

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
MARCH 1, 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 (9:03 AM)**

Chairman Lockley called the meeting to order.

**Prayer and Pledge (9:03 AM)**

There was a Prayer followed by the Pledge of Allegiance.

**Approval of Minutes: February 1, 2011 & February 15, 2011 Regular Meetings (9:04 AM)**

**Motion by Putnal, seconded by Sanders, to approve the minutes of the February 1, 2011 & February 15, 2011 Meetings; Motion carried 5-0.**

**Payment of County Bills (9:05 AM)**

**Motion by Jackel, seconded by Putnal, to approve payment of the County's Bills as presented; Motion carried 5-0.**

**Department Supervisor Report**

**Hubert Chipman – Superintendent of Public Works (9:05 AM)**

Mr. Chipman had no items for Board action and/or approval.

Mr. Chipman stated that he had not received any milled asphalt as of yet. He also stated that his department is preparing for the upcoming Chili Cook-off on St. George Island and Camp Gordon Johnston Days in Carrabelle.

Mr. Chipman said Transfield Services will clean litter from the bridges on Thursday.

Commissioner Putnal thanked Mr. Chipman for doing shoulder work in his district.

**Van Johnson – Solid Waste Director (9:08 AM)**

Mr. Johnson presented his report to the Board.

*TIPPING FEE INCREASE*

*FOR BOARD APPROVAL: I'm in receipt of a letter from Waste Management the contractor in charge of operating the Transfer Station at the Landfill. The company has announced a tipping fee increase for Class I Waste (Household Garbage) that they are charged with hauling out of county for final disposal.*

*This action is pursuant to the company's contract with the county and is based on a 2.2% increase in the Consumer Price Index (CPI), which will reflect a per ton increase of \$0.96 that will appear on this month's invoice.*

*ACTION REQUESTED: A resolution authorizing and setting the tipping fee for Class I Waste brought into the Landfill from \$45.59 per ton to \$46.55 per ton effective today, March 1, 2011.*

**Motion by Sanders, seconded by Jackel, to approve a Resolution authorizing and setting the tip fee for Class I Waste brought into the Landfill from \$45.59 per ton to \$46.55 per ton effective March 1, 2011; Motion carried 5-0.**

*ANNUAL DAY OF BASEBALL:*

*FOR BOARD INFORMATION: The Annual Day of Baseball will be held on March 26, 2011 at the D.W. Wilson Sports Complex west of Apalachicola. ACTION REQUESTED: None*

Commissioner Parrish discussed the Day of Ball and invited the public to come out and support the youth.

*LINK CARROLL:*

Mr. Johnson discussed Link Carroll's car accident and job status. He informed the Board that her injuries had caused her to use her medical leave time and asked that the Board maintain her position at least until the April 5, 2011 Board Meeting.

**Motion by Putnal, seconded by Jackel, to approve maintaining Link Carroll's position at least until the April 5, 2011 Board Meeting; Motion carried 5-0.**

Commissioner Sanders asked Mr. Johnson to help maintain the debris on the roadsides as residents are cleaning their yards and placing the debris by the road for pick-up.

**Lynn Bannister – Senator Bill Nelson’s Office – Update (9:13 AM)**

Ms. Bannister, State Director for Community Outreach for Bill Nelson, stated that she is here today to assist residents with claims. She said with regard to claims, they are hoping that things are getting better with GCCF and Mr. Fineburg. She asked that the Board let her know if there are any problems so they can assist.

Commissioner Sanders asked Ms. Bannister to look into the closing of the local BP office.

Tracy Melvin, Representative from the Bay County BP claims office, stated that she was available to Bay, Gulf and Franklin Counties to assist with BP issues, excluding claims.

**Pam Brownell- Emergency Management Director (9:16 AM)**

Mike Rundel presented the report to the Board.

*Action Items:*

1. *Emergency Management request the board adopt Franklin County’s Local Mitigation Strategy. This document has been reviewed and approved at the state and federal levels and the board’s adoption will make the county an eligible applicant, through the State, for the following Mitigation Division Grant Programs:*

- Hazard Mitigation Grant Program (HMGP)*
- Flood Mitigation Assistance (FMA)*
- Pre-Disaster Mitigation (PDM) program*
- Severe Repetitive Loss (SRL)*

**Motion by Sanders, seconded by Parrish, to adopt the Franklin County Local Mitigation Strategy Resolution; Motion carried 5-0.**

*Information Items:*

2. *Emergency Management hosted the State ESF17 Animal Protection meeting on February 14, 2011. Pamela Brownell plans to attend the State Animal Response Team (SART) planning session on February 28- March 3 in Orlando.*

3. *Franklin County Emergency Management held a Debris Management course at the Emergency Operations Center on February 16, 2011. There was excellent participation. Emergency Management will begin working on updating our county’s plan and also has offered to assist the municipalities with their plans.*

4. *Mike Rundel and Pamela Brownell attended the North Florida Regional Domestic Security Task Force meeting on February 18<sup>th</sup> as part of our scope of work and our entire staff participated in the Apalachee Regional Planning Committee Regional Evacuation Study meeting on February 22, 2011.*

*5. There will be a Franklin County 911 Communications Group meeting at the Franklin County Sheriff's office March 9, 2011 at 10:00 AM. This is extremely important since on the night of February 22, 2011 the county lost 911 communications capability at Lanark Village. Emergency Management hopes someone from Fairpoint Communications will attend this meeting to answer questions about this incident and offer ways to avoid this critical situation in the future.*

Commissioner Putnal and Mr. Rundel discussed the status of the notification system for County residents to receive updates on water quality issues.

Chairman Lockley and Mr. Rundel discussed re-entry tag program. Mr. Rundel said they are still working to allow residents to sign up for their re-entry tags.

Commissioner Parrish discussed an open invoice relating to PB claims and asked the Board to consider approving payment to CGA, contingent upon proper documentation.

**Motion by Parrish, seconded by Putnal, to approve payment to CGA once check is received from BP and proper documentation is presented; Motion carried 5-0.**

**Bill Mahan – County Extension Director (9:22 AM)**

Mr. Mahan had no items for Board action but discussed the following items from his report.

*1. Franklin County Community Traffic Safety Team (CTST) Meeting – The Franklin County CTST met on February 16<sup>th</sup>, and worked on two grant applications a "Safe Routes to School" grant and a 402 grant. In addition the team discussed the multi-use path project that will provide pedestrians and bicyclists a safe way to get out to the Kendrick Sports Complex. The next meeting is scheduled for March 16<sup>th</sup> at noon.*

*2. Health & Wellness Follow-up – Dr. Lynn Grattan and her Health & Wellness Evaluation Team were in Franklin County on February 21<sup>st</sup> -24<sup>th</sup> to do six-month follow-up interviews with the Franklin County residents who were interviewed by the joint UF/University of Maryland during the B P Oil Spill to determine the health impacts associated with the spill on local communities.*

*5. The Florida Boating Improvement Program – Is currently seeking applications for this year's competitive grants for boating access projects and other boating-related activities on coastal and/or inland waters of Florida. The application period is January 31 – March 31, 2011.*

The Board and Mr. Pierce discussed submitting an application for this program and acquiring additional property for new boat ramps in the County.

*6. The GMFMC Solicits Applications for Advisory Panel Members – The GMFMC is soliciting applications for seats currently available on its advisory panels. Working at the grass roots level, advisory panel members provide information and guidance in the development and implementation of federal fishery management plans.*

*Advisory panels are composed of individuals who are engaged in the harvest of, or are knowledgeable and interested in the conservation and management of the fishery or group of fishes to be managed. Members include recreational and commercial fishermen, seafood dealers and processors, conservationists, scientists, and concerned citizens. Advisory panel members serve for two years and can reapply for their positions. AP members generally meet no more than once or twice each year and are compensated for travel and per diem expenses for all meetings. Applications are now being solicited for the following Advisory Panels:*

- Ad Hoc Aquaculture
- Ad Hoc Data Collection
- Ad Hoc Mackerel LAPP
- Ad Hoc Reef Fish LAPP
- Coastal Migratory Pelagics
- Coral
- Ad Hoc Grouper IFQ
- Florida / Alabama Habitat Protection
- Mississippi / Louisiana Habitat Protection
- Texas Habitat Protection
- Law Enforcement
- Outreach & Education
- Red Drum
- Ad Hoc Review Panel for Red Drum
- Red Snapper
- Reef Fish
- SEDAR NGO
- Shrimp
- Spiny Lobster
- Stone Crab
- VMS

*Anyone interested in serving on any of these panels should submit a letter and resume to: Phyllis Miranda*

*Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607*

*Materials may also be faxed to: 813-348-1711; or e-mailed to [phyllis.miranda@gulfcouncil.org](mailto:phyllis.miranda@gulfcouncil.org). Resumes and letters should be received no later than close of business April 5, 2011.*

Commissioner Jackel asked if the folks who volunteer needed to be recommended by the Board and Mr. Mahan said they just need to have some background in this area and must submit a resume.

**Motion by Parrish, seconded by Jackel, to advertise this item in the local newspapers to seek volunteers from the community and to submit Commissioner Parrish as a representative on one of these panels and also have Bill Mahan on the outreach and education panel; Motion carried 5-0.**

*7. NOAA Fisheries Service Seeks Public Comment On Proposed Red Snapper Rule – The proposed rule would adjust the commercial and recreational red snapper quotas in the Gulf of Mexico from 3.542 and 3.403 million pounds (MP) to 3.66 and 3.525 MP in 2011, respectively. A recent red snapper assessment update projected overfishing (rate of removal is too high) ended in 2009, and therefore, the total allowable catch can be increased from the existing 6.945 MP to 7.185 MP. This action was evaluated in a regulatory amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico. The proposed rule publishes in the Federal Register on February 22, 2011, with the comment period ending March 24, 2011.*

*If the amendment is approved, the final rule may contain NOAA Fisheries Service's estimated projection for the number of days in the 2011 recreational fishing season.*

Mr. Pierce stated that Commissioner Sanders represented the County well at the FWC meeting and the Commission ruled that you can now catch two Redfish in Florida.

Sandra Allen, of Book Me a Charter, explained why she did not support increasing the Red fish limit to two.

Sabrina Phipps, of a local guide service, also spoke in favor of not increasing the catch to two Redfish.

**Open Bids – Re-Surface Brownsville Road Project (9:41 AM)**

Mr. Pierce opened and read the bid amounts for the Brownsville Road Project.

C. W. Roberts - \$508,779.00 - Bid Bond attached.

GAC - \$514,813.19 - Bid Bond attached.

**Motion by Sanders, seconded by Jackel, to forward bids to Preble-Rish for a recommendation; Motion carried 5-0.**

**Marcia M. Johnson – Clerk of Courts – Report (9:45 AM)**

Mrs. Johnson had no Report for the Board.

**Alan Pierce – Director of Administrative Services – Report (9:45 AM)**

Mr. Pierce presented his report to the Board.

*1- Mr. James Harris, Tax Collector, would like to inform the Board that his office will be publishing the tax rolls soon. He wants the Board to know that he contacted Mr. David Mills, Franklin Chronicle, and Mr. Mills told him the Chronicle was no longer in business so Mr. Harris will be soliciting a bid from The Times.*

*2- Mr. Harry Lee Smith, President of Emerald Coast Federal Credit Union, has approached the county regarding expanding into the county. Mr. Smith is seeking letters of invitation from the county as well as the City of Carrabelle. Mr. Smith already has one from the City of Apalachicola. I spoke to Mr. Smith last week and he asked for the letters saying that he needed them for some purpose.*

*The Board may recall that Tyndall Federal Credit Union did respond to the Board's letter and said they would let the Board know by the end of April if they would expand into Franklin County. Does the Board want to send a letter of invitation to Emerald Credit?*

**Motion by Putnal, seconded by Sanders, to approve sending a letter of invitation to Emerald Coast Federal Credit Union to expand into Franklin County; Motion carried 5-0.**

Commissioner Sanders asked Mr. Pierce to ask Mr. Smith to open his branch in Eastpoint.

*3- Board action on a revised Resolution from the 7 impacted counties. Two of the counties west of Franklin asked for changes. Pass out revised Resolution with new language underlined. Board action to rescind Resolution passed at the Feb. 15 meeting and to adopt revised Resolution.*

**Motion by Putnal, seconded by Sanders, to rescind the 7 County Resolution, which passed on February 15, 2011 and adopt the revised Resolution; Motion carried 5-0.**

Commissioner Jackel suggested that Franklin County be separated from the beach re-nourishment section and have wording to protect Franklin County's oyster beds. She also discussed some of the controversial statements made about the beach re-nourishment project.

The Board and Mr. Pierce discussed the manner in which the funds would be allocated for the projects submitted.

*4- Inform the Board that DOT has released their 2010/2011 Transportation Enhancement Projects. The Board submitted a variety of bike path projects. None were funded for construction, but the Alligator Point path was funded for engineering and design. The projects that were not funded were: Carrabelle Beach (from Tillie Miller Bridge to Carrabelle Beach); Bayshore Drive Path (US 98 to the base of the St. George Island Bridge); Island Drive (US 98 along Island Drive to base of St. George Island Bridge).*

*The county was encouraged to re-apply but the letter did not say when the new application will begin. We will continue to monitor the grant cycle.*

*There has been no announcement on that much larger grant cycle we applied for, and that was money to pave several long collector roads around the county.*

*5- The Indian Creek Park project is complete as far as the Riverkeeper grant requirements. There will be a dedication sometime in April.*

*6- Inform the Board that Mr. Chuck Colvert, Weems Hospital CEO, announced his retirement to the Hospital Board at the Feb. 24 Hospital Board meeting. His retirement would be effective in 3 months to give time for the replacement process to be completed. The Hospital CEO and the Director of Nursing are actually TMH employees so TMH is taking the lead in advertising the position in the appropriate outlets. I spoke with Jason Moore, TMH COO, yesterday morning and he is meeting with Mr. Mark O'Brien, TMH CEO, to finalize the hiring plan. I asked him to allow the county commission an opportunity to make sure the final candidates will be a good fit in the community. Mr. Moore said he expects that TMH would narrow the search down to the best 3-5 applicants, and then send them down to Franklin County with the expectation that a recommendation would come back on which applicant would be the best fit. TMH would then hire that applicant. Mr. Moore wants to make sure the Board understands that sometimes the best candidates are already employed and there is a certain responsibility for applicant*

*confidentiality so it might not be possible for the top candidates to meet with the Board in a public setting. Mr. Moore said he and Mr. O'Brien are very sensitive to the Board wanting to make sure there is a good fit between the community and the Hospital CEO. He said he would get back with me before they finalized the hiring procedure.*

*The last accounting of Hospital funds has some \$175,000 in operating, and \$400,000 in Capital Outlay. There is also a \$100,000 CD that is not included in the operating account.*

Commissioner Sanders encouraged any qualified County residents to apply for this position. Commissioner Jackel expressed her concerns with the hiring procedure and the limited input of the BOCC. She stated the types of candidates that TMH would be searching for and suggested that Mr. Moore, of TMH, meet with the Board to discuss the application process for this job. Chairman Lockley and Mr. Pierce discussed why TMH has so much authority in this matter. Commissioner Sanders expressed her concerns with the timing of Mr. Colvert's decision to retire and Commissioner Jackel gave some information on what Mr. Colvert said regarding his retirement at the Hospital Board meeting. She said he seemed ready to retire and to take time to spend with family.

The Board and Mr. Pierce discussed this item further.

The Board asked that Mr. O'Brien and Mr. Moore, of TMH, appear before the Board to discuss this matter.

Attorney Shuler explained the reason that TMH has so much influence with hiring for Weems Hospital.

**Motion by Sanders, seconded by Putnal, to invite representatives of TMH to attend the next Board Meeting to discuss the Weems Hospital CEO position with Board; 5-0**

*7- Inform the Board that US Dept. of Energy personnel and personnel from the Governor's Energy Office made a site visit last week to see our energy retrofit projects. The site visit went well and they seemed impressed with our projects. The federal personnel reminded me that the all energy grants have a provision that all products purchased with grant funds must be made in America. I inquired if that was really feasible given the reduction in American industrial production and everything being made in China. I am specifically concerned with solar panels and window components being actually made in America. They were very adamant that the Made in America requirement be met and they are enforcing it by requiring any contractor involved in these grants get certifications from the manufacturer that the products are made in America.*

*I am saying this now to put potential contractors on notice to check their suppliers to make sure they can verify their products are made in America.*

The Board also agreed that these products should be made in America.

*8- Remind the Board and the public that a military operation is being conducted in our area from Feb. 28 through March 11. Air Force Special Operations is hosting a field exercise designed to train forces in combat scenarios. It will take place in training areas around Apalachicola,*



*Hurlburt Field and Eglin Range. Media inquiries should be directed to Air Force public affairs at 850-884-5515; if the exercises go properly the public will never see anything.*

**Recess (10:07 AM)**

Chairman Lockley called for a recess.

**Reconvene (10:29 AM)**

Chairman Lockley reconvened the meeting.

Mark Curenton, of Planning and Zoning, explained the Florida Boating Improvement fund to the Board. He said those funds are for items to improve boating activities but cannot be used for purchasing property.

Mr. Pierce provided additional information on boat ramps and the purchasing of land.

Mr. Curenton updated the Board on the Ochlockonee Bay Boat Ramp Project, which should be completed shortly.

**Motion by Sanders, seconded by Parrish, to extend the Ochlockonee Bay Boat Ramp Project grant end date to June 30, 2011; Motion carried 5-0.**

Commissioner Parrish asked Mr. Pierce to get an update on the Gibson Road status because of damage done by another project currently going on in that area. He said the road is now in terrible shape and needs to be repaired.

Commissioner Sanders asked that Gulf Avenue in the City of Carrabelle is looked into for the same type of situation.

Clay Kennedy, of Preble-Rish, commented on this matter and said the road seemed fine to him but he would speak with the contractor about Commissioner Sanders' concerns.

**T. Michael Shuler – County Attorney – Report (10:39 AM)**

Attorney Shuler stated that Preble-Rish was ready to recommend C. W. Roberts for the Brownsville Road Re-Surfacing Project.

**Motion by Sanders, seconded by Parrish, to accept C. W. Roberts as contractor for the Brownsville Road Re-Surfacing Project as recommended by Preble-Rish; Motion carried 5-0.**

Attorney Shuler presented his report to the Board.

**ROAD DEPARTMENT**

*Factual Summary: On February 7, 2011, Larry Brown suspended Mr. William Mathes for ten days without pay. On February 8, 2011, Mr. Mathes's wife called me to discuss the suspension. During this phone call, Mrs. Mathes alleged that Mr. Larry Brown touched her*

husband inappropriately during lunch the day before. I informed her that Mr. Mathes should file a complaint. Mr. Mathes did not file a complaint. However, Mr. Mathes repeated the allegation to at least two other road department employees at the Carrabelle pit. When I learned last week that Mr. Mathes was continuing his allegations against Mr. Brown, I advised Mr. Pierce to begin an investigation. Lucy Turner, the county's outside counsel for labor issues, has been consulted at all material stages

*Reason for the Request:* Mr. Pierce requires this authority because Hubert Chipman cannot investigate this matter because he is Mr. Mathes' first cousin. Larry Brown, your assistant supervisor, is disqualified because he is the subject of the allegation. Therefore, Mr. Pierce is the only other person on your staff who can investigate this matter, but the County Commission has not granted him continuing authority over employees or supervisors in other county departments other than his own.

**BOARD ACTION:** Motion ratifying Mr. Pierce's investigation of the allegation that Mr. Brown touched Mr. Mathes inappropriately and authorizing Mr. Pierce to complete his investigation and make the disciplinary decision, if any, following that investigation. Mr. Pierce's decision will be subject to the usual appeal to the board for appellate review.

**Motion by Parrish, seconded by Putnal, to authorize Mr. Pierce the authority to investigate the allegation that Mr. Brown touched Mr. Mathes inappropriately and to make the disciplinary decision, if any, following the investigation; Motion carried 5-0.**

**2. Draft Amendment To County Employee Personnel Rules:**

*Factual Summary:* After the February 15, 2011 meeting, it has come to my attention that some employees would like the flexibility to voluntarily donate sick leave to other employees who are out of work due to the illness or injury of a family member. The sick leave donation policy does not allow donation of sick leave unless the employee is personally injured or ill. A copy of the proposed amendment is attached.

*All sick leave donations would remain voluntary. Other than this change the current policy will remain unchanged.*

*Board Action:* If the Board approves of this proposal, you may adopt the amendment to the personnel rules by motion and vote.

**Motion by Sanders, seconded by Putnal, to adopt an amendment to County Personnel Rules which would allow employees to donate sick leave, on a voluntary basis, to another employee who is out of work due to the illness or injury of a family member; Motion carried 5-0.**

**NON-ACTION ITEMS**

**3. Capital City Bank I South Shoals Subdivision**

*a. Franklin County's reply to Capital City Bank's request for information on our two FEMA grants is attached. Please note the banks specific request for information concerning the amount of money available in the grants.*

*b. Mr. Ketchum, the appraiser you authorized me to hire last week, anticipates completing his appraisal within the next thirty days.*

*c. Capital City Bank has not yet delivered its written proposal concerning South Shoal Subdivision. They continue to state that DEP and their surveyor are the cause of the delay. I am informed that the hope to have their proposal to me next week. They initially told Commissioner Sanders that they would deliver their written offer at the end of the first week of January 2011.*

Commissioner Jackel and Attorney Shuler discussed the confidentiality of an email regarding her district.

Commissioner Sanders and Attorney Shuler discussed his absence and his Dad, Attorney Al Shuler, being in attendance in his place at the March 15, 2011 Board Meeting.

### **Commissioners' & Public Comments (10:47 AM)**

The Board asked Mr. Pierce to verify travel, room and board for upcoming conferences the Commissioners will be attending.

Chairman Lockley stated that there had been constant complaints of barking dogs disturbing neighbors and the owner refused to do anything about the situations.

Commissioner Sanders expressed her concerns with the possibility of losing primary care at the Health Department and asked that Mr. Pierce look into this matter.

**Motion by Sanders, seconded by Jackel, to have Michael Morón, Board Secretary, to present a proposal to the Board for the purchase of IPADS for Commissioners and Staff which would allow paperless meetings; Motion carried 5-0.**

Mr. Bill Parker, of Carrabelle, asked the Board to consider allowing him to use Pine Log County Boat Ramp to unload his dead head logs and agreed to pay for any damages incurred. He explained the process of loading the logs.

**Motion by Sanders, seconded by Parrish, to have Mr. Pierce contact the Division of Forestry, DEP and FWC to find out why Mr. Parker isn't allowed to use their boat ramps before the County discusses allowing him to use any County boat ramp; Motion carried 5-0.**

### **Adjourn (10:56 AM)**

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

**Attest:**

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Marcia M. Johnson, Clerk of Courts