

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
AUGUST 2, 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, Linda Phillips – Finance Clerk, Betty Sasnett – Deputy Clerk

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.

Payment of County Bills (9:04 AM)

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

Board Presentation - Medallions to the Girls Softball Teams that participated in the State Tournament

Link Carroll spoke about the teams and how hard they work not only during the season but year round. Kim Johnson, Coach of Darlings and Angels Divisions, and Joseph Ferrell, Coach of Ponytails Division introduced the girls on their teams. Ms. Carroll, Coach of Belles Division, introduced her team, and said they won the Sportsmanship Award for the Tournament. Kevin

Newell, Coach of Debs Division, also introduced his team. Coach Newell said that it was a bittersweet time for him because Kendyl Hardy would not be playing again after this year. All of the teams were presented with Medallions for their participation in the State Tournament.

Coach Newell spoke about what a great job Parks & Recreation did with the Tournament and thanked them for their hard work.

Commissioner Lockley, on behalf of the Board, thanked the girls and said he hoped they had an ever better season next year.

Department Supervisor Report

Hubert Chipman– Superintendent of Public Works (9:16 AM)

Larry Brown, in place of Mr. Chipman, presented his report to the Board.

Commissioner Jackel asked when the grass would be cut in Eastpoint and St. George Island and Mr. Brown said Eastpoint was being cut today and the Island would be cut at the end of the week.

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

Mr. Johnson was not in attendance but Link Carroll was present for any questions the Board might have.

Commissioner Jackel discussed RFP's for ways to consider managing the Landfill, which was discussed at budget meetings. She said the Board had learned from other Counties who had partnered with other companies, which cut the cost of landfill management. Commissioner Jackel said there were a lot of new things happening toward recycling and a cleaner environment, which would be a way for the County to save money and increase revenues. She discussed the cut in State funding for waste management by \$200,000 per year. Commissioner Jackel explained that she wasn't suggesting this to privatize the landfill or eliminate employees. She said she realized the Parks & Recreation Dept. couldn't afford to lose employees but she was asking that the Board go out for RFP's to find out what might be available to the County for waste management and curbside pickup. Commissioner Jackel said the County needed to be kept clean but said that the County spends nearly \$1,000,000 for waste management each year.

Motion by Jackel, seconded by Sanders, to go out for RFP's for ideas to construct a better plan to manage waste management and curbside pickup; Motion carried 5-0.

Commissioner Putnal expressed his concerns about hiring private companies because of issues Wakulla County has incurred after hiring a privatized company.

Commissioner Sanders discussed looking at the structures of other Counties plans concerning their waste management and curbside pickup.

The Board wanted to assure the employees of the Landfill that they intend to keep their best interests in mind when making any decisions.

Pam Brownell – Emergency Management Director (9:32 AM)

Mike Rundel, in place of Mrs. Brownell, presented his report to the Board.

Mr. Rundel discussed the path of Tropical Storm Emily.

Action Items: None

Information Items:

- 1. Pamela Brownell, Director, is presently attending a Federal Emergency Preparedness Association (FEPA) Conference in Tampa, Fl.*
- 2. A Damage Assessment Class was held at the Franklin County EOC on Thursday, July 28, 2011 to familiarize Damage Assessment Teams with their equipment, documentation and their reporting guidelines for after an event.*
- 3. Franklin County Emergency Management took part in a Region 2 Hurricane Access Exercise Concept and Objective Conference call on Thursday, July 28, 2011 at the Franklin County EOC. Movement towards combining Hurricane Special Needs Shelter with General Public Shelters was discussed.*
- 4. The Northwest Florida Water Management District continues to construct water monitoring stations in Franklin County. They have completed two at this point. One is a Rainfall Station in Tate's Hell (off Gully Branch Road) and another Rainfall / Groundwater Station, with telemetry, at the Eastpoint Public Works Department in Eastpoint, Fl. They are waiting for DOT permits in order to construct stations on bridges at the Crooked River at CR 67 and the Ochlockonee River at US 319. Work continues.*

Bill Mahan – County Extension Director (9:33 AM)

Mr. Mahan was not in attendance.

Ms. Duke George – Bay Cares (9:34 AM)

Ms. George was not able to attend the meeting.

Marcia Johnson – Clerk of Courts Report (9:34 AM)

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

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

Mr. Pierce presented his report to the Board.

1- The Board asked at the last meeting for information regarding the disposition of the money raised by seafood workers when they buy the DACS license. According to Joe Shields, the state imposed the license at the request of the industry after the 1985 hurricane season. Hurricanes Kate and Elena had devastated the oyster industry in Texas and Louisiana and a lot of out of town harvesters came over to work the Apalachicola Bay. A license and fee was required in order to help maintain some order in the industry.

The money raised by the license fee is used by DACS to support the oyster lab at the DACS office. The lab in Apalachicola is the only oyster lab in the state.

Commissioner Jackel and Mr. Pierce discussed the funding of the oyster lab.

Commissioner Jackel said she would like to see some of the money diverted back to the folks who buy the licenses, such as a relief fund.

The Board discussed what is being done with the additional funds that are being received by the sale of licenses and the possibility of setting up a relief fund for the seafood workers in the County.

Commissioner Parrish said he thought the Board should have Mr. Shields give an accounting of the license fees.

Motion by Jackel, seconded by Sanders, to have Joe Shields come before the Board and give an accounting of revenues received for the oyster lab; Motion carried 5-0.

Commissioner Parrish discussed issues with the seafood workers not wanting to pay dues to the Seafood Workers Association is able to participate in the re-shelling program.

Attorney Shuler informed the Board that he was not giving legal advice to the association but there was another local attorney giving them advice.

The Board discussed this matter further.

Motion by Parrish, seconded by Sanders, directing Mr. Pierce to inform the FCSWA that due to Federal funding, they can't discriminate against any individual who wants to join the association; Motion carried 5-0.

Commissioner Parrish asked Attorney Shuler to research the Board's responsibility for imposing restrictions on these organizations.

2- Inform the Board that the Finance Office is preparing the health insurance survey to go out to all employees. I have discussed the issue with the Finance Office and we are using the Gulf County program as a guide as it appears to have saved Gulf County money. Gulf County provides a waiver to employees who opt out of being on the Gulf County health insurance plan, but in order to be eligible for the waiver the employee must show proof of health insurance from another source, either group or individual.

Mr. Don Butler, Gulf County Administrator, told me that out of approximately 150 county employees about 40 have taken Gulf County up on their waiver.

The Finance Office hopes to have the results of the insurance survey available at the Aug. 16 Board meeting.

3- Inform the Board that Commissioner Jackel was appointed to a National Association of Counties steering committee on Community and Economic Development.

4- Inform the Board that Senator Nelson has submitted federal legislation that will direct 80% of the Clean Water Act fines from the BP oil spill to the Gulf Coast. This will keep the money from being spread to a larger area.

5- Inform the Board that the information provided by the Chairman and Commissioner Jackel regarding solar panels appears to be working out. Mark Curenton has been in contact with a firm, AEG of Cape Coral, Inc, who appear to be a subsidiary of a firm out of the northeastern United States that received Stimulus money to install solar panels for non-profits. The company is scheduling a site visit to look at the feasibility of solar panels on the courthouse, the Chapman Auditorium, the Armory, the Sheriff's Office, and Weems Hospital.

6- Board action to approve Debbie Roumelis as the sole source for administration of the CR 67 project supplemental funds. The Board has already selected Ms. Roumelis as the administrator for the initial \$267,000 CDBG fund to raise the approaches to the bridge on CR 67, and when the additional \$100K money became available the Board could decide it wants a separate administrator but it makes no sense to have two CDBG administrators working on the same project.

Commissioner Sanders wanted to know why this project had not been started yet.

The Board and Mr. Pierce discussed this project.

Motion by Sanders, seconded by Jackel, to approve Debbie Roumelis as the sole source for administration of the CR 67 project supplemental funds; Motion carried 5-0.

7- Board action to approve an agreement with Johnson Peterson Architects to assist me in replacing the AC unit that serves the State Attorney's Office with a properly sized unit. The actual replacement unit will have to bid out as it is a 40 ton unit and will probably cost \$30-50,000 to replace. The coils in the unit have been eaten by corrosion and the unit is losing its cooling capacity. Johnson Peterson will help draw the specs and supervise installation.

Motion by Parrish, seconded by Sanders, to approve an agreement with Johnson Peterson Architects to assist Mr. Pierce in replacing the AC unit that serves the State Attorney's Office with a properly sized unit; Motion carried 5-0.

8- Mr. Ted Mosteller, Airport Manager, requests the Board accept the low bid for the "Bat wing" mower that was opened at the last meeting. The low bid was \$17,600, submitted by Green South Equipment. Board action to accept low bid. State funds will be used to purchase the mower. Mr. Michael Moron would like the Board to know that a late bid was submitted by a Mr. James Fant. The bid was not opened and it remains in the Board file.

Motion by Parrish, seconded by Sanders, to accept the low bid for the "Bat wing" mower that was opened at the last meeting for the Airport; Motion carried 5-0.

Motion by Sanders, seconded by Putnal, to contact the Warden at the Correctional Institution and ask for assistance with the mowing of the grass at the Apalachicola Airport; Motion carried 5-0.

Mr. Pierce informed the Board that another bid was hand delivered in response to the RFP's, but was submitted after the deadline.

Motion by Sanders, seconded by Jackel, to reject the bid submitted by James Fant after the deadline; Motion carried 5-0.

Ted Mosteller, of the Apalachicola Airport, said this RFP was for cutting the trees at the Airport.

The Board decided this item would have to be re-advertised.

9- All the other items that were bid, including the FBO, are still under review by the Airport Committee. One of the more complicated bids, the bid for remarking the runway, may have to be re-bid because of FAA requirements. It will be re-bid in a more simplified manner.

Commissioner Jackel discussed items that were presented at the meeting for FBO's at the Airport. She said she heard great ideas and said there were companies who would bring new jobs into the County but her concern was that the proposers might not line up with the specific requirements of the guidelines.

Chairman Lockley also said he thought the County should work with the proposers in order to get someone good at the Airport.

There was further discussion on this matter.

10- The record needs to reflect that the executed change order (Change Order #3) for Shumaker for minor changes to the new corporate hanger approved by the Airport Committee will be in the August 2 Board file.

11- The Weems Hospital Board met in regular session on Thursday, July 28, and these are the items of interest from the meeting:

A) The Hospital Board agreed to put solar panels on Weems Hospital as I have reported earlier.

B) On Wed. July 28, the Hospital received \$310K in Disproportionate Share funds. This amount was substantially higher than what was received last year. Since this came in after the Clerk's accounting of funds at the last meeting, the current balance of cash on hand is approximately \$400,000 and that does not include the 2 CDs.

C) The USDA application is not complete and it is a priority of the Hospital Board and the new CEO to submit that document immediately. Both I and the County Attorney have been in contact with Mr. Joe Fritz, USDA, regarding the county's application. Because of the size of the county's request it has to go to Washington for approval. The Hospital Board wants the community to understand that this is an application for a USDA loan. The loan has not been granted yet, and there are circumstances where it might not be granted.

The Board discussed this matter further.

D) There was a great deal of discussion regarding finances and the need to capture all the revenue the Hospital is entitled to. In discussion the Hospital Board would like the County Commission to understand that approximately 55% of the Hospital revenue comes from Medicare patients and 15% from Medicaid. There are a number of Franklin County residents who qualify for Medicaid but have never applied for it. It appears that when the State of Florida closed the local HRS office several years ago and made people utilize an on-line service to sign up for Medicaid the number of applicants dropped. The Hospital is utilizing a clerk at both the Hospital and the Urgent Care Clinic to assist patients in signing up for Medicaid but patients must sign up. The Hospital cannot enroll people without their permission. By taking part in Medicaid, patients are helping themselves to services they are entitled to, and they are helping the Hospital. The Hospital receives 101% of the cost of servicing Medicaid patients so it is in everyone's best interest to identify all eligible Medicaid patients.

Commissioner Jackel discussed a call she received from a constituent who had been billed \$800 for the 20% owed on their bill. She said she didn't know about this benefit at the time but believed this was a good thing.

Chairman Lockley said it would be a good idea to put this information on the bills that are sent out.

Commissioner Sanders said she received a call from the Chairman of the Hospital Board informing her that the old ER group of good doctors are back at the Hospital.

Attorney Shuler discussed possible litigation with this matter and asked the Board not to have too much discussion about it at this time.

12- Provide Board copy of NACo Health Questionnaire to be used in Community Survey. The Community Health Survey will take place over two meetings, one on Nov 3, and one on December 1.

13- As required by state law, the St. George Island Plantation has submitted the Biennial Status Report for the Resort Village Development. It is a one page report as there has been no activity in the past two years. The report will go into this meeting's Board file.

Mr. Pierce said that Pat McWhinnie, Franklin County 911 Coordinator, has retired and has been replaced with Ida Renee Brannan. He said it was required that the Board had to recognize this by form of a motion.

Motion by Sanders, seconded by Putnal, to identify Ida Renee Brannan as the Franklin County 911 Coordinator and inform the State 911 Coordinator; Motion carried 5-0.

Chairman Lockley and Mr. Pierce discussed a matter concerning H'Cola and the Tourist Development Council.

Commissioner Sanders asked that this be forwarded to the TDC as they are meeting next week.

Commissioner Jackel, Commissioner Sanders and Mr. Pierce discussed the eligibility and deadlines for the new TIGER grants.

Commissioner Parrish said some of the issues being discussed had been looked at in previous years.

The Board discussed this matter further.

Commissioner Jackel discussed comments she has heard that Buckeye was planning to release something into the water.

Commissioner Putnal said they were planning to dump this material into the Gulf.

Commissioner Jackel asked that Mr. Pierce investigate this matter and send a letter regarding this matter. She also suggested alerting the RiverKeeper concerning this matter.

T. Michael Shuler – County Attorney Report (10:40 AM)

Attorney Shuler presented his report to the Board.

Action Items:

Roscoe Daly House

The real estate listing agreement has expired. The Board at one time discussed putting the property up for public bid. If so, what minimum bid does the Board desire to set, if any?

According to the Property Appraiser, the assessed value of the land is \$77,162.00

Board Action: Does the Board want me to publish an ad that the property is for sale in its "as is" condition to the highest bidder?

Motion by Sanders, seconded by Jackel, to put this out for bid as Attorney Shuler sees fit; Motion carried 5-0.

Progress Energy Lease

Progress Energy is presently leasing property at the airport as a construction yard for installation of the new Transmission Lines. The Property is more fully described in the attached exhibit. The lease expired in July 2011 and Progress Energy desires to renew on the same terms for up to twelve additional months at \$750.00 per month, plus tax. The lease gives them the right to renew on these terms

Board Action: Board action to accept the lease renewal for up to 12 additional months.

There was no action on this item.

Firearms Ordinances

The 2011 Legislature passed a law which preempted the field of firearms and ammunition. It makes all local ordinances regulation firearms and ammunition unlawful and imposes draconian penalties for violation of the new state law, such as removal from office and imposing fines upon both the elected official (up to \$5,000.00) and the governmental agency (up to \$5,000,000.00) for the enactment or enforcement of local firearm regulations which violate state law. Local zoning laws are exempted.

My initial review finds that Franklin County has a firearms ordinance which regulates concealed weapons. This old ordinance violates the new state law.

Board Action: Board action to authorize me to conduct a public hearing to rescind all local ordinances which regulate firearms and ammunition in a manner which violates the new state law.

The Board discussed concerns with having these rights taken away from local government.

Motion by Putnal, seconded by Parrish, to schedule a public hearing to rescind all County Ordinances regarding firearms and ammunition and to have Attorney Shuler provide more information concerning this matter; Motion carried 5-0.

Non-Action Items:

Capital City Bank/South Shoal Condemnation

- a. *Attached is another letter from Attorney Mowrey regarding public records and a litigation hold on all papers regarding South Shoals*
- b. *Capital city Bank has been served with the condemnation lawsuit regarding the 50'x300' strip connecting Tom Roberts Road and Harbor Circle. I have not filed the lawsuit regarding lots 1-4 Alligator Harbor Unit 3.*
- c. *A hearing on the Order of Taking is scheduled for August 29, 2011. This is a very tight deadline. The bank's two law firms have informed me that they are unavailable that date. If that hearing does not occur for any reason, the presently available next court dates are at the end of this year and the beginning of next year. I have not agreed to their request for a continuance. A copy of their letter and my reply is attached.*

Commissioner Sanders asked if this item was progressing and Attorney Shuler said they were following due process.

Mr. Pierce informed the Board that he spoke with Clay Kennedy, of Preble – Rish, and he said the plans had been completed for the CR 67 bridge project.

Commissioners' & Public Comments (10:52 AM)

There were no Commissioners or public comments.

Adjourn (10:53 AM)

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

Noah Lockley, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts