

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
MAY 20, 2014  
9:00 AM**

**MINUTES**

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

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

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

Chairman Sanders called the Meeting to order.

**Prayer and Pledge (9:01 AM)**

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes (9:02 AM)**

**Motion by Massey, seconded by Jackel, to approve the Minutes of the May 6, 2014 Regular meeting; Motion carried 5-0.**

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

Commissioner Lockley asked about the payment to Capt. Dave. There was discussion regarding the contract with Capt. Dave for bridge cleaning and boat removal.

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

**Department Supervisors Report**

**Howard Nabors – Superintendent of Public Works (9:03 AM)**

Mr. Nabors had no action items for the Board's consideration.

Chairman Sanders and Mr. Nabors discussed not cutting the wildflowers along a particular section along Highway 67 in the Carrabelle area.

**Fonda Davis – Solid Waste Director (9:04 AM)**

Mr. Davis had no action items for consideration.

Mr. Davis updated the Board on the new tractor purchase.

**Anne Birchwell – Franklin County Library (9:05 AM)**

Ms. Birchwell distributed and discussed statistical information on the use of the Library. She discussed upcoming events at the County's libraries.

Commissioner Massey informed Mrs. Birchwell that there will be some landscaping work done at the library sometime this week.

Chairman Sanders thanked Ms. Birchwell for keeping the Board informed of the events and other activities at the library.

**Nikki Millender – Parks & Recreation (9:11 AM)**

Mrs. Millender was not in attendance.

**Pam Brownell – Emergency Management (9:11 AM)**

Mrs. Brownell was not present as she was attending a conference, but submitted her report.

*Action Items: None*

*Information Items:*

1. Pam Brownell completed the MYTEP Webinar on 05/07/14.
2. Pam Brownell & Tress Dameron attended the Governors Hurricane Conference in Orlando from 05/10/14 -05/16/14.  
From 05/19/14 – 05/22/14 Franklin County will be participating in the 2014 Florida Hurricane State Exercise

**Planning & Zoning Commission Consent Agenda (9:11 AM)**

Mr. Pierce presented the agenda.

**CRITICAL SHORELINE REVIEW:**

- 1- **RECOMMENDED APPROVAL BY P & Z (Unanimous):** Consideration of a request to construct a Single Family Private Dock located at Lot 16, Alligator Point Subdivision, 1581

Alligator Drive, Alligator Point, Franklin County, Florida. The Access Walkway will be 345'x4'; Terminus Platform will be 13'x6' with a 10'x3' Roofed Kayak/Canoe Step Down and (1) 10'x20' Boat Lift. This application has all state and federal permits. Request submitted by GEA, Inc., agent for Chuck Hall, applicant. (HAS EXISTING HOUSE.)

- 2- *RECOMMENDED APPROVAL BY P & Z (Unanimous): Consideration of a request to construct a Board Walk located around the area of 1860 Leisure Lane, St. George Island, Franklin County, Florida. The Boardwalk will be 271'x6' with (2) 12'x15' ADA Compliant Bump Outs. This application has all state permits and the federal permit may not be required still in review. Request submitted by GEA, Inc., agent for the St. George Island Plantation Home Owners Association, applicant. (PUBLIC LAND)*
- 3- *RECOMMENDED APPROVAL BY P & Z (Unanimous): Consideration of a request to extend and construct a Single Family Private Dock at 316 Marks Street, Lot 6, Block 71, Unit 5, St. George Island, Franklin County, Florida. The extension will be a 283' x 4' walkway with (2) 11' x 24' boatlifts and a 20' x 8' terminal platform and 8' x 5' step down. Request submitted by GEA, Inc, agent for Ben and Sharon Mathewson, applicants. (HAS EXISTING HOUSE)*
- 4- *RECOMMENDED APPROVAL BY P & Z(Unanimous): Consideration of a request to extend and construct a Single Family Private Dock at 415 North Sawyer Street, Lot 2, Block 81, Unit 5, St. George Island, Franklin County, Florida. The extension will be a 106' x 4' walkway with a 26' x 6' terminal platform and relocating the boatlift. Request submitted by GEA, Inc, agent for Amanda S. Ledford, applicant. (HAS EXISTING HOUSE.)*
- 5- *RECOMMENDED APPROVAL BY P & Z (Unanimous): Consideration of a request to construct a Single Family Private Dock located at 359 Cook Street, Lot 5, Block 76, Unit 5, St. George Island, Franklin County, Florida. The dock will be 35' x 4' with a 15' x 10' platform and (2) 9' x 20' boatlifts. Request submitted by GEA, Inc, agent for Lakeridge Enterprises, Inc., applicant. (HAS EXISTING HOUSE.)*

**Motion by Massey, seconded by Jackel, to approve Items 1-5 of the Planning & Zoning Consent Agenda; Motion carried 5-0.**

**SITE PLAN APPROVAL:**

- 6- *RECOMMENDED APPROVAL BY P & Z (Unanimous): Consideration of a request to construct a 6,000 square foot building to house the "Camp Gordon Johnston Museum" at 1873 US Highway 98, Carrabelle Beach, Franklin County, Florida. Request submitted by Anthony "Tony" Minichiello, President/Agent for the Camp Gordon Johnston Association.*  
The Board expressed their support and excitement regarding this project.  
Commissioner Massey stated that Camp Gordon Johnston was rated highly among other Museums in the Country.

**Motion by Massey, seconded by Jackel, to approve Item 6 from the Planning & Zoning Consent Agenda; Motion carried 5-0.**

**Marcia M. Johnson- Clerk of Courts- Report (9:15 AM)**

Mrs. Johnson had no report.

**Alan Pierce – Director of Administrative Services – Report (9:15 AM)**

Mr. Pierce presented his report to the Board.

*1- Inform the Board that I met with Ms. Debra Moore, Guardian Ad Litem circuit director. She wants the Board to know the supervision for the Guardian Ad Litem program will be switching to Panama City from Tallahassee. She also said they will be complying with the Board's request for a 2% budget reduction.*

*2- Board action to a Resolution recognizing Franklin County has a "Purple Heart County" in honor of the large number of decorated veterans living in Franklin County.*

**Motion by Lockley, seconded by Parrish, to approve a Resolution recognizing Franklin County as a "Purple Heart County"; Motion carried 5-0.**

Mr. Pierce stated that there will be signage installed recognizing the County as a Purple Heart County.

Commissioner Sanders would like Purple Heart recipients and all veterans living in the County recognized at a future meeting.

*3- Board action to provide a letter of support for the City of Apalachicola's Historic Preservation Grant to restore historic Chestnut St. Cemetery.*

**Motion by Parrish, seconded by Lockley, to approve to provide a letter of support for the City of Apalachicola's Historic Preservation Grant to restore Chesnut St. Cemetery & to include the same type of letter of support for the City of Carrabelle; Motion carried 5-0.**

*4- Board action to renew the agreement with the ARPC to do the Small Quantity Generator Verification. This occurs every two years and is a budgeted item of \$3500.*

**Motion by Lockley, seconded by Parrish, to approve renewal of agreement with ARPC for Small Quantity Generator Verification; Motion carried 5-0.**

*5- Board action to re-apply for a technical assistance grant from DEO for \$25,000 to seek funds to create an online county GIS map to assist in the public accessing the flood insurance maps, and other planning layers.*

The Board asked for an update on the Property Appraiser's Office's status with the GIS mapping.

**Motion by Jackel, seconded by Massey, to approve to re-apply for technical assistance grant from DEO for \$25,000 to seek funds to create GIS mapping; Motion carried 5-0.**

*6-Board action to award the Lake Morality Road Signage and remarking contract to Southern States Pavement Markings, Inc. for \$58,557.80. This is a fully funded DOT project.*

**Motion by Massey, seconded by Lockley, to approve to award the Lake Morality Road Signage and remarking contract to Southern States Pavement Markings, Inc. for \$58,557.80; Motion carried 5-0.**

*7-Board action to award Preble-Rish, Engineers, as the CEI for the Lake Morality Project. Their fees will also be paid out of the DOT funds.*

**Motion by Lockley, seconded by Massey, to approve to award Preble-Rish Engineers, as the CEI for the Lake Morality Project; Motion carried 5-0.**

*8- Board action to allow up to \$6,000 for the re-staining and maintenance of the handicap entrance ramp to the St. George Island Fishing Pier, and up to \$6,000 for the staining and maintenance of the recently constructed section of fishing pier. Both projects would come out of the St. George Island Bridge Maintenance Fund. These projects are necessary to maintain the wooden structures exposed to the sun and salt air.*

Commissioner Lockley and Mr. Pierce discussed how much of this project will be bid out.

**Motion by Massey, seconded by Jackel, to approve to allow up to \$6,000 for the re-staining and maintenance of the handicap entrance ramp to the St. George Island Fishing Pier, and up to \$6,000 for the staining and maintenance of the recently constructed section of fishing pier; Motion carried 5-0.**

*9- Inform the Board of projects included in the legislative budget that is before the Governor. The items include:*

*\*\$50,000 for Vrooman Park, which we assume is the FRDAP application. In the application we said we would improve the children's playground, make one of the baseball fields bigger, and build a gathering area.*

*\*\$50,000 for re-roofing Chapman Auditorium.*

*\*\$350,000 for Fort Coombs Armory rehabilitation. The Board had initially submitted a request for this funding in 2010, and then in subsequent years we had just submitted a letter asking the project be re-considered, so in 2014 apparently it was. In our initial application we said we would use the money for rehabilitation including new bathrooms and air-conditioning.*

The Board and Mr. Pierce discussed this item further.

*10- Inform the Board that the proposed legislative budget does have \$350K in it for the Franklin County SHIP program.*

*11- Board direction on use of up to \$5000 for a victim of the recent rain event to receive SHIP funds. After the recent rains Governor Scott issued an executive emergency order which, among other things, allows Ms. Switzer, SHIP Coordinator, to receive applications from qualified residents whose houses received damaged. Ms. Switzer has received one application for a roof repair and the cap on the amount of funds is \$5000. Does the Board want to let Ms. Switzer authorize the repair?*

Commissioner Lockley and Mr. Pierce discussed qualifications for this funding.

**Motion by Jackel, seconded by Massey, to approve authorization for Lori Switzer, of SHIP, to provide roof repair in the amount of \$5,000; Motion carried 5-0.**

*12- Board action on awarding bid for the Eastpoint Visitor Center. At the May 6 Board meeting the Board opened two bids for renovations to the Visitor Center. Mr. R.W. Thomas submitted a bid of \$75,000, and a firm called Simpler Built submitted a bid, with an alternate for cabinets with a total of \$65,657. Simpler Built is the low bid.*

The Board discussed the County's bid policy, negotiating with bidders, and local preferences.

**Motion by Jackel, seconded by Massey, to award the project to the low bidder Simpler Built for renovations to the Eastpoint Visitor Center; Motion carried 4-1, Lockley opposed.**

*13- The Board has received the FWC grant agreement for enhanced turtle lighting compliance that has been talked about for months. The Franklin County Extension Office initially wrote the grant application before the 2013 turtle nesting season. The county now has the final document to accept. The grant is a one year grant for \$36,846. There could be 3 additional years of funding if FWC determines that Franklin County is doing a good job in the first year. The grant allows for a part-time employee to be hired for the six month turtle nesting season. The primary responsibility will be education and encouragement to increase compliance with the lighting ordinance. The education component will be a creation of a pamphlet, a website, and public service announcements. The encouragement is that the grant allows for purchase of turtle friendly light bulbs which will be offered to property owners who have lights that are out of compliance with the turtle ordinance. The part-time employee will have to be able to work in the evening hours in order to determine which houses have non-compliant lights. Board action to accept the grant.*

Commissioner Parrish and Mr. Pierce discussed the hiring process and funding for the position. Commissioner Parrish stated that this position will require someone with knowledge of the sea turtle issues. Mr. Pierce explained this grant further.

The Board discussed further.

**Motion by Parrish, seconded by Massey, to accept the FWC agreement for enhanced turtle lighting compliance in the amount of \$36,846; Motion carried 5-0.**

**Motion by Jackel, seconded by Massey, to approve administration of this grant to be handled by Parks & Rec Dept.; Motion carried 3-2, Lockley and Parrish opposed.**

*14- Board action to accept recommendation of Emo Architects to accept the low bid from Benson Heating and Air to replace the North HVAC unit on the main courthouse. There are funds in courthouse maintenance.*

**Motion by Parrish, seconded by Lockley, to approve recommendation of Emo Architects to accept low bid from Benson Heating and Air to replace the North HVAC unit on the main courthouse; Motion carried 5-0.**

Chairman Sanders asked the Board to recognize Ricky Jones, who is requesting \$2,500 to fund a trip to the Youth Basketball of America Tournament for the Franklin County Summer Basketball team. He discussed his request further.

Commissioner Jackel stated that the Board funded this request last year.

**Motion by Jackel, seconded by Massey, to approve a manual check for \$2,500 for the Franklin County Summer Basketball team to travel to tournament; Motion carried 5-0.**

*16- Inform the Board that DOT has now authorized the original design engineer for the Bluff Road project to design the culvert replacement under Bluff Road that drains the airport. While DOT has not said what contribution they will make to the construction costs, it is a good sign that they are paying for the design. The design is supposed to be done by May 30. Construction on Bluff Road is proceeding.*

*17- At the last Board meeting there was a discussion about the Hazard Mitigation grant for the Sheriff's Office. The dilemma is that while the office and jail need a new roof, and the Hazard Mitigation grant provides some funds, the grant only provides 75%, and so the county is responsible for the rest. The county's share could be as much as \$194,000 in cash, or in-kind. The county does not have that much cash. I am consulting with an architect to see if it is even realistic to try and advertise for a design/build approach where the winning design would be one where the county's share would be \$194,000 worth of in-kind labor. Contractors don't normally want to rely upon someone else's labor as we want the contractor to still warrantee the new roof.*

Commissioner Jackel and Mr. Pierce discussed going with the alternative, less expensive roof. The Board discussed.

*18- Board action to approve the management plan for the parcel to be purchased in Eastpoint for parking. The public hearing on the management plan was held by Mark Curenton last month.*

**Motion by Parrish, seconded by Massey, to approve the management plan for parcel of land to be purchased for parking in Eastpoint; Motion carried 5-0.**

*19- Alligator Point update. The debris removal as required by DEP is complete. The final road relocation is almost finished. Those 2 projects will be closed out in June. The other projects on Alligator Point, being the repair to the other section of the revetment and the relocation of Gulf Shore Blvd have both received one year extensions from FEMA until June 2015.*

*Provide Board with a diagram on the road intersections along the relocated route and how those can be improved over time.*

Mr. Pierce used a map to further explain this item.

The Board discussed problems and safety issues in this location.

Allen Feifer, of Alligator Point Tax Payers Association, thanked the Board for their efforts and asked when the fence at Seacon area will be removed. Mr. Pierce said the fence would be removed shortly.

*15- Mr. Warren Emo is here to brief the Board on the progress of the Armory renovations. I have not had time to discuss with him the impact of the legislative appropriation as it still must pass the Governor's veto power.*

*In the budget for the Armory renovations Mr. Emo had made a contingency in the budget for lead paint abatement as he suspected there would be lead paint. There is lead paint in the building so the Board needs to authorize Mr. Emo to proceed with the lead paint abatement. This cost of the abatement was included in the budget so there is additional cost. Board action to authorize.*

**Motion by Lockley, seconded by Parrish, to authorize lead paint abatement at the Armory; Motion carried 5-0.**

Mr. Emo gave an update on the Armory Renovation project. He stated that construction will start in October so the HVAC system will be installed early in 2015, based on a request from Commissioner Lockley.

Chairman Sanders and Mr. Emo discussed results of the termite treatment.

Mr. Emo stated that it might be possible to have events while construction is ongoing.

Mr. Emo and Mr. Pierce stated that Board direction is needed for some of the interior flooring and walls. He discussed some of the material selections being suggested for floors and restrooms.

Commissioner Jackel asked that Mr. Pierce and Preble-Rish confer with her on the Bayshore Drive project.



**Michael Shuler - County Attorney – Report (10:05 AM)**

Attorney Shuler presented his report to the Board.

*St. Joe Company vs. Franklin County*

*After discussion between Mr. Theriaque and the attorney for the St. Joe Company, he recommends that Franklin County authorize mediation. I support Mr. Theriaque's request. We recommend that Carlos Alvarez in Tallahassee serve as the mediator. We have used him before and I have confidence in him. Typically, a board member does not attend the mediation, but that is at the pleasure of the board. Usually, Alan and I attend the mediation and, if a settlement is recommended, we would schedule an executive session with the board to present the recommendation for your consideration. Mr. Alvarez charges \$300.00 per hour, to be equally split by the parties.*

*Board Action Requested: Motion authorizing mediation and the use of Carlos Alvarez as the mediator.*

Attorney Shuler provided some history and additional information on this item.

**Motion by Massey, seconded by Parrish, to approve mediation and the use of Carlos Alvarez as the mediator; Motion carried 5-0.**

*Dr. Sanaullah Lease*

*Dr. Sanaullah has requested renewal of his lease, effective June 21, 2014. The original lease was for three years, with a monthly rental of \$1,833.00, plus tax.*

*In the original lease, the ABC School and the Chapman Building shared a water meter. Since then, the Chapman Building has obtained its own separate water meter, so the \$100 per month that Dr. Sanaullah paid for water will be deducted from the lease. Dr. Sanaullah now has his own account with the city for water.*

*Board Action Requested: Motion to renew the lease on the same terms, less the water bill, and authorizing the chairman to sign the lease.*

Attorney Shuler discussed this matter further.

**Motion by Lockley, seconded by Parrish, to approve lease; Motion carried 5-0.**

*St. George Island Fishing Pier Litigation*

*In June 2012, barges owned by Orion Marine damaged the SGI fishing pier. The county is in litigation with Orion Marine seeking recovery of damages.*

*I recommend hiring Greg Preble to provide an expert opinion at trial as to the amount of those damages. Mr. Preble will provide an expert opinion on that calculation, including what the cost to the count would be to reconstruct the bridge to its pre-damaged condition.*

*Mr. Preble estimates the cost of his services will be approximately \$5,000.00. The expense is necessary and will join the testimony of the marine expert who will testify as to negligence and the value of the two barges.*

*Board Action Recommended: Motion authorizing hiring Greg Preble as an expert witness.*

Commissioner Jackel commented on this item.

Commissioner Lockley and Attorney Shuler discussed the recovery of funds at the end of trial.

**Motion by Jackel, seconded by Massey, to approve; Motion carried 5-0.**

#### *Informational Items*

##### *Eastpoint Water and Sewer District*

*Update: Preble-Rish performed a dye-test and determined that the leachate from the landfill is connected with the lift-station at the jail. This does not alter the essential fact that the lift station is owned by the Eastpoint Water and Sewer District, and that it is their responsibility to maintain and repair it. It is 25 years old and needs to be replaced for that reason. The county has not agreed to be liable for the lift station at the jail and the district has provided no credible evidence that the leachate damaged the lift station. All indications are that the lift station is just old and worn out.*

*I will proceed with filing the declaratory lawsuit.*

##### *2014 Community Budget Requests:*

*A copy of the board's letter sent to Governor Scott is attached.*

##### *Timber Island Boat Ramp:*

*A copy of the letter sent to the barge owner is attached. I understand that both barges have been removed.*

##### *Burned Out Trailer — Alligator Point*

*A copy of the letter sent to the property owner to abate the nuisance is attached. I gave them 30 days to comply.*

Chairman Sanders and Attorney Shuler discussed this matter.

##### *City of Apalachicola*

*Without discussion with me, the City of Apalachicola last Thursday filed a motion with the court seeking to compel mediation. There is nothing useful to be learned by meeting with the city. Further, given the city's recalcitrant conduct and the frivolity of their lawsuit, I oppose the request. Unilaterally filing a motion for an order to compel mediation outside of the pre-trial order without discussion among counsel is unusual.*

##### *Capital City Bank vs. Franklin County*

*Lawsuit #1: The final hearing in the bank's challenge to your permit to re-build the revetment east of the bank's property was held April 21, 2014. The hearing transcript has been received and the county's proposed order is due May 28, 2014. A ruling is expected by June 20, 2014. Alan has previously obtained a FEMA extension of time for this project.*

*Lawsuit #2: FACT, your insurance company, is evaluating the bank's amended lawsuit. The bank claims damages due to the other revetment in front of their property and damages for alleged violations of due process and equal protection when you approved their re-plat of South Shoals. As of the drafting of this report, I do not know if the insurance company will provide a defense. I believe that they will, but how many of the seven counts they will cover are unknown. The county's response is due May 30, 2014.*

#### *Chambers Bank*

*Chambers Bank informs me that it has paid a deposit to Ricky Mosely to clean-up its properties in Eastpoint, Florida, and that he has obtained the permits to begin work this week. Work was begun late last week.*

#### **Commissioners and Public Comments (10:13 AM)**

Commissioner Jackel informed the Board of a flag pole dedication on St. George Island on Memorial Day.

Commissioner Parrish reminded the public to be cautious around the Bluff Road construction project.

Chairman Sanders informed the Board of the upcoming Air Force public hearings regarding public impact.

Commissioner Lockley and Mr. Pierce discussed the paving projects.

Chairman Sanders suggested starting with a list since two of the companies that do these projects are already mobilized in the County.

Chairman Sanders informed the Board of an accident with one of the local contractors in the County.

Commissioner Lockley and Mr. Pierce talked about a road that needs some attention in the Scipio Creek area. Mr. Pierce stated that UF will probably take over that property.

Commissioner Lockley suggested using the paving company that is already in the County to repair that road.

Chairman Sanders is pleased that the Eastpoint waterfront property is being cleaned up. She stated that she has received calls asking to come up with ways to improve the waterfront.

Commissioner Jackel discussed how the funding for these types of projects has worked.

Chairman Sanders, Commissioner Jackel, and Mr. Pierce discussed the status of the Eastpoint Channel dredging project. They also discussed the idea of a working waterfront in Eastpoint.

Chairman Sanders discussed the need to send a representative to the NACO meeting in New Orleans.

**Motion by Jackel, seconded by Massey, to change the second Regular Board Meeting in July to July 16, 2014; Motion carried 5-0.**

Sue Adkins, Carrabelle Beach, thanked the Board for keeping Gulf Beach Dr. open for the public.

Liz Hendricks, owner of property in Carrabelle, stated that there have been problems with someone driving on the dunes on the old Carrabelle Beach. She said that there have also been some campfires built on the beach.

Mr. Pierce stated that he will get with Attorney Shuler on this matter.

The Board discussed.

Jack May, a resident of McKissack Beach in Carrabelle, asked how to clarify the limit for traffic and parking on the beach. He said enforcement of the rules is needed. He discussed some of the damage that has been done by the traffic and parking on the beach.

Commissioner Massey provided some history and information on this matter.

Mr. Pierce stated that the County has done enough maintenance on that road to designate it a County road.

Mr. May said enforcement is needed for parking in that area.

Commissioner Jackel suggested contacting the Sheriff's Department to enforce the rules.

Sue Reed, a resident of the Carrabelle Beach area, provided additional information regarding this matter and the possible damage to the dunes.

Sue Adkins provided some additional information on this matter.

**Adjourn for Lunch (10:46 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