

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MARCH 1, 2016
9:00 AM
MINUTES**

Commissioners Present: William Massey – Chairman, Joseph Parrish – Vice Chairman, Noah Lockley, Cheryl Sanders, Rick Watson

Others Present: Alan Pierce – Director of Administrative Services, Michael Morón – County Coordinator, Michael Shuler – County Attorney, Marcia M. Johnson-Clerk of Court, Lori P. 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

On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to approve the minutes of the meeting held on February 16, 2016 at 9:00 a.m. and February 16, 2016 at 1:30 p.m.

Payment of County Bills

On motion by Commissioner Parrish, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve payment of the County's bills.

Department Directors Report

Howard Nabors – Superintendent of Public Works

Mr. Nabors appeared before the Board. He brought into discussion the gun range in Apalachicola. Mr. Moron said the County agreed to help with developing the gun range. He presented a handout and said Mr. Richards is here today to ask the Board for a specific item he needs assistance with. He explained Mr. Richards will break this project down into phases. Mr. Chase Richards, Apalachicola Police Department, stated the range will be located near Tilton Road outside of Apalachicola. He said previously he asked for help and the Board was in support of this project. He stated they are at Phase I and need assistance with digging the dirt and getting the berms built up for the range. He informed

the Board the fuel costs are taken care of. Commissioner Sanders asked if he is asking for fill dirt. Mr. Richards agreed they need dirt. Mr. Nabors reported the property needs to be cleared and the dirt will be dug on the property. Commissioner Sanders questioned if the County has the manpower and the time for this project. Mr. Nabors said they will complete this work between jobs. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve Mr. Nabors working with Mr. Richards on the gun range west of Tilton Road.**

Commissioner Sanders thanked Mr. Nabors for doing a good job and asked him to tell all the men and women we appreciate them.

Fonda Davis – Solid Waste Director

Mr. Davis appeared before the Board. He explained Waste Management is here and there is a request for an increase in the consumer price index (CPI). He said the contract does not require the County to do a CPI. He informed the Board he contacted Attorney Shuler about this matter. Attorney Shuler stated he reviewed the contract and there is no contractual provision for a right to a CPI adjustment. He said the contract was amended at the time to say the rate for garbage service will not increase except by the mutual consent of the parties. He explained Waste Management is here to request the increase and ask for consent. Mr. Ronnie Bell and Mr. David Steinments, Waste Management, appeared before the Board. Mr. Bell agreed there is no CPI in this contract and the contract was approved in 2013. He went on to say it was a renewal from the contract in 2012. Mr. Bell reported the last increase was in 2011. He stated they are requesting a CPI on water, sewer, and trash for the last 12 months that comes to 4.43% which reflects a \$2.57 per ton increase. Mr. Bell said the cost will go from \$57.95 to \$60.52 per ton. Commissioner Watson inquired about the term of the contract. Attorney Shuler answered it is a 5 year contract and they are in year 3. Mr. Bell agreed this is correct and said the contract goes to 2018. Commissioner Watson asked what justifies the increase. Mr. Steinments said the cost of maintaining the facility. He stated the biggest cost is caused by water coming in by the packer. He stated the packer has a drain and they have to keep it cleaned out to stay in compliance with the State. He explained it cost \$20,000 last year for a new pump and electrical system just to keep it clean. He stated this machine has a large metal chute and the vendor's new truck tears it up and they have to rebuild it. He said the expenses are outweighing the income. Chairman Massey asked if they keep up the pumping system at the lower end. Mr. Steinments answered yes. Mr. Davis said the County is currently charging \$65.00 a ton and the difference is \$7.00. He explained if they are granted the increase then the difference will be \$4.48. He said to keep things the same the County would have to increase the tipping fee. Commissioner Parrish asked what the fees will be raised to. Mr. Davis answered an additional \$2.57. Commissioner Lockley questioned why this item was not added when the contract was done. Mr. Bell answered they were not here then and the County Attorney did a good job with the contract. Commissioner Sanders asked what the cost will be to the citizens. Mr. Bell answered if the tipping fees stays at \$65.00 then it will cut into the margin on recyclables with no change to the residents. He explained if the tipping fees are increased the main customer at the transfer station is Waste Pro. He said unless Waste Pro has something in their contract then the cost would not go to the citizens. Mr. Steinments reported a regular household generates about \$35.00 lbs. of garbage a week and the increase is \$2.57 a ton. Commissioner Watson stated he is uncomfortable making a change when the budget process

will be starting soon. Commissioner Parrish commented the County must have the transfer station and he does not want it going down. Commissioner Sanders asked if there is better location for the equipment. Mr. Davis answered no but said the new pavement that is coming should help with the water. Commissioner Lockley expressed concern that if Waste Management rates go up then Waste Pro will go up and then the cost will be passed on to the citizens. **Commissioner Sanders made a motion to table this item until the next Board meeting.** Commissioner Sanders asked Mr. Davis to get together some more facts and numbers for the Board. **Commissioner Watson seconded the motion. Motion carried; 5-0.**

Chairman Massey stated the parks in Eastpoint and Apalachicola need handicapped parking signs. Mr. Davis agreed to take care of this item.

Mr. Davis said the Parks & Recreation Department is working on getting the ball fields ready.

Mr. Davis stated the playground at Vrooman Park in Eastpoint is finished.

Mr. Davis reported the new T-ball field is 90% complete.

Mr. Davis brought into discussion the dune walkover at Alligator Point. He informed the Board he is getting calls and complaints about this dune walkover. He asked the Board to move forward on this one walkover at Chip Morrison as it is very unsafe. Commissioner Sanders asked where the money is coming from for this project. Mr. Davis answered he can use money from Repair and Maintenance. **Commissioner Sanders made a motion to repair the Chip Morrison dune walkover from the Repair & Maintenance line item.** Commissioner Parrish stated the pictures show the walkover going way out on the beach and it needs to be shortened. He explained when it gets over the dunes it needs to stop. Commissioner Parrish said originally there was probably more land in front of it but it has eroded away. He went on to say it will be less expensive to repair and should not be near where the storm surge could tear it up again. He asked if the County will go out for bids for this repair. Mr. Davis said he contacted a couple of contractors who were going to look at the walkover but he never heard anything back from them. He stated he would like to use the Conservation Corp for this project. Chairman Massey asked if Mr. Davis will oversee this project. Mr. Davis answered yes. **Commissioner Parrish seconded the motion.** Mr. Davis reported it may be a good idea later to include all the walkovers and then a contractor may be more interested. Commissioner Sanders asked if Mr. Davis determined this walkover is in the worse condition. Mr. Davis answered yes and said it is blocked off right now. Commissioner Lockley stated if the County is overseeing the project then there should not be an administrative fee. Mr. Davis said he will not be there every day. Commissioner Lockley reported they should have their own equipment. Commissioner Watson asked if Mr. Davis is only looking at a proposal for this one walkover. He said this is a reasonable price. Commissioner Sanders agreed if Mr. Davis is overseeing the project then there should not be an administrative fee. She questioned if they must have a specific person oversee the Corp. Mr. Davis stated his understanding is they like a specific person overseeing the project. Commissioner Watson said it is part of the training. Commissioner Parrish agreed this one can be fixed out of Repair & Maintenance but the County can't repair all of these when it is not budgeted. He expressed concern that the budget could fall short as the sports have not started yet and those are budgeted items. Commissioner Parrish reported a handicapped individual approached him about having a

handicapped accessible dune walkover every ½ mile. He stated the Board may need to consider this as they move forward with these walkovers. He asked Attorney Shuler what needs to be done to accommodate some of these individuals. Commissioner Parrish said they did not ask for all of them to be handicapped accessible, only one every ½ mile. He said the County has to be careful not to extend these walkovers out into the storm surge zone. Mr. Pierce commented the State will only allow the County to place these to the vegetation line. Commissioner Parrish explained as the County is starting to work on these dune walkovers, they may need to start incorporating these changes. Mr. Pierce reported the state park only has 1 handicapped accessible dune walkover that has a mat affixed to the ends. He said there are ways to accomplish this but the requirements are very specific. Commissioner Parrish stated the County needs to look into this matter. **Motion carried; 5-0.**

Chairman Massey thanked the person who anonymously paid for the fence to be placed around the kiddie park at Vrooman Park in Eastpoint. Mr. Pierce stated there is fencing available at Alligator Point on the property purchased from Capital City Bank that is almost brand new. Chairman Massey said he will talk with the gentlemen and see if he wants to use this fence. Commissioner Sanders agreed this fence has new posts and is almost brand new. Mr. Pierce said it is only 4-5 years old.

Commissioner Sanders requested Transfield be contacted to put litter signs on Highway 98. She said there are also some areas between Eastpoint and Carrabelle and Carrabelle and Lanark Village that need to be addressed. She stated there are also some target areas around the County that need signs also. She explained the litter is getting into the ditches and looks bad but also flows to the water. Mr. Davis agreed to handle this item. Commissioner Sanders thanked Mr. Davis for his work.

Mr. Davis reported the Animal Control Department is running smoothly.

Allyson Speed – Request for Funding

Mr. Allyson Speed, a resident of Apalachicola, appeared before the Board. Mr. Speed informed the Board he organizes traveling basketball teams in Franklin County. He said 2 events have been held at the old Apalachicola High School gym. Mr. Speed thanked Commissioner Lockley, Mr. Davis and the Board for their support. He said this year he would like to do more and take the teams on weekend trips to tournaments in Pensacola, Atlanta and Orlando. He reported he would like to purchase game and practice insurance and rent a 12 seat van for the travel. He said last year they traveled to Sneads, Havana, Tallahassee (twice), Panama City (three times) and Port St. Joe (twice). He stated they brought in teams from Sneads, Panama City, Port St. Joe and Athens, GA for the 2 events they had here. Mr. Speed explained the money the County provided last year went toward fees to enter tournaments. Mr. Speed reported he paid for gas and was able to get some of the parents that travel with them to pay for gas. He stated this team will keep the young people engaged in positive activity. He requested \$5,000 from the County this year. Commissioner Lockley stated Mr. Speed is doing a good job and that is why he has been asking for a basketball court. He reported the teams do not get any of the proceeds; it goes back to the City of Apalachicola. Commissioner Lockley agreed this activity helps to keep the kids out of trouble. **Commissioner Lockley made a motion to help the traveling basketball team out. Motion died for lack of a second.** Commissioner Watson asked if the County made contributions before and if there are also private contributions or the County is the only contribution. Mr. Speed said he paid the entry fee himself and then provided receipts to Mr. Davis.

He stated he was dividing the cost between the County and the City of Apalachicola. Commissioner Watson asked if Parks & Recreation has this in their budget. Mr. Davis stated they have helped in the past with youth support for different organizations. Mr. Davis reported they recommended Mr. Speed approach the Board and ask for what is needed. He reported since they do not have to provide funds for football then there is some money available. Chairman Massey questioned if this will cause the budget to fall short. Mr. Davis answered no. Commissioner Sanders stated usually when a team needs help they come before the Board and the Board approves the allocation but she does not remember Mr. Speed addressing the Board. Commissioner Sanders asked if they are being funded without the Board knowing about it. Commissioner Sanders stated she does not have any problem with funding them but would like to know how much they have been funded in the past since this is the first time she has heard about this. Mr. Davis said the County paid the registration fees. Mr. Speed explained the most that was paid was \$250.00 and the County paid about 3 times. He reported there were 6 events and the fees were split between the County and the City of Apalachicola. Commissioner Parrish inquired about the request for insurance. Mr. Davis said they provide insurance for traveling teams. Mr. Speed stated he does not want to do this anymore without insurance protection. He explained they do not want to drive cars and that is why he is suggesting renting a van. Mr. Davis said the travel fee was minimum that is why it did not come before the Board. Mr. Speed stated the County helped with 3-4 tournaments and he paid the entry fee and then turned in the receipt to the County. Commissioner Sanders asked if this program is open to all the children of the county. Mr. Speed answered yes. Commissioner Lockley stated he brought this up about having basketball teams. Mr. Speed said they are asking for \$5,000 but if they do not use all of that then it would be returned to the County. Commissioner Parrish stated he needs to submit receipts for reimbursement so they know where the money is going and how it is being spent. Mr. Davis said this was a problem with Finance so they would prefer the registration was sent to the County. Mr. Pierce reported the registration will be easy to track but it will be harder to track transportation expenses. Commissioner Parrish asked if this request is also being split between the City and the County. Mr. Speed answered no and said he will also approach the City of Apalachicola. Mr. Pierce reported there are four major sports in the County- baseball, basketball, soccer and football. He explained in previous years when the team becomes All Stars then the County rewarded them by paying a certain amount of money toward the All Star Tournament. Mr. Pierce discussed the many baseball games that are held in the summer and the funds that are raised for these games. He stated the Board needs to have some control over how many sports events they are sponsoring and how many other groups will approach the Board for support. Mr. Davis reported he can understand this request because in all other sports the County has facilities and equipment that they maintain but for basketball they do not have a gym. Commissioner Lockley stated they do not have a gym or a court to practice on. Mr. Pierce said there is not a league as Mr. Speed is doing this himself. Mr. Pierce asked if there are other coaches. Mr. Speed answered yes, there are other people who work with him. Mr. Moron questioned if there are different teams. Mr. Speed said there are different age groups. Commissioner Sanders reported she does not mind funding them but she is not sure what the City of Apalachicola will provide. She questioned how much they pay now. Mr. Speed estimated the County provided \$600 and the City of Apalachicola provided \$600 last year. Commissioner Sanders reported the County has a policy if a team makes it to State then they receive \$2,500 and if they make it to nationals they get \$5,000 but they have to match it too. She suggested giving \$2,500 today and then see what the City of Apalachicola provides. She said if they do not match the funds then the County can readdress the issue. She reported Mr. Speed will not need to come back before the Board if the City provides the match. **Commissioner Sanders made a motion to provide \$2,500**

out of the Parks & Recreation budget and the County will revisit this situation on the funding of the basketball team if the City does not provide funding. Commissioner Lockley seconded the motion.

Commissioner Sanders explained the County has already budgeted for Parks & Recreation on tournaments and they do not know what will happen with the teams so she does not want to deplete the account. Commissioner Watson asked if this amount is in the budget. Mr. Pierce said there is \$30,000 in the budget. Commissioner Sanders invited any kids who want to play basketball to get in touch with Mr. Speed. Commissioner Watson said this is a good program and he is glad to help. Commissioner Lockley reported Mr. Speed is a retired educator and knows how to keep the kids going in a positive way. Mr. Feifer asked how many children are involved in this program. Mr. Speed answered 30-50 children. Mr. Feifer said this is the first time he has heard about this and he asked if the County is going to break new ground in what they are going to fund. He suggested the Board be cautious about making a new entitlement. He questioned if this is an organization or a private individual. He expressed concern that there are a lot of questions and he has not heard the answers. Commissioner Sanders said this is not an entitlement as they are supporting the youth of Franklin County. Mr. Feifer stated it is great but everyone should be treated the same. Commissioner Lockley stated they asked for this program a long time ago. He said they used to perform at halftime at the school and this is the same program that has been going on. Mr. Davis reported they have been trying to work for years to get this program started and now it can move forward. He said a lot of kids have nothing to do and he appreciates the support. **Motion carried; 5-0.** Commissioner Sanders asked Mr. Speed to keep Commissioner Lockley and Mr. Davis informed on what the City of Apalachicola will fund. Mr. Speed agreed to stay in contact.

Pam Brownell – Emergency Management Director

Action Items:

None

Information Items:

- 1. Franklin County EOC Staff continue to promote our Re-Entry Tag program and encourage all residents to apply for their Re-Entry Tag.**
- 2. EOC Staff is updating our Special Needs Database to verify current information of our Special Needs Residents.**
- 3. EOC Staff Activated to Level 2 – Partial Activation on 02/23/16 11:00 PM to 02/24/16 5:00 AM monitoring the Severe Storm Threat to Franklin County.**
- 4. EOC Staff continue to process applications for the RCMP Grant and construction has begun on approved houses.**
- 5. Pamela Brownell attended the First Annual National Weather Service Integrated Warning Team Partners Workshop on 02/23/16.**
- 6. EOC Staff attended the Severe Weather Briefing Webinar with NOAA regarding the Storm Threat for Franklin County on 02/22/16 and 02/23/16.**
- 7. EOC Staff attended the 2016 COOP Terrorism and Hurricane “Kimo” Exercise Mid Term Planning Meeting Webinar on 02/18/16.**

Commissioner Sanders asked if Mrs. Brownell is attending the hurricane conference. Mrs. Brownell answered yes, in May. She reported some information has been provided to Mr. Moron because the

Governors Conference is for anyone who deals with disasters. She stated there is also training for Mr. Moron and Mrs. Amy for CRS. Chairman Massey asked where the conference is held. Mrs. Brownell answered Orlando. She reported there is also a National Hurricane Conference but they do not attend. She explained they will leave on Mothers' Day and the Governors Conference will be held that week. Commissioner Lockley asked if they are hurricane ready. Mrs. Brownell answered yes. She urged everyone to get together a hurricane plan.

Commissioner Lockley asked about the tags to get back into the County. Mrs. Brownell stated they will set up in Lanark Village and try to get the re-entry tags issued. She said the re-entry tags are on the County website and you can also sign up for nixol which is an emergency notification system. She reported it can't pinpoint the area but will send an email or alert and it is a free service. She informed the Board the state is in the process of taking bids for a mass notification system so everyone will be on the same system.

Erik Lovestrand – Extension Office Director

Mr. Moron stated Mr. Lovestrand sent an email that he would not be present today.

Franklin County Extension Activities February 17, 2016 – March 1, 2016 **UF/IFAS Extension Faculty have been involved in the following Extension activities this period.**

General Extension Activities:

- **Extension Director provided a shiitake mushroom growing class for nine participants on a Saturday.**
- **Extension Director participated in a Natural Resources Management in-service training at UF's Austin Carey Forest near Gainesville.**
- **Extension Director assisted with a Florida Master Naturalist "special topics" workshop along with Leon County Extension Faculty. Topic was on Habitat Evaluation.**
- **Recruitment for new Extension Office Manager/Program Assistant closed on February 26. Evaluation of the 15+ applications received is taking place now.**
- **Extension Director assisted with a regional workshop that focused on the ecology and management issues associated with the Wakulla Springshed area. Workshop was hosted through collaborative efforts of several Natural Resource Agents in the NW Extension District.**

Sea Grant Extension:

- **Extension Director met with regional Sea Grant agents in Gulf and Bay Counties, along with Florida Sea Grant Assoc. Director to discuss collaborative efforts for Extension.**
- **Helped coordinate monthly NW District Sea Grant Agent conference call for District-wide collaboration.**

4-H Youth Development:

- **Franklin County had three 4-H members participate in the "Teen Leadership Retreat" event at Camp Cherry Lake.**

Family Consumer Sciences:

- **Family Nutrition Program Assistant continuing to implement in-school curriculum in Franklin County classrooms.**

Agriculture/Horticulture:

- **Extension Staff assisted citizens with soil test kit and information regarding fertilizing.**
- **Extension Director provided diagnostic assistance for local landscape plant issues and pond management questions.**

Mr. Alex Quintana, Congresswoman Gwen Graham's Office, appeared before the Board. Chairman Massey asked if they have heard anything about the Eastpoint Channel because it needs to be dredged. Commissioner Sanders reported every day people are contacting them about the Eastpoint Channel and every time they ask him he says that Congresswoman Graham is working on it. Mr. Quintana stated he has not been briefed on any updates about the Channel. Commissioner Sanders asked Mr. Quintana to relay to Congresswoman Graham that they need to have someone here that has some answers. She explained the Channel is important to the economy of the County. She reported the funding for this project was allocated more than once and then taken away. Chairman Massey said the boats can barely get out of the channel and are running aground. Commissioner Sanders reported the County has the permit and needs the funding. Mr. Quintana agreed to relay the message. Commissioner Lockley said the State and federal government are spending money on re-shelling the bay but the boats are locked in and it is getting worse every day. Chairman Massey asked Mr. Quintana to find out the information for the Board.

Recessed at 9:50 a.m.

Reconvened at 10:00 a.m.

Open RFPs – County Court Probation Services

Mr. Pierce and Mr. Moron opened the RFP's for the County Court Probation Services, as follows:

Panhandle Probation Services, LLC	Panama City, FL
East Coast Court Services	Crawfordville, FL
Professional Probation Services	Norcross, GA

Attorney Shuler recommended the Board appoint a three person committee to review the proposals. He suggested Mr. Moron, Mr. Pierce and Mr. Mark Curenton as this review committee to evaluate the proposals and rank the proposals 1, 2 and 3. He explained the Board would then make a selection of the number 1 firm and then, according to the statute, the Board would be required to consult with the County Judge and receive his approval for the firm that is selected. **On motion by Commissioner Watson, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to appoint the committee of Mr. Moron, Mr. Pierce and Mr. Curenton to review the proposals and present a recommendation to the Board.**

Mr. Moron said he got a telephone call about an entity on St. George Island promoting a male revue

show and wanting to know if there were any restrictions to this type of show. He stated he contacted the individual and sent them a copy of the County Ordinance. He said he informed them any show had to comply with the Ordinance and he never heard back from them. He reported the next call he received was from the Sheriff's Department asking if he had seen the advertisement online. Mr. Moron stated a meeting was conducted with the Sheriff and his team, Chairman Massey and Commissioner Watson as this event was scheduled in his district. He said the Sheriff's Department was going to have a meeting with the sponsors of the show and see if this show would fall under the Ordinance. Mr. Moron explained the Sheriff would make a determination if they needed the registration and permit and if enforcement would take place. Sheriff Mike Mock stated Captain Brad Segree has worked on this matter for the department. He said in speaking with the Sheriff's Association Attorney, it appears they need more teeth in the Ordinance. He stated there are a lot of regulations in the Ordinance but on the advice of his attorney it appears this ordinance is not what is needed to enforce this male revue. He commented Captain Segree is on the way to discuss this issue. Sheriff Mock stated he is not in favor of this type of event. He reported this is what Bay County deals with and part of the problem is what it brings in. He stated he is against this but being against it and being able to enforce it is two different things. Sheriff Mock said he met with Attorney Shuler and Mr. Moron to try and come to a resolution. He stated this puts him in a tough situation. Commissioner Sanders reported several years ago he came before the Board about extra money to help the Bay County Sheriff with spring break. She explained at that time the Board knew it was coming this way and the County needed to get prepared. She asked the Sheriff, in his opinion after speaking with the Sheriff's Association Attorney, what needs to be done to make sure this event does not happen Saturday or any other day in Franklin County. She questioned if there is anything they can do today to keep this from happening. Sheriff Mock stated the Ordinance needs to be stronger and his attorney will be glad to assist. He informed the Board there is another event at Harry A's on the 18th. He stated the County has to come up with a solution and move forward. Chairman Massey asked what they will do if the County shuts down this event. Sheriff Mock reported the Ordinance has to apply and he can only go on what the company is saying will happen. He stated they have informed him the men will be clothed like you would be at the beach in a speedo style. He reported the event was moved outside and the Board needs to address the Ordinance. Commissioner Parrish said the Board can't change the Ordinance in time to stop this event. He questioned if officers will be there in case they do not comply with the ordinance. Sheriff Mock stated this is being discussed. Commissioner Parrish asked if the Sheriff has the ability to enforce the Ordinance. Sheriff Mock said absolutely. He reported they have to go on what they are being told will happen but if they strip down and are nude then it is a crime and an arrest can be made. Commissioner Parrish stated the Board will need to look into strengthening the Ordinance so this will never happen again. Sheriff Mock reported this is what he would like to see. Commissioner Sanders said this does not need to happen this time and this is not what we do in Franklin County. Sheriff Mock reported they have been working on this issue for a month and do not need this event here. He explained they have an issue but he has to abide by the law. Chairman Massey said they will sue the Board if they try to shut them down. **Commissioner Lockley made a motion to shut them down. Commissioner Sanders seconded the motion.** Attorney Shuler reported the Sheriff is a constitutional officer and the Board does not have the authority to direct him to enforce an Ordinance when he has said, on the advice of his counsel, that he can't enforce the Ordinance. He stated the Board will put the Sheriff in

an impossible situation. He recommended the Board not vote on the motion and withdraw this motion. He explained with the Board's permission he will diligently work with the Sheriff's attorney to make sure the Ordinance is strengthened to give the Sheriff the tools he needs to do the job he wants to do. Commissioner Sanders said they are here to protect the health, safety and welfare of the people of Franklin County. She stated she is a God fearing woman, knows his laws and rules and answers to God. She stated she will not rescind her second. Commissioner Parrish asked what action Attorney Shuler will take if they vote to shut down the event. Attorney Shuler reported there is no action the County can take. He explained the Ordinance addresses a criminal offense if the Ordinance is violated and the County Commission does not enforce criminal penalties as it is exclusively the providence of the Sheriff. He said if the Sheriff thinks a violation has occurred he will investigate and make an arrest. Chairman Massey asked how they can be shut down. Attorney Shuler explained the Ordinance only has a criminal penalty and the only person who has the ability to arrest is duly sworn and certified law enforcement officials. Attorney Shuler commented there is nothing he can do on the Board's behalf to go arrest someone and shut them down. He reported the Sheriff's attorney has advised him that he cannot enforce this ordinance. Commissioner Parrish questioned if there is any court action the Board can take. Commissioner Sanders asked if the Board can get an injunction. Attorney Shuler stated the Board will not be successful with an injunction as the only penalties in the Ordinance are criminal. Attorney Shuler said the Ordinance needs to be corrected for this type of event. Commissioner Sanders reported the best thing would be if the people who organized this event would not go through with it. Attorney Shuler said he has looked at ordinances from other counties and Franklin County does have an ordinance that is strong and enforceable about not allowing any nudity in public and is consistent with other ordinances. Attorney Shuler stated Ms. Kristy Banks is their attorney and the Ordinance, which was written 20 years ago, regulates events occurring indoors. Sheriff Mock agreed this is the issue. Attorney Shuler explained their attorney has found a loophole and the County is crunched for time. He said the County would not have issued a license for this event as it did not meet the terms of the Ordinance. He stated they have restructured the event to an outdoor event which is outside of the purview of the Ordinance. Attorney Shuler explained the Board needs to undertake the process to update the Ordinance to address outdoor events so they are also required to obtain a license. Commissioner Sanders said she remembers when this Ordinance was written and it was for exactly the same thing over on St. George Island in 1998. Chairman Massey stated people do not want this event to happen. Attorney Shuler explained if action was taken it would not be to sue the people holding the event. He went on to say they would sue the Sheriff under a writ of mandamus to make him go do something that he has told The Board he cannot do. Sheriff Mock stated if the Board takes this action then he will do it. Commissioner Sanders inquired if they make a motion to do it, will the Sheriff enforce it. Sheriff Mock answered absolutely. Mrs. Kristy Banks, Attorney at Law, stated the language is very clear and concise about activities that are subject to the Ordinance. She reported the entertainment contracted by her client is with a professional firm and the attire being worn is similar to what is being worn on a public beach. She explained the remedy is to follow the rule of law. She stated if the Board wants to guarantee these types of activities do not occur in Franklin County then they need to take action to amend the existing ordinance. She questioned why the Board has not taken action if they saw this coming for many years. She stated the action to take is to amend the Ordinance to prohibit certain activities. She suggested the Board consult with their attorney, provide notice and conduct public hearings, and amend the ordinance. Mrs. Banks said the language in the current Ordinance does not apply to this event. Attorney Shuler questioned if she felt the issue is the event

being held outside. Mrs. Banks answered the Ordinance specifically addresses the types of venues that must apply for the license so it seems to her that if the event is being held in a place that does not fall into these categories in the existing Ordinance then the public decency statutes would apply. She said whatever would be a violation of the public decency law on the public beach would be the same at this event as it takes place outside. Mrs. Banks stated the other issue is the ordinance specifically defines what constitutes nude entertainment and adult entertainment establishments. Mrs. Banks explained as long as there is no exposure of the anatomical areas specified in the current Ordinance then there will be no ability to make an arrest as the activity taking place does not violate the Ordinance. She reported they hope law enforcement will be visible. Mrs. Banks stated her client met with a representative of the Sheriff's Department and he understands the Sheriff's Department will probably have officers here. She said the Board has the assurance the Sheriff will do his job. She explained if someone violates the Ordinance then she thinks that person will be immediately arrested. She reported so long as an individual at a commercial venture plans an activity that does not violate the Ordinance then they have done nothing to break the law. Chairman Massey asked if they had to have a permit within 30 days of the event. Mrs. Banks stated if the activity you plan falls within the categories of the Ordinance, then they would need to apply for a permit. Chairman Massey reported his understanding is they would need a permit. Attorney Shuler stated a permit would be required 30 days before the event but they found a loophole because the event was held outdoors. Attorney Shuler asked Sheriff Mock if this is his attorney's opinion. He said he is trying to identify and close the loophole. Sheriff Mock commented he is not sure this is the only loophole. Chairman Massey said they found out they did not need a permit if they moved the event outside so they moved the event. Attorney Shuler agreed this is correct. Commissioner Parrish questioned if this is stated in the Ordinance. Attorney Shuler answered yes but the defined locations are inside commercial establishments and there is no reference to outdoor events. Commissioner Watson asked if entertainment like this can be prohibited and does the Board have the authority in the Ordinance to prohibit it. Attorney Shuler answered no because there are federal constitutional protections that are provided by the First Amendment for certain expressions of art. He explained the County can regulate the events. He said other counties do not ban the events they just regulate the activity. He stated the County can ban nudity but not the artistic expression of dance or things of this nature. Commissioner Parrish questioned if individuals have certain federal protections. Attorney Shuler said the federal protections are built into our Ordinance and the other ordinances he has reviewed but he has only been working on this issue for a week or so. He described the ways to regulate these events. He stated most of these items are in the current Ordinance but only address inside events and the Board can amend the Ordinance to include these items for outside events. Commissioner Parrish said he is not in favor of this event and this is not how he was raised. He explained when you don't comply with federal law and start infringing on peoples' rights then you will cost the taxpayers a lot of money. He stated when steps are taken the Board needs to take into consideration what is in the best interest of the taxpayers. He said the Board has a duty to protect people's rights and do not want to discriminate against peoples' rights. Commissioner Parrish said he believes the Ordinances needs to be tightened up and they are relying on Attorney Shuler and Sheriff Mock to handle this matter. Chairman Massey suggested they shut them down with a revival. Mrs. Banks informed the Board her clients live on St. George Island and own and operate two businesses. She said they employ quite a few people and the event was originally planned for outdoors. She explained the event has been contracted and deposits have been paid. She said tourism is getting

better but these businesses on St. George Island rely heavily on revenues they generate on the weekends. She reported if they had known of the dissatisfaction with the event, they would not have booked it. She said they booked it based on an understanding it would not violate the current Ordinance. Mr. Scott Shiver, Youth Pastor at Eastpoint Church of God, presented the flyer for the event and said it looks like false advertisement as this is not the way you would dress on the beach. He stated the Board has heard from the attorneys and they will need to look at addressing this after Saturday. He said the Board has to look at what they have to do within the legal guidelines of the law. He reported this is all about revenue and the owners are going to lose money. He said the citizens of Franklin County have a right to protest and they will out protesting. Mr. Shiver stated the Board should not feel guilty about what they have to do. Mrs. Joyce Estes, owner of a business on St. George Island, said she wishes this would have been addressed last year when the pole dancers came up for consideration. She asked the Board to start on this amendment to the Ordinance right now. She said they do not want the Sheriff to get in trouble. She said the clientele they are attracting to the Island are not the clientele they need. She reported they have lost the clientele with the higher standards and businesses are closing all around her. She said her business is in the hole this year because of the clientele that is coming to the Island. Mrs. Estes said this issue needs to be addressed by TDC and the County Commission. She informed the Board she represents Prayer Awakening and asked the people to stand who are involved with this group. She explained they saw the problems the school was having and did a prayer walk. She said maybe they will do one on these grounds. Mrs. Estes reported they are working with the school board to bring in people who can help with the issues. She stated the Board needs ordinances that will stop this kind of event. She said they need to bring in more wonderful entertainment. Mr. Scottie Lolley, Pastor at Living Waters Assembly of God Church, expressed concern that this is suggesting to children that they do not need to go to school and get an education when they can dance on stage and sell their body to make a living. He reported they need to stand up and oppose this kind of event. He said sex sells and they need to send a message to children that this is wrong. He asked the Board to approve an emergency moratorium on this event until such ordinance can be addressed. Attorney Shuler said the County has to follow the existing ordinance until the ordinance is amended. He stated the Ordinance prohibits public nudity and regulates the venues where these activities can be conducted. He said the problem is the ordinance does not address outdoor events. Attorney Shuler explained he needs to talk with the attorney for the Sheriff's Association to amend this ordinance. Attorney Shuler informed the Board he is not aware of any way to shut them down and he would not recommend the Board put themselves or the public treasury in this type of risk. Commissioner Parrish said the public nudity section still applies whether the event is inside or outside. Attorney Shuler answered yes. Commissioner Parrish stated the County needs enforcement of this section via the Sheriff. Sheriff Mock stated his Department will enforce that part. Attorney Shuler said the public needs to be aware the Ordinance also has a prohibition against an entry fee and payment for dances. He explained enforcement is in the hands of the Sheriff. Commissioner Lockley asked if this location is fenced in. Sheriff Mock answered yes. Mr. John Cadriel, owner of the Black Marlin, said the entertainment company is a professional company that deals with enforcing codes, laws, rules and regulations. He reported they operate in other counties and were sent a copy of the regulations. He stated most tips will be thrown on a stage and the stage will be set up 3-4 feet higher than the public. He went on to say security guards will be standing at the front entry to make sure no one attempts to remove any garments while they are dancing. He said tipping can be on the side of the hips. Commissioner Sanders read the tipping section from the ordinance. Attorney Shuler reported tips

cannot be handed to the dancers. Commissioner Sanders explained when they talk about federal rights they are referencing artistic behaviors but it did not talk about being compensated with money. Commissioner Sanders reported the Chili Cook-off will be tarnished by this event and people will not come out like they usually do. She stated we are God fearing, bible toting people and believe in higher standards. She reported we do not have things like this in Franklin County and if their business is doing bad then they should find something that is complimentary to the community. Mr. Cadriel said if they had known how people felt they would not have done this. He explained he asked locals and his clients and they were in favor of it as long as it was clean. He reported individuals have to be 21 years of age or older to get into this establishment. He informed the Board he would never do this again and do not want to offend anyone. Mr. Cadriel informed the Board he attended private Catholic school and abides by God's laws also. He said they also support the churches and community as much as they can. He reported they scheduled this event to bring in more money and to help Mr. Jay Abbott with the fire department. He stated his intent was not to offend anyone. Commissioner Sanders questioned what the thoughts are of the Chili-Cook-off Board and Mr. Abbott. Mr. Casteil stated when he talked with Mr. Abbott he asked if they had reviewed the ordinance about what they could or could not do. Mr. Casteil said this is the first thing they did. Mr. Casteil said Mr. Abbott told him he could not break any laws but he was for it because it would generate more money for him. He reminded the Board individuals have to be 21 years of age to get into their establishment and it will be up to adults whether they want to attend or not. Chairman Massey questioned if Mr. Abbott said he was for this event. Mr. Casteil stated Mr. Abbott was not against it or for it, but said it was their option. Commissioner Lockley questioned if people walking can see this event if it is up on a stage. Mr. Casteil described the property and said they have a 12 foot fence. He stated they are surrounded by private property and that will be used for parking. He reported the back end of the stage has also been enclosed so no one can see in. Mr. Themo Patriotis, Pastor at United Methodist Church, said this is offensive to the community of faith. He stated if the Board can't take action against this event then they need to take action to speak to future events. Mr. Patriotis reported this event opens an opportunity to come together and speak as to what we say and who we are as residents of Franklin County. Mr. Patriotis read the advertisement for the event. He said this event is offensive and questioned who we are attracting if we become a sexual tourist destination area. He stated over 250,000 people are involved in sexual trafficking and slavery. Mr. Patriotis discussed the cost of sexual addiction and reported this is what fractures families. He stated if the Board can't say no today then they better be able to say no to them tomorrow. Ms. Mary Jean Lykes, a resident of Alligator Point, informed the Board she called Mr. Abbott and he is not supporting this event. Mr. Larry Sterling, Pastor at Eastpoint Church of God, reported a lot of the issues are about economic issues with the bay and businesses are looking for another way to generate revenue but this is not the direction we want to go. He said the County needs to set a vision of where they are going and then carry this message through tourism. He reported they need to have a vision for the school system. Mr. Sterling said as a community they will stand behind them to help and encourage to do what is right but also will hold them accountable. He stated they need to dream of what the community can be and what do we want it to look like. He said he was so proud to show people where he lived and that Franklin County had the #3 beach. Mr. Sterling explained this will not last if we go down this path. He reported the County has been caught off guard by this but now they know how they want to go forward. He stated our country is fractured with sexual trafficking and what is being done to our children is horrific. He encouraged the Board to go forward and keep this a family value community. Mrs. Doris Shiver Gibbs, a resident of Apalachicola, said it sounds like the County is at a

standstill as the ordinance allows this event. She urged the Board to take action today to make a time and start advertising for a new ordinance. She reported for 28 years she traveled the state as the Franklin County Supervisor of Elections and she was always proud of the area. She stated this business could have brought in a band to generate revenue. She questioned how they will monitor the identification of the individuals entering their establishment. Mrs. Gibbs informed the Board if they do not take action immediately this will continue. She reported Franklin County is a family oriented county and TDC needs to make sure their ads are promoting bringing families. Ms. Dottie Thornberg, a resident of St. George Island, said they love having the restaurants but do not agree with this event. She said anyone that wants to picket needs to be aware this event is Friday night not Saturday. Chairman Massey agreed the Board has to get the ordinance amended so this can't happen anymore. Mr. Billy Rogers, County Probation Officer, said he lives in Bay County and they do not want what is happening there. He stated they have destroyed Bay County and Franklin County has a family atmosphere and they want to protect it. He advised the Board when this type of activity starts it is almost impossible to get rid of and it also brings crime with it and destroys your community. Commissioner Watson thanked the faith community and pastors for attending the meeting and speaking to the Board. He stated he has gotten more calls on this issue than any other issue since he has been on the Commission. He reported they would prohibit the activity if they could but instead they have to achieve a balance. Commissioner Watson said the Sheriff is telling them the Ordinance is unenforceable and the County Attorney saying it needs to be strengthened. He reported he can't support the motion that is on the table now. Commissioner Watson said he would offer an amendment to the motion to immediately publish the hearings to strengthen this Ordinance. He stated Franklin County and St. George Island have been promoted as family friendly and dog friendly and this type of entertainment is not going with the brand they want to promote. He agreed with the pastor who said this provides an opportunity to come together and say what we want. Commissioner Watson stated it is obvious we are unhappy and uncomfortable about having pole dancing, strip clubs and male reviews because it is not who we are. Attorney Shuler reported the motion was to direct the Sheriff to do something he has already said he cannot do and his attorney has told him he cannot do. He informed the Board this is violating the separation of powers between the duties and constitutional privileges of the elected Sheriff and the elected Board of County Commissioners. He explained the Board is the policymakers and have no authority to direct the Sheriff on how to perform constitution duties. He asked the Board to withdraw the motion and the second as they do not have the authority to take this action. Commissioner Sanders stated she is not withdrawing her second. Commissioner Sanders said the motion was not just for the Sheriff but also the County Attorney and County staff whoever it would take to shut them down. Commissioner Lockley agreed. Commissioner Lockley stated he is not taking back his motion. **Motion carried by the following vote:**

AYE: Lockley, Sanders, Massey

NAY: Watson, Parrish

Mr. Patroitis thanked the Board and said if there is legal action against the County he will spearhead a fund to support the County. Mr. Lolley suggested they find out what the business owner has invested that is non-refundable and provide a monetary amount to squash this event. Mr. Shiver said he does not agree with providing the money.

Recessed at 11:17 a.m.

Reconvened at 11:30 a.m.

Commissioner Watson made a motion to start the process to strengthening the Ordinance. Commissioner Lockley seconded the motion. Motion carried; 5-0.

Mr. Pierce informed the Board he did not understand Mr. Speed was starting a basketball league but now he understands the request. Commissioner Sanders reported he needs \$10,000 but the County will give \$2,500 now because we don't do \$5,000 unless you are a national team going to national championships.

Mr. Moron stated there have been some concerns about the Community Development Block Grant (CDBG) that the County has received to rehabilitate houses. He reported they are not able assist with houses that are located within the City of Apalachicola and the City of Carrabelle. He explained there is a misunderstanding that this is a County rule but it is a State and possibly a federal rule. Mr. Moron said Ms. Belcher is here to address these issues. He presented a list of the people who have contacted Ms. Belcher about this program. He also informed the Board the information about the CDBG program is on the website. Ms. Deborah Belcher, Roumelis Planning & Development, appeared before the Board. She explained the State of Florida gets this money from the U.S. Department of Housing and Urban Development (HUD) and they have a competitive process for cities and counties of a certain population to apply for the money. She stated the City of Apalachicola received a grant at the same time as the County and will use their money for sewer projects primarily. Ms. Belcher said she is not sure if the City of Carrabelle applied for a grant. She explained the State of Florida rule which is adopted into the Florida Administrative Code specifically says that counties cannot do housing rehabilitation activities inside cities. Ms. Belcher reported each time they amend the rules they hold public hearings so the next time this matter is up for a rule change they can ask for discretion with HUD to allow counties to work in city limits. She reported there is also a federal law about coastal barrier resources so work cannot be done on the barrier islands except for one area on St. George Island that is not in the protected zone. She said they may not have an income eligible person on St. George Island. Commissioner Lockley questioned if Lanark Village can be included. Ms. Belcher reported only the City of Carrabelle and City of Apalachicola are incorporated so they do not qualify. She informed the Board as soon as she started receiving inquiries she started a list but she may have missed one or two in the beginning. She explained some of these individuals were referrals from Emergency Management. She stated they are working with Ms. Tress Dameron, Emergency Management, and Ms. Lori Switzer, SHIP Program, on some referrals. She said they are coordinating so applicants that did not qualify with them may be addressed under this program. She reported the 4 names in bold on the handout and Mr. Mark Edwards she is going to try and see today. Mr. Moron questioned if this program strictly addresses mobile homes or houses. Ms. Belcher stated the County's CDBG program can assist either site built or manufactured housing. She explained there is a policy that sets limits on how much will be provided to either a mobile home or a house but they did discuss that SHIP does not work on mobile homes. She went on to say the County policy does have a priority system and if they have more qualified applicants than money they would still have to make sure they address 2 in very low range, 3 in low income range and the remaining in the moderate income range. She said the top limit for CDBG is the low range for SHIP. Ms. Belcher stated in order to get the grant they had to agree to provide funds to 2 in the income range of 30% of the area median or less and 3 more in the 50% of area median range income or less and they have to do a

minimum of 10 total. She reported if there are more qualified applicants then there is a policy that says the ones who have not had assistance before are given priority. She explained there are also priority factors for age and disability. Ms. Belcher stated they are screened for income, past assistance and then priority factors. She said the County may need to question SHIP being able to repair mobile homes because she thinks the law has changed. Commissioner Sanders reported they want to expand this program to include mobile homes so more people could get help. She stated they want the program to be inclusive of mobile homes and houses. Ms. Belcher said that is the way the program is structured now. Ms. Belcher said if the County wants to prioritize mobile home over houses because SHIP can't address them then she can come back with a policy edit. Commissioner Parrish said he thought this is what the Board did in the beginning when they discussed applying for the grant. He stated they could build 4 homes or help lot of people with mobile homes as SHIP does not address mobile homes. He said there is only 1 person on this list from Eastpoint and there are a lot of mobile homes in Eastpoint that need some work done. Commissioner Parrish reported there are also a lot of mobile homes in the 2 Mile area of Apalachicola, and outside the incorporated areas of Carrabelle that need help. Commissioner Parrish said his understanding was this grant was to prioritize what the SHIP grant could not do which was mobile homes. Commissioner Parrish reported he is not interested in building 4 new homes when there are hundreds of people who need help. He stated there are not a lot of applications because people do not know the grant is available. He reported this program was also to be inclusive of the whole county. Commissioner Sanders agreed this is also her understanding of what the Board did. Commissioner Watson asked if there is a procedure to receive a waiver to address areas in the city limits. Ms. Belcher reported she has never heard of the State waiving this requirement. Commissioner Parrish said they discussed using the CDBG for unincorporated areas and SHIP for the incorporated areas. Commissioner Parrish reported they were trying to use some of the funds to help in Mr. Lockley's district. Chairman Massey discussed some individuals in his district that need help. Commissioner Sanders reported she remembers the same thing as Commissioner Parrish that SHIP funds were to be leveraged in the incorporated areas of the City of Apalachicola and the City of Carrabelle but specifically Apalachicola. She reported there are homes throughout the county that need to be addressed and that is why they went after this grant. Commissioner Lockley said they did question the city limits and the CDBG funds cannot be used in the city limits. He said SHIP can be used in the city limits but not on mobile homes. Ms. Belcher explained SHIP will not repair a mobile home but could be used to remove the mobile home and build a house. She explained the SHIP program from the beginning could not be used to work on mobile homes. She advised the Board she believes there has been a change in the SHIP program about the prohibition of working on mobile homes but said the Board would need to contact Ms. Switzer about this matter. Ms. Belcher explained if they want to prioritize SHIP inside the City limits then they would need to talk with Ms. Switzer. She stated Ms. Switzer only has one SHIP application now. Ms. Belcher reported they are teaming up and trying to promote housing opportunities. Commissioner Lockley questioned if the City of Apalachicola could do two projects a year. Ms. Belcher answered no and said you can only have one grant with the exception of economic development. She explained there are 4 categories-economic development, housing, commercial revitalization or neighborhood revitalization. She said the City of Apalachicola chose neighborhood revitalization and the County applied for housing. She stated when one grant is finished and closed out then you are eligible to apply again in the next grant cycle. Commissioner Sanders asked what Ms. Belcher needs to address this issue. Ms. Belcher asked for clarification as her understanding is the Board wants to prioritize mobile homes but not exclusively mobile homes. Commissioner Lockley

stated they want to do both. Commissioner Parrish reported he would like to see mobile homes addressed until there are no more applicants and then come back and readdress the policy issue. He expressed concern that some of the homes could be so bad they need to be torn down and then the County could only assist 4 people. He stated they could assist a lot of people with mobile homes who cannot get assistance from SHIP. Commissioner Parrish reported the Board can readdress this issue if they need to but he thinks there will be a lot more applicants when they know the help is out there. He questioned how this program was advertised. Ms. Belcher stated it was advertised in the newspaper. Commissioner Parrish reported he thought Ms. Belcher would have had pages of applicants and he does not think they know the help is available. He said they also want to make sure they address the whole county and not one area. He explained if money is left over then they will go back and look at the houses. Ms. Belcher said they must address a minimum of 10 structures. Commissioner Parrish stated with \$700,000 the County should be able to help a lot of people. Ms. Belcher informed the Board she is just making them aware of who has contacted her so far. She reported an ad was placed in the paper and hopefully the applications will expand. Commissioner Lockley stated the SHIP limit is \$25,000 a house. Commissioner Lockley reported there are also going to be some people with houses that need help and you can't cut them out. Ms. Belcher stated the problem with a house is you must do everything that is needed. She explained they must use the energy star ratings and the standards are higher than what is required by SHIP. Ms. Belcher informed the Board she must do an environmental review of every property if they are going to dig in the ground. Commissioner Parrish discussed page 2 of 6 which limits the amount of CDBG assistance to \$114,000 a home. Ms. Belcher agreed this is the maximum. Commissioner Parrish questioned how someone will meet the income requirements and still be eligible and how are they going to take care of the home after it is built. He said these funds should be spent for people who are not able to provide for themselves such as handicapped, disabled and the elderly, not people who can go to work. Ms. Belcher reported the review process includes priority factors. Ms. Belcher reported they are required to put a limit and this was based on what it would take to provide a home for a family. Mr. Moron asked if the policy is correct based on what the Board wants or does the policy need to be amended. Ms. Belcher stated mobile homes need to be added as a priority factor. **Commissioner Parrish made a motion to prioritize mobile homes. Commissioner Watson seconded the motion. Motion carried; 5-0.** Mr. Moron stated he has been in contact with Ms. Switzer and she may attend the next meeting to work out any issues with the SHIP program.

Adjourned at 11:58 a.m.

Reconvened at 1:00 p.m.

Commissioner Lockley was not present at this time.

Eastpoint Medical Center – Update

Mr. Moron stated they were present but left and will be rescheduled.

Marcia Johnson – Clerk of Courts – Report

Mrs. Johnson did not have a report at this time.

Alan Pierce – RESTORE Coordinator – Report

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

- 1- Inform the Board that I have had several phone calls with US Treasury personnel on topics related to the county's planning grant. Treasury is asking for an amendment to the county-Dewberry contract so that the contract specifically includes references to certain sections of US Treasury codes, and certain sections of the Code of Federal Regulations (CFR). The good news in all this is if the county can comply with US Treasury requests Franklin County will be the first county to get its planning grant approved without any special conditions. Gulf County and Escambia County have their planning grants approved, but they have special conditions which prohibit them from drawing down any money from the grant. At this time, Treasury is on a time line to approve Franklin County's planning grant on April 1.

Mr. Pierce said approval could slip back and if it does it would be in 30 day increments so it would be May 1st. He reported U.S. Treasury said if you do what we ask then you can start working on your planning grant. Mr. Pierce stated Attorney Shuler and the Dewberry attorneys are looking at some contractual language that was sent down. Commissioner Sanders said she appreciates Dewberry presenting information to the Board but they didn't really tell the Board anything so they need to provide more detailed information about Franklin County and Restore. Mr. Pierce said more information will be provided when they get paid.

- 2- After my discussions with Treasury I realized that the summary minutes of the June 15, 2015 Board meeting need to include some additional information. The current summary minutes has a motion by the Board to enter into negotiations with Dewberry, with no recommendation from staff. Ms. Lori Hines, Board secretary, has listened to the tape of the June 15 meeting and I say on the tape, "Staff recommends you enter into negotiations with Dewberry." In order to provide a record that someone reviewed and recommended Dewberry the minutes need to be amended to reflect that statement I made. I have discussed this with the County Attorney and he and I recommend that the Board make a motion to amend the June 15, 2015 Board minutes to reflect the statement I made on the tape. Board action.

Commissioner Parrish made a motion to amend the June 15, 2015 Board minutes to reflect that "Mr. Pierce said staff recommends you enter into negotiations with Dewberry". Commissioner Watson seconded the motion. Motion carried; 4-0.

- 3- Inform the Board that I attended a final meeting yesterday, Monday, in Niceville for the 8 counties to go over their presentation to the TRIUMPH Board. The next TRIUMPH Board meeting is scheduled to be in Panama City, but events of yesterday in Tallahassee may change what happens with TRIUMPH. Yesterday the incoming Speaker of the House, a Rep. Richard Corcoran, New Port Richey, announced that the legislation that would put \$300M of money into the TRIUMPH fund for the 8 impacted counties would not be considered during this session. This means that while the legislation that set up TRIUMPH is still in place, this legislative session is not going to put any money to go into it. This is a significant setback for the 8 impacted counties. I was on a teleconference yesterday afternoon at 5 PM with Mr. Bill

Williams, Santa Rosa County RESTORE Coordinator, and Rep. Bloxsham (sp?), who represents Santa Rosa County. Rep. Bloxsham has asked for a meeting with the incoming speaker, Rep. Corocan, so that Mr. Corocan can explain to representatives from the 8 counties why he chose not to allow funding legislation to pass this year. Rep. Bloxsham believes the meeting with Mr. Corocan will occur before the session ends, but there is no date yet set. Board action to appoint a commissioner to attend this meeting on behalf of the Board.

Mr. Pierce reported they can only send one Board member and Commissioner Sanders is the Restore appointee. **Commissioner Parrish made a motion to send Commissioner Sanders to this meeting. Commissioner Watson seconded the motion. Motion carried; 4-0.**

Mr. Williams would also like to have someone from Franklin County representing some industry at the meeting, because Mr. Williams feels the Rep. Corocan will be more sensitive to the loss of jobs associated with the loss of TRIUMPH funds than he will be about hearing from county commissioners. Board discussion of an industry/private sector representative.

Commissioner Parrish stated the Triumph Board was created to establish diversity among the coastal counties affected by the oil spill. He explained the idea of the Triumph Board is being lost and they need to send a message that it is being lost. He reported it was created to establish diversity in the economies of the local communities. Commissioner Parrish stated now it is a battle over money and not about how to rebuild the local communities. Commissioner Parrish reported this Representative is from New Port Richey and this leads back to the fight going on in the Consortium and the 15 disproportional counties. He said the Pot #3 money and the Triumph fund were to help strengthen these coastal communities.

Please be aware that this meeting could be called at the very last minute, as I personally do not think Rep. Corocan has much to gain by meeting with reps from the 8 counties. He said yesterday that he felt the issue of TRIUMPH was so important he wants it voted on by the full legislature, which is a signal to me that he is trying to put the money in front of a larger group where N. Florida will lose the battle. The other victory Rep. Corocan is hoping to attain, in my opinion, is by delaying TRIUMPH he hopes that RESTORE money will be flowing into the 8 counties by then so that there will be other activities to distract attention away from TRIUMPH.

Commissioner Watson stated Senator Gaetz is trying hard on our behalf. He reported this is the last 8 days of the Legislative session and the House and the Senate have to agree so things may change.

Commissioner Lockley entered the meeting at this time.

Mr. Pierce stated he does not think a meeting will be scheduled if there are only 8 days left in the session. Commissioner Watson asked if there is a business person who could attend this meeting. Commissioner Parrish said he is not sure what industry that represents a lot of jobs could show that the loss of Triumph funds would affect them when the County has not been able to see the benefits of any Triumph funds. Commissioner Sanders suggested sending Mr. Pierce because he is aware of the economic status of the County. Commissioner Parrish reported Triumph funds could have been requested and they could have used some of the Restore money to provide the match. He stated the

County is being denied an opportunity if Triumph is not funded. He said they need to relay this message of what the intention was of Triumph and what the County was looking forward to doing with some of these funds. Commissioner Sanders said she is skeptical you will even get a meeting this late in the Session. Commissioner Parrish made a motion to write the Governor on the points he spoke about on Triumph was established for and send a copy of the letter to the Legislative Delegation to let them know they are aware of what is happening, the potential change to the legislation, the non-funding of the legislation and the detrimental effects it could have on these coastal communities. Commissioner Sanders seconded the motion. Motion carried; 5-0.

- 4- Board direction on participation in a strategic planning session for Opportunity Florida. On Friday, March 4, Mr. Jim Brook, Opportunity Florida executive director, announced a planning session for the 9 counties that are in the Opportunity Florida service area. Franklin County is in the service area, but we are not a dues paying member. As the Board's representative I have already attended a similar planning session in Niceville for the 12 counties in the Florida's Great Northwest (FGN) service area. Franklin County is not a dues paying member of that group either. It is my opinion that both Opportunity Florida and FGN are attempting to become the lead economic development agency for the Panhandle. Unless the Board plans to begin paying dues to Opportunity Florida it is probably inappropriate to send a representative to a strategic planning session, but the county has been invited.

I attended the FGN planning session because it developed out of the meetings of the 8 impacted counties that FGN was sponsoring. Gulf and Wakulla attended the FGN planning session for the same reason I did, to make sure the presentation in front of TRIUMPH was from the 8 impacted counties and not some larger group.

Commissioner Sanders stated until we see more productive stuff that benefits Franklin County, she is not in favor of paying dues to Opportunity Florida. Mr. Pierce agreed their only exercise has been on the I-10 corridor and there has been no benefit to Franklin County. Commissioner Parrish stated it appears Opportunity Florida and Florida's Great Northwest (FGN) is doing the same thing. Mr. Pierce said FGN is really counting on Triumph funding to help them out and to do some overall planning for the 12 counties which includes the Opportunity Florida area. Mr. Pierce said Opportunity Florida only represents 9 counties. Commissioner Sanders reported Opportunity Florida is 8 counties. Commissioner Parrish questioned if both of these groups are trying to get funding to help non coastal communities. Mr. Pierce agreed this is their goal. Commissioner Parrish said both of these groups are trying to hold planning sessions to use up the Triumph Funds that were set up to help the 8 coastal communities impacted by the Deep Water Horizon Oil Spill and there is no Triumph funding.

Michael Morón – County Coordinator – Report

1. Inform the Board the that House of Representatives rejected the amendment to the Statuary Hall bill that would call for the replacement of both of Florida's statues currently on display in the US Capitol in Washington D.C. and instead stuck with the Senate version of the legislation which will implement a process to consider nominations to replace Gen. Edmund Kirby Smith but keep Dr. John Gorrie. Final action on the bill was on Wednesday February 24th and passed

without objection.

2. Inform the Board that the House Local and Federal Affairs committee amended HB 1015. In its original form HB 1015 included language that would place limits on the adoption of local millage rates that local municipalities and counties must adhere to regarding setting millage rates. All of the objectionable provisions that would have changed the current procedures were amended out.
3. Board action to award the CR 370 Revetment Project to Coastline Clearing & Development. Clay Smallwood of Preble-Rish reviewed all of the RFPs and recommended Coastline Clearing and Development as the lowest responsive bidder. Board action.

Commissioner Lockley made a motion to award the CR370 Revetment Project to Coastline Clearing & Development. Mr. Pierce reported this project is being paid out of FEMA funds. He said the project was planned before the last winter storm so there has been additional significant erosion on Gulf Shore Blvd. and possibly on this site so there may be a change order. He stated now that he has a contractor they will want to strengthen this area with the FEMA funds that are available.

Commissioner Sanders seconded the motion. Motion carried; 5-0. Commissioner Parrish asked who will monitor this project. Mr. Pierce answered Preble-Rish. He reminded the Board this is a repair project. Commissioner Parrish stated he just wants to make sure it is being monitored so the County does not end up in a lawsuit. Commissioner Sanders reported they do not want any stop work orders from DEP. Mr. Pierce said the County has a permit for this work.

4. Board action to advertise for RFPs for the Carrabelle Beach Park Bathroom renovation project. Previously the Board directed me to have the architect, Doug Shuler, look at the roof and the electrical system and determine if improvements are needed before advertising for bids. His report and recommendations are attached and will be included with the original plans when advertising.

On motion by Commissioner Sanders, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to advertise for RFP's for the Carrabelle Beach Park Bathroom renovation project.

5. Board action to appoint T J Ward and Joseph Strahan to serve on the Planning and Zoning Board to fill the vacant Seafood Worker and Realtor seats. With these appointments, the March 8th Planning and Zoning meeting will proceed as scheduled.

On motion by Commissioner Parrish, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to appoint Mr. T.J. Ward and Mr. Joseph Strahan to the Planning & Zoning Board.

6. Board action to have Attorney Shuler look at a house on 824 W Pine Ave on St. George Island that doesn't meet the County's minimum square footage requirement. Additional information is attached.

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to look at a house on 824 W. Pine Avenue on St. George Island and if there is a violation to take enforcement action to bring them into compliance with the zoning code. Attorney Shuler asked for clarification and inquired if the Board intends him to take enforcement action to bring them into compliance with the zoning code if there is a violation. Commissioner Sanders answered yes and amended her motion to reflect this action.

7. Board action to have Attorney Shuler review a possible Flood Ordinance violation on St. George Island. A business owner, without a permit or commercial site plan review from Planning and Zoning, has placed a storage shed in the critical shoreline and below base flood elevation. Additional information regarding this item is attached.

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to review a possible Flood Ordinance violation on St. George Island and take any enforcement action he deems necessary. Attorney Shuler asked for the address of this property. Mr. Moron agreed to provide the address.

8. Board action to schedule a public hearing to re-zone the Island View property to P-2 Recreational. Now that the county owns the land, the property needs to be rezoned from commercial to a preservation status. Board action.

On motion by Commissioner Lockley, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to schedule a public hearing to re-zone the Island View property to P-2 Recreational.

Additionally, Alan learned from Doug Hattaway, Trust for Public Land, that DEP wants the Island View project to begin the improvements as soon as possible. Doug is still working on the contract between Franklin County and TPL for the management of the construction, but it will be coming soon. Doug says that if all goes well, renovations will start in the fall of 2016.

9. Mr. Terry Posmer has applied to DEP to build a seawall in front of his property located at 1033 Gulf Shore Boulevard. Mr. Posmer's property adjoins 1031 Gulf Shore Boulevard, which is owned by the County, and would like County approval to allow him to extend the seawall, at his expense and liability, in front of the County's lot. Attached is a copy of his request and a map. Board action to have Mr. Shuler contact Mr. Posmer regarding his request and make a recommendation to the Board. Direct Attorney Shuler to contact Mr. Posmer regarding his request and make a recommendation to the board.

Commissioner Parrish made a motion to direct Attorney Shuler to contact Mr. Posmer regarding the request and make a recommendation to the Board. Commissioner Sanders seconded the motion. Mr. Burt Bolt stated he lives at 1039 Gulf Shore Blvd. which is west of this address. He informed the Board there has been no public opportunity to look at this proposal. He explained this seawall is interfering with the biology of the entire ecosystem. He reminded the Board Gulf Shore Blvd. is a hyper critical erosion area and he would be opposed to any seawall that will impair the other lot owners including his in the area. Commissioner Lockley asked if this seawall will throw the water

toward Mr. Bolt's property. Mr. Bolt reported typically seawalls will erode properties lateral of the seawall. Mr. Bolt stated his other property is a perfect example at 1025 Gulf Shore Blvd. He explained his neighbor to the west had to have a seawall to protect his home and his property is a result of the erosion and has receded almost to the street edge of Gulf Shore Blvd. and is completely unbuildable now. Mr. Moron clarified that he is not asking for approval of the seawall only asking Attorney Shuler to look at this request and come back with a recommendation. Mr. Bolt said he just wanted to provide additional information and facts. Commissioner Sanders said according to the email they received on their I-pads he is in the process of applying to DEP to build a seawall across his property to the property owned by the County. Commissioner Sanders reported he just wants the County to say they don't have a problem with him building a seawall on the County property. Mr. Moron stated the reason the County got the property is because the lady that owned it applied for a permit and could not get it. Mr. Pierce reported DEP will not approve a seawall to protect a vacant lot. He stated if there is home then DEP knows you have an investment and there is a reason to have a seawall. Mr. Bolt said this property the County got also eroded due to a seawall immediately east of the lot line. Mr. Pierce agreed and said at some point these two lots will become an island. Mr. Pierce said he went out to the site and this request may not be successful as their seawall is already failing. Commissioner Parrish asked what people can do. Mr. Pierce said they lose their house. Mr. Pierce discussed the erosion in this area and stated he is not sure anything can be done. Chairman Massey said it is shallow out for a long way in front of this property. Commissioner Sanders referenced the map sent in the email and the location of the property. Mr. Pierce pointed out the location of the County property and the property owned by Mr. Posmer. Mr. Bolt stated he had a home but it eroded to the point it was unrepairable. He reported he lives full time at 1039 Gulf Shore Blvd. which is west of this issue. He said they are looking into the potential of beach renourishment or a reef barrier. Commissioner Parrish stated they tried beach nourishment once but the people voted against it. **Motion carried; 5-0.**

10. Board action authorizing the Chairman's signature on a Resolution for a FWC Florida Boating Improvement grant for the Old Ferry Dock Boat Ramp. The County applied for this grant last year but wasn't ranked high enough. Mr. Curenton is reapplying for this grant and is seeking letters of support from the community. A copy of the Resolution is attached.

On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to authorize the Chairman's signature on the Resolution, as follows:

RESOLUTION
FRANKLIN COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

WHEREAS, a public boat ramp has existed at the western end of Old Ferry Dock Road in Eastpoint for a number of years, and

WHEREAS, this boat ramp was last renovated by Franklin County in 1985, and

WHEREAS, the existing boat ramp has reached the end of its useful life, and

WHEREAS, this boat ramp is heavily used, especially by commercial crabbers and oystermen, and

WHEREAS, maintaining the functionality of this boat ramp is essential to maintaining a viable commercial crab and oyster industry in Franklin County,

NOW, THEREFORE, BE IT RESOLVED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS that the Board does support the grant application to the Florida Boating Improvement Program to design renovations to the Old Ferry Dock Boat Ramp. The Board also authorizes Mark C. Curenton, County Planner, to act as Project Manager for this project, and he has the authority to apply for and administer the grant on behalf of the Franklin County Board of County Commissioners.

This Resolution adopted by the Franklin County Board of County Commissioners this 1st day of March 2016.

By: s/William Massey
William Massey, Chairman

ATTEST:

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

Mr. Moron said the more letters of support the County receives, the higher they may score. Commissioner Parrish suggested the Board get letter of support from the Seafood Workers' Association. Mr. Moron stated he spoke with Mr. Shannon Hartsfield yesterday. Commissioner Parrish said the County needs support letters from the business people in the seafood industry from the community of Eastpoint along with people from the other communities.

11. Board action authorizing the Chairman's signature on a State Matching EMS Grant Resolution. The grant is for \$28,493.07. A copy of the Resolution is attached.

On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to authorize the Chairman's signature on a State Matching EMS Grant Resolution, as follows:

RESOLUTION REGARDING

STATE OF FLORIDA EMS GRANT

WHEREAS, The Board of County Commissioners of Franklin County, Florida having met in regular

session this 1st day of March, 2016 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 the 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 Matching Grant in the amount of \$28,493.07.

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 Matching EMS grant application is made a 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 1st day of March, 2016.

By: s/William Massey
William Massey, Chairman

ATTEST:

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

12. Inform the Board that the Weems Construction Manager at Risk Selection and Evaluation Committee met on Wednesday February 24th to discuss the ranking of the firms that submitted proposals. Mr. Mike Cooper will present the Committee's recommendation at the March 15th Board Meeting.

Commissioner Sanders stated she heard about the committee meeting and wanted to know if any interviews were conducted. Mr. Moron reported the Committee ranked the firms and has a recommendation. Commissioner Sanders questioned if the top three firms ranked will be submitted. Mr. Moron stated they decided to present only the number 1 firm to the Board. He explained they discussed this matter and felt interviews would not change the rankings. Commissioner Sanders questioned if any interviews will be held. Mr. Moron answered not from the selection committee.

Commissioner Sanders reported when Weems East was built they took the top 3 firms and the Board interviewed them. She reminded everyone this is a \$10 million bond that will be placed on the citizens for the new hospital. Commissioner Sanders said it would be very prudent to have an interview process. She reported it is the decision of the Board as to who is selected. Mr. Moron questioned if the selection committee would interview the firms or the County Commission. Commissioner Sanders answered the County Commission. She recommended the top 3 firms be interviewed by the Board. Commissioner Parrish asked if the total overall project for the hospital gets bid out or is there a budget and the construction manager at risk tries to complete the project. Attorney Shuler explained the first step is to select the construction manager at risk and then enter into negotiations with the construction manager to establish the guaranteed maximum price. He reported the guaranteed maximum price would not exceed the USDA loan amount. Attorney Shuler explained if they exceed the guarantee maximum price then all the costs to complete the hospital come out of their pocket. He stated if they come in under budget then they receive a bonus. Commissioner Parrish questioned if this project will be bid out. Attorney Shuler explained each item will be bid out when the construction process starts. **On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to have the evaluation and selection committee submit to the County Commission the top three companies, come back with us on that recommendation and set up a time and date that we can do the interview process and go from there and the selection will be done from there.** Commissioner Lockley agreed this is how it was done on Weems East.

13. I received a request from Ms. Elizabeth Gosnell, President of Rock by the Sea, to extend Harry A's operating hours to 2am on May 12th. Rock by the Sea is a 501c3 designated Florida Not-For-Profit corporation and as stated in her request, has supported mostly but not exclusively, local, state, and national children charities. Rock by the Sea 10, which will be a 4 night music festival, will be held at Harry A's on St George Island, and because of the amount of bands that are attending this event, some traveling as far as from the West Coast, Ms. Gosnell is asking the Board to allow Harry A's to stay open until 2:00 AM on Thursday May 12th, 2016. Based on the County's Ordinance 89-14, Harry A's is allowed to stay open until 2:00 AM on Friday and Saturday May 13th & 14th. A copy of Ms. Gosnell's request and Ordinance 89-14 are attached. Board discussion and action.

Commissioner Watson reported this Festival has been at St. George Island for 8 of the last 10 years it has been going on. He said there are attendees from 37 states and the event is sold out this year. He reported there is a great number of bands coming in that were from the original festival 10 years ago. **Commissioner Watson made a motion to allow Harry A's to stay open until 2:00 a.m. on Thursday, May 12, 2016. Commissioner Sanders seconded the motion.** Commissioner Lockley asked if there has been any objection. Mr. Moron said there has not been any opportunity for objections but if he receives any objection he will let the Board know. **Motion carried; 5-0.**

14. Inform the Board that the substantial inspection of the Armory renovation project will be on Monday March 7th. At the substantial inspection a final "punch list" will be created for the contractor and then a final inspection will be scheduled after those items are addressed. The inlets for the drainage project should be delivered towards the end of this week and then that project should be completed within a few weeks, providing there are no unknown issues.

Mr. Moron stated the project will be completed by the end of March. He said Mr. Curenton is working on another grant for the armory. Mr. Pierce stated they will know at the end of the Legislative session whether they will receive funds from Historic Preservation for the flooring. Commissioner Watson reported the County is on the list for funding and the amount is \$180,000 for flooring and painting. He stated the project for the World War II Museum did not make the list. He said they had requested funding for display cases. Commissioner Watson stated he has attended several events at the Armory and what has been done there is great.

15. Remind the Board that a total of 3 projects, two for the Small County Outreach Program (SCOP) and one for the County Incentive Grant Program (CIGP), will have to be submitted at the March 15 meeting. Last year the County submitted Hickory Dip, the first few miles of C-30, and an area on Highway 67.
16. County Staff has been informed that construction on the ground storage water tank for St. George Island Water Management has been completed. There is still a DEP testing phase that the system is undergoing, but when the tank goes on-line the total water storage capacity on St. George Island will be approximately 1 Million gallons, as the existing storage tanks will continue to be used. The St. George Island water storage capacity will be the largest of all the water systems in the county.

T. Michael Shuler – County Attorney – Report

Attorney Shuler presented the Consent Agreement for the TDC grant agreement with Camp Gordon Johnston. He said this agreement comes with a joint recommendation from both TDC and Camp Gordon Johnston of the contract that he has approved. He recommended the Board approve this Contract Agreement and authorize the Chairman to sign. He said this is \$250,000 in TDC grant funding for the construction of the new museum on the Highway 98 location just north of the Carrabelle Beach Park. He explained the Board has previously approved the funds but has not seen the contract before. Commissioner Parrish asked if he recommended approval. Attorney Shuler answered yes. He explained it is a very lengthy document and the first time the County has provided TDC funds for the construction of a capital expense. He stated the contract is detailed and limits the size and scope of the project to about a 4000 square foot building. He said the County's money will not exceed \$250,000 unless all parties come back to the table and agree and will be limited to the bricks and mortar. He stated the County will have a reversionary interest in the property in the event for some reason Camp Gordon Johnston ceases to operate as a museum open to the public. He explained the building would revert to the County and the museum exhibits would be transferred over to some other organization. Attorney Shuler said this Agreement has been reviewed by the TDC Board and the Camp Gordon Johnston organization. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the Agreement with Camp Gordon Johnston and authorize the Chairman to sign the Agreement.**

Attorney Shuler brought into discussion the agreement with Adams Consulting Group for Phase II construction at Weems Hospital. He explained this contract is necessary to move forward with the Board's approval toward construction of the new hospital. He stated Mr. Larry Throneberry and Mr.

Nick Hill from Adams Consulting Group are present to address the Board. Attorney Shuler stated USDA and Mr. Cooper have reviewed the contract and approved it and recommends approval. Mr. Hill said he is the official project manager and will be representing the Board and the Hospital throughout the construction process. He stated they have been involved with this project since 2009 and with USDA since they first started talking about receiving the bond from them and funds from them. He said they will represent the County and the Hospital in dealings with the contractor and the architect. Mr. Hill discussed the contract and said he will document everything and attend periodic meetings (weekly or bi-weekly) to make sure the project stays on track. He said he will document all decisions and throughout the design he will make sure full approval and buy in is there from the Hospital, staff at the Hospital, and the County. Mr. Hill said when the Construction Manager is on board then they will manage the budget. Mr. Hill stated during construction he will be there to review any change orders if there are any. He said they have extensive knowledge in hospital construction and they understand the process. Mr. Hill explained up until now they have had a program management contract which was to determine what the needs were, how to get the project started, and how the funds were going to come about. He reported now going forward they will have a project management contract for the construction of the project. He explained their entire fee along with reimbursables is all part of the overall budget that has gone to USDA. Attorney Shuler asked Mr. Hill to explain what that means. Mr. Hill stated there is \$10 million for the overall budget and there is a line item in that budget for their services as project manager and a separate line item for their reimbursables. He said the funding to pay their services come out of the loan from USDA. Attorney Shuler explained if the contract is approved then the County incurs the costs up front and then get reimbursed from USDA and puts the money back into the Hospital fund. Attorney Shuler stated one of the additions and corrections he made to the contract was the firm would be complying with the travel policy adopted by the County in 2012, and Mr. Mike Cooper would be pre-approving any travel they would need to perform the contract. Commissioner Lockley asked how long it will take to build the hospital when it gets started. Mr. Hill answered the actual construction is 12 months in the current plan but once they get the Construction Management on board and more design then they will get a more detailed scheduled. Mr. Hill said the overall budget has a construction line item for 12 months once they start construction. Commissioner Watson asked after the construction manager is chosen, how long it will be before construction begins. Mr. Hill stated the schematic design is pretty much done so the next step is to verify this with the construction manager to make sure the design direction matches up with the budget. He said a design/development package will be completed in approximately 60 days depending on making adjustments but the plans shows the construction starting in September of this year. Commissioner Lockley questioned where they are from. Mr. Hill answered he is from Nashville. Commissioner Lockley asked where their main office is. Mr. Hill stated their main office is in Rome, GA but they work all over the country. He explained he just finished a project in Tampa and has one going on in Miami. Mr. Hill stated their firm is very involved in Florida. He said he works out of his home but travels to projects sites. He said they have ongoing projects in Miami, Jacksonville, and Tampa. Mr. Throneberry stated they have an office in Orlando and Dallas, TX in addition to their home office in Rome, GA. He said they have ongoing projects in Florida and are familiar with the rules and regulations in the State of Florida. He reported the state also reviewed and approved their contract. Commissioner Lockley asked if they will have a person on site or will they be in and out. Mr. Throneberry answered they will be in and out. Commissioner Sanders expressed concern about paying for travel expenses from Nashville, TN. Mr. Hill reported this is part of the reimbursables and already in the budget. Commissioner Sanders questioned how much money they have been compensated in Phase I. Mr. Hill answered \$14,000.

Mr. Throneberry said in 2009 when they started working with USDA they had a \$50,000 fee and worked for about 2-3 years on the USDA application. He explained about 2-3 years ago they started over and basically there was another fee. He reported in Phase I they have been compensated \$14,000. Commissioner Sanders references the terms of engagement in the contract and said Phase II consists of design and construction and is based upon a 17 month duration which begins upon the County's selection of the construction manager at risk and this provision takes precedent over all the other provisions stated. Attorney Shuler reported he added this section. Commissioner Sanders inquired if they receive nothing until the construction manager is hired. Mr. Hill agreed this is correct. Commissioner Parrish asked if Attorney Shuler recommended approval. Attorney Shuler reported this contract is in the original format with the changes he made. He explained he added this provision so the clock would not start today when the contract was approved but would start when the construction manager is selected. He said the Board will also see some areas where he deleted language that was proposed. Attorney Shuler stated he read the contract and approves the contract. He explained he relied on Mr. Cooper, the consulting group and USDA on the scope of work necessary to complete the work contained within the contract. **On motion by Commissioner Lockley, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the contract with Adams Consulting.**

Commissioners' & Public Comments

Mr. Feifer asked if the scope of work and cost of the work been determined at this time for the Hospital. He questioned when and who determines the cost of the project. Attorney Shuler said it will not exceed the USDA loan. Mr. Feifer stated his understanding from ACHA is if they can't build what is required for the \$10+ million then there may need to be a decision. He reported he is still trying to find out if the project has been costed at this point. Mr. Hill answered it will take 4-6 weeks to get a budget after the construction manager is on board.

Mr. Mike Whaley, Pastor of the First Baptist Church of St. George Island, commended the Board for their leadership on the discussion about the event at St. George Island. He informed the Board he is also an attorney and everyone is in agreement about the intent of the motion but said the wording needs to be tweaked. He said Attorney Shuler advised the Board there is no legal way to shut it down and he is concerned that Sheriff Mock is a constitutional officer and can't just shut down the event. He reported if this event is shut down for anything other than a clear violation of the law then they are subject to a lawsuit at taxpayers' expense. He said the Sheriff is a constitutional officer and will be violating his oath if he takes this action. He went on to say the Sheriff is subject to being removed from office and the Board and County are subject to lawsuits. He said the motion needs to be amended so his actions will only be lawful in any action that he may take. He urged the Board to look back at the wording of the motion so they do have any legal ramifications. Mr. Whaley said he will write an editorial that will appear in the newspaper about what the standards are in this county. He reported the business owner will do anything to make money and people need to know so they can decide whether or not to patronize his business. He stated they will be on site Saturday to voice their opinion. Commissioner Sanders said they also made a motion to tighten up the ordinance. She informed Attorney Shuler they need to include everything they are concerned about such as alcohol on the beach. She reported if they are going to try and keep the moral fiber of the county intact then

they need to look at everything. Mr. Whaley agreed they need to rewrite the ordinance but they also need to look at the motion. He expressed concern about the position of the Sheriff after this motion was made. Commissioner Sanders asked Attorney Shuler to look at the alcohol use also. Attorney Shuler agreed to look at this item. Commissioner Sanders reported the Sheriff knows what his job is and he is not going to do anything to jeopardize it but the Board has to send a message that we are not going to tolerate this kind of activity in our home. She went on to say they agree with the federal artistic rights but everyone else in the County has a right not to do this. Mr. Whaley stated the Board should not order Sheriff Mock to take this action.

Commissioner Sanders said they were having a problem with the road paving company that was chosen mobilizing in the County. She stated she understands from the engineer that they may have mobilized to the Carrabelle area. She asked if there is something they can do if the company does not proceed with the paving project as intended such as a letter of intent to terminate the contract. Attorney Shuler said there are two options under the existing paving contract: (1) to terminate the contract for cause and (2) to terminate the contract for convenience. He explained under the termination for cause you would have to send them a letter giving them a 10 day notice of your intent to cancel the contract and also notify their bonding company of the default on their part. He explained under the termination for convenience you can terminate for your convenience and pay them for any satisfactory work that has been performed to date. He reported the Notice of Commencement is dated 1/19/16. Attorney Shuler stated as of today they have done a little striping, left the County for some time, and then showed up in Carrabelle yesterday. He said if the Board makes a finding that they have materially failed to perform the contract then he will write the letter. Commissioner Sanders stated they have not done any work in District 2. Commissioner Lockley said he has not seen any work in his district. **On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to find cause and direct Attorney Shuler to proceed ahead.**

Commissioner Watson asked for a response from Attorney Shuler on the comments made by Pastor Whaley. Attorney Shuler said he reviewed the Board's action and he has given the legal advice that the Board did not have the authority to direct the Sheriff in how he performs his constitutional duties. He explained the law and the Florida Constitution are clear and the Board does not have this authority. He said it would be appropriate now to have a new motion directing the Sheriff to perform his duties and to request him to enforce the ordinance as he deems appropriate and lawful. Commissioner Sanders stated the Sheriff said the Ordinance was unenforceable. Attorney Shuler said the anti-nudity portions are entirely enforceable and he intends to enforce them. **Commissioner Watson made a motion to direct the Sheriff to perform his duties and enforce the Ordinance as he deems appropriate and lawful. Commissioner Parrish seconded the motion.** Commissioner Parrish stated he does believe the Sheriff can enforce the nudity portion of the Ordinance but the Ordinance does need to be tightened up and the Board has taken action to get that done. He said there will be public hearings and everyone can come in and have input at that time. Commissioner Lockley stated the Board needs to send a preference so it does not become like Bay County. He reported if it is going to be stopped then it must be stopped in the beginning. He said you must tell them what they can do and what they can't do. **Motion carried; 5-0.**

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 2:12 p.m.

William Massey - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts