

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 5, 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, 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 Watson, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meetings held on March 1, 2016 at 1:30 p.m., March 15, 2016 and March 22, 2016.

Payment of County Bills

On motion by Commissioner Sanders, seconded by Commissioner Watson, 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 reported, due to the rains, the roads are bad so they are going through the County grading roads.

Mr. Nabors said at the last Board meeting the medical leave of Mr. Garry Myers was extended but he came back to work yesterday.

Commissioner Sanders brought into discussion a drainage ditch in Lanark Village off Heffernan Drive. She explained this project is not making any headway and the ditch has to be maintained as it is part of the drainage system. **Commissioner Sanders made a motion to direct Mr. Moron and Attorney Shuler to get together with the owners of the property, The Butlers, and the complaining adjacent neighbor and reach some kind of settlement.** Commissioner Sanders stated the County has already received a lot of rain and there will be problems with flooding if this ditch is not cleaned out. Mr. Nabors agreed this will be a problem.

Commissioner Watson seconded the motion. Motion carried; 5-0. Commissioner Sanders asked Mr. Moron to report back and get this matter settled as it has been going on for a year and a half. Mr. Nabors said the County has maintained this ditch in the past. Commissioner Sanders asked if Mr. Nabors had the records concerning the County maintaining the ditch. Mr. Nabors said he has some of the records.

Mr. Moron stated the Road Department did a great job in front of Ms. Croom's house and they have not had any more flooding. Commissioner Lockley agreed they did a good job and there have not been any problems so far.

Fonda Davis – Solid Waste Director

Mr. Davis recommended the Board grant the request from Waste Management for a Cost Price Index (CPI) increase of \$2.57. Commissioner Lockley asked what the current charge is. Mr. Davis explained the charge now to get rid of the household garbage is \$57.95 per ton and this change will bring it up to \$60.52 per ton. He reported the County currently charges \$65.00 a ton for garbage coming across the scale. **On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to approve the CPI increase of \$2.57 for Waste Management.**

Mr. Davis requested the Board consider increasing the tipping fees for construction & demolition (c & d) materials as a tremendous amount of materials are coming in and there is limited space. He explained the current rate is \$45.00 per ton and surrounding counties are collecting \$70.00 per ton. Commissioner Sanders asked how much Mr. Davis would like to increase the fee. Mr. Davis recommended increasing this fee to at least \$55.00 per ton. Commissioner Lockley questioned how soon Mr. Davis would like to make this change. Mr. Davis suggested 6 months to allow time for notification so the public is aware this change is coming. **Commissioner Sanders made a motion to allow Mr. Davis to increase the tipping fees for c & d materials to \$55.00 per ton. Commissioner Lockley seconded the motion.** Commissioner Lockley suggested notifying the public by advertising so people know this change will be coming. Commissioner Sanders asked Mr. Davis to monitor the c & d materials with the increased charge to make sure the County is not getting additional dumping on the sides of the roads. She explained the Board is trying to remedy the problem as c & d materials are the worst part of the dumping on the sides of the road. She said this fee probably needs to be increased if the surrounding counties are all higher. Chairman Massey stated these materials are coming from other areas as the charge is so cheap. Mr. Davis reported they ask if they are

coming from out of the county when the individuals come to the landfill but they answer no. He agreed some of these individuals are coming from out of the county. Commissioner Watson questioned if this item would normally be addressed during the budget process. Commissioner Sanders said these items are addressed as needed but there has not been an increase on this charge in years. Commissioner Lockley asked what is done if they catch someone coming from out of the county. Mr. Davis stated they could charge an out of county rate. He explained there is a higher rate for out of county household garbage but the Board may need to set an out of county rate for c & d materials. **Commissioner Sanders amended her motion to include looking into the possibility of having rates for in county people and out of county people. Commissioner Lockley amended his second.** Mr. Davis stated hopefully with the new Litter Ordinance, it will reduce some of the c & d materials being dumped on the side of the road. Commissioner Sanders agreed the problem is contractors from other counties coming in and dumping materials on the sides of the road. **Motion carried; 5-0.**

Pam Brownell – Emergency Management Director

Ms. Brownell appeared before the Board and presented the following report:

Action Items:

1. Request the Board to open the Bids for RFQ Monitoring.

On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to open the RFQ's for the Debris Monitoring. Mr. Pierce explained these will be qualifications not bids. Mr. Pierce stated Mrs. Brownell and the committee will review the RFQ's and come back with a recommendation. Mr. Pierce and Attorney Shuler opened the RFQ's as follows:

Tetra Tech	Maitland, FL
Volkert, Inc.	Raleigh, NC
Witt O'Briens, LLC	Houston , TX
Thompson Consulting Services	Lake Mary, FL
Landfall Strategies	Sarasota, FL
Rostan Solutions, LLC	Valrico, FL
ER Assist	Tallahassee, FL

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to turn the RFQ's over to Mrs. Brownell and the committee to review and come back with a recommendation.

2. Request the Boards approval for the RFQ for Contractual Services for the SHSGP Grant # 16-DS-TS-02-29-01-348 in the amount of \$11,000.

On motion by Commissioner Parrish, seconded by Commissioner Watson, and by unanimous

vote of the Board present, it was agreed to approve for RFQ's for contractual services for the SHSGP Grant.

3. Request the Board approval and signing of the amended contract for the Residential Construction Mitigation Program (RCMP) grant for the additional allocation of \$8000 from the State.

Mrs. Brownell stated hopefully there are some counties returning money to the State so there should be some more residual money coming so they can finish the last house that is in holding. **On motion by Commissioner Lockley, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve and sign the amended contract for the RCMP grant.**

Commissioner Sanders stated they are starting to see water coming down from the Ochlocknee River. Mrs. Brownell stated they posted warnings on facebook and their website. She reported they have instructed people in the flood areas to sign up for emails from corn hydro so they will receive the warnings from them. Commissioner Sanders reported someone told her the water was coming over the spillway at the Talquin Dam on Sunday. Mrs. Brownell stated they have three gates open at 100%. Commissioner Sanders thanked Mrs. Brownell for keeping them updated.

Information Items:

Franklin County EOC Staff continue to promote our Re-Entry Tag program and encourage all residents to apply for their Re-Entry Tag.

EOC Staff is updating our Special Needs Database to verify current information of our Special Needs Residents.

EOC Staff continue to process applications for the RCMP Grant and construction has begun on approved houses.

EOC Staff attended the Infectious Disease Training at the Department of Health Franklin on 03/29/16.

Franklin County Emergency Management will be hosting our 2nd Annual Disaster Expo on June 4th at the EOC from 10am-3pm. We would like to invite everyone to attend and participate.

Jennifer Daniels will be attending L962-Planning Section Chief Training in Tallahassee from 04/05/16-04/08/16.

Erik Lovstrand – Extension Office Director

Mr. Lovstrand appeared before the Board. He stated they have completed their recruitment process and Ms. Michelle Allen Huber was hired in the Office Manager/Program Assistant position. He reported Ms. Huber grew up in the County and was in Europe for some time before returning home. He stated she has a strong set of office management skills and came with great recommendations from her former supervisors. Mr. Lovstrand said she has also

already been using the budget tracking software that is utilized in the Extension Program. He stated she also has good skills for organizing and managing events in previous jobs which will also be a great benefit to the Extension Office when they move into their new facility and have the opportunity to expand their programs. Mr. Lovstrand said she should be able to step in regarding logistics for County policies and University policies. He stated Ms. Huber is very familiar with the tasks they need her to work on.

