

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COURTHOUSE ANNEX – COMMISSION MEETING ROOM  
SEPTEMBER 4, 2018  
9:00 AM  
MINUTES**

**Commissioners Present:** Joseph Parrish – Chairman, Noah Lockley-Vice-Chairman, Cheryl Sanders, William Massey, Ricky Jones

**Others Present:** Marcia M. Johnson-Clerk of Court, Michael Moron-County Coordinator, Michael Shuler – County Attorney, Lori P. Hines-Deputy Clerk to the Board.

**Call to Order**

Chairman Parrish called the meeting to Order.

**Prayer and Pledge**

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes**

**On motion by Commissioner Massey, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the minutes of the meetings held on August 16, 2018 and August 21, 2018.**

**Payment of County Bills**

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

**Public Comments** – *(This is an opportunity for the public to comment on agenda or non-agenda items. When you are recognized to be heard by the Chairman, please sign the speaker's log and adhere to the time limit. An individual will be allowed to speak for three minutes whereas a designated representative of a group or faction will be allowed to speak for five minutes.)*

Mr. Charles Elliott, County Veterans' Service Officer, informed the Board September 21, 2018 is Prisoner of War (POW)/Missing in Action (MIA) Recognition Day. He explained there are people in the community that are still waiting for their family members to return. He reported posters

will be put up to recognize this day. He said he will appear later to ask for the Board to adopt a Resolution to recognize this day the third Friday of every September.

Mr. Charles Wilson, a resident of Franklin County, said he is concerned about Duke Energy spraying under the power lines. He talked about the affects people had after they were sprayed with Agent Orange during the Vietnam War. He informed the Board he has researched the chemicals online and they are spraying 4 different types of herbicides. Mr. Wilson read the information from the labels of the chemicals for the Board. He stated the chemicals are EPA approved but Agent Orange was EPA approved also. He reported 400,000 deaths were attributed to Agent Orange since it was sprayed in Vietnam. He listed the chemicals being sprayed and said some of the chemicals can stay in the ground for years. He said one of the factors they are worried about is the rain and the runoff. He explained yesterday he showed pictures to Chairman Parrish of the ditches where the product was sprayed and is running into the bay. He stated the bay is in bad enough shape without having the chemicals flow into it. Mr. Wilson said he understands the Board was not aware Duke Energy was going to spray. He reported he knows the impact chemicals like this can have on people. He named individuals in the community that were lost to the effects of Agent Orange. Mr. Wilson reported if these chemicals are sprayed near an irrigation system, the water cannot be used to irrigate crops for 120 days. Mr. Wilson stated Duke Energy has used strong arm tactics in every state they have been in and do what they want to do. He informed the Board there is a Duke Energy no spray site which is 505-109 Meadowlands Drive, Hillsborough, NC 27278 and he provided this information to Chairman Parrish. He stated they cannot change what has happened but they can get on the no spray list. He requested the Board require utilities services and service companies that do business in Franklin County to come to the Board before they spray. Chairman Parrish said he turned the contact numbers over to county staff.

Ms. Erma Lindsey Peddie, a property owner in Franklin County, said she has a small piece of property less than one acre and she cannot put a power pole on it. She explained the reason she does not have an acre is because her Dad purchased property behind her and did not have access so she gave him a right-of-way. She said for years she had a power pole on the property and a mobile home and she has also been paying for water and sewer for years. Ms. Peddie reported her power pole disappeared and she wants to have a pole on this property just in case she needs to bring in a motor home or let people use her property. She requested the Board allow her to put the power pole back on her property because her power pole was stolen. She reported she does not live here but lives in Liberty County. Mr. Moron stated Ms. Peddie was here last Thursday and talked with Commissioner Massey and Commissioner Lockley who were present because they were here for a Value Adjustment Board meeting. He reported there is a long standing policy of the Board not to issue power pole permits for RV's. He reported this lot is less than 1 acre so only one structure is allowed on the lot and at one time there were 4 structures on this property. Mr. Moron explained when structures are removed they cannot go back before they are not grandfathered anymore until they are down to one structure. He reported there are a couple of county rules and regulations that do not allow them to put this power pole back. He pointed out there are apparently multiple water and sewer taps. He

stated only one building is allowed per acre and asked Attorney Shuler when these regulations went into effect. Attorney Shuler stated these rules go back to the 1970's and limit density and height. Chairman Parrish questioned if this property is grandfathered in with non-conforming uses. Mr. Moron answered yes, and said there is nothing else the county staff can do. Commissioner Sanders stated in talking with Ms. Peddie it seems her power pole was stolen off her property. She explained has it not been stolen the power pole would have still been there. **Commissioner Jones made a motion to place this item on the next Agenda. Commissioner Sanders seconded the motion.** Commissioner Jones asked staff to check and see if this property was actually zoned commercial and the county changed it to residential and that is part of the problem. Commissioner Lockley asked if the Board can address this today when she is here. Mr. Moron said he needs to check to see if the property changed from commercial to residential and he cannot check today. **Motion carried; 5-0.** Mr. Moron reported this will be placed on the September 18<sup>th</sup> agenda. He said staff will be contacting Ms. Peddie for more information.

Mr. Wilson informed the Board one of the chemicals being sprayed is harmful to plankton which is in the bay. He explained they are already seeing a change to the seafood in these areas because of the spraying. **Commissioner Lockley made a motion to ask staff to check into the spraying with Duke Energy and ask them not to spray stuff that will harm people or the bay.** He asked staff to mention to Duke Energy that the bay is a source of income. Attorney Shuler advised the Board there is no action during public comment but he can address it to Mr. Moron or the Board can address it during Commissioners' Comments. **Commissioner Lockley rescinded his motion. On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to amend the Agenda to have a discussion about the Duke Energy spraying. Commissioner Lockley made a motion to direct staff to contact Duke Energy and have whoever is spraying not use anything that will hurt the public and not to use anything that will hurt the bay as it is dying now and get back with an answer. Commissioner Jones seconded the motion.** Chairman Parrish asked for public comment. There was no public comment. Commissioner Sanders said they had the same problem on the eastern end of the county and she stopped them from spraying. She explained the spray killed her dogwoods and if it is the same ingredients as Roundup it will be cancer causing. Chairman Parrish stated he provided the information to staff and they are looking at the chemicals that were sprayed. Commissioner Lockley suggested they have someone cut the area instead of spraying. **Motion carried; 5-0.**

#### **Howard Nabors – Superintendent of Public Works**

Mr. Nabors said they used to cut the area where they are now spraying. He reported the Road Department is still cutting grass in the county. He stated there has been a lot of rain so some of the roads are messy and when the roads dry out they will take care of them.

Mr. Moron read the following item from his report:

6. As the Board may recall, FDOT inspected, both, Crooked River Bridge and Timber Island Bridge last year and provided a list of maintenance items that required repairs on both bridges. Mr. Nabors, your Road and Bridger Superintendent, stated that the County did not have the necessary equipment to address these maintenance items; so therefore, BroadSpectrum was hired to address these items. Repairs to Crooked River Bridge have been completed but there is a problem with Timber Island Bridge beyond what was first anticipated. One of the maintenance tasks is to clean and reseal the joints on the Timber Island Bridge. But after starting this project, they discovered an abundance of material that has filled the joints up over the years; some joints are actually higher than the bridge deck at this time. BroadSpectrum's recommendation is to replace all pourable joint seals, which will increase the total cost of the project from \$9,200 to \$14,700. Mr. Nabors contacted BroadSpectrum and verified that replacing all of the joint seals is the best solution. **Board action** to authorize BroadSpectrum to replace all of the joint seals at a cost of \$5,500.

**Commissioner Massey made a motion to authorize BroadSpectrum to replace all of the joint seals at a cost of \$5,500. Commissioner Lockley seconded the motion.** Commissioner Sanders said at the last meeting there was a list of roads that the City of Carrabelle said they owned and Timber Island Road was one of them. Mr. Nabors stated Timber Island Road is a county road but the City is saying the side roads off Timber Island Road belong to the City of Carrabelle. He explained it is the same way with North Road, one side is the county's and one side is the city's. Commissioner Sanders reported if this is a city road then they should contribute to the repairs. Commissioner Massey said the city took the side road over years ago. Mr. Nabors discussed the road that runs by the FWC Office. Commissioner Massey stated that is Graham Road and they say it is a private road but he does not know. Commissioner Lockley said the county needs a list of what they own and what the city owns. Attorney Shuler reported he contacted Mr. Dan Hartman, attorney for the City of Carrabelle, and requested an official road list and a factual basis for why they believe they are county roads versus city roads. He stated he talked with Mr. Hartman the middle of last week so the county has not been waiting long for an answer. Attorney Shuler explained after he receives their factual basis and discusses it with the attorney then he will bring this matter back to the Board. Commissioner Jones asked if there is money in the Road and Bridge Fund to cover this repair. Mr. Nabors and Mr. Moron answered yes. Mr. Nabors explained they use a bar to get under the bridge and BroadSpectrum has this ability. He stated the county works on the bulkheads but has not done the other kind of work. **Motion carried; 5-0.**

Mr. Nabors stated on Ridge Road they replaced 5 culverts that were damaged by the fire. He said there are 5 places where there are no culverts. He explained people that have culverts flood when it rains. He reported the policy of the county is if the person who owns the property pays for the culvert then the county will install it. Commissioner Lockley asked if that is what is stopping the flow of water. Mr. Nabors answered yes; he said there are also a couple of culverts that are collapsed. He said they are working on a concrete pipe this morning and may be able to put another piece in it. Chairman Parrish reported they should assist some of these people with culverts out of the fire fund to help the flow of water. Commissioner Sanders stated the county had a project years ago to replace the culverts. She said they need to be

aware they need to put a culvert in their ditch and the county will install the culvert if they pay for it. Mr. Nabors reported the property owners do not have the money to put the culverts in.

Mr. Nabors asked about the road on Alligator Point that the gentleman wanted the county to abandon. Attorney Shuler reported it was Bay Front Drive and he talked with Mr. Nabors and the recommendation from him and Mr. Nabors is not to abandon the public road. He explained the road does not have direct water access but the road is in good shape and Mr. Nabors reported that members of the public travel this road. He recommended the Board take no action to abandon the road. Commissioner Sanders stated she will refer the gentleman to Attorney Shuler or Mr. Nabors if he contacts her again.

### **Fonda Davis – Solid Waste Director**

Mr. Davis reported the equipment was provided to the football teams so they are ready to play.

Commissioner Sanders congratulated Mr. Davis on being elected to the Franklin County School Board to represent District 3.

Commissioner Jones said at the last meeting when they discussed football the Board addressed Kendrick Park. He asked if some of the items such as the fence have been addressed. Mr. Davis stated the fence is up and they are trying to come up with something for a platform. Commissioner Jones asked if they have addressed the ends of the field where people were bypassing the tickets. Mr. Davis reported this item has been taken care of. Commissioner Lockley asked where they are playing the football games. Mr. Davis stated Kendrick Field in Carrabelle. Commissioner Lockley inquired where the children from Eastpoint and Apalachicola are practicing. Mr. Davis said right now they are holding practice at Kendrick Field but he is working with the athletic director to get them back to the school.

### **Pam Brownell – Emergency Management Director**

Mrs. Brownell said she does not have any action items. She explained she has one more information item that came in after she did her report. She stated she talked with Attorney Shuler about phone calls from residents from the fire asking who will replace their items such as sheds, tools, cars, boats, etc. She reported they want to know if the county is going to use the money that was turned over to purchase these things. She said she explained the first priority is people that were completely burned out. Mrs. Brownell reported Mr. Moron asked her to contact the state and she did and read their response. Mrs. Brownell said she has not heard from Mr. Frank McComb. She stated she talked with Mr. Clint Davis, Division of Forestry, today and they cannot talk about the fire. Mrs. Brownell said she asked where she can get the final report because the first report said it was Wildlands Services, Inc., the company FWC hired, but there was another investigation and she has not received the final report. She explained they need the final report so they know where to direct people to file claims for their losses. Mrs. Brownell stated she will contact the State fire investigator today and try to find out

what the final fire report says. Mr. Moron reported he contacted Senator Bill Montford's office and was sent back to the State Emergency Management Office. Commissioner Sanders said that is the way it is going to be. Mrs. Brownell reported since it was not a state declared emergency it is just a local emergency and will fall back on the person responsible for the fire. She said she asked FWC this morning and they did not have any information either.

Attorney Shuler stated on Friday he was contacted by the Finance Department in reference to some invoices that need to be paid in relation to the recovery efforts. Mr. Moron presented a list of the invoices to each Commissioner. Attorney Shuler said the first action needs to be a motion to amend the agenda to take up the item for consideration of the payment of the invoices for fire recovery services provided and he read the list of vendors. He explained if the Board makes a motion to amend the agenda then he will have Mrs. Brownell go over the details of how the services were provided and validate the invoices. He reported after that there are certain findings the Board would have to make. He pointed out this information is from the county CPA firm, Roberson & Associates. He explained the auditor, Mr. Ben Vance, has a certain finding of fact that the Board would need to adopt in order to pay the invoices. **On motion by Commissioner Lockley, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to amend the agenda to address the invoices for the fire recovery services.** Attorney Shuler asked Mrs. Brownell to go through and validate the invoices. He said the CPA firm is advising the Board that it will need to be stated in the minutes that the Board accepts the outstanding Franklin's Promise invoices relative to the Eastpoint fire as a liability to be paid from the agency funds that were received from Franklin's Promise for the Eastpoint fire victims. He asked Mrs. Brownell to go through the invoices and validate them so they will have the factual finding to pay the invoices. Mrs. Brownell reported she does not have the actual invoices with her but has a list. She stated she and Mrs. Jennifer Daniels, Emergency Management Department, have gone through the invoices line item by line item and they have made sure the items were used or returned back to the departments. Attorney Shuler stated the email he received said all the invoices were reviewed and approved for payment by the Emergency Management Director. Attorney Shuler said the total amount of the invoices is \$7,375.18. He stated they can read off the bills if there is a request from the public but it is not required. Mrs. Brownell reported the trailers did not come with plugs and wires to connect to the power poles and to connect the plumbing so some of the bills are for adapters, cables and water hoses. She explained the carpet was cleaned in one trailer because there were cats living in the trailer before. Chairman Parrish asked for public comment. Mr. Alan Feifer, Concerned Citizens of Franklin County, asked if this bill is for Roberson & Associates. Chairman Parrish announced it is businesses that have submitted invoices. Attorney Shuler stated Mr. Roberson told him they are donating their services relative to the fire recovery so they will not be submitting any invoices. He explained the bills on this list are to service providers directly related to fire recovery. **Commissioner Massey made a motion to accept the outstanding Franklin's Promise invoices relative to the Eastpoint fire as a liability to be paid from the agency funds that were received from Franklin's Promise for the Eastpoint fire victims and to pay the bills in the amount of \$7,375.18. Commissioner Jones seconded the motion.** Commissioner Lockley asked if there are more bills. Mrs. Brownell said

she received a bill today from Mr. Nabors for pipe for the 5 culverts that were replaced. She discussed the bill and said it is for \$1,950.80. Chairman Parrish suggested the Board handle the recent bill on another day. Mrs. Brownell agreed to turn this invoice into Mrs. Erin Griffith, Assistant Finance Director. Commissioner Jones stated the list has who they are paying, the invoice number and the amount but he would like to know the dates for all of the bills. Mrs. Brownell said she can provide copies of each invoice. She reported Mrs. Griffith also has a copy of each invoice. Commissioner Jones stated he just needs a list with the dates. **Motion carried; 5-0.** Attorney Shuler reported the second part recommended by the auditors is the Board grant by motion and second specific approval of payment of the invoices on the list on a special check run. **On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve payment of the invoices on the list below on a special check run.**

Attorney Shuler mentioned a representative of Roberson & Association handed him the examination report on Franklin's Promise Coalition which is their audit findings. He read the last paragraph of the report for the Board. Chairman Parrish stated this means all the numbers add up. Commissioner Lockley asked how long it has been since the fire. Attorney Shuler reported 9 weeks. Commissioner Lockley stated people need to be paid earlier than this because they are running businesses.

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 continue to promote the Alert Franklin System and encourage residents to sign up to receive updates and information from Emergency Management.
4. EOC Staff continue to address the issues of the Eastpoint Limerock Fire. Tress Dameron is assisting Debbie Belcher with assessment for the CDBG Grant qualifications. Staff has met with several survivors to assist with loading of donated items for their homes.
5. Jennifer Daniels attended the 3<sup>rd</sup> Qtr. Region 2 Meeting in Lafayette County on 08/30/18.
6. 08/24/18 Staff spent the day at the Donation Center located at Carrabelle City Hall organizing donations to facilitate disbursement of the items donated.
7. 08/25/18 Jennifer Daniels disbursed donations from the Donation Center to Fire survivors by appointment.
8. 08/30/18 Tress Dameron attended the funeral of Mr. Tom William's Wife in Bay County. Mr. Williams is the Salvation Army representative that set up the Canteen,

prepared and assisted in delivering approximately 2000 meals for the Eastpoint Fire Survivors.

### **Erik Lovstrand – Extension Office Director**

Mr. Lovstrand said he has no action items. Mr. Moron read item #1 from his report:

1. At your last meeting Mr. Erik Lovstrand informed the Board that the UF/IFAS Extension Administrative Office had a small SUV they would like to donate to the Franklin County IFAS Extension Office. The Finance Office verified that Mr. Lovstrand's budget could support the fuel, maintenance, and insurance for a vehicle, especially since his travel reimbursements will be substantially reduced while using this vehicle. **Board action** to authorize Mr. Lovstrand to accept this vehicle for official County use.

**On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to authorize Mr. Lovstrand to accept this vehicle for official county use.** Chairman Parrish asked if the Board wants Mr. Lovstrand to work with staff on the spraying issue with Duke Energy. Mr. Lovstrand said he will be happy to work with staff on this issue. Chairman Parrish stated maybe the University of Florida can explain how dangerous and detrimental these chemicals are.

### **County Extension Activities August 22 – September 4, 2018**

#### General Extension Activities:

- Assisted clientele with soils tests, and ant issues.
- Participated in annual Extension Professional's Associations of Florida meeting in Ponte Vedra Beach, FL. Presented one abstract, attended learning sessions and statewide Initiative team meeting, and an in-service training workshop.
- Received 50%-completion architectural plans for the Extension facility renovation. Working on feedback for architect to move this to 100%-completion plans prior to soliciting bids from contractors for the work.
- Attended Florida Association of Natural Resource Extension Professionals meeting and provided report on Scholarship Committee activity this year. Extension Director is acting as Chair of the Scholarship Committee this year.

#### Sea Grant Extension:

- Participated in weekly conference calls to coordinate Sea turtle lighting project work on Dark Skies grant.
- Extension staff organizing invoicing information for UF Contracts and Grants office, related to cost-reimbursement on Dark Skies turtle lighting grant.



#### 4-H Youth Development:

- Six 4-H Youth planning to attend Southern Teen Leadership conference in Tennessee this year.
- Completed annual ES 237 report for 4-H activity year.

#### Family Consumer Sciences:

- Family Nutrition Program (FNP) Assistant teaching scheduled programs in local schools.

#### Agriculture/Horticulture:

- Planning continues for a workshop in Apalachicola with the cold-hardy citrus group in N. Florida to provide information about growing citrus in N. Florida and issues with citrus greening.
- Working with Wakulla CED on hosting a Master Gardener program at local library.
- Third Tuesday horticulture program conducted at Carrabelle Library branch by Wakulla Ag Faculty.

#### **Curt Blair– TDC Administrator – Report**

Mr. Blair stated he hoped to have the 4 vendor contracts ready but he does not have the details yet so he will bring them to the next meeting.

Mr. Blair reported they are working on submissions for the photo contest for the Florida Association of Counties (FAC) and have local people providing historical photos of the county.

**Commissioners: My report today focuses on the review of the RFQ for Administrative Services. I will be making my regular report at the end of the month.**

#### **Collections:**

I have attached the collections information for the month of June. Collections this month are \$269,049.32 which is an increase over last year of \$42,253.84. Our collections for the year are now at an increase of 8.8%

#### **Administrative RFQ:**

As you requested at your last meeting the TDC received the responses to the RFQ for administrative services. The Board conducted a Special Meeting last Thursday for the purpose of reviewing applications to assess the degree to which applicants responses were consistent with the requirements of the RFQ. During that review a question was raised about whether the change from providing the Commission the top three applications to providing you all four applications could be done without re-advertising the change. The TDC Board is anxious to provide you the information you need and have requested. At the same time they know it is important that the proper process be followed to protect the interests of the county.

I have attached a draft of the minutes of the Special TDC Meeting. In addition, at the request of the TDC Board I have attached a copy of the RFQ and advertisement highlighted with the language of concern.

An additional question arose during the review of the applications on which I would also like your direction.

We received two applications from entities that either included or had a relationship with two of our board members. To my knowledge the issue of potential conflict by Board members has not been discussed. Should we instruct board members who are either a part of an application by way of their membership on a board making application or their employment of an applicant that a potential conflict might exist in the review of the applications and that they should abstain from any votes on the matter?

Mr. Blair said there are questions because the Request for Qualifications (RFQ) described a different process than the Board directed the TDC Board to follow. He stated the TDC Board was concerned they not get too far into the process so there is not a basis for an appeal. He questioned if they should notify the applicants or advertise the difference in the process. Attorney Shuler reported the Board cannot change the material requirements or qualifications of the RFQ in the middle of the process. He explained what they are talking about is changing a non-material process where the Board will interview 4 applicants instead of 3. He said the Board can do this if they want to or they can follow the advice of TDC and readvertise. Mr. Blair clarified the TDC Board is not making a recommendation but just wanted the Board to know about the issue. Commissioner Lockley said the Board asked them to go over the RFQ's and tell them. Commissioner Sanders explained the RFQ said that the TDC will send the top 3 ranked applicants back to this Board. She reported at the September 12<sup>th</sup> meeting the top 3 applicants would be known to the public. Mr. Blair agreed it said they will rank the top 3 firms at the September 12<sup>th</sup> meeting. Commissioner Sanders reported it says the TDC Board will rank the top 3 and bring the recommendation but now there are 4 firms and the TDC Board is not supposed to do anything but bring the names back and whether they met the criteria. She reported some of the TDC Board members like Mr. Rex Pennycuff who is present were concerned they were going against what the RFQ said so instead of having a conflict they wanted to bring it back to the Board of County Commissioners so that is what they are here for. She said if the direction is different than what was advertised twice then they should do it again to tell what the specific orders to TDC are. Chairman Parrish stated that is fine with him. He explained the Board erred in agreeing to bring all 4 back because they did not know at the time how many there would be. Commissioner Sanders explained the RFQ also says the TDC will rank the firms but the Board asked for the ranking not to be done. She said they are trying to follow the letter of the law because it could set up a legal question. Commissioner Lockley stated if this is causing all this then they need to bring this in-house. Commissioner Sanders reported they have got to follow the RFQ but it says one thing and the Board directed the TDC to do something different than what was in the RFQ. Commissioner Lockley said they should follow the Commission. Commissioner Sanders stated they must follow the legal advertisement

too. Commissioner Jones reported if the Board wanted to change how it was worded they should have done it before it was advertised so everyone knew what to expect. He explained there was a time they could not get legal advice and that is why it is here today. Chairman Parrish stated the Board erred by not following the RFQ. He said the question is how the Board wants to re-advertise. Commissioner Jones explained last time there was 4 applicants and the Board did not want to leave a single one out so they included everyone. Chairman Parrish agreed that is what happened. Commissioner Jones stated the Board needs to make sure they are good with what the RFQ says and whether they want the firms ranked by the TDC Board which is one of their functions. He said he is fine with 3 applicants but there may be more next time. Chairman Parrish said the motion made was for the TDC to go through and make sure everyone meets the requirements. He explained if they advertise for them to rank the applicants then that is the way it will be and they cannot go back and change it later. Commissioner Sanders reported the specific duties of TDC need to be in the legal advertisement and TDC needs to follow that at the discretion of the County Commissioners. She explained she has been on the TDC Board for 12 years and this is confusing and they need clarity. She expressed concern about the time restraints on the new budget starting on October 1<sup>st</sup> and said there are new contracts starting on October 1<sup>st</sup>. Chairman Parrish asked if the RFQ is complicated. Commissioner Sanders said the RFQ says one thing and the Board said something else. Commissioner Lockley stated they can just let the TDC pick the person. Chairman Parrish asked if he wants the TDC to rank the applicants. **Commissioner Lockley made a motion to bring this position in house.** Commissioner Massey asked Commissioner Sanders how this should be done. Commissioner Sanders reported in the past the TDC ranked the firms and brought a recommendation back to the County Commission. Commissioner Jones commented that whatever action is taken when it is time to rank the applicants anyone with a conflict needs to abstain from voting at the TDC level. Commissioner Sanders agreed. **This motion failed for lack of a second.**

The meeting recessed at 10:04 a.m.

The meeting reconvened at 10:15 a.m.

**Commissioner Jones made a motion to readvertise the RFQ for the TDC Administrator and ask TDC to return them a top 5.** He explained they do not want 1,2,3,4,5 but a top 5 and then the Board will decide who the administrator will be. Chairman Parrish said the RFQ will need to be changed. Attorney Shuler commented yes, but it will not take long. **Commissioner Massey seconded the motion.** Commissioner Lockley asked what will happen if they do not get five applicants. Commissioner Jones stated they can send whatever they have. Commissioner Lockley reported this is the same kind of motion they had last time and questioned what can be done so this will be the last time they address this issue. Attorney Shuler clarified Commissioner Jones wants to readvertise and the TDC is to review and return to the County Commission up to the top 5 applicants. He explained if there are less than 5 then the Board will accept and interview whoever the TDC Board returns to them up to the top 5. Commissioner Sanders asked Attorney Shuler to make sure the TDC ranking the firms is not in there. Attorney

Shuler reported the applicants will be returned to the County Commission on a co-equal basis to be interviewed by the County Commission with a determination by the County Commission on who they want to hire without any preference on how they are ranked. Commissioner Sanders asked to make sure the TDC Board is going to look at the applications and make sure they meet the requirements of the RFQ. Attorney Shuler said he will look at it but it is implicit of what their job is. He agreed to try and find some language to remind them of that. Mr. Blair explained the TDC will rank in accordance to the formula that will presumably be staying in the RFQ. Attorney Shuler stated that is correct. Mr. Blair stated the ranking would be for the purposes of determining who is in the top 5. Attorney Shuler agreed that is correct. Mr. Blair reported they will not send the ranking but just the top 5 applicants. Attorney Shuler agreed the names will be sent to the Board but no ranking. Commissioner Lockley asked about the conflicts. Attorney Shuler reported in relation to the potential voting conflicts, he will get with the TDC Chairman and give them some advice. He stated Chapter 12 is pretty clear on who can vote for what and when they have to abstain. Mr. Blair explained they wanted to bring this issue to the Board's attention because they did not know it was going to be an issue until they knew who the applicants were. He reported a couple of the Board members are somehow related to some of the applicants and two of the applicants are or have been employees of his so for full disclosure this needs to be known. Chairman Parrish asked if Attorney Shuler will provide a Memorandum on the chapter addressing voting conflicts. Attorney Shuler said he will have a conference but can do a written Memorandum if the Board wants him too. Chairman Parrish stated there should be a written Memorandum. Commissioner Sanders agreed. Chairman Parrish reported it should be addressed to the TDC so there is not another legal question. He said there have been some comments about him making decisions but that decision was a motion of the Board. He stated the Board erred but it was not intentional. Commissioner Lockley reported people in his district are concerned that two of the people work for TDC and he wants to make sure everyone is treated fairly in the ranking. He stated he wants to make sure there is not a conflict. Attorney Shuler said he will attempt to address this in a Memorandum he is going to send to the TDC. He explained he can tell them to disregard statements made but they have to rely on the good faith of the members. He stated he thinks when the TDC members are instructed to disregard certain statements they will fairly and in a balanced manner evaluate the applications and return up to the top 5 applicants without any ranking to the Board. Commissioner Lockley said one of the applicants resigned and he wants to make sure she is treated fairly. Commissioner Sanders agreed they try to be fair and equitable to everyone. Commissioner Massey asked if the contract with Mr. Blair is about to run out and the Board is going to readvertise this position. Mr. Moron stated he will address that in his report. **Motion carried; 5-0.** Commissioner Sanders thanked the Board members.

Mr. Moron presented the following item from his report:

8. Due to the delay of awarding the selection of the Professional Executive Administrative Services for Franklin County TDC contract, I am recommending extending your current administrator's contract, Allyn Inc., on month to month basis for a maximum of three

months. This should allow adequate time for the selection of a new administrator and a transitional period. **Board action.**

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to extend the contract with Allyn, Inc. on a month by month basis for a maximum of three months.** Chairman Parrish asked if the RFQ will be available for the Board to see at the next Board meeting so they know what is being advertised. Attorney Shuler agreed he can bring the RFQ back to the Board. **On motion by Commissioner Sanders, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to bring the RFQ for Administrative Services for TDC back to the Board before it is advertised.**

**Meetings:**

- Next TDC Board Meeting: **September 12, 2018 at 2:00 P.M. at the EPVC.**

**Marcia M. Johnson – Clerk of Courts – Report**

Clerk Johnson did not have a report at this time.

**Whitney Barfield (Alan Pierce) – RESTORE Coordinator – Report**

Mr. Moron stated Mrs. Barfield does not have a report from Mr. Alan Pierce.

**Michael Morón – County Coordinator – Report**

Mr. Moron presented his report, as follows:

1. This item was addressed earlier in the meeting.
2. There are two upcoming Florida Association of Counties conferences. The first is the Innovation and Policy Conference on September 26<sup>th</sup> to the 28<sup>th</sup> in Charlotte County and the other is the Legislative Conference from November 28<sup>th</sup> to 30<sup>th</sup> in Hillsborough County. There will be FAC Board of Directors meetings, Consortium meetings, and other events that will require Commissioners, Staff, and the County Attorney's attendance. **Board action** to approve travel and expenses for both conferences.

**Commissioner Lockley made a motion to approve travel and expenses for both conferences. Commissioner Sanders seconded the motion.** Commissioner Sanders reported she will attend the September 26<sup>th</sup> to 28<sup>th</sup> meeting and will attend her last Consortium meeting. She explained in November when the Board does the reorganization then they can appoint someone to the Gulf Consortium. **Motion carried; 5-0.**

3. The Franklin County School Homecoming Parade will be held on Friday, October 26<sup>th</sup> at 2:00 p.m. The parade route is on Highway 98 from Old Ferry Dock Road to 2<sup>nd</sup> Street in Eastpoint. The Franklin County Sheriff's Office will work with the schools to assist with the parade route and the detour route. **Board action** to approve the closing of Highway 98 and the adjoining streets for the parade.

**On motion by Commissioner Massey, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to approve the closing of Highway 98 and the adjoining streets for the parade.**

4. Ms. Lori Switzer, your SHIP administrator, has submitted the SHIP Annual Reports and Certification for your review and approval. The Annual Report covers three fiscal years, a Close Out Year (FY 2015-2016) that requires all of that year's funds to be spent, Interim Year 1 (FY 2016-2017) that requires all that year's funds to be encumbered by June 30, 2018, and Interim Year 2 (FY2017-2018) which allows that year's funds to be reported as unspent or unencumbered. In addition, Commissioners Jones requested that Ms. Switzer is added to the agenda once a quarter to update the Board on the SHIP program activities and as a reminder, Ms. Switzer is seeking replacement Board members for the County's Housing Authority Board. **Board action** to approve the Annual Reports (attached) and authorize the Chairman's signature on the Certification.

**Commissioner Jones made a motion to approve the Annual Reports and authorize the Chairman's signature on the Certification. Commissioner Sanders seconded the motion.**

Commissioner Lockley inquired if there is any place to put Ms. Switzer in the county offices. Mr. Moron stated he is working with her and may put her at the Armory. Commissioner Lockley said if she is working for the Board then she should be in a county building. Commissioner Sanders reported she should be at the Armory. **Motion carried; 5-0.**

5. **Board action** to approve the following Change Orders:
  - A. **Board action** to approve Change Order #3 for the Fort Coombs Armory and Convention Center Renovation project. This deductive change order reduces the construction contract with EMO by \$2000 in contingency funding that was not used. This is just a technical change order. It doesn't cost the County any money. However it is necessary to provide the appropriate paperwork to the State so that the grant could be closed, and the County can get its \$180,000 for the funds that were already expended.

**On motion by Commissioner Sanders, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to approve Change Order #3 for the Fort Coombs Armory and Convention Center Renovation Project.**

- B. At your August 21<sup>st</sup> meeting the Board approved Change Order #5 to allow Roberts and Roberts to pave the north, south, and east sides around the Old Jail to provide additional parking and better traffic flow, especially on busy court days. While working on the project it was discovered that the west side of the building, which was originally paved at least 30 years ago, is suffering from sink spots and other issues. Roberts and Roberts confirmed that they would repair the sink spots and add a 1-inch overlay of asphalt on the west side of the Old Jail Building for \$8000. **Board action** to approve this expenditure from the Paving Fund.

**On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve Change Order #5 and approve this expenditure in the amount of \$8,000 from the Paving Fund.**

- C. **Board action** to approve Change Order #2 for the Bayshore Drive Sidewalk Improvement project. This deductive change order reduces the overall cost of the project by \$130.50 which reduces the total amount of the project to \$385,149.20.

**On motion by Commissioner Jones, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve Change Order #2 for the Bayshore Drive Sidewalk Improvement Project.**

**Public Hearing – Re-Zoning Request – Teresa & Mark Milliken**

*A request to Re-Zone from C-2 Commercial Business District to C-4 Mixed Use Residential Commercial of Unit 1, Block 2W, Lot 20, also known as 115 West Pine Avenue, St. George Island. There will be an opportunity for public comments during this hearing. When recognized by the Chairman, please sign the speaker's log and adhere to the time limit.*

Mrs. Kelly said the rezoning is for Lot 20, Block 2 West, Unit 1, St. George Island Gulf Beaches, Franklin County, Florida from C-2 Commercial Business to C-4 Commercial Mixed Use. She explained this lot was approved for a public hearing in May but the request got delayed because of the Eastpoint Fire. She reported they are looking at rezoning one lot. Mrs. Kelly reported this lot will be surrounded by C-4 but a lot to the west is still C-2. She stated one lot on this road will remain C-2. Mrs. Kelly stated the applicants are aware of the new St. George Island Overlay District and they were provided with the Ordinance at the meeting. Chairman Parrish asked for public comment. There was no public comment. **Commissioner Jones made a motion to approve this request. Commissioner Lockley seconded the motion.** Attorney Shuler stated this is the first rezoning that has been done since the St. George Overlay District was implemented. He recommended the Board amend the Ordinance to provide that it is subject to the St. George Island Overlay Ordinance. He asked Commissioner Jones to amend his motion and Commissioner Lockley to amend his second to reflect this change. He explained they are adopting an Ordinance to rezone from C-2 to C-4 and he wants to have a whereas provision incorporated into the ordinance that states this rezoning is subject to the overlay

district. Attorney Shuler said then there will not be any question about their requirement to comply with the overlay district. **Commissioner Jones amended his motion to reflect the Attorney's comment that he is recommending the rezoning subject to the business overlay district.** Commissioner Lockley asked if it is okay for them to do this. Attorney Shuler answered yes. He explained even if the language was left out they are still subject to the overlay but he would like to have it expressly stated in this rezoning since it is the first rezoning in the overlay district since the ordinance was adopted last year. He said they will add it into this ordinance and all future rezone ordinances that may occur. **Commissioner Lockley amended his second. Motion carried; 5-0.**

6. The Board addressed this item earlier in the meeting.
7. At your last meeting the Board approved Pigott's contract for the Gulf Shore Relocation project. At the pre-construction meeting held on Monday, August 27<sup>th</sup>, Ms. Kristin Ebersol, the Bald Point State Park Manager, stated that certain special conditions of an easement that allowed the County access over the State Park's property to access the residences were not met. One of those conditions being "H. GRANTEE shall provide the managing agency \$14,000 in goods and/or services as additional compensation pursuant to GRANTOR's Linear Facilities Policy dated January 23, 1996, within 180 days of execution of this easement by Grantor." This easement was signed by the County on July 2013 but was approved by Department of Environmental Acquisition and Restoration Council in June of 2013. There are a series of emails between Mr. Mark Curenton and Mr. Robert Steele, who was the Park Manager at that time, about the \$14,000 of in-kind service. Mr. Steele was unable to provide any projects for the County but in his August 30, 2013 email, suggested that Franklin County cut a \$14,000 check to the State Park. Is the Board willing to consider this option instead of the agreed to \$14,000 in goods and/or services? **Board discussion.**

Commissioner Sanders said the county does in-kind services. Chairman Parrish stated that's what it was but now they want a \$14,000 check. Attorney Shuler reported Mr. Moron consulted him about this issue and goods and services is not cash. He stated they could change the contract but must go through the process of approving the contract and getting the Department of Environmental Protection (DEP) to approve the contact. He recommended the Board ask them to provide the projects that the county can perform for the agreed upon consideration which was goods and services. Commissioner Sanders and Chairman Parrish agreed with Attorney Shuler. Commissioner Sanders reported the county agreed to in-kind services and that is the way it should be. Chairman Parrish stated this agreement was done when another person was in this position in 2013 and it was not the county's fault that they were not given the opportunity to perform the services. Mr. Moron reported the State Park Manager reached out to him this weekend and he is going to try and set up a call to talk about this matter. Chairman Parrish asked Mr. Moron to include Mr. Curenton in this discussion as he was involved originally. Attorney Shuler suggested Mr. Moron continue on the path the Board



has suggested but he should look at a statute of limitations defense. He explained written contracts have a 5 year statute of limitations so obligations do not hang on indefinitely. He commented they may have lost their opportunity to get their goods and services exchanged in kind with the county. Attorney Shuler stated the Board may still want to be cooperative and work with the state park but the state is still subject to the same contractual limitations. **On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to direct Attorney Shuler to look at the statute of limitations on the agreement with the DEP as there may be a limitation over the 5 years.**

8. This item was addressed earlier in the meeting.
9. At the August 21<sup>st</sup> regular meeting the Board made a motion to advertise an RFQ for additional engineering firms. Since FDOT requires that we advertise for engineering services, such as design and CEI, for all of their projects, Mr. Curenton concurred with me that we don't have enough projects to rotate between multiple engineering firms outside of the FDOT projects. As a matter of fact, we mostly use our engineering firm as consultants and problem solvers for some of our issues, somewhat like an engineering department. Based on the information presented, would the Board consider allowing an RFQ advertisement for only one engineering firm? **Board discussion.**

Commissioner Sanders said this is fine. Mr. Moron stated there is just not enough work. **On motion by Commissioner Sanders, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to advertise for one engineering firm.**

10. Inform the Board that staff has received a draft of the Franklin County Security Exercise After Action Review Report and Recommendations from Mr. Grant Slayden the Trial Court Administrator. This document is the result of the Franklin County Security Exercise that was held on Friday, May 11, 2018 from Noon to 3:15 p.m. at the Franklin County Courthouse. There will be future meetings that will include staff from the Court Administration Office, the County's Constitutional Officers, and County Administration to discuss prioritizing and funding the security needs of the Courthouse. Forward any concerns or suggestion you have so I can present and discuss it at one of these meetings. Based on Chapter 119.071(3)(a) of the Florida Statutes, there is potential confidential and exempt information in this report. So it isn't for public distribution in the format I have submitted to you. Public Records request for this document should be sent to the Office of Court Administration, Second Judicial Circuit, c/o Trial Court Marshall Bill Wills.

Mr. Moron stated they want a lot done and funding will be an issue. He said the recommendations are costly and he has talked with Mrs. Linda Phillips, Finance Director, and Mrs. Erin Griffith, Assistance Finance Director, about these items. Mr. Moron pointed out court funds are restrictive on what they are used for. Chairman Parrish asked if Court Administration

said they will help offset some of these costs. Mr. Moron answered yes. Chairman Parrish inquired if the negotiations are ongoing. Mr. Moron replied yes. He stated if the Board has any questions they want him to ask please email them to him for the next meeting. Clerk Johnson said she thinks they will help with some court innovation funds but the Chief Judge has to approve the funding. She stated she and Mr. Moron will work with the Finance Department on this matter. Commissioner Lockley stated some of these items need to be addressed immediately. Chairman Parrish agreed but said the county needs some help with the costs.

11. Mrs. Leslie Cox has been asked by the Florida Native Plant Society to submit a resolution for your review and approval (attached) declaring the month of October 2018 Florida Native Plant Month in Franklin County. This resolution is worded in the same manner as the resolution that was approved by the County in 2015.

**Board action.**

**On motion by Commissioner Massey, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to adopt the Resolution declaring the month of October as 2018 Florida Native Plant Month in Franklin County.**

12. **Board action** to schedule a Special End of the Fiscal Year Meeting on Friday, September 28, 2018 at 9 a.m. The Board will approve the final bill list for FY 2017-2018 which reduces the amount of bookkeeping transactions for the Finance Department.

Commissioner Jones stated some of the Board members will be at a conference on September 28<sup>th</sup>. Mr. Moron agreed to get with Finance and decide on a date. Clerk Johnson stated this is the last working day of the fiscal year so they need to approve payment of bills.

13. As a reminder, the 1<sup>st</sup> Public Budget Hearing for FY 2018-2019 budget is scheduled for today at 5:15 p.m.

Mr. Moron said there were three things discussed in the telephone conversation with USDA which were Weems Memorial Hospital, some good news about the building for the Road Department and possibly some good news about the building for the Supervisor of Elections. He stated more information will be provided at the next meeting because USDA is doing some research for him.

Commissioner Lockley stated it has come to his attention that it is costing the county more for the temporary administrator than if the position was permanent. He reported according to the contract the administrator is receiving mileage and everything else. Attorney Shuler said if the Board wants to address this issue then they need to make a motion and have a second to place this item on the agenda and if the motion occurs then the Board will take public comments before taking action. **On motion by Commissioner Lockley, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to amend the agenda and take up**

**the discussion about the hospital administrator.** Mr. Moron reported 2-3 months ago the Board made a motion to give a 30 day notice for Mr. Mike Cooper, Hospital Administrator, to be removed and directed him to find a temporary replacement for Mr. Cooper. He reported Mr. Jim Coleman recommended Mr. H.D. Cannington to act as temporary administrator. Mr. Moron explained they discussed the terms and Commissioner Lockley is correct the contract pays mileage because Mr. Cannington is the interim administrator. He said the county will pay more expenses for an interim CEO than for a permanent CEO with a contract. Mr. Moron stated his understanding is the Board wanted to keep this status until Mr. Coleman was relieved of his non-compete clause and would then address the Board about starting a contract as a management firm. He went on to say the CEO and CFO would then become employees of the management firm. He questioned if the Board wants to start negotiations with Mr. Cannington about being the permanent CEO. Chairman Parrish cautioned everyone to be careful because they are still in negotiations with Sacred Heart too and they do not know who is taking the job. He explained if they make this position permanent then they will owe a severance package. He favored leaving the contract the way it is until they decide on a management firm so they do not have to pay another severance package. He explained they are still paying a severance package to Mr. Cooper now. Commissioner Massey agreed if he is permanent and then the county chooses another firm then the Board will owe Mr. Cannington almost a whole year severance package. Chairman Parrish said it is costing more up front but they will save in the long run. Commissioner Lockley stated he wanted the Board to know it is costing more money. Commissioner Sanders stated she is not getting the calls she was getting before and that is a good thing. She agreed with Chairman Parrish they need to keep things like they are. She reported negotiations are ongoing and no decision has been made. Chairman Parrish asked if the Board needs to take public comment since they are not taking action. Attorney Shuler answered no since they did not take action.

The meeting recessed at 10:54 a.m.

The meeting reconvened at 11:05 a.m.

Mr. Moron presented the poster that will be displayed for POW/MIA Recognition Day on September 21<sup>st</sup>.

Mr. Moron asked the Board to make a motion to amend the agenda to address the calendar for the first meeting in January, 2019. **On motion by Commissioner Sanders, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to amend the agenda to address the calendar for the first meeting in January, 2019.** Mr. Moron explained the Judicial Assistant is doing the 2019 calendar for the County Judge and January 1, 2019 is the first Tuesday of the month and asked if the Board will meet that Wednesday or the following Tuesday. He said they usually have the meeting the Wednesday after the holiday. **Commissioner Jones made a motion to reschedule the meeting for Wednesday, January 2, 2019 at 9:00 a.m. Commissioner Massey seconded the motion.** Chairman Parrish asked for public comment. There was no public comment. **Motion carried; 5-0.**

**Executive Attorney – Client Session (This session is closed to the public)**

*The Franklin County Board of County Commissioners will meet in Executive Session at 34 Forbes Street, Apalachicola, Florida, on Tuesday, September 4, 2018, at 11:00 a.m. (ET) to receive the advice of counsel concerning the following pending litigation: Franklin Boulevard Development, LLC vs Franklin County, Florida. Case Number 2017-183-CA, pending before the circuit court, Franklin County, Florida.*

Chairman Parrish stated the regular session of the Franklin County Board of County Commissioners is now convened to discuss a proposed settlement in a lawsuit filed by the Plaintiff, Franklin Boulevard Development. He said the public meeting will remain open at this time. He asked Attorney Shuler to proceed. Attorney Shuler said good morning to the Commissioners. He stated his name is Michael Shuler and he will represent the Board in this lawsuit along with Mr. David Theriaque. He stated he has asked for this meeting to receive advice from the Board concerning a possible settlement of the lawsuit. He commented Mr. Theriaque will not be present. Attorney Shuler explained the following persons will be present during the Executive Session:

Chairman Joseph Parrish  
Commissioner Noah Lockley  
Commissioner Cheryl Sanders  
Commissioner William Massey  
Commissioner Ricky Jones  
Attorney Michael Shuler  
Court Reporter Connie Hunnings

He stated it is expected that the Executive Session will last approximately 30 minutes but could be more or less. He said there will be no breaks and no one is allowed to enter or leave the room during the executive session. He reported no decisions or votes will occur during the executive session. Chairman Parrish announced the regular meeting is now in recess. He asked everyone other than the persons just named to please leave the room. All the other parties left the room. Attorney Shuler presented the settlement agreement to the Board. The doors were opened and the public was advised to return to the meeting.

**Re-Open public meeting and possible action on proposed settlement in *Franklin Boulevard Development, LLC vs Franklin County, Florida. Case Number 2017-183-CA***

Chairman Parrish stated the regular meeting of the Board of County Commissioners is now reconvened. He asked if the Board has any further discussion. Attorney Shuler advised the Board if they are going to accept the settlement then it should be accepted on the conditions that upon successful conclusion the lawsuit would be dismissed with prejudice and that each party pays their own attorney fees and costs. **Commissioner Jones made a motion to approve the settlement. Commissioner Massey seconded the motion.** Attorney Shuler advised the

Board that this action should be subject to the two conditions mentioned earlier.

**Commissioner Jones amended his motion to approve the settlement agreement subject to the lawsuit being dismissed with prejudice and that each party pays their own attorney fees and costs. Commissioner Massey amended his second.** Chairman Parrish asked if there is any public comment before the Board takes action. Mr. Feifer asked if it is appropriate for the public to know how much the settlement is for. Attorney Shuler explained it will become public record assuming there is a successful settlement. He said at this time it is still a confidential settlement agreement. Mr. Feifer asked if it does move forward could there be an announcement. Attorney Shuler answered yes, at the appropriate time. **The motion passed by the following vote of the Board:**

**AYE: JONES, MASSEY, PARRISH**

**NAY: SANDERS, LOCKLEY**

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

Attorney Shuler said he has no items in addition to his written report, as follows:

1. Walter Armistead: The executive session is scheduled for Tuesday, September 4, 2018 at 11:00 a.m. (E.T.) Attached to this email is the proposed settlement and agenda for the executive session for your review.

THE DRAFT SETTLEMENT AGREEMENT ATTACHED TO THIS EMAIL IS A CONFIDENTIAL AND PRIVILEGED SETTLEMENT DOCUMENT. DO NOT DISCUSS WITH ANYONE OTHER THAN MYSELF OR DAVID THERIAQUE. DO NOT SHOW THE PROPOSED SETTLEMENT DOCUMENT TO ANYONE.

If the settlement becomes final and the case is thereafter dismissed following purchase of the property, then the settlement agreement will become a public record, as will the transcript of the executive session.

Once we close the executive session and re-open in the public meeting, please do not discuss the specific terms of the settlement. The county is subject to sanctions if it improperly discloses confidential settlement discussions publicly at this time.

If the board desires to approve the settlement, then simply make a motion to approve the settlement.

If the board desires to reject the settlement, then simply make a motion to reject the settlement.

2. ESF15 and Capital Area Action Agency: Tim Center and I have spoken several times since the last board meeting. He and I are continuing to work and discuss the fiscal partnership agreement in a manner that I believe is positive and supported by Tim. We are currently working on a draft agreement. He has informed me that the cost will be \$1,000.00 and possibly somewhat higher

because of the need to open a separate bank account locally. I've told him that fee could not be taken from the donation funds because that is a policy decision previously made by the board.

As I mentioned at the last board meeting, acting as an ESF15 is a new mission for Capital Area Action Agency and expands their role in disasters that requires approval by his board to expand the scope of work performed by them. While Tim does not speak for the board, he anticipates a successful outcome. Tim will recommend approval. That meeting will happen early next week, either on Tuesday (9/4/18) or Wednesday (9/5/18).

3. Kirvin Floyd (HLS Management lawsuit 2017-182-CA): The latest record request response should be completed on August 30, 2018. His attorney wanted all communications (text messages and emails) concerning the SGI Overlay between myself and David Theriaque's law firm, as well as all public record on the personal devices of Commissioner Sanders and Commissioner Jones. The Commissioners had no public records on their personal devices. The public records on their county email accounts have been produced. In fact, the email accounts of all five commissioners were checked for public records concerning the SGI Overlay. A few communications were deemed to be exempt and not produced. A copy of their letter dated August 10, 2018, is attached.
4. Cassidy Abbott-Orr: She filed a claim against the hospital claiming that she was subject to pregnancy discrimination and was terminated without being given the 120 days notice that she says she is entitled to. This claim has been sent to the county's insurance company for a determination whether the claim is covered or not.
5. City of Carrabelle Roads: On August 29, 2018, I spoke with city attorney Dan Hartman. I've asked him to get me the list of roads that the city believes are county roads. I have the list from the county road department, but I also want one from the City of Carrabelle. I've also asked for the factual basis why the roads inside the city limits of the City of Carrabelle are believed to be county owned roads. Once I receive that information, I can make an informed response to the city's conclusion that the roads belong to Franklin County.

Also, I've asked Howard Nabors to contact DOT and get an extension on the deadline for the report they've asked for from the county on our list of county owned roads. Mr. Nabors thinks that the deadline is mid-October 2018.

6. Bay Front Drive, Alligator Point: Howard Nabors, your superintendent of public works, and I discussed the request for the county to abandon the road. He reports that while the unimproved road is not water access, it does appear to provide water view and is used by a lot of people. Further the road is a lime rock road that is well maintained, per Howard Nabors, your superintendent of public works and should not be abandoned. I support his recommendation.

Commissioner Jones asked if Item #2 has a 30 day timeframe to find someone to replace Franklin's Promise as the ESF15. Attorney Shuler said there is no timeframe. He explained there is a need to accomplish the replacement but there is not a timeframe he is aware of. Commissioner Jones stated ESF15 is a state designation and he will get back in touch with Attorney Shuler about this item. Attorney Shuler agreed to check with Mrs. Brownell.

Commissioner Sanders said they are talking about ESF15 and the Capital Area Community Action Agency (CAP) and she thought this was just to do with the Eastpoint fire and was not aware they were asking Mr. Center and his agency to look at the ESF15 services. She said they need to be told there were zero dollars going to administrative services for Franklin's Promise which means zero dollars goes to CAP also. She stated she would like to see what the Emergency Management Director says about the ESF15 and asked if Attorney Shuler has talked to her. Attorney Shuler reported he did not ask Mrs. Brownell but has talked directly with the Board and mentioned to her what the Board discussion was in talking to CAP about the ESF 15 but he has not asked Mrs. Brownell how she feels about the Board's action. Chairman Parrish referenced a statement in Attorney Shuler's report that says the fee cannot be taken from the donations. Commissioner Sanders read the portion that says the fee would be \$1,000 or higher because of the need to open a separate account locally and since the donations cannot be used then the Board of County Commissioners will have to pay it. Commissioner Lockley asked if the people who are taking over the ESF15 understand what their position is. He stated this position does not control anything it just gets the volunteers. Commissioner Sanders agreed she thought the money goes through the ESF15. Commissioner Lockley said this is part of the function of Emergency Management but some people get into this and take it wrong. He stated the county has got to have an ESF15 unless they are going to do like other counties and go through the Sheriff's Department because they already have one. Attorney Shuler explained his understanding was that in terms of the volunteers Mrs. Brownell indicated her recommendation for replacement was the Community Emergency Response Team (CERT). He stated he is not aware of who is on the CERT but she would organize them as a volunteer organization. He said he recommended the Board consider using the CAP as their replacement fiscal agent but if the Board has other instructions then they need to let him know because this is his understand and how he is proceeding. Commissioner Lockley said he does not want to use the CERT team because it is the same people coming through another way and there will be confusion. Chairman Parrish suggested the Board direct Attorney Shuler to come back with his recommendations on this issue at the next meeting. He stated Mr. Center has a Board meeting today and there will be more information available at the next meeting. Attorney Shuler explained this is a structural change for CAP so they will bring in new services that they have not done before but they are interested in the expansion. He said it will require that they add to their mission statement which is why they want their Board to discuss it. **Commissioner Sanders made a motion to direct the Attorney to bring back more information on ESF15 and CAP with Mr. Tim Center at the next Board meeting. Commissioner Massey seconded the motion.** Commissioner Lockley reported this is for information purposes and not against Mr. Center but everyone needs to understand before they get into this position. Commissioner Sanders said this is why she asked her questions. Commissioner Massey said if something happens then they need to be here right then. Commissioner Jones clarified this is why he asked the question because he does not want to see a scenario where the county is holding onto the funds for an extended period of time because it is for the fire victims. Commissioner Sanders agreed. Commissioner Jones stated this needs to be a high priority. Chairman Parrish stated a special meeting can be called if the Board needs to take action. Attorney Shuler explained he has been in discussions with the CPA firm, Roberson & Associates, and they have

indicated it is not that the county cannot expend wildfire funds for the benefit of the citizens but it is a more formal process than with a 501.3(c). He went on to say the County Commission only meets on the first and third Tuesday to approve payment of bills and sometimes they may need to pay a bill between meetings which is why an organization offers more flexibility. He stated they are working hard to bring in the replacement 501.3(c). Commissioner Jones explained it does slow down paying the bills which is part of the problem. He stated he wants to see this done right. Chairman Parrish stated if the Board needs to take action then he can call a special meeting. Commissioner Sanders said Mr. Center has to meet with his Board and she wants to be clear that it is not just the Eastpoint Fire donations but also the ESF15 because that is a big responsibility. **Motion carried; 5-0.**

### **Commissioners' Comments**

There were no Commissioners' comments.

### **Adjourn**

There being no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

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Joseph A. Parrish - Chairman

Attest:

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Marcia M. Johnson - Clerk of Courts