

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING  
COURTHOUSE ANNEX, COMMISSION MEETING ROOM  
SEPTEMBER 1, 2020  
9:00 AM  
MINUTES**

**Commissioners Present:** Noah Lockley – Chairman, Ricky Jones-Vice-Chairman, Joseph Parrish, William Massey, Bert B. Boldt, II

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

**Call to Order**

*A. Public Notice*

*To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore, this Board of County Commission regular meeting will be conducted via livestream and Zoom. Those wanting to view the meeting can use the livestream link (<https://www.youtube.com/user/SGIBeachLife>) or go to Forgotten Coast TV's YouTube Page. The livestream feed will promptly start 5 minutes before the meeting commences. Those wanting to participate during "Public Comments" should use the Zoom log-in/call-in information provided below. There is a link to a list of videos and Getting Started Resources on the main "Agenda and Minutes" webpage for those unfamiliar with Zoom. If you are experiencing any issues with the livestream or Zoom, call (850) 653-9783 extension 373 for assistance. Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.*

**B.** Franklin County BOCC is inviting you to a scheduled Zoom meeting.

Topic: Franklin County BOCC Regular Meeting

Time: Sep 1, 2020 09:00 AM Eastern Time (US and Canada)

**Join Zoom Meeting by computer, tablet, smartphone or other device:**

<https://zoom.us/j/97168127180>

Meeting ID: 971 6812 7180

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**Join Zoom meeting by telephone (use any line):**

+1 312 626 6799

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+1 253 215 8782

Meeting ID: 971 6812 7180

Chairman Lockley called the meeting to Order.

### **Prayer and Pledge**

There was a prayer followed by the Pledge of Allegiance.

### **Resolution - Honoring the Life of Brian Smith**

Mr. Moron said there has been a lot of loss and it is tough when someone in the line of duty dies helping to save someone else. He reported after discussions with the Chairman and Commissioner Jones, Mrs. Cortni Bankston, Administrative Assistant, prepared a Resolution for the Board's consideration. Mr. Moron stated Mrs. Bankston will read the Resolution and then the Board can provide their comments and they will observe a moment of silence for Mr. Smith. Mrs. Bankston read the Resolution. Chairman Lockley thanked Mr. Smith's family for his service to the community and said the Board is deeply sorry for their loss. Commissioner Boldt stated Mr. Smith exemplified the golden rule and died in service to the community. He stated Mr. Smith's death was an act to protect humanity and he will be remembered by the community. Commissioner Boldt wished peace for Mr. Smith's family and loved ones. Commissioner Parrish said he is in agreement with the other Commissioners. He reported the whole community feels the loss and Mr. Smith did what he was trained to do and sacrificed himself for others which is a great sacrifice for anyone to make. Commissioner Massey agreed with Commissioner Boldt's comments. Commissioner Jones reported his son worked for Mr. Smith in the past and they are thankful for the life he lived and remember that he gave his life for the service of others and there is no higher calling and he asked God to be with his family.

### **Moment of Silence to honor Brian Smith**

Chairman Lockley said the Board will honor Mr. Smith with a moment of silence and he would also like to honor the burn victims from last week. A moment of silence was observed.

Mr. Moron thanked Mrs. Bankston for preparing the Resolution and said she also wrote the poem. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to authorize Chairman Lockley to sign the Resolution, as follows:**

## **RESOLUTION HONORING THE LIFE OF BRIAN STEPHEN SMITH**

**WHEREAS**, this resolution is to honor and respect a fallen hero, Brian Stephen Smith who was unselfishly dedicated to his family, his friends, and his community, and

**WHEREAS**, Brian Stephen Smith, was as an active member of the St. George Island Volunteer Fire Department, as both a firefighter and a first responder since 2016, and

**WHEREAS**, on the afternoon of Tuesday, August 25<sup>th</sup>, 2020, Brian Stephen Smith answered his final first responder call to duty. Brian perished while sacrificing his life to save a family of swimmers off the coast of St. George Island in the Gulf of Mexico, and

**WHEREAS**, He is survived by his wife Elizabeth Smith of 33 years and two children, a son, Byren Davis Smith and a daughter, Rachael Elizabeth Smith, and

**WHEREAS**, the Franklin County Board of County Commissioners and staff would like to dedicate this poem to the Smith family entitled "Fallen Hero",

**Fallen Hero**

*How do you convey gratitude after such a great life has been lost.  
To speak of your unselfish sacrifice to save another that came with great cost.  
To say your name is to speak of the countless you have inspired  
To remember your courage and strength means you will forever be admired.*

*To count the immeasurable tears shed is something we cannot do  
But to remember the life you lived, is how we bring endless honor to you.*

*Your legacy will live on for there is one sure thing we know,  
Brian Stephen Smith was a husband, father, son, brother, colleague and friend, but most importantly, he  
will forever remain our*

*True  
Fallen  
Hero*

**NOW THEREFORE, BE IT RESOLVED**, that the Franklin County Board of County Commissioners conveys the most heartfelt sympathies to the family of Brian Stephen Smith and express sincere gratitude and appreciation for his invaluable service and commitment to the Franklin County community and to the St. George Island Volunteer Fire Department.

This **RESOLUTION** adopted this 1<sup>st</sup> day of September, 2020.

**FRANKLIN COUNTY BOARD OF  
COUNTY COMMISSIONERS**

s/Noah Lockley, Jr.  
Noah Lockley - Chairman

Attest:

s/Marcia M. Johnson  
Marcia M. Johnson - Clerk of Courts

**Approval of Minutes**

- C. Approval of July 30, 2020 Budget Workshop Meeting Minutes
- D. Approval of August 4, 2020 Meeting Minutes
- E. Approval of August 18, 2020 Meeting Minutes

**On motion by Commissioner Massey, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meetings held on July 30, 2020, August 4, 2020 and August 18, 2020.**

**Payment of County Bills**

- F. Payment of County Bill List

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

**Tax Collector-Rick Watson-Tax Certificate Update**

Mr. Watson reported last year the Commission directed him to apply for a tax deed on several tax certificates owned by the county. He explained tax certificates expire in 7 years so if no action is taken the tax certificate and liability falls off. He stated Franklin County had a number of tax certificates that were about to expire on a failed subdivision in Carrabelle. He said there were 245 lots and the county had to file on each certificate and there were about 20 certificates at a cost of \$675.00 each. Mr. Watson reported the fee covers the title search, the sale on the Courthouse steps and a fee to the Tax Collector's Office. He explained the county certificates are different than regular tax certificates because the county is not required to pay private investors who have tax certificates outstanding on the property. He stated these actions were filed and now all the property is on the list of excess lands. He said once the county applies for a tax deed application and receives the property, the property goes on the list of excess lands for sale. Mr. Watson reported if the property does not sell for 3 years then the county owns the property free and clear. He explained his office receives calls about land for sale and they did not have a list of excess lands until the procedure was started. He pointed out if people want to buy the property they have to pay all the costs associated with tax certificates that are privately held. He stated it is unlikely someone will buy the lots so after the 3 years the county will own the land and can use it for whatever they want to. Mr. Watson reported the total cost the county has expended for the lots was \$13,150.00 and then 3 of the lots sold so the county received \$675 from the sale of each of the lots. Mr. Watson explained this procedure is new to his office and each year in June he will bring a list of certificates that are about to expire and the Board can decide if they want to go through the process again. He stated there is another property in a failed subdivision that they are looking at. Mr. Watson offered to answer any questions. Commissioner Boldt asked about the potential of these lots for the county. Mr. Watson said there are many options. He explained some of the lots are wet and some have good hardwoods. Commissioner Massey stated these lots are in Commissioner Boldt's district. He explained the front side of the property is nice but the back of the property is wet. Mr. Watson said the Excess Lands List is maintained by the Clerk's Office. He stated tax certificates earn 18% interest and the interest accrues monthly. Commissioner Parrish asked if they can sell the lots for what is owed to the county. Mr. Watson explained when the person applies for the tax certificate they must pay all the taxes owed but the county does not have to pay these costs. He reported after the 3 years the county could sell the property for market value. He explained it depends on what the county wants to do with the land. He stated there

could be some opportunities with public/private partnerships that are popular with local governments. Chairman Lockley reported sometimes the properties with wetlands are used for parks.

### **Sheriff - A. J. Smith - Beach Flags Ordinance Discussion**

Sheriff Smith said he has not seen a copy of the draft ordinance. Attorney Shuler reported the proposed ordinance is a duplicate for the most part of the Panama City Beach Ordinance but the exception for surfers was not included and may be relevant. He said the Board will have to declare that an emergency exists and adopt the ordinance as written with the further amendment for surfers that are tethered to a surf board. Attorney Shuler explained in the ordinance the first warning is a verbal warning when there are double red flags. He reported if the person does not comply with the verbal warning then they are subject to a 2<sup>nd</sup> degree misdemeanor with up to 60 days in jail or a \$500 fine. Sheriff Smith said he is good with that proposal. Chairman Lockley agreed and said people should not risk their life because someone is doing something they should not. Sheriff Smith said he has received a lot of calls since Mr. Smith lost his life. He stated he talked with Mr. Davis about the shortage of beach flags and it may be something they need to address. He stated the St. George Island Civic Club has contacted him and would like to discuss this matter because this happened on the east end of the island where there are no beach flags. Sheriff Smith said the county has about 5 miles of public beach and the flags could be posted every half mile so people can see them. He explained that would help with enforcement because if people cannot see the flags it is difficult to enforce. Sheriff Smith said once people understand the county has a flag system and enforceable ordinance the problem will taper off. Mr. Moron reported the county is looking at 2 different funding for additional flags which are the Tourist Development Council (TDC) and the Department of Environmental Protection (DEP). He stated Mrs. Bankston contacted DEP and found out about a grant for more flags and she is pursuing that grant with DEP. Mr. Moron questioned the number of flags that will be posted, who will change the flags and how often the flags will change. Sheriff Smith stated the flags could change daily or during the day depending on weather conditions. Commissioner Massey asked if the flag can be sent over telephones to people that rent houses. Sheriff Smith said some of the beach houses have placards or magnets about the flag system but that will not address the day trippers or someone that does not have a phone. He suggested they could ask for volunteers to help change the flags or use the people that are on turtle patrol or the posse. Sheriff Smith discussed a situation that occurred with a person in distress at Bob Sikes Cut in an area that is not a public beach. He said he wanted to arrest the person and that is when they found out there was no punishment in the ordinance so he contacted Mr. Moron and Attorney Shuler to address it. Sheriff Smith said even though there were no flags the person should have known not to go in the water on a day like that but these events must be addressed on a case by case basis. Commissioner Parrish stated a lot of this is because the visitors are not aware of the dangers. He went to say local people are more aware of the dangers. He said some of the visitors have not been raised around the water so education is very important. Commissioner Parrish asked Commissioner Jones if he wants to discuss what TDC is working on. Commissioner Jones stated TDC has already been discussing a change to the beach access signage and coming up with one consistent sign. He reported until that is done he has directed Mr. John Solomon, TDC Director, to have some stickers made with QR codes for the flags and these stickers will be added to the beach access point signs and people can scan them with their phones to see the flag system. Commissioner Jones said he understands a lot of other things need to be done and he will support any reasonable effort so they never have this issue again and a family have to suffer the loss of their loved one. He stated TDC is also discussing a phone app for

the county and that app would have the flags as well. Chairman Lockley asked if there is an electrical flag system where people would not change the flags. Sheriff Smith said he is sure they have a system like that but it may be more expensive. He stated it definitely worth looking into. Mr. Moron questioned if they would receive the feed from the National Oceanic and Atmospheric Administration (NOAA) or another agency. He agreed to do research on this type of system. Commissioner Parrish reported it could be run by solar power so they would not need an electrical connection. He asked Mr. Moron to research this matter. Chairman Lockley expressed concern about depending on volunteers and said they have good intention but something could come up. Sheriff Smith stated people have approached him about donating money for things like this. He informed the Board he does not want to be in the water rescue business because all the deputies are not trained for that and it takes a high level of physical ability to make a water rescue. Sheriff Smith commended his deputies who saw a life at risk and went into the water even though they are not trained for a rescue of this kind. He said people have suggested he get jet skis for these situations and he is happy to take on water rescue if the county wants to fund it but it is expensive. Sheriff Smith stated Bay County had 30 water rescues last weekend and they have lifeguards and beach deputies. He reported a jet ski from the Blue Parrot on St. George Island was used to reach the person involved in the situation with Mr. Smith and that is the only reason the person was saved because they were too far out for anyone to reach them. He said if they want to talk about water rescues, jet skis would be a critical piece of equipment. Sheriff Smith stated if people are going to drive for hours to get here and spend money renting a house they are going to get in the water. He reported they will continue to educate the public and put more information out with the people who manage the rental houses. Commissioner Boldt asked if the county should be considering some interpretive signage related to the flags particularly at the beach access areas and if it could include a reminder that the sign is there on behalf of Mr. Smith. Chairman Lockley said this is a good idea. Commissioner Parrish reported this is what Commissioner Jones was talking about with TDC coming up with better signage to educate the people at the beach accesses so they are already working on this item. He said TDC is also talking about a phone app that would allow people to access the beach flag system. Mr. Moron explained TDC is working on 2 things and one is the phone app and the other is the QR code that Commissioner Jones wants to put at every beach access. He reported Mrs. Bankston let him know she has already researched the beach flags and there are electronic sign systems and the grant could pay for this system. He said Mrs. Bankston will continue her research on this matter. Attorney Shuler explained if the Board decides to adopt this emergency ordinance and not follow the usual 10 day notice and holding a public hearing the motion would need to be that Franklin County based on the totality of the evidence they received today are declaring that an emergency exists and that the immediate enactment of this ordinance is necessary and that they are waiving the usual notice requirements of Section 125.66 (2) of Florida Statutes. He questioned if the Board wants to include the exception for surf boards. **Commissioner Parrish made a motion that the Board based on the totality of the evidence received today declares an emergency exists and that the immediate enactment of the ordinance is necessary and they are waiving the usual notice requirements of Section 125.66(2) of Florida Statutes and adopting this emergency ordinance with the exception for surfers. Commissioner Jones seconded the motion.** Sheriff Smith stated on a double red flag day they will assign a deputy to the beach for the full day until the double red flag is over. He reported they have 4 wheel drive and will patrol the 5 mile beach and let people know they cannot be in the water and that will be a huge deterrent. Chairman Lockley said if there is a storm in the Gulf of Mexico no one should be in the water. **Motion carried; 5-0.**

## **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. Moron stated they are using Zoom today and he is not sure if everyone knows how to use the system for raising their hand. He explained there will be some public hearings and there is a time dedicated for public comment during those public hearings. He said normally this time is for other agenda items but the person can also speak now for the public hearings if they would like to.

Ms. Amber Holton, a resident of Carrabelle, said she sent an email to all the Commissioners stating her concerns about the rezoning on Highway 67 from residential to commercial. She asked the Board to take into consideration that some residents that live in this area are strongly opposed to the rezoning.

Ms. Beverly Sapp, a resident of Carrabelle, stated they have decided to table their request on Highway 67 for now. She explained a letter was submitted to Mrs. Amy Ham-Kelly asking to table this request so they will not be on the agenda today.

Mr. David Covington, a resident of St. George Island, said they are sorry for the loss for the families of the fire victims and Mr. Brian Smith. He discussed other people that were lost this year in similar incidents here and in other counties. He reported the key for the county is more information and education for visitors. Mr. Covington said this will take time to develop just as the Leave No Trace Ordinance took time. He stated people mentioned using telephones in rental homes but some of the Vacation Rental by Owner (VRBO) homes may not have phones. He discussed the problems that occur with people not answering the phones in rental units. Mr. Covington said the beach signs must be in more strategic locations. He explained they came up with the online information when Mr. Bruce Maynor passed away. He reported the beach information comes from NOAA and the National Weather service. He explained he has monitored this information since Mr. Maynor's passing and it changes a lot. Mr. Covington said the people responsible for changing the flags may not be able to change them 2-3 times a day.

## **Department Directors Report**

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

Mr. Nabors said they are doing the best they can with the grass cutting especially with all the rain. He stated there was 10"-13" of rain but most of it has already drained. He explained there were a couple of places people complained about but in a couple of days the water had drained and it was dry. Mr. Nabors reported the pipes can only carry so much water when they receive that much rain. He stated the main place with complaints was St. George Island but the lack of drainage is the problem. Mr. Nabors explained they are trying to get a grant to address stormwater on St. George Island. Mr. Moron stated the Northwest Florida Water Management District (NFWFMD) advertised a grant and Dewberry submitted an application that may fund an engineering study for the whole area and how it affects the airport. Mr. Nabors said that water ran off of that area in a couple of days. Commissioner Parrish reported Peachtree

is a problem and Dewberry put in for a \$1 million grant for an engineering study to look at the drainage. He stated there was water in multiple yards and when he drove by Tuesday the water was gone. Commissioner Parrish agreed when there is that much water it takes a while to drain. He reported if they get the grant then they can see what steps they can take to alleviate this problem. Mr. Nabors discussed some issues with stopped up culverts in Eastpoint. He said Alligator Point did fairly well with the rain. Commissioner Boldt asked about an area at Bald Point where water is coming into the wetlands. Mr. Nabors said it busted loose. Chairman Lockley pointed out there was a storm in the Gulf of Mexico and they received an unusual amount of rain. He explained it takes time for the water to drain with the tide. Mr. Nabors agreed when they have high tides it pushes the water in but when the tide falls it pushes the water out.

## **G. Road Department Board Report**

### **Information Items**

1. Detail of Work Performed and Material Hauled by District (see attached documents)

### **RESTORE Coordinator – Alan Pierce – Report**

Mr. Pierce appeared via telephone and provided his report, as follows:

#### **Action:**

1. Board action to re-rank the property acquisition on Alligator Point so that the Alligator Point Fire Station becomes the county's first acquisition, and then to cease acquisition efforts on the remaining parcels. The reason for the cancellation on the other acquisitions is because the county cannot get a clear indication that these other acquisitions will be able to be used for anything but open space, and because of requests made by the Seminole Indian Nation the county will be obligated to hire an archeologist to monitor any activity on any of the lots. The cost of the archeologist is probably not reimbursable according to Ms. Traci Buzbee, consultant to the EOC.

The other 30 some odd lots that had expressed interest in being bought are mostly isolated parcels around the Point, and do not offer the county an opportunity for acquiring significant holdings. Even if the current owners would accept the valuations, which might be low compared to current market conditions, the county might easily end up with lots that would be a problem for the neighbors because of overgrown vegetation and other issues.

Board action to prioritize the acquisition of the Alligator Point VFD as the top priority. Ms. Brownell has two other projects that she will recommend as the 2nd and 3rd priority for Hazard Mitigation funding.

Mr. Pierce said he wrote this item in conjunction with Mrs. Brownell and she may have more information about the risk of acquiring property on Alligator Point. He recommended the Board move forward with the fire department property because it is in their best interest and the county's best interest to have them move the volunteer fire department to a better location. He asked for the Alligator Point Fire Station to be the first acquisition and said Mrs. Brownell has some other projects they want to fund instead of buying property on Alligator Point. Mr. Pierce explained the intermediate staff level opinion at FEMA is that they could not do anything with the property any way but it is possible they could get this opinion changed. He reported if they bought property now it would have to stay vacant which means the county would be responsible for maintaining the property. He stated it would be best not to obtain property and let the market place resolve the value of the property. **On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed**



**to take action to prioritize acquisition of the Alligator Point Volunteer Fire Department existing building.** Mr. Pierce stated Mrs. Brownell will have more information on hazard mitigation.

2. Board action to name Ms. Cortni Bankston as RESTORE Coordinator. Ms. Bankston has been the go between Langston Consulting and myself for the past year so she is familiar with the Langton Consulting. There are documents that must be submitted to Treasury from a county email address, and with me out of the office for significant periods of time it has become difficult for me to be prompt in responding to Treasury. I will still assist the Board and Ms. Bankston, but I do not want my absence to be a hindrance in the submission of documents essential to getting the St. George Island Stormwater Plan or the dune restoration plan funded.

At the Board's pleasure, I will still be a consultant to the Board on Alligator Point FEMA issues, as well as anything Mr. Moron asks me to assist with, but I would not be the RESTORE Coordinator. Mr. Moron has a letter the Chairman will need to sign and submit to Treasury informing them of the change.

Mr. Pierce recommended Mrs. Bankston as RESTORE Coordinator and for the Chairman to sign the letter that must be submitted. **On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to appoint Mrs. Bankston as the RESTORE Coordinator and authorize Chairman Lockley to sign the letter.**

Information Item: Last Thursday, August 27, I received a phone call from Mr. John Collins, AVCON, and he said he had just learned of a stormwater grant opportunity from the Northwest Florida Water Management District that could benefit the county. The county currently has a \$1M FDOT grant for stormwater improvements at the airport. Mr. Collins says the total estimated cost of the stormwater improvements at the airport is more like \$2.5M so he asked my opinion if he could apply for \$1.5M worth of Water Management funding. I told him to make the pre-application, which was due last Friday, August 28. If the District expresses interest in our project then Mr. Collins will submit a formal and complete application. I do not have a timeline for when the District will review these pre-applications but I am presuming it will take about 60 days before we learn if AVCON will be asked to submit a complete application.

Mr. Pierce reported concurrently Clay Kennedy, Dewberry, is already working on stormwater applications for property around the airport and this item is on Mr. Moron's report. He explained they are trying to get money for improvements at the airport and Mr. Kennedy is working on a project that will help the drainage around the airport. He stated if they find the pre-applications are of interest to the NFWWMD then there will be a formal application made and the Board can decide if they want to move forward. Mr. Pierce reported the NFWWMD will review the pre-applications for 60 days and decide which projects they will fund. He said this happened quickly so he told Mr. Collins to move forward with this application for the airport and he thinks Mr. Moron told Mr. Kennedy the same thing.

Mr. Pierce stated he is in communication with Ms. Susan Skelton, Executive Director of Triumph Gulf Coast, and hopefully approval of the airport grant will be on the Triumph Agenda in September. He explained the Triumph Board staff dropped back to looking at a 1 to 1 match with the existing FDOT grant already under construction. He said hopefully they have a way forward to get this approved. Mr. Pierce reported he has to work on getting a revised letter to Triumph and he will work on that with Ms. Skelton this afternoon. Mr. Pierce stated assuming this letter is done hopefully this airport project will be on the September 24<sup>th</sup> Agenda for Triumph. Chairman Lockley reported he wanted to let the people who live

around the airport know that they are working on the drainage problem. He said this will take time and will not happen overnight.

Mr. Pierce stated at the next meeting he may have some information on other opportunities at the airport.

Attorney Shuler reported on the 1 to 1 match Mr. Pierce was discussing the county will only be putting up \$25,000 for the project and expecting millions of dollars from the Florida Department of Transportation (FDOT). He explained their concern was Triumph has a claw back provision and they did not want them looking to the county if FDOT did not fund the project when they are telling them the county does not have the money and is relying on FDOT. Attorney Shuler said that is why this matter had to be re-examined and now it is happening in September. Mr. Pierce stated the Triumph claw back would now be the grant that is already under construction and should be completed in October. He said there is no risk of a claw back from Triumph because the money will be spent and the project will be closed out to FDOT standards. He reported future projects are not being included as part of the grant agreement. Attorney Shuler stated that is the amendment the county was asking for because the county has no control over future FDOT funding. He said it sounds like they are going to make this amendment. Attorney Shuler said they are very thankful to Ms. Skelton for helping the county.

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

Mr. Davis said he does not have a report this morning. Commissioner Boldt stated he took a stack of amnesty day cards to the Carrabelle Library. Mr. Davis agreed to provide some additional cards for Commissioner Boldt.

H. Solid Waste Directors Board Report

#### **Information Items**

1. Right-of-ways Debris Pickup/Recycle Material Hauled (See attached document)

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

Mr. Moron reported Mrs. Brownell sent a message this morning that they are working on closing out a grant. He said Mrs. Brownell did not have any action items but if the Board has any questions they can contact her.

#### **Emergency Management Board Report**

##### **Information Items:**

1. CERT was activated on 8/26/20 to assist with search and rescue efforts for the missing child in Eastpoint, our volunteers remained on scene until the missing child was found.
2. EOC Staff posted our 2020 Local Mitigation Strategy Plan for Public Review on 08/12/20. The public review period was from 08/12/20 – 08/14/20. We advertised this review on Oyster Radio, EOC Facebook page, and the County Website.

3. EOC Staff along with our CERT Volunteers continue to distribute washable & reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.
4. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems, EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.
5. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with missions for PPE, Local State of Emergency, and SitReps.
6. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. (Please see below report regarding Hurricane Michael Projects). This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. As you can see, Project #'s 79475, 81069, and 81073 have moved from EHP Review to Pending Recipient Final Review. We are in contact with our PDMG regularly regarding these projects and will update the Board as soon as the State Review is completed. EOC Staff has also began the FEMA reimbursement claim process for COVID-19.

**Extension Office Director – Erik Lovestrand**

Mr. Lovestrand did not have any additional items to report.

**J. Extension Office Board Report**

**Informational Items**

General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics of injured wildlife, fertilization of zoysia grass, soil test results, diagnosis on fungal disease, citrus greening, and more.
2. Extension Director assisted with hosting a webinar by the Natural Resources Program Team on the topic of "Invasive Hitchhikers: how we move pest species around when transporting ornamental plants". The Cuban tree frog is one that is starting to show up in our Panhandle area.
3. Extension Director participated in a webinar by USDA about the Coronavirus Food Assistance Program (CFAP) to learn about assistance to various aquaculture crops that are now included. Our local producers of oysters and clams are not eligible under this program because they are eligible to receive assistance under the CARES Act assistance program.

Sea Grant Extension:

4. Extension Director participated in a webinar hosted by Auburn University titled: "Seafood in the Diet: Consumption Patterns at Retail and Food Service outlets." Related to how Covid has affected distribution and sales of seafood products.
5. Extension Director is coordinating with other Sea Grant agents who have seafood interests in their region to partner with FDACS, industry representation, and the ISSC to develop a virtual HACCP training module specifically for molluscan shellfish. An initial conference call between groups will take place soon.

4-H Youth Development:

6. A new adult volunteer will be completing her certification process soon to lead a club in Eastpoint and surrounding area. Focus areas will include leadership, and agriculture/aquaculture production.
7. 4-H clubs are still not meeting in-person due to the virus but a large number of programs are being conducted online with great success and high numbers of youth participating.

Family and Consumer Sciences:

8. Transition to a distance learning platform continues for programs to use when school begins.

**Library Director - Whitney Roundtree**

Mr. Moron said he hopes Mrs. Roundtree was not on the telephone and he did not see her call but he will contact her about presenting her report.

#### **K. Library Directors Board Report**

##### **Updates/Informational Items:**

1. Attended WILD BOD meeting held August 10th (Virtual)
2. Attended FOL meeting held August 12th (Virtual)
3. Attended Director's meeting held August 19th (Virtual)
4. Employment: New, full-time employee, Arielle Thompson, we will report to the Eastpoint branch August 31st, 2020 to begin training. Employment offer accepted for the Carrabelle branch, waiting on drug screening results. All staff members are to be crossed trained at both branches in order to ensure sufficient coverage at each location.
5. The FCPL Summer Reading Program has come to a close. The library hosted 10 virtual events and challenges this summer with a combined participation total of 361.
6. Congratulations to our Summer Reading Challenge grand prize winners, Jayden Jones (Carrabelle Branch) Hunter Brannan (Carrabelle Branch), Maddie Wise (Eastpoint Branch) and Wyatt Oliver (Eastpoint Branch). Each winner received their very own Kindle HD Fire Tablet as a reward for their hard work and continued reading throughout the summer.
7. FCPL will be closed Labor Day, Monday, Sept 7th
8. September is Library Card Sign-up Month. Library cards are free for Franklin County residents with proof of residency (DL, photo Id card, Passport with photo). A library card grants patrons free access to our combined catalog of physical and digital materials. Non-resident members can also obtain a card for a \$10 annual fee.

##### **RFP / RFQ / Bids Opening**

#### **L. CR 370 Alligator Point Multi-Use Path Project:**

The Franklin County Board of County Commissioners is seeking civil engineering services relating to the construction engineering and inspection (CEI) of the multi-use trail and bike path on the CR 370 Alligator Point Multi-Use Path Project. The scope of this project will include the construction of 5' bicycle lanes on C.R. 67 (Alligator Drive) from Alligator Point Marina eastward for approximately 1 mile to the public boat ramp and a 10' multi-use path from the public boat ramp eastward for approximately 1 mile to Harbor Circle on Alligator Point, FL as identified in the County's Local Agency Participation contract with the Florida Department of Transportation (FDOT). Consideration will be given to only those firms that are qualified pursuant to law and that have been prequalified by FDOT to perform the indicated types of work.

Mr. Moron said the review committee for the Request for Proposals (RFP's) will be him, Mr. Nabors and Mrs. Lauren Luberto, Finance Department. He explained the review committee will score and rank the RFP's. He opened and read the following RFP's:

<b><u>Company</u></b>	<b><u>Location</u></b>
VIA Consulting Services, Inc.	Jacksonville, FL
DRMP	Tallahassee, FL
exp.	Tallahassee, FL
Southeastern Consulting Engineers, Inc.	Wewahitchka, FL

AECOM

Tampa, FL

**On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to send the RFP's to the review committee.**

The meeting recessed at 10:12 a.m.

The meeting reconvened at 10:26 a.m.

**Public Hearings 10:30 a.m. (ET)**

Any person representing a project or who wishes to speak concerning this proposed ordinance should participate virtually via Zoom (log-in/call-in information below). If you experience issues with Zoom call (850) 653-9783 ext 373 for assistance.

**Join Zoom Meeting by computer, tablet, smartphone or other device:**

<https://zoom.us/j/97168127180>

*Meeting ID: 971 6812 7180*

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+19292056099,,97168127180# US (New York)

**Join Zoom Meeting by telephone (use any line):**

+1 312 626 6799

+1 929 205 6099

+1 301 715 8592

+1 346 248 7799

+1 669 900 6833

+1 253 215 8782

*Meeting ID: 971 6812 7180*

Mr. Moron said there are 5 public hearings and they will begin with Item O. He reported on the other items Mrs. Sapp called this morning and stated they have requested that these items be tabled. Mr. Moron reported they would like to table these items until November 17<sup>th</sup> at a certain time to avoid having to re-advertise. He said once they get through the first item then he recommended that they decide on a motion to table first so they do not have to take public comments on this matter now and in November. Attorney Shuler stated this is correct and he was informed yesterday the applicant asked to table this matter. He said they should take up the tabling request first and it is up to the Board to table or not to table this request. Mrs. Ham-Kelly read the following item for the Board's consideration:

O. (10:30 AM)The Franklin County Board of County Commissioners proposes to adopt the following by ordinance: An Ordinance changing the Zoning on the following parcel of land in Franklin County: Reserved Lot West of Lot 16, Block Z, Lanark Beach, Unit 1, Lanark, Franklin County, Florida lying in Section 14, Township 7 South, Range 4 West, Lanark, Franklin County, Florida, as shown on the attached map, to be changed from C-4 Mixed Use Residential to C-3 Commercial Recreation. Request submitted by Garlick Environmental Associates, agent for Team Golson, applicant.

Chairman Lockley asked for public comment. Mr. Moron checked the system for public comment on this item. Mrs. Ham-Kelly said Garlick Environmental Associates is representing this project. Mr. Moron said he has unmuted Mr. John Berry, a resident of Alligator Point, who is on the line and Mr. Dan Garlick, Garlick Environmental Associates, in case there are questions. Mrs. Ham-Kelly said she has received no objections to this item. Commissioner Boldt asked if this property immediately adjoins Ho-Hum RV Park. Mrs. Ham-Kelly commented there are 3 lots owned by Ms. Kimberly Roddenberry and then Ho-Hum RV Park. Mr. Moron said there is no one on the system wanting to provide public comment. Commissioner Parrish asked if this is one lot. Mrs. Ham-Kelly reported this is a reserved lot west of Lot 16 for Lanark Beach. Commissioner Parrish said he has never heard of a reserved lot and questioned what it is and if there is acreage. Commissioner Boldt asked what is being proposed on this site. Mrs. Ham-Kelly replied an RV park. Commissioner Parrish inquired if this project will be on public water and sewer. Mrs. Ham-Kelly responded public water and sewer are available in that area. Commissioner Parrish questioned if the Health Department also decides how many units they can have. Mrs. Ham-Kelly said the Health Department regulates how many units can be placed on a lot that is regulated by water and sewer and by well and septic. Mrs. Ham-Kelly stated she does not have the specific lot size. Commissioner Massey reported based on what is already in this area the lot cannot be real big. Commissioner Boldt agreed it must be narrow. Mrs. Ham-Kelly said the application says 1 acre more or less. Mr. Garlick appeared via telephone. He explained the reserve lot is not a platted but is a lot of record done by metes and bounds. He reported Mr. Thurman Roddenberry, Thurman Roddenberry & Associates, Inc., did the survey and the boundaries are 145' X 300'. Mr. Garlick said there is plenty of room off of Highway 98 and they would like to start the 9 RV units and the office building. He reported C-4 allows more density but the owner is more interested going this direction because it is a useful area and Ho-Hum RV Park is filled up. Mr. Garlick said he talked with the new owners at Ho-Hum RV Park and they do not have a problem and neither does Mr. Roddenberry. Mr. Garlick stated Lanark Village can supply the water and sewer and he looked at escape routes. He explained they would route their people about 72 hours in advance up Lake Mortality Road to Highway 67 to get them out quicker. He reported this is a small operation but they have enough room to accommodate 9 units. He said they still have room to address commercial issues such as the stormwater management plan and this evacuation route. Mr. Garlick offered to answer any questions. Commissioner Parrish stated he does not have any questions and is glad to see they have an evacuation plan when it comes to storms. Mr. Garlick explained the C-4 Mixed Use means buildings on piles which means more potential damage but with this plan once the RV's are gone there is not much of anything left to damage substantially. **On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to approve the rezoning request from C-4 Mixed Use Residential to C-3 Commercial Recreation.**

P. (10:35am or soon thereafter 10:30am) The Franklin County Board of County Commissioners proposes to adopt the following by ordinance: An Ordinance changing the Land Use on the following parcel of land in Franklin County:

A 6.08 +/- acre parcel lying in Section 22, Township 6 South, Range 4 West, 2514 Highway 67, Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from Residential to Commercial. Request submitted by Jamey and Beverly Sapp, applicants.

Q. (10:35am or soon thereafter 10:30am) The Franklin County Board of County Commissioners proposes to adopt the following by ordinance: An Ordinance changing the Zoning on the following parcel of land in Franklin County:

A 6.08+/- acre parcel lying in Section 22, Township 6 South, Range 4 West, 2536 Highway 67, Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from R-2 Single Family Mobile Home to C-3 Commercial Recreation. Request submitted by Jamey and Beverly Sapp, applicants.

Mr. Moron said this is the request to table until November 17<sup>th</sup> at 10:30 a.m. **On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to table Items P. and Q. until November 17, 2020 at 10:30 a.m.**

R. (10:40 am or soon thereafter 10:30 am) The Franklin County Board of County Commissioners proposes to adopt the following by ordinance: An Ordinance changing the Land Use on the following parcel of land in Franklin County:

A 10 +/- acre parcel lying in Section 22, Township 6 South, Range 4 West, 2536 Highway 67, Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from Agriculture & Residential to Commercial. Request submitted by Jamey and Beverly Sapp, applicants.

S. (10:40 am or soon thereafter 10:30 am) The Franklin County Board of County Commissioners proposes to adopt the following by ordinance: An Ordinance changing the Zoning on the following parcel of land in Franklin County:

A 10 +/- acre parcel lying in Section 22, Township 6 South, Range 4 West, 2536 Highway 67, Carrabelle, Franklin County, Florida, as shown on the attached map, to be changed from A-2 Forestry Agriculture and R-2 Single Family Mobile Home to C-3 Commercial Recreation. Request submitted by Jamey and Beverly Sapp, applicants.

Mr. Moron said they have a request to table this matter until November 17<sup>th</sup> at 10:35 a.m. **On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to table Items R. and S. until November 17, 2020 at 10:35 a.m.**

#### **National POW/MIA Recognition - Michael Krehl – Presentation**

M. Presentation of the Defense POW/MIA Accounting Agency (DPAA) introducing the Relentless Pursuit Poster

Mr. Krehl appeared via telephone. He reminded the Board National POW/MIA Recognition Day is September 18<sup>th</sup>. He reported National POW/MIA Recognition Day was established in 1979 through a proclamation signed by President Jimmy Carter. He stated since then each subsequent President has issued an annual proclamation commemorating the third Friday in September as National POW/MIA Recognition Day. Mr. Krehl said a national level ceremony is held every year. He stated all the celebrations that are held honor the people that were held captive and returned and those that remain missing. He reported since 1999 the POW/MIA Accounting Agency has created a poster commemorating this day. Mr. Krehl stated the 2020 edition honors this tradition and will be on display in all county buildings and offices through September. He said the posters are available from DPAA.mil and are free to the general public. Mr. Krehl reported the poster commemorates National POW/MIA Recognition Day on September 18<sup>th</sup>. Mr. Moron said the posters will be in 3 locations around the buildings for the month of September.

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

Clerk Johnson reminded the Board of the virtual Budget Public Hearing on September 8, 2020 at 5:15 p.m. She explained the public hearing will be held just like this meeting is occurring today. She requested the Board schedule a virtual meeting on September 30, 2020 to end the year and pay county bills. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to schedule a special meeting on September 30, 2020 at 9:00 a.m.** Clerk Johnson stated Mrs. Griffith will provide a financial update and report on the St. George Island Bathroom project.

Mrs. Griffith stated she has some good news today and presented the following update for the Board:

#### BUDGET UPDATE:

At the Budget Workshop on Thursday, July 30<sup>th</sup> the BOCC set a preliminary millage rate for the TRIM notices at 5.9026, just below the current millage rate of 5.9494 and 3.69 percent over the rolled-back rate. The renewal rates for Capital Health Plan were not available at the time of the budget meeting and an estimated 10% increase (\$144,492 in additional cost) was used for the preliminary budget presentation.

On August 3<sup>rd</sup>, Capital Health Plan released the renewal rate at a 2% increase. The cost for individual coverage rose from \$645.31 per month to \$658.22 per month. This reduction from the estimated 10% increase to a 2% increase reduced the proposed budget by \$114,599. This change reduced the preliminary millage rate to 5.8490 – from 3.69% over the rolled-back rate to 2.75% over the rolled-back rate.

The Office of Tax Research held a second revenue estimating conference on August 14<sup>th</sup>. Updated revenue estimates were released this past week and fortunately, the sales tax proceeds estimates were revised upwards for the general fund by \$108,258 and for the road and bridge fund by \$68,456. Although revenue estimates are still down, the effects of the Coronavirus pandemic are anticipated to be not as long-lasting or drastic as the market anticipated several months earlier.

Although the rate that went out on the TRIM notices was the 5.9026 mills, at the 1<sup>st</sup> public virtual hearing the BOCC will incorporate the reductions from the finalized rates from CHP and now the improved sales tax revenue estimates from the Office of Economic and Demographic Research. This will bring the proposed millage rate down from 5.9026 to 5.7761, from 3.69% over the rolled-back rate to 1.47% over the rolled-back rate.

Chairman Lockley said this is very good. Commissioner Boldt stated the millage rate may go even lower. Mrs. Griffith agreed it could if anything else positive happens by September 8, 2020 which is the first Budget Public Hearing. She stated they will also have another public hearing. Mr. Moron said the second Public Hearing is on September 22, 2020. Mr. Moron explained they still have a chance if the Heroes Act or Heals Act passes to have access to \$500,000 for the budget.

#### SGI BATHROOMS PROJECT:

Franklin County awarded the SGI Bathroom project at a cost of construction of \$450,000. I solicited rates from both local banks and the two rates came in as follows for a maximum loan value of \$450,000:

PeoplesSouth Bank – 8 month construction loan, 2.25% fixed rate interest only, then rolls to five year 2.95% fixed term loan with no origination fee.

Centennial Bank - \$4,500 origination fee, 9 month construction loan, 3.8258% fixed then transitions to term loan amortized over remaining term up to five years.

As PeoplesSouth had the best rate, the five year estimated payment would be \$95,241 per year. The Tourist Development Tax Proceeds are limited by Florida Statute to spending no more than 10% each year



on beach park facilities. With this limitation and the estimated sales tax proceeds being closer to \$1.3 million each year, additional payments could be applied to principal and this loan could be repaid in under four years if sales tax proceeds hold true and if the additional payments are desired by the Board of County Commission and Tourist Development Council.

Action Requested: Permission for the Chairman to sign the letter of commitment with PeoplesSouth Bank.

**On motion by Commissioner Jones, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to authorize Chairman Lockley to sign the letter of commitment with PeoplesSouth Bank.**

#### **CARES Act Consultant - Traci Buzbee – Presentation**

##### N. CARES Act Funding Presentation

Mr. Moron reported Ms. Buzbee had a FEMA meeting at 11:00 a.m. and her discussion will last a long time. He said the Board may need to schedule a meeting prior to the Budget Public Hearing next Tuesday to hear from Ms. Buzbee. He reported it is important that Ms. Buzbee attend the FEMA meeting because it benefits the county. Chairman Lockley asked if it is feasible for people to call her. Mr. Moron answered yes, and said he will put Ms. Buzbee's number out again and run it as a public service announcement (PSA) in The Apalachicola Times and on Oyster Radio. Chairman Lockley reported people have asked about how to do this and he has told them the county has a consultant. He said he would like to direct people to the consultant. Commissioner Boldt asked if they may still hear from Ms. Buzbee today. Mr. Moron said it depends on how long the meeting is. Chairman Lockley stated the Board has to come back today and he questioned if they could hear from Ms. Buzbee then. Attorney Shuler stated when they come back they will open in a public hearing setting to begin the Executive Session but he is not sure he wants to blend the 2 items together. He reported the public will not be tuning in at 1:30 p.m. so it may not serve the purpose of getting the CARES Act information out publicly. Chairman Lockley agreed they do not want the public to say they did not tell them about the meeting. Mr. Moron stated this is important and there are businesses that want to hear the information. He said he will advertise it for next Tuesday. Mr. Moron asked for permission to advertise for a special meeting. The Board discussed the time needed for the meeting and the Budget Public Hearing scheduled for 5:15 p.m. Chairman Lockley said they want everyone to know about the meeting. Mr. Moron stated they are still accepting applications and advising people how to address issues and problems. He reported they are not approving anything until the Board makes decisions on how the money is being broken up. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to schedule a special meeting for September 8, 2020 at 4:00 p.m. to discuss the CARES Act funding.**

#### **County Coordinator – Michael Morón – Report**

Mr. Moron presented his report, as follows:

##### **Action Items:**

1. Planning and Zoning/Board of Adjustment: At your last meeting the Board extended the suspension of Planning and Zoning Commission (P&Z) and the Board of Adjustment (BOA) meetings and authorized the County

Planner to continue exercising the powers and duties of both boards until October 6, 2020. The intent of this action is to allow the Board an opportunity to review its options on a format to proceed.

As I indicated at the last meeting, a majority of the board members prefer to meet in the same manner that the County Commission is meeting, using Zoom (or something similar) or teleconference system. If the Board will allow virtual meetings for the Planning and Zoning Commission and the Board of Adjustment, I recommend revamping both boards from the current number of seats to a five-member district seating with two alternate seats. Each commissioner would nominate someone from their district to each seat and collectively the commissioners would nominate two alternates that will only participate as needed to meet quorum requirements, for each board. I attached a list of current members that you may choose from or seek new members. Once all seats have been filled on both boards, I've asked Mr. Mark Curenton, County Planner, and Amy Ham-Kelly, Zoning Administrator, to host a training workshop with each board so that members are aware of what is expected of them as members. This change in the make-up of P&Z and BOA would require an amendment to the current zoning ordinance. The other option would be to consider a Special Master to review and make recommendations to the County Commission on P&Z and BOA applications. I have not researched this option as yet, but if the Board is interested, I will.

Request: Board action to decide on which option for the review and recommendations of Planning and Zoning and Board of Adjustment applications.

Mr. Moron explained if they are going back to using the 2 Boards then Attorney Shuler may have wording on the motion so they start amending the ordinance. Commissioner Boldt asked if they have enough members on the Board and if they are participating. Mr. Moron said the way Planning & Zoning is they have just enough for a quorum and if one person does not show then they do not have a quorum and cannot proceed with the meeting. Commissioner Massey left the meeting. Mr. Moron explained the Board of Adjustment is a small board. Mr. Moron suggested each Commissioner appoint someone to the Planning & Zoning Board and they would have two alternates so they would always have 3 members to proceed with continuing to approve applications. Chairman Lockley questioned if the Board of Adjustment always had 5 members. Attorney Shuler replied yes. Commissioner Massey returned to the meeting. Chairman Lockley questioned why the Planning & Zoning had 9 members. Attorney Shuler explained this is the way the ordinance was adopted in the late 1980's and the way the membership was set up. He reported the Board of County Commissioners set up this membership to have a broad range of different perspectives from various industries, commercial interests in addition to citizens' input. Chairman Lockley inquired if there is any state law requiring this number of members. Attorney Shuler answered no state law that he is aware of just the local county zoning ordinance and the Board has the ability to amend the ordinance. He stated the Board may not need to make any changes to the Board of Adjustment because they have always been a 5 member Board with some alternates. Attorney Shuler said he has regularly attended the Board of Adjustment meetings since 1993 and they rarely have a quorum problem. He reported the Planning & Zoning Commission after the collapse of the real estate market in 2006 did not have many development applications to review so they got out of the habit of meeting. He stated when it was time to have meetings they started having problems with quorums. Attorney Shuler reported things in the real estate market have been picking up since 2013 or 2014. He stated he has been surprised at the surge in real estate transactions in the county during the COVID pandemic. Attorney Shuler said if the Board would like to revamp the Planning & Zoning Commission to a smaller board to insure a quorum they can try it and see how it works and if they do not like it they can come back and change it in the future. Commissioner Parrish explained the original Planning & Zoning Commission was set up to have people from different sectors of the community. He expressed concern that if each Board

member appoints a person you could have several people from the same industry. He reported the way it is set up now they have a forester, an environmentalist, and also people from the seafood industry. He said the way it was set up those seats had to be filled with specific people so the board is not set up with people from 1 sector of the community. He explained if they take this suggestion they will not have that membership now. Commissioner Parrish pointed out you want a board with a diverse background and they are doing away with that under the current proposal. He said that is why there were originally 9 members but now they are have problems with people attending the meetings. Commissioner Parrish explained this is not necessarily a bad change but if 1 sector of the community is not represented it could end up being a problem. Chairman Lockley said they will lose that with this proposal. Commissioner Parrish agreed and said if they go with a special master then they will not have a board. He explained the special master will review the comprehensive plan and make a decision and they will have no public input. Commissioner Parrish said that is the way a lot of communities handle this. Attorney Shuler agreed some communities do. Commissioner Parrish reported as a reference the county is facing a lawsuit about the dollar store in Lanark Village because the people did not want the business. He explained people expect the Commissioners to represent them but it is not up to what the people want anymore but what is written in the Comprehensive Plan and everything else. He explained if a request is allowable they cannot go by what their constituency wants. He said the county is now being sued over this matter and things are changing and they cannot represent the people. Chairman Lockley said he is going to vote for what the law is and people get mad but he has to go with what the law says. Commissioner Massey questioned what the best option is. Commissioner Parrish stated he does not know because everything has changed. He reported the Board used to be able to listen to people and then make a decision and now it is not up to them but up to the court system. Chairman Lockley said they are going to lose the specific seats on the board and just have 5 members. Mr. Moron stated this is a volunteer board and they are having problems getting people to participate because they are being heavily criticized. He explained they need people on this board that understand the role they are filling and are not just volunteering. Mr. Moron agreed with Commissioner Parrish it is hard to decide which option is best. He explained he chose 5 members because each Commissioner would decide who would best represent their district. He said they are giving up the specialty seats for people they would recommend for these 5 seats. Chairman Lockley reported they have at least 12 meetings a year and these people are volunteering and buying gas to attend the meetings and the county is not offering them anything. Commissioner Parrish said if they are not interested in the community or helping to shape the community then they do not need to be on the board. He explained people do not need to just volunteer but need to read and understand the comprehensive plan and land development code and how they work together and apply it to projects that are submitted. Commissioner Boldt suggested they pay a professional person to do this and give them recommendations. He said the Board could do this as a trial for 6 months. Commissioner Parrish reported if they go with a special master then they are obligated to go with what he recommends regardless of what their constituency advocates for. He explained if they go against the special master then the applicant is going to take the recommendation from the special master to circuit court. Commissioner Parrish said they are elected by the people but they will be obligated to do what the special master recommends. Commissioner Boldt stated he was not aware they would be obligated to go with the special master's recommendation. Chairman Lockley reported it will also cause a problem if they have a special master for the Planning & Zoning and citizens serving on the Board of Adjustment. Mr. Moron stated the Board must also consider that the special master has zero history about the county versus a board that has a history in the county and understands where they are going. Mr. Moron said they could try his proposal for 3-6

months and if they do not like it then they can go back to what they had before. Attorney Shuler suggested if the Board wants to reduce the number of membership on the Planning & Zoning Commission in order to more easily facilitate a quorum requirement they do not have to eliminate the various categories that need to be filled but they need to understand that multiple qualified candidates could come from one Commissioner's district and not from each district. He said when they reduce the board from 9 members to 5 members some categories will be eliminated and the Board will need to make the decision on what categories will remain and which will not. Attorney Shuler said he did not recommend the temporary use of a special master. He explained several months ago the Board directed him to begin work on a special master ordinance and the ordinance is 60% complete but not ready for Board or public view. He stated if they are looking at reconfiguring the Planning & Zoning Commission then that may be the way to proceed as opposed to the special master. Mr. Moron clarified he is not recommending the special master but just the time to reconfigure the Planning & Zoning Commission. He said they may need to push for this change because they only have until October 6<sup>th</sup> and then the County Planner's authority to handle these matters runs out. He explained they were hoping in October to switch to having Planning & Zoning meetings. Commissioner Jones stated they need to get back to something besides putting this work on Mr. Curenton. He reported Mr. Curenton has not even been compensated for what he has already done so they need to move forward in another direction. He questioned how the Board feels about this matter. Chairman Lockley said he is not sure which direction to go. Mr. Moron stated they can try his recommendation for 3-6 months and if it is not working out they can go back. He said each Commissioner can appoint someone but they should be mindful of who they appoint. Commissioner Massey reported they can try this suggestion. Attorney Shuler explained if that is the inclination of the Board then they can authorize him to conduct a public hearing so the Board can amend the county zoning code to change the membership for the Planning & Zoning Commission. **Commissioner Massey made a motion to try Mr. Moron's suggestion and authorize Attorney Shuler to schedule a public hearing to amend the county zoning code to change the membership. Commissioner Jones seconded the motion.** Commissioner Boldt asked if they will stay with a 5 member board. Mr. Moron replied yes. Chairman Lockley asked how long they are going to try this. Mr. Moron said 3-6 months. Attorney Shuler reported they can decide how long at the public hearing. **Motion carried; 5-0.** Chairman Lockley questioned what they are going to do about Mr. Curenton's overtime. Mr. Moron said he talked with Mr. Curenton and he will work with Mrs. Griffith on this matter.

2. CR 67 Sidewalk Project: The contractor has proposed a change order to the CR 67 Tallahassee Street Sidewalk project. There is an area north of Avenue K where driveways will be crossing the sidewalk that was not noted on the original plans. At these driveway crossings the depth of the sidewalk will be increased from 4 to 6 inches. At another location between Avenue C and D there is a section of sidewalk that is badly broken up. The replacement of this area was not included on the original plans but will be with this change order. The total cost for the change order will be \$11,599.15, but it will not change the completion time of the project. The Florida Department of Transportation has approved the change order and the funds to pay for it are available in the FDOT grant. Request: Board action to approve the \$11,599.15 change order for the CR 67 Tallahassee Street Sidewalk project.

Mr. Moron reported this is a City of Carrabelle project but they are not LAP certified and the county is so the county is managing the project. He stated the City of Carrabelle is aware of this change order. He said he has seen some criticism of this project and people think it is a county project but it is not. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board**

**present, it was agreed to approve the \$11,599.15 change order for the C.R. 67 Tallahassee Street Sidewalk Project.** Chairman Lockley verified they are okay with the changes. Mr. Moron answered yes and said an email was sent to Ms. Dempsey, City Manager.

3. SGI Beautification Grant: Franklin County has received a beautification grant from FDOT to enhance the approach to St. George Island along State Road 300. Before the County advertises for bids to do this work, we need to apply for a permit to work on FDOT's right-of-way. They require a resolution from the County requesting the permit and authorizing the chairman to sign the necessary documents.

Request: Board action to authorize the Chairman's signature on the resolution and necessary documents for the FDOT permit.

**On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize the Chairman to sign the Resolution and the necessary documents for the FDOT permit.**

4. Homecoming Parade: Franklin County School's Homecoming festivities and events are scheduled for Friday, September 25, 2020. One of the major events is the Homecoming parade on that same day, from 3:00pm to 4:00pm. The parade is held in Eastpoint and will have the same route as the last two years, beginning at the intersection of C.A. Gillespie Street, then onto Highway 98, ending at Jefferson Street. A Florida Department of Transportation permit is required therefore Board of County Commissioners' approval is needed.

Request: Board action to authorize the Homecoming parade route.

**Commissioner Massey made a motion to approve the Homecoming parade route beginning at the intersection of C.A. Gillespie Street, then onto Highway 98, ending at Jefferson Street. Commissioner Boldt seconded the motion.** Chairman Lockley asked if they are playing football. Commissioner Jones stated the first game is Friday night and it is Senior night. **Motion carried; 5-0.**

#### **Information Items**

LSE Declarations: As authorized by the Board, Chairman Lockley has signed Local State of Emergency Declarations for the weeks beginning August 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>.

Stormwater projects: Northwest Florida Water Management District (NFWFMD) advertised grant funding for stormwater and drainage projects. AVCON submitted a grant application for a stormwater improvement project at the Airport. In an email to Alan, John Collins stated: "A couple of years ago, the County replaced about 4,000 lf of stormwater pipe that was failing at the airport and this proposed project will replace the remaining 6,100 lf. The County already has \$1M from the FDOT coming available very soon but the total project cost is estimated to be about \$2.5M, so we are requesting \$1.5M from the NFWFMD."

Dewberry submitted four applications on behalf of the County: (1) a potential living shoreline project (breakwaters) at the two washout locations on C30A, (2) a potential drainage basin study for the north end of the airport to include the residential area to the north of the airport, (3) the paving of West Pine Ave. on St. George Island, (4) and the paving of Mill Road in Carrabelle.

This is the first step in the application process. If NFWFMD likes the project, they will request more information. I will continue to update the Board on the progress of these submittals.

Leslie Street Update: After the two-day rain event last week, Mayor Begos called and informed me that there is a problem on Leslie Street. Apparently, underground voids and cavities were created from washouts which caused

substantial cracks on the concrete. The City closed the street and has contacted their engineers to look at the problem. I will forward whatever information is sent to me from the Mayor and City Manager

Mr. Moron reported the Mayor and City Manager have been in constant contact with him. He said he told them if they needed help to let the county know. He stated they have a long road to getting Leslie Street repaired.

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

Attorney Shuler said he does not have a report for the Board. He reminded the Board the Executive Session will be conducted at 1:30 p.m. and will start out in a public hearing. Attorney Shuler reported Mr. David Theriaque, outside counsel, will bring an Agenda and other documents for this meeting and a court reporter will also be present. Chairman Lockley said no one can attend this meeting. Mr. Moron agreed and said Commissioner Jones will participate by Zoom but he will be the only one on the line at that time.

### **Commissioners' Comments**

There were no Commissioners' comments.

The meeting was recessed at 11:30 a.m.

### **Executive Session 1:30 p.m. (ET)**

X. 1:30 p.m. (ET) Pursuant to Section 286.11(8), Florida Statutes, the Franklin County Board of County Commissioners will meet in Executive Session to receive the advice of counsel concerning the following pending litigation: HLS Property Management vs Franklin County, Case No. 2017-CA-182, Franklin County Circuit Court.

Chairman Lockley reconvened the meeting at 1:30 p.m. He stated this session of the Franklin County Board of County Commissioners is hereby convened as noticed by publication in a newspaper of general circulation, Apalachicola Times, on August 27, 2020.

Attorney Theriaque stated he is the special land use counsel. He reported pursuant to Section 286.011(8), Florida Statutes, at this time, he would like to request that they adjourn to Executive Session so that he, the attorney of record for Franklin County, Florida, in

HLS Property Management – 41 West Bayshore, LLC vs Board of County Commissioners, Franklin County, Florida, Case Number 2017-CA-182, Franklin County Circuit Court

may receive the County Commission's advice regarding the strategy to be used in this case and the type of expenses to be incurred.

This entire session will be recorded by a court reporter and the transcript will be filed with the County Clerk and available to the public at the conclusion of the litigation discussed today. In addition to the County Commissioners in attendance today, the following persons will attend this Executive Session:

Attorneys for the County: David A. Theriaque, Esquire  
Theriaque & Spain  
433 North Magnolia Drive  
Tallahassee, Florida

Thomas M. Shuler  
County Attorney

County Coordinator: Michael Moron

Attorney Theriaque said at this time each County Commissioner in attendance please identify himself for the record. Chairman Noah Lockley, Commissioner William Massey, Commissioner Bert Boldt, II, Commissioner Joseph Parrish and Commissioner Ricky Jones introduced themselves. Attorney Theriaque stated at the conclusion of the Executive Session, the County Commission will reconvene the public hearing and the Chairman will end the session.

Chairman Lockley said I estimate that this Executive Session will take approximately one (1) hour. He stated at this time we will recess the public portion of today's meeting and convene the Executive Session. Thank you.

Attorney Theriaque announced the time of recess is 1:35 p.m.

The Board met in Executive Session.

Chairman Lockley reconvened the public hearing.

Attorney Theriaque stated it is 2:30 p.m. and the Board initially indicated the meeting had reconvened in the public hearing but they needed 5 minutes to link up zoom so that people can attend including Commissioner Jones. He recommended the Board consider making a motion to direct him to inform the court in this case that the county is willing to allow HLS to have a hearing on the application that HLS filed with the county on June 12, 2017 for an RV park and that the rules that were in place as of June 12, 2017 including the county's comprehensive plan and land development code would apply to that application. **On motion by Commissioner Jones, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to direct Attorney Theriaque to inform the court in this case that the county is willing to allow HLS to have a hearing on the application that HLS filed with the county on June 12, 2017 for an RV park and that the rules that were in place as of June 12, 2017 including the county's comprehensive plan and land development code would apply to that application.**

Attorney Theriaque announced the time of adjournment is 2:31 p.m.

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Noah Lockley, Chairman

Attest:

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Marcia M. Johnson - Clerk of Courts