

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MARCH 6, 2012
9:00 AM**

MINUTES

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

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

Call to Order (9:03 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:04 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes – Feb 7 & Feb 21, 2012 Regular Meeting, Jan 18, 2012 Special Meeting (9:04 AM)

Motion by Putnal, seconded by Sanders, to approve the minutes for the February 7th & February 21, 2012 regular meetings and the January 18, 2012 special meeting; Motion carried 5-0.

Payment of County Bills (9:05 AM)

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

Department Supervisor Report

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

Mr. Chipman had no items for Board action.

Commissioner Sanders asked Mr. Chipman not to cut the grass until the wildflowers bloom on Highway 67.

Commissioner Putnal thanked Mr. Chipman for responding to his requests to have work done in his district.

Chairman Jackel thanked Mr. Chipman for work done on St. George Island to prepare for the Chili Cook-Off. She asked that he do the same in Eastpoint for the Rib Cook-Off.

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

Mr. Johnson had no items for Board action.

Mr. Johnson updated the Board on preparation for the State Tournament and Youth League baseball season.

Commissioner Putnal discussed problems at the St. George Island boat ramp with grass and weeds causing vehicles to lose traction. He also asked Mr. Johnson to check on Ridge Road.

Larry Joe Colson, of Apalachicola, suggested changing the way the ramp is built. Chairman Jackel and Mr. Pierce explained that the design Mr. Colson is speaking of was in the original plan for the dock but was denied permits by DEP.

Chairman Jackel thanked Mr. Johnson for his Department's work on St. George Island for the Chili Cook-Off and asked that he replace the parking bumpers in the parking lot. She asked that his Department prepare Eastpoint for the Rib Cook-Off.

Commissioner Sanders asked Mr. Johnson to look at issues with the recycle bins in Lanark Village.

Pam Brownell – Emergency Management Director (9:14 AM)

Mrs. Brownell had no items for Board action.

Action Items: None

Information Items:

- 1. Emergency Management had the Management Experts conduct a position specific training class on February 23, 2012 at 6:00 pm for first responders and had great participation we also presented their ICS vest to them at that time.*
- 2. The second part of the Geomagnetic storm workshop was held on February 27 at 10:00 am at the EOC and we had great participation for county state holders and hope to see*

more for the exercise scheduled for March 13, 2012 at the EOC starting at 10:30 am till 2:30 pm.

- 3. Emergency Management conducted a meeting to address concerns from the BRACE workshop conducted on February 7, 2012.*
- 4. Mike and I will be attending the NFDSTF meeting in Tallahassee March 8th at 9:00am.*
- 5. The next Region 2 meeting is scheduled for March 14th at 10:00 am at the EOC and afterwards there is a final meeting for the water rescue exercise for April 14th at 1:00pm.*
- 6. Joyce Durham and I and some of the CERT team will be at a tent in Eastpoint during the RIB Cook-off for re-entry tags and preparedness information.*

Commissioner Sanders and Mrs. Brownell discussed recent rainfall amounts.

Commissioner Lockley and Mrs. Brownell discussed storm readiness for the County and also applying for re-entry tags.

Chairman Jackel and Mrs. Brownell discussed the CERT team attending the Rib Cook-Off.

Bill Mahan – County Extension Director (9:16 AM)

Mr. Mahan presented his report to the Board.

- 1) ACTION REQUIRED? Herbicide Application on FDOT Right-of-Way Update – I've been speaking with representatives from the FL Department of Transportation (Donnie Phillips), FL Department of Environmental Protection and Transfield (Rick Conner) about the "ban" on herbicide spraying in Franklin County. To make a long story short, several reasons/stories as to how the "ban" began were discussed. At this point, the plan is to develop a set of guidelines (Best Management Practices (BMPs)) to be used by the licensed applicators to apply herbicides in Franklin County, the BMPs will include the FL Department of Agriculture and Consumer Service's current Right-of-Way BMPs, and any special requests/requirements that Franklin County wants included. These BMPs will then be given to FL Department of Transportation for their review & approval. Do the members of the Board have any specific concerns they would like emphasized in the County's BMPs.

Mr. Mahan and the Board discussed concerns of herbicides and the process used to distribute them.

Commissioner Putnal asked Mr. Mahan to contact the State regarding the use of their beaver trappers as there are problems in Eastpoint and Apalachicola with beavers.

Commissioner Sanders and Mr. Pierce stated that this item was discussed at the last meeting and Mr. Pierce is working with the State on this matter.

Ms. Cindy Drapel – Hospital Update (9:22 AM)

Ms. Drapel updated the Board on the ongoing recruitment at Weems East and stated that there are three new providers. She stated that yesterday was the busiest day ever at Weems East. Ms. Drapel asked that residents be patient as they are still working to install all necessary equipment.

Commissioner Sanders and Ms. Drapel discussed the availability of veteran's Tri-Care services.

Commissioner Lockley and Ms. Drapel discussed the billing system for Weems East.

Commissioner Sanders stated that the \$120,000 was allotted by the Board to be used for Weems East to provide these services if payments don't come in a timely fashion.

Ms. Drapel presented her financial report and discussed with the Board.

Commissioner Lockley and Ms. Drapel discussed having the Hospital billing done in-house rather than contracting it out. Commissioner Lockley explained that in-house billing would be beneficial for the County in many ways.

Commissioner Lockley and Ms. Drapel discussed having a full time CEO versus her filling both the CEO and chief nurse positions.

Commissioner Putnal thanked Ms. Drapel for keeping the Board updated.

Attorney Shuler presented Item 1 from his Supplemental Report.

1. Hospital By-Laws

Attached is an amendment to the hospital by-laws suggested by your acting CEO, Cindy Drapel. Cindy suggests that the finance committee chairman's duties set forth in paragraph 5.7(E) should be relocated to that part of the by-laws setting forth the duties of the CEO in paragraph 5.6. I concur with her recommendation. A copy of the proposed change is set forth on page 7 of the attached draft amendment to the hospital by-laws.

Board Action: Motion to approve changing the by-laws to require that the CEO, not the finance committee chairman, provide financial reports to the county.

Commissioner Sanders and Chairman Jackel stated that they would prefer both the CEO and the CFO be listed as the responsible parties to present financial information to the Board.

Motion by Putnal, seconded by Sanders, to request that the Weems Hospital CEO and CFO present financial information to the Board; Motion carried 5-0.

Motion by Lockley, seconded by Parrish, to appoint Mr. Robert Davis to the Hospital Board, replacing Mrs. Marjorie Solomon; Motion carried 5-0.

Chairman Jackel asked that Staff send letters of appreciation to Mrs. Marjorie Solomon, Mrs. Gail Dodds, and Mr. Paul Marxsen for their service to the Weems Hospital Board.

Mr. Tommy Summerhill – County Jail Update and Discussion of Enforcement of Parking Ordinance (9:41 AM)

Sheriff Skip Shiver discussed the letter received from the Department of Corrections stating that the contract for housing State inmates will be ending in March 2012.

Commissioner Putnal and Sheriff Shiver discussed the status of inmate labor. Sheriff Shiver stated that labor would still be available but all County Departments would have to travel to the Correctional Institution in Carrabelle to pick the inmates up.

Commissioner Lockley asked how much of a reduction it would be to his budget. Sheriff Shiver discussed the funding reduction.

The Board and Sheriff Shiver discussed using County inmates to provide labor.

Commissioner Sanders explained that this contract is a done deal but she doesn't want the County to lose the labor force of the State inmates.

Chairman Jackel asked Sheriff Shiver to look into the legality of using County inmates for labor.

The Board and Sheriff Shiver discussed the parking issues in certain parts of the County.

Chairman Jackel stated that she was against a County-wide parking ordinance and stated that the current Ordinance allows for penalties for blocking of driveways and certain right of ways.

Commissioner Sanders stated that the main parking problem is in Alligator Point and discussed this issue further. She explained that if the County gets the Sea-Conn lots from Capitol City, this might resolve the parking problem.

Attorney Shuler suggested an Ordinance that restricted parking in certain designated areas but allowed parking everywhere else in the County.

Commissioner Parrish and Attorney Shuler discussed the County's liability for allowing parking on the Right of Way.

The Board and Mr. Pierce discussed the parking problem in Alligator Point.

Commissioner Sanders asked the Sheriff to enforce the current Parking Ordinance until the Board sees the need for further action.

Commissioner Putnal asked the Sheriff to look into a problem with speeding on Wilderness Road. The Sheriff stated that he would have more of a presence on that road.

Open Bids – Replace AC Condenser for Courthouse Annex (10:02 AM)

Mr. Pierce opened and read the bids to replace the AC Condenser for the Courthouse Annex.

Air Mechanical – \$35,884.00 – Tallahassee, Florida

GW Services – \$53,220.00 – Port St. Joe, Florida

Emerson – \$40,023.00 – Port St. Joe, Florida
Comprehensive Energy Solutions – \$67,048.00 – Tallahassee, Florida

The Board discussed this matter further.

Motion by Sanders, seconded by Parrish, to forward bids to Staff for a recommendation and be presented to the Board at the March 20, 2012 Meeting; Motion carried 5-0.

Recess (10:07 AM)

Chairman Jackel called for a recess.

Reconvene (10:22 AM)

Chairman Jackel reconvened the Meeting.

Motion by Sanders, seconded by Lockley, to amend the Agenda to include the Planning & Zoning report; Motion carried 5-0.

Planning & Zoning – Report (10:22 AM)

Mr. Pierce presented the items for approval.

1. Recommended Approval- Unanimous: Consideration of a request to construct a Single Family Dock at NW ½ Lot 1, Block N, Peninsular Point, Unit 3, 1536 Alligator Drive, Alligator Point, Franklin County, Florida. The access walkway will be 400' x 4' with a 12' x 8' covered terminal platform with an additional 8' x 3' wide step down. This dock meets all local, state and federal requirements and has all state and federal permits. Request submitted by Larry Joe Colson, agent for David Ramba, applicant. (Has House).

2. Recommended Approval- Unanimous: Consideration of a request to construct a Single Family Private Dock at the West ½ Lot 88, Block C, Unit 3, St. James Island Park, 3170 Highway 98 East, St. James, Franklin County, Florida. The access walkway will be 200' x 4' with 10' x 12' terminal platform. This dock meets all local, state and federal requirements and has all state and federal permits. Request submitted by Guillermo Morales, applicant. (Has House).

Motion by Sanders, seconded by Putnal, to approve Items 1 & 2 of the Planning & Zoning report; Motion carried 5-0.

Presentations – New Hangar Lease (10:25 AM)

Mr. Pierce stated that only two of the three companies invited to make presentations are in attendance.

ARTIC

Robert C. Riegler, CEO of StratCorp Inc., of Tampa, Florida, owners of ARTIC, discussed his company and how it would benefit Franklin County.

Commissioner Putnal asked how ARTIC would provide local jobs. Mr. Riegler explained how his company has helped the economy and provided jobs at other locations.

Commissioner Lockley and Mr. Riegler discussed the availability and types of local jobs. They also discussed possible air traffic issues at the Airport.

Commissioner Putnal and Mr. Riegler discussed future use and company expansion out of the airport.

Commissioner Lockley asked when the job positions will be filled and Mr. Riegler stated that he might have twenty employees in place as early as the summer but definitely before the end of the year.

Chairman Jackel asked if he would be willing to allow a clause regarding local employment in the lease. Mr. Riegler said he would be willing to do this and is also amendable to a change in the lease regarding the amount of time.

Chairman Jackel and Mr. Riegler discussed the area indicated in his map north of the airport for testing. They discussed the impact of his company's testing on the local community. He stated that his company is funded partially by Congress for particular projects.

Grace Industries / HIT:

James Lawrence, of Grace Industries/HIT, explained his company's plan and mission and how it would be beneficial for Franklin County. He said the company's plan was not to just launch a business here but to launch a new industry. He said his team is the inventor of a shipping system and explained how his company works. He said his company would produce at least 122 jobs over a 5 year period and explained each phase of the company's plan.

Chairman Jackel asked Mr. Lawrence to be more specific on what his company will do in this area. Mr. Lawrence explained that this will be a corporate headquarters for his company and stated that his company would offer administrative, IT, sales and support type jobs for his company. He explained what his company creates and manufactures in other areas.

Commissioner Sanders asked Mr. Lawrence if he was looking more at the industrial side of the airport instead of flying planes in and out and he said that is correct. She said she wanted to know how this was going to affect the area in the long haul. Mr. Lawrence explained that his company will not be doing transportation and logistics at the Airport. He said this could be Apalachicola's first publicly held company.

Commissioner Parrish and Mr. Lawrence discussed working with the current FBO at the Airport. They also discussed the quantity and types of jobs that will be available for the local workforce. Chairman Jackel asked if he would be amenable to employment triggers and a shorter time in his lease, and he stated that he would as long as there is some measure of flexibility.

Chairman Jackel stated that the employment projection of each company is the key decision for the Board.

Commissioner Sanders explained the history of this Board and over the years trying to make the Airport better for Franklin County.

Chairman Jackel asked the Board if they wanted to discuss Island Air, the third company that didn't have a representative at the Meeting.

The Board discussed this matter and stated that Island Air was also given the same opportunity and chose not to attend, so they decided not to discuss this company.

Commissioner Lockley discussed the advantages and disadvantages of both of the companies.

Chairman Jackel asked if there were any grants in the future for the expansion of the airport.

Ted Mosteller, Manager of the Apalachicola Airport, discussed some small grants that were pending at this time but stated that there are none for airport expansion.

Mr. Pierce discussed some possible funding for interested parties.

Commissioner Parrish stated that he is in favor of Grace Industries/HIT.

Commissioner Lockley stated that he is in favor of ARTIC because of the immediate job opportunities.

Chairman Jackel was also in favor of ARTIC because of the creation of jobs and defense contracts. She believed that Grace Industries/HIT would depend more on the economy.

Chairman Jackel asked Attorney Shuler to explain the process of the triggers for job creation in the leases. Attorney Shuler explained that this would provide the Board an opportunity to terminate the lease sooner or renew the lease.

Chairman Jackel stated that the community impact of ARTIC's proposal does cause her concern.

Motion by Parrish, seconded by Putnal, to accept the Hangar proposal of HIT/Grace Industries and enter into negotiations; Motion carried 4-1, Lockley opposed.

Marcia Johnson- Clerk of Courts Report (11:29 AM)

Mrs. Johnson had no report for the Board.

Alan Pierce- Director of Administrative Service (11:29 AM)

Mr. Pierce presented his report to the Board.

1- Provide the Board with copy of FEMA reimbursement for Alligator Point Road. The county has been fully reimbursed and the funds have been returned to the Bald Point Trust Fund. The

Board has already directed staff to begin work on acquiring the second phase of the relocation project. We have until Nov. 2012 to complete the relocation project.

2- Inform Board that we are still working on the debris removal plan for Alligator Point. The deadline for submittal is March 21. I will be visiting the Point this week with DEP to look at what needs to be done.

The Board and Mr. Pierce discussed the timeline for this project.

3- Provide the Board with an update regarding the Franklin County Health Department. I have spoken to Ms. Kim Barnhill, Interim Health Dept. Administrator. She acknowledges that she is only an interim director and at some point there will be a search for a permanent director.

Ms. Barnhill would like the Board to know that the Health Dept. will be building on the recent NACo community health assessment to provide guidance on what public health issues the Department needs to focus. The community will see notices about the Local Public Health System Survey in the next few weeks. I have provided the Department with the results of the NACo survey.

At this time, Ms. Barnhill is focusing on women's health and core public health issues like immunizations, family planning, HIV, STD, TB, WIC, and the anti-tobacco message. She is attempting to bring the FSU Medical School into the community to provide services, and she is interested in bringing dental services to the county as well.

The Carrabelle Clinic will continue to have the services of Dr. Backerman every Wednesday, WIC one day per month to start and then we will add another day, and Healthy Start and Healthy Families. The FSU physician will be housed in Carrabelle as well.

4- The county health insurance carrier, Blue Cross Blue Shield needs direction from the Board regarding a dependent spouse being allowed to remain on the county plan upon the death of the member. Members are allowed to add dependents to the county plan but the county does not subsidize the premiums- the member is responsible for 100% of the premium. In the current case at hand, the dependent was on the member's plan at the time of death. It is the pleasure of the Board to allow survivors to remain on the plan with the survivor being responsible for 100% of the premium, so long as they were insured at the time of the member's death, or to disallow the continuation. Board direction.

The Board discussed several questions concerning this matter as this seems to be a new request.

The Board asked for more information before taking any action and Mr. Pierce said he will investigate this matter.

5- Board direction on covering maintenance cost at the fuel farm at the airport. Mr. Bill Ruic, current FBO, called Southern Petroleum Systems, to repair a blocked valve at the fuel tank. Mr. Ruic told Southern Petroleum that the county would pay for the repairs even though Mr. Ruic

did not receive permission from the county before calling for repairs. I have discussed the repairs with Mr. Paul Gainous, Southern Petroleum, and with Ted Mosteller. I have inspected the fuel farm to understand the situation.

It appears that Mr. Ruic has provided no maintenance on the fuel farm since it was installed, even though his lease calls for him to perform maintenance. Considering the situation of the current FBO, it is unlikely he will pay the bill. The total bill is for \$2157.99. Of that, \$1,271.60 represents travel and mileage for South Petroleum to drive to the site from Dothan, Alabama, and \$886.39 represents the materials and labor time for doing the repairs. Mr. Gainous did install two filters provided to him by Mr. Ruic on the fuel tanks at no expense while he was down here. He believes those were the filters that he gave Mr. Ruic 4 years ago when Mr. Gainous initially installed the fuel farm.

Mr. Gainous would appreciate any consideration the Board would give on this outstanding invoice. Any payment would come out of airport funds.

The Board asked that there is language in the agreement with the new FBO protecting the County from this type of situation in the future.

The Board asked Mr. Ted Mosteller, Airport Manager, to be more aware of these types of situations.

Attorney Shuler discussed what language would be in the agreement.

Motion by Parrish, seconded by Lockley, to pay \$886.39 to Southern Petroleum Systems for the repairs but not pay the travel and mileage amount of \$1,271.60; Motion carried 5-0.

6- Board direction on draft Resolution supporting the Northwest Florida Water Management District. Mr. Dan Tonsmeire is requesting the Board consider a Resolution that supports four items. The full Resolution is attached but the four items are listed below:

- 1) Supports the NFWWMD structure and functions as defined in Chapter 373, F.S.;*
- 2) Supports continued funding adequate for the NFWWMD, so the NFWWMD may accomplish its lawful missions of management, protection and balance public use of the Apalachicola River and Bay with a commitment of proper public notification to, consideration of, and support from Franklin County Commission;*
- 3) Opposes any centralization- command and control of regional and local water resources within the executive and/or legislative branches of government, or by any statewide board or authority; and*
- 4) Vehemently opposes any effort to move water from its current public ownership structure.*

Commissioner Sanders provided some history on this issue and some of items she would like to be put in place to protect Franklin County. She expressed concerns with the Board no longer being notified of road closures and other things being taken away from residents. She believes this Resolution might protect the citizens a little better.

Commissioner Parrish commented on Item 4 of the Resolution. He said this will prevent taking water from North Florida and piping it down to South Florida.

Dan Tonsmeire, of ABARK, commented on the Resolution.

Alan Feifer, of Alligator Point Taxpayers Association, asked if there was any language to stop water from going to Wakulla County.

Mr. Tonsmeire stated that since we are in the same district as Wakulla he wasn't able to answer that question.

Mr. Feifer stated that Alligator Point is short of water and NWFWM stopped Alligator Point from getting water from Wakulla. He wanted to know if this Resolution would have any effect on this issue.

Commissioner Sanders said she didn't believe this Resolution would have anything to do with the water issue in Alligator Point.

Motion by Putnal, seconded by Parrish, to approve the Resolution as amended; Motion carried 5-0.

7- The Board has been requested to support a Resolution for encouraging wildflowers on State Road 65.

Motion by Putnal, seconded by Lockley, to support the Highway 65 Wildflower Resolution; Motion carried 5-0.

8- The Board has been requested to support a Resolution recognizing the 100th anniversary of the Girl Scouts.

Motion by Sanders, seconded by Putnal, to support a Resolution recognizing the 100th anniversary of the Girl Scouts; Motion carried 5-0.

9- Inform the Board that the Florida Building Code has changed the wind speed maps for all counties in Florida. The old wind speed maps were based upon distance off the coast. If you were south or west of SR 65 you had to build to 140 mph wind load. If you were east of SR 65 you had to build to 130 mph wind load. The new wind speed maps are based upon the type of building. Essentially for all single family structures in Franklin County, the wind speed requirement is 130 mph, and for public buildings the wind speed requirements can rise to as high 150 mph depending where you are in relation to the Gulf.

10- At the last Board meeting, I was directed to investigate the resignation of an employee at the Public Library. I have interviewed the employee and discussed the situation with her. I

recommend the Board not accept her resignation, but instead allow her to continue to work at the Carrabelle Branch under the direct supervision of Tonia Creamer, the Branch Manager. I further recommend that her hourly rate be increased to \$10/hr which is the rate of pay for all other permanent part-time positions with the County.

Motion by Sanders, seconded by Putnal, to not accept the library employee's resignation, increase pay rate to \$10 per hour and place under the supervision of Tonia Creamer, as recommended by Mr. Pierce; Motion carried 5-0.

The Board discussed having the library report to the Board periodically.

Motion by Lockley, seconded by Sanders, to have the library report to the Board on a quarterly basis; Motion carried 5-0.

11- Inform the Board that despite the adamant statements from the state energy office that there would be no time extensions on the energy grant, the state itself has gotten a time extension from the feds so we have the ability to ask for a time extension. Board action to sign letter requesting a 45 day time extension. We need the time extension to resolve the window issue with the state Historic Preservation Office, and to give time to complete the project in Carrabelle. The state Historic Preservation Office does not like the style of windows the architect has offered. Mark Curenton and the architect are still trying to work through that with the state.

Motion by Sanders, seconded by Parrish, to authorize the Chairman's signature on a letter for a 45 day time extension on the energy grant; Motion carried 5-0.

Mr. Pierce and the Board discussed the problem with restrictions on assisting residents with completing their oyster licenses.

Commissioner Putnal asked that this decision be changed so that Ms. Daniels could continue to help applicants needing assistance to complete their license applications. Mr. Pierce stated that he would contact Leslie Palmer concerning this issue.

Chairman Jackel and Mr. Pierce discussed the progress of removing the abandoned boat. Commissioner Putnal discussed another abandoned boat that needs to be removed and one that is sunk at a boat ramp in Eastpoint.

T. Michael Shuler- County Attorney Report

Attorney Shuler presented his report to the Board.

Action Items

1. Highway Patrol Station Property — Eastpoint, Florida

In 1969, Franklin County conveyed the fee simple interest in a certain parcel of real property in Eastpoint, Florida to the Trustees of Internal Improvement Trust Fund for the construction of a Highway Patrol station. The land was not sold at fair market value.

The deed contained the following restriction: "Provided, however, that inasmuch as Franklin County, Florida is conveying this parcel for a nominal consideration only for the construction of Highway Patrol Station, the within conveyed lands shall revert to the said county if such a station is not constructed on the property within 1 year, from the date hereof.

The State of Florida intends to sell the property and requests that the county release the restriction on the property.

It is likely that the deed restriction will limit the use of the property to Highway Patrol station purposes only unless the county releases the restriction.

BOARD ACTION: Does the Board desire to communicate to the State a request that this parcel of land be re-conveyed to Franklin County?

Motion by Sanders, seconded by Putnal, to request that the State re-convey the FHP station in Eastpoint back to Franklin County; Motion carried 5-0.

Informational Items

2. Clements v. Taylor, et al and Franklin County 09-109-CA

Clements sued the Taylors and Browns to relocate a private easement off of their property at St. Theresa. Franklin County has been involuntarily made a party to this lawsuit by the Defendants, who claim that we are an indispensable party because we own and control the right of ways within the subdivision. Although we are a party, the Plaintiff is not seeking any relief from the county. The Defendants strategy in naming the county as a party is unclear to me as the Defendant also has not sought relief from the County. The County itself does not have any present plan to open any part of the roadway system which is not presently in use by the public.

A one day bench trial is scheduled for August 29, 2012.

3. Progress Energy Transmission Line

Progress Energy has resumed work on the transmission lines between Eastpoint and Apalachicola. Their helicopter company is again using a part of Indian Creek Park for a landing zone in the same spot you have previously authorized.

Attached is a renewed Hold Harmless and Indemnification Agreement I have had them execute. They have also provided an updated certificate of insurance naming the county as an additional insured on the liability policy, which is in the Clerk of Court's files.

4. Capital City Bank v. Franklin County and DEP

a. Attached is a copy of the February 23, 2012 letter I sent to the Department of Financial Services requesting their services in assessing the risks of the bank's Notice of Intent to Sue the county for negligent failure to maintain the road and/or the revetment.

b. Attached is a March 1, 2012, letter agreement engaging the appraisal services of Clay Ketchum for updating the appraisal on the four Se-Con Cove lots owned by the bank. The

updated appraisal is necessary to the condemnation previously authorized by the board. His fee is \$2,500.00.

c. Attached is a March 1, 2012 letter to Marshall Conrad, Esq., enclosing a copy of the signed Final Judgment of Condemnation against the bank for the strip of land through South Shoals Subdivision, together with the \$250,000.00 check representing the final payment to them for the land. The total FEMA funds paid to the bank is \$280,000.00. This concludes phase I of the condemnation.

5. Deed From Franklin County to the Franklin County Land Trust

Mr. Watkins emailed me March 1, 2012 and advised that the land trust approved acceptance of the county deed to them for the Daly house in Lanark Village, Florida. Apparently, there was some concern on the part of the land trust regarding the deed restriction limiting use of the land to affordable housing purposes only. They accepted this restriction and I have recorded the deed. The original deed was placed in Mr. Watkins mailbox at the courthouse on March 2, 2012.

6. Parking Ordinance

A copy of the parking ordinance is attached for your use during the Sheriff's presentation concerning parking issues in the county.

Supplemental Action Items

1. Hospital By-Laws

Attached is an amendment to the hospital by-laws suggested by your acting CEO, Cindy Drapal. Cindy suggests that the finance committee chairman's duties set forth in paragraph 5.7(E) should be relocated to that part of the by-laws setting forth the duties of the CEO in paragraph 5.6. I concur with her recommendation. A copy of the proposed change is set forth on page 7 of the attached draft amendment to the hospital by-laws.

Board Action: Motion to approve changing the by-laws to require that the CEO, not the finance committee chairman, provide financial reports to the county.

This item was discussed earlier in the Meeting.

2. DOT/Transfield Services Bridge Clean-Up Contract

The DOT/Transfield Services Contract granting the county \$10,003.05 for cleaning the bridges in Apalachicola, Carrabelle and the Island is attached. This renews the existing contract and is in the same approximate amount as last year and is for a one-year period.

Board Action: Motion to approve the contract and authorize the chairman to sign it.

Attorney Shuler asked that the Board strike through the indemnity language that is in the proposed contract as they did last year.

Motion by Sanders, seconded by Parrish, to approve contract in the amount of \$10,003.05, with DOT/Transfield for bridge cleaning, with Attorney Shuler's recommended amendment; Motion carried 5-0.

3. Probation Services Contract

The probation services contract for county court is attached. The fees are the same as the last contract and the county has the right cancel upon 90 days notice without cause.

Board Action: Motion to approve the contract and authorize the chairman to sign it.

Motion by Parrish, seconded by Sanders, to approve and authorize the Chairman's signature on the probation services contract for County court; Motion carried 5-0.

4. CGA and Franklin County vs. BP

A copy of the proposed Second Amended Complaint is attached for your consideration. Unless the Board directs otherwise, this is the version that will be filed with the court.

Commissioners' & Public Comments (12:07 PM)

Commissioner Parrish asked the Chairman to recognize Mr. Buddy Page to discuss a net ban Resolution.

Arthur 'Buddy' Page, of Eastpoint, presented a handout and discussed the problems with the size of the mesh and also types of nets. He asked that the Board support this Resolution. Commissioner Parrish provided additional information on this item. He believed the Board needed to move forward with this matter.

Mr. Page asked that the language is changed to any size, regarding the nets.

Motion by Lockley, seconded by Parrish, to approve the Resolution, including the change to include any size nets, contingent upon Attorney Shuler's approval; Motion carried 5-0.

Adjourn (12:15 PM)

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

Pinki C. Jackel, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts