

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
APRIL 19, 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 (9:06 AM)**

Chairman Lockley called the meeting to order.

**Prayer and Pledge (9:07 AM)**

There was a prayer followed by the Pledge of Allegiance.

**Approval of Minutes: March 15, 2011 & April 5, 2011 Regular Meetings (9:08 AM)**

**Motion by Jackel, seconded by Sanders, to approve the Minutes of the March 15, 2011 & April 5, 2011 Meetings; Motion carried 5-0.**

**Payment of County Bills (9:08 AM)**

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

**Doris Pendleton – Property Appraiser – Property Tax Valuation (9:09 AM)**

Mrs. Pendleton was unable to attend but will be present at the next meeting.

**Department Supervisors Report**

**Hubert Chipman – Superintendent of Public Works (9:09 AM)**

Mr. Chipman presented his report to the Board.

Mr. Chipman asked for Board action to appoint a substitute to fill in for his secretary, Virginia Messer, while she is out for six weeks and asked that the substitute be trained before Mrs. Messer leaves.

**Motion by Sanders, seconded by Parrish, to appoint Christy Smith from the County Extension Office to substitute for Virginia Messer while she is out on leave; Motion carried 5-0.**

Mr. Chipman discussed the remaining amount of milled asphalt and what had already been distributed.

Commissioner Sanders asked Mr. Chipman to cut the grass at the Health Department and the Carrabelle Courthouse Annex.

Commissioner Parrish and Mr. Chipman discussed mosquito spraying.

Commissioner Putnal and Mr. Chipman discussed the shortage of personnel at the Road Department.

Mr. Pierce discussed road repairs in Commissioners Putnal and Jackel districts.

Chairman Lockley and Mr. Chipman discussed a culvert that was washed out on 12<sup>th</sup> Street and Avenue M.

Commissioner Jackel discussed the urgency in completing the paving project before May in her district.

**Van Johnson – Solid Waste Director- (9:18 AM)**

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

Mr. Johnson updated the Board on his employee shortages and how it will affect his schedule. He said they might be a little slow because of adjustments to the schedule but they will be able to get the job done.

Commissioner Sanders discussed the problems with curbside pickup in the County. She believes the service is being abused and thinks the Board needs to look into this matter.

The Board discussed eliminating curbside garbage pickup service and the enforcement of this problem.

Commissioner Parrish discussed how much garbage he saw piled on the roadside when he flew over the County during the Oil Spill.

**Motion by Sanders, seconded by Parrish, to have Mr. Johnson and Attorney Shuler present a plan to the Board, with several options, as to how to deal with the curbside pickup problem in the County; Motion carried 5-0.**

**Pam Brownell – Emergency Management Director (9:29 AM)**

Mrs. Brownell had no items for Board action and/or approval.

Mrs. Brownell informed the Board that the SCAT team was on St. George Island and didn't find any instances of oil on the beaches. She said they were very low key while doing the survey.

Mrs. Brownell discussed the storm readiness of the County.

Commissioner Putnal asked about the cell phone tower and Mrs. Brownell said they are still working on this issue. She will follow up with any new information.

Commissioner Jackel and Mrs. Brownell discussed state funding for Emergency Management.

Commissioner Sanders discussed funding cuts for fire departments in small counties.

*Action Items: None*

*Information Items:*

- 1. Franklin County Emergency Management (FCEM) held its Initial Planning Conference for its upcoming "Overturned Bus / Mass Casualty" exercise. It is scheduled for Friday June 3, 2011 at the large field located north of the Franklin County Sheriff's Office on SR 65. Participants will be EMS, School Officials, VFDs, Law Enforcement, Emergency Management and Weems Hospital.*
- 2. In preparation of the upcoming Hurricane Season, Mike Rundel participated in the Final Planning Conference for the Statewide Hurricane Exercise to be held thru the week of May 23<sup>rd</sup>, 2011. Although this exercise will be testing the state's Recovery procedures, FCEM will be concentrating on our Evacuation, Special Needs and Transportation procedures.*
- 3. FCEM met with the City of Carrabelle on April 11, 2011 to help them identify locations for their emergency Points of Distribution (POD), Essential Services Center and Disaster Recovery Center. We hope to meet with Apalachicola and determine their locations as soon as possible.*
- 4. Joyce Durham conducted a coordinating meeting at the EOC on April 15, 2011, with local agencies who would be involved with FCEM and our Special Needs Program.*

5. There will be 2 “Firewise” Classes, sponsored by the FI DOA / Div of Forestry and Normandean Associates. They will be held at the new NERR facility in Eastpoint. This is an excellent class teaching citizens how to protect their homes and communities from wildfire threats. The first class, for homeowners, will be May 16, 2011 at 5:30 PM to 8:00 PM with a free dinner included. The second, to be held May 17, 2011 from 8:30 AM until 1:00 PM for Key Stakeholders (i.e. Media, Business Owners, Insurance, Homeowners Associations, County Planners, etc.) with free lunch included.

**Bill Mahan – Extension Office Director (9:33 AM)**

Mr. Mahan had no items for Board action, but reviewed these items from his report.

*We Need Your Advice!* – The UF & FAMU Extension Programs are in the process of completing a long-range plan and we need your help. We would like to know what we can do to help you. Please consider completing an online survey to help us know what we can do to help you. The survey is located at: <http://SolutionsForYourLife.Com>

*UF IFAS Mission Subscription* – It’s free and it’s easy, sign up for the latest and most reliable research-based information in the areas of lawn and garden, natural resources, agriculture, marine science, family and consumers science and 4-H Youth. Please go to <http://subscribe.ifas.ufl.edu> to sign up!

*FWC Chairman Barreto to Step Down* – FWC Chairman Rodney Barreto has announced that he is stepping down after ten years on the board, seven as chairman. Barreto was named chairman by former Gov. Jeb Bush and reappointed by former Gov. Charlie Crist. He told the Miami Herald on Wednesday that he hadn’t sought reappointment from Gov. Rick Scott, but said there was no political reason for his departure. Barreto’s resignation will be effective June 1<sup>st</sup>. He will remain on the Board until his term expires in August. Barreto, a supporter of term limits, said it would be “hypocritical” to seek a third five-year term.

*Redfish Decision Delayed* - The Commission deferred final action until November on a proposed rule that would establish three regional management areas for red drum, raise the daily recreational bag limit for red drum from one fish to two in Northeast and Northwest Florida, create a statewide eight-fish vessel limit for red drum, and modify the red drum off-the-water possession limit and red drum transport provisions. Commissioners want to review the results of an FWC red drum stock assessment, which will be finalized this summer.

Chairman Lockley and Mr. Mahan talked about programs for children and funding for these programs in the County.

Commissioner Putnal, Mr. Pierce, and Mr. Mahan discussed people in the County checking the oyster temperatures.

Commissioner Sanders mentioned that FWC is considering changing the rules and regulations for Trout.

**Marcia M. Johnson – Clerk of Courts – Report (9:38 AM)**

Mrs. Johnson presented her report to the Board.

*1-I need Board approval of a contract between the State Department of Revenue and the County which provides for State approved payments to the County for service of process in child support cases. To explain, when the State files proceedings in child support cases, our Sheriff's department may be required to serve papers on individuals involved with the cases. The Sheriff's Department usually charges a fee for that service which is set by law, but they don't collect the charge in these types of cases. The County can be reimbursed at a rate of 66% which would help offset our costs of performing this service. The current contract was approved for 3 years in May of 2008, and this contract period would run for 3 years from July 1, 2011 until June 30, 2014. Your approval may be contingent upon Attorney Shuler's review if you desire.*

**Motion by Parrish, seconded by Putnal, to approve a contract between the State Department of Revenue and Franklin County, which provides for State approved payments to the County for service of process in child support cases; Motion carried 5-0.**

*2-For information, the hospital's operating balance as of March 21, 2011 was \$148,619.60. The balance in the hospital's capital fund is \$372,360.91.*

Chairman Lockley and Mr. Pierce discussed the status of the search for a new CEO for the Hospital and the possible need for an interim to stand in until a decision is made.

Commissioner Putnal and Mr. Pierce discussed the complaints about the service at the Emergency Room.

The Board discussed this matter further.

Commissioner Sanders discussed complaints about problems at the Urgent Care Center in Carrabelle.

Commissioner Putnal asked for Mr. Colvert to appear at the next meeting.

**Alan Pierce – Director of Administrative Services – Report (9:43 AM)**

Mr. Pierce presented his report to the Board.

*1- Inform the Board that Progress Energy has informed the county that the lights for the boat ramps at Indian Creek are scheduled to be completed by May 20, 2011.*

2- *Inform the Board that homeowners are eligible for a discount on their homeowner's insurance policy for houses built in the last 10 years because the county Building Dept received a good ranking from the Building Code Effectiveness Grading Classification, which is part of the Insurance Service Organization (ISO). The ISO rates fire departments and now it has expanded into Building Departments. The Franklin County Building Dept. got a 4 on a scale of 1-10 with 1 being the best. Franklin County property owners with flood insurance already get a 10% discount on their flood insurance premiums because of the county's adherence to the Federal Flood Insurance Program.*

3- *Inform the Board that the number of counties impacted by the BP oil spill is now 8, as Wakulla has been added.*

*Board action on another 8 county resolution regarding the BP oil spill. This Resolution has been drafted to endorse components of the federal legislation that is beneficial to Florida. A group of Florida elected officials, from counties west of here, are going to Washington on May 10 and want to take this Resolution with them, and they want it signed by all 8 counties. The Resolution does not call out any benefits to any one county.*

Mr. Pierce explained the benefits of this Resolution.

Commissioner Parrish commented on this item, discussing how some of the states are trying to get a greater share of the funding. He said it is important for Florida Counties to stick together on this matter.

**Motion by Parrish, seconded by Sanders, to authorize the Chairman's signature on an 8 County Resolution regarding funding from the BP Oil Spill; Motion carried 5-0.**

4- *Jeff Mason, Special Operations Commander, to make a presentation to the Board on the conclusion of the military exercises in the area.*

Jeff Mason, representative of United States Special Operations Command, thanked the Board for allowing the military to conduct their exercises in the County. He explained the importance of the training and apologized for not meeting all of the Commissioners to explain the details of training exercises. Mr. Mason also discussed the safety and security used to protect civilians during the exercises.

Mr. Mason presented a plaque to the Board on behalf of the military for allowing military training in the County.

Commissioner Sanders asked Mr. Mason in the future to be more observant of what neighborhoods are used so that residents are not as alarmed during this training.

5- *In the recent newsletter from NACO there is a notice that rural counties are encouraged to apply for a Community Health Needs Assessment. Franklin County participated in such an assessment in 2006, but it might be beneficial if the county sought an update so that we could see if there have been any improvements in the community's view of local health care now that*

*we have been operating Weems Hosp. for five years and now have the Carrabelle Urgent Care Clinic open. If selected NACO will perform the Assessment and the county will get the results.*

*The application requires that the Chairman and the Hospital CEO sign the application. Is the Board interested in having an updated Community Health Needs Assessment?*

Commissioner Jackel stated that she was in favor of applying for this assessment. Chairman Lockley suggested that someone attend the NACO meeting to see what other programs are available.

**Motion by Jackel, seconded by Sanders, to apply for a Community Health Needs Assessment; Motion carried 5-0.**

**Meg Baldwin – Refuge House – Update (10:01 AM)**

Meg Baldwin, Executive Director of Refuge House, along with staff, addressed and updated the Board on Refuge House programs. Ms. Baldwin introduced staff member, Aimee Sapp, the County's new Sexual Assault Response Team Coordinator and also Clarice Powell, Franklin County Sheriff's Office Victim Advocate.

Ms. Baldwin discussed her role with Refuge House and the SART program. She said she is happy to report that there is a new part time domestic violence counselor, Carol Barfield, and also Aimee Sapp as the new full time SART Coordinator. She said Mrs. Sapp is already making great strides within the program and discussed services that Mrs. Sapp will be providing. Mrs. Sapp introduced herself to the Board and discussed her new position.

Clarice Powell, Franklin County Sheriff's Office Victim Advocate, addressed the Board and discussed her role with the SART.

Chairman Lockley thanked Ms. Baldwin for her update.

**Recess (10:08 AM)**

Chairman Lockley called for a recess.

**Reconvene (10:30 AM)**

Chairman Lockley reconvened the meeting.

**Curt Blair – TDC Report (10:30 AM)**

Curt Blair, Franklin County Tourist Development Council, distributed and reviewed a handout. Mr. Blair discussed the recent grant award from BP to the Franklin County TDC. He discussed differences in the new awards from the previous awards and said the TDC will meet next week to flush out the details of this new grant. Mr. Blair said the BP wants to be included in the details of how the grants are used this time.

Mr. Blair asked for Board action on the acceptance of the grant, approval of the budget categories, and also continued participation as an active member of the Coalition. Commissioner Sanders said she was against the gift card program that was promoted with the last BP grant and did not want to see them again. She said the gift cards weren't spent in the County.

Commissioner Putnal asked the TDC to look into advertising for rentals in the Carrabelle area during the Youth League State tournament at Kendrick Park this summer.

Mr. Blair said he would take this matter back to the TDC Board.

Mr. Blair discussed using the \$150,000 that was previously approved for the promotion of local seafood. He said it had not been eliminated but had been incorporated into the overall plan. Chairman Lockley and Commissioner Putnal discussed the need for restaurants and lodging during the Tournament.

Commissioner Jackel asked Mr. Blair to explain the Cooperative Advertising and Lodging Partners further. Mr. Blair discussed several opportunities to advertise and partner with lodging facilities.

Commissioner Jackel asked Mr. Blair to state the three local communities addressed in item 4. Mr. Blair said the three named local communities are Apalachicola, St. George Island/Eastpoint and Carrabelle East but said this isn't a firm designation.

Commissioner Jackel would like the verbiage changed to cover all of the local communities, including Alligator Point and Lanark and Mr. Blair said he didn't see a problem with that.

Mr. Pierce and Mr. Blair discussed how the three payments will be made to the County.

**Motion by Putnal, seconded by Jackel, to approve the acceptance of the BP grant, approval of the budget categories, and also continued participation as an active member of the Coalition; Motion carried 5-0.**

Mr. Pierce and Mr. Blair discussed how the regular TDC budget will be amended.

Mr. Blair asked for Board action to fill a vacancy on the TDC Board with the recommendation of the TDC Board, which was John Hosford.

Commissioner Jackel stated that she would rather have someone on the TDC Board with a seafood industry background and also a resident of the Eastpoint area. She said that each area of the County is represented but there is no one who represents the business perspective of Eastpoint and she feels like Eastpoint isn't represented on the TDC. Commissioner Jackel asked if an interview process was conducted.

Commissioner Sanders, who serves as the TDC Chairman, stated that the appointment is not a seafood position but is an at large position and Mr. Hosford was the only one who attended the TDC meeting for an interview. She said the number one discussion at the TDC meetings is to promote seafood.

The Board and Attorney Shuler discussed the possibility of expanding the Board and the restriction by Florida Statutes.

**Motion by Jackel, to table this item until a later date; Motion failed for lack of a second.**



**Motion by Parrish, seconded by Putnal, to accept the recommendation of the TDC Board to appoint John Hosford to the Franklin County Tourist Development Board; Motion carried 4-1, Jackel opposed.**

Commissioner Sanders asked that new members of the TDC Board are made aware of the Sunshine Law.

Commissioner Sanders asked for an update on using TDC funds to renovate the Armory. Mr. Pierce explained that at this time permission has not been granted by the State to allot the status of the Armory as a convention center. He said they are waiting for a return call and something in writing.

Attorney Shuler explained that the State of Florida Internal Improvement Trust Board is the ultimate owner of the Armory.

Commissioner Sanders asked when the next board member appointment will end.

Commissioner Parrish asked Mr. Blair to have all vacancies advertised when a current board member's term is ending so that other people in the Community have the opportunity to serve on the Board if they desire.

**Motion by Parrish, seconded by Sanders, to require the Franklin County Tourist Development Council to advertise all vacancies for at least two weeks, in a local media, when a current term is ending and to add this to their policy and procedures; Motion carried 5-0.**

#### **Michael Shuler – County Attorney – Report (11:11 AM)**

Attorney Shuler presented his report to the Board.

#### *Action Items*

##### *1. Possible Amendment To Animal Control Ordinance*

*Recently, there has been a problem with barking dogs. My review of the Animal Control Ordinance indicates that it lacks a provision allowing citations for barking dogs.*

*I have conferred with Mr. Johnson, Director of Animal Control, and he informs me that he supports amending the animal control ordinance to allow his officers the authority to issue citations for barking dogs. I concur with his recommendation.*

*BOARD ACTION: I recommend that the Board authorize me to schedule a public hearing to consider amending the Animal Control Ordinance to provide authority for citations to be issued for barking dogs.*

Commissioner Putnal expressed his concerns of residents getting tickets for barking dogs. He said this will put extra pressure on Animal Control and cause major problems in the County.

Commissioner Sanders expressed her concerns of this matter also.

The Board discussed an agreement that was signed saying that Franklin County would be responsible for Animal Control.

**Motion by Parrish, seconded by Sanders, to table this issue; Motion carried 5-0.**

**Motion carried Jackel, seconded by Sanders, to direct Attorney Shuler to look at the Inter-Local Agreement regarding animal control with the City of Apalachicola and the City of Carrabelle; Motion carried 5-0.**

*2. Sheriff's Department Federal Equitable Sharing Agreement*

*Ginger Coulter has asked that the Chairman execute an Amended Federal Equitable Sharing Agreement. She tells me that the original agreement she sent showed a zero balance, but that she has since learned that in fact \$294.00 is due the Sheriff's Department. She goes on to state that they cannot receive either the \$294.00 or any other money in the future, unless the agreement is signed and up to date concerning the amount of Federal money to be shared with the Sheriff.*

*Ms. Coulter also explained that the money being shared represents a percentage of the funds from federal cases involving forfeitures and drug seizures. The amount of the money being shared is small because the Sheriff's Department is involved in very few Federal criminal cases. A copy is attached.*

*BOARD ACTION: I recommend that the Board authorize the Chairman to sign the agreement as it has been represented by the Sheriff's Department.*

**Motion by Sanders, seconded by Jackel, to authorize the Chairman to sign the Sheriff's Department Federal Equitable Sharing Agreement as it has been represented by the Sheriff's Department; Motion carried 5-0.**

*3. Weems Hospital/USDA Grant*

*USDA has returned the fully executed architect's contract.*

*USDA has also informed me that due to the size of the loan and the amount of the architect's fee, both the County and the architect are required to sign two forms. Copies are attached.*

*AD-1048 is the first form and it certifies that the County has not been Debarred or Suspended from receiving the Federal funds to be used to construct the new hospital. 1940-Q is the second form and it requires that parties shall not use any Federal funds to lobby in connection with the awarding of the loan to build the new hospital.*

*BOARD ACTION: I recommend that the Board authorize the chairman to sign the two forms.*

**Motion by Sanders, seconded by Parrish, to authorize the Chairman's signature on Form AD-1048 and Form 1940-Q; Motion carried 5-0.**

*4. Capital City Bank*

*Attached is my April 8, 2011, letter to Ron Mowrey, Esquire's office informing him that the Board rejected his client's initial offer and informing him that the county had no counter-offer.*

*Capital City has accepted the County's invitation to mediate. The parties shall meet at the Courthouse Annex on May 3, 2011 after the regular board meeting. Commissioner Sanders shall attend the mediation on behalf of the Board. Mr. Pierce and I will also attend.*

*The parties will need to enter into a settlement discussion agreement. A copy is attached.*

*BOARD ACTION: Motion authorizing the chairman to enter into a settlement discussion agreement like the one recently entered into with the St. Joe Company. All information will be public, but the parties*

**Motion by Sanders, seconded by Jackel, to authorize the Chairman to enter into a settlement discussion agreement like the one recently entered into with the St. Joe Company; Motion carried 5-0.**

Mr. Pierce updated the Board on his communication with FEMA and how it relates to the negotiations with Capital City.

The Board discussed this matter further.

#### *Non-Action Items*

##### *5. Franklin County Land Trust*

*Attached is my letter to the Franklin County Land Trust regarding their concern about the reverter provision raised at the last meeting by Mr. Rosier. The letter speaks for itself, but in sum it says that the county understands that the Land Trust will build houses to be occupied by private individuals and that the reverter provision of the deed remains in full force and affect as written.*

##### *6. FACT Appeal*

*Attached is a copy of the letter appealing to the full Board of Trustees, FACT's denial of the County's coverage claim due to St. Joe Timberland's Bert Harris claim against the County.*

##### *7. BP Oil Spill- Multi District Court Litigation*

*Attached are several documents regarding the April 20, 2011 deadline to file a claim in the MDL litigation pending in SE Louisiana.*

*One of the Defendants has filed an action to limit their liability and the deadline to file and Answer and preserve any potential claim runs on April 20, 2011. If no claim is filed, it will bar the County from filing any claim and most of the liability from the spill will be decided by the MDL litigation.*

*Also attached are several documents from F AC containing information about the BP spill.*

*To date the Board has determined that there is no basis to file a claim, but I wanted to provide this information to you.*

#### **Commissioners and Public Comments (11:28 AM)**

Commissioner Putnal commented on the Animal Control Ordinance and the issue with barking dogs. He said he went through this same issue long ago and it was a nightmare, which is the reason the Ordinance is currently written this way.

Chairman Lockley explained the problem in the City of Apalachicola with the barking dogs.

Commissioner Jackel wished everyone a Happy Easter.

John Hosford, of Eastpoint, thanked the TDC Board and the Board for their support. He explained his role with St. James Bay and how it helps with Franklin County's tourism and also how he will serve on the TDC Board.

Attorney Shuler discussed a meeting with Mr. Theriaque immediately following this meeting.

Attorney Shuler submitted the lease for the property next to the boat ramp in Eastpoint into the Clerk's records.

Commissioner Jackel and Attorney Shuler discussed some of the provisions of the lease.

**Latoya Washington of Florida Association of Counties (11:38 AM)**

Ms. Washington stated that she is here to offer FAC support to the Board.

**Adjourn (11:40 AM)**

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

---

Noah Lockley, Chairman – FCBOCC

Attest:

---

Marcia M. Johnson, Clerk of Courts