Mr. Lovstrand informed the Board the facility is moving forward slowly but this is the process when it comes to large projects with the University Facilities' people. He stated he met with the Environmental Health Inspection last Friday to review the building and they do not anticipate any problems. He explained they are still at the stage of putting out the project for cost estimates from contractors.

Franklin County Extension Activities March 16 – April 5, 2016
UF/IFAS Extension Faculty have been involved in the following Extension activities this period.

General Extension Activities:

- **Extension Director assisted with an Uplands Florida Master Naturalist course by teaching the two bird modules for the 40 hour class.**
- **Recruitment for the new Extension Office Manager/Program Assistant has been completed. Ten people were offered interviews, 8 interviews were conducted and the position has been offered and accepted by Ms. Michelle Allen Huber. Michelle should start on April 4 contingent upon the background and drug screening process being completed satisfactorily.**
- **Extension Director working to fill vacant Advisory Group seats after annual roll-over of committee membership.**
- **Extension staff working on drafting Franklin County Extension Strategic Plan document.**
- **Extension Director participated in on-line training: Evaluating Extension Individual Contacts.**
- **Articles submitted for two different Extension newsletters.**

Sea Grant Extension:

- **Plans have been made to offer the shellfish harvester required training again this year at the Eastpoint Firehouse for one week during June.**
- **Extension staff notified of award won through the Association of Natural Resource Extension Professionals to be presented at the ANREP annual meeting in June. Award was for the promotional materials developed for the sea turtle lighting project during the first year (information cards, window clings, radio PSA, sea turtle website).**

4-H Youth Development:

- **Franklin County's Making Strides 4-H club continues to meet.**
- **District Faculty met to discuss this summer's 4-H camping program plans.**
- **Extension Director participated in webinar related to hosting the Tropicana Public Speaking event for Franklin County youth.**

Family Consumer Sciences:

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

Agriculture/Horticulture:

- **Extension Director assisted local residents with information and field visits related to soils tests, vegetable gardening, bees, turf grass and pesticide applicator licensing.**
- **Extension Director participated in in-service workshop related to understanding and interpreting UF Soils Lab test results for local clientele.**

Attorney Barbara Sanders — FC School District — Approval of Amendment to Referendum

Mrs. Barbara Sanders, attorney for the Franklin County School Board, reported this Board previously approved the School Board's referendum back in December. She explained the statute requires the School Board to appear before this Board if they change the millage rate on the operating. She stated when the Board approved the referendum the date was set for 3/15/16 for the election but they determined it was not possible. She explained the School Board amended the Resolution and set the date for June 7th. She reported this Board's original approval is all they need but there was a question raised by the Supervisor of Election so they are asking the Board to reapprove the referendum with the June 7th date. **Commissioner Parrish made a motion to reapprove the referendum with the June 7th date. Commissioner Lockley seconded the motion.** Commissioner Watson stated when this came up initially it could not be done at the Primary or the General election because of the time frame. Mrs. Sanders stated they need to get it done by July 1st so they can budget. Mrs. Sanders said at the School Board meeting yesterday a group of citizens appeared asking the School Board to reconsider how the election is going to be done and the date. She stated these items will be determined at a special meeting on Wednesday. Mrs. Sanders reported if the School Board changes their minds, then she will come back before this Board. Commissioner Sanders questioned if the Board should take action if the School Board may change this again. Mrs. Sanders asked the Board to make a decision as the Supervisor of Elections has a deadline of Friday to get her materials to the printer and this is why the School Board is meeting tomorrow. She said if the School Board decides not to move forward then she will come back. Attorney Shuler advised the Board to take action on the request this morning as the Board sees fit as there are not sufficient facts to table this issue until a later date. Commissioner Parrish questioned amending the motion to change the date as the School Board still has to act by July

1st. Mrs. Sanders reported the Supervisor of Elections has suggested a methodology of conducting the election that is cheaper. She explained the method is mail out ballots which is what was used at St. George Island for the Municipal Service Benefit Unit (MSBU). Attorney Shuler stated it was also used for Alligator Point. Mrs. Sanders reported these are some of the decisions the School Board will be listening to at the meeting tomorrow. She explained if it changes again then she will come back before this Board but she needs their action today if they stay with the amended Resolution date of June 7th and the regular walk in ballot election as the Supervisor of Elections needs to know by Friday. Attorney Shuler asked if the date is changed what the latest date would be as the Board may wish to give a blanket approval. Mrs. Sanders suggested "in the election year 2016" because theoretically this item could go all the way to November. Attorney Shuler agreed if the Board is interested in giving a blanket approval then they give the blanket approval discussed by the School Board's attorney here this morning. **Commissioner Parrish amended his motion to substitute "in the election year of 2016" for the date of June 7th. Commissioner Lockley amended his second.** Commissioner Watson said he is going to vote for the motion but he would prefer this election occurring with a normally scheduled election as the turnout is better. He stated he is intrigued by the prospect of a mail in ballot and it is something to look into. He expressed concern about the cost of an election for one issue and said there may not be a lot of participation if it is not a mail in ballot and the cost could be avoided also. Commissioner Sanders agreed to relay this information to the School Board. **Motion carried; 5-0.**

Kim Bodine — Career Source/Workforce — Update & Contract Approval

Ms. Bodine appeared before the Board. She explained they have a Plan the State requires them to write and every 2-4 years it must be rewritten. She explained one of the guiding laws that funds a lot of the training they do for people is the Workforce Investment and Opportunity Act. She explained because this law changed at the federal level, the State required them to rewrite the State Plan. Ms. Bodine stated there is a requirement in the Plan that the County Commissioners review the plan and sign off on the plan. She stated the plan is basically an overview of a lot of the processes they use and how they comply with federal and state law. She explained this Plan has been a part of the process for the 24 years she has been involved with these programs. Ms. Bodine reported the Board has been presented a copy of the Plan. Ms. Bodine said the other document the Board has is an Interlocal Agreement or Chief Elected Officials Agreement. She explained this Agreement has also been updated to comply with the new law. She reported it talks about the responsibilities and roles between workforce development areas, County Commissions, local elected officials as well as Gulf Coast State College as they are the fiscal agent for the operations of their Board. Ms. Bodine said they are the only Board in the State of Florida who has a state college as a fiscal agent. Ms. Bodine stated it was a strong partnership from the beginning of their Board and their partnership with Gulf Coast State College remains strong. She explained the most important part of the Agreement for County Commissioners is that this Board makes every appointment to their Board. She went on to say by federal law the County Commissions are the entities that are the oversight as well as the responsible entity for their spending. Ms. Bodine reported if they spent

funds illegally, the federal government would hold the County Commissions responsible for the funds. She reported they have never had any disallowed costs and have been good stewards of the funds and have clean audits. She offered to answer any questions.

Ms. Bodine stated since 2012 they have worked with the community in providing shelling oversight and shelling programs in addition to some training programs for people who have been displaced due to the bay failure. She said they have run the last round of shelling to date and Department of Agriculture and Consumer Services (DACS) and Department of Economic Opportunity (DEO) are trying to determine if there is any more money. She explained in the future she thinks DACS will contract directly with the Seafood Workers' Association, the City or some other entity within Franklin County. She reported in the new budget there is a little over \$500,000 appropriated for shelling and they will be hearing more when the new budget is in place. Ms. Bodine stated they are continuing to train individuals and operate the GED Program. She said there are only 5 individuals enrolled now and they would like to see more participants. She reported they understand that going back to school as an adult and trying to work is a big challenge. She informed the Board she will appear again in August or September with an overview of the successes and placements of individuals for the last year. Ms. Bodine explained they will also report on how they are moving forward with what is left of the Commerce grant in terms of training and providing services to people who need skills to make the transition from one type of living to another. Mr. Moron questioned if Ms. Bodine needed approval for the Plan and the Interlocal Agreement. He explained these approvals need to be contingent on Attorney Shuler's approval as he has not reviewed the agreements.

Commissioner Sanders made a motion to approve the Plan and the Interlocal Agreement contingent upon Attorney Shuler's recommendation. Commissioner Watson seconded the motion. Motion carried 5-0. Mr. Pierce reminded the Board at the last meeting they were presented a list of projects that were in the funding range from various sources of BP money. He explained there is \$3.9 million proposed for additional shelling in the Apalachicola Bay area. He stated the first funding was \$700,000 and the proposed second project is \$3.9 million. Ms. Bodine stated she is not as able to track these projects under Restore as there are different pots and it is confusing. She explained there has been some research being conducted for both barge shelling and hand shelling where they are actually diving to see what has been successful. Ms. Bodine stated it will be important for the County Commission to get this report from the SMAART Group when it is completed. She said she is also interested in looking at the data because everyone wants to know what works best so these are the practices that continue. Commissioner Watson stated he is looking forward to the report on their successes. Ms. Bodine said one of the participants is going to work this Friday in South Carolina as a welder making \$32.00 an hour. She explained the individual was trained, is good at this work and will make a good living.

Mr. Alex Quintana, Congresswoman Gwen Graham's Office, appeared before the Board. Chairman Massey asked if he has heard any information about the Eastpoint Channel. Mr. Quintana informed the Board he is working to have senior staff get in touch with the Board about the Eastpoint Channel. Chairman Massey said this project needs to happen because

time is running short. Mr. Quintana stated he is doing all he can. Commissioner Sanders reported this morning she saw someone trying to get out of the Eastpoint Channel and they couldn't. Mr. Quintana reminded the Board their office hours start at 10:00 a.m. today.

Curt Blair — TDC — Report

Mr. Blair said they do not have the numbers for collections this month so he sent the report that went through November.

Mr. Blair reported they are tracking visitors at the Visitor's Center and correlating these numbers with the revenues being tracked. He explained they will know the number for the visitors to the Visitor's Center much earlier than the collection numbers. He said February was an amazing month and March was strong due to people taking longer vacations, snowbirds and the RV business picking up. He stated they feel the numbers for January and February are going to be good.

Mr. Blair stated at the December meeting he talked with the Board about the TDC Board contracting for updating the website and visitors' guide. He said after speaking with the County Attorney and the Clerk's Office, he has provided an Addendum to their contract that allows them to contract for some people to do a variety of work updating the website and visitor's guide. Mr. Blair reported these updates have not been done for a couple of years so the update has been included in the work plan. He stated this arrangement is about half of the cost of what was spent a couple of years ago when this work was added to the duties of someone on staff. He explained it does not work well to have someone who is already fully occupied try to complete this project. Mr. Blair reported the Board has the Addendum to the contract to allow them to do this using promotional money. He said a couple of people will help with updating the inventory and going through the visitor's guides. He stated they will complete an on the ground survey of new businesses in the County. Attorney Shuler stated he has looked at the proposed Addendum and discussed the amount of promotional money being allocated with the Clerk's Office. He explained the Clerk's Office did not have any input into the number but for budgeting purposes wanted to have a not to exceed number inserted for promotional services. Attorney Shuler stated Mr. Blair's company is providing administrative services and, for auditing purposes, they want to be able to track each category of services. He informed the Board he is satisfied with the form of the agreement and thinks it is written to comply with the requirements of the Clerk's Office. **On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to approve the Addendum to the contract.**

Mr. Blair said the TDC Board last month approved an increase in the total allocation for the Armory. He explained the budget was \$535,000 and another \$30,000 has been added at the request of the Clerk's Office to finalize some items with the contractor. He said the Board also approved another \$40,000 for some additional items in the kitchen. He explained the kitchen was equipped minimally when the contract was let and some additional items were needed.

He stated this project is close to the end and there is a little money left but they are trying to anticipate expenses with the Armory. He reported Mr. Pierce and Mr. Moron may have a better idea about the final numbers.

Mr. Blair reported the TDC Board approved a request similar to the one that was made on the playground equipment for St. George Island. He explained they approved a request from the City of Apalachicola for \$12,000 to help in the repair of their playground equipment.

Mr. Blair informed the Board he attended a tradeshow in Madison, Wisconsin. He stated this is the largest Canoe and Paddle show and because of their partnership with Riverway South they are now eligible for participation in 6 more tradeshow in the coming fiscal year July 1st-June 30th. He reported this is the result of a grant they got from Visit Florida that pays for their attendance at the tradeshow. He said they will not attend all the tradeshow but Franklin County will be represented at 6 more tradeshow. Mr. Blair reported the tradeshow that were selected yesterday cover a variety of geographical areas in markets they know they attract and are similar to things they want to attract like outdoor adventure people. Mr. Blair stated they are excited this is another avenue open to them and it is funded from the Visit Florida Grant.

Chairman Massey stated he discussed with Mr. Blair having some extra money to put up park benches along Highway 98 in Eastpoint. He explained Mr. Blair may have some money and they will need to contact DOT about the location of the benches. Mr. Blair reported he is not familiar with the DOT permitting process. Mr. Blair explained on the money side they are trying to finish up their commitment to the Armory but they may have some money remaining. He reported they will look at potential funding and see what DOT will require for permitting. Mr. Pierce stated a change occurred when Transfield got their contract renewed and DOT took back the permitting. He reported before the contract change, they just had to contact Transfield and meet them on site to discuss projects. He explained now DOT does in-house permitting and it is more complicated as you must get a permit for everything in the DOT right-of-way. Mr. Pierce stated DOT will not issue a blanket permit so there needs to be a specific location. Chairman Massey said he will meet with Mr. Blair and then he can talk to Mr. Pierce.

Commissioner Lockley requested Mr. Blair contact the City of Apalachicola about the park on 6th Street needing some work. Mr. Blair reported Franklin Square is part of what the City is going to be working on. He said they have started work on the Battery Park playground but he does not know if they have started on Franklin Square. Mr. Blair reported most of the City's funding is coming from their BP settlement and TDC just added in a little money.

Commissioner Watson reported the Plantation went through a long process to determine the type of benches and got good prices so he is sure they would be glad to share the information.

Commissioner Watson questioned if there is a way to track the results of the progress from the tradeshow. Mr. Blair stated they had an extensive conversation about this yesterday and Visit Florida has identified tradeshow as a viable way for promoting the state. He said they

encourage counties to get involved with tradeshow. He explained it is hard to track the progress but they usually use opportunities for drawings and giveaways to get a sampling of who is there and participating. Mr. Blair stated the tradeshow he attended was particularly interesting as these are the people they want to market. He explained they have discretionary income and come here to canoe or paddle and then go home. He stated he participated with a group from Visit North Florida which is a group of counties that follow the Suwannee River Basin. He reported he will check with Visit Florida about how they track the progress and see if they can provide some guidance.

Commissioner Watson inquired about the bids on the work at Carrabelle Beach because there is also some work needed at St. George Island. Mr. Moron stated Mr. Doug Shuler, the architect, is still working on the bids and needs to get in contact with the electrical contractor as he still has some questions. Mr. Moron reported the bid package should be ready before the next meeting and he will forward a copy to Mr. Blair as soon as he receives it.

The meeting was recessed at 9:56 a.m.

The meeting reconvened at 10:01 a.m.

Marcia Johnson – Clerk of Courts – Report

Mrs. Johnson was not present and did not have a report.

Alan Pierce – RESTORE Coordinator – Report

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

1- Inform the Board that Dewberry and the county have submitted the executed contract amendment to Treasury. If all goes as expected, Treasury will process the Planning Grant award notice so that the Board can act on it at the April 19 BCC meeting.

Mr. Pierce explained they do not have confirmation of the timeline yet. He reported if the Board can act on April 19th, then the Restore meetings can be conducted in May. He stated the Judge ruled yesterday on the BP settlement so now the money will move from BP to the U.S. Treasury. Commissioner Sanders reported this final decision gives BP up to 16 years to pay out the money. Mr. Pierce stated he did not realize the time changed but this will give the County less money per year. He said U.S. Treasury will not authorize and approve these projects until the money is in the bank.

2- At the March 15 Board meeting the Board asked for more information regarding several large scale projects, funded by various BP settlement components that were developed by state and federal agencies that will be taking place in Franklin County. The two projects of interest were:

A) Apalachicola Watershed Agriculture Water Quality Improvements - \$2.2M. The project, while identified as a project for Franklin County and the Apalachicola Bay, really

benefits property owners in Jackson and Calhoun counties more. The description of the Project was obtained from Gulf Coast Ecosystem Council Report, "The program's ecological benefits will include more efficient agricultural operations, reduced nutrient loading to the Apalachicola watershed, and increased water conservation. FDACs will contract with local soil and water conservation district boards to administer cost-share funding to assist participating farmers. The cost share program will be located primarily in Jackson and Calhoun counties. Documentation shows that improving irrigation system efficiency can conserve more than 56,000 gallons of water per divot on a daily basis and result in more than 8,000 pounds less of fertilizer being applied annually to enrolled agricultural lands." The project was developed and submitted by the US Dept. of Ag and will take up to 5 years to implement.

B) Tate's Hell Strategy 1- \$7M.

This project, developed by the US Dept. of Ag and implemented by the Northwest Florida Water Management District (NFWFMD), contains almost \$3M for planning activities, and \$4M for implementation. The implementation timeline is 3-5 years. Work will include installing 54 low water crossings, 144 ditch blocks, constructing 3 bridges, installing 72 culverts, removing 20 culverts, installing 2 box culverts, and surface stabilization of 65 miles of road. These efforts are intended to restore 202,000 acres of Tate's Hell State Forest, and create 2100 acres of upland pine habitat (primarily longleaf). The purpose is to improve water quality within the lower Apalachicola River Basin.

Quoting from the Gulf Coast Ecosystem Council Report- "This project will leverage the significant investment already made by the NFWFMD to improve the hydrology of Tate's Hell SF. To date this investment has been over \$1.57M worth of hydrologic improvements including installing 49 low water crossings, modifying 51 culverts, removing 13.4 miles of roads, blocking 106 ditches, and installing 3 bridges."

I communicated with Paul Tharpe, NFWFMD, on this project and advised him that the previous improvements done by the District had a negative impact on the local hunters and their access to traditional hunting areas. He has assured me that the new improvements will not have such an impact. I have advised him that it might be necessary for someone to answer more questions in front of the Board.

Commissioner Sanders reported she would like to see the plan because they are taking out more roads. She stated during a discussion with Dewberry she questioned at what point the local government is going to have a say in these projects. She said she would like to see some maps showing what will be done. Mr. Pierce stated they may have some access to help as the project is in the design phase. Commissioner Sanders said previously one project with ditch plugs caused water to back up on a County road when there is an excessive amount of rain. Commissioner Watson asked if they will come tell the Board what is being done. Mr. Pierce stated they kind of offered to come down. Commissioner Sanders commented she has never known them to offer to come to the meeting. Commissioner Watson suggested inviting them to the meeting. Mr. Pierce reported the person he talked with at the U.S. Department of Agriculture wanted to come to the meeting. Commissioner Sanders reported she wants the Northwest Florida Water Management District (NFWFMD) to appear as they are the ones that put in for the project. She explained the first time they ever heard about work being done in Tate's Hell was at the Consortium meeting in Tampa and they were shocked at the amount of money that was being spent on this project. She reported for years they tried to complete

these projects and had budget constraints but now they have a way to complete the projects and she is concerned. Mr. Pierce agreed to contact Mr. Paul Tharpe and see if he will appear before the Board. Mr. Pierce reported people here suffered from the oil spill and would like the area to be restored but a higher level of government is getting the money. Commissioner Sanders stated there is no consideration for the local people. Mr. Pierce agreed he will invite Mr. Tharpe to attend a meeting.

3- I will be attending a Surface Water Improvement meeting on April 27 at the Water Management District office. The District, in their letter to all of the counties in the District, said they expect to seek RESTORE funds for additional water management work. I thought I should attend to see what the District is talking about.

4- Board action to approve the Island View Park Operations and Management Agreement with DEP. This will provide \$170,000 of funding for the maintenance and operation of the county park. Mr. Shuler has reviewed the Agreement.

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the Island View Park Operations and Management Agreement with DEP.

5- Board action to approve the agreement with The Nature Conservancy (TNC) for the management of the reforestation element of the Island View park development. Mr. Shuler has reviewed the agreement.

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 The Nature Conservancy for the management of the reforestation of the Island View Park Development.

Michael Morón – County Coordinator – Report

1. Inform the Board that Ms. Betty Webb is stepping down as the County's representative on the Riparian County Stakeholder Coalition (RCSC). Currently, Commissioner Parrish is the alternate representative. Will the Board appoint another representative or will Commissioner Parrish serve as the primary representative. Board discussion and action.

Commissioner Parrish reported a representative needs to be appointed because the meetings are on Mondays and Fridays when he is busiest at work so it is difficult to attend. He suggested another Board member be appointed. He explained this group is critical as they look at river flows coming down the Apalachicola River. Commissioner Sanders suggested Mr. Moron serve as this representative. Commissioner Parrish reported the Board helps fund this group and they need someone to attend and keep track. He stated he keeps track through the website and reads the Board minutes. Chairman Massey asked if they meet once a month. Commissioner Parrish said normally it is once a month but sometimes its two months but there

is no set schedule. **On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to appoint Mr. Moron as the County's representative along with Commissioner Parrish on the Riparian County Stakeholder Coalition (RCSC).**

2. Recently, and in the past, there have been numerous requests for streetlights throughout the County. If the Board is going to consider these requests, I recommend the creation of a policy and a line item in the upcoming budget to fund the cost of streetlights. Board discussion.

Mr. Moron stated the Board needs to determine the cost and under what circumstances they will place streetlights. Commissioner Parrish said he brought this issue up several years ago for the area along Bluff Road from the Cemetery to D.W. Wilson Park and also at Highland Park and was told the County does not do streetlights. He reported if streetlights are done for one person then everyone is going to want them and it is cost prohibitive. He explained everyone has to be treated fairly so if this is being done then he wants to move forward with the projects he suggested. He reported most people will put the streetlight on their own property and pay the cost. Commissioner Parrish stated the Board will need to increase the budget to complete this item. He said the County does not have the means to add this item without raising taxes. He explained it becomes a problem if one area of the county does not receive streetlights but their tax dollars are being used to supplement the other areas that have streetlights. Chairman Massey reported the cities put the street lights up but they charge a monthly fee. Mr. Pierce explained the cities are a confined area but there are rural roads in the County. He reported if the Board elects to address streetlights they may need a \$20,000-\$30,000 line item in the budget. Mr. Moron explained Duke Energy recommends the property owners get the lights placed on their property and then pay the monthly charge. Chairman Massey agreed everyone will want street lights if one is done. Commissioner Parrish stated the pole is usually already set on the private property to provide power but when the poles are not present then the infrastructure is needed plus the monthly fee. He reported the Board does not need to start this process. Mr. Moron suggested the Board address this item during the budget process. Commissioner Watson agreed with Commissioner Parrish about this issue. Mr. Alan Feifer, Concerned Citizens of Franklin County, asked if a distinction is being made on lights that are needed at traffic intersections and lights for people's homes. Commissioner Parrish stated the only light that changes colors in the County is at Bluff Road and Highway 98 which tells about the traffic count. Mr. Feifer suggested the Board contact the Sheriff about areas with accidents ongoing at night. He asked if the County has an inventory of lights the County is paying for. Mr. Pierce stated he is not sure if there are any or who pays for the lights on Highway 98. Mr. Feifer reported it is worth spending money on the areas if it saves a life and there may be a need for a few of these. Commissioner Parrish stated a pedestrian was killed on Bluff Road in the area he suggested lights. He said all areas of the county need to be treated fairly and the Board needs to be careful because this issue could run into quite a lot of money.

3. Board action to approve the Certificate of Substantial Completion, as recommended by EMO Architects, for Fort Coombs Armory Renovation Project. The final inspection will be scheduled as soon as the contractor completes the “punch list” from the Substantial Inspection.

Mr. Moron said this Certificate does not apply to the drainage phase of the project. **On motion by Commissioner Lockley, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to approve the Certificate of Substantial Completion for the Fort Coombs Armory Renovation Project.** Mr. Moron stated he will advise the Board when the Final Inspection is completed and he will provide an update on the drainage project.

4. Inform the Board that a copy of the SHIP advertisement is attached to the agenda packet. This ad states the application periods for the Emergency Repair, Owner Occupied Rehabilitation, and Down Payment Assistance programs. The application will run in the upcoming edition of the Apalachicola Times and the SHIP Program will start accepting applications (30) thirty days after the advertisement is published.
5. Senior Services Workshop update

Mr. Moron informed the Board he attended the Senior Services workshop yesterday that was held at the Franklin County Senior Citizens Center in Carrabelle and facilitated by the Area Agency on Aging. He stated this workshop was informative for agencies that are interested in responding to the RFP's for Lead Agency Designation and Older Americans' Act provider. He explained the Agency considered this a pre-request for proposals workshop. He informed the Board there were representatives from the Senior Citizens Council, the City of Carrabelle, the City of Apalachicola, Franklin's Promise and some concerned citizens. Mr. Moron stated the information provided explained the difference between the Lead Agency Designation and the Older Americans' Act provider. He said the overview of fiscal requirements explained the unit cost, funding allocations and other grant information. Mr. Moron reported the \$16,000 provided by the Board to Area Agency on Aging goes beyond the meals on wheels program and some of the funds are used for match funds for other services. He stated the Board's allocation would be better served to assist with the match requirement for these services. He explained the Agency for the Aging will delay advertising the RFP until the fall to allow agencies interested in applying to gather the necessary information to submit a proposal. Commissioner Parrish said the Board needs to know before the budget process so they don't allocate the funds and the money does not go to the people who deserve these services. He stated he wants to know who is providing the services and how the money is being spent before they allocate the funds. He reported the Board needs to know how to more efficiently distribute the funds and provide these services to the seniors. Mr. Moron stated he doesn't think there is any agency in the County that is ready to take over as a Lead Agency which is the reason for the delay. He explained there are two separate contracts and one contract starts July 1st and one starts January 1st. He explained Ms. Lisa Bretz, Agency for the Aging, will send out an intent and she will know if anyone is intending to bid. Mr. Moron suggested Ms. Bretz come back before budget time. Commissioner Parrish asked Mr. Moron to gather the

information and see how this matter is progressing. He suggested Ms. Bretz appear when the Board gets close to budget time. He stated the Board needs to know how to proceed in the next fiscal year so the seniors get the services. He suggested Mr. Moron monitor this issue and keep the Board up to date. Mr. Moron reported he is planning to attend some regional meetings in Tallahassee because they do not have much representation from Franklin County. He stated if the funds were allocated correctly then they could do better at providing services. Commissioner Parrish reported if Mr. Moron needs to attend these meeting then he should go so he can give the Board direction. Commissioner Sanders agreed with Commissioner Parrish. Commissioner Watson said he thought there was a deadline when Liberty County Senior Citizens Council would quit delivering services. Mr. Moron reported Liberty County Senior Citizens Council will extend their deadline to try and help Franklin County move forward on their own.

6. Inform the Board that Mr. Charles Cook, Project Manager, Alligator Point Water District, had written Alan a letter asking for a formal status report on the relocation of Gulf Shore Blvd. Alan has responded and provided the Board with a copy. The status of the relocation is that the project is still in FEMA review. Alan has had several phone calls with state emergency management personnel trying to get the project moved along. The latest is that by April 30, FEMA in Washington will have finished some additional review. At this time the FEMA funding for the project expires June 30. Alan is waiting for the April 30 date to determine what to do next. While FEMA appears open to extending the project, Gulf Shore Blvd is so exposed at this point that the road could be lost in a minor storm event.

Mr. Pierce presented a map of this area including Gulf Shore Blvd. and the houses that need access. He said they have permission to bring the road in from the back side of the property and this is the road he is trying to get permission from FEMA to build. He pointed out the location of Mr. Boldt's house and said Mr. Boldt is present. Mr. Pierce reported the road has been relocated temporarily by an easement from Mr. Ray Maynard. He stated hopefully they will have an answer in April from FEMA. He said the road has state approval to build the road on state land and meets the environmental criteria but they are waiting for the FEMA review. Commissioner Parrish questioned placing a county road across state lands to serve all these lots. Mr. Pierce reported there are only 7 lots. Mr. Pierce stated FEMA allocated \$400,000 to get the road placed and the county could move forward and use the Bald Point Trust Fund money but he is not sure they will get reimbursed. Commissioner Parrish reported in the Comprehensive Plan the Board is prohibited from putting infrastructure in a coastal high hazard area. Mr. Pierce said this road washed out in 2012 and he has been trying for 4 years to relocate the road. He reported the County was proactive and this will move the road 400 feet further in. Mr. Pierce stated when these homes are destroyed; the County will not build this road back as there will not be anyone who needs access. Chairman Massey said these houses will not be there long. Commissioner Sanders reported back in the 1920's all these areas were covered in water. She stated the county can't put in a road without FEMA approval. She reported the letter written by Mr. Pierce was good but the county still must have the proper permit. Mr. Pierce explained once these homes are gone the County does not need to maintain

the road as the rest of the property is state land. Mr. Pierce reported hopefully this is the only part of this road that has to be relocated but there is exposure on some other roads on Alligator Point. Commissioner Sanders reported the engineers had a hard time finding access from the back side of the property and now FEMA is dragging their feet. Commissioner Watson asked if Mr. Pierce is receiving any help from Congresswoman Gwen Graham. Mr. Pierce answered no. Commissioner Watson asked if the state has a program for purchasing lots in this situation. Mr. Pierce said this is an out parcel surrounded completely by Bald Point State Park so he talked about the state buying the 7 lots and including them in the park. He explained there are some programs at FEMA but there is no money in the programs at this time. He reported it is a storm mitigation program and if there is a storm then money would be placed into the fund. He stated some of the property owners would be open to selling their property to the State but there is no money available. Attorney Shuler said he has easement deeds from all but one of the property owners and he thinks the other one will cooperate when they have the FEMA approval and are ready to build the road but he does not have the easement deed at this time. Mr. Pierce said they asked to build the road on the state property but they said no, but they will grant access across the property to build the road. He explained the road had to loop around to avoid a large wetland area. He said the State felt like everyone had to share the burden to build the road so the individuals who owned the lots granted easements. Mr. Pierce reported FEMA provides money for damaged homes but not for vacant land. He explained this is how the County received the other lot because the lady could not build back so she abandoned the property. Mr. Bert Boldt, a resident of Gulf Shore Blvd., reported Attorney Shuler is currently looking into a request at 1033 Gulf Shore Blvd. by a petitioner who wants to construct a seawall on their property and extend the seawall east to the lot owned by the County. He explained building seawalls in already designated critical erosion areas does nothing more than enhance the erosion issues that are already happening there with seawalls. He reported the State granted the petition but now the matter is up for debate. Mr. Pierce said the current seawall is eroding the County's property. He stated the wall may not do any good as the property is extremely exposed. Attorney Shuler reported he is not ready to make a recommendation on the issue at this meeting.

7. Inform the Board that the Dept. of Air Force mailed a copy of a notice the 1st Special Operations Wing (SOW) under Air Force Special Operations Command at Hurlburt Field, near Pensacola, is developing landing zones (LZ) at remote sites on non-military property. The landing sites will be for CV-22 Osprey planes, which are the kind of planes that can rotate their propellers so they can land like a helicopter. Alan has reviewed the document and of the 13 proposed landing zones for the Apalachicola National Forest only one is in Franklin County, and it is on the west side of SR 65. There are no proposed landing zones in Tate's Hell State Forest. A map has been provided.

Mr. Pierce presented a map and said 12 of the sites are in Liberty County and 1 is in Franklin County in the national forest.

8. The Exposure D classification requires that mobile homes placed within 1500 feet of the shoreline be built to a higher standard, which results in a more expensive mobile home. Based on information provided by the State, the Building Department had been enforcing this standard only from the shoreline of the Gulf of Mexico. Recently a representative of the State visited our office and informed us that these 1500 feet should also be measured from the shoreline of the Bay and Sound. This will affect many areas of the County zoned for mobile homes.

According to the representative from the State, the County has the option of allowing Zone III mobile homes that already exist in the County but do not meet the Exposure D requirements to be placed within 1500 feet of the coastline, but, if the County allows this, any liability that might result would fall on the County. There are at least two people who have applied to move existing mobile homes into this area. Does the Board want to allow Zone III mobile homes that already exist in the County to be moved into these areas?

Board discussion and action.

Mr. Moron said this item has not been discussed with Attorney Shuler. He explained there was a change in personnel at DMV and the new person has made this decision. Commissioner Sanders said this is his interpretation. Mr. Pierce stated this is not a written policy that was provided and everyone could have been notified instead of just a person showing up in the office. He explained for years their interpretation, which they got from the State, was that Exposure D started from the open waters of the Gulf of Mexico so it was just St. George Island. He explained all of Franklin County was not in the zone. He reported the mobile home had to be a Zone III but could be allowed anywhere on the mainland of Franklin County as it was not considered Exposure D. He explained this individual showed up and said the County was wrong and said Exposure D started on the shore of Apalachicola Bay which would then be 1500 feet inland. Mr. Pierce said there would then be areas zoned for mobile homes and no mobile homes could be placed there. Mr. Mark Curenton, Assistant County Planner, said mobile homes could be placed in these areas but they would have to be Exposure D which is very expensive. Mr. Pierce reported this issue needs to be discussed with Attorney Shuler. Commissioner Parrish discussed the map and where this line would be if it ran 1500 feet inland. Commissioner Parrish questioned if mobile homes cannot be allowed unless they are Exposure D which is more stringent than Zone III. He questioned if this has to do with the tie-downs or the actual construction of the mobile home. Mr. Curenton answered actual construction of the mobile home. Commissioner Parrish said there are a lot of trailers along all the areas of the County that will not meet the Exposure D requirements. He questioned what the County's liability is in this issue. Mr. Pierce stated the insurance company will not pay claims as the mobile homes should not be there and then the County will get sued. Commissioner Lockley asked how this matter is just coming up. Mr. Curenton explained the gentleman from DMV came into the office to introduce himself since he is new and looked at a map they have up on the wall showing what they interpret as the Exposure D area and said they are wrong. Commissioner Sanders stated in her area in Lanark Village there are a lot of mobile homes. Mr. Moron reported there are 10 maps so there are a lot of areas. Commissioner Watson suggested the County

follow up with the DMV individual and their supervisor to see if there is an indication of a change in policy. He reported the person cannot just say there is a change. Mr. Moron explained apparently this new person disagrees with his predecessor on this matter. Commissioner Watson stated the impact of this decision would be devastating. Commissioner Sanders reported she is concerned about the liability to the County. She suggested Attorney Shuler look at the legal part of the liability if the County allows any more mobile homes. Commissioner Lockley asked how long the County has allowed these mobile homes. Mr. Pierce said from the beginning when the Exposure D line was created. Ms. Patricia Hale, a resident of St. George Island, answered the law started in 1994. Commissioner Parrish said the County was interpreting from the open waters of the Gulf of Mexico but the State is interpreting from any upland waters. He asked if some changes may need to be made with the Comprehensive Plan. Mr. Pierce stated he thinks they talked with more than one person and individuals at DEP because they follow the same interpretation of open waters as they do with the Coastal Construction Control Line. He explained this line also controls construction in the State of Florida and it is based on waters of the Gulf of Mexico, Straits of Florida and the Atlantic Ocean. He reported this CCL runs on St. George Island and Alligator Point but there is not one here as this land does not front the Gulf of Mexico. Mr. Pierce stated he thinks they decided to use one definition for open waters and that is the Gulf of Mexico. Commissioner Sanders read a portion of Mr. Moron's report and questioned the impact on existing mobile homes that are Zone III but do not meet the requirements of Exposure D. She explained it says if the County does not get the Zone III mobile homes up to Exposure D requirements then they are liable. Mr. Curenton stated the mobile homes were permitted doing the right thing and they are already there and "grandfathered in". Commissioner Parrish said once the County has been notified of this change and continues to allow it, then the County assumes the liability. Commissioner Parrish asked Attorney Shuler to look into this matter and come back with a recommendation on how the Board should proceed. Commissioner Parrish asked how they can ask these people to move and where are they going to go. **Commissioner Parrish made a motion for Attorney Shuler to look into this matter and come back and advise the Board.** He said Mr. Pierce needs to be involved also to make sure the County is receiving the correct interpretation now. He stated they need to clarify if what the County has been told is true and work with the attorney to see what the liabilities are and how they should proceed. **Commissioner Lockley seconded the motion.** Commissioner Lockley asked Attorney Shuler to find out which one of these gentlemen is correct. Ms. Hale reported Mike & Jessica Owens own a mobile home and are currently at Gulf View and wish to relocate to 10th Street in Eastpoint. She explained both properties lie in the Exposure D zone. She went on to say when the trailer was originally permitted and allowed to move into the County, it was rated through wind Zone III. She proposed "grandfathering" them in if they agree to meet total compliance for the Exposure D tie-down foundation procedure. She reported they are already here and are going from an Exposure D area to Exposure D area. She stated if they updated their tie-down procedure to comply with the Exposure D state mandated procedure, would the County grant them the permit to relocate their trailer. Ms. Hale questioned if a waiver of liability release would work for this issue to

be drawn up by their attorney or the County Attorney to remove liability from the County. Attorney Shuler reported he needs more information. He asked what the hardship would be to wait 2 weeks as he will have a report at that time. Mrs. Owens explained she lived in Gulf View which has now changed to Coastline and the new owner is requiring all big trailers to move. She reported she has lived there since 2007 and will move her trailer but ran into problems when she got sick. She said they are behind schedule as they were supposed to be out by March. She reported she is not sure how long they will allow her trailer to stay. Commissioner Parrish asked if Attorney Shuler will have a recommendation in 2 weeks. Attorney Shuler answered yes. Commissioner Parrish said he will call and ask for an extension of time for Mrs. Owens. He reported he knows this individual and he understands this situation as his son was in the same position. He reported they will have an answer in 2 weeks and he feels the individual will allow this as the County is being diligent. Commissioner Parrish asked Attorney Shuler to report back in 2 weeks on the liability issue but also whether or not they can allow this move. Attorney Shuler said he thinks he can get all the information he needs in 2 weeks to be able to advise the Board on how to move forward at least on the issue of the individuals trying to move the mobile homes. He reported the Board needs to make an official request for an official statement from DMV as the County has been dealing with this mobile home issue for 22 years under the same process of allowing these non Exposure D mobile homes in the County so DMV has some obligations to the County. Chairman Massey asked how far Mrs. Owens is moving the trailer. Mrs. Owens answered 1.3 miles from driveway to driveway. Mrs. Owens explained they talked with the state representative and for the existing time she has lived in an Exposure D area there have been no incidents. She explained Zone III stands up to winds 110 miles per hour and Exposure D stands up to winds 140 miles per hour. She discussed the tie-down, window and foundation requirements. She explained the representative said foundation can be made with piers on the ground instead of regular blocking. Attorney Shuler asked if this representative was from the State. Mrs. Owens answered yes. **Commissioner Parrish amended his motion to include making an official request for an official statement from DMV. Commissioner Lockley seconded the motion. Motion carried; 5-0.**

9. Inform the Board that the Sheriff has requested the Board to allow him to get the next ambulance that Weem's Hospital will remove from active duty. The Sheriff's SWAT team would benefit from the use of this type of vehicle. Board action.

On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to write a letter to Mr. Mike Cooper stating the County would like to allow the Sheriff to receive the next ambulance that Weems Memorial Hospital removes from active duty.

10. Board action to support and authorize the Chairman's signature a Resolution proclaiming April 2016 as Water Conservation Month. The Northwest Florida Water Management District made this request. 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 adopt the Resolution proclaiming April, 2016 as Water Conservation Month and authorizing the Chairman to sign the Resolution, as follows:

RESOLUTION PROCLAIMING

WHEREAS, clean, safe and sustainable water resources and supplies are vital to the people, environment and economy of Northwest Florida; and

WHEREAS, Franklin County is working with the State of Florida, water management districts, local governments and water supply utilities to ensure the continued welfare of the residents and natural systems of Northwest Florida; and

WHEREAS, Franklin County encourages residents to help support the District's efforts to ensure a clean and reliable water supply, which is vital to a healthy economy and community; and

NOW, THEREFORE, the Governing Board of Franklin County hereby proclaims the month of April 2016, as

Water Conservation Month

And The Franklin County Board of County Commission calls upon each resident, visitor and business to help protect our region's water resources through common-sense water conservation measures and increased awareness of the need to conserve water.

THIS RESOLUTION ADOPTED THIS 5TH DAY OF APRIL, 2016 by the Franklin County Board of County Commissioners.

s/William Massey

William Massey - Chairman

Attest:

s/Marcia M. Johnson

11. Informed the Board that Ms. Glenda Wood, of Gulf Coast State College, sent an email thanking the Board for their letter of support for the TRiO program. She stated that she would keep the Board updated on their efforts to provide another educational opportunity for the residents of Franklin County.
12. Remind the Board that the April 19th regular meeting will be in Carrabelle. This meeting will start at 10am and will be in the City of Carrabelle City Commission meeting room.
13. Inform the Board that the 2016 FAC Annual Conference & Educational Exposition is scheduled from June 28 - July 1. The Conference will be held at the Hyatt Regency Orlando in Orange County. Board action to approve travel and expenses for Commissioners and staff.

Commissioner Parrish made a motion to approve the travel and expenses for the Commissioners and staff to attend the 2016 FAC Annual Conference and Educational Exposition scheduled from June 28th-July 1st. Commissioner Lockley seconded the motion. Motion carried; 5-0. Commissioner Lockley asked if the Ethics training is scheduled at this meeting. Attorney Shuler reported they should be teaching the Ethics Class at this conference. Mr. Moron stated the Ethics Class is a separate registration.

Commissioner Sanders informed the Board she would like to attend the Governor's Hurricane Conference in May. **On motion by Commissioner Parrish, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to pay the travel and expenses for Commissioner Sanders to attend the Governor's Hurricane Conference.**

Commissioner Sanders asked if the Hospital will appear at the meeting on April 19th as she was hoping they would appear today. Mr. Moron answered yes, as far as he knows they will appear. Commissioner Sanders said to make sure Mr. Cooper is present at the April 19th Board meeting. Mr. Pierce asked what time this meeting will start in Carrabelle. Mr. Moron answered 10:00 a.m. Commissioners Sanders reported there are two public hearings on the ordinances at 11:00 a.m. Mr. Moron said the agenda is pretty full as the Board will meet with Mr. Cooper and have the two public hearings on the Litter Control Ordinance and the Animal Control Ordinance. He stated they will also have a Planning & Zoning and Board of Adjustment report in addition to the other items.

T. Michael Shuler – County Attorney – Report

Attorney Shuler appeared before the Board and presented the following report:

1. Camp Gordon Johnston

On March 31, 2016, the CGJ association signed the grant agreement and deed conveying to the county the property at Carrabelle Beach on which the new museum will be built.

The grant agreement requires Franklin County to re-convey the property back to the CGJ association and reserving a reversionary interest in favor of the county.

Attached for the Board's consideration is the deed for the Chairman to execute re-conveying the property to CGJ and reserving a reversionary interest for the benefit of the county.

Board Action: I recommend that the Board authorize the chairman to execute the deed. If approved, I will record both deeds.

Alternatives: Other action as determined by the Board.

On motion by Commissioner Sanders, seconded by Commissioner Watson, and by unanimous vote of the Board present, it was agreed to authorize the Chairman to execute the deed reconveying the property to Camp Gordon Johnston and reserving a reversionary interest for the benefit of the County.

2. Orion Marin Services, Inc. v. Franklin County

Attached is an email and letter from Robert Dees, your outside counsel in this matter. At issue is his request that the Board approve an after-the-fact request to pay Dr. Branscombe an expert fee which exceeds the amount previously authorized by the Board. In sum, the Board authorized a cap of \$3,000.00, and the fee totals about \$10,000.00.

The letter fully explains Mr. Dees request. I concur that Dr. Branscombe's testimony was key in obtaining the \$575,000.00 settlement paid by Orion Marine.

Board Action: Does the Board accept Mr. Dees request to pay Dr. Branscombe.

Alternatives: Other action as determined by the Board.

Attorney Shuler agreed with Mr. Dees that the climatologist was a crucial expert in bringing about this settlement of \$575,000 to the Board. Commissioner Sanders asked if this payment would be out of professional services. Mr. Pierce answered the general fund. Attorney Shuler explained the settlement was divided and part of the funds went back into professional services. **Commissioner Sanders made a motion to accept Mr. Dees request to pay Dr. Branscombe the \$10,000. Commissioner Lockley seconded the motion.** Commissioner Lockley said he wants to pay this because without this testimony they would not have gotten this settlement. Attorney Shuler said he did not think they would have increased their settlement this far without the testimony. He explained their first offer was around \$125,000 and as the case was developed they began to increase the amount until ultimately it resulted in the \$575,000 settlement. Attorney Shuler said the case went on for a number of years so he can understand why Mr. Dees would think the cap was not there. He felt Mr. Dees acted in good faith and was trying to do a good job for the County. Commissioner Watson asked if the proceeds from the settlement pay the expenses and then the balance goes back into the bridge

trust fund. Mr. Pierce reported the settlement was \$575,000 so about \$350,000 went into the trust fund. He reported the trust fund is almost back to where it started. Commissioner Watson inquired about the balance in the trust fund. Mr. Pierce estimated the balance started at \$1.2 million and is now at \$1.1 million. Mr. Pierce said the account accrues interest so the fund builds slightly. He reported the Board took some interest money one time to complete a project on the bridge. Commissioner Sanders said the funds were used for handicap improvements on the fishing piers. Mr. Pierce stated the funds were given to the County in lieu of the State of Florida tearing the whole bridge down. He explained they estimated the cost to tear down the whole bridge at \$1.2 million but now it would cost more than \$1.2 million to remove it if it ever gets damaged. Attorney Shuler said it took over \$600,000 to repair 168 feet of the bridge. Mr. Pierce stated there is 6,000 feet on the bridge. Attorney Shuler reported there may be money built into the settlement for the expenses and expert fees but he not sure of the amount. **Motion carried; 5-0.**

3. Anti-Nudity Ordinances

The Board is in receipt of my draft ordinances amending your current anti-nudity ordinances. If challenged in court, ordinances of this type are judged based on whether they do, or do not, pass constitutional muster. I am not a first amendment scholar. However, you will need a first amendment scholar experienced in the field to provide such an opinion. I have located such a person, and he has provided an estimated fee of \$11,000.00 for him to conduct a study and provide an opinion to the Board regarding the ordinance and make any changes that he suggests, if any.

Board Action: Does the Board want to hire an outside consultant to provide an opinion to the Board concerning the first amendment implications and possible first amendment weaknesses of your ordinance?

Alternatives: Other action as determined by the Board

Commissioner Parrish questioned if this person would help make sure the county is complying with the civil rights. Attorney Shuler answered the First Amendment right issues. Commissioner Parrish said they do not want to violate anyone's civil rights so he is not opposed to bringing in an expert to review this matter. Attorney Shuler informed the Board he contacted an attorney for another county and asked for a copy of their Ordinance that has been successfully defended in court. He said the problem is the Ordinance was successfully defended but it was 15 years ago so he would like someone to review the Ordinance to determine if any changes need to be made. He reported the Board is talking about regulating individual's First Amendment rights so it might be good to have another person review the Ordinance. Commissioner Sanders agreed and said this also closes up any loopholes. **Commissioner Parrish made a motion to authorize the hiring of an outside consultant not to exceed \$12,000. Commissioner Sanders seconded the motion.** Commissioner Watson said he thinks it is important to do this right so he supports the motion but would like to know where the funds come from as this item is unbudgeted. Attorney Shuler stated there is a line item in

the budget for professional services. Mr. Pierce reported there are funds set aside for professional services and the amount is usually \$30,000-\$50,000. He explained if the funds are not spent then it is cash carried forward and rolls into next year's budget. **Motion carried; 5-0.**

4. Construction Manager at Risk Update and Possible Approval of Preconstruction Contract.

I have reviewed the form contract provided by Adams Consulting Group, and made minor changes to it. The description of the project, the project scope and project schedule are outside of my review and is the responsibility of Adams Consulting Group.

With the changes made to the contract, I recommend approval.

The only issue remaining is the professional fee to be paid to Culpepper. A meeting is scheduled for Monday, April 4, 2016, at 1:30 at the county commission meeting room in Apalachicola to discuss the fees.

Board Action: Does the Board want to approve the pre-construction contract with Culpepper?

Attorney Shuler stated Mr. Hill is present and he asked him to remain to answer any questions. Commissioner Sanders asked Attorney Shuler if he has looked at any of this. Attorney Shuler answered yes. Mr. Hill provided an overall summary of the contract for pre-construction services based on where the project is now and some concerns about the project proceeding forward. He said his understanding was the approval was to move forward with hiring a construction manager to provide pre-construction services which take them through developing the overall Guarantee Maximum Price (GMP) when the actual design is complete. He reported at each stage of the design, the construction manager would provide an updated budget based on the schematic drawings which they have now, the design/development package and the construction documents. Mr. Hill stated these are the 3 main deliverables they will provide along with the overall schedule to make sure everything stays in line. Mr. Hill said they met yesterday and talked about specific numbers and the total for preconstruction services is \$62,500 which is a lump sum. He reported they have defined what percentage applies to each of the 3 deliverables. He explained if this project was ever stopped then you would know what was owed to Culpepper Construction Company. Commissioner Lockley asked if Attorney Shuler has looked at the contract. Attorney Shuler said Mr. Hill is present as that was the direction from the Board at the last meeting. He explained Mr. Hill also needs to be present as the project description, scope of the work and project schedule are not things he can add to as he is not a hospital construction consultant. Attorney Shuler stated he reviewed the language in the contract and it does cover the County's interest and defines a GMP. He reported it also sets forth that the GMP will only be paid on the back end of this pre-construction services if the Board chooses to move forward with construction of the hospital. He said he built in a provision that if the County chooses to stop this process during pre-

construction services then there is a termination date and a methodology to pay for their services through the termination date. He explained in relation to standard provisions for the County's responsibilities and the contractor's responsibilities, he is relying on Adams Consultants as he does not have any experience in these areas. He informed the Board all the standard things he puts in all contracts are in this contract. Mr. Hill reported no pay application or bill would come from Culpepper Construction Company until the GMP is established and accepted. He stated this is when they would be allowed to bill for the first time for pre-construction services unless the contract is terminated prior to reaching this point. He explained there are ways to establish what they are owed if this happens. Attorney Shuler stated the reason for the timing of the lump sum payment being at the back end, assuming the Board moves forward and accepts the GMP, is because if you get to this stage in the construction process the County should have already obtained the pre-construction loan. He explained then the loan proceeds can be used to make the payment instead of taking it out of your surtax revenue. Attorney Shuler said the contract is in the form to be approved today. **Commissioner Lockley made a motion to approve the contract with Culpepper Construction Company. Commissioner Parrish seconded the motion. Motion carried; 5-0.**

Commissioners' & Public Comments

Mr. Feifer said they are getting ready to enter the budget cycle and asked if there are any tentative dates or planning at this time. Mr. Moron stated the Clerk has not informed him of any dates but he will ask her and let the Board know by April 19th. Mr. Moron asked if the Board is directing the Clerk to start these dates or leaving this up to her discretion. Chairman Massey stated normally the Clerk has done this. Commissioner Sanders stated they always say no increases so it will be the same thing. Mr. Moron reported she will be at the next meeting and they can discuss it with her. Mr. Feifer reported the past two years the budget cycle has been smooth and they hope to continue the budget process that has been adopted over the last couple of years. He explained they like time to figure out any issues before they get to the budget workshops. He said a pre-budget workshop could be conducted if the Commissioners deem it appropriate. Mr. Feifer reported there is a new Commissioner this year so he needs time to get up to speed. He stated they just want to know the process as early as possible.

Mr. Pierce reported Gulf County is also interpreting the Exposure D the same as Franklin County and considered Cape San Blas as their open water. He said everyone on the mainland was allowed the same as Franklin County.

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 11:30 a.m.

William Massey - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts