 4, 2014 Regular Meeting; Motion carried 5-0.**

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

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

**Department Supervisors Report**

**Howard Nabors – Superintendent of Public Works (9:02 AM)**

Mr. Nabors had no items for Board action.

Mr. Pierce asked the Board to make the salaries of both County mechanics the same at the rate of \$14.81 per hour.

**Motion by Jackel, seconded by Massey, to approve setting the salary for both County mechanics at \$14.81 per hour; Motion carried 5-0.**

Mr. Nabors stated that the ditch work, previously done in areas of the County, helped in reducing the flooding situation during all the recent rain.

Chairman Sanders, Commissioner Massey and Mr. Nabors discussed the maintenance of certain County roads.

**Fonda Davis – Solid Waste Director (9:05 AM)**

Mr. Davis had no action items for the Board but stated that he would like permission to advertise both in-house and publicly at the same time for the vacant position at the Solid Waste Dept.

Attorney Shuler stated that in-house gives County employees a preference but stated that it was Mr. Davis's choice.

**Motion by Jackel, seconded by Massey, to advertise in-house first and then publicly if the position is not filled, as recommended by Attorney Shuler; Motion carried 5-0.**

**Nikki Millender – Parks & Recreation (9:09 AM)**

Mrs. Millender stated that March 28, 2014 is the kick-off ceremony for the Dixie Youth Day of Ball, starting at 6:00 PM at Kendrick Park in Carrabelle.

Commissioner Massey and Mrs. Millender discussed finding funding for kids that can't afford the \$50 registration fee.

Mrs. Millender stated that, as her busy season is upon her, she has requested additional inmates from the prison but hasn't had any response from the institution. She asked that Mr. Pierce contact the prison concerning this matter. Mr. Pierce said he would contact the Warden at the Franklin Correctional Institution to discuss this matter.

**Pam Brownell – Emergency Management (9:14 AM)**

Mrs. Brownell asked that the Board table her action item request until she has the opportunity to send letters to State officials requesting assistance with the County's financial portion of this grant. She also asked Sheriff Mock to send a letter requesting the same.

The Board and Mrs. Brownell discussed the details of this matter further.

Commissioner Jackel suggested applying for an energy efficient grant for replacing the windows at the jail.

**Motion by Jackel, seconded by Massey, to approve sending a letter to Governor Scott, State Representative Beshears, State Senator Montford and the Director of Florida Division of Emergency Services requesting that the State assist with the financial portion of grant; Motion carried 5-0.**

*Action Items: Asking Board approval or rejection for the Franklin County Jail retrofit roof assembly over the Administration Building and a new membrane roof system over the Facility House. The total grant is for \$776,704. The Federal share is \$582,528; the local share is \$194,176.*

This item was tabled.

*Information Items:*

- 1. Emergency Management on March 12, 2014 conducted its training and exercise needs with the different agencies in county for the State Training and Exercise template.*
- 2. Emergency Management on March 13, 2014 attended the Region 2 meeting in Tallahassee.*
- 3. On March 12, 2014 I met with Phil Worley and Rostan Solutions LLC to start the draft for the county Debris Monitoring contracts.*
- 4. On March 18, 2014 I will participate in the final planning session for the State Hurricane Exercise schedule for May.*
- 5. Emergency Management has a LMS meeting schedule for March 26, 2014 at the EOC at 9:00am.*

**Anne Birchwell – Library Director (9:19 AM)**

Ms. Birchwell discussed some of the new programs at the Library. She stated that she will be attending Library Day at the capital to promote Franklin County with the Legislature.

Ms. Birchwell displayed the winning entry that is to be the official logo for the Franklin County Library, as was recommended by the library board.

**Motion by Jackel, seconded by Massey, to accept the winning logo as the Franklin County Library official logo; Motion carried 5-0.**

**Jim Estes – FWC – Discussion of Federal Fisheries Failure Fund (9:22 AM)**

Jim Estes, Deputy Director of the Division of Marine Fisheries Management with FWC, discussed the current process for this fund and apologized for the misinformation and lack of communication regarding the process of this funding. Mr. Estes discussed meetings with the involved parties which were intended to receive input for the distribution of this funding. He reviewed a handout that provided detailed information on this funding. He stated that the

areas of concentration for the funding would be habitat, monitoring of the Bay and processor facility upgrades.

Chairman Sanders asked about the amount of processing facilities included in this funding.

Commissioner Lockley and Mr. Estes discussed the amount of seafood workers that were included in this project and the need to expand the program to include more of the seafood workers that are out of work.

Commissioner Jackel and Mr. Estes discussed the areas that will be included in the shelling program and, also, who is included with determining the areas that will be shelled. She thanked him for attending the meeting and for the additional funding for the County.

Chairman Sanders commented on what caused concerns with the original information that was provided. Mr. Estes stated that the lack of communication was his fault and he apologized. The Chairman thanked Mr. Estes for attending the meeting. She confirmed with Mr. Estes that the barge shelling will be done via competitive bidding.

Commissioner Jackel and Mr. Estes discussed the process for assisting the seafood dealers, how they will be contacted, and how the money will be distributed to the facilities. Commissioner Lockley asked that the agency look at how many seafood workers are counted as full time and the qualification process.

Chairman Sanders asked and Mr. Estes confirmed that FWC will act as a monitoring agency and will not use funds for enforcement.

Commissioner Parrish stated that the common goal should be the restoration of the Bay. He recommended that FWC go back and look at procedures used in 1985, which was the last time there was this type of problem with the Bay. He suggested conducting a more in-depth monitoring program for the Bay and stated that the results of the training and education that took place a short while back is looked at before more funding is allocated to another program. Commissioner Parrish was in favor of assisting the dealers with this funding. He stated that additional funding will be needed to restore the entire Bay and was in favor of check stations to monitor the Bay closer. He asked what shells and resources will be used to restore the Bay because of the limited amount available. He discussed the trickle-down effect and how the lack of seafood in the Bay affects the entire economy of the County.

Commissioner Lockley suggested that FWC talks to other seafood workers besides the ones in the SMART group.

Mr. Pierce and Mr. Estes discussed a possible timeline for the re-shelling.

Commissioner Jackel and Mr. Estes discussed the restrictions on this funding because the funds are Federal which means the County has no input on the guidelines.

Chairman Sanders stated that the main purpose of this funding is the restoration of the Apalachicola Bay.

Commissioner Massey stated that no one in the SMARRT group makes any money from any funds. He said it is all a volunteer effort.

Commissioner Parrish stated that a permanent re-shelling program is needed or else once the Bay is restored it will be back to the same status as it is now in a short amount of time. He said it is important that State agencies are aware of this and assist the County with this program. Chairman Sanders agreed with Commissioner Parrish.

Commissioner Jackel and Mr. Estes asked if it will be put out to bid for one bidder for the barge re-shelling or if it will be multiple contractors. Mr. Estes said he will make the recommendation of multiple contractors to the appropriate agencies.

**Recess (9:54 AM)**

Chairman Sanders called for a recess.

**Reconvene (10:04 AM)**

Chairman Sanders reconvened the Meeting.

**Open Bids – Oak Street & Magnolia Bluff Paving Project (10:04 AM)**

Mr. Pierce opened and read the bids for the Oak St. and Magnolia Bluff Paving Project.

**Bids for Oak Street:**

C. W. Roberts - \$778,482.59, with Bid Bond  
Roberts and Roberts, - \$769,343.00 with Bid Bond

**Motion by Jackel, seconded by Parrish, to forward bids to staff for a recommendation;  
Motion carried 5-0.**

**Magnolia Bluff**

C. W. Roberts - \$1,259,489.67 with Bid Bond  
Roberts and Roberts - \$ 1,251,302.10 with Bid Bond

**Motion by Jackel, seconded by Massey, to forward to staff for a recommendation; Motion carried 5-0.**

Chairman Sanders welcomed Vicki Summerhill, Legislative Staff Aid for Representative Halsey Beshears, to the Meeting. Ms. Summerhill discussed some of Representative Beshears efforts for his district.

**Advisory Board of Adjustment Consent Agenda (10:09 AM)**

Mr. Pierce presented the items from the Advisory Board of Adjustment Consent Agenda.

*1 - Consideration of a request for a Special Exception to locate a communication tower on a 100x100 ft parcel out of a 26.8 acre parcel on property zoned R-6 Rural Residential. This property is described as lying in Section 8, Township 8 South, Range 5 West between Eastpoint and Carrabelle, north of Highway 98. The applicant is also requesting a variance to the 47 ft. height limit to construct a 200 ft. tower. Request submitted by Blackwater Group, Lane Wright, agent for AT&T.*

*APPROVED by ABOA with the following Contingencies:*

- 1- Must be completed within two years*
- 2- Must allow co-locations with other providers*
- 3- Donate co-location to Franklin County Sheriff's Dept. 911 System and*
- 4- Special Exception Finding of Fact: Granting of the special exception is not adverse to the public interest. Variance Approved: Variance for height is granted and may be assigned.*

Chairman Sanders stated that she did not receive any letters of objection on this request.

Attorney Shuler stated who was heard at the ABOA meeting objecting to the tower. He also explained that there were two variances the Board would be voting on today which would be the use and height restriction. He explained that there are other cell towers in the County so this would not set precedence today.

Commissioner Parrish stated that these cell towers are necessary and the Board needs to move forward on this matter.

**Motion by Parrish, seconded by Lockley, to approve request for a Special Exception to locate a communication tower on a 100x100 ft parcel out of a 26.8 acre parcel on property zoned R-6 Rural Residential. This property is described as lying in Section 8, Township 8 South, Range 5 West between Eastpoint and Carrabelle, north of Highway 98. The applicant is also requesting a variance to the 47 ft. height limit to construct a 200 ft. tower; Motion carried 4-1, Jackel opposed.**

*2 - Reconsideration of a request for an after-the-fact variance to install a swimming pool 6.5 feet into the rear setback line and 4 feet into the 25 ft setback line off of 11<sup>th</sup> Street East on property described as 1080 East Gulf Beach Drive, Lot 11, Block J, Unit 2, St. George Island, Franklin County, Florida. Request submitted by William & Donna Nichols, owners.  
Approved by ABOA.*

William Nichols, property owner and applicant, stated that he is requesting two variances for this pool, and didn't think that the location of the pool would pose any safety hazards for the neighbors. He stated that he will add a privacy fence and brick pavers.

The attorney representing the neighbors stated that he didn't have any questions for Mr. Nichols. Mr. Nichols stated that he didn't have any additional information or witnesses to provide.

John Grant, attorney representing the Myers, the neighbors, explained why the Board should reject this variance request.

Angela Myers, neighbor, stated her objections to allowing the requested variance.

Commissioner Massey asked why the Myers was opposed to the variance.

Ms. Myers stated that the location of the pool violates their privacy and she thinks that the setback rules should be followed.

Commissioner Jackel stated that she spoke to both parties in this matter and realizes that there was no malice or intent to break the rules and believes it was an accident. She expressed her issues with having to decide one way or the other but stated that it is her duty to make these kinds of decisions.

Eric Myers, opposing neighbor, stated that until construction of the pool began there was no indication as to where the pool would be built.

**Motion by Massey, seconded by Jackel, accept recommendation of the ABOA and approve the variances to install a swimming pool 6.5 feet into the rear setback line and 4 feet into the 25 ft setback line off of 11<sup>th</sup> Street East on property described as 1080 East Gulf Beach Drive, Lot 11, Block J, Unit 2, St. George Island; Motion failed 2-3; Sanders, Lockley, Parrish opposed.**

**Marcia M. Johnson – Clerk of Courts – Report (10:35 AM)**

Mrs. Johnson had no report for the Board.

Chairman Sanders and Mrs. Johnson discussed the possible language of the budget letters.

Chairman Sanders stated her desire to keep the budget at the rollback rate. She asked the Board to bring recommendations regarding the budget to be discussed at the next Meeting.

**Alan Pierce – Director of Administrative Services – Report (10:38 AM)**

Mr. Pierce presented his report to the Board.

*1- Board action to proclaim April 21, 2014 as PowerTalk21 Day as requested by MADD- Mothers Against Drunk Driving. MADD is promoting April 21, 2014 as the day for parents and caregivers of the young to embrace their role in influencing America's youth and their decisions about drinking alcohol. There will be a free community parent workshop on April 21 by MADD Northwest Florida to give parents the tools in a parent handbook to effective talk to their teens about alcohol.*

**Motion by Lockley, seconded by Parrish, to approve proclamation of April 21, 2014 as PowerTalk21 Day, as requested by MADD- Mothers Against Drunk Driving; Motion carried 5-0.**

*2- The Airport Advisory Committee and the airport consultants, AVCON, unanimously request the Board reconsider the rejection of the one bid for airport drainage and security improvements. The project was bid out in unit prices which allows for the consultants to negotiate with the one bidder to bring the project within the budget. The work proposed in this bid is using money that will expire on June 30, 2014, and both the contractor and the consultant believe that there is not time to re-bid the project and get the work done before the deadline. My comment at the last Board meeting was inaccurate regarding what the consultant was doing in negotiating with the one bidder.*

Commissioner Jackel expressed her concerns with the process of this bid and Staff's last minute actions. She stated that she didn't have a problem with the bidder. Chairman Sanders agreed with Commissioner Jackel's comments.

**Motion by Parrish, seconded by Lockley, to award the bid for drainage and security improvements at the Airport to Poloronis Construction who was the only bidder on the project and previously rejected by the Board; Motion carried 5-0.**

*3- Board action to award the one bid to RAM Construction to improvements at the hanger now occupied by Mr. Randy Randolph. The grant funds to pay for this project also expire on June 30, 2014. \$82,479 is the low bid and there are adequate grant funds to pay for the project.*

Mr. Pierce stated that \$112,329 is the complete amount of funds available for this project.

**Motion by Massey, seconded by Lockley, to approve RAM Construction bid for entire amount of project in the amount of \$112, 329; Motion carried 5-0.**

*4- Inform the Board that the Airport Advisory Committee heard a presentation at its March 10 meeting from US Air Force Civil Engineer Center, Mr. Dick Smith, on the structural thickness of the concrete at the airport. It had been assumed in Air Force documents that the concrete was between 8 to 10 inches thick in all areas where planes would land or taxi. With that assumption the Air Force was considering designating the Apalachicola airport as a Forward Area Refueling Point (FARP) for various training exercises and missions. However, after the Civil Engineer Center did some 95 core samples around the airport it was determined that the actual concrete thickness was really between 4 and 7 inches. This thickness of concrete is not adequate to support the type of planes the air force was considering using so the airport will not be part of any expansion of FARP training missions by the US Air Force. The airport will continue to be used for training by Special Forces in the manner which is already occurring. The concrete will support all of the types of private aircraft that currently use the airport so there will be no restriction on private aircraft.*



*5-Board action to award bids on two Alligator Point projects. CW Roberts was the low bidder with \$127,102.25 for relocating the last segment of Alligator Drive.*

*CW Roberts was the low bidder on repairing the revetment east of Tom Roberts with a price of \$74,442.00. The bid is good for 60 days, and this is the project which DEP has advised us we do not have authorization to move forward.*

Attorney Shuler recommended that the Tom Roberts Road revetment project is tabled. The Board agreed.

**Motion by Lockley, seconded by Jackel, to award the Alligator Drive project in the amount of \$127,102.25; Motion carried 5-0.**

*6- Remind Board we will be opening bids for the removal of debris from the destroyed revetment in front of South Shoal on April 1. Board action to authorize Preble-Rish to complete the design and handle the bidding of the project. FEMA will pay these costs.*

**Motion by Lockley, seconded by Parrish, to authorize Preble-Rish to complete the design and handle the bidding of the debris removal from destroyed revetment in front of South Shoal; Motion carried 5-0.**

*7-Board action to approve document insertions into contracts for Bluff Road and the Carrabelle Multi-use Path as directed by DOT. The documents titled, "Required Contract Provisions" were referenced in the original contracts but DOT now wants them incorporated in the contracts directly. Future DOT contracts will have these required documents as part of the contract.*

**Motion by Parrish, seconded by Lockley, to approve document insertions into contracts for Bluff Road and the Carrabelle Multi-use Path as directed by DOT; Motion carried 5-0.**

*8- Inform the Board that DOT has announced SCOP applications are open until May 9. In the announcement DOT states, "significant revisions to the SCOP program were approved by the 2009 Legislature which allows various types of projects (in addition to resurfacing) to be funded through this program. Candidate projects may include paving unpaved roads, addressing road related drainage, repairing county bridges." Only 2 projects can be submitted from each county. Board direction on how to proceed with developing possible projects.*

Commissioner Parrish asked if multiple roads can be part of one project.

The Board discussed funding for paving projects.

Commissioner Jackel discussed the importance of adding Pine Street to this project, and if it is completed she would allow paving funding from her district to be shared by other districts.

*9- Inform Board that Congress did repeal the increases in flood insurance premiums. Congress did not repeal the new maps.*

Clay Smallwood, of Preble-Rish, recommended the following:

**Motion by Jackel, seconded by Massey, to award the bid to Roberts and Roberts for Oak Street paving project; Motion carried 5-0.**

Commissioner Jackel stated that she will abstain from voting on this matter based on comments made to her by one of the bidders and the recommendation of Attorney Shuler. Commissioner Jackel stated that she would file the appropriate 8b Memorandum of Voting Conflict form. Attorney Shuler explained this matter further.

**Motion by Parrish, seconded by Lockley, to award the bid to Roberts and Roberts for the Bayshore Drive project; Motion carried 4-0, Jackel abstained.**

Chairman Sanders asked that the following items are considered during the project; to be sure the City of Carrabelle puts in the new sewer lines before paving begins and to repair the culvert at the Fire Station on Oak Street.

Mr. Pierce stated that he has the following information for the Board's review: he has the 60% road plans for the bike path in Carrabelle and he has the 75% plans for the Armory project.

Mr. Pierce stated that the second Meeting in April will be held in Carrabelle at 10:00 AM.

Commissioner Jackel discussed an email she got regarding the SHIP and CDBG upcoming program not working on property that is in a flood zone. She wanted to be sure that these people receive help.

The Board discussed this matter.

Chairman Sanders asked Mr. Pierce about the four way stops in Lanark.

Mr. Pierce stated that he now has keys for the Bay City Work Camp.

#### **Michael Shuler – County Attorney – Report**

Attorney Shuler stated that there are no action items but informed the Board that he is preparing for litigation.

Commissioner Jackel asked Attorney Shuler to look into the advertising of "pole dancing" on St. George Island. Attorney Shuler stated he would look into this matter and report back to the Board.

Mr. Pierce stated that he contacted VMS on this matter.

Chairman Sanders asked Clay Smallwood, of Preble-Rish, if he was able to find out what the cost would be per mile for asphalt.

Commissioner Jackel stated that the email she received stated that it was \$150,000 per mile, based on certain standards. The Board and Mr. Pierce discussed this further.

**Motion by Jackel, seconded by Parrish, to get a list of streets for resurfacing from each district, two miles worth, for Preble-Rish; Motion carried 5-0.**

**Commissioners and Public Comments (11:10 AM)**

Commissioner Jackel stated that Fred Millender, of Eastpoint, passed away yesterday and she expressed her condolences to the family.

Chairman Sanders commented on the passing of Mr. Fred Millender. She stated that he will greatly missed in Franklin County.

Frank Venable discussed the Tupelo Honey industry and its value for tourism and economic strengthening in the County.

Chairman Sanders commented on saltwater hurting the Tupelo trees.

**Motion by Lockley, seconded by Massey, to include the local Tupelo honey industry as part of the Franklin County Tourist Development Council's promotion for the County; Motion carried 5-0.**

Ron Copeland, resident of Apalachicola, stated that additional water pipes are needed to provide fire hydrants in the area of Southland where he lives.

Commissioner Parrish stated that he has been working on this matter for years but the City of Apalachicola was not able to go forward with this project, even though the County was willing to help with funding.

Mr. Pierce suggested that Mr. Copeland approach the City of Apalachicola concerning this matter.

**Adjourn (11:24 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