

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JANUARY 4, 2011
9:00 AM**

MINUTES

Commissioners Present: Noah Lockley – Chairman, Cheryl Sanders – Vice Chairman, Joseph Parrish, Pinki Jackel, Bevin Putnal

Others Present: Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order (9:02 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:03 AM)

There was a prayer followed by the Pledge of Allegiance.

Gail Dodds – Hospital Board Update (9:03 AM)

Gail Dodds, Chairperson of Weems Hospital Board, stated that after four years in service, she is resigning as Chair of the Hospital Board. She said the Board had elected Paul Marxsen as the new Chairman, Curt Blair will remain Vice Chairman and Tammi Hardy will continue as Secretary.

Ms. Dodds said the foundation is a great group of people and are very enthusiastic.

Payment of County Bills (9:04 AM)

Motion by Sanders, seconded by Putnal, to pay the County's Bills as presented; Motion carried 5-0.

Mr. Pierce discussed Item #12 on his report.

12- Inform Board that one of the bills approved by the Board was one for some \$20,000 payable to GRD. This payment is being made because BP has provided the county these funds as a payment for GRD services in October. There is still a considerable amount of money in limbo and as BP makes payments to the county then there will be additional checks cut to GRD or CGA.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:07 AM)

Mr. Chipman presented his report to the Board.

Mr. Chipman updated the Board on work that has been done since the last meeting and ongoing work at this time.

Commissioner Putnal asked Mr. Chipman to revisit the beaver dam problems in the County, especially in Carrabelle.

Mr. Pierce stated that he would discuss possible beaver solutions with Mr. Chipman.

Commissioner Jackel asked Mr. Chipman to look at a clogged ditch on S. Franklin St. in Eastpoint.

Commissioner Jackel asked Mr. Chipman if the material on the public beach on St. George Island could be moved, and then grade the beach and the multi-use path.

Commissioner Sanders asked Mr. Chipman to speak with her after the meeting regarding issues in her district.

Van Johnson – Solid Waste Director (9:14 AM)

Fonda Davis, in for Mr. Johnson, had no items for Board action.

Commissioner Putnal asked if the shed he asked about was removed and Mr. Davis said it had been removed.

Pam Brownell – Emergency Management Director (9:15 AM)

Mrs. Brownell presented her report to the Board.

4 copies of the 2010 / 2011 Department of Homeland Security Grant submitted for Chairman's signature. This Federal Grant will provide \$5,000 for County Specific Training and \$15,000 for a Functional Exercise Program.

Also need Board approval for the Chairman's signature for the CERT (Community Emergency Response Team) Grant contract in the amount of \$6,750.

Mrs. Brownell said these are not matching required grants.

Motion by Sanders, seconded by Jackel, to approve the Chairman's signature for the Homeland Security Grant in the amount of \$20,000 and also the CERT Grant in the amount of \$6,750; Motion carried 5-0.

Franklin County Emergency Management continues to lay the groundwork for presenting Florida Division of Emergency Management with a package requesting their support in getting increased cellular coverage for the central and northern portions of our county. The package will focus on the critical nature of emergency response in these areas. All agencies within the county have been very

cooperative in this project. Both Wakulla and Liberty Counties are assisting us with Resolutions and we welcome their support.

Data continues to be gathered with respect to the Lanark Village Voluntary Firewall Survey Program to provide information for Firefighters and First Responders in the event of another multi unit fire. Data will also be used to seek possible funding sources for firewall retrofit to qualified homeowners.

Mrs. Brownell and the Board discussed the new State Emergency Management Director, Brian W. Kuhne.

Mrs. Brownell and the Board also discussed cell phone issues regarding coverage and emergency 911 calls.

Mr. Pierce discussed a letter he wrote to the chairman of the State 911 Board.

Bill Mahan – Extension Office Director (9:20 AM)

Mr. Mahan was not in attendance.

Marcia M. Johnson – Clerk of Courts – Report (9:20 AM)

Mrs. Johnson had no report for the Board.

Mr. Pal Rivers & Mr. Harry Buzzett – Request – Name field at Airport after Mr. Cleve Randolph (9:21 AM)

Mr. Rivers stated that Mr. Buzzett was unable to attend due to health issues.

Mr. Rivers explained that he was one of the original members of the Airport Advisory Board when it was first established.

He gave some history on Mr. Cleve Randolph and his attachment to the airport. He said Mr. Randolph taught flying lessons to more than 100 local residents, including his wife, Annie.

He said Dr. Randolph, Cleve Randolph's son, is a present member of the airport advisory committee and flies in and out of the airport regularly. Mr. Rivers spoke about more of Mr. Randolph's history in the County.

Mr. Rivers also discussed Commissioner Sanders' father, Ralph Kendrick, giving the airport advisory board the idea of using the sale of pine trees to fund the needs of the airport.

He also discussed other local folks who have been instrumental in improving the airport.

Commissioner Jackel stated that she had received a call from Col. Buzzett explaining his situation. She said the Board's thoughts and sentiments were with him during this time.

Commissioner Putnal commended Mr. Rivers on his service to the County.

Motion by Parrish, seconded by Jackel, to approve Airport Advisory's request to name the Apalachicola Airport Field after Cleve Randolph; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report (9:35 AM)

Mr. Pierce presented his report to the Board.

1- Board action to approve Chairman's signature on a \$2,457 Edward Byrne Memorial Justice Assistance Grant for the Sheriff's Office for to purchase supplies and equipment related to radars in patrol cars.

Motion by Sanders, seconded by Parrish, to approve the Chairman's signature on a \$2,457 Edward Byrne Memorial Justice Assistance Grant for the Sheriff's Office; Motion carried 5-0.

2- Board action to appoint Carrabelle City Commissioner Jim Brown to the ARPC. He was the only city official who expressed interest in the appointment.

Motion by Sanders, seconded by Putnal, to approve appointing Carrabelle City Commissioner Jim Brown to the ARPC; Motion carried 5-0.

3- Provide Board with copy of executive summary of the Unified Command's Summary Report for Sub-Sea and Sub-Surface Oil and Dispersant Detection. The full report is 131 pages long. The Executive Summary by US Coast Guard Rear Admiral Zunkunft is: "Based upon the robust sampling effort, the expert analysis of the data provided in this report and the decision criteria summarized, I have determined that there is no actionable oil in the water or sediments of the deep water or offshore zones. Ongoing removal operations will continue where oil remains in near-shore sediments and shorelines."

Mr. Pierce stated that he and the Chairman will meet with the Coast Guard on this matter on Friday.

4- Provide Board with copy of report regarding the fish kill reported in Bay before Christmas. The conclusion of the report is the fish kill was caused by a sudden change in temperatures. The preponderance of fish killed was hard head catfish. Quoting from the report, "It would seem likely if this fish kill were related to oil/dispersants then I would suspect different species of fish, not just Hard head Catfish, to be observed."

5- Board action to award contract to Mowrey Elevator to bring courthouse elevator up to code. The only two elevator contractors in the area where contacted and Mowrey was the low bid at \$54,500. The courthouse elevator has not been modernized since it was installed over 30 years ago. The elevator shaft has caught fire once and has been cited by inspectors for code violations.

Mrs. Johnson stated that this service would be funded from the Courthouse maintenance fund. Commissioner Jackel and Mr. Pierce discussed the possibility of a request for proposals on this matter.

Motion by Sanders, seconded by Putnal, to award the elevator service contract to Mowrey Elevator in the amount of \$54,500; Motion carried 5-0.

6- Remind Board of Legislative Delegation meeting on Thursday, Jan. 6, at 4 PM in the Courthouse Annex. Commissioner Jackel will not be in attendance as she will be completing her commissioner certification with the FAC.

The Board discussed asking the Legislature not to remove any more money from the County.

7- Report to Board on architects who have responded to the RFQ for architectural services for Weems Hospital. Deadline for submitting RFQs was Monday. Board will need to decide if they want to review and rank proposals or have some other group create a short list. The 7 respondents are: CRA (Tallahassee); DAG Heery (Destin); Gresham Smith (Nashville); Harvard Jolly (Tampa); Hunton/Brady (Orlando); SLAM (Atlanta); TRO JB (Sarasota)

Mr. Pierce read the names of the respondents.

Motion by Parrish, seconded by Sanders, to forward RFQs to the Hospital Board and Attorney Shuler for a recommendation; Motion carried 5-0.

The Board, Attorney Shuler and Mr. Pierce discussed the deadline for this selection.

8- The Board had previously discussed sending representatives to the National Association of Counties conference in Washington DC in March 5-9, but there has been no formal action to authorize anyone going. Board direction.

Commissioner Jackel stated that she would like to attend and possibly seek alternative funding sources from NACO and be proactive with the Washington representatives.

Motion by Jackel, to approve Commissioner Jackel attending the National Association of Counties Conference in Washington, D.C.; Motion died for lack of a second.

9- Board action to create a more consistent flow of traffic on Alligator Point by creating two 25 mph zones and all other speed limit on the Point will be 35 mph. Representatives of APTA have requested the Board re-align the speed limits on Alligator Point such that the speed limit becomes 35 mph as you enter the curve onto Point itself, and then maintains 35 mph throughout the length except for two existing 25 mph speed zones in front of South Shoal and at the S-Curve. I have spoken with Clay Kennedy, Preble-Rish, on these improvements and he recommends the Board approve contingent upon him verifying. According to APTA, the existing speed posting has some 7 different speed limits which make enforcement very difficult.

Motion by Sanders, seconded by Parrish, to approve re-aligning the speed limits on Alligator Point such that the speed limit becomes 35 mph as you enter the curve onto Point itself, and then maintains 35 mph throughout the length except for two existing 25 mph speed zones in front of South Shoal and at the S-Curve, contingent upon review and approval by Preble-Rish; Motion carried 5-0.

10- The Board has previously agreed to the concept of using \$25,000 of SHIP emergency funds to repair the fire damage of Ms. Marcia Thomas' house contingent upon bids being received which show the house can be repaired. The SHIP Office has received bids from several local

contractors, and while the low bid has not been selected, Ms. Lori Switzer verifies that the house can be repaired for \$25,000. Board action to award \$25,000 of SHIP emergency funds to repair Ms. Thomas' fire damage.

Motion by Sanders, seconded by Parrish, to approve awarding \$25,000 of SHIP emergency funds to repair fire damage to Ms. Thomas' home; Motion carried 5-0.

11- Inform the Board that the Chairman of the state E911 Board called in response to the letter the Board wrote on behalf of Mr. Dave Baker. The Chairman is sending a letter that I will forward on to Mr. Baker but I wanted to provide the Board some of the information. The state is aware of the risk of under-reporting of cell phones usage by cell phone companies and in order to protect rural counties in particular the Board provides that rural counties get a minimum of \$7000 in cell phone receipts, even if the number of cell phones in use is much lower. According to state data, in July, based upon actual cell phone numbers, Franklin County would have received \$1802 as its surcharge but in fact the county received the state mandated minimum of \$7000. The Chairman said that it was "not possible" for Franklin County to have enough cell phones in use in the county that its straight surcharge would be more than \$7000, as that would represent 14,000 cell phones assigned in Franklin County in a population of 12,000.

12- Inform Board that one of the bills approved by the Board was one for some \$20,000 payable to GRD. This payment is being made because BP has provided the county these funds as a payment for GRD services in October. There is still a considerable amount of money in limbo and as BP makes payments to the county then there will be additional checks cut to GRD or CGA.

This item was discussed earlier in the meeting.

13- Board action to approve Change Order #4 for the Ochlockonee Boat Ramp. The change order is to pay for improvements to the floating dock so that it will work with the changing shoreline. There are grant funds to pay for the Change Order.

Motion by Sanders, seconded by Putnal, to approve Change Order #4 for the Ochlockonee Bay Boat Ramp; Motion carried 5-0.

Recess (9:57 AM)

Chairman Lockley called for a recess.

Reconvene (10:20 AM)

Chairman Lockley reconvened the meeting.

Open Request of Qualifications – Architectural Services for Weems Hospital

This item was addressed during Mr. Pierce's report.

Jay Reeves – Apalachee Mental Health Center – Discuss Services related to BP oil spill (10:21 AM)

Mr. Reeves, CEO of Apalachee Mental Health Center, updated the Board on the recent services that the Apalachee Mental Health Center had been providing to the County, especially during the BP Oil Spill. He said April, May, & June of 2010 showed almost a doubling of patients who had received services compared to April, May, & June of 2009.

Mr. Reeves stated that Department of Children and Families would be receiving a BP Grant in the approximate amount of \$200,000 for Franklin County. He said the first part of what they will be doing is outreach and the center needs OPS workers to assist with these services. He said qualifications for these positions would include folks who have no criminal history and have been a part of the community for a while. Mr. Reeves said training for these outreach services would be provided for applicants.

Mr. Reeves explained the type of services further and explained how the BP Grant funding was divided between the two counties.

Mr. Reeves stated other services that will be provided in the future. He said patients will be seen whether or not they have insurance.

The Board and Mr. Reeves discussed the available positions and also the range of services provided to patients.

Commissioner Jackel asked that she and the other members of the Board receive information on the available positions.

Commissioner Jackel and Mr. Reeves discussed the method of determination of how much of the BP Grant funding was received for each county.

Chairman Lockley asked if the entire County was being considered for these jobs and also for these services. Mr. Reeves said the positions and services are being provided for the entire County.

Commissioner Jackel thanked Harry Falk for bringing some of these things to her attention.

Public Hearing – Ordinance – Prohibit Consumption of Alcohol at Public Boat Ramps and Docks (10:38 AM)

Attorney Shuler stated that because of the lack of proof of publication he needed to reschedule this public hearing.

Mr. Pal Rivers – continued (10:38 AM)

Kenneth Tucker, of Eastpoint, provided additional comments on the airport and spoke in favor of naming the airport runway after Mr. Cleve Randolph. Mr. Tucker thanked the Board for their support on this matter.

Mr. Pierce gave an update on the new hangar at the airport.

Mr. Pierce and the Board discussed the possibility of a new FBO at the airport, along with job opportunities.

T. Michael Shuler – County Attorney – Report (10:46 AM)

Attorney Shuler presented his report to the Board.

1 - 10:30 Public Hearing on Ordinance Prohibiting Alcohol Consumption at All Public Boat Ramps in Unincorporated Franklin County.

This item was discussed earlier in the meeting.

2 - David Theriaque

Mr. Theriaque's engagement letter is attached and speaks for itself regarding his hourly rates, the hourly rate of his paralegal and the charges for reimbursement of costs and travel. He will charge 18% interest per annum on past due balances. Any fee dispute will be litigated in Leon County.

Mr. Theriaque informs me that \$200 per hour is his reduce government rate, down from \$350 to \$400 per hour for the private sector.

Mr. Theriaque asks that the Board approve his letter and authorize the Chairman to sign it.

Board Action: Board pleasure.

Commissioner Jackel and Attorney Shuler discussed some type of maximum cap on the cost of this litigation and also the approximate cost of this case.

Commissioners Putnal and Jackel asked if Attorney Shuler could take the lead on this matter, which could save the County some money. Attorney Shuler said he would be working with Mr. Theriaque but felt that it was important to also hire an attorney who specializes in this type of litigation. He said it would not be beneficial to the Board or Franklin County for him to take this case on his own.

The Board and Attorney Shuler discussed this type of litigation and also the possible cost of this litigation. Attorney Shuler said the expense for this case had been plugged into the current year's budget.

Commissioner Putnal and Attorney Shuler discussed possible timeline limitations with this case.

Motion by Sanders, seconded by Putnal, to authorize David Theriaque's engagement letter regarding the Burt Harris claim filed by the St. Joe Company; Motion carried 5-0.

Commissioner Jackel asked the Theriaque Firm to be aware of the funding restriction that the County is under at this time.

3 – Land Swap

I still do not have the City's original deeds. They did leave copies at my office while I was out on December 16, 2010. I'm sure it's just the typical holiday malaise.

4 - Legal Ads in the Times Newspaper

We have reached agreement on the terms of the contract and I am awaiting confirmation from the Times to my satisfaction that the County is being charged \$1.05 per square inch. They invoice the County based on column inches, not square inches. The hold-up is my insistence that we clearly identify the conversion from square inches to column inches to ensure correct billing. I will have the Chairman sign the contract once the final terms are reduced to writing.

Commissioner Jackel and Attorney Shuler discussed the Legal Ads in the Times Newspaper. Commissioner Jackel said she was very dismayed that the County did not get a contract with the Times over a year ago, the Times not working with the County on this matter and also discussed her displeasure with the County paying the higher rate for these ads. She said it had cost the County \$10,000.

5 – South Shoals/Capital City Bank

On December 22, 2010, Commissioner Sanders, myself, and Alan Pierce met with three representatives of Capital City Bank regarding the South Shoals subdivision and the County's desire for a public road and the bank's desire to re-plat the subdivision. The bank indicated that they will deliver their written request to amend the South Shoal PUD and Plat to Franklin County by the end of the first week in January 2011.

6 – Clifford v. Franklin County

This is the case involving the person who allegedly burned their leg on the public beach on St. George Island following a bon fire on the beach. The County's insurance agent settled the case by paying \$65,000 to the Plaintiff. The St. George Island Fire Department's insurance paid an amount in addition to the County's insurance carrier. Attached is the voluntary dismissal with prejudice filed by the Plaintiff.

Commissioners and Public Comments (10:58 AM)

Commissioner Jackel asked about "filling in" problems at the unofficial boat ramp at the end of the bridge on St. George Island. She said 75% of the folks use this ramp.

Mr. Pierce stated past problems the County has had with the State regarding this boat ramp. He said if a permit could have been obtained the County would be able to go in and maintain the ramp. He said the State does not want this area to be used as a boat ramp.

Commissioner Jackel discussed some of the problems that would be caused if this ramp is closed off and would encourage the County to re-visit this matter with the State.

Commissioner Putnal provided some history on this item.

Commissioner Jackel wished everyone a Happy New Year. She said she was looking forward to a great year in Franklin County.

Commissioner Parrish stated that he had received calls regarding a County truck and a County employee picking up trash on the St. George Island Bridge. He asked Mr. Pierce to research this matter and be sure they know they are not authorized to do this because of liability issues to the County.

Mr. Pierce stated that he did it and explained that he went out to see about this matter and he did it as an experiment to see how long it would take to pick the trash up off of the bridge and it took about an hour. He said he did this because there had been a continuing complaint about trash on the bridges.

The Board discussed contacting Legislative Delegation concerning this matter.

Mr. Pierce explained that Transfield, which is the FDOT contractor, is responsible for keeping the St. George Island Bridge clean and explained the problems he is having with them.

Commissioner Sanders asked Mr. Pierce to not pick up trash on the bridges anymore.

Commissioner Jackel commended Mr. Pierce for taking the initiative to pick up trash from the Bridges but said he shouldn't do it again.

Adjourn (11:10 AM)

There being no further business, Chairman Lockley adjourned the meeting.

Noah Lockley, Chairman – FCBOCC

Attest:

Marcia Johnson, Clerk of Courts