

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
AUGUST 18, 2015
9:00 AM**

MINUTES

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

Others Present: Alan Pierce – Director of Administrative Services, Michael Morón – County Coordinator, Michael Shuler – County Attorney, Lori Hines-Deputy Clerk to the Board.

Call to Order

Chairman Massey called the meeting to Order.

Prayer and Pledge

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes

Motion by Commissioner Lockley to approve the minutes of the meeting held on August 4, 2015. Commissioner Jackel seconded the motion. Motion carried; 5-0.

Payment of County Bills

Commissioner Sanders made a motion to approve payment of the County's bills. Commissioner Lockley seconded the motion. Motion carried; 5-0.

Department Supervisor Report

Howard Nabors – Superintendent of Public Works

Mr. Nabors appeared before the Board. He said the Equipment Operator I will be Bobby Lolley who will be leaving the inmate supervisor position. He requested Board approval to advertise for an inmate supervisor. He said the position will be advertised

in house for 2 weeks. **Motion by Commissioner Parrish to advertise for an inmate supervisor. Commissioner Sanders seconded the motion. Motion carried; 5-0.**

Mr. Nabors informed the Board the new equipment will be here by the end of the month.

Commissioner Jackel asked, in relation to employees who are certified to oversee inmates, should the Board ask for an opinion on whether they should receive an increased retirement benefit. Commissioner Jackel stated these employees are supervising inmates every day and are in harm's way. Commissioner Sanders suggested contacting Warden Smith at FCI to find out who to contact. Commissioner Jackel reported these individuals are doing the same job as corrections as they are supervising inmates. Commissioner Sanders said to contact the warden or someone at Florida Retirement System (FRS) to see what the qualifications are. Commissioner Sanders reported the increased retirement is due to the training for corrections. Chairman Massey said you have to be a certified corrections officer to receive high risk retirement. Commissioner Jackel reported the employees have some kind of certification. Chairman Massey explained a 2 day course has to be completed to supervise inmates. Chairman Massey suggested Mr. Moron can check into this matter. Commissioner Lockley asked how many employees are certified to supervise inmates. Mr. Nabors stated all employees have to be certified.

Fonda Davis – Solid Waste Director

Mr. Fonda Davis appeared before the Board. He stated Solid Waste and Animal Control are running smoothly. In relation to the Parks & Recreation Department, Mr. Davis said he met with the Playmore representative about trying to get the playground system moving forward. He reported both of the pavilions in the front will need to be moved. He stated the fire department is concerned about the pavilion being replaced as they use it for the rib cookoff. Mr. Davis informed the Board Chairman Massey visited the site and is aware of the problem. Mr. Davis stated the County will need to come up with something to replace the pavilion as there is no money in the grant. Chairman Massey reported both pavilions will need to be torn down and it will be much easier to replace the little one. Mr. Pierce reported in October they may have some money to work this out. Commissioner Jackel said the pavilions are not hard to build and inmate labor could be used. Mr. Pierce explained the slab will be the most expensive part of the pavilion.

Chairman Massey stated the Kendrick Park ice machine is not working. Mr. Davis said the quote is \$3,000 to replace it.

Chairman Massey asked if Mr. Davis can have the inmates build a place to hang the bats and helmets in the dugouts at Vrooman Park. Mr. Davis agreed to take care of this request.

Commissioner Sanders questioned if Mr. Davis had heard from the Department of Corrections about the inmates working on the bathrooms at Cassie Lowery Park. Mr. Davis said they are waiting for him as he ran tight on the budget for the tournaments. Commissioner Sanders stated she would like to get moving on this project.

Commissioner Sanders thanked Mr. Davis for taking care of the problem on the Lanark recycling closure. Chairman Massey said the area looks much better. Commissioner Sanders stated there are people from Wakulla County dumping but they have caught some of them. Chairman Massey said it is because they have to pay tipping fees in Wakulla County.

Chairman Massey discussed the construction of benches for Eastpoint. He said the kids at the school will build these benches. Mr. Moron said the kids are getting credit for the work. Chairman Massey stated the County will need to get the lumber.

Commissioner Sanders asked Mr. Davis to get the Fast Pitch Champions signs back up at the county lines. She stated the sign should be updated to list the teams back to 1999 as they have been state champions 4-5 times. Commissioner Sanders reported the sign at Ochlocknee on the Panacea side was taken down and never put back up. She stated there was also another sign west of Apalachicola.

Mr. Davis discussed the soccer goals and said we are waiting until after registration to see what team and what size are needed.

Pam Brownell – Emergency Management Director

Mrs. Brownell requested the Board sign and approve the contract with The Management Experts for the training exercise so they can begin the planning session. She informed the Board the grant will run out in November. Commissioner Jackel asked what kind of exercise will be conducted. Mrs. Brownell reported a meeting will be held with the stakeholders to determine what training will be conducted. She reminded the Board this is the last of the training money. Mrs. Brownell stated the federal government is cutting out the training money but still requires the training.

Commissioner Parrish made a motion to approve the contract with The Management Experts. Commissioner Jackel seconded the motion. Motion carried; 5-0.

Information Items:

1. Jennifer Daniels attended the G-270.4 and G-557 class in Defuniak Springs on August 5-6.
2. Pam Brownell and Tress Dameron attended the FEPA Mid-Year Conference on August 12-14.
3. Pam Brownell attended the LEPC meeting on August 5th in Tallahassee.
4. Pam Brownell will be meeting with Jason Pettis on 08/18/15 to go over the RCMP applications.
5. Big Bend COAD Meeting is scheduled for 08/19/15.

Mrs. Brownell informed the Board there is a tropical wave and within the next 48 hours it could become a tropical depression. She stated they will be monitoring this system. Commissioner Lockley asked if we are storm ready. Mrs. Brownell answered yes.

Commissioner Jackel stated there are a couple of boats abandoned around and behind the Eastpoint pavilion. She stated they are partially sunk and if a storm occurs they could cause damage. Commissioner Jackel said there are three boats. Mr. Pierce stated one of the boats has been there a long time. Commissioner Jackel commented they have ap numbers but one does not have a motor on the back. She said during a storm they may tear up the dock and end up in the middle of the road. Chairman Massey stated if you find out who the owners are and they don't want the boats then the County could pull them up the ramp and use the bucket truck to move them. Commissioner Jackel reported someone may need to get in the water to pull one of them to shore. Commissioner Lockley said to make sure the owners are contacted or they will say the County damaged their boats.

Erik Lovestrand – Extension Agent

Mr. Lovestrand appeared before the Board. He explained his office has been in the process of moving from the armory to the third floor of the courthouse. He informed the Board the telephones are not connected but should be connected this week. He said the internet is working so they can receive emails.

Mr. Lovestrand reported he missed the last meeting as he was attending the Ag Innovator event in Monticello. He stated Watkins' Honey, Inc. was selected as the Franklin County Ag Innovator of the Year. Mr. Lovestrand reported he gave a presentation about Watkins' Honey, Inc. in Monticello but he would also like to give some local recognition by presenting a few of the slides from the presentation. He

explained Mr. George Watkins has been a leader and innovator in the tupelo honey industry in this area. Mr. Pierce commented Mr. Watkins was not able to attend so Mr. Lovstrand will present him with the plaque. Mr. Lovstrand held up the award which will be presented to Mr. Watkins. Mr. Lovstrand presented a slide show. He informed the Board Mr. Watkins was born and raised in the Apalachicola area. He said Mr. Watkins has always been involved in industries or businesses related to the abundant natural resources in the area. He explained Mr. Watkins began bee keeping in the 1990's and quickly adapted his operation to take advantage of the very short bloom season for the ogeche tupelo in the lower river basin. Mr. Lovstrand explained Mr. Watkins has adapted his equipment so the whole operation can be done by 2 men. He stated Mr. Watkins has worked with the Extension Office for a long time and has participated in several bee keeping demonstrations at local events to educate the public. Mr. Lovstrand reported Mr. Watkins shares his knowledge with the Extension staff and helps other people with bee issues. He stated Mr. Watkins has participated by providing a field trip for the local bee keeping class. He said Mr. Watkins has promoted the tupelo honey industry over the years and provided expertise and support for the movie "Ulee's Gold". He said Mr. Watkins even has some boxes in his collection that have U. Jackson branded on the side and were used in the movie. He listed the magazines who have featured articles about Mr. Watkins. He stated Mr. Watkins is the primary local producer of tupelo honey in the lower Apalachicola River basin. Mr. Lovstrand reported he was proud to nominate and select him as the Franklin County 2015 Ag Innovator of the year. Commissioner Jackel asked about the tupelo honey harvest as she heard it was very low. Mr. Lovstrand reported the harvest is extremely low even less than last year which was also below average. He explained the weather may have contributed as a cool snap hit during the blooms. He stated the blooms looked good but the flow did not materialize. He informed the Board the price is up to \$22.00 for a 2 lb. jar.

Anne Birchwell – County Library

Ms. Anne Birchwell appeared before the Board with some of the children involved in the summer reading program. She stated the annual summer reading program has just concluded and the theme was "Every Hero Has a Story" or "Unmasked". She said the highlights were to look at not only historical folklore book heroes but also to look at local heroes. She reported some of the students went on field trips to the fire departments. She stated they also met Mr. Greg Daniels' dogs that are used for criminal investigations and also in forensics. Ms. Birchwell reported they also met medical heroes. Each of the students told the Board their favorite part of the summer reading program. She said she is working on the application for State Aid for the Library and it must be turned in by October 1st. Commissioner Jackel discussed a

newspaper article about Jefferson County Library applying for matching grants and asked if Ms. Birchwell is looking at these grants. Ms. Birchwell answered yes and said there is a new grant coming up. She explained last year she applied for and received an innovation grant for \$10,000, and the money was used to purchase the ipads. Ms. Birchwell said she will apply for this grant again. Commissioner Jackel asked about grants for buildings and structures. Ms. Birchwell said there are plenty of grants but you have to see what the needs are for your area. Commissioner Jackel said the County should apply for as many as they can since the matching portion is small in comparison to the amount of grant dollars available. Ms. Birchwell reported \$9,200 was received for the \$10,000 grant and the Friends of the Library provided the matching funds. **Motion by Commissioner Parrish to approve Chairman Massey signing the State Aid for Libraries Grant Application. Commissioner Lockley seconded the motion. Motion carried; 5-0.**

Mr. John Graham, Weems Memorial Hospital, presented a report to the Board on the financial status of the hospital. He referenced the balance sheet from June and said the figures are about \$385,000 better. He discussed the issue with the 2011, 2012 and 2013 cost reports. He said everything has been done with Medicare to receive the money and the funds should be received by September 30, 2015. He reported the cash on hand is now 9 days but sometimes has been as low as 3½ days. He stated the accounts receivable are 49 days down from 98 days in about three months. He said the income statement reflects a \$371,000.00 profit in June which brings the profit year to date to \$37,000.00. Mr. Graham stated when the 2014 cost report was filed it was determined the Hospital had been underpaid by Medicare in 2014 and 2015. He reported \$290,000.00 of the profit is due to Medicare payments being made right based on their costs. He went on to say the hospital made about \$80,000 during the month. He explained the hospital, clinics and ambulance are looked at separately but the goal is to keep all the expenses they can in the hospital because it helps on the cost report settlements. He said the nature of Critical Access Hospitals is that once you close out for the year if your volumes have gone down and your expenses have remained constant or gotten better then you should receive a settlement from Medicare as they bring the Hospital up to where it should have been each year. He discussed interim costs reports that will be done 3-4 times a year so the figures can be estimated. He said basically the hospital will break even for the year. Commissioner Parrish asked if the reduction in the account receivable days is a reflection of the new billing company. Mr. Graham answered yes. He said next month the days will be down to 46. Mr. Graham explained the amount of cash Medicare is holding amounts to about 19-20 days. He said when the Hospital is reimbursed by Medicare they will have about 30 days cash on hand. Commissioner Parrish stated he is glad to see benefits from some recent changes. Commissioner Lockley stated they are doing a good job if

the hospital broke even. Mr. Mike Cooper, Weems Memorial Hospital, appeared before the Board and said a very detailed report will be presented this afternoon at the Hospital workshop. Commissioner Jackel asked for a copy of the Hospital report by the end of the regular meeting so she can review it prior to the meeting this afternoon. Mr. Cooper requested the Board adopt a Resolution for the Small State EMS Grant. He said the grant is for about \$1,400 and is used for minor equipment. Commissioner Sanders asked if Attorney Shuler has reviewed this document. Attorney Shuler said he has reviewed the application for \$1,418.00 and he recommended the Board approve it. **Commissioner Sanders approved the Resolution regarding the EMS Grant. Commissioner Jackel seconded the motion. Motion carried; 5-0.**

FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION REGARDING
STATE OF FLORIDA COUNTY EMS GRANT

WHEREAS, The Board of County Commissioners of Franklin County, Florida having met in regular session this 18th day of August, 2015 and

WHEREAS, the Board of County Commissioners of Franklin County, Florida is cognizant of the fact that the Emergency Medical System (EMS) is beneficial to the citizens, residents, and visitors of Franklin County, Florida and the surrounding counties, and

WHEREAS, The Board of County Commissioners of Franklin County, Florida is aware of and agrees to use the funds to improve or expand pre-hospital EMS, and not to supersede existing county EMS budget allocations.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Franklin County, Florida the said Board request the State of Florida through its agent to award the Board of County Commissioners of Franklin County, Florida the EMS County Grant in the amount of \$1,418.00.

The Chairman of the Board of County Commissioners is designated as the fiscal agent and is authorized to accept the grant and execute all appropriate documents and contracts related to the administration of the grant.

The State of Florida County EMS grant application is made part of this Resolution by reference.

Any and all laws shall be in full force and effective immediately upon passage and

approval in the manner provided by this Resolution

PASSED AND ADOPTED THIS 18TH DAY OF AUGUST, 2015.

BY: S/William Massey
William Massey, Chairman

ATTEST:

By: S/Marcia M. Johnson
Marcia M. Johnson, Clerk

Mr. Cooper discussed an email he sent to the Commissioners last night concerning EMS. He stated previously he reported one ambulance died and was unrepairable so a leased vehicle was delivered last week. He said when it was delivered a discussion revealed the vehicle could be purchased for \$4,500 or leased for \$3,000 so the vehicle was purchased. He reported the vehicle is a 2000 model but only has 125,000 miles which is lower than any vehicle they have. He reported with the new ambulance being purchased with grant funds and the newly purchased vehicle, it is not necessary to purchase a second new ambulance. He stated they can get by this year but will need a replacement vehicle next year. Chairman Massey asked how many ambulances are on the road. Mr. Cooper said once the grant vehicle arrives there will be 6 functioning vehicles. He explained there will be 1 new ambulance, 2 that function well and 3 that are workable. Mr. Cooper said this is a better position than last year and if another vehicle can be purchased next year it would be really good. Commissioner Jackel stated about 6 weeks ago an evaluation report was presented on the status of the ambulance service and it was pitiful. She questioned how spending \$4,500 on a 15 year old ambulance could help this equipment situation. Commissioner Jackel reported this does not add up with the service that is being provided to the citizens. She stated the request was for a new ambulance and now less than \$5,000 is spent and the ambulance fleet is fine. Commissioner Jackel reported she is getting feedback from the public that the ambulance service is not responding to calls in a timely manner. Mr. Cooper stated he is not trying to give the impression that \$4,500 fixed the inventory problems because it did not. He said they understood there were budget constraints and they thought it would be difficult to find \$150,000 to get another ambulance. Commissioner Jackel stated it is not difficult because there is over \$2 million in the trust fund now. She reported she will not be a party to recommending that ad valorem taxes pay for a new ambulance. She said the citizens of Franklin

County already pay a tax for ambulance service to be provided in the County through the trust fund and there is plenty of money there. She reported on the referendum the ambulance service was #2. She went on to say #1 was a facility in Carrabelle, #2 was to address the ambulance service and #3 was to construct a new hospital. Mr. Cooper said the decision is up to the Board and a new vehicle would be great. He stated the vehicle purchased for \$4,500 is better than 3 we already have. He said it does improve the fleet to the point we can get through this year. Commissioner Jackel questioned if this will be an ALS (Advanced Life Support) unit. Mr. Cooper answered ALS. He explained a part of the grant to get the new ALS unit was to upgrade to an all ALS service. He said there will be no BLS (Basic Life Support) truck in a couple of months. Commissioner Sanders agreed with Commissioner Jackel about the health care trust fund and ambulance service. She expressed concern that EMS took 30 minutes to respond to a tragic accident in Carrabelle at Summer Camp. Commissioner Sanders said if it takes a new ambulance to meet the needs and have a better eta (estimated time of arrival) than 30 minutes for going 5 miles then that's what needs to be done. She stated the Board is mandated by the State of Florida to provide EMS services for the citizens but is not mandated to have a hospital. She reported the problem needs to be corrected and she is all for buying a new ambulance. Chairman Massey agreed the Board was in the process of doing this and should stay on board. Commissioner Sanders asked about the cost for a new ambulance. Mr. Cooper estimated the cost to be about \$150,000 and said the equipment would come out of the ambulance they take offline. Mr. Cooper said the equipment on the vehicles is great and they have good communication equipment. Commissioner Sanders asked if there is staff to man another ambulance. Mr. Cooper questioned if the Board is talking about putting 4 ambulances on the road. He said there are 2 full time (24/7) now and a 3rd ambulance (BLS) on Friday thru Monday 12 hours a day. He reported there will be enough staff to move the BLS unit to ALS. Mr. Cooper said he does not know if the Board wants the 3rd truck on full time or they are talking about a 4th truck. Commissioner Sanders said they need to look at the eta's to accidents and get the times better. **Commissioner Sanders made a motion to approve the cost of around \$150,000 but no more than \$160,000 to purchase a new ALS ambulance out of the Health Care Trust Fund. Commissioner Jackel seconded the motion. Motion carried; 3-2. Parrish, Lockley opposed.** Mr. Cooper explained the run times on EMS are tracked and on average are not historically bad. He stated when the run times are bad it is generally when one ambulance is out of the county. He went on to say when one unit leaves the County then the other two units disburse to even out where they are responding from. Mr. Cooper stated it is not uncommon to have 2 trucks out of the county so that leaves one truck covering the entire county. He discussed the size of the county and the difficulty with covering the area with one truck. Commissioner Sanders stated hopefully this will help alleviate some of the problems. Commissioner Jackel

said according to the financials there is a \$139,000 surplus in the ambulance fund. She reported they are almost at the end of the budget cycle and she does not know how this money is cycled through the hospital but this along with the funds the County supplements should be enough to add staff if needed. She expressed her opinion if there is a surplus it should be spent on ambulance service. Mr. Cooper reported OCHA showed up yesterday for the annual state inspection and cms (medicare) inspection. He said they will be here for 3 days while the inspection is going on. Mr. Cooper stated last Monday staff began training for the new computer system and it will go live next Monday. He said they finished up three months of attestation to the federal government so once they go live they will meet meaningful use guidelines that will make the hospital eligible for incentive money. He said the incentive money could approach a half million dollars. Mr. Cooper thanked the staff at the hospital for their work and said this process would usually take 1-2 years and was completed in 6 months. He said this process caused a lot of grief and stress for the staff over the last 6 months but they are almost at the end of it.

Public Hearing – Mike Hughes – Ho Hum RV Park C-4 to C-3

At this time the Board conducted a Public Hearing to consider changing a portion of the Ho Hum RV Park from C-4 to C-3. Commissioner Jackel questioned if this item has been through Planning & Zoning. Mr. Pierce said this item went to Planning & Zoning maybe 4 or 5 months ago. Mr. Moron stated they tried to find evidence to support a scrivener's error but they could not find documentation to support it. Mr. Pierce said this hearing is not to expand the park but would make all the current boundaries C-3. Commissioner Sanders asked if there were any objections from Planning & Zoning. Mr. Moron left the meeting to check with Mrs. Kelley. Mr. Pierce reported certified letters were sent out to all adjoining property owners. Mr. Moron returned and said there were no objections. Commissioner Sanders said they are not talking about the parcel done about 1-2 years ago but about half of the existing rv park. Mr. Pierce described the expansion done on the west side and said when they looked at the east side it was determined it did not have the correct zoning. He said they are trying to correct this issue. Commissioner Sanders stated this has always been an rv park. Chairman Massey asked for public comments and there were none. **Commissioner Sanders made a motion to approve changing a portion of the Ho Hum RV Park from C-4 to C-3. Commissioner Lockley seconded the motion. Motion carried; 5-0.**

Recessed at 9:55 a.m.

Reconvened at 10:05 a.m.

Curt Blair – TDC – Update

Mr. Curt Blair, TDC, appeared before the Board. He explained everything was placed in today's folders in case there are questions. He said the first thing the Board will see on the ipads is some articles. He reported there has been good coverage in the last 30 days. He stated Fedora Magazine has announced we are one of the 14 top small towns to visit. He said there is also the same sort of report on buzz feed, an online news blog activity. He announced Franklin County and Apalachicola were identified as places people need to visit. He discussed an article in Travel Life magazine written by a person invited on a tour. Mr. Blair informed the Board there is a new feature on the website which is a drone view of St. George Island. He stated these views will also be done for other areas of the county. He reported Seasouth, MS is within the 6 hours drive time and did a comparison article of Galveston Texas, St. Simons Island Georgia, and Franklin County. He explained Galveston and St. Simons are 2 of Franklin County's biggest competitors along the south's coast.

He reported the numbers are back in 7% range for increases per month. He stated the chart says May was 6% when it was recalculated it was closer to 7%. He reported they are sustaining the increased level. He said we maintain that on 2% while all the other counties around us are at 4-5%.

He stated he planned to bring the sustaining grant contracts today but the TDC Board wanted to spend more time with the non-profits discussing the provisions of the grant. He informed the Board these contracts will be presented in September.

Mr. Blair said more hospitality training has been arranged in October and February. He explained there will be more information later but the interest is high.

Mr. Blair reported he spent the first week of the month in Georgia at a marketing training event. He stated there were around 250 people from marketing areas of TDCs and visitors centers around the southeastern United States. He said they get together every year and he brought back some worthwhile items to share with the TDC Board. Mr. Blair informed the Board next month he will talk about the annual marketing plan strategy.

Commissioner Jackel asked Attorney Shuler to address an item on his report regarding TDC while Mr. Blair is present if it's okay with the Board. Chairman Massey agreed this item could be presented. Attorney Shuler presented Item #3 from his report:

The Clerk has asked me to provide the Board with a legal opinion whether the proposed TDC budget is consistent with §125.0104(5)(a)(4), Florida Statutes, as

this statute limits expenditures on Beach Park Facilities to 10% of the TDC revenues.

For FY 2015-2016, the TDC has proposed a budget that provides \$12,000.00 for bridge clean-up and \$50,000.00 for beach clean-up. These two items are combined in the budget for a single line item expense of \$62,000.00. Another line item for \$95,000.00 has been budgeted for improvements to the public bathrooms located at the public beach park on St. George Island and Carrabelle Beach Park. The total of these amounts exceeds 10% of the expected TDC revenues of \$950,000.00.

The issue is whether the \$50,000.00 in beach clean-up services and the \$95,000.00 for bathroom improvements exceed the cap provided by §125.0104(5)(a)(4), Florida Statutes, for Beach Park Facilities. Please note that I do not consider the bridge clean-up services to be part of Beach Park Facilities funding within the meaning of the statute.

BOARD ACTION: Does the Board desire that I provide a legal opinion on this issue?

Attorney Shuler went on to say in theory you could exceed the 10% funding or the funding could potentially be authorized by another section of the statute. Commissioner Jackel asked if Attorney Shuler is comfortable with the way things are being done. Attorney Shuler stated he is generally aware of the issue that has been raised on what total services and improvements come under the 10% cap. He said he took a preliminary look at the issue but is not ready to render an opinion. He went on to say there are multiple funding sources that are authorized under the statute which could be in support of the proposed budget. Attorney Shuler said he has not made an independent investigation or rendered a final opinion. He discussed the TDC statute and the different categories for services, advertising and improvements. He informed the Board he typically does not render opinions on TDC matters without specific authorization from the Board. Commissioner Jackel reminded Attorney Shuler in previous discussions he has told her the Attorney General (AG) historically has granted tourism development broad discretionary powers to the Board of County Commissioners in deciding these statute issues. Attorney Shuler agreed there are a number of AG opinions and the theme that runs through them is that the County Commission has the legislative discretion to make certain findings of fact as to whether or not the expenditure of the TDC funds is or is not principally related to the benefit of tourist related activities in the County. He said it is definitely a discretion vested with the Board. **Commissioner Lockley made a motion for Attorney Shuler to render an opinion and information by the next meeting. Commissioner Sanders seconded the**

motion. Motion carried; 5-0.

Ms. Kathleen Oman appeared before the Board and explained she is the new acting President of the Friends of the Library. She expressed her hope that the new administration will have a better relationship with the Board.

Planning & Zoning – Report

Mr. Moron appeared before the Board and presented the following report:

CRITICAL SHORELINE APPLICATION:

- 1- **RECOMMENDED APPROVAL:** (UNANIMOUS) Consideration of a request to construct a Single Family Private Dock at 708 Buck Street, Lot 7, Block 64, Unit 5, St. George Island, Franklin County, Florida. The dock access will be 10.5' x 4' and a 20' x 8' terminal platform and 13.5' x 4' another access walkway over wetlands. Contingent upon getting Federal Permits or exemption. Request submitted by Garlick Environmental Associates, Inc., agent for Phil Bacon, applicants. (Proposed House)

- 2- **RECOMMENDED APPROVAL:** (UNANIMOUS) Consideration of a request to construct a Single Family Private Dock at 157 Harbor Circle, Alligator Point, Franklin County, Florida. The dock walkway will be 75' x 4' with a 10' x 20' terminal platform. Has DEP Self-Certification. Request submitted by David Keith, Docks 4 Less, LLC., agent for Daniel Wheeler, applicant. (Has House)

- 3- **RECOMMENDED APPROVAL:** (UNANIMOUS) Consideration of a request to construct a Single Family Private Dock at 2606 Highway 98 West, on the East 65 Feet of Lots 2 and 15, Block J, City of St. George, Carrabelle, Franklin County, Florida. The dock will be 188' x 4' with an 8' x 20' terminus and 2 boat lifts. Contingent upon getting State and Federal Permits or exemption. Request submitted by Larry Joe Colson, Inc., agent for Israel Penate and Midalys Estavez, applicants.

Mr. Moron said he was unable to attend the P & Z meeting but Mrs. Kelley is present to answer questions. Commissioner Jacked asked about request #3 that says City of St. George, Carrabelle. Attorney Shuler reported this is a subdivision at Yentz Bayou. Mr. Pierce said it is a plat from the 1940's. Attorney Shuler reported

it is one of the oldest plats. Mr. Pierce discussed the configuration of the lots and how the lots were sold. Commissioner Sanders asked if all these requests are contingent on getting state and federal permits. Mrs. Kelley said a DEP permit was received for #1 during the process. She explained DEP tells the County they can't hold up the process of review but also cannot issue the permits until all documents are in place. Commissioner Sanders asked the location of the dock on item #3. Mrs. Kelley described the home and said the dock will be behind the home in St. George sound. Commissioner Sanders reported she just wanted to make sure the dock was not in Yentz Bayou. **Commissioner Sanders made a motion to approve Items #1-3 contingent upon federal and state permits being obtained. Commissioner Jackel seconded the motion. Motion carried; 5-0.**

RE-ZONING REQUEST:

- 4- **RECOMMENDED APPROVAL FOR A PUBLIC HEARING:** (UNANIMOUS)
Consideration of a request to re-zone Lots 1 and 2, Block 2 West, Unit 1, St. George Island, Franklin County, Florida from C-2 Commercial Business to C-4 Commercial Mixed Use. Request submitted by Gordon Adkins, applicant.

Motion by Commissioner Lockley to approve sending Item #4 to a public hearing. Commissioner Jackel seconded the motion. Motion carried; 5-0.

Marcia Johnson – Clerk of Courts – Report

Mrs. Johnson was not present at the meeting.

Michael Morón – County Coordinator – Report

1. Inform the Board that the Governor signed an Executive Order designating Franklin County as a Rural Area of Opportunity. A copy of the Executive Order is attached.
2. Inform the Board that the Franklin County Health Department has invited the Board and other community leaders to the Health in All Places Tour. In attendance will be the State Surgeon General and Secretary of Health Dr. John Armstrong. This event will be held at the Apalachicola National Estuarine Research Reserve on Thursday, August 20, 2015 at 9 a.m. A copy of the press release is attached.

3. At the June 15 meeting the Chairman requested that I submit a request to Transfield/DOT to reduce the speed on US Highway 98 to 45 mph in the area of the RV Parks east of the Eastpoint Visitors Center. Transfield informed me on Thursday that DOT's traffic evaluation did not justify changing the speed limit.

Chairman Massey suggested Mr. Moron call back and request signs for a pedestrian crossing. Mr. Moron agreed to request signs. Commissioner Jackel discussed the visitor center sign pointing into someone's private drive. Chairman Massey said he has called them and told them about this. Mr. Pierce said the sign needs to be moved. Chairman Massey agreed the sign needs to be moved 25-30 feet ahead.

4. Inform the Board that Attorney Lucy Turner with Carson & Adkins is retiring on August 21, 2015. Mr. Pierce, Attorney Shuler, Mrs. Griffith, and I met with Attorneys Turner and Carson, who introduced us to Attorney John Sawicki who will now handle our labor matters. Attorney Sawicki will attend one of the meetings in September to introduce himself to the Board.
5. Inform the Board that the County has been notified that St. George Cable has entered into an agreement to sell its system on St. George Island to Mediacom Southeast LLC. A copy of the letter is attached.
6. Inform the Board that the Sheriff received and the Chairman signed a Certificate of Participation of an Edward Byrne Memorial Justice Assistance Grant.

Commissioner Sanders made a motion to authorize the Chairman to sign a Certificate of Participation for the Justice Assistance Grant. Commissioner Jackel seconded the motion. Motion carried; 5-0.

7. As the Board is aware, there is an ongoing shelling program in the Bay using a small barge. This particular shelling program is one that was negotiated, designed, and administered by the state of Florida. DACS is the lead agency. The scope of the project was negotiated by the state with BP and is one of the state's early restoration projects. The project is designed to place shells in 9 areas of the Bay using different techniques in an effort to increase the productivity of planted shells.

Commissioner Jackel questioned who operates this program. Mr. Pierce said the contract is with Mr. Roger Newton. Commissioner Parrish said White Jellyfish

Company received the bid to plant the shells in the bay by barge. He said they are continuing with the contract and did one previously about 6 months ago.

Commissioner Jackel asked where this company is located. Chairman Massey said they are from Texas. Commissioner Parrish stated White Jellyfish Company is from Panama City but they subcontracted with the company running the barge and putting the shells in the bay. He said he does not know where the subcontractor is from. Commissioner Lockley reported he has received a lot of calls and the public needs to know this is not a County project. Commissioner Parrish said it is a State project. He explained this is a NERTA project, an early restoration project, and had to be approved by the ten trustees (two from the each of the five states). He reported BP had final approval and wanted the money spent using barges so the money cannot be transferred or moved over in a different way such as the oysterman planting shells. Commissioner Parrish said BP had final control because it was an early restoration project not mandated by the Court. He said this was done early before the Court mandated what they would have to do to replenish and help the environment recover from the Deep Water Horizon oil spill. Commissioner Parrish said the State had authorization to award the bid to the low bidder. **Commissioner Lockley made a motion to let the workforce explain to the people that the County does not have anything to do with this project.** Commissioner Lockley said he is constantly receiving calls asking why this money is not being used for oystermen. Chairman Massey said Mr. Shannon Hartsfield, Seafood Workers' Association, has fought this issue and tried to stop it. Commissioner Sanders said a letter was sent to DAC stating we are against the use of out of state companies for the the shelling project. Commissioner Lockley reported there is a lack of communication and the people do not understand. **Commissioner Sanders seconded the motion. Motion carried; 5-0.**

8. Board action to allow the marathon event "Running for the Bay" to occur on Sunday, Oct. 18. The office has contacted the TDC and there are no conflicting events for that day. This is the 5th year of the event. A copy of the Certificate of Liability Insurance is attached.

Commissioner Jackel said in the past a contribution was made to a charity. Mr. Pierce said he got an email and he presumes they will make the contribution and provide the deposit. **Commissioner Jackel made a motion to allow the marathon event "Running for the Bay" contingent upon the same contribution being made to the organization. Commissioner Sanders seconded the motion. Motion carried; 5-0.** Commissioner Jackel said to remind them to clean up the bridge and the common areas they use for the run. Mr. Moron reported when he receives the confirmation email he will send it to the Commissioners.

9. Inform the Board that the Airport Advisory Committee failed to have a quorum to review the RFQs submitted last Board meeting for Airport consulting engineers. According to the FAA standards a committee needs to review and rank the responses so unless the Board wants to create another committee the Airport Committee will try again to get a quorum to rank the proposals. Mr. Shuler has provided Ted Mosteller with a ranking sheet.

Mr. Moron stated the Airport Committee will try to meet again. Commissioner Lockley asked if there is a deadline. Mr. Pierce said no but the project needs to move forward. Commissioner Jackel said the proposals could be brought to the Board and they could interview. Attorney Shuler stated Mr. Mosteller brought this issue to him about a week after the meeting where the RFQ's were opened. He reported based on the FAA circular regulating the selection of engineers, he prepared a review criteria for all of the Airport Committee members. He said a number of the Committee members are not showing up and the Board may need to appoint a 5 member evaluation committee. He stated the evaluation committee could be made up of the 5 members of the Airport Advisory Committee that are attending the meetings. He explained the scoring and ranking needs to be done individually and then a public hearing scheduled to present the rankings. He stated at the public hearing the evaluation committee can either accept the rankings and send the #1 firm to the Board or elect to hold interviews. He said the Committee can hold another meeting to interview the companies and then hold a public hearing for final rankings. He said at that point the #1 firm would be sent to the Board. Commissioner Jackel suggested a conference call to see who will participate. Attorney Shuler said all Airport Advisory Committee members need to participate. He said the Board can name a 5 member evaluation committee. Mr. Mosteller said there are 9 members but only 5-6 are participating. Commissioner Sanders stated the Board may need to look at this committee and make appointments. Attorney Shuler recommended the Board name 5 people for an evaluation committee and review the Airport Advisory committee later. Mr. Mosteller listed the members who regularly attend as himself, Frank Stephens, Chuck Marks, Randall Terry, Al Mirabella and Randy Randolph. Mr. Mosteller said he is the Chairman of the Committee appointed by the Board years ago. **Commissioner Sanders made a motion to appoint Ted Mosteller, Frank Stephens, Chuck Marks, Randall Terry and Al Mirabella to the evaluation committee to review the RFQ's. Commissioner Parrish seconded the motion. Motion carried; 5-0. Commissioner Sanders made a motion to direct staff and the Airport Committee to get together and evaluate the membership we have on board to see if we need to take another look at it and bring it back to the Board at the next meeting. Commissioner Jackel seconded the motion. Motion carried; 5-0.**

Commissioner Jackel discussed the Hospital Board attendance requirement. Commissioner Jackel said it may be good to have an attendance requirement across the board.

10. Board action to authorize the Chairman's signature on two items to partially finalize the Chapman Auditorium Reroofing project: a certificate of substantial completion and a change order. The change order reduces the amount of the contract by \$535.00 to reflect the actual work done. The County is still holding a balance of \$21,090 on this contract waiting for the contractor to provide the warranty on the roof.

Commissioner Lockley made a motion to authorize the Chairman's signature on the certificate of substantial completion and a change order. Commissioner Parrish seconded the motion. Motion carried; 5-0.

11. Board action to approve a FAA grant that is part of the funding for the runway rehabilitation project. Part of the money is coming from the FDOT and part of the money is coming from an FAA grant. The FAA was not going to release their funds until they reviewed and approved the bids the Board has previously opened on July 21. Now that the FAA is satisfied with the low bid they have sent the agreements to be signed.

Commissioner Sanders made a motion to approve the FAA grant. Commissioner Jackel seconded the motion. Motion carried; 5-0.

12. Inform the Board that the Planning and Zoning Committee has been operating at less than a full committee for some time and getting a quorum is becoming difficult. Rachel Ward, Amy, Alan, and the Planning and Zoning Committee reviewed and recommended revisions to the Zoning Code, which includes revising the membership of the Committee. The current membership structure requires a 9-member commission but does not require geographic distribution of the members. This has caused complaints in years past that parts of the county were dominating the Commission. The proposed Committee would be made up of 5 members, representing each county commission district. Two current members have announced that they would like to step down in December and if that is the case there will not be enough members to have a quorum. If the Board does not want to consider all the proposed revisions to the Zoning Code, which were mostly narrative changes necessary over the 25 years the code has been in effect, at least something needs to be done regarding the Committee. Board

direction. If the Board wants to re-structure the committee then a public hearing needs to be set as the committee is established by ordinance.

Commissioner Sanders did not have a problem with going to 5 members as long as there is not a problem getting a quorum. **Commissioner Sanders made a motion to take the matter to a public hearing. Commissioner Jackel seconded the motion.** Commissioner Jackel said she likes the concept of a 5 member Planning & Zoning as there has been a problem with a quorum. She informed the Board she has already received Mr. Larry Perryman's resignation effective January 1st. She asked if the County can require a super majority quorum of 4. Attorney Shuler said this is a new concept because quorums are normally the majority of Board. He explained certain actions under law must have a super majority vote but he has never heard of a super majority quorum. Commissioner Jackel expressed concern that if only 3 out of 5 members consistently attend the meetings then those 3 are making decisions for all 5 districts. Commissioner Parrish stated the current Planning & Zoning Board is made up of a lot different categories such as a seafood worker, a seafood dealer, a forestry representative and a real estate person. He explained this Board functioned well during the land development boom from 2001 to when everything crashed in 2006. He said the categories represent different business interests across the county. Commissioner Parrish reported all the categories of the board need to be reviewed to determine which ones need to be maintained and which ones should be deleted. He said what will happen is you will delete different segments of the community that would have a voice on the projects that are being reviewed. Mr. Pierce stated this may be true but forestry used to be a big industry and had a representative but now are not attending. Commissioner Parrish said he understands it may be difficult to find someone to fill each category but he does not think the board should be wiped away without looking at which categories should be maintained and which should be eliminated. Commissioner Parrish stated different sectors of your economic structure in the county need to be represented. Commissioner Sanders discussed the lack of participation on the committee and said some members have been there a long time. She agreed you don't want the same 3 people making the decisions. She stated the committee needs to be universal, across the board and represent all areas. Commissioner Sanders asked if there is any legislation or has any of the original planning and zoning language changed that would change the categories. Commissioner Lockley asked if they have advertised to see if anyone is interested. Mr. Pierce said they have advertised in the past but have not advertised in a long time. He reported some seats have been vacant for a year or more. Commissioner Sanders stated the Board should have a public hearing

and make sure everyone is represented. Commissioner Jackel said the Board needs to have an attendance policy and enforce it. Mr. Pierce stated there is an enforcement policy in place. Commissioner Jackel commented the policy will have to be enforced. Commissioner Sanders asked if there is an alternate. Mr. Pierce said the alternate is not showing up. Commissioner Lockley suggested you may have to give something as an incentive to be on the board. **Motion carried; 5-0.**

13. Inform the Board that the sale of the El's Court property is set to close on August 20. The Board's share of the cost is \$124,400, with another \$600,000 coming from the federal grant.

Mr. Pierce presented a copy of the \$600,000 check.

Attorney Shuler presented the following item from his report:

4. Purchase of Island View Motel

Attached is the closing statement, a title commitment that I have marked up, the deed, a survey and the surveyor's affidavit for your consideration. I have reviewed and approved the closing documents. Closing is scheduled for August 20, 2015, in Tallahassee. I do not plan to attend closing as I have previously reviewed all of the documents. The title

Company will close and disburse the closing proceeds and deliver the recorded deed to the County by mail.

Franklin County is providing \$124,440.00 at closing. \$122,000.00 is our grant match. \$2,440.00 is for closing costs that the County is required to pay. Mr. Hattaway, with the Trust for Public Lands, has explained that the County should receive a 75% reimbursement for the closing costs after we amend the sub-grant agreement for improvements to be made to the property.

The State of Florida has approved the advance payment of \$600,000.00. Mr. Pierce has arranged for the advance payment to be picked up on August 17, 2015. The County will wire the funds for closing, so it will be necessary to authorize the Clerk to wire the funds.

BOARD ACTION: Motion to authorize the Chairman to sign the closing statement and for the Clerk to wire the closing proceeds.

Commissioner Sanders made a motion to authorize the Chairman to sign the closing

statement and for the Clerk to wire the closing proceeds. Commissioner Jackel seconded the motion. Motion carried; 5-0. Mr. Pierce said there will be some expenditures on the property for the reforestation project.

5. Ms. Lori Switzer is asking for Board action authorizing the Chairman to sign the SHIP Program Annual Report and Local Housing Incentive Certification. The Certification and Annual reports are attached.

Commissioner Parrish made a motion authorizing the Chairman to sign the SHIP Program Annual Report and Local Housing Incentive Certification. Commissioner Lockley seconded the motion. Motion carried; 5-0.

6. Board action to authorize the Chairman's signature on a Resolution expressing support for the Northwest Florida Estuaries and Watersheds Project. Mr. Pierce has been in discussion with the other affected counties and they also support this Resolution. A copy of the Resolution is attached.

Mr. Pierce explained the eight counties in the panhandle are joining together with the guidance of The Nature Conservancy to create watershed projects that supersede county boundaries and make the County eligible for other funds. He reported all the other counties have adopted this Resolution.

Motion by Commissioner Lockley to adopt the Resolution expressing support for the Northwest Florida Estuaries and Watersheds Project. Commissioner Sanders seconded the motion. Motion carried; 5-0.

RESOLUTION
FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA EXPRESSING SUPPORT FOR THE NORTHWEST FLORIDA ESTUARIES AND WATERSHEDS PROJECT THAT WILL ESTABLISH ESTUARY PROGRAMS FOR THE COMPREHENSIVE MANAGEMENT, RESTORATION, AND PROTECTION OF SEVEN NORTHWEST FLORIDA ESTUARIES; PROVIDING FOR THE TRANSMITTAL, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Northwest Florida Estuaries and their associated natural resources provide boating, fishing, hunting, economic opportunities, tourism, and other outdoor recreational activities for citizens and visitors to Florida; and

WHEREAS, mismanagement of Northwest Florida Estuaries may exacerbate flooding and property loss, negatively impact water quality and estuarine habitat, negatively affect the local economy and tourism, and threaten the health, safety and welfare of Florida's citizens and visitors; and

WHEREAS, the United States Environmental Protection Agency (USEPA) and the State of Florida are seeking funding to "stand up" and establish Estuary Programs in seven Northwest Florida Estuaries, including Perdido, Pensacola, Choctawhatchee, St. Andrew, Apalachicola, Ochlocknee and St. Marks, in order to comprehensively coordinate the management and improvement of these estuaries and their natural resources; and

WHEREAS, elected officials, local, state and federal government staffs, the Nature Conservancy, citizens, academia, and other stakeholders from the Northwest Florida Estuaries have been actively participating in meetings for the past two years to identify and coordinate estuary management issues and efforts; and

WHEREAS, all involved stakeholders support the establishment of Estuary Programs for the seven Northwest Florida Estuaries in order to comprehensively manage and improve water quality, habitat, natural resources, and economic benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

1. The Board hereby expresses its support for the Northwest Florida Estuaries and Watersheds Project that will establish Estuary Programs for the comprehensive management, restoration and protection of seven Northwest Florida Estuaries, including Perdido, Pensacola, Choctawatchee, St. Andrew, Apalachicola, Ochlocknee, and St. Marks.
2. That this Resolution shall be effective upon adoption.
3. That the Clerk shall forward a copy of the Resolution to Secretary Jonathan P. Stevenson of the Florida Dept. of Environmental Protection in Tallahassee; Executive Director Brett Cyphers of the Northwest Florida Water Management District in Havana; Gulf Coast Ecosystem Council Chair and Secretary of the Department of Commerce Penny Pritzker in Washington DC; Gulf Coast Ecosystem Restoration Council Executive Director Justin R. Ehrenwerth in Washington DC, USEPA Secretary Gina McCarthy in Washington, DC.; and USEPA Assistant Administrator for the Office of Water Ken Kopocis in Washington, DC.

DONE AND ADOPTED by the Franklin County Board of County Commissioners this 18th day of August, 2015.

FRANKLIN COUNTY:

s/William Massey
William Massey, Chairman

ATTEST:

s/Marcia M. Johnson
Marcia M. Johnson, Clerk

Mr. Pierce stated a conference call was held yesterday in relation to the Triumph Fund. He explained a certain amount of economic damage money from the BP settlement will go into this Triumph Fund. He went on to say the fund was created by the Legislature and will be controlled by the Legislature. Mr. Pierce said the initial meeting is going on this morning in Escambia County and most people could not attend so that was the reason for the conference call. He expressed concern if changes are made it may change how Franklin County receives funds. He discussed the committee of 8 which is a subset of the consortium and said they are trying to make sure no changes are made to the Triumph Fund. He stated the County does not want the structure of the fund to change or it may make it more competitive. Commissioner Sanders expressed concern about the structure of Triumph. Mr. Pierce reported there may not be more meetings as there is no money in the fund at this time. Commissioner Sanders asked if they will be informed that Tuesday is a bad day for meetings. Mr. Pierce agreed this item will be addressed. Mr. Moron informed the Board he has asked Mr. Pierce to take over all these calls and he will act in this capacity until the County has a Restore coordinator.

7. Inform the Board that the County has received the Biennial Status Report for the Resort Village Development. No Board action is required. A copy of the report is attached.

Commissioner Lockley discussed the Executive Order from the Governor designating Franklin County as a Rural Area of Opportunity. Mr. Moron said it removes the requirement of matching funds for some projects. Mr. Pierce said it is a renewal of the

designation.

Commissioner Sanders and Mr. Pierce discussed his semi-retirement. Commissioner Sanders asked if the Board can do anything to help with the transition. Mr. Pierce said Mr. Moron is doing a fine job so he will let him ask questions and assist him. Mr. Pierce informed the Board before long he plans to be working part time about 20 hours a week.

T. Michael Shuler – County Attorney – Report

Attorney Shuler appeared before the Board and presented his report.

1. Wefing Street and Austin Street Road, Unit 4, St. George Island Gulf Beaches subdivision

Subsequent to the August 4, 2015 meeting, evidence was discovered that the Board had previously abandoned these two roads in June of 1981. A copy of the minutes from that meeting are attached. This moots the action taken on August 4, 2015.

BOARD ACTION: Motion to rescind the August 4, 2015 abandonment of Wefing Street and Austin Street. Rescinding this motion will not affect the 1981 abandonment.

Commissioner Parrish asked if this is the abandonment for the church. Attorney Shuler answered yes and said it was discovered after the public hearing. **Commissioner Parrish made a motion to rescind the August 4, 2015 abandonment of Wefing Street and Austin Street. Commissioner Sanders seconded the motion. Motion carried; 5-0.** Commissioner Sanders pointed out the minutes from 1981 reflected Commissioner Kendrick, her father, seconded the motion.

2. Landfill Escrow Agreement

As a condition of your landfill permit, the Florida Department of Environmental Protection requires owners of Class I landfills to provide financial assurances to them that the cost of closure and maintenance of the landfill is provided for. The cost of this is calculated by an Engineer and the owner of the landfill imposes fees to cover this cost over the useful life of the landfill. You are required to have an escrow agreement which regulates and limits the use of such fees.

In 1991, the Board adopted a landfill escrow agreement into which you deposit funds to pay for landfill closure and maintenance. The Clerk asked me to review your policy. I have determined that the policy should be updated to reflect changes made to the governing rule since 1991 and how the policy has been implemented. A red lined version of the proposed new rule is attached for your convenient review of the changes that I am recommending to you. A "clean" version is also attached.

BOARD ACTION: Motion to approve amended policy providing financial assurances for the closure and maintenance of the land fill.

Attorney Shuler reported in 1991 the agreement required the funds to be deposited into an SBA Account but now you can also deposit the funds into an FDIC insured account. He explained this rule changed years ago and the Board has funds in both kinds of accounts so this will "clean up" the policy. He reported the agreement also changed how these funds can be used. He stated the 1991 agreement required the Clerk as trustee of this account but the current agreement does not have this requirement so it has been removed. Attorney Shuler informed the Board he discussed these changes with Mrs. Marcia Johnson, Clerk of Court, and she has no problems with the changes. **Commissioner Sanders made a motion to approve an amended policy providing financial assurances for the closure and maintenance of the landfill. Commissioner Parrish seconded the motion. Motion carried; 5-0.**

5. Doc Meyer's Commercial Site Plan

The advisory ethics opinion has been issued and it finds that Commissioner Parrish has no voting conflict regarding the above development. A copy of the advisory opinion is attached.

Also, I have recommended that the Board retain outside counsel concerning this development. I recommend that the Board use attorney David Theriaque. He is presently acting as outside counsel to the Board and none of your other outside counsels have any experience in land use law. Mr. Theriaque is highly qualified in this area of law.

BOARD ACTION: Motion to authorize Mr. Theriaque to represent you in this matter, or other action as determined by the Board.

Motion by Commissioner Lockley to authorize Mr. David Theriaque to represent the Board in this matter, or other action as determined by the Board. Commissioner

Parrish seconded the motion. Motion carried; 5-0. Commissioner Sanders asked when this item would be back on the agenda. Mr. Pierce stated he will contact the attorney. Chairman Massey stated this item needs to get moving and be placed back on the agenda.

Information Items

6. Gramercy Plantation

Since your last meeting, I have spoken with representatives of the developer and the HOA. They continue to discuss a resolution of the issue concerning the developer's conveyance of one of the two spray-field areas. Unless the Board has other instructions, I will give them a reasonable time to discuss the matter among themselves and report their proposal back to the Board.

7. Eastpoint Water and Sewer District

Mediation has been scheduled for August 19, 2015, in Tallahassee. If any resolution is reached, it will be conditioned upon consideration and action by the Board at a future public meeting.

8. Leon O'Neal v. Franklin County

Leon O'Neal filed a lawsuit recently in Federal District Court in Tallahassee alleging discrimination. Mr. O'Neal seeks a minimum of \$75,000.00 in damages plus attorney fees and costs. Outside counsel has been appointed by your insurance carrier and a timely response has been filed denying the allegations raised in the lawsuit.

9. Gulf Shore Boulevard

Ron Mowrey, attorney for the Alligator Point Water Resources District, requested whether Franklin County obtained easements from Lots 1-6, Apalachee Dunes subdivision. This subdivision is located at Alligator Point, Florida. These are the lots at the eastern terminus of Gulf Shore Boulevard damaged by storms which the County is attempting to relocate inland. I have informed him that we have easements from 5 of the 6 lots, but that I have not recorded them and have no plans to do so. I do not intend to record the deeds because (1) we do not have all 6 easements, (2) after we got the easements, DEP changed its position and now is requiring that the lot owners

have not one, but two, easements across their property and (3) FEMA has not approved the road relocation project. A copy of the new route required by DEP is attached.

Attorney Shuler advised the Board he received a demand letter from a law firm in Tallahassee which he forwarded to the Board members. He said the attorney is representing a property owner near Carrabelle beach and they have put the County on formal notice that a portion of the bike path, from the Carrabelle Beach Park to the lighthouse, is encroaching on private property. Attorney Shuler stated he notified the engineer of the issue. He informed the Board the matter is being turned over to the insurance company to open a file for a potential claim.

Mr. Alan Feifer, Concerned Citizens of Franklin County, questioned if the County had an employee policy on the use of social media while on duty. Attorney Shuler said there is a ban on cell phones while driving. Attorney Shuler reported the Board considered a social media policy years ago but it was not adopted. Mr. Feifer informed the Board he received several calls from County employees stating it is a significant problem. He discussed articles concerning the loss of work time due to employees using social media at work. He questioned if the Board should consider a policy or blocking these media websites for county computers. Commissioner Jackel said county employees should not be posting during county business time. She reported it is personal and they can use their lunch hour break. She said it is her understanding that constitutional officers have their own rules in place but the county employees are subject to the Board's rules. She reported the Board may need to have a public hearing and may need a rule that addresses social media. Attorney Shuler informed the Board he does not think there is a social media rule although some other rules in the employee handbook may address the issue. Mr. Pierce said facebook has been banned in his department. Attorney Shuler reported the department supervisors have the tools to address this issue. Mr. Pierce reported his department cannot be on social media. Mr. Feifer said the Board could ask IT to look at social media websites and determine the usage, page views and time being spent on these sites. He requested the analysis be undertaken to determine if there is a problem. Mr. Moron stated the County can block the county computers but he is not sure what they can do if they are posting on private devices. Mr. Moron reported the County would need to purchase software to install on each computer to monitor the usage. Mr. Feifer discussed reports that can be received on the monthly bandwidth usage and IP traffic. Mr. Moron reported he can contact Fairpoint Communications, find out how much it will cost and get back to the Board.

Commissioners' & Public Comments

Mr. George Floyd appeared before the Board and provided an update on the ferry boat basin project. He provided the Board with documents and said he is in the process of final clearances and surveys to establish the location of the channel. He introduced Mr. Gadston Segree, who is handling the project for him. He stated Mr. Dan Garlick is also present. He informed the Board he is seeking their advice and input on the project. He reported the entire scope of the project at this time is restoration of the access channel and the basin. Mr. Segree informed the Board he was raised in Franklin County and has had a 25 year career in dredging, beach/marsh renourishment and restoration. He discussed the process used for sediment control. Mr. Floyd referenced a letter from the Department of Agriculture and Consumer Services stating there would be no closures in the oyster harvesting of Apalachicola Bay as a result of this project. Attorney Shuler advised the Board it is not appropriate to comment on this item until a recommendation is received from Planning & Zoning. Mr. Floyd asked if Planning & Zoning approval is required for site prep as there is no upland construction going on at this time. Mr. Pierce stated if everything is being done that is required by the state permits then there is nothing needed from the County. Mr. Floyd stated there will be dredge spoil containment. Mr. Pierce reported there are no local standards for spoil disposal but there are standards in the DEP and COE permits and he will need to abide by those standards. Commissioner Jackel asked if this item would go to Planning & Zoning. Mr. Pierce explained if dredge spoil is stored upland then the County usually issues a permit for storage of spoil material. Mr. Garlick said he did an inquiry with Mrs. Kelley because there will be some spoil that will have to be addressed so some sites have been selected. Mr. Garlick said DEP is okay with the sites and the COE will also be okay with the sites. He explained it will be sandy soil stored in upland areas away from the water probably at least 50 feet to meet the critical habitat zone issue. Attorney Shuler stated he thought an application had already been submitted and was going through the Planning & Zoning process. Mr. Garlick said he inquired about this issue but never applied for a permit. Mr. Garlick informed the Board this kind of project has been done before. Attorney Shuler stated at some point the County may need to address a site prep permit. Mr. Garlick agreed that is probably the kind of permit that would be needed. Commissioner Jackel asked if the COE has signed off on this project. Mr. Garlick answered no. Commissioner Jackel questioned if the COE permission and permit is needed before any work can be done. Mr. Garlick stated they do not intend to do any work until the COE permit is received. Mr. Floyd questioned if this matter will need to go to the Planning & Zoning for a site prep permit. Mr. Pierce answered yes if spoil is being stored in the uplands. Mr. Pierce stated the entire site is commercial property. Attorney Shuler informed the Board this matter should not be discussed until an application is received. Attorney Shuler advised Mr. Floyd when an

application is received then it will be considered and go through the normal process. Mr. Floyd asked for feedback from the Board on this project. Attorney Shuler stated the Board has received the information and when an application is received they will respond.

Meeting adjourned at 11:16 a.m.

William Massey - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts