

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 5, 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, Mark Curenton – Asst. County Planner, Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order (9:03 AM)

Chairman Lockley called the meeting to order.

Prayer and Pledge (9:04 AM)

There was a Prayer followed by the Pledge of Allegiance.

Payment of County Bills (9:05 AM)

Motion by Jackel, seconded by Sanders, 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)

Chairman Lockley said Mr. Chipman was out cleaning up after last night's storm.

Cynthia Drapel – Weems Memorial – EMS Grant (9:06 AM)

Ms. Drapel stated that Board action is needed to approve the Resolution for the EMS Grant for the first half of this year. She said this grant is for a total of \$805.00 and a request would be submitted for a battery charger to charges batteries used for the stretchers.

Motion by Sanders, seconded by Putnal, to approve the Resolution for the EMS Grant to purchase batteries for ambulance stretchers; Motion carried 5-0.

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

Mr. Johnson presented his report to the Board.

Mr. Johnson stated that the Lanark Village Association is requesting a dumpster be placed at the recycling container location permanently. He also said a recycling container is needed to establish a site in Eastpoint.

Motion by Putnal, seconded by Sanders, to approve purchase and placement of a permanent dumpster at the recycling container location in Lanark Village and place a container in Eastpoint, contingent upon Mr. Johnson having funds to purchase containers; Motion carried 5-0.

Mr. Johnson stated that one of his employees, Angie Gray, will resign as of April 15, 2011, and needed permission to advertise to fill her position. Commissioner Sanders mentioned that this employment position would begin at the entry level of \$21,200.

Motion by Jackel, seconded by Putnal, to advertise to fill the vacant position at Parks & Recreation Department; Motion carried 5-0.

Commissioner Putnal asked for a dumpster to be placed at Carrabelle Beach for the summer.

Chairman Lockley said there was a problem with stray dogs in his district. He suggested that Animal Control be moved from Solid Waste to the Sheriff's Department.

The Board discussed the pros and cons of this suggestion.

Commissioner Sanders suggested that this matter be discussed during budget time because if the positions are moved to the Sheriff's Department, they would need additional funding.

Attorney Shuler suggested that improvements be made to the current Animal Control Ordinance and also suggested that himself and Mr. Johnson review this matter.

Motion by Sanders, seconded by Putnal, to have Attorney Shuler and Van Johnson review the Animal Control Ordinance and possibly expand on the current enforcement authority; Motion carried 5-0.

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

Mrs. Brownell presented her report to the Board.

Action Items: Emergency Management request the board adopt Franklin County's Comprehensive Emergency Management Plan. This document has been reviewed and approved at the state level.

Motion by Sanders, seconded by Putnal, to approve request to adopt Franklin County's Comprehensive Emergency Management Plan; Motion carried 5-0.

Information Items:

1. *Emergency Management held a Disaster Housing Class on March 17, 2011, there was excellent participation. We attended the advanced Disaster Housing Class April 4, held at Bay County, and now we will start the county planning process.*
2. *Franklin County Emergency Management held its Local Mitigation Strategy Plan (LMS) meeting on March 24, 2011 for review by the task force. The LMS is now on the Franklinemergencymanagement.com web-site for public review and comment, and we encourage the public to do so.*
3. *Emergency Management is reviewing our county logistics plans and will be conducting a site visit for Points of Distribution and Essential Services Centers along with working with the municipalities on these locations and operations of these facilities.*
4. *Emergency Management along with Weems Hospital and EMS, Franklin Sheriff's Office and the Franklin K-12 School, Eastpoint Fire department will start planning for a overturned school bus exercise for June 2, 2011.*
5. *Joyce Durham was at the Eastpoint Centennial Bank location on March 25 issuing re-entry tags.*

Mrs. Brownell updated the Board on damage from the storm last night.

Mrs. Brownell explained an information packet she handed out to the Board, explaining the roles of an elected official during an emergency situation.

Mrs. Brownell and the Board discussed her accompanying the DEP SCAT Teams as they do their baseline testing in the County.

Mrs. Brownell stated that a resolution was still being negotiated regarding a cell tower on Highway 65 for cell phone service.

Commissioner Putnal discussed the importance of cell service in that area.

Bill Mahan – County Extension Director (9:23 AM)

Mr. Mahan reviewed items on his report.

Franklin - UF IFAS Updates

1. *Apalachicola Bay Rotary Club Sea Oats Planting – I assisted with the Rotary Club's St. George Island Sea Oat Planting Project on March 24th & 25th. I helped with the planning and sea oat planting on the first day. On day-two, I taught a short class on Dune Plant Ecology to the Franklin County School High School students who volunteered to help with the sea oat*

planting. In addition, one of my UF Master Gardeners, Terry Kemp, volunteered to help with the sea oat planting.

Commissioner Jackel discussed the success of the sea oats planting project.

- 2. DACS High Salinity Planning Meeting – On March 18th, Victor Garrido and I met with Leslie Palmer, David Heil, Mark Berrigan & Dr. John Teem to discuss a possible joint UF/DACS study to determine if exposing summer harvest oysters to a high salinity environment will increase the quality/value of summer half-shell oysters. We are currently calculating the costs involved for the proposed project. During the meeting David Heil informed me that he would be leaving DACS for a new position with FWC. His last day with DACS was March 31st.*

The Board and Mahan discussed the resignation of Mr. David Heil and the importance of his role with the County.

- 3. Economic Model – Eastpoint Channel – I contacted Dr. Rod Clouser and requested his help in documenting the economic importance of dredging the Eastpoint Channel. Dr. Clouser emailed me that he is out-of-state until April 6th. He will contact me when he returns. In addition, I contacted Dr. Chuck Adams the FL Sea Grant Marine Economist about the problem. Dr. Adams has recommended that we justify the dredging based on the seafood landings. He added to show a “negative” economic impact will be difficult. He added that Hernando County is having a similar problem with their shrimp boats not being able to land because of channel filling.*

Mr. Mahan and the Board discussed the impact of this matter further.

Commissioner Jackel asked Mr. Mahan to continue to stay on top of this matter.

- 4. Gulf Council Releases Regulations App for iPhone and iPad - The GMFMC has released a fishing regulations iPhone/iPad App that is available for immediate download. The App is free and allows users to access from their iPhone or iPad the most up-to-date commercial and recreational federal fishing regulations for species managed by the GMFMC. The App also provides information on fish identification, measurement guidelines, sanctuaries and closures, and important telephone numbers. The Council hopes to develop a similar App compatible with other smart phones. To download the new App, visit the App store from your iPhone or iPad, search for “Gulf Council,” and click on the Council logo. To preview the App from your computer, visit <http://itunes.apple.com/us/app/gulf-fisheries-management/id426286698?mt=8&ls=1>.*

Commissioner Putnal discussed a spat problem with the oysters on Cat Point and asked Mr. Mahan to look into oystermen working that area during the upcoming summer season.

Dan Rosier – Land Trust Board (9:34 AM)

Dan Rosier, Chairperson of Franklin County Community Development Land Trust Corporation, explained that there is a problem with the wording on the deeds for the land that was given to them by the County which is preventing the Trust from allowing residents to move into the houses. He stated that the deeds are useless as they are but a letter has been drafted and needed to be signed by the Chairman so that they can move forward and move the families into their homes.

Attorney Shuler and the Board discussed the technicalities of the deed wording. Commissioner Parrish stated that he is on the Land Trust Board and will assist Attorney Shuler on this matter.

Motion by Sanders, seconded by Putnal, to authorize the Chairman's signature on the letter contingent on Attorney Shuler's approval; Motion carried 5-0.

Marcia Johnson – Clerk of Courts – Report (9:39 AM)

Mrs. Johnson had no report for the Board.

Mark Curenton – Asst. County Planner – Report (9:41 AM)

Mr. Curenton presented Mr. Pierce's report to the Board.

1- (For discussion when Hubert Chipman makes his report) - The US Forest Service has sent in a revised Forest Road Agreement for Franklin County to consider. The agreement is necessary if Franklin County is going to do any maintenance on roads in the Apalachicola National Forest after a hurricane and expect FEMA to reimburse the county. The county does maintain certain roads in the National Forest but in these tight economic times the county must have an agreement with the Forest Service which lists the specific roads and lists the kind of maintenance the county does (eg: grading, ditch maintenance). Board discussion with the Road Superintendent to make sure list is complete and maintenance activities are accurate.

Commissioner Putnal reminded the Board that Mr. Chipman's first priority would be the main roads.

The Board and Mr. Curenton discussed this matter.

Mr. Curenton stated that he and Mr. Chipman will make a list of the applicable roads.

2- Board action to sign amended Energy grants with Governor's Office. The amendment will allow the county to pay for architectural or engineering services associated with the \$500,000 energy grants the county was awarded. Board action.

Motion by Putnal, seconded by Parrish, to approve signing the amended Energy grants with the Governor's Office; Motion carried 5-0.

While the Governor's Office has approved the advertisement the county already ran for consultants they have directed that the ad be re-run in the event additional consultants might want to respond. The Board will open the proposals on May 3.

3- Inform the Board that Alan did attend the Natural Resource Damage Assessment (NRDA) meeting in Panama City on March 17th. He spoke to Mr. Lee Edmiston, DEP, about the NRDA process. There is not a deadline for when projects will be evaluated. The public comment on the whole NRDA process does not even end until May 18th.

4- Inform Board that Ms. Mel Kelly, Carrabelle resident, has sent in a letter of resignation from the Library Advisory Board, effective immediately.

5- Mr. Doug Hattaway, The Nature Conservancy, requests the Board's support for letters of support to Senators Nelson and Rubio, and Congressman Southerland, for \$1.35M to be put into the federal Land and Water Conservation Fund so the US Fish and Wildlife Service can acquire the marina/boat basin known as 11 Mile in the St. Vincent Sound area. As the Board is aware, the TNC is a valuable ally in purchasing land as they have a strong track record of buying land that ultimately is re-purchased by the government. Board direction on sending letters.

Motion by Putnal, seconded by Parrish, to approve the Board's support for sending letters to Senators Nelson and Rubio, and Congressman Southerland, for \$1.35M to be put into the Federal Land and Water Conservation Fund; Motion carried 5-0.

6- Inform Board that the Alligator Point Water District has sent a letter requesting the Board considering applying for a CDBG grant to put fire hydrants in certain areas of the District. The District estimates the project would cost \$250,000.

Ms. Debbie Belcher has provided her opinion on how best to proceed with this request and this is her response: The County can not apply for another CDBG grant until the current grant with Eastpoint is completed. The Eastpoint project should be completed such that the county can apply for a CDBG in 2012. The county is eligible for \$700,000 of CDBG funds so if the county wants to submit Alligator Point for \$250K it should develop another project for \$450K that would complete the county's funding, and also provide the county with some additional points as it is not a guarantee that there are enough low and moderate income residents on Alligator Point for it to meet the federal standards by itself. Board direction on what to tell the District.

Commissioner Putnal said he was in favor of applying for the grant in Alligator Point. Chairman Parrish stated that fire hydrants are also needed in the Southland area close to Apalachicola because homeowners have to pay high insurance rates due to the lack of fire hydrants in the area. He stated that he would ask the Mayor of the City of Apalachicola to send a request to the County for these fire hydrants. The Board discussed this matter further.

Motion by Sanders, seconded by Jackel, to send a letter to the Alligator Point Water District explaining the CDBG situation; Motion carried 5-0.

7- Inform Board that Transfield has provided a 12 month contract for debris removal on the bridges advertised in the paper. The contract period would start April 1, 2011 and the contract amount would be for \$10,003.95. Board action to award low bidder a 12 month contract. Mr. Shuler has the information regarding the bidders who responded to the advertisement.

Attorney Shuler reviewed the bids and stated that the lowest qualified and responsible bid came from Capt. Dave's Lawn Service in the amount of \$5,990.00. He recommended the Board approve the contract for a six month period with an option to renew for six months depending on funding being available from the State.

Motion by Sanders, seconded by Jackel, to award the bid for bridge debris removal for six months to Capt. Dave's Lawn Service; Motion carried 5-0.

8- Provide Board with copies of letters sent to the owners of the apartments in Lanark Village that were burned last October. Four of the apartments have not been fixed up and they represent a threat to the community because of the debris still left from the fire. In the letter the Building Official, Mr. Robin Brinkley, gave the owners 45 days to clean up the property or the county might consider taking additional action. As of Friday, April 1, two of the four owners have contacted Mr. Brinkley seeking information on contractors who would be willing to demolish their buildings. One owner has met with Mr. Brinkley to see if her apartment can be re-built. One owner has not yet responded.

Commissioner Putnal stated that there is one owner who will not take action until the County moves forward with litigation.

The Board discussed this matter.

9- Because of scheduling conflicts with the attorney the FAC luncheon has been postponed until the April 19th meeting.

10- Board update from March 31 Weems Hosp. Board meeting. The Hosp. Board met in regular session and these are items of interest the Hosp. Board discussed.

A) Federal law is requiring all hospitals move toward electronic record keeping. There is a financial incentive for hospitals to become compliant before the deadline so Weems is trying to beat the deadline. However, there are upfront costs that Weems has to negotiate with their selected service provider and Weems is negotiating those terms now. A medical records system compliant with federal law is going to cost about \$1M, although eventually the feds will reimburse Weems for 75% of the costs.

B) Weems has a new ER group running the emergency room. This group is from Tennessee and they also employ American trained doctors.

C) The Governor has abolished the LIP council and is seeking a restructuring of that reimbursement. Weems receives LIP payments, which stand for Low Income Pool, and is money Weems receives because it serves low income patients. Mr. Shuler has been participating in some County Attorney conference calls on this and other reimbursement subjects, but at this time the impact to Weems on the LIP money is unknown.

D) Weems Board is moving toward making all areas of Weems Hospital and the grounds, and the ambulances, a No Smoking Zone.

E) At this time TMH has received some 50 applicants for the Weems CEO position. Because of the large response TMH is going to review these applicants as a first lot. They will narrow this group down and send the top 3-4 to Weems for review and comment. In the event that Mr. Colvert has to leave before a final selection is made, TMH is prepared to provide an interim CEO.

Mr. Curenton stated that the Franklin County Tourist Development Council has received a Tri-County \$5,000 Visit Florida Grant, which will fund a seafood photo shoot featuring seafood from Franklin, Gulf and Wakulla Counties. He stated that the TDC would match this grant with \$2,500 and gave more details of the photo shoot.

Fran Edwards, of the Franklin County Tourist Development Council, explained that Wakulla and Gulf Counties had provided their match with in-kind service and explained this grant further.

The Board discussed the grant further with Ms. Edwards.

Motion by Jackel, seconded by Putnal, to approve the Grant in the amount of \$5,000 and match with \$2,500 in TDC funds; Motion carried 5-0.

Chairman Lockley announced that he was going to step down from the Tourist Development Council and asked Commissioner Sanders to serve in his place.

Motion by Jackel, seconded by Parrish, to approve Commissioner Sanders serving on the Franklin County Tourist Development Council; Motion carried 5-0.

Public Hearing – Re-Zone 3 Lots from R-1 to R-2 (10:05 AM)

Mark Curenton discussed the Re-zoning requests for Section 30, Township 8 South, Range 6 West, South of Twin Lakes Road in Eastpoint. He stated that there were objections by two adjacent property owners to having mobile homes in the Magnolia Ridge Estates division. Mr. Curenton explained that there are mobile homes in the general area but not in that specific division.

Commissioner Parrish expressed his concerns with the neighboring property owners blaming the County to contributing to the lower land values.

Attorney Shuler recommended approval of this request.

The Chairman opened the floor for public comments.

There were no comments from the floor.

**Motion by Putnal, seconded by Jackel, to approve rezoning 3 lots in Eastpoint from R-1 to R-2;
Motion carried 5-0.**

Recess (10:11 AM)

Chairman Lockley called for a recess.

Reconvene (10:34 AM)

Chairman Lockley reconvened the meeting.

T. Michael Shuler – County Attorney Report (10:34 AM)

Attorney Shuler presented his report to the Board.

1. LEASE OF LAND NEXT TO EASTPOINT BOAT RAMP

Jerry Hall and Beverly Hewitt own two parcels of land next to the County Boat Ramp on Patton Drive in Eastpoint. The property consists of two parcels, and fronts approximately 110 feet on Patton Drive and about 160 feet on Apalachicola Bay. A copy of a map from the property appraiser's office is attached.

They would like to offer the two parcels for lease to Franklin County on the following terms:

- a. The County either pay or waive the annual taxes. According to the Tax Collector's website, the annual taxes are about \$1.150.00*
- b. The County either pay or have Eastpoint Water and Sewer waive the annual readiness to serve fee. According to the owners, that totals approximately \$400.00 per year.*
- c. The lease would be for two years and the owners can terminate the lease if they sell the property.*
- d. The county will add the property to its insurance and name the property owners as an additional insured.*

This property will enhance the public use of the Eastpoint Boat Ramp and improves public water access at a minimal annual cost to the county.

Disclosure: I have in the past represented the landowners. I do not presently represent them. I represented them when they foreclosed on the property in 2008. They took back title in March 2010.

BOARD ACTION: *I recommend a motion authorizing me to draft a lease for the Chairman's signature as stated herein and requesting that Eastpoint Water and Sewer waive the annual readiness to serve fee so long as the property is under lease by Franklin County and for me to present this request to them.*

Attorney Shuler explained the conditions of the County leasing this property.

Commissioner Jackel stated that the need for parking in the area of this boat ramp is the reason for the proposal of this land lease. She asked if there was an option for additional years and Attorney Shuler explained that the owners only wanted to commit to two years but might revisit the situation once the two year lease expires.

Commissioner Parrish asked about the County paying the taxes and improvements that would be reimbursed to the County if the property is sold.

Commissioner Jackel also stated that there is an elevated concrete slab that would have to be removed by the Road Department.

Commissioners Putnal and Jackel discussed a culvert on the property. Attorney Shuler stated that the area where the culvert is located is not on this lease.

Commissioner Putnal asked Attorney Shuler to contact the property owner next to the culvert to also allow parking space.

Motion by Jackel, seconded by Parrish, to approve the property lease with permission to remove the slab and include language to prorate taxes if property is sold; Motion carried 5-0.

2. FACT/St. Joe's Bert Harris Claim:

After St. Joe filed its Bert Harris Claim in December 2010, I notified FACT of the claim. I have challenged their denial of that claim because although the insurance policy has a provision excepting coverage for constitutional takings, it does not have a specific exception for a Bert Harris Claim. On March 16, 2011, FACT denied the County's appeal. A copy of that denial and their reasons for it is attached.

The next step is to appeal this matter to the full Board of Trustees of F ACT. This is a necessary step in the event you desire to challenge FACT's denial in court.

Board Action: I recommend that the Board authorize me to file an appeal of the denial of your claim that FACT provides insurance coverage for St. Joe's Bert Harris claim.

Motion by Putnal, seconded by Sanders, to authorize Shuler to file appeal with the Board of Trustees with the FACT; Motion carried 5-0.

3. Bridge Clean-Up Contract

On March 15, 2011, the Board opened the bridge clean-up bids and approved them subject to my review and recommendation.

I have reviewed the bids and the lowest responsive and responsible bid is Captain Dave's Lawn Service at \$5,990.00.

Transfield America has notified the County that it will provide a full year of funding instead of six months of funding. I will provide in the contract that the Board may, at its exclusive discretion, decide to extend the contract for an additional six months, subject to funding.

Board Action: I recommend that the Board award the contract to Captain David's Lawn Service with an option by the Board to renew for an additional six months if the Board so desires and provided that funding is available.

This item was addressed earlier during the meeting.

4. Capital City Bank / South Shoals Subdivision

A copy of Capital City Banks initial offer is attached. I recommend denial.

Board Action: I recommend denial of the bank's initial offer and that you authorize Mr. Pierce and me to begin negotiation with them.

Attorney Shuler discussed the relocation of the road at South Shoal on Alligator Point due to continuous maintenance caused by storms. He also discussed the offer from the bank for the purchase of the property.

Motion by Putnal, seconded by Sanders, to reject offer from bank; Motion carried 5-0.

Attorney Shuler discussed his upcoming meeting with Clay Ketchum, the County's appraiser.

Attorney Shuler stated that Attorney Theriaque will not be able to attend meeting today because of storm.

Commissioners' & Public Comments (10:50 AM)

Commissioner Sanders asked for the Property Appraiser to attend the next meeting to discuss value amounts so the Board can start discussing the budget.

Commissioner Sanders discussed making arrangements for the annual NACO conference.

Motion by Sanders, seconded by Jackel, to authorize travel and expenses for any Commissioner planning to attend the NACO Conference in July; Motion carried 5-0.

Commissioner Jackel stated that she will be on vacation until April 18th.

Wayne Gleasman, of Community Association Management Services, voiced his opposition to the rezoning of Magnolia Ridge in Eastpoint, which was approved earlier during the meeting, as he manages properties in that area.

Adjourn (10:56 AM)

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

Noah Lockley, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts