

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
FEBRUARY 7, 2012
9:00 AM**

MINUTES

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

Commissioner Absent: Joseph Parrish (represented the County at a conference)

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

Call to Order (9:05 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:05 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes – January 17, 2012 Regular Meeting (9:07 AM)

Motion by Lockley, seconded by Putnal, to approve the Minutes of the January 17, 2012 Regular Meeting; Motion carried 4-0.

Payment of County Bills (9:08 AM)

Motion by Sanders, seconded by Lockley, to approve the payment of the County's bills as presented; Motion carried 4-0.

Jimmy Harris – Discuss security concerns at Carrabelle Annex (9:08 AM)

James A. Harris, Jr., Franklin County Tax Collector, explained that he has one female employee working at the Carrabelle Courthouse Annex location, which is secluded, and that employee has complained of working alone at that location. He discussed safety concerns with the Board. Chairman Jackel and Mr. Harris discussed the role of his employee at that location and also the workload. They also discussed the change in services from each office.

The Board, Mrs. Johnson and Mr. Harris discussed this matter further.

Commissioner Putnal said he didn't want to see this office closed because it is beneficial to the eastern end of the County.

Chairman Jackel agreed with the need for security at this location and also expressed her concerns with one department bearing the blunt of the costs for one employee.

Mrs. Johnson discussed the reasons for cutting her office's hours to one day per week.

Commissioner Jackel and Mr. Harris discussed reasons why each constitutional officer can't contribute to one employee's salary. Mrs. Johnson said each office has different rules, annual leave and sick days so it wouldn't work.

Commissioner Sanders stated that she agrees that more has to be done for security at this location. She said she would like to have the building evaluated to see if the security can be made better.

The Board and Mr. Harris discussed this matter further.

Mrs. Johnson said she would hope to be able to open her office full time if the need arises in the future.

Motion by Putnal, seconded by Lockley, to hire an employee at the County's minimum salary of \$25,000 which will be funded from reserve for contingency; this employee will be located at the Carrabelle Courthouse Annex and is to assist with the workload and hopefully help with the security problem; Mr. Pierce and the Sheriff's department will evaluate the building for recommendations to increase security; Motion carried 4-0.

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:24 AM)

Mr. Chipman had no items for Board action.

Chairman Jackel thanked Mr. Chipman for work done at the Eastpoint Cemetery parking area and asked if he can install parking bumpers.

Commissioner Putnal stated that he did some research and Franklin County and one other in the State were the only ones that did not give any increase or bonuses to their employees.

Commissioner Lockley agreed with Commissioner Putnal.

Chairman Jackel stated that she would like to have the entire Board present and would like some additional financial information before the Board makes a decision on this matter. She also expressed concerns about funding for this raise.

The Board discussed vacant positions that have not been filled and the possibility of using that funding for a salary increase.

Mr. Chipman discussed some of the benefits that other County employees receive that the Road Dept doesn't receive.
The Board discussed this matter further.

Motion by Lockley, seconded by Putnal, to give the County and Constitutional Officer's employees a 3% salary increase;

Chairman Jackel asked that the Board hold off on any action until further information concerning funding is received from the Clerk's Office. The Board agreed to hold off on voting on this item until later during the meeting to give the Finance Office an opportunity to provide some information.

Van Johnson – Solid Waste Director (9:35 AM)

Fonda Davis presented the Department's report.

2012 FRANKLIN COUNTY DIXIE SOFTBALL STATE TOURNAMENT:

FOR BOARD INFORMATION: On January 28th, the Franklin County Parks & Recreation Coordinator presented Franklin County's bid to host the 2012 Dixie State Tournament and Franklin County was awarded the bid. The tournament will be held around the first week of July at the Will S. Kendrick Sports Complex. ACTION REQUESTED: None.

Motion by Sanders, seconded by Lockley, to authorize Road Department and Solid Waste Department to participate in preparing for the Dixie Softball State Tournament and receive the appropriate overtime; Motion carried 4-0.

Mr. Davis asked which department would fund the overtime hours.
Chairman Jackel said the Board will look at the details of this matter and figure it out.

Commissioner Sanders reminded Curt Blair that Parks & Recreation will be coming early to the TDC for funds.

PLAYHOUSE FOR ST. GEORGE ISLAND PARK:

FOR BOARD INFORMATION: Franklin Promise raffled off a child's Playhouse and the proceeds were to be used to help support the Franklin Promise Toy Project. The winning ticket was drawn by Commissioner Smokey Parrish and the winner Betty Neisler donated the Playhouse to the St. George Island Park. The Playhouse has since been moved to the Parks location. ACTION REQUESTED: None.

Commissioner Lockley and Mr. Davis discussed the Pee Wee Basketball advertisement and Mr. Davis said there was no response.

Mrs. Johnson informed Chairman Jackel that a rough estimate to pay for a 3% salary increase from February to September would be around \$150,000.

The Board discussed doing a bonus instead of a salary increase and asked the Finance Office to present the totals for funding a bonus for County employees.

Pam Brownell – Emergency Management Director (9:42 AM)

Mrs. Brownell was not present at the meeting but submitted the following report.

1 - The Community Emergency Response Team (CERT) training conducted January 27-29 at the EOC is off to a great start. We had 14 participants thanks to the Boy Scouts, the St. George Island Regatta, local churches and non profits. We hope they return for the second session of training on February 11-12 to become Franklin counties official CERT team.

2 - Mike Rundel and I will be attending the Florida Emergency Preparedness Association 2012 training conference from February 5-10 in Daytona, Florida. Attendance is mandatory as per our yearly scope of work.

3 - Franklin County Emergency Management is part of the planning section for the Florida Statewide Geomagnetic Storm exercise that will be conducted in our region March 13, 2012.

4 - Emergency Management is hosting a Community Wildfire Protection planning session presented by Florida's Forest Service, formerly the Division of Forestry, on Feb. 13, 2012 at 10:00am at the EOC. All Volunteer Fire Departments have been invited to attend and will have a chance to help shape the plan from a local perspective

Bill Mahan – County Extension Director (9:43 AM)

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

Franklin - UF IFAS Updates

1) Franklin County School Butterfly Garden- Lydia Countryman, a middle school teacher at the Franklin County School has received a grant to develop a butterfly garden at the school. She contacted me for help. To date, I sent soil samples to the UF Soils Lab for testing and provided Ms. Countryman with several UF fact sheets on setting up butterfly gardens in FL.

2) St. George Island Civic Club Program – I am scheduled to do the program at the St. George Island Civic Club's Meeting scheduled for February 16th. There are several program options; however, at this time I am planning on doing a program on the Pacific lionfish invasion of the northern Gulf of Mexico.

Gulf of Mexico Fishery Management Council (GMFMC)

3) *Reminder - Gulf of Mexico Recreational Grouper Season to Closed February 1 - The GMFMC reminds anglers that the recreational shallow-water grouper fishery will closed on February 1 and will remain closed through March 31.*

The annual closure, which includes gag, black, red, yellowfin, scamp, yellowmouth, rock hind and red hind, is designed to protect gag, which are often found and caught with the other grouper species. The two-month spawning season closure helps reduce overfishing of gag and rebuild its populations so that larger annual harvests may be possible in the future.

Gag grouper has been closed since November 16, 2011. The proposed 2012 recreational gag season is July 1 through October 31.

Commissioner Putnal and Mr. Mahan discussed the GAG grouper closure.

Motion by Putnal, seconded by Sanders, to send a letter to FWC opposing the Gag Grouper ban restriction; Motion carried 4-0.

Mr. Pierce presented Item #7 from his report.

7- Inform the Board that I have contacted Transfield about Woodill Road and about the Two Mile area. On Woodill Road, Transfield has cut back more vegetation, and will be placing more milled asphalt along the north side of US 98. In the 2 Mile area, Transfield will begin next week to clean out the large ditch on the northern edge of the US 98 ROW. They will start at Airport Road and work their way into town. I have also told them about the grass in the emergency lane on the eastern end of the county. On that issue, Transfield has been informed by DOT that Franklin County had passed an ordinance banning the use of herbicides on all state roads in the county. I told the Transfield representatives that the county had requested limited application of herbicides but I did not remember an out right ban. I have checked the Board record and there is no ordinance in place. Board direction for Mr. Bill Mahan to meet with Transfield personnel and develop an appropriate herbicide spraying plan. I recall the areas of concern where SR 65 and the culvert openings that led to the Bay.

Motion by Sanders, seconded by Putnal, to direct Bill Mahan to confer with FDOT regarding using herbicides to kill the grass growing onto Highway 98 that will not harm the Bay; Motion carried 4-0.

Ms. Cindy Drapel – Weems Update (9:48 AM)

Mr. Pierce presented Item #11 from his report.

11- Health Department update- As the Board directed, Chairman Jackel, Mr. Shuler, and I met on Jan. 18 with DOH representatives Robert “Sterling” Whisenhunt, Kim Barnhill, and a DOH

attorney, in Tallahassee to discuss the re-opening of the Carrabelle Clinic. Chairman Jackel led off the meeting with a strong complaint about the lack of communication between DOH and the Board. She reminded the DOH representatives of the critical role the Carrabelle Clinic plays in providing health care in the eastern end of the county.

The DOH representatives stated that the Clinic had a minor mold problem that they believe would be solved within 30 days. DOH would then begin to return services to the building starting with WIC one day a month. The WIC program would continue in Apalach 3 days a month. The number of days WIC is available is based on need. DOH also has a dental program that could be placed in the Carrabelle building, but they made no commitment on re-opening the Clinic as before. They also offered to assist the county in trying to get the North Florida Medical Clinic in Eastpoint to provide better service to the under-insured residents in the county.

Commissioner Putnal discussed an item regarding a new insurance company not having local doctors in their plan.

Chairman Jackel asked Mrs. Melanie Shiver, of Dr. Sanaulah's office, to discuss this matter. Mrs. Shiver stated that Dr. Sanaulah's office would like for the Board to send a letter to Capitol Healthplan asking that they be added as an approved provider.

Motion by Putnal, seconded by Lockley, to send a letter to Capitol Healthplan to add Doctors Sanaulah and Nitzio to their network; Motion carried 4-0.

Commissioner Jackel, Mr. Pierce and Attorney Shuler discussed the meeting with DOH further and their unwillingness to open the Carrabelle Health Department office on a full time basis. Attorney Shuler said his take on the meeting was that there was no intention on opening the Carrabelle Clinic again on a full time basis.

Cindy Drapel, of Weems Memorial Hospital, updated the Board on what has been done at Weems Hospital recently, especially at Weems East in Carrabelle. She said a new doctor has been hired full time and will begin seeing primary care patients on March 1st. She stated that other personnel have been added to provide health care services in Carrabelle and throughout the County.

Ms. Drapel discussed the new CT Scan project and asked for Board action to erect a canopy over the walkway at the CT trailer.

Motion by Lockley, seconded by Sanders, to authorize funding in the amount of \$16,422.66, to add a canopy at the CT Scan trailer location; Motion carried 4-0.

Ms. Drapel updated the Board on the annual audit for cash flow and outstanding invoices. She said copies will be available for Board review once she receives them from the auditor. She stated that a \$100,000 CD will be cashed to become current with the OTTED loan, which was used to pay an ACHA bill.

Chairman Jackel and Ms. Drapel discussed hospital billing issues with Weems Memorial and Weems East.

She discussed current hospital statistics, outstanding bills and asked for Board action to increase the surtax amount.

The Board and Ms. Drapel discussed outstanding bills and the OTTED loan.

Motion by Lockley, seconded by Putnal, to increase surtax amount to Weems to the full 1%, from the time period of November 2011 thru April 2012, to bring outstanding payable accounts to a current status; Motion carried 4-0.

Commissioner Sanders stated that it is apparent to her that the Carrabelle Health Department will not be reopening so she would like to reroute the \$120,000 of the \$156,000 that was dedicated to the Health Department to Weems East. She believes this will help recruit physicians and physician assistants for Weems East.

Commissioner Putnal discussed positive comments he has heard from residents who have utilized Weems East.

Chairman Jackel commented on the positive economical and healthcare effect of Weems East for the County and mentioned all the compliments she has been receiving about Weems, especially Weems East.

Motion by Sanders, seconded by Putnal, to move \$120,000 of the \$156,000, which was set aside for the Carrabelle Health Department, to Weems East in Carrabelle; Motion carried 4-0.

Commissioner Sanders thanked the staff at Weems and Weems East for their assistance during the recent occasion she had to use their services. She encouraged all residents to use the services provided by Weems.

Commissioner Lockley stated that he was renewing the matter of bringing the supervision of Weems CEO and CNO under the BOCC

Attorney Shuler explained that there is presently a contract in place with TMH to manage the CEO and CNO. He said once the contract expires he could negotiate this matter with TMH.

Jay Abbott – Communications Update (10:29 AM)

Jay Abbott, of St. George Island, stated that the organizations name had been changed from 911 Communications Group to Franklin County Communications Advisory Group because of legal issues with the previous name.

Mr. Abbott discussed issues with insurance companies not covering life flight fees. He said there has been another problem with Franklin County dispatch and EMS communications, which they are trying to resolve in-house.

Mr. Abbott asked for Board action to close Chili Blvd. and Gulf Beach Drive for the 30th Annual Chili Cook-Off. He also discussed an upcoming meeting with law enforcement concerning this event.

Commissioner Jackel reminded everyone that if they have any auction items to contact Mr. Abbott.

The Board and Mr. Abbott discussed having emergency personnel on standby for the event.

Motion by Sanders, seconded by Putnal, to authorize road closure for the Chili Cook-Off on March 3, 2012; Motion carried 4-0.

Recess (10:36 AM)

Chairman Jackel called for a recess.

Reconvene (10:55 AM)

Chairman Jackel reconvened the Meeting.

Open bids – CR 67 Bridge Project (10:55 AM)

Mr. Pierce opened the bids for the CR 67 Bridge Project.

Capital Asphalt of Tallahassee – \$397,146.95 – with bid bond

C. W. Roberts of Hosford - \$374,714.70 – with bid bond

Peavey and Sons of Havana – \$448,556.00 – with bid bond

Motion by Sanders, seconded by Putnal, to forward to engineer for recommendation and to be returned to the Board before the Meeting is adjourned; Motion carried 4-0.

Leslie Palmer – DACS Update (10:58 AM)

Leslie Palmer, of DACS, updated the Board on the Progress Energy line rebuild project from Eastpoint to St. George Island and how it will affect the Bay and the seafood workers. She said there will be three clearly defined zonal closures while the project is underway and showed slides of the project to the Board.

Ms. Palmer stated that DEP notified DACS that the Army Corps of Engineers had applied for a permit to dredge the Bay (Intercoastal Waterway). She said it will take about 45 days to complete the dredging project. She discussed time allotments for the Progress Energy project and the dredging.

Commissioner Sanders and Ms. Palmer discussed if there will be fines and penalties if seafood workers drift into areas that are closed due to the project. Ms. Palmer said there will be fines for anyone found harvesting oysters in the closed zones.

Commissioner Putnal and Joe Shields discussed the possibility of changing locations of where the tugboats will be while the project is going on and the adverse affect it might have on some of the oyster bars in the area.

Shannon Hartsfield, of FCSWA, also commented on this issue.

Commissioner Putnal stated that the entire (old) pole needs to be removed so that oystermen's boats are not destroyed.

Chairman Jackel and Ms. Palmer discussed FWC warning and not assessing fines if oystermen drift into the closed areas.

Chris Brooks, of DACS, stated that this matter has been discussed with FWC and they have expressed their needs. He said he likes the idea of a warning instead of monetary fines.

Ms. Palmer said they will discuss the warning idea to FWC.

Commissioner Lockley asked that there is ample advertisement of the closed areas.

Ms. Palmer then discussed letters that she received from the County regarding the re-shelling program. She provided information on the efforts of her department for the re-shelling program and discussed the fact that her department needs to provide more information about locations of re-shelling projects.

Ms. Palmer said there will be better communication with her department and the County starting with a meeting with Commissioner Putnal and Shannon Hartsfield this evening. She said this information will be provided on the DOA website, distributed to the processors and the County. She said she believes her department can learn a lot from those who are on the Bay every day.

Commissioner Putnal, Ms. Palmer, and Mr. Shields discussed other locations where re-shelling should be done.

Mr. Shields stated that DACS wants as much input from harvesters, Commissioners and the FCSWA as possible.

Commissioner Putnal suggested DACS attend the seafood workers meetings. Ms. Palmer stated that they will be attending the next meeting and offered another plan to include the seafood workers on the next trip on the DACS barge. She said she wanted to be able to show the seafood workers what they do on the water.

Commissioner Lockley stated that more shells are needed for the program. Ms. Palmer said they will get the shell to specified locations if they are told where it is needed.

The Board, Ms. Palmer, and Mr. Shields discussed this matter further.

Commissioner Putnal suggested using the seafood workers to help with re-shelling in areas that the DACS barge cannot get to. Ms. Palmer said they will look at doing this.

Ms. Palmer discussed and answered questions from the letter she received from the Board. She explained that the National Shellfish Sanitation Program dictates which areas are opened during the summer, which is determined by water quality. She said she has no flexibility with

opening other areas during this time. She said there is no gray area when it comes to the program.

She stated that 1601 and 1612 are areas that might be able to be opened during the summer, depending on water quality and resources. She said these areas could potentially be open year round.

Commissioner Putnal discussed East Hole, which is a good producing area. He said it hasn't been closed in years and it is still one of the best producing bars in the Bay.

Ms. Palmer discussed salinity being a reason to open more areas in the future. She said salinity seems to be linked to VB.

Commissioner Putnal discussed a permanently closed area in the west side that should be checked for water quality and salinity and possibly be reopened. He stated that there is a lot of illegal harvesting in that area.

Mr. Shields said that area has been tested and doesn't meet water quality standards but they do move live oysters to an area where the water quality is better when they do relaying activities.

Chairman Jackel thanked Ms. Palmer for taking time to come to the Board Meeting.

Ms. Palmer discussed the FWC commission meeting that would be held the next day. She said it will be the final public meeting concerning the seven day a week oyster harvesting in Apalachicola Bay.

Helen Spohrer – BP Buy-Out Program & Curt Blair – TDC Expenditures (11:43 AM)

Helen Spohrer, of Forgotten Coast TV and agency of record for the TDC, presented the media buy schedule for February, March and April, in the amount of \$375,700.93, for Board review and approval. She said most of the items on this buy schedule are part of the original marketing plan and had already been approved but there are some new projects which will be funded with \$80,100 of the BP grant that had not yet been allotted for anything else.

She discussed some of the markets such as Atlanta, South Georgia and North Florida but said the print and online banners go throughout the Country and even the world. She named several magazines that will run ads for the areas and she also discussed other efforts for advertising the area.

Mrs. Spohrer also reviewed the projects, such as a seafood media day, on Buy Schedule 4 which also needs Board approval. She also discussed a portable trade show exhibit project and a cable TV flats fishing show project and another PBS travel show.

Chairman Jackel suggested that they work with the Franklin County Seafood Workers Association with some of the events that are being planned.

The Board and Mrs. Spohrer discussed the type of press tour this would be and also using the local visitor centers, instead of Geiger Press Tours, for the press tours. Mrs. Spohrer discussed previous funding received by the local visitor centers and also currently scheduled press tours. Commissioner Sanders stated that the Chambers and Visitors Centers are the main hosts for visitors to the area.

Mrs. Spohrer discussed several more projects for the Buy Schedule.

Chairman Jackel and Mrs. Spohrer discussed commercial photographers.
The Board and Mrs. Spohrer discussed this matter further.

Motion by Lockley, seconded by Putnal, to approve the media buy and Buy Schedule 4 with the exception of \$39,400 for the Geiger Press Tours for Spring and the press Tour Reception which will go to the three local visitor centers instead; Motion carried 4-0.

Motion by Lockley, seconded by Putnal, to use local commercial photographers in Buy Schedule 4; Motion carried 4-0.

Motion by Sanders, seconded by Putnal, to schedule a public hearing for approval of the TDC plan; Motion carried 4-0.

Curt Blair, of Franklin County Tourist Development Council, stated that BP will not provide any additional funding for advertising after the current funding is spent. He discussed the expectation of the return of the tourism market to the area therefore there will be no additional funds from BP. He said no one really knows if the stability of the tourism market is a function of the fact that there has been millions of dollars promoting the West Florida area or not but at the moment most of the markets have returned.

Mr. Blair asked for Board action to reappoint a member to the TDC board.

Motion by Sanders, seconded by Lockley, to reappoint Mr. John Hosford to the Tourist Development Council Board for a four year term; Motion carried 4-0.

Mr. Blair discussed future funding for Keep Franklin Beautiful.
Commissioner Putnal stated that he hadn't heard anything about Keep Franklin County Beautiful in a while.

Motion by Sanders, seconded by Putnal, to authorize \$9,000 for bridge clean-up throughout the County; Motion carried 3-1 Lockley opposed.

Marcia Johnson – Clerk of Courts – Report (12:19 PM)

Mrs. Johnson had no report for the Board.

Recess (12:19 PM)

Chairman Jackel called for a recess.

Reconvene (12:33 PM)

Chairman Jackel reconvened the Meeting.

Alan Pierce – Director of Administrative Services – Report (12:34 PM)

Clay Kennedy, of Preble-Rish, stated that all of the bids are over the grant amount but he recommended C. W. Roberts, which was \$7,700 over the grant amount, for the CR 67 Bridge project.

Motion by Sanders, seconded by Lockley, to accept C. W. Roberts as low bidder and allow Preble-Rish to negotiate: Motion carried 4-0.

Commissioner Sanders stated that there needed to be traffic flow on CR 67 at all times during the project.

The Board and Mr. Kennedy discussed a possible solution to problems with an issue on Otter Slide Road in Eastpoint. Mr. Kennedy stated that he and Mr. Pierce were able to witness a truck pulling a boat along Otter Slide and saw the issue firsthand.

Commissioner Putnal stated that 4th Street in Eastpoint appears to have been cut by EPWS without permission.

Chairman Jackel expressed her concerns with the work being done at 4th Street because of the steep ditches and the need to stabilize the shoulders.

The Board discussed this matter further.

Chairman Jackel asked Mr. Pierce and Attorney Shuler to investigate this matter. She said she wanted the shoulder stabilized and this area restored to its original condition before they began work there.

Mr. Pierce presented his report.

1- Board direction on participating in the Camp Gordon Johnston Parade on Saturday, March 10. The Parade starts at 10:45 AM.

Commissioners stated that they will participate in the Parade.

2- Inform the Board that the Airport Advisory Committee has met and reviewed the applications for the airport FBO and the new hanger, but I am holding the recommendation until the Feb. 21 meeting as directed at the Jan. 17 county commission meeting. I am reporting that the Committee did agree to the one month lease by Siller Helicopter in the new hanger so that they could store their Sikorsky Crane Helicopter. The agreed rent was \$2000 and I have invoiced Siller for the money.

The Board and Mr. Pierce discussed this matter.

3- Mr. Tom Slocum, a retired Delta Airline executive, is recommended by the Airport Committee to become a new member. The Airport Committee does not have a set number of members so it is possible to add members at the pleasure of the Board. Board action.

Motion by Lockley, seconded by Sanders, to add Tom Slocum to the Airport Committee; Motion carried 4-0.

4- Remind Board and public that the military will carry on another training exercise in the area from Feb. 17-March 12. I have contact information for anyone that needs it.

Commissioner Sanders asked again that the public is notified of where and when these exercises are going on.

5- Board action to approve Change Order No. 2, which is the final change order to clean up various items on the stormwater project at the airport. Mr. Ted Mosteller and the airport engineers have signed off on the change order.

Motion by Putnal, seconded by Sanders, to approve Change Order No. 2, as the final change order to clean up various items on the stormwater project at the airport; Motion carried 4-0.

6- Inform the Board that I have contacted Michael Bloodworth and he is coming back next week to fix the solar lights at Abercombie boat ramp.

The Board and Mr. Pierce discussed lighting at boat ramps around the County.

7- Inform the Board that I have contacted Transfield about Woodill Road and about the Two Mile area. On Woodill Road, Transfield has cut back more vegetation, and will be placing more milled asphalt along the north side of US 98. In the 2 Mile area, Transfield will begin next week to clean out the large ditch on the northern edge of the US 98 ROW. They will start at Airport Road and work their way into town. I have also told them about the grass in the emergency lane on the eastern end of the county. On that issue, Transfield has been informed by DOT that Franklin County had passed an ordinance banning the use of herbicides on all state roads in the county. I told the Transfield representatives that the county had requested limited application of herbicides but I did not remember an out right ban. I have checked the Board record and there is no ordinance in place. Board direction for Mr. Bill Mahan to meet with Transfield personnel and develop an appropriate herbicide spraying plan. I recall the areas of concern where SR 65 and the culvert openings that led to the Bay.

8- The Chairman and I met with Transfield personnel on Friday, Feb. 3, to discuss improvements to the bridge cleaning contract and some other items. Transfield is willing to consider providing additional funds if it can be justified so I am putting together a proposal for Transfield to consider.

Transfield, on their part, would like greater assistance from the county informing residents who live along a state highway that it is illegal to put anything in the state ROW. While the county allows it on county roads, it is not allowed on the state highway. Both FHP and FDOT can issue citations with fines up to \$500. Hold up brochure.

Chairman Jackel said the County will work with Transfield to help them out.

9- Ms. Leslie Palmer, DACS, is here to discuss the two issues the Board raised at the last Board meeting- eliminating the harvesting seasons, and improving the shell planting program.

This item was discussed earlier in the Meeting.

14- Board action on contract for GIS mapping.

Motion by Sanders, seconded by Lockley, to approve the 911 GIS Mapping contract, contingent upon Attorney Shuler's review; Motion carried 4-0.

10- Alligator Point Update- Inform the Board that both FEMA and DEP have been visited Alligator Point recently. DEP has issued the county a Warning Letter informing the County that we have 30 days to respond to their demand that we remove the concrete debris that is found along parts of the revetment in front South Shoal. The Board needs to direct county staff to respond to the Warning Letter. Mr. Shuler, Chairman Jackel, and I met with DEP staff prior to the Warning Letter being issued. I recommend that I be directed to develop a debris removal plan for submission to DEP. I have been in contact with FEMA and the cost of removing the debris will be covered in one or more of the still open FEMA PWs for the Alligator Point relocation project. Board action.

Motion by Sanders, seconded by Putnal, to authorize Mr. Pierce and Attorney Shuler to file an administrative appeal if necessary; Motion carried 4-0.

I met with five FEMA representatives on Jan. 26 to update them on the status of the road relocation project. We have submitted a request for reimbursement for the approximately \$307,000 we have spent on purchasing a section of Tom Roberts Road from Capital City Bank. By all indications FEMA has approved the reimbursement and the check is in the mail. Contingent upon receiving those funds I am recommending the Board direct Mr. Shuler and I to begin the acquisition of the 4 Secon Village lots that will allow an additional section of Alligator Point Road to be relocated. As hard as this is to believe, the FEMA reps reminded me that Alligator Point Road is the first permanent road relocation project using FEMA funds that has occurred in the entire state so we need to take advantage of the funds while we have them.

Attorney Shuler updated the Board on the litigation with Capital City. He said once the check is in the County's hands and payment is made, the case will be over. The Board discussed this matter further.

Motion by Sanders, seconded by Lockley, to authorize Mr. Pierce and Attorney Shuler to negotiate on the 4 Secon Village lots; Motion carried 4-0.

Attorney Shuler stated that if the negotiations are not successful he will have to come back to the Board for consideration for a resolution authorizing condemnation proceedings.

11- Health Department update- As the Board directed, Chairman Jackel, Mr. Shuler, and I met on Jan. 18 with DOH representatives Robert "Sterling" Whisenhunt, Kim Barnhill, and a DOH attorney, in Tallahassee to discuss the re-opening of the Carrabelle Clinic. Chairman Jackel led off the meeting with a strong complaint about the lack of communication between DOH and the Board. She reminded the DOH representatives of the critical role the Carrabelle Clinic plays in providing health care in the eastern end of the county.

The DOH representatives stated that the Clinic had a minor mold problem that they believe would be solved within 30 days. DOH would then begin to return services to the building starting with WIC one day a month. The WIC program would continue in Apalach 3 days a month. The number of days WIC is available is based on need. DOH also has a dental program that could be placed in the Carrabelle building, but they made no commitment on re-opening the Clinic as before. They also offered to assist the county in trying to get the North Florida Medical Clinic in Eastpoint to provide better service to the under-insured residents in the county.

This item was discussed earlier in the Meeting.

12- Inform Board I will be out of town Feb. 11-18.

13- As the Board is aware, the NACo drug card, which is actively being used by the citizens of the county, has a benefit to the county as well. The FAC has negotiated a contract with NACo whereby participating Florida counties will get a monetary benefit of promoting the NACo program. It is based upon usage and with the current level of use the county commission will receive approximately \$5,000.

I am awaiting the NACo documents which need to be signed by the Board. In order to facilitate receipt of the funds I ask for Board action to authorize the Chairman to sign the appropriate NACo documents when they arrive.

Chairman Jackel asked that the NACO cards are distributed throughout the County as the County receives a refund for all cards used.

Motion by Sanders, seconded by Putnal, to authorize Chairman Jackel to sign NACo documents; Motion carried 4-0.

Attorney Shuler discussed the NACO contract with the Board.

Mr. Pierce stated that there will be lane restrictions for the next few days on the St. George Island Bridge due to inspections.

Commissioner Putnal asked that the Commissioners be informed of any information concerning the dredging of the Eastpoint Channel.

Chairman Jackel stated that she will be attending a meeting on Monday regarding the dredging of the Eastpoint Channel.

The Board discussed this matter further.

T. Michael Shuler – County Attorney – Report (12:59 PM)

Attorney Shuler presented his report to the Board.

Action Items

1. Proposed Amendment To Hospital By-Laws

The proposed amendments are attached for your consideration. It includes adding another non-voting position, for a total of seven voting and three non-voting members. Five voting members from each district and two voting members at large.

Board Action: Unless the Board desires to make further amendments, I recommend approval.

Attorney Shuler discussed amendments with verbiage changes in the By-Laws, which requires monthly written financial reports to the Board and also removes authority from the Hospital Board to employ a CEO or management company and may not lease the hospital out without the ratification of Franklin County.

Motion carried Putnal, seconded by Lockley, to approve amendments to the Hospital by-laws; Motion carried 4-0.

2. DEP Notice of Violation: Alligator Point Revetment

DEP has issued a Notice of Violation ("NOV") to Franklin County regarding the 2005 placement of construction debris into the revetment as part of the emergency repairs we made following Hurricane Dennis.

Mr. Pierce is working on a written settlement of the NOV. If he completes this within 21 days of the issuance of the NOV, then no appeal is necessary.

If the county and DEP do not timely enter into a written settlement, then you should appeal the NOV so that we can better protect the county's position.

Board Action: Motion to authorize me to file an administrative appeal if no timely settlement is reached with DEP.

This item was discussed earlier in the Meeting.

3. Local Match or Local Preference Ordinance

I have received communications regarding giving further consideration of this issue.

A "local preference" ordinance means that if a local contractor is within a certain percentage of the non-local low bidder, then the local would receive the bid, but at a higher price.

A "local match" ordinance means that if a non-local contractor is the low bidder, then the lowest-bid local contractor would have an opportunity to match the low bid from the non-local contractor. This means that the local contractor has the opportunity to get the job, but at the cost of the lowest bidder and would not result in an increase to the cost of the project.

Board Action: Does the Board want me to prepare a draft ordinance for your review?

Motion by Sanders, seconded by Putnal, to direct Attorney Shuler to move forward with draft Local Preference ordinance for Board review; Motion carried 4-0.

4. Lanark Apartments —Clean-up of Fire Damage

It appears to me that a special assessment ordinance is the most efficient method for the county to undertake this, and any similar project, and, instead of placing lien on the property which may not be paid, the board would, one a case-by-case basis, vote to place a special assessment on the property and a notice sent out by the Tax Collector.

Board Action: Motion authorizing me to draft the ordinance and return it to you for review and approval.

The Board and Attorney Shuler discussed this matter further.

Commissioner Sanders asked Attorney Shuler to ask attorneys in surrounding areas what their solutions are in this type of situation.

Motion by Sanders, seconded by Lockley, to direct Attorney Shuler to gather more information on this matter and return to the Board; Motion carried 4-0.

5. Travel Reimbursement Resolution

At your last meeting you approved changes to the travel stipend. However, you did not allocate how much was to be applied to meals.

How does the Board desire to allocate the travel stipend between Breakfast, Lunch and Dinner?

Under the former travel stipend, I am told that \$7 was allocated to Breakfast, \$12 to Lunch and \$20 for Dinner. This results in 18% being applied to Breakfast; 31% for Lunch and 51% for dinner.

Board Action: How does the Board desire to break-down the new travel stipend between Breakfast, Lunch and Dinner?

Chairman Jackel and Attorney Shuler discussed if there was a problem with discussing this matter at a special meeting and suggested that the Board look at this matter again after more financial information is gathered. She said the Board needs to look at the financial impact of this Resolution.

The Board decided to look at this matter at the next meeting, especially when Commissioner Parrish will be in attendance.

Commissioner Sanders asked Attorney Shuler to get with APTA regarding item 10 on his report.

Action Item — Supplemental Item

Calvin, Giodarno and Associates, Inc. ("CGA")

I need the board to consider approving joinder with CGA to collect a bill from BP for the oil skimmer it staged in Franklin County last year. This matter is time sensitive due to a February 15, 2012 deadline CGA has to file an amended complaint. The details follow.

In May 2010, Franklin County entered into a nonexclusive services agreement with CGA to assist Franklin County with its response to the Deepwater Horizon oil spill.

The contract was "at risk" to CGA such that Franklin County's obligation to pay CGA for its services was contingent upon receipt of payment from the party responsible for the oil spill.

CGA and the responsible party are in litigation over the cost for staging an oil skimmer in Franklin County in the approximate balance of \$400,000.00. The original litigation was removed from Franklin County to the federal district court in Tallahassee, Florida. That court has dismissed the lawsuit with leave to amend. CGA has until February 15, 2011 to file its amended complaint.

CGA has invoked a provision of our contract as follows:

"However, in the event that the responsible party does not compensate Franklin County for CGA's reasonable services and costs, Franklin County and CGA agree to pursue reasonable legal remedies in Franklin County, Florida to obtain such compensation. And, in this event, Franklin County shall in good faith and reasonably assist CGA in [its efforts to collect], provided that CGA shall join as a party and be lead counsel. However, such collections efforts shall not under any circumstances alter Franklin County's conditional payment obligation as stated herein. At all times, CGA understands and agrees that Franklin County has no payment obligation for services, or costs, unless and until the responsible party pays Franklin County."

CGA first attempted to collect without the joinder of Franklin County.

Your contract with CGA contains a limiting condition that our efforts to collect shall occur in Franklin County. You have the right not to join with them based on this provision. Notwithstanding this, I recommend that the board agree to join in the federal lawsuit in Tallahassee, Florida. CGA will be lead counsel and will shoulder the vast majority of the legal fees and costs. Federal practice does not entail many hearings on motion practice. I anticipate

that I would only have to travel to Tallahassee for the trial. This does not mean that the litigation will be without costs.

Board Action: I recommend that the board approve joinder in the federal litigation in Tallahassee.

Chairman Jackel was not in favor of joining this lawsuit because of the added legal fees to the County. She was in favor of assisting with documentation but not anything that will incur legal fees.

Attorney Shuler believed the County should have taken the lead in filing the lawsuit. Commissioner Sanders disagreed and expressed that she was not in favor of joining the lawsuit unless the County's legal fees are reimbursed.

Chairman Jackel and Attorney Shuler discussed the lawsuit being moved outside of the County. Commissioner Lockley stated that the County asked CGA to get this skimmer so it should assist with the lawsuit.

Commissioner Lockley suggested that Commissioner Parrish is involved in this discussion since he did most of the negotiations, so this item should be tabled until the next meeting.

Motion by Lockley, to join the litigation between CGA and BP; Motion failed for lack of a second.

The Board and Attorney Shuler discussed this matter further.

Commissioner Sanders asked that Attorney Shuler inform CGA that if the County gets involved in the lawsuit that they will pay all legal fees.

Non-Action Item

6. Eastpoint Water and Sewer District

I have no update, but I understand the Ms. Belcher indicated to Mr. Pierce that EPWS is obtaining a LOC from their bank, but at a slightly higher cost than I reported, but still reasonable. We have not received the LOC as of the date of this report.

7. Airport FBO Lease

Attached is correspondence from Mr. Silva and myself. The correspondence speaks for itself. In the final analysis, the FBO signed the 3 month extension I prepared.

8. Dr. Catlin's \$40,250.00 Demand Letter

Attached is correspondence from Dr. Catlin's attorney demanding that the hospital pay him \$40,250.00 and my reply letter to him.

9. Apalachicola Times Contract

Attached is a copy of the signed three year contract and my letter to Ms. Carver enclosing a duplicate original to her.

10. Capital City Bank/South Shoals

Attached is Mr. Mowrey's notice of intent to sue Franklin County for damages for alleged damages to his client's property (South Shoals) resulting from our negligence concerning the revetment. The notice is required by the statute as precursor to litigation.

Attorney Shuler asked for Board action to authorize the execution of a deed for the Roscoe Daley house to the land trust.

Motion by Sanders, seconded by Putnal, to authorize execution of the Daley deed to the land trust; Motion carried 4-0.

Commissioner Sanders said she had been approached by local fishermen asking the County to join a Resolution with surrounding counties.

Motion by Sanders, seconded by Putnal, to direct Attorney Shuler to contact Ronald Crum in Panacea and neighboring counties regarding new nets for mullet fishing and possibly join in on the Resolution, contingent upon the Attorney's approval; Motion carried 4-0.

Commissioners' & Public Comments (1:33 PM)

Mr. Pierce discussed the one time allocation of \$750 to County employees.

Motion by Lockley, seconded by Putnal, to authorize a onetime allocation of \$750 for each County and Constitutional employee; Motion carried 4-0.

Adjourn (1:35 PM)

There being no further business, Chairman Jackel adjourned the Meeting.

FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts

Pinki C. Jackel, Chairman –