

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
MAY 1, 2012
9:00 AM**

MINUTES

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

Commissioner Sanders was absent due to surgery.

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

Call to Order (9:02 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:02 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes (9:04 AM)

Motion by Lockley, seconded by Putnal, to approve the Minutes from the April 3, 2012 regular meeting; Motion carried 4-0.

Payment of County Bills (9:04 AM)

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

Department Supervisor Report

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

Mr. Chipman had no items for Board action.

Commissioner Putnal asked Mr. Chipman to have his work crew clean a County ditch on Island Drive in Eastpoint.

Alan Pierce – Report Item #7

Mr. Pierce presented Item #7 from his report.

7- Commissioner Sanders has asked that I get with Hubert to work on putting oyster shells on 3 street ends in Lanark- Arkansas, Arizona, and Colorado, so that small skiffs, kayaks, and canoes can be launched.

Commissioner Putnal stated that he has had a lot of these requests, especially for boat launching.

Van Johnson – Solid Waste Director (9:07 AM)

Fonda Davis was present for Mr. Johnson.

Mr. Davis asked Mr. Pierce to provide information regarding the standard report for the County Recycling Program. Mr. Pierce asked for Board action to sign the Solid Waste Recycling report for DEP.

Mr. Pierce said there were almost 400 tons of newspapers, 150 tons of cans and miscellaneous other items.

Motion by Putnal, seconded by Parrish, to authorize the Chairman's signature on the report to DEP for the County's recycling efforts; Motion carried 4-0.

Commissioner Lockley and Mr. Davis discussed the progress on renovations at the armory. Mr. Davis said he will present the Board with a report at the next Meeting.

Chairman Jackel asked Mr. Davis to explain the process for recycling paper at the Landfill. Mr. Davis explained that newspaper and any other paper that is not wax coated is recyclable. Commissioner Putnal and Mr. Davis discussed the process for recycling plastic.

Pam Brownell – Emergency Management Director (9:12 AM)

Mrs. Brownell had no action items for the Board.

Mrs. Brownell stated that she talked to all seven of the candidates running for State Representative, who promised to assist the County with getting a new Emergency Management Center. She said she will be calling to remind them of their promise once they are elected.

Mrs. Brownell and Chairman Jackel confirmed the date, May 7, 2012 at 11:30 AM, for the meeting with Progress Energy for switching power on St. George Island.

Action Items: None

Information Items:

- All members of the Emergency Management team handed out brochures and issued re-entry tags Saturday and Sunday April 28 & 29 at the Riverfront Festival in Carrabelle, Florida
- Pamela Brownell and Mike Rundel attended a Department of Transportation meeting in Chipley Monday, April 30.
- Pamela Brownell, Director, Joyce Durham, Special Needs Coordinator, and Tom Durham, Public Information Officer for Emergency Management will be attending the Governor's Conference May 13 thru May 18 in Ft. Lauderdale.
- The Emergency management team will be participating in the state hurricane exercise May 21 and 22.
- Emergency Management will host a meeting for the Red Cross on May 23
- Emergency Management will host a Public Information Officers Meeting at the EOC office. All Public Information officers in Franklin County plus the news media have been invited to attend.

Bill Mahan – County Extension Director (9:14 AM)

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

Franklin - UF IFAS Updates

Seafood HACCP Alliance Train-the-Trainer Session – I have been selected to take the Seafood HACCP Alliance (SHA) special Train-the-Trainer session organized to prepare additional, 'qualified' instructors to provide the standard SHA Basic Seafood HACCP Courses in accordance with established protocol recognized by the Association of Food and Drug Official (AFDO) and the U.S. Food and Drug Administration (FDA). The course is scheduled for Miami on June 26th – 29th.

Annual Countywide 4H Tropicana Public Speaking Contest – This year's Countywide 4H Tropicana Public Speaking Contest will be held on May 10th. Final details are being worked out.

UF Healthy Gulf Healthy Communities Forum – The forum was held on April 26 at the Armory. The purpose of the forum is to develop approaches and strategies that involve communities affected by the BP oil spill in a participatory way. The day's activities included facilitated discussions on topics relating to community needs, dissemination of project results/plans to date and development of plans and draft ideas for community outreach efforts, shared network exchanges and capacity building.

Commissioner Putnal and Mr. Mahan discussed the new rules regarding oyster harvesting.

Commissioner Putnal, Mr. Pierce and Mr. Mahan also discussed the possibility of Red tide showing up in the area.

Ms. Cindy Drapel – Hospital Update (9:18 AM)

Cindy Drapel and Steve Lanier, of Weems Memorial Hospital, appeared in front of the Board. Mr. Lanier reviewed the financial reports that were submitted to the Board. He said the current account balance is \$877,362.00; accounts payable are \$626,186.00 and total accounts receivable are \$3,819,319.00. Mr. Lanier said with bad debt, charity and contractual allowance added, the total of all accounts receivable is \$7,730,195.00.

Chairman Jackel and Mr. Lanier discussed the bad debt amount on the report.

Commissioner Putnal stated that he has been receiving some positive comments regarding the hospital and how well patients are treated.

Mr. Pierce, Mr. Lanier and Ms. Drapel discussed the total amount of patients that can be seen in Carrabelle.

Chairman Jackel stated that she would like better signage for the Weems East location in Carrabelle. Ms. Drapel said the sign is currently being redesigned.

Chairman Jackel suggested a mailer advertising campaign to be sent to residents as far as Alligator Point to make everyone aware of the new hours of operation for Weems East. Ms. Drapel discussed other advertising efforts for the Eastern side of the County.

Chairman Jackel and Mr. Lanier discussed the census of patients being seen at both Weems locations. They also discussed the efficiency of the new financial reporting procedures.

Ms. Drapel discussed the new diabetic classes to be offered in Carrabelle and Apalachicola as a community service. These will be educational classes for the community.

Ms. Drapel also stated that free sports physicals are being offered for the local schools.

Chairman Jackel was very supportive of these new efforts.

Mr. Pierce, Commissioner Lockley and Ms. Drapel discussed the efforts to change the way traffic flows in the emergency room parking lot at Weems Hospital.

Marcia Johnson – Clerk of Courts Report (9:31 AM)

Mrs. Johnson had no report for the Board.

Alan Pierce- Director of Administrative Service (9:31 AM)

Mr. Pierce presented his report to the Board.

1- Inform the Board that Ms. Kim Barnhill emailed me to announce that the Health Department was successful in getting the \$90,000 dental grant she spoke of at a previous Board meeting. She thanked the Board for its support. They intend to start the construction on the dental project in Carrabelle today, May 1.

Ms. Barnhill had also gone to the school board and made a request for funds to open up a dental program in the Franklin County Consolidated School. She has just heard that they were approved for the school program also. They will start construction on the school project when school gets out in June. Ms. Barnhill is also working on a \$300,000 grant to pay for more dental assistance.

The Board discussed this matter further, including installing dental chairs in Apalachicola.

2- At the last Board meeting I was directed to contact the Franklin County Sheriff's Office regarding the possibility of getting federal inmates to replace the state inmates that are no longer being housed in the jail. The purpose of getting federal inmates would be to help the Sheriff find a revenue stream to help his budget. I have spoken to representatives at the Franklin County Sheriff's Office and representatives at the Wakulla County Sheriff's Office. As the Board is aware the Wakulla County Sheriff's Office currently houses federal inmates so they are a good source of information for what it takes to get federal inmates.

Wakulla County only houses between 2-5 federal inmates, but they currently house between 40-60 Immigration detainees. Wakulla County built a facility that can house up to 140 Immigration detainees and the numbers have been as high as 110 detainees in the past. Immigration detainees have a non-criminal status and are called detainees not inmates and must be housed separately from the criminal population. At 40-60 detainees Wakulla County is breaking even on running the detainee facility.

The future looks bleak for Franklin County to house detainees for two reasons: there are currently 4 county jails in the state that house Immigration detainees- Wakulla, Baker, Glades, and Monroe. Wakulla holds detainees for North Florida. Since Wakulla has a surplus of beds it is unlikely that another facility in North Florida is necessary. Further, the Immigration agency is looking at building a new facility in central Florida to hold all detainees in one location. It would be a 1500 bed facility and all the counties would be out of the detainee business.

The other problem for Franklin is that a facility holding Immigration detainees must be certified and it is unlikely that a 20 year old jail will pass federal immigration standards without significant upgrades. As an example, Wakulla had to build a separate barber shop just for the detainees to get their haircut.

The Board also asked that I investigate the opportunity for the county jail to hold county inmates from other county jails. I have asked the FCSO to assist me in this search since they would have better access to information through the Florida Sheriff's Association on what Sheriff needs help housing inmates.

The Board and Mr. Pierce discussed this matter further.

3- Update the Board on the April 23 meeting I attended in Destin regarding the \$10M appropriated to the Univ. of West Florida (UWF) for economic development in the 8 impacted counties. The meeting was jointly sponsored by UWF and Florida's Great Northwest. UWF made the bulk of the presentation and stressed the requirement for job creation in order to access the funds. The minimum number of jobs an employer must create in order to be eligible for UWF funding is 10 positions. For a large company in a larger county creating 10 jobs may not be difficult but that represents a large number for a company trying to start up in Franklin County. UWF is also limiting upfront cash as the Legislature wants to make sure that taxpayer money is spent only when there is already a serious private sector commitment. At this time out of the 8 impacted counties UWF has approved only 1 Letter of commitment for funding.

The Board discussed this matter further.

Chairman Jackel asked who set the criteria for the employer being required to create 10 positions in order to be eligible for funding. Mr. Pierce discussed this matter.

Chairman Jackel asked the Board to consider a letter to the Legislature explaining the hardship the required criteria puts on small counties.

Commissioner Parrish agreed that the criteria are not designed to help small counties, only the larger counties with more established businesses.

Chairman Jackel suggested that the Small County Coalition takes this up as an item to address.

Motion by Putnal, seconded by Lockley, to send letter to Legislative Delegation explaining the problem with required criteria for economic development and copy letter to other small counties; Motion carried 4-0.

4- Inform the Board that the Judge hearing the BP lawsuits has announced that he is favoring a settlement between all parties instead of going to trial so it is possible that at the May 7 NRDA meeting that Commissioner Parrish and I are scheduled to go to there might be some more progress made on awarding NRDA funds. BP has stalled on agreeing to any funding as they want a settlement instead of a trial.

Mr. Pierce explained that he has a conflict with this date due to a scheduled meeting for pre-bid conference on the rock revetment at Alligator Point. He said Commissioner Parrish will be attending the NRDA meeting.

Motion by Lockley, seconded by Putnal, to authorize travel for Commissioner Parrish to attend the NRDA meeting; Motion carried 4-0.

5- Inform Board and public that the bridge approach project on CR 67 has one layer of asphalt and a second layer of asphalt is still to be put down.

6- Inform the Board that C.W. Roberts has fixed the southern side of the intersection of 4th St. and Avenue A in Eastpoint. The southern side had the large dip that was causing boat trailers to catch.

Commissioner Putnal and Mr. Pierce discussed why the County was hesitant to get involved with repairing the other side of this intersection.

The Board discussed other possible cuts made by EPWS on Avenue A.

Chairman Jackel asked Mr. Pierce to let her know when C.W. Roberts will be in that area as there is another location, near Coy Shiver's home, in need of attention.

7- Commissioner Sanders has asked that I get with Hubert to work on putting oyster shells on 3 street ends in Lanark- Arkansas, Arizona, and Colorado, so that small skiffs, kayaks, and canoes can be launched.

This item was discussed earlier in the Meeting.

8- Board action to ratify a policy that the Board and the Planning and Zoning Commission have been implementing for a long time. Mr. Shuler and I want to add the following language to the Planning and Zoning Agenda and application for subdivision plat approvals: **The Planning and Zoning Commission makes recommendations to the Board of County Commissioners regarding your application. All applicants are notified that if your application is denied, it may not be resubmitted for one year. Also, any person wishing to appeal the recommendation of the Planning and Zoning Commission or the decision of the Franklin County Board of County Commissioners are responsible to ensure that a verbatim transcript of the proceedings is made.**

Attorney Shuler explained reasons for implementing this new language.

Motion by Parrish, seconded by Lockley, to approve the insertion of language in the Planning and Zoning Agenda and application for subdivision plat approvals as follows: The Planning and Zoning Commission makes recommendations to the Board of County Commissioners regarding your application. All applicants are notified that if your application is denied, it may not be resubmitted for one year. Also, any person wishing to appeal the recommendation of the Planning and Zoning Commission or the decision of the Franklin County Board of County Commissioners are responsible to ensure that a verbatim transcript of the proceedings is made; Motion carried 4-0.

9- Board action to re-appoint two Franklin County representatives to the Gulf Coast Workforce Board. The two re-appointees are Ms. Betty Croom, and Ms. Sheila Hauser, and both have stated they would like to be re-appointed. There is also one vacancy for a representative of the private sector (business) from Franklin County if the Board wants to fill a vacancy.

The Board discussed filling the empty seat and the challenges of appointing a business person to this board.

Commissioner Lockley asked Mr. Pierce to advertise this vacancy.

Motion by Lockley, seconded by Parrish, to approve the re-appointment of Betty Croom and Sheila Hauser to the Gulf Coast Workforce Board; Motion carried 4-0.

10- I contacted Tracy Peters, Division of State Lands, at the request of the Chairman to get the status of the old Highway Patrol Station that the state was disposing. Ms. Peters said that the county could get the property back if we would pay \$300 in fees associated in transferring the title back to Franklin County. Ms. Peters also provided a draft contract for the Attorney to review. Board action to sign the contract pending attorney review, and to pay the \$300. Mark Curenton has scaled out the legal description and it appears to be over 2 acres of land and the building.

Commissioner Putnal discussed possible uses for this building, such as housing the ambulances.

Motion by Putnal, seconded by Lockley, to authorize the Chairman's signature on the contract to transfer the old Highway Patrol Station back to the County; Motion carried 4-0.

11- Ms. Kim Barnhill, Interim Franklin County Public Health Director, wants to inform the Board of a \$9,032 increase in the Health Dept. budget. This is additional revenue for Public Health Infrastructure. The Health Dept. used the money to pay for their Community Health Assessment. The Core Contract with the county and the Health Dept. allow "either party may increase or decrease funds to the contract upon written notification to the other party." Ms. Barnhill has provided the Board with written notification and I am putting it in the Board file.

Chairman Jackel and Mr. Pierce discussed the audit committee regarding the RFP for auditors. Mr. Pierce said the committee will meet after the bids are opened.

Chairman Jackel asked Staff to send Lee Edmiston a letter thanking him for the use of the Estuary and Reserve for the BOCC Meeting last month.

Chairman Jackel discussed the meeting with DEP that is scheduled for today to discuss the dredging of the Eastpoint Channel to regain access to the Bay. She discussed fee amounts for the permitting process.

Mr. Pierce commented on the procedures for the dredging process.

T. Michael Shuler – County Attorney Report (10:00 AM)

Attorney Shuler presented his report to the Board.

Action Item

Fly High Apalachicola FBO

Attached is the revised lease with the 20 year term you approved at the last meeting. The revisions to the 20 year lease that were not in the 5 year lease, in substance, are:

- a. The parties will renegotiate the rent every three years. Alternatively, you could insert a provision that the lease rate increases will be tied to a know index, such as the wall street prime interest rate plus whatever additional percentage the board desires,*
- b. It attaches the exhibit "A" of the area being leased.*
- c. Tenant to maintain the improvements being leased.*
- d. Tenant and County agree that a high level of customer service is key and in the event of complaints, the parties will meet and discuss them. A corrective plan will be implemented, if warranted.*
- e. Marketing and Promotion Plan for the airport.*
- f. A right of termination of the lease by Franklin County if Tenant violates any laws, FAA rules or DOT rules that cause material harm to the airport. The Tenant is given the right to appear and be heard on such matters prior to a decision by Franklin County to terminate the lease.*

Fly High has informed me that they will not sign the lease as amended. They are going to send me a written reply, but told me on the phone that the changes are unexpected by him and are too one sided and create too much risk for him. I disagree with him, but I cannot comment on the substance of his complaints because I have not received from him any indication what it is that he considers too one-sided and too risky.

I have advised the airport manager to immediately seek out a direct aviation fuel service at the airport while this is sorted out.

Recommendation: I recommend that the Board accept the lease as I have proposed it as there is nothing which is either unusual or burdensome in the 20 year lease that I prepared.

Attorney Shuler discussed some of the issues he thinks the proposed tenant has with the amended lease.

Chairman Jackel and Attorney Shuler discussed the proposed lease and how to avoid interruption of service of the Airport.

Commissioner Parrish commented on the service of the past FBO provider, which had a lot of complaints, and expressed his concerns of the proposed FBO wanting the same type lease and the possibility of the same type of service. He said he wasn't in favor of issuing another 20 year "blank" lease. Commissioner Parrish said he had no issues with any of the items Attorney Shuler added to the lease except for the negotiation of rental amount every three years. He said as long as the FBO follows the required FAA rules he doesn't have a problem with it. Chairman Jackel asked Attorney Shuler why Fly High did not want to sign the lease and he said he doesn't know but that he was told that there were 27 points that he and his attorney were concerned with in the lease.

Chairman Jackel was not in favor of the last minute negotiations. She said she would have liked to have seen more aggressive negotiations in order to work this out.

Cathy Robinson, of Robinson Real Estate, stated that the FAA website, as of April 28, 2012, states that Apalachicola is registered as having no fuel and is unattended, which is basically closing the airport. She said no one is going to fly here and feels like Apalachicola Airport has been wiped off the map.

The Board and Mrs. Robinson discussed this matter further.

The Board and Mr. Pierce discussed the possibility of self service fuel at the airport. Mr. Pierce said the County does own the self service apparatus and it can be hooked up but Mr. Ruic did not want it hooked up under his lease.

Gary Settles stated that self service fuel is a very good idea for the airport. He also stated what he knew about negotiations with the new FBO as he had contacted the potential client. Mr. Settles stated that fuel, security and services are very important to the airport.

Chuck Marks, of the Airport Advisory Committee, stated that these issues need to be worked out as soon as possible and suggested forming some type of committee in order for both parties to come to an agreement soon.

Russell Crofton, of the Airport Advisory Committee, was in favor of expediting negotiations as soon as possible and if needed, moving on to another person who responded to the advertisement. He said the Airport needs an FBO who knows what they are doing and can provide some security.

Commissioner Parrish stated that the problem is with the proposed tenant failing to communicate as to why he won't sign the lease. He said this is not a failure of the Board or the County Attorney.

Attorney Shuler and Chairman Jackel discussed immediate conversation with the proposed tenant and if needed, calling an emergency meeting in order to discuss this matter.

The Board and Attorney Shuler discussed installing