

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING
COURTHOUSE ANNEX, COMMISSION MEETING ROOM
SEPTEMBER 30, 2020
9:00 AM
MINUTES**

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

Others Present: Erin Griffith-Assistant Finance Director, 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 Zoom (**This meeting will not be live-streamed**). Those wanting to view the meeting and/or 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 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. Zoom Information

Please click the link below to join:

<https://zoom.us/j/93845309291>

Or iPhone one-tap :

US: +13126266799,,93845309291# or +19292056099,,93845309291#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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: 938 4530 9291

Chairman Lockley called the meeting to Order.

Prayer and Pledge

There was a prayer followed by the Pledge of Allegiance.

Public Comments

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

Mr. Moron stated there are no attendees for the meeting or public comments.

Payment of County Bills

C. Payment of County Bills -- Final Bill List for FY 2019-20

Commissioner Massey made a motion to approve payment of the county's bills.

Commissioner Jones seconded the motion. Mr. Moron said this will be the final bill list for Fiscal Year 2019-2020 and a new fiscal year will start tomorrow. Mrs. Griffith explained they will be processing some more invoices in October and November that will go back to the prior fiscal year but this will help with bookkeeping so they can pay the majority of the bills. **Motion carried; 5-0.**

County Coordinator's Report

D. Bridge Clean-up Contract: Discussion and Direction

Mr. Moron reported at the last meeting he informed the Board that the contractor for the bridge clean-up could not continue this service for the amount of money he was being paid. He stated the contract started in 2010 and has not been reviewed since 2013. He said at that time the Board directed him to advertise a request for proposals for the bridge clean-up. Mr. Moron reported since that time he, the Sheriff and others have received complaints about broken glass and trash on the bridge. Mr. Moron said the Sheriff called him and asked about the status of the contract. He reported the Sheriff asked if the Board members would be interested in his department providing this service. He explained the same amount of money the county previously paid for this service would be transferred to the Sheriff and he would put the money in an inmate fund. He said the Sheriff is here to explain the service they would provide. Sheriff A.J. Smith reported if they took this contract the money would be put in inmate welfare and the use would depend on what arises and what they need. Mr. Moron said the total amount of the contract is \$22,400 and would be divided up in monthly transfers and sent to the Sheriff. Mr. Moron reported Sheriff Smith contacted the Florida Department of Transportation (FDOT) contractor, Ferrovia, and they agreed to send their safety manager to the Sheriff's Department to train the necessary staff to provide this service. He stated the Sheriff invited anyone from the county departments that wanted to get this certification to attend but that decision is up to the Board. Sheriff Smith stated this is a 2 day class that would be hosted at the Sheriff's Office training room and open to whoever wants to attend. He explained Mr. Benny Jacobs, Ferrovia, was not sure if they are required to have the certification but they will attend as the training is available and free. He commented whether they get the contract or not they will attend the

training because it is good for the work crew and some of the deputies that may be assisting them. He said they will send deputies if possible when the bridge cleaning is done to help with safety. He reported the other contract for cleaning the road is working out well and the inmates and Deputy Stevens that works the crews are working hard and doing a good job. He stated the City of Apalachicola has requested some help and he told them they are busy now but they have helped them in the past and will help them in the future. Sheriff Smith said he understands the county has a street sweeping machine and that would be helpful. He stated they had an accident on the bridge last week and there was a lot of glass that needed to be cleaned up and this machine would have been useful. He said after the storm the bridge was terrible and his crew cleaned it and collected 600 lbs. of garbage. Sheriff Smith stated his crew can be more responsive than other people but that decision is up to the Board. Commissioner Massey asked how often they would clean the bridge. Sheriff Smith said he has not seen the contract but he thinks it is cleaned twice a month. Mr. Moron agreed that is correct but the Sheriff indicated they have a regular schedule of their own. He said he also agreed if they needed something done in an emergency that would not be a problem. Sheriff Smith reported if the bridge was bad and needed cleaning they would go clean it. He said he has been thinking about what to do to keep people from throwing out trash and letting it blow out of their trucks. He reported if people would not litter then they would not need to spend the money to clean the bridges and roadways. He stated they may start an enforcement and education effort on littering and they may need some new signage. Sheriff Smith said whether they get the contract or not they may need to do this because there is a lot of litter. He stated people need to take personal responsibility. Commissioner Jones asked if they need to make a motion not to bid and what steps they need to take. Mr. Moron stated if the Board is interested in the Sheriff's proposal then they need to make a motion to pause the previous motion to put the service contract for bridge clean-up out for bid. He reported if they want to try the Sheriff's proposal then they need a motion to maybe try it for 6 months and extend it after that. Commissioner Parrish said liability is his concern. He stated county personnel were not used for this service because they did not want to put them in harm's way. He said this is a state highway system they are cleaning and they will be out where the traffic is. He questioned what they do about the Sheriff's liability and if the county must carry some different insurance. He asked if the Sheriff will have to carry a different kind of insurance as part of the contract. Commissioner Parrish explained any job has risks and the Sheriff's Department personnel have a big risk every day and they accept that with their job. He said the Sheriff has cars with lights that will help slow down the traffic and will be safer but accidents can still happen. Commissioner Parrish asked what they do about liability insurance. Sheriff Smith stated his employees are covered under the Florida Sheriff's Risk Management Fund. He was not sure what the liability would be for the county. Attorney Shuler reported Monday is the first time he was aware of this item and he has not had time to go through all the other considerations but liability is one consideration. He reported other than a motion to pause the bidding process he would like the Board to allow him the opportunity to talk with the Sheriff about the liability issues and examine the county's insurance coverage and the Sheriff's insurance coverage. He pointed out if there is a wrongful death lawsuit or personal injury lawsuit he is certain both the county and the Sheriff would be sued. He stated that is one reason the last contract with the

independent contractor included a requirement that they carry insurance and indemnify the county on any liabilities that could arise from bridge clean-up. He said they have sovereign immunity protection but it has increased and there is current litigation by personal injury attorneys that would change the amount of claims if the courts adopt that position. Attorney Shuler requested the Board defer taking action on the contract and authorize him to meet with the Sheriff about the liability. He explained this will also allow the Sheriff time to look over the current contract. He commented the Board made the policy choice years ago that the bridges must be cleaned so it is just a matter of finding the path forward. Sheriff Smith said the majority of Sheriffs in Florida have work crews and he thinks the Sheriff's Risk Management Fund would continue to cover them. He reported they are already doing this work but not on the bridges. He stated it is dangerous on the roads but they do everything to make sure the work crew is safe. He said a lot of the time they have deputies with the crews to slow people down on the road. Commissioner Parrish reported he is in favor of the proposal but wants to make sure everyone is covered. He stated at least the Sheriff will have lights but the county would not if they did this work. Chairman Lockley reported the Sheriff's Department is the best source for this clean up. He said people will slow down if they see the Sheriff's Department cars. He stated the contractor sent a letter in to raise the price and they cannot just raise the price and this was received when the county was finalizing the budget. Commissioner Massey explained the contractor said he had an increase in his insurance. Commissioner Boldt said this conversation being on the record shows the intent and spirit of their feelings about the Sheriff doing this work. He stated he is enamored of the safety opportunity. He stated the Sheriff's Department is already out patrolling and will see things that other people do not see. He reported this is a positive opportunity. Sheriff Smith said the county is beautiful and he wants to help keep it that way. He stated he hopes people will take more personal responsibility. Commissioner Jones questioned what time frame they are working on if they pause the motion to advertise today. He stated they have no assurance the current contractor will continue and he has requested more money and knows they are talking about moving in a different direction. Attorney Shuler reported the insurance issues can be answered by their agent between now and next Tuesday. He said they will provide the current contract to the Sheriff so he can review it. Chairman Lockley asked if the contractor has already quit cleaning. Commissioner Jones was not sure. Chairman Lockley asked about the current schedule. Mr. Moron reported the bridge is cleaned twice a month. He explained he notified the contractor after the last meeting that the Board was going to bid out the service and not negotiate. Mr. Moron said he will find out where the contractor is with the contract and check with Mrs. Griffith to see if any bills have been submitted. Chairman Lockley asked if there was a provision for extra cleaning. Mr. Moron said he is not sure if there were provisions that addressed being called out. He reported they may clean more frequently in summer but he will check. Chairman Lockley said he likes the proposal of the Sheriff. Commissioner Massey reported the contractor has been called out before. Mr. Moron agreed he has called him out. He explained he does not know if the contractor went back to the regular schedule after that cleaning but the billing is restrictive as to how often he can bill the county. **Commissioner Parrish made a motion to allow the attorney and Sheriff to work together to work out the liability issues and also come up with a contract that is advantageous to the county as well as the Sheriff and**

bring the contract back to them on Tuesday if there is any way possible so they can move forward. Commissioner Boldt seconded the motion. Mr. Moron asked if they would include a pause on the advertising. **Commissioner Parrish amended the motion to include a pause on advertising for this matter. Commissioner Boldt amended his second. Motion carried; 5-0.**

Commissioners' Comments

Commissioner Boldt stated wonderful things are happening on the east and west end of the county. He reported last Thursday he attended the Hospital Board meeting and there were many promising comments with regard to the hospital's financial status and claims adjudicated in favor of the hospital. He said the new physician, Dr. David Newton, was at the meeting and he met him. Commissioner Boldt stated he was well received and well spoken. He said he will be a wonderful compliment and asset to the people. Commissioner Boldt announced due to historical work by many people back to 2014 FEMA has finally officially pledged the money to formally rebuild the 1,200 linear feet of Alligator Point Road. He stated the money will be officially obligated. Commissioner Massey said Ell's Court will also be rebuilt. He stated the channel will be dredged shortly. Chairman Lockley asked if that includes both channels. Commissioner Parrish replied yes. Chairman Lockley said good things are happening in the county and there are better things to come.

Mr. Moron informed the Board he is appearing on zoom from his office because their office has been exposed to COVID-19 and they are in quarantine within the office. He reported when they get test results and the quarantine is over they will be back. He stated the office is open and they are doing business with contractors by telephone, fax and email. Commissioner Parrish asked what the status is of the state rules in relation to opening the County Commission meetings to the public. He explained the state has opened to Phase 3 but the virus has not gone away. He stated he is concerned about opening things back up because COVID-19 is still here. Commissioner Parrish reported he received an email from someone wanting to know when they were reopening the Board meetings to the public. He reported they look for cases to spike across the state now that the state is at full capacity. Commissioner Parrish said people are not wearing masks and over 15,000 people have died from COVID-19 in Florida. He reported no one has declared this pandemic over. He asked if this was addressed in the Governor's Executive Order. Mr. Moron stated it was not in the Executive Order and the Governor did not renew Executive Order 20-69 which allowed a quorum without all of them being in the same room. He expressed his opinion that the county is doing the best they can as they are still under a state of emergency. He reported they notified the public and they are allowed to participate in the meetings but there is no requirement to let them back in the room. He stated on his report at the next meeting they will compare Phase 3, Phase 2 of the courts and all the CDC requirements and guidelines that fall in the middle. Mr. Moron said they can have a discussion and he will reach out to the courts to see when they will go to Phase 3. He stated as the Clerk reported they have started testing the courts with small groups so they have a way to go before they get to Phase 3. Commissioner Massey left the meeting. Mr. Moron stated the Board can do a hybrid system where they only allow a few people in the room under certain conditions. He reported they are allowing people to participate in the

meetings and he thinks they have had more participation in their meetings with the virtual setup than they had prior to COVID-19. He said people can participate from wherever they are. He agreed this will be on his report on October 6th. Commissioner Parrish said that sounds good because there needs to be a discussion. He reported they want to keep the Commissioners and staff working and the public is allowed to participate even though they are not in the meetings. Commissioner Parrish explained the email he received about opening the meetings concerned him. Chairman Lockley stated they should not open until there is a vaccine. Commissioner Massey returned to the meeting. Commissioner Boldt said the public needs to know they are welcome all the time. He explained the Board is following good scientific guidelines now and that is why no one is present at this time. He said the participation in the meetings has been greater than the average number of people that attended the meetings before the virus. He reported the County Commission is open for business and looking forward to having people in the room but it must be in a responsible way. Commissioner Jones said he has also been contacted about this matter and maybe they could take the first 12 people on a first come, first serve basis but he questioned what will happen when they have public hearings. He stated there are definitely things to be discussed. Commissioner Parrish questioned who decides who gets to go in the meeting. He said this will create confusion and he would rather see it open or keep it like it is. He stated Attorney Shuler and staff can give them guidance. Chairman Lockley questioned how they are going to let them in on a first come, first serve basis if they are having something special. Commissioner Massey stated they cannot do that. Chairman Lockley reported they may need a deputy to help line people up. Commissioner Massey said he agrees with Commissioner Parrish that they should either open or not because it will cause a fight if they allow them on a first come, first serve basis. Mr. Moron reminded the Board there will be a touchy public hearing that was deferred until November concerning a RV park and land use and zoning change. He said they will definitely have more than 10-15 people commenting on this item. He reported they must consider this as they have the discussion next Tuesday.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:35 a.m.

Noah Lockley - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts