

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING
COURTHOUSE ANNEX, COMMISSION MEETING ROOM
OCTOBER 20, 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, Michael Shuler-County Attorney, Michael Moron—County Coordinator, 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://m.facebook.com/forgottencoasttv/>)** or go to Forgotten Coast TV's Facebook 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 Regular Meeting (Zoom)

Oct 20, 2020 09:00 AM Eastern Time

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Dial US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 948 9575 4536

Chairman Lockley called the meeting to Order.

Prayer and Pledge

Commissioner Jones said a prayer followed by the Pledge of Allegiance.

Approval of Minutes

On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meeting held on October 6, 2020.

Payment of County Bills

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

Special Project Consultant – Alan Pierce – Update

Mr. Moron stated Mr. Pierce is present via telephone. He reported there are a few items the Board will hear prior to public comment. He said if there is anything on Mr. Pierce's update that requires action they will handle it after public comment.

Mr. Pierce reported he and Mr. Moron participated in a Florida Department of Transportation (FDOT) teleconference after the last Board meeting and were given a verbal report on the FDOT transportation traffic study relative to Alligator Drive. He stated Representative Jason Shoaf lead the effort and had FDOT do a re-analysis of the classification of Alligator Drive in the hopes that it would be eligible to become part of the Federal-Aid Highway Program (FAHP) and qualify for federal dollars. He said the study was completed and unfortunately Alligator Drive does not have the count to be eligible for FAHP. He explained the road only had about half of the required count. Mr. Pierce explained they hoped being an evacuation route would help but it is not a criteria for being included in the federal highway system. He reported Mr. Moron will distribute the report for their review. He stated if Representative Shoaf has an opportunity to look at something different the county is still looking for a permanent partner to help maintain the road. Mr. Pierce said if there are any questions they probably need to contact FDOT.

Mr. Pierce stated the county has a fully executed Triumph Agreement and hopefully in a few days Mrs. Cortni Bankston, RESTORE Coordinator, will be able to upload some other documents and hopefully they will get Avcon approved as the design engineer. He reported hopefully by January, 2021 they can go out to bid for the fuel farm. Mr. Pierce said they are getting ready for the implementation phase and he hopes that moves smoothly. He reported they appreciate Representative Shoaf's support as he was on the Triumph Board at the time and helped the county get started. Mr. Pierce said the project should be done in approximately 6 months.

Mr. Pierce stated Mr. Moron will ask the Board to ratify the Chairman's signature on a revised engagement letter to the Corps of Engineers (COE). He explained the Board used the language suggested by the COE on the original letter but someone in the Atlanta COE Office has asked for a change to 3 words in the letter. He said Mr. Donald Green, COE, contacted him and asked if the Board

would write the revised letter and because they needed to submit the letter in a timely manner he asked Mr. Moron and Attorney Shuler if the Chairman could sign the letter and then have that action ratified at this meeting. He explained the original letter talks about the Eastpoint Channel and the 2 Mile Channel not exceeding \$5 million. Mr. Pierce reported there are no known increases to the project but if it comes in higher than \$5 million the COE will not be able to authorize any additional funds even if the county is paying for it because the cap is \$5 million. He stated they have revised the letter to say the current estimate is \$5 million and that change will allow the COE if the bids comes in higher than \$5 million to ask the county if they want to participate at a higher cost and he thinks the answer would be yes. Mr. Pierce reported at this time the current estimate is still \$5 million for both projects. He explained at least if they get to a higher cost they will have a chance to talk about whether they want to incur this expense. Mr. Pierce reported Mr. Moron will ask the Board to ratify the letter during his report. He stated the COE has the revised letter and is processing it. Mr. Pierce said he inquired if the project is starting all over with a review and Mr. Green said no and they hope by the middle of November to have a complete engagement letter and be ready to engage the contractor. Mr. Pierce pointed out even though there was a delay the COE will engage an existing contractor and not go out for bids so hopefully this is the last hurdle with the COE.

Mr. Pierce stated FEMA has obligated \$5.5 million in Project Worksheet (PW) 1152 for the rebuilding of Alligator Drive. He said this project will be rebuilding a 2 lane road and steel sheet pile on the south side against the water and rocks on the other side. He explained a concrete cap will be placed between the sheet pile and the asphalt so there is a solid impervious surface in case waves hit this area. Mr. Pierce reported FEMA has finally approved the scope of work and the funding. He said at the last meeting they agreed to ask Anderson Columbia if they would honor their bid. He reported the county received a letter from Anderson Columbia stating they cannot honor the original bid for approximately \$4.7 million because they have had an increase to the project of \$130,000. Mr. Pierce stated if the county accepts the increase then Anderson Columbia is willing to start the project. He explained Mr. Clay Kennedy, Dewberry, talked with representatives at Anderson Columbia and if the county approves the bid and issues a Notice to Proceed today the contractor will start in approximately 6 weeks so construction would start before the end of the year. Mr. Pierce said he hesitated about talking about this because he was not sure what FEMA would do about the price increase. He explained he called the FEMA representatives and they said there is \$5.5 million allocated for the project and they are not involved with the contractual problems so the county needs to talk with the state. He referenced an email from Mr. Buck Dickinson, Florida Division of Emergency Management (FDEM), and he did not say there was no problem but he did say if the bid stayed below the \$5.5 million he did not see a problem with the county moving ahead. Mr. Pierce said he would like to get this project under construction and get the road rebuilt before the 2021 hurricane season. He explained if they are interested in going out for bids the road will probably not be rebuilt by June, 2021. Mr. Pierce stated based on the email from Mr. Dickinson and conversations with other people he does not see a problem with the Board awarding the revised bid to Anderson Columbia and starting the project. He explained Mr. Dickinson and the FEMA representative reminded him that this project is handled on a reimbursement basis. He stated as long as the costs are justifiable and the project stays below \$5.5 million and the money has been allocated then the additional \$130,000 would be shared by the state, FEMA and the county. Mr. Pierce recommended issuing a Notice of Award to Anderson Columbia so they can get started on this project. He explained Mr. Kennedy said some bond paperwork will need to be updated and that will take approximately 30 days. Mr. Pierce said Mr. Moron will bring this up later in the meeting and the motion will be to issue a Notice of Award to

Anderson Columbia for the revised bid with construction to start in 6 weeks. Commissioner Boldt said this is positive and he is pleased to hear it. Mr. Pierce said it has only taken 4 years. Commissioner Boldt proposed that the \$130,000 for the increased bid be held in his paving funds as a safety net for this project in case it is needed. Mr. Pierce said all indications are this increase would be cost shared like the other \$4.7 million but this is a prudent step. He reported he believes the construction time line is 6 months. He explained before they get to the paving portion the question about the increased cost will be resolved. Commissioner Boldt said they will include the paving funds as part of the motion. Chairman Lockley thanked Mr. Pierce for the update. Mr. Pierce informed the Board he will be back in person in November and they can talk about the details then.

State Representative Jason Shoaf – Discussion

FWC Northwest Regional Director - Billy Sermons - Discussion

Representative Shoaf and Mr. Sermons appeared via telephone. Mr. Moron stated they will provide an update on the closing of Apalachicola Bay for the harvesting of oysters. He said there has been a pause on the final action because of an issue in Gulf County and they want to discuss this situation with the Board. Representative Shoaf reported he was approached by a Commissioner that had some questions about this matter. He thanked Mr. Sermons for attending to answer questions. Mr. Sermons reassured the Board that there will be no delay with the plan and efforts to restore the oyster population in Apalachicola Bay. He stated there are no materials changes to the plan and they are fully committed to the Board, the seafood industry, the oystermen and the people of Franklin County. He explained their Commissioners were scheduled in October to take final action on the suspension of harvest of wild oysters in Apalachicola Bay and subject to approval it would have placed it in the Florida Administrative Code. Mr. Sermons reported they were contacted by officials in Gulf County who had questions about Indian Lagoon. He stated Apalachicola by definition in the Florida Administration Code extends from St. George Sound to Indian Lagoon and 99% of that area is located in Franklin County. He explained they failed to reach out to the Gulf County stakeholders and need to work with them on this item. Mr. Sermons stated they have an executive order in place that closes Apalachicola Bay to the harvest of wild oysters and they expect to take final action at the December or February meeting. He reported there will be no change to the sunset provision which is a maximum of 5 years. He said if they have success with the restoration project there is a possibility they could reopen the bay sooner but it does not push the date any further. He stated he cannot commit to what some of the discussions will be with Gulf County stakeholders but some of their interest is centered on hand harvest/recreational limited harvest of intertidal oysters in Indian Lagoon. He reported they have not made any commitment and this will not compromise the restoration project. Mr. Sermons stated they are moving ahead on schedule and he offered to answer any questions. Chairman Lockley said he likes what they are doing with the plan but they have a problem because people are getting the Commissioners confused and think the Board of County Commissioners is closing the bay. Mr. Moron said the Commissioners are getting complaints locally about closing the bay. He asked Mr. Sermons to explain the process used to determine the bay needed to be closed and that it was a state decision and not a local County Commission decision. Mr. Sermons explained the Florida Constitution vests management and authority for regulation of wild animal life including oysters with FWC. He stated their Commission has 7 members and meets 5 times a year to take up rules. He explained they have been considering the oyster issue and value the input of the stakeholders including the Franklin County Commission but the authority and action rests with their commission. Chairman Lockley said the state makes these decisions not the County Commission. Commissioner Boldt reported the other

Commissioners have taught him it may only take 18 months for restoration and growth of the oysters and he asked if they could consider giving progress reports every 6 months on the status of the bay. Mr. Sermons answered yes, and said this is a reasonable expectation and they can commit to keeping the county staff engaged by providing in person or written reports. Commissioner Parrish reported in talking with people in Gulf County they were not aware with the bay closure they could not harvest recreational oysters in Gulf County and Indian Lagoon as it is part of Apalachicola Bay and he asked if this is correct. Mr. Sermons agreed that is correct. Commissioner Parrish stated he does not think they should allow Gulf County to have a recreational bag limit and not allow it for the people of Franklin County. He reported that will cause each county to have different rules and he asked them to take this under advisement. Commissioner Parrish said he is not saying he is for or against it but everyone needs to be treated equally and fairly. Mr. Sermons stated that is duly noted. Commissioner Jones reported there is an issue of transparency because people are not aware of what is going on and are just hearing what actions are taking place. He stated they heard after the fact about the Gulf County issue. Commissioner Jones said it would be a good thing for FWC to publish more about what is going on so people are aware of it and do not just listen to what is being told. He suggested there could be appropriate bulletins or statements made on behalf of the restoration of the bay so citizens are aware of the timeline and what is taking place. Mr. Sermons agreed they will provide reports and said they will have the opportunity as they get further into the planning and implementation of the project to involve some of the local expertise. Chairman Lockley asked if they still have 2 universities doing the studies. Mr. Sermons responded Florida State University (FSU) and the University of Florida (UF) will be involved and some mapping and monitoring is being done with technology from the University of New Hampshire. Chairman Lockley said this is a good thing because the bay is sick and hopefully they can come up with a solution to fix it and put people back to work. He stated they appreciate everything they are doing and he would like them to keep the Board updated so they can tell the community and especially the oystermen what is going on. He pointed out businesses are also relying on the oysters and hopefully in the end they have a good conclusion. Commissioner Massey questioned if they will reopen the bay if there are enough oysters in a year. Mr. Sermons answered yes, if they meet the metrics that have been established which are 300 bags per acre. He explained with the continuing monitoring if they meet these metrics on a sufficient scale then the bay will be reopened. He reported they do not have to go to the full five year sunset period to reopen. Mr. Sermons said if they are successful prior to that then the opportunity will be there and the commitment is there to reopen. Commissioner Massey stated after Hurricane Elaina and Hurricane Kate the oysters were in good condition in 1 year. Chairman Lockley questioned if there is anything in place to help the workers because they do not know how long they will be out of work. He reported there are 200-300 people with oyster harvesting licenses and there are not that many jobs available in the county for them to go back to work. Mr. Sermons stated he understands and remembers the Chairman addressed this concern at a meeting in July. He explained their director pointed out at the time they are working with some other organizations and government agencies like DEO to identify programs and processes. He reported they have \$17-\$20 million in the National Fish and Wildlife Foundation (NFWF) grant and those monies will be placed back into local waters and the local economy. Mr. Sermons stated he cannot go into details but some of the monies will be directed not only to the local businesses but directly to oystermen who can be employed as contractors or sub-contractors in the restoration process. Chairman Lockley thanked Mr. Sermons and Representative Shoaf for their update. He said if they continue to update the Board they will inform the citizens. Mr. Sermons stated they will be in communication.

DEP Aquatic Preserve Manager - Jonathan Brucker - Discussion

- C. Alligator Harbor/Boat Ramp: Mr. Brucker would like to discuss the possibility of a boat ramp near Alligator Harbor as a possible solution for the lack of available access for Aquaculture leaseholders.

Mr. Moron said Mr. Brucker is here to discuss the possibility of a boat ramp or access for the leaseholders into Alligator Harbor. Mr. Brucker stated Alligator Harbor is the home to 60 plus aquaculture sites for clams and water column oyster farming. He explained there have been discussions and emails among the leaseholders, his office, Representative Shoaf and county staff about the difficulty in leaseholders getting to their sites due to limited access in Alligator Harbor. He said the aquaculture sites have increased and the boat ramps have stayed the same size. Mr. Brucker reported parking and depth of water make it difficult for the leaseholders and recreational users. He said he talked with Commissioner Jones and was invited to attend a meeting to talk about access. Mr. Brucker offered to answer any questions. He said he has talked with some of the aquaculture leaseholders about potential options and he is aware of the conditions of the boat ramps. He asked the Board to share their feelings as he has not had a chance to speak to the other Commissioners. Chairman Lockley explained there are problems getting in and out of the boat ramp and with parking. He stated the boat ramp is not only used by aquaculture participants but also for recreation and on holidays it is hard for the leaseholders to work the leases because of the amount of people in the areas. Mr. Brucker reported he is sympathetic and has heard the same feedback. He explained one of the management strategies for the aquatic preserve is to try and work with local communities and stakeholders to increase access to the aquatic preserve. He said they also want to encourage sustainable use. He stated they are proud of the aquaculture system at Alligator Harbor so a management strategy would be to try and improve access for both the aquaculture and recreational users. Mr. Brucker reported Sun n Sand is a primitive boat ramp in a neighborhood and only has room for 5-6 trucks and boats and then people have to park down Alligator Drive. He stated Leonard's Landing is shallow but sometimes workable. Mr. Brucker explained to be a sustainable full use ramp it needs some improvements and there is almost no parking. He mentioned the old F.S.U. Lab across the bay on Alligator Point but said the road is difficult to travel with boats. Mr. Brucker said it is difficult to find options. He reported the leaseholders discussed an additional site east of Leonard's Landing called Two Rut. He stated he talked with Mr. Jeff Tilly, Oyster Boss, about this matter. Mr. Brucker said there are options to consider for expanding the facilities but there would be impacts to existing natural resources. He explained they want to improve access but they want to make sure they do not cause negative impacts to existing natural resources. He reported to figure out the best solution for improving the boat ramps or designing a new boat ramp they would need to do some feasibility studies which cost money but are some of the logical options. Mr. Brucker stated there are a lot of rules in the state for aquatic preserves and Florida Statute 258, Chapters 1820 and 1821 are aquatic preserve rules about building docks and marinas and the impact to resources. He explained as a biologist for the state he has always liked improving existing boat ramps or marinas. He reported it is easier to do improvements on existing permits than to request new permits. Mr. Brucker pointed out Leonard's Landing is an existing permitted boat ramp and if a feasibility study was done to see what kind of maintenance dredging could be done to improve the facility and provide parking it would be good. He said a feasibility study could also be done on the parcel to the east of Leonard's Landing that aquaculture leaseholders have suggested could be used. Mr. Brucker reported some of the issues with this site might be destruction of marsh habitat and upland habitat which they would be concerned about in relation to critical habitat and species. He explained being that close to the road could also affect water quality which is a

critical issue with aquaculture. He stated if anything is done to change the shoreline water quality is important to consider. Mr. Brucker reported putting in a boat ramp just because they need one could impact the resources later so they would have to complete an analysis. Mr. Brucker discussed the recent state purchase of the bluffs across the street from Alligator Harbor and said a parking lot might be placed on this property across the street to expand Leonard's Landing. He stated as he discussed with the aquaculture leaseholders if they create new boat ramps or facilities they would be done in the public interest and open to everyone and not only the leaseholders. Chairman Lockley said they understand because they have been on the water and are not trying to be selfish and say the facilities would only be for aquaculture leaseholders. He questioned if they can fix two facilities as there is not enough room to take care of everyone they have now. Mr. Brucker said they have to figure out a solution about the boat ramp and parking is also a big deal. He suggested a dock may be a temporary solution. He reported there is not a lot of land on Alligator Point for parking especially at the Sun n Sand boat ramp. Mr. Brucker stated it would be great if they could figure out a solution but there are not a lot of options. He said he is not asking the county to invest in a feasibility study but they may want to consider doing a feasibility study. Chairman Lockley asked if they are at the limit for the aquaculture leases or they are planning to issue more leases. Mr. Brucker said that is a question for DEO but he thinks they are about maxed out in Alligator Harbor. He stated if they tried to expand any more it might get in the way of navigation. Chairman Lockley reported some people had to get a 4 wheel drive truck to get in and out of the boat ramps because a regular truck would not work. He stated they are still having difficulties on low tide. Mr. Brucker said he is aware of this and right now Sun n Sand has a hole in the boat ramp. He stated maintenance needs to be done but with the primitive boat ramps it is difficult because of the sediment. Mr. Brucker explained the situation with the boat ramps limits the kind of boats that can use the boat ramps. Chairman Lockley asked if their intention is for the leases to replace the wild bars. Mr. Brucker stated in Alligator Harbor that is where they think the leases are but he does not intend for them to replace wild oysters although it is a great alternative. He reported the goal is to get the natural subtidal and intertidal oysters back as soon as they can. He explained his office does a lot of restoration on the subtidal reefs in Apalachicola Bay, St. Andrews Bay and Pensacola Bay. Mr. Brucker said they are in favor of trying to restore the natural reefs. He stated they do support and appreciate the aquaculture and think it is very important but would also like to restore the natural subtidal habitats also. Commissioner Massey asked about the boat landing west of the FSU marine lab. Mr. Brucker stated that landing belongs to the university and they allow government and researchers to use the area. He said the leaseholders have also mentioned this area but they would have to contact FSU. Mr. Brucker stated his only concern is that is a long boat ride to the leases. Commissioner Jones questioned if the state is planning to add any boat ramps and/or parking for public use on the recently purchased land where it comes up to Alligator Harbor. Mr. Brucker said he has not heard any plans for the land yet. He explained this may be a unique opportunity for the county and state to work together to identify a parcel of land that may be suitable for a boat ramp. He stated it makes sense if the Leonard's Landing area could be developed into a sufficient boat ramp. Mr. Brucker reported he has not heard any plans for the property other than to leave it as an important buffer to other state lands in the surrounding area. Commissioner Boldt said they need to keep people informed because this is a positive conversation and this is strongly needed. He reported as they upgrade and look at these boat ramps he encourages them to consider adding bathroom facilities because it is a critical need. Commissioner Boldt said he understands all the ecological situations that play into this request. Commissioner Jones left the meeting at this time. Commissioner Boldt stated a hitching post is also important at the boat ramp and if they are upgraded they should have this feature. Mr. Brucker said he would like to see that as well and if there are to be

improvements or a new boat ramp it does need ample parking and facilities. He reported they also want to have recycling for monofilament and suitable trash receptacles. Mr. Brucker stated if something does develop they would be very involved with it. He agreed this is a positive conversation and he has been involved in the email chains and is open to talking with the Commissioners and stakeholders. He reported when they are on the water they stop and talk with the leaseholders a lot. He stated they recently updated the Alligator Harbor Management Plan which involves a lot of stakeholder information. He explained they have been working with the local community and governments as well as their user group and that is how they want to manage the aquatic preserve. Mr. Brucker reported they want to keep the aquatic preserve as it is for as long as they can as it is a critical resource and important to many user groups. Commissioner Boldt said he recognizes and appreciates the economic issues and how critical the marshland is. He referenced some ecological techniques for improving the area and said there may be some biology exchanges they can do. Mr. Brucker replied yes there are things that can be done and part of the feasibility study would be to find ways to mitigate certain impacts. Commissioner Boldt brought into discussion the St. Joe Summer Camp Project and said the parties are open and receptive to improvements so there may be a boat ramp potential there. Commissioner Boldt offered to go on any field trips that may be necessary. Commissioner Jones returned to the meeting. Mr. Brucker agreed it might be good to get out on the water and look at the locations. He reported his staff has been doing some analysis in the water and looking at depths and determining if any sea grass is growing there. He explained in some of the areas east of Leonard's Landing the main habitat would be the marsh area and forest uplands and there is also close proximity of the road so there may not be enough space to consider this a public boat ramp that would provide more parking than other areas. Mr. Brucker stated there are options to discuss and this conversation needs to keep going. He reported they could bring in the leaseholders and ask them what they think in addition to getting input from the Commissioners, recreational groups and the homeowners at Alligator Point. Commissioner Parrish said he wishes this issue would have been addressed earlier before they issued all these leases and created this controversy. He explained the Commission is constantly bombarded with complaints but the county does not own any property where they could create parking and build a boat ramp. He reported the county did not issue the leases but the state did issue the leases without considering the infrastructure that was available to accommodate the leases. Commissioner Parrish said he is glad Mr. Brucker is here discussing this but there are other roadblocks. He explained there is limited parking at Sun n Sand and then they must park on Alligator Drive which creates issues. Commissioner Parrish said he wishes the Department of Agriculture and Consumer Services (DACS) and others would work with DEP to come up with a solution to accommodate the leaseholders. Commissioner Parrish said Mr. Brucker mentioned permitting hurdles but if DEP cannot solve them the county certainly cannot resolve them and the county only has limited staff. He stated he appreciates Mr. Brucker being at the meeting but he does not know if this can be done or not. Mr. Brucker said he is sympathetic and they can refer the complaints to the preserve. He explained it is a difficult process and he agrees the infrastructure is not there. Mr. Brucker stated he does not know if an analysis was done on the infrastructure. He explained DEP manages the water but DACS manages the aquaculture leases. Mr. Brucker said it is a joint venture and a lot of time DEP is there to look at the resources and DACS is there to design and plat the aquaculture lease setup. He stated he does not know if they consulted everyone at the time or if they had a reason why they did not. He reported the big issue is to find a resolution. He said the complaints can be forwarded to his email address. Mr. Brucker stated he understands not having staff and funding because limited funding is his biggest constraint with the state. He agreed looking for grants and hiring someone to find grants and get permitting is a big step. He said the biggest issue is

finding an area and he will work with his staff, the Board and some local people to narrow down some areas but it may not be an easy solution and may take some time. Mr. Brucker stated that is their strategy and what they are there to do. Commissioner Massey asked Mr. Brucker to contact Mr. Johnny Sheridan about his ideas for the boat ramps. Mr. Brucker said he has his email and will contact him. Chairman Lockley reported the first thing they should have addressed was access and the state did not provide access and that should have happened. He said they have 60 leases and access for 10 people. Mr. Brucker agreed there are 20-30 leaseholders so he understands. He pointed out if they build a new boat ramp recreational users may get there first and then the aquaculture leaseholders would still be forced to use the other boat ramps. He stated finding the amount of land to build something is going to be the big issue. He reported the old FSU lab has the infrastructure but it has the road issues. He said there is also a rumor about push back from the residents but he does not know if that is a fact. Commissioner Parrish stated it is a fact. Attorney Shuler reported Mr. Moron needs to make a statement on the record about the 10:00 a.m. Board of Adjustment items. He stated they need to let everyone holding on the line know they are running a little late. Mr. Moron said they will take public comments, the department directors' reports and then move to the Board of Adjustment items. Commissioner Jones explained they understand and know that people that have the aquaculture leases are in need of infrastructure but they understand as a Board that any infrastructure that is put in place will be for the public interest and cannot be solely for aquaculture leases. He stated he is good with anything they pursue and the Board would help in any way they can with the pursuit. Mr. Bruckner offered to come back to the meetings and provide updates. He stated the Board has his contact information and can contact him anytime. He reported they want people at the preserve and they want to encourage access. Chairman Lockley asked if Mr. Brucker will provide an update every 3-6 months. Mr. Brucker agreed he could do that. Chairman Lockley said if they build a boat ramp the Board knows it is for everyone. Chairman Lockley stated they appreciate anything he can do to help solve the situation.

Public Comments

Mr. Moron explained the process for indicating you would like to speak. He stated people can speak now but there will also be a public comment period for the Board of Adjustment items. He explained the Board will take public comment, the department directors' reports and then they will address the Board of Adjustment items.

Attorney Shuler reported Mr. Tom Guilday is the attorney for Capital Asphalt that filed the bid protest. He stated Mr. Guilday sent him information yesterday but he was out of the office and did not get the information until this morning. Attorney Shuler said he advised Mr. Guilday he could speak under public comment today. Mr. Guilday said he is an attorney in Tallahassee and represents Capital Asphalt, Inc. He explained he would like to address the bid award for the Alligator Drive Multi-Use Path Project. Mr. Guilday reported on October 6th the Board made a decision that Capital Asphalt was not qualified because it was not a licensed contractor and then made a decision to award the contract to the second bidder on the project whose bid was \$100,000 higher than the Capital Asphalt, Inc. bid. Mr. Guilday stated they filed the Notice of Protest within the 3 day period provided and provided information to the Board's counsel. He explained he believes unwittingly the Board made a mistake in determining that Capital Asphalt, Inc. was not qualified and a responsive bidder. He said they were told someone went on the Department of Business & Professional Regulation (DBPR) website and Capital Asphalt, Inc. was described as expired and their license was expired. Mr. Guilday reported they

have contacted DBPR and submitted sufficient information to the Board's counsel that Capital Asphalt's license was active and valid. He explained what occurred is a contractor is required to get so much continuing education during the licensure period and Capital Asphalt had done the education and submitted it to DBPR but the vender that coordinates that information for DBPR did not post it to the department. Mr. Guilday said when they got involved and contacted the Deputy Director of DBPR, they verified Capital Asphalt, Inc. had complied with the requirement and did have an active license and was a valid contractor at all points. He reported from a legal standpoint which he addressed in the letter to Attorney Shuler the term expired does not exist under Florida Statutes or Florida regulations that deal with contracting. He said there are specific rules that described a contractor's license as active, inactive or delinquent. Mr. Guilday pointed out if Capital Asphalt has not complied then their license would have been delinquent but not expired or inactive. He explained what occurs if the license is delinquent is the contractor has that license period to resolve the delinquency and if they do not resolve it then the license becomes null and void. He reported Capital Asphalt's license was not delinquent but if it had been delinquent they still would have had an active license. Mr. Guilday stated the Board made a decision that was inaccurate and based upon wrong information and contrary to what the statutes and rules and regulations provide as to licensure. He reported they filed a bid protest and intend to pursue it. Mr. Guilday explained the Board gave Capital Asphalt, Inc. 3 days to protest but also went forward and awarded the contract to the second low bidder and that is in the process of being approved. He reported this puts them in a position where they may have to take action and obtain an injunction to preclude the contract from going forward. Mr. Guilday requested the Board go back and revisit whether the decision to disqualify Capital Asphalt, Inc. was based on correct information or not. He explained if they determine the decision was not based on correct information then they think the Board should revisit the bid award and consider whether Capital Asphalt, Inc. really was the lowest responsive bidder. Attorney Shuler stated he explained to Mr. Guilday that under public comment the Board does not take any action. He stated he will address this item under his report later in the meeting.

Mr. Moron said there is no other public comments. He explained there are a few people viewing the meeting as Mr. Royce Rolstad, Forgotten Coast TV, is using Facebook because it allows an easier connection than YouTube.

Department Directors Report
Superintendent of Public Works – Howard Nabors

D. Road Department Board Report

Mr. Nabors stated he hopes they get started on Alligator Drive because the road is a nightmare for the Road Department and the residents. He reported they had not been cutting grass because they were fixing roads but they started cutting grass yesterday.

Information Items

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

Solid Waste Director – Fonda Davis

Mr. Davis stated he does not have any action items. He said hunting season is starting and the deer carcass containers are in bad shape. He reported he would like to get some new ones built. Mr. Davis said the containers may be out later than usual.

Mr. Davis reported the Solid Waste Department and the Parks & Recreation Department are running good. He said the area has been cut where they are holding the groundbreaking ceremony today for the St. George Island Bathroom Facility.

Clerk of Courts – Marcia M. Johnson – Report

Mrs. Griffith presented the following report:

P. Clerk's Report to the Board 10-20-2020:

Action Item:

1. As part of the budget process this year, the landfill was approved for the purchase of a new tub grinder to be paid out of the Landfill Tipping Fee Fund. The existing tub grinder is a 2004 model and has been used to process hurricane and yard debris for the past 15 years. Due to the age and condition of the existing tub grinder, the trade-in value is \$30,000. Franklin County solicited two financing quotes, one from PeoplesSouth and one from Leasing2. Leasing 2 offered the best rate at 2.65% fixed for (8) years. The county will be financing \$692,500 of the \$837,687 Sourcewell Government Bid Platform purchase price after trade-in and down payment. The annual payment will be \$95,539.12.

Action requested: A motion to authorize proceeding with Leasing 2 for the financing and formally authorizing the trade-in of asset A004470, a 2004 Caterpillar Tub-Grinder for the landfill.

On motion by Commissioner Boldt, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize proceeding with Leasing 2 for the financing and formally authorizing the trade-in of asset A004470, a 2004 Caterpillar Tub-Grinder for the landfill.

Mr. Davis reported the life expectancy of the Construction & Demolition (C & D) site is 13 years so the county will need to start looking for some additional land. He stated Dewberry Engineers provided this information. Mrs. Griffith reported in the aftermath of Hurricane Michael the landfill processed 4 times the amount of paid C & D debris in 1 year. She stated that was an unbelievable amount of space that was taken up in the landfill by processing Hurricane Michael debris. Mrs. Griffith explained that is just paid waste and there is also debris that comes in from the sides of the road. Commissioner Boldt questioned how this process starts. Mr. Moron reported they start to look at property that will be approved by DEP. Mr. Davis agreed that is correct. He stated at one time the Eastpoint Water & Sewer District owned some property across the street from the landfill and the state owns property adjoining the landfill. Commissioner Boldt inquired if they get DEP involved in looking for the property. Mr. Moron said they look for the property and make sure DEP approves it and then make decisions about purchasing the property. **Commissioner Boldt made a motion that they start studying the property acquisition. Commissioner Massey seconded the motion.** Chairman Lockley asked how long the study will be. Mr. Moron said they will try not to make it too long. **Motion carried; 5-0.** Chairman Lockley said it is good to do the study because they could get another storm that would reduce the time they have left.

Information Item:

1. Right-of-way Debris Pickup / Recycle Material Hauled – September 11, 2020 – September 29, 2020 (See attached)

Emergency Management Director – Pam Brownell

Mrs. Jennifer Daniels, Emergency Management Coordinator, said they do not have any action items. Mr. Moron stated he has an item on his report about the Emergency Operations Center (EOC) but they will address it later in the meeting as he has to set up a map.

F. Emergency Management Director's Report:

Information Items:

1. EOC Staff worked Hurricane Sally 09/12/20 and continues to work with FDEM and FEMA.
2. EOC Staff continue to participate in the NOAA Tropical Weather Training.
3. EOC has submitted our New LMS Plan to the state and are awaiting approval.
4. 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.
5. 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.
6. 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.
7. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. (Please see attached 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. 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.
8. Attached is a copy of the DOH Dashboard regarding COVID-19 Cases in Franklin County as of 10/16/20 at 11:00 am.

Extension Office Director – Erik Lovstrand

Mr. Lovstrand said he does not have any action items.

**G. Extension Office Report
Informational Items**

General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics of injured wildlife, release of Tamarixia wasps for citrus psyllid control.
2. Co-hosted a webinar on bats as part of our Natural Resources Extension Team webinar series.

3. Extension Director participated in the CED in-service training planning meeting that will take place in late October.

Sea Grant Extension:

4. Extension Director participated in Zoom meeting with the Apalachicola Bay System Initiative project.

5. Extension Director participated in Zoom meeting with a team of agents working on updating the "Extension Roadmap," as a guidance tool for the next 5 years of Extension assistance to Florida citizens.

6. Extension Director met with team of UF/FDACS staff working to develop a virtual HACCP training course to address molluscan shellfish requirements, specifically.

4-H Youth Development:

7. District III Council youth members met via Zoom to discuss plans for upcoming events including Teen Retreat, 4-H University, and 4H Legislature.

Family and Consumer Sciences:

8. Transition to a distance-learning platform continues for programs to use in the local schools.

The meeting recessed at 10:34 a.m.

The meeting reconvened at 10:43 a.m.

Mr. Moron stated the Board needs to allow for public comment on each item Mrs. Ham-Kelly presents.

Board of Adjustment – Amy Ham-Kelly – Report 10AM

Mrs. Ham-Kelly offered the following report:

- I. CONSIDERATION OF A REQUEST FOR A SHEET PILE RETAINING WALL THAT WILL INCLUDE DREDGE FILL IN THE CRITICAL HABITAT ZONE LOCATED AT LOT 4, HOLIDAY BEACH, UNIT 1, 3 MARDI GRAS WAY, ALLIGATOR POINT, FRANKLIN COUNTY, FLORIDA. REQUEST SUBMITTED BY BRENT BURKE, APPLICANT.

THIS WAS PREVIOUSLY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON APRIL 17, 2018.

STAFF RECOMMENDATION: RECOMMENDING APPROVING THIS VARIANCE.

BOARD ACTION: TO APPROVE, TABLE OR DENY

Mrs. Ham-Kelly said this variance expired and needed to be approved again. Chairman Lockley asked for public comment. Mr. Moron said there is no public comment. **On motion by Commissioner Boldt, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve this request.**

- J. Consideration of a request to construct a house 15 feet into the front setback off of Castoldi Street and 10 feet into the front setback off of Spacey Drive on property described as Lots 5-6, Block B, Range 2, McKissack Beach, 104 Castoldi Street, Carrabelle, Franklin County, Florida. The east and west overhangs will be less than 30 inches from the wall of the house as required in the Franklin County Height Ordinance. Request submitted by Greg Winters, applicant.

STAFF RECOMMENDATION: The County has received 10 letters of opposition for this variance. The variance as requested would be required to be adjusted due to the 24 inch extensions at the east and west end of the house are actually walls cantilevered out (not

eaves or overhangs), so they will require additional variances, so this project will end up requiring a 10' variance from Spacey Drive for the entry stairs, a 17' variance from Castoldi Street for the east side of the house, and a 2' variance from the side setback off the west property line for the west side of the house.

The recommendation given was to not grant this variance. There appears to be no hardship of the land or special condition applicable to other lots in the same zoning district. This variance request is based on the action of the applicant-having a house designed that does not fit on the lot.

BOARD ACTION: TO APPROVE, TABLE OR DENY

Mrs. Ham-Kelly stated the applicant must have an additional variance for the overhang. Chairman Lockley asked for public comment. Mr. Greg Winter, applicant, read a letter he emailed in July to Mr. Mark Curenton, County Planner. He reported they could redo the steps to meet the setback for Spacey Drive. Mr. Winter explained when he talked with Mrs. Ham-Kelly she said the overhangs were not counted but now they need an additional variance and that is new. Attorney Shuler asked if this concludes Mr. Winter's information. Mr. Winter responded yes. Mr. Moron stated there are no other individuals on the telephone indicating they have a public comment. Commissioner Massey said this is the same issue they had before. Mrs. Ham-Kelly replied this is the same property. Attorney Shuler asked if this request was tabled or denied by the Board several months ago. Mrs. Ham-Kelly said it was tabled. Attorney Shuler questioned if any changes were made to the application subsequent to the tabling and said if there are changes the Board needs to know what the changes are from the original presentation. Attorney Shuler advised Mr. Winter he also has a right to ask any questions. Mrs. Ham-Kelly stated the original request from August was to construct a house 19 ft. into the setback off Castoldi Street, 6 ft. into the west side setback, and 15 ft. into the setback from Carrabelle Beach Drive. She reported they have now moved the house to meet the Carrabelle Beach Drive setback. She said when they moved the house now the stairs are in the setback from Spacey Drive so they had to request a variance from Spacey Drive. She stated they requested to move 15 ft. into the setback on Castoldi Street and 10 ft. into the setback on Spacey Drive. Mrs. Ham-Kelly said on the eaves and overhangs she thought they were actually eaves and overhangs but according to the plans they are wall overhangs so they are not included in the eaves and overhangs ordinance and they would need a 2 ft. additional variance off Castoldi Street and the west side property line. Attorney Shuler inquired if the application is not complete today with all the different requests. Mrs. Ham-Kelly answered they do not have an application for the additional requests. Attorney Shuler recommended tabling this request until the Board has a complete application to consider. **Commissioner Massey made a motion to table this request. Commissioner Boldt seconded the motion.** Commissioner Massey asked if anyone in the McKissack properties for this request. Mrs. Ham-Kelly stated there was one letter of support and approximately 10 letters of opposition. She explained these are the same people who submitted letters of opposition last time. Commissioner Massey inquired if this house is still up against Mr. Chuck Mansfield's house. Mrs. Ham-Kelly said it would be 8 ft. off the property line and Mr. Mansfield is close to his property line. She stated it would probably be 8-9 ft. between Mr. Mansfield's porch and the side of Mr. Winter's house. Attorney Shuler inquired if Mr. Winter's had anything else he wanted the Board to consider before they vote on the motion. Mr. Winter stated he can move his house in 2 ft. to get 10' from Mr. Mansfield's property and 10' from Castoldi Street but Mr. Mansfield's built a deck without a permit that is 10" from his property line so he is not compliant with the setbacks either. Mr. Winter stated he can have the architect shorten the house to meet the eaves and overhangs. Attorney Shuler stated the Board will listen to what he has to present but they are not negotiating the application. He explained the motion is to table this matter until they have a complete application. He

said the comments he is making need to be addressed to staff so they can present a complete application to the Board. Commissioner Massey stated Mr. Mansfield cut about 3 ft. off the deck on his house and notified him and he went over and looked at it. Mr. Winter explained if Mr. Mansfield cut 3 ft. off his deck he is still 6 ft. from his property line. Chairman Lockley said if Mr. Winter has some issues about the other property he wants to bring to Mrs. Ham-Kelly that is fine but it is not part of this item. **Motion carried; 5-0.**

TDC Administrator - John Solomon – Report

Mr. Solomon provided the following report:

H. TDC Administrator's Report:

Information Items:

1. Collections Report: July Collections were \$253,488.28 which is a 21% increase over July 2019. An increase of \$44,488.28.
2. Occupancy Statistics: The Months of August and September rental occupancy numbers were 17.6% Higher than 2019 in August and 23.5% higher than 2019 in September. October occupancy rates are predicting a 19.1% increase over 2019.
3. The ground breaking ceremony for the new SGI Restrooms is today at 2:00pm.

Commissioner Jones reported the months of August and September are higher and even with the shutdown the TDC is only 5% behind last year so with the numbers they are looking at they are still likely to have an increase from last year.

CARES Act Consultant - Traci Buzbee – Report

Mr. Moron said the Board has a handout of Ms. Buzbee's report. Ms. Buzbee stated this report covers the last 2 weeks. Ms. Buzbee reported she will reach out to Mr. Solomon about the numbers to insure with the business grant program they are still showing a loss. Her report is as follows:

October 20, 2020 - BOCC Meeting Franklin CARES Update

- Submitted Spend Plan for the next 20% - \$423,144 (see attached) and the amendment to FDEM for execution

Ms. Buzbee said all of this money was dedicated to the business grant program. She stated the Spend Plan was submitted and there are no problems and it will go to the Florida Division of Emergency Management (FDEM) for final approval. She reported it should be approved no later than Friday and then the funds will be deposited for the business grant program.

- Conducted four workshops with businesses to discuss the program and answered questions on the application

Ms. Buzbee reported there was good feedback on the application and the process.

- We advertised the Business Grant Program in the newspaper (see attached)

- November 15th will be the last day to take business applications

Ms. Buzbee said they had to set a date to evaluate the status of the program as the HEALS Act has still not passed Congress. She reported it may pass this week but she does not know if it still includes the extension for the program.

- Deadline for CARES is still December 30 ... the HEALS Act has not passed to date
- We are currently working with all Constitutional Officers to get their “needs” ordered and delivered. All checks will be written from the Clerk’s Office.

Ms. Buzbee stated they will address the additional items the Constitutional Officers had on their lists that were not immediate needs. She explained now that they have the second agreement they have a cost reimbursement so any expenses that are being made now can be turned in. She discussed the items that will be submitted to the Finance Department so the checks can be written. Ms. Buzbee pointed out this way when it goes to the state there will be no questions about what it was for and whether it was justifiable.

- We have been working with Opportunity Florida and discussing “lessons learned” from the other counties they have been working with. We will be adding additional criteria in order to ensure you remain compliant. We want to ensure that it will hold up to an audit. If you decide you do not want to add the additional below listed criteria, an acknowledgement statement will need to be provided by the Board. Here are the additional criteria that will be requested:

Demonstrate 5% or greater loss in 2020 versus 2019

All Businesses must submit a Profit and Loss Statement

Copy of Driver License

Most recent business tax return

Release form signed by the applicant

Ms. Buzbee said some other counties had some fraudulent activity going on and she does not want that to happen to Franklin County. She explained the criteria is stringent but it is a protection for the county so they do not have to pay any money back. She stated they have only received 2 completed applications so if they approve the additional documentation she will contact the businesses to obtain the additional documents so their applications can continue moving forward.

The applicants that have submitted applications will be contacted to obtain the above documents unless you decide you do not want to add the additional documents.

Other jurisdictions have experienced fraudulent activity and they will be liable for the grants that were released that are not eligible and will need to pay funds back.

For non-profits, they must document demonstrating loss and continued expenses, must be COVID related, demonstrate, and prove no duplication of benefits.

- Provide Oyster Radio, business organizations and possibly an ad in the paper regarding businesses that submitted questionnaires and/or applications and did not provide their backup documents will not be reviewed.
- November 15th is the due date to FDEM to submit all actual expenses to date for Phase 1 and Phase 2
- December 3rd is the due date for all Request for Reimbursements

Commissioner Parrish questioned if only 2 businesses submitted applications. Ms. Buzbee explained only 2 submitted applications with all the backup that is required. Commissioner Parrish asked if the other businesses have been contacted to submit additional paperwork. Ms. Buzbee said she has emailed people and received nothing back. She stated they can start calling them but they thought the advertisement would help. She said she knows some businesses are not interested in turning in the backup information. Mr. Moron explained that is why they are asking the Board to okay running ads on WOYS radio to let the businesses that turned in applications to contact him or Ms. Buzbee for a status update because they may need to submit more documentation. He stated the advertising can be paid for with CARES funds. Commissioner Parrish asked to also advertise this information in the newspaper. He stated he wants to insure everyone knows what the process is because November 15th is not far away. Commissioner Parrish said he is getting calls from constituents that they turned in applications but have not heard anything and that concerns him because he knows more than 2 people submitted applications. He explained a lot of people did not submit the backup documentation and that is their choice but he wants to make sure they are duly notified and told what to do. He stated the business grant program may not be a success if only 2 people participate. Commissioner Parrish said they may need to allocate these funds in a different direction if they are not going to be utilized as a business grant program. Mr. Moron agreed that is correct. Commissioner Parrish stated this must be done in a timely fashion. Ms. Buzbee reported there was good participation at the workshops but they have only heard from 2 people that were on the calls. Mr. Moron explained people do not want to turn their information over to the government. Ms. Buzbee added they do not want to submit it to the county because it then becomes a public record. Commissioner Parrish agreed a lot of people do not want their business out in the public. He stated the county is trying to help but he does not know what to do if they do not want to submit the backup documentation. Mr. Moron asked if the Board is okay with them advertising on WOYS, the newspaper and the county website. The Board agreed that is okay. Commissioner Massey stated they want everyone to know but if they cannot comply that is not the Board's fault because they are trying to help them. Commissioner Parrish said people thought it was a hand out and they did not have to comply but the local government has to comply which also makes the recipients have to comply so the county does not have to repay the funds. Commissioner Boldt said he appreciates Ms. Buzbee adding the additional criteria to make the application high quality for all businesses. He questioned if there is an allocation plan to spend the money if it is not used by the businesses. Mr. Moron said Ms. Buzbee will explain the options. Ms. Buzbee stated one of the options is to take budgeted health employees such as Department of Health, EMS and Emergency Management and receive cash back for their salary and fringe benefits. She explained they can take the entire salary and benefit package for these employees from March 1st until December 30th. Mr.

Moron stated his concern is that the rules could change after they start the process and he did not like the way they presented this item. Ms. Buzbee reported they have another call today because Treasury released additional guidance last night. She stated she is getting everything in writing. Commissioner Parrish said he would like to see them proceed with the business program but they do need a backup plan. He reported if they submit a request for employees then the money goes back to the county not the departments because the county has already funded the budgets. Ms. Buzbee stated it kind of replaces revenue loss and is a pot of money they could do projects with. Commissioner Parrish suggested she come back with a Plan B in case the business program does not work out. Commissioner Lockley asked if they are talking about essential workers. Mr. Moron said there is a certain category and he will print it for the Board and Ms. Buzbee can call each Commissioner after her call. Attorney Shuler suggested in addition to advertising the Board send a certified return receipt letter to all applicants. He estimated it would cost \$100-\$150 to send the letters. He reported this will show the consultant has made the effort on the Board's behalf to gather the information from the applicant. Mr. Moron said their staff can help with mailing the letters. Commissioner Jones reported he is concerned with the amount being \$423,000 when he remembers the Board voting for it to be \$500,000. Ms. Buzbee stated they can put \$500,000 but the remainder of the \$423,000 is 20% of the allocation and that is what they wanted the Spend Plan to be and they can do a request for reimbursement for the remaining funds up to \$500,000. She explained \$500,000 is the line item but they had to do the Spend Plan and break up what the true allocation was so the funds could be deposited as cash on hand and then the additional funds would be as a cost reimbursement. Commissioner Jones verified the funds cannot be used for business losses. Ms. Buzbee confirmed the funds are not a revenue replacement. She explained the business has to show a loss and continued expenses that are not being covered. Commissioner Jones questioned why they are being asked to provide a Profit & Loss Statement if the funds do not cover losses. Ms. Buzbee stated they have to show they lost over 5% and have continued expenses. Commissioner Jones asked if this is all from the original Paycheck Protection Program (PPP). Ms. Buzbee said it was from the same pot of money and the original PPP was to cover 2 ½ months of salary of the employees. She reported the PPP was also extended to pay health insurance and rent. She explained they just have to make sure they are not duplicating the 2.5 months. Commissioner Jones questioned the duplicating donations for non-profits and what that has to do with the county. He stated they cannot count on a donation. Ms. Buzbee offered to get more information about this item. Mr. Moron said his understanding was if the non-profit received the donation every year from the same person and then the person said they could not donate because of COVID they want to know because they consider that a loss. He stated the non-profit can use that to try and get funds. Commissioner Jones explained that will be a non-existent communication because people will not contact them about the donation they just will not donate. Ms. Buzbee reported they can document the loss and demonstrate they still have expenses. Commissioner Jones stated they were closed for months so people know they lost donations and their businesses are suffering and he does not think that is hard to prove. He said it is becoming more stringent on people that have already been through enough with their small businesses. Mr. Moron agreed but they want the small business to say something and not have the county assume that is the case. Mrs. Griffith questioned if they are providing funds for events that did not happen like the Eastpoint Rib Cook-off where those entities missed their number one big fundraiser. Mr. Moron said he does not know if they have applied or not but he can contact Eastpoint Volunteer Fire Department and the St. George Island Volunteer Fire Department. Ms. Buzbee asked if the Board is okay with adding the documents to the application. **On motion by Commissioner Boldt, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to approve adding**

the additional criteria to the business application, approve additional public announcements on the radio and newspaper and approve mailing certified return receipt letters to the applicants that have already applied.

Mr. Moron discussed the items remaining on the agenda. Attorney Shuler requested they conduct the public hearings.

Public Hearings 11:00 a.m. (ET)

Attorney Shuler read the title of the Ordinance.

- N. Notice is given that on the 20th day of October, 2020 at 11:00 a.m. (ET), or as soon thereafter as is possible, in the courtroom at the Courthouse Annex, located at 34 Forbes Street, Apalachicola, Florida, the Franklin County Board of County Commissioners shall conduct a public hearing to consider adopting a county ordinance entitled:
AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, AMENDING SECTION 305 OF THE FRANKLIN COUNTY ZONING CODE FOR THE PURPOSE OF DECREASING THE MEMBERSHIP OF THE PLANNING AND ZONING COMMISSION FROM NINE MEMBERS AND TWO ALTERNATES, TO FIVE MEMBERS AND TWO ALTERNATES; REPEALING ALL ORDINANCES OR PARTS OF OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE

Attorney Shuler explained the only change to the planning and zoning section of the zoning code would be to reduce the membership from 9 members and 2 alternates to 5 members and 2 alternates. He stated the public hearing has been called at the direction of the County Commission and he has personally verified that the advertisement was properly advertised more than 10 days ago. Attorney Shuler said the Board is in a procedural position to move forward and they can approve, deny or table this matter. He offered to answer any questions. Chairman Lockley asked for public comment. Mr. Moron explained the process of raising your hand for public comment. He said there is no one indicating they have a public comment. Attorney Shuler explained if the Board adopts this ordinance it is effective upon the date it is filed and received by the Secretary of State. He reported the next ordinance they will consider will become effective January 1st. **On motion by Commissioner Jones, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to adopt the Ordinance.** Mr. Moron stated he has an item on his report later in the meeting to actually appoint the members based on the new ordinance.

Attorney Shuler read the title of the Ordinance.

- O. Notice is given that on the 20th day of October, 2020 at 11:15 a.m. (ET), or as soon thereafter as is possible, in the courtroom at the Courthouse Annex, located at 34 Forbes Street, Apalachicola, Florida, the Franklin County Board of County Commissioners shall conduct a public hearing to consider adopting a county ordinance entitled:
AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, ADOPTING THE 2020 ULTIMATE DESIGN WIND SPEEDS MAP FOR RISK CATEGORY IV BUILDINGS IN FRANKLIN COUNTY; WIND LOADS WEST OF THAT LINE ARE 140 MPH AND WIND LOADS EAST OF THAT LINE ARE 130 MPH; DEFINING RISK CATEGORY IV BUILDINGS; REPEALING ALL ORDINANCES OR PARTS OF OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Attorney Shuler described the areas and new categories. He reported since the county will be building a new EOC he forwarded the draft ordinance to the engineering firm for the new building so they

would be aware of the new wind speed category. Attorney Shuler read sections from the Ordinance for the Board. He said if this ordinance is adopted it will be effective on January 1, 2021. He explained the Board is being asked to adopt this ordinance because Mr. Millender approached him and said the new wind speed category had been prepared and had to be adopted and effective as of January 1, 2021. Attorney Shuler stated he has personally verified the proper ad was in the newspaper so the Board is in a procedural position to move forward and adopt the ordinance. He said if the Board does not have any questions then public comment can be taken. Commissioner Boldt commented it is interesting that the wind speed is higher west of the demarcation line which seems to be an emphasis on where the storms have been going for a while. Chairman Lockley asked for public comment. Mr. Moron indicated there were no public comment from the attendees. **On motion by Commissioner Jones, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to adopt the ordinance.**

Attorney Shuler stated Mrs. Ham-Kelly has informed him that the flood ordinance must be updated prior to January 1, 2021. He requested authorization to advertise the public hearing for this ordinance prior to the end of the year. Attorney Shuler said they are only required to have one public hearing on this ordinance. **On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to authorize Attorney Shuler to advertise a public hearing for this ordinance prior to the end of the year.**

Apalachicola Riverkeeper Executive Director - Georgia Ackerman – Update

- K. Georgia Ackerman along with Ken Jones (Project Manager) will update the Board on a multi-year Slough Restoration Project. East River is one of the project sites.

Ms. Ackerman offered to table this item if the Board would like to do this at another time since they have a full agenda. The Board agreed to go forward with the presentation. Commissioner Jones left the meeting at this time. Ms. Ackerman stated she and Mr. Ken Jones, Project Engineer, are here to provide an update on the slough restoration project. She said the 4 ½ year slough restoration project will provide positive ecological impacts to the Apalachicola River and Bay system which will help improve the health of the fisheries. She stated the fisheries are an important economic driver for the county. Ms. Ackerman shared slides showing an overview of the project. She reported the project is funded by the National Fish and Wildlife Foundation (NFWF). She stated they always enjoy field trip opportunities and are glad to get the county leaders out to see any part of the sloughs or river and bay system. Ms. Ackerman commended the Board for conquering all the technology changes required during the pandemic. She reported there are 3 projects sites which are Douglas Slough, Spider Cut and East River. She explained the East River site is in Franklin County so they will focus on that site. Ms. Ackerman reported with this project they are working to restore 3 channels by removing sediment that clogged up the sloughs during channel dredging of the river. Mr. Jones explained the interconnection of the sloughs and why NFWF was interested in looking at clearing out the sloughs that impact upstream and the East River system so water can go in through Douglas Slough and Spider Cut in Gulf County and travel through the flood plain and pick up nutrients and then travel down the main stem into Apalachicola Bay. He stated because the sloughs have been cut off water is not able to get into the slough and they do not get the benefit of the sloughs transporting the organics to East Bay to be used by the crab, oyster and shrimp in the bay. Commissioner Jones returned to the meeting. Mr. Jones provided a slide of the team on this project and said most of the team were involved in earlier studies that demonstrated the problem associated with the sloughs. Mr. Jones stated an important

part of the grant is making sure the money they get to study and for construction is used for local contractors and organizations as much as possible. He reported the river system is approximately 106 miles and their area is below Wewahitchka in Gulf County and Franklin County which are the widest parts of the flood plain. Mr. Jones stated there has been a lot of talk about the issues related to tupelo, cypress, the tupelo industry and the reduction of honey. He explained part of this work will help to mitigate the issues and bring nutrients and organics to East Bay. He referenced a slide that showed the studies that have been done over the last 20 years as the COE has changed the way they have manipulated the river. He stated that has shown in part why there is a huge decline in trees (tupelo and cypress) in the lower swamps upstream in the basin. Mr. Jones explained the problem is the sand deposits block the low water and then during critical times in the summer the water cannot get back in and this is one of the main issues with the rejuvenation of the tupelo and cypress trees in the lower swamp. He showed a slide showing the flow issues in Spider-Cut and said there are about 1,500 acres of flood plain that do not get connected to the main stem of the Chipola River or the Apalachicola River during the low flow. Mr. Jones presented a slide showing an area about 2 miles long in East River where the water depth is only about 2 ft. He stated the area cannot be accessed by boats unless the water is high. He reported the water below this area is about 15-20 ft. deep. He explained any water that once went through East River is now dammed up and sent down the main stem. He reported the East River feeds the northern parts of East Bay either through Sands Creek or East River and biologists have contributed that the upper portions of East Bay are one of the most productive areas of the bay and the most important areas for fresh water to be distributed. Mr. Jones reported the goal once they have moved the material out of East Bay and reconnected the river is they will begin to divert more water out of the main stem and have it directed to the portions of East Bay adding to the fresh water and nutrient contributions to East Bay. He presented a slide showing the crews that are helping them get into this area. He explained there were major timber downfalls within the stream from Hurricane Michael. Mr. Jones reported Mr. Shannon Hartsfield is helping to clear the path so they can get down the streams to do the surveys they need to set up the work for the permits and construction contracts. He explained the Apalachicola River Basin is a system and all the parts need to be working to help the health of the system, the bay and the fisheries in the Gulf of Mexico. He stated that is one of the reasons they are doing the Apalachicola Bay System Initiative (ABSI) and they are coordinating with them on this project. He reported this project will be an integral part to helping restore fresh water into the bay. Mr. Jones stated this is Phase 1 and depending on how well it works in the monitoring there are 20 other slough systems within the lower Apalachicola River that have been checked and they hope to get funding to clear out. Mr. Jones offered to answer any questions. Commissioner Boldt questioned if the sediment they are dredging up will be added back on the tupelo trees on the bank. Mr. Jones answered no that was what caused the problem because the COE's practice was to take dredge material out of the main stem and put it on the inside bars and then it was redistributed and became part of what caused these areas to fill up. He explained their grant is to take sediment out of the system completely and dispose of it in upland storage areas where it cannot get reintroduced into the river to cause problems downstream. Chairman Lockley asked if this is part of the study being done with FSU and UF for the bay with the oysters. Mr. Jones replied they are not part of that organization but their grant specifically asks them to coordinate with FSU and they have regular conversations with them. He pointed out Ms. Ackerman sits on the Advisory Board at FSU and he assists in those areas. He said they are coordinating on some of the hydromantic modeling because of the data they are acquiring. Commissioner Boldt stated they have heard from Mr. Sermons today and he would be interested in how they are facilitating fresh water into the bay. Mr. Jones reported they are involved in the whole program and encouraged to talk with all the different

organizations. He stated FWC and DEP are both part of the sponsors and aware of the overall project but it is appropriate for them to have side conversations with the people the Board was talking to today. Ms. Ackerman reported she is in regular communication with Mr. Jim Estes and Mr. Michael Norberg at FWC who works in the same department. Chairman Lockley said the Board appreciates the information. Ms. Ackerman offered to show the Commissioners the sites if they want to visit.

SHIP Program Administrator - Lori Switzer-Mills – Report

Mrs. Switzer-Mills presented her report:

L. SHIP Administrator's Report – 10/20/2020:

Action Items:

1. Update: For the Corona Virus Relief Funds we have received 64 applications to date. As of the October 20th meeting we have spent \$81,739.61 and are continuing to receive and process applications.
2. Update: For the Hurricane Housing Recovery Funds we have the Certificate of Occupancy for 5 out of 8 of the mobile homes.
3. Ironwood Homes of Perry is requesting 3 change orders due to the unexpected rainfall that caused additional costs.
 - a. Mr. David Burke will need an additional 15 loads of dirt due to the rainfall washing away several loads of the dirt that was being utilized to stabilize the dirt pad foundation. Original contract amount \$53,512.10, Change order \$3,000. Revised contract amount: \$56,512.10
 - b. Buddy Wayne Butler will need a FEMA foundation. Original Contract amount: \$63,755.15, Change order: \$17,315. Revised contract amount: \$81,070.15.
With the Septic System required this will bring Mr. Butler's total price to \$88,526.40.
 - c. Margaret Gay needed an additional 10 loads of dirt due to rainfall flooding the location utilized to stabilize the dirt pad foundation. Original contract amount: \$67,806.40, Change order: \$2,000, Revised contract amount: \$69,806.40. With the Septic System required this will bring Ms. Gays total price to \$81,431.40.
Request: I am requesting a motion to accept these three change orders and to go over the mobile home replacement limit of \$75,000 for Buddy Butler-\$88,526.40 and Margaret Gay-\$81,431.40.

Chairman Lockley asked if they have the money. Mrs. Switzer-Mills answered yes. **On motion by Commissioner Massey, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to accept these three change orders and exceed the mobile home replacement limit of \$75,000 for Buddy Butler in the amount of \$88,526.40 and for Margaret Gay in the amount of \$81,431.40.**

4. An applicant who lives at 801 NE 3rd Street, Carrabelle will need to be moved from the mobile home repair strategy which has a Limit of \$20,000 to mobile home replacement. Upon inspection for repairs, this mobile home has extensive damages that this strategy will not correct. The better option is to replace the home.
Request: I am requesting for this applicant to be moved from the mobile home repair strategy with a limit of \$20,000 to the mobile home replacement strategy with a limit of \$75,000.

Chairman Lockley inquired if they have the money. Mrs. Switzer-Mills replied yes. **On motion by Commissioner Massey, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to move the applicant from the mobile home repair strategy with a limit of \$20,000 to the mobile home replacement strategy with a limit of \$75,000.**

Mrs. Switzer-Mills reported they just received an email notifying them in November they will get an additional \$380,000 in Hurricane Housing Recovery Funds (HHRF) and they must use the existing waiting list or if she cannot use that list they would have to re-advertise. She said there are plenty of people on the waiting list to cover this money but said she will have to review it.

Chairman Lockley suggested they install a bulkhead around the sand to keep it in place in case it rains. Mr. Moron said he thinks the rain was unexpected so they didn't think about it. Chairman Lockley stated in the future when they demolish the trailer they need to put a bulkhead around the sand. Mr. Moron said they would put this bulkhead up to protect the site in case of rain. Mrs. Switzer-Mills said they will address that matter.

Community Action Agency Case Manager - Angela Webster – Report

Ms. Angela Webster said she will present her information items first. Commissioner Parrish left the meeting. She provided the following report for the Board:

- M. Capital Area Community Action Agency (ESF 15) Report - BOCC Regular Meeting - 10/20/2020

Information Items

- 3. Please note CDBG reports CACAA to use fire relief funds for transfer/setup price of donated home at 658 Ridge Road to be transferred and setup at Home Place has changed, as survivors have found permanent housing outside the County. This home will now be transferred to 690 Ridge Road. Survivors have provided residential lease agreement signed by property owner. I have also received verification of active water/sewer connection from Eastpoint Water & Sewer. Power connection will be included in setup cost. Cost to transfer is covered by CDBG grant as it is in lieu of demolition. I have not received quote from Ironwood Homes, however, they have assured me the cost will not exceed \$7,300.00.

Action Items

- 1. Will the Board please approve use of fire relief funds in the amount of \$7,300.00 for the setup cost on donated home being transferred from 658 Ridge Road to 690 Ridge Road?

Commissioner Massey made a motion to approve the use of fire relief funds not to exceed the amount of \$7,300.00 for the set up cost on a donated home being transferred from 658 Ridge Road to 690 Ridge Road. Commissioner Jones seconded the motion. Commissioner Jones said the request stated it will not to exceed \$7,300.00 but the action item is to approve \$7,300.00. Mrs. Webster agreed the request is not to exceed \$7,300.00. **Motion carried; 4-0.**

Commissioner Parrish returned to the meeting.

- 4. Please note Board Approval on 1/7/2020 to use fire relief funds in the amount of \$4,063.64 with a down payment of \$2,000.00 for vinyl siding repairs at 579 Ridge Road pending

electrical issue inspection. Survivors have provided a Letter of Inspection from Robert Thompson, LLC in reference to the pending electrical issue which confirms isolation of the problem to allow Budget Remodeling and Solutions to move forward with repairs to vinyl siding. The cost for repairs has increased by \$796.36 since December 2019 quote provided by Budget Remodeling and Solutions, LLC.

2. Will the Board please approve modification to pre-approved Board Action allowing use of fire relief funds for repairs at 579 Ridge Road to reflect \$796.36 increase in cost from \$4,063.64 to \$4,860.00?

On motion by Commissioner Parrish, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve modifications to the use of fire relief funds in the amount of \$4,860.00 instead of \$4,063.64 for repairs at 579 Ridge Road.

5. Please note CDBG reports CACAA to use fire relief funds for transfer/setup price of donated home at 697 Ridge Road to be transferred and setup at 291 Old Ferry Dock Road has changed. This home will now be transferred to 1044 Rosemont Street, Apalachicola. Recipient is not a Limerock Wildfire survivor and therefore fire relief funds will not be used to fund the cost for setup.

6. For the purpose of clarification please let the record reflect at 6/2/2020 BOCC Meeting, CACAA report noted use of fire relief funds to cover the cost of donated mobile home setup at 714 Buck Street for Limerock Wildfire survivor previously residing at 582-B Ridge Road. We also have a Limerock Wildfire survivor in temporary housing at the same address – 714 Buck Street. The survivor residing in temporary housing received a CDBG replacement home at 680 Wilderness Road. Temporary housing unit (camper trailer) will be returned to CACAA once new mobile is available for occupancy.

Ms. Webster offered to answer any questions. The Board did not have any questions.

County Coordinator – Michael Morón – Report

Mr. Moron read his report, as follows:

Q. County Coordinator's Board Report:

Action Items

1. CR 30A & CR 67 CEI Services Recommendation: The selection committee has completed their rankings for the CEI consultant for the repaving of County Road 30A from the Gulf County line to 13-Mile Road and County Road 67 from Highway 98 to the Crooked River Bridge. AECOM was the highest ranked firm for both jobs.

Request: Board action to accept the recommendation of the selection committee and direct staff to begin contract negotiations with AECOM, the highest ranked firm, for these two projects.

On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to accept the recommendation of the selection committee and direct staff to begin negotiations with AECOM, the highest ranked firm, for these two projects.

2. Courthouse Sewer/Vac Station Update: Since your last meeting, the water level in the vac-station has reduced, however there is still a need for pump-outs as there is a steady flow of stormwater. The County, using the City of Apalachicola's equipment, has continued daily pump-outs. I authorized a \$2400 quote with Churchwell Pipeline Service to clean-out and video the three 4" sewer laterals starting at the manhole going into the courthouse. Churchwell is scheduled to be here this morning. Once the video is available, staff can determine if there is stormwater infiltration into the Courthouse sewer system, if/what repairs are needed, then determine if we can file a claim for the pump-out cost. Request: Board action to ratify the \$2400 quote for the clean-out and video of the three sewer laterals from the manhole to the courthouse.

Mr. Moron said he is working with Mrs. Brownell on the claim. **On motion by Commissioner Massey, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to ratify the \$2,400 quote for the clean-out and video of the 3 sewer laterals from the manhole to the Courthouse.**

3. Bridge Clean-up Services Update: Capt. Dave informed me that September 30th was his last day of cleaning the bridges based on his agreement with the County. I informed both Sherriff Smith and Attorney Shuler of that date. Sheriff Smith has asked for access to the street sweeper located at the airport to assist with bridge clean-up. I am in the process of verifying that the street sweeper could be used on the state bridges and will ask Mr. Davis or Mr. Nabors to have one of the County's mechanics check it for any needed repairs or servicing. Request: Board discussion and direction.

Commissioner Parrish asked what the street sweeper will be used for. Mr. Moron said it was bought for the airport. Commissioner Parrish questioned if they want to sweep the bridges. Mr. Moron answered yes. Commissioner Parrish asked if it picks up trash. Mr. Moron responded yes it is a sweeper and collector and will be better than having people collect the trash. He explained since they purchased the sweeper for the airport they must verify there is not a restrictive use on the sweeper. Commissioner Parrish said they will have to dump it a lot because the bridge is filthy. He reported he talked with the Sheriff about this trash because a lot of it is blowing out of people's trucks. Commissioner Parrish said he told the Sheriff they had an ordinance in place that items that come to the landfill must be covered or there is a penalty. He said they need to make sure that is being complied with and that will stop some of this. Commissioner Jones stated it is posted at the landfill and he thinks the penalty is \$10.00. Commissioner Parrish said they may need to address this item because the penalty may not be enough.

Chairman Lockley said he would like to know when they will have the answer on the sewer issues. Mr. Moron stated they thinks the video will be ready today.

4. Meeting Policy Update: Staff contacted neighboring counties about their policies on public meetings with in-person public attendance. There was a "mix-bag" of responses ranging from starting a "hybrid" scenario that will allow both in-person and virtual attendance/participation to first come first allowed into the meeting room until capacity is filled, most with temperature checks and required mask wearing in the meeting room. Commissioner Jones informed me that he reached out to Florida Association of Counties for a state-wide response of what all the counties are doing. I suspect we won't have that response until after the Governor's Executive Order on public meetings has expired without any

further extensions. Once received, I will inform the Board of those results to assist with creating a policy.

Request: Board discussion and direction.

Chairman Lockley said they need to wait on the Governor. Commissioner Parrish stated they are still seeing cases in the county and they predict the number of cases will go up in the winter months.

5. New EOC: In November of 2019 the Board signed a \$200,000 State-Funded Grant Agreement with the Florida Division of Emergency Management for the architectural and engineering planning and design services for a new County Emergency Operations Center (EOC). COVID-19 caused a pause in the process, however staff is ready to proceed with this project. Attached is a document (blue area) that displays where Mrs. Brownell (EM Director) recommends building the new EOC. Mr. Clay Kennedy of Dewberry, selected to the planning and design services, supports Mrs. Brownell's recommendation. The area selected is on Airport property therefore an approval and maybe some sort of agreement with the Federal Aviation Authority will be necessary. Attorney Shuler and Mr. John Collins (AVCON) will work with the FAA on the necessary approval.

Request: Board action to authorize Dewberry to proceed with the architectural and engineering planning and design services for a new County Emergency Operations Center (EOC) on the location referred to as the blue area on the attached map.

Commissioner Parrish made a motion to authorize Dewberry to proceed with the architectural and engineering planning and design services for the new County EOC on the location referred to as the blue area on the attached map. Commissioner Boldt seconded. Commissioner Boldt asked if they need approval for the agencies that were mentioned. Mr. Moron stated FAA is the one they must contact. Commissioner Parrish questioned why they would object to a new EOC when the current EOC is already there. Attorney Shuler explained Mr. Collins stated the issue with the existing building and the new location is the footprint of the existing building as far as FAA is concerned is not part of the airport. He reported on the map that shows the boundaries of the airport that building is excluded probably because it was the old weather station and not considered part of the airport because technically all activity at the airport is supposed to be aviation related. He reported that is the issue with FAA because the EOC is not aviation related so it may need a waiver from FAA. Attorney Shuler said he explained to Mr. Collins that he is sure the Board will go through whatever process FAA requires for the Board to obtain their permission but he also suspects the Board will build an EOC. He explained the county has been waiting years for this project to move forward and the issue from Mr. Collins' viewpoint is the FAA may require the county to pay rent to itself to use their own property. He informed the Board that is the issue they are working through and he will keep the Board updated. Attorney Shuler stated the Board has always appropriately managed projects at the airport and they are moving forward on the path Mr. Collins suggested and if he thinks they should change he will come back to the Board. Commissioner Parrish said this makes no sense when they have a contract with Duke Energy to stage their equipment at the airport during a disaster response and helicopters and planes are dropping off supplies and EOC needs to be there to facilitate all these items. He explained it is not just for Franklin County because Duke Energy used the airport to stage and help Mexico Beach and Port St. Joe. He said this is the appropriate place for the EOC and hopefully they can move forward. Commissioner Boldt stated FAA may enjoy some housing in the building. Attorney Shuler said he reminded Mr. Collins that after Hurricane Michael this airport was the only regional airport working for the entire region and FAA needs to recognize that. Commissioner Parrish said that is

another reason for the fuel farm being placed at the airport so it will help everyone. **Motion carried; 5-0.**

6. P&Z Members: Earlier in the meeting the Board held a public hearing on changes to the membership of the Planning and Zoning Board. If the Board approved this amendment to the Zoning Ordinance, it is my recommendation that proceed with appointing members to the Planning and Zoning Commission. Each commissioner will need to appoint someone from your district and the Board will need to agree to the two alternates. If appointed today, the Planning and Zoning Commission could proceed with the scheduled November 10th meeting. I have given you a list of the members, to assist with your appointments that served until the Board issued the Emergency Order that temporarily transferred that authority to the Count Planner. I would like to take this opportunity to once again thank Mr. Curenton for the comprehensive recommendations on development and variance requests applications that was provided to the Board.

Request: Board action to appoint five district members and two alternates to the Planning and Zoning Commission.

Mr. Moron said Commissioner Jones appointed Mr. Lon Wilkens. Commissioner Jones stated he will stay with his appointee. Mr. Moron reported he saw some emails between Commissioner Boldt and his appointee-Mr. Bill McMann. Commissioner Boldt said they need to clarify his residency. Mr. Moron said he will leave this space vacant for now. Mr. Moron stated Chairman Lockley appointed Mr. Alex Strovonsky and he asked if he wanted to stay with his appointee. Chairman Lockley stated he will check. Mr. Moron said he will leave him there for now. Mr. Moron reported Commissioner Parrish appointed Mr. T. J. Ward. Commissioner Parrish reported his appointee will remain. Mr. Moron stated Commissioner Massey appointed Mr. Jerry Jackson. Commissioner Massey confirmed he will stay. Mr. Moron explained the alternate is Mr. Joey Taranto. Mr. Moron stated since District 2 has a vacancy would the Board appoint an alternate. Commissioner Parrish said he heard Mr. Taranto is a good member. Mr. Moron explained Mr. Taranto switched from being a regular member to an alternate because his and Mr. Strovonsky's schedule changes because they are forestry employees. **Commissioner Parrish made a motion appointing the Planning & Zoning members and alternate listed above. Commissioner Massey seconded the motion.** Chairman Lockley said he will stay with Mr. Strovonsky until he can talk with him. Commissioner Jones reported Ms. Colette Odom from his district is interested in serving as an alternate. **Commissioner Parrish amended his motion to include Ms. Colette Odom as a second alternate. Commissioner Massey amended his second.** Mr. Moron commented he would like Mrs. Ham-Kelly and Mr. Curenton to have a workshop with the members and explain the process. Mr. Moron said Mr. Murphy was a good chairman and knew the process. Chairman Parrish stated he was there before he served on the Planning & Zoning Commission so he was there for a long time and was very knowledgeable. Chairman Lockley asked if they have talked with the members about this action. Mr. Moron said Mrs. Ham-Kelly has talked to the members. **Motion carried; 5-0.** Attorney Shuler stated they mentioned the person Commissioner Boldt was considering was a property owner but the person must be a resident.

7. Rural Area of Opportunity Designation: Attached to the agenda packet is a Memorandum of Agreement (MOA) between the Department of Economic Opportunity and Franklin County to implement and re-designate the Northwest Rural Area of Opportunity (RAO), that includes Franklin County, for another five years, expiring on July 8, 2025. The re-designation is based on the Governor's Executive Order 20-170. There is no cost to the County, but there are requirements and responsibilities that must be fulfilled by the County. The main purpose of this designation is to assist rural counties that have been "adversely affected by

extraordinary economic events, severe or chronic distress, a natural disaster, or an event that presents a unique economic development opportunity of regional impact.”

Request: Board action to authorize the Chairman’s signature on the Rural Area of Opportunity MOA with DEO.

On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize the Chairman’s signature on the Rural Area of Opportunity MOA with DEO.

8. Airport Project Change Order: Staff received the final close-out documentation from the contractor for the Airport access road project. In addition to the close-out documentation there was Change Order #1 which resulted in a \$57,651.24 reduction in the contract. In order to process the final close-out of this project, I asked Chairman Lockley to sign Change Order #1. Once FDOT signs the documents this should just about close-out this project.

Request: Board action to ratify the Chairman’s signature on Change Order #1 reducing the contract by \$57,651.24.

On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to ratify the Chairman’s signature on Change Order #1 reducing the contract by \$57,651.24.

9. AVCON – Runway Contractor: In May, the County received bids for the Runway 6-24 Lighting Rehabilitation project, but award of this project has been delayed due to COVID-19. Attached is a Recommendation of Award to TCA Electrical Contractors, the lowest responsive bidder, from AVCON. TCA successfully completed a very similar project at the Airport in 2018. Mr. John Collins (AVCON) contacted TCA and they are ready to proceed with the project for the bid amount.

Request: Board action to accept AVCON’s recommendation to award the contract to TCA Electrical Contractors and authorize the Chairman to sign the agreement.

On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to accept AVCON’s recommendation to award the contract to TCA Electrical Contractors and authorize the Chairman to sign the agreement.

10. Health Department CORE Contracts: As done every year, after your final budget public hearing the Department of Health provides their CORE contract for Board signature, which states their role and services in the County for the upcoming fiscal year. Chairman Lockley signed the contract, but I failed to state this at the last meeting.

Request: Board action to ratify the Chairman’s signature on the Department of Health’s CORE contract.

On motion by Commissioner Parrish, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to ratify the Chairman’s signature on the Department of Health’s CORE contract.

11. Corps EP Dredging Letter: As Mr. Pierce explained earlier in the meeting, that it was necessary for staff to amend the letter sent to the Corps about the Eastpoint Channel dredging project.

Request: Board action to ratify the Chairman’s signature on the letter to the Corps regarding the Eastpoint Channel dredging project.

On motion by Commissioner Jones, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to ratify the Chairman's signature on the letter to the Corps of Engineers regarding the Eastpoint Channel dredging project.

Mr. Moron asked the Board to authorize the Notice of Award to Anderson Columbia with the price increase of approximately \$130,000 for the Alligator Drive Project and to include language to hold \$130,000 from Commissioner Boldt's paving funds until this contract is completed. **On motion by Commissioner Boldt, seconded by Commissioner Jones, and by unanimous vote of the Board present, it was agreed to authorize the Notice of Award to Anderson Columbia with the increase of approximately \$130,000 and include language to hold \$130,000 of Commissioner Boldt's paving funds until the contract is completed.**

12. Bluff Road Guardrail Repair: Last week staff discovered that there was another accident that damaged the guardrails at 12th Street/Bluff Road and 24th Avenue intersection in Apalachicola. I authorized a \$3200 quote from PX3 Supply for the repairs/replacement of the damaged aluminum handrail. I will let the Board know when the repairs are completed. Request: Board action to ratify the \$3200 quote for the repair/replacement of the damaged aluminum handrail.

Mr. Moron said they should have the police report and he will send it to the Board and the Finance Department so they can make an insurance claim. **On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to ratify the \$3,200 quote for the repair/replacement of the damaged aluminum handrail.**

Information Items

13. Airport Master Plan Public Meeting: Remind the Board that AVCON is hosting the Airport Master Plan Public Meeting on Tuesday, October 27th at 10 a.m. (ET). This meeting will be virtual using Zoom and the log-in/call-in information will be on the County's website this afternoon. If any of the Commissioners are planning to attend this meeting, please notify me so the appropriate language is included in the public notice.

14. Leon County's Annual Report: Staff received Leon County's Annual Report. If you would like an electronic version, let me know.

Mr. Moron reported the groundbreaking is today at 2:00 p.m. for the St. George Island Bathrooms.

County Attorney – Michael Shuler – Report

Attorney Shuler asked for Board direction on the bid protest explained by Mr. Tom Guilday this morning under public comment. He explained in prior communications because he informed him of award of the contract to Roberts & Roberts Mr. Guilday stated they intend to file a lawsuit seeking an injunction to prevent the performance of the contract and award of the contract. Attorney Shuler said he is not looking for a decision on the bid protest but does want guidance from the Board on how they want to proceed. Commissioner Parrish stated in reading the response it shows an option of hiring a special master to look at this matter instead of the Board. Attorney Shuler responded that is correct. He explained with prior instructions from the Board not related to the bid protest but to planning and zoning matters he has been constructing an ordinance that provides guidance for the appointment of a special master. Attorney Shuler stated he is not sure they need to have an ordinance in place to have a special master hear this bid protest but since they have started the process for a special master

ordinance he realized and informed Mr. Guilday that once the Board was informed of the bid protest the Board may want to appoint a special master to take the testimony and issue a recommendation order to the Board. He stated Mr. Guilday prefers the Board hear this matter but he informed him that is for the Board to decide. He reported there was some discussion about whether to appoint an administrative law judge but Mr. Guilday does not want to appoint an administrative law judge. Attorney Shuler stated he would like to see an administrative law judge appointed. Attorney Shuler said if the Board is interested in a special master then they need to authorize him to have that discussion with Mr. Guilday and he will come back at the next meeting possibly with the recommendation of appointment of a special master which would be a private attorney with experience in bid protest matters and construction law. He explained even though Mr. Guilday wants the Board to hear this matter he does not think he will oppose the appointment of a special master but he will not know until the Board officially authorizes him to ask Mr. Guilday and he gets an answer back. He said they can take further action at the meeting on November 3rd. He explained they will either have an agreement of a special master and the Board can approve it or he will say they do not agree and he will recommend the appointment of a special master anyway. Attorney Shuler stated by default this Board would schedule a quasi-judicial hearing to consider the bid protest, take testimony and then make a decision. Commissioner Parrish stated in this particular situation with having to create a waiver for Attorney Shuler to give the Board advice due to his conflict he would like to see a special master appointed. He said the Board took action based on what they knew at the time to be relevant and correct and Mr. Guilday stated this morning it was not correct. Commissioner Parrish reported it is not the Board's fault if the vendor did not correctly reflect their status on the website. He explained he does not like the public perception that they were incorrect in making their decision and he would like a special master appointed. **Commissioner Parrish made a motion to have a special master appointed. Commissioner Jones seconded the motion.** Attorney Shuler clarified he is asking for the authority to have the discussion with Mr. Guilday for the appointment of a special master and come back for a decision at the next meeting. Commissioner Parrish stated he does not care what they say because that would give them a second independent look at this matter to see if they were correct in their decision or not. He reported if they were not correct then they can reconsider the whole situation. Commissioner Parrish said this action gives them an outside special master to look at the decision that was made and the facts they based their decision on. Commissioner Jones said that is what he understood the motion to be. Commissioner Boldt explained he appreciates the continuing education hours that an applicant has to have and the pivot point is if the vendor did not record this item and they need to remember to look at that. Commissioner Parrish stated the vendor did not say they were delinquent they said their license had expired. Attorney Shuler explained the DBPR website said 2 things at the time the Board made the decision which were expired August 31, 2020 and another line says delinquent. He stated he has not read the letter Mr. Guilday sent yesterday and he would like to read that letter and talk with Mr. Guilday before he renders an opinion on that. He pointed out the information on the DBPR website was the information that was available to the engineer and was the basis for the Board's decision. He reported the Board has seen their bid protest and they are not going to discuss their argument but wait until they get the report from the special master. Attorney Shuler reported they have alternate positions and arguments and they have taken the position that all that was required was a license number and they provided a license number. He stated they also said a state contractor's license was not required by the bid and not required by state law. He reported their third position is the license never expired. Attorney Shuler advised the Board not to have any further discussion but just vote on the motion. **Motion carried; 5-0.**

Commissioners' Comments

There were no comments from the Commissioners.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 12:52 p.m.

Noah Lockley - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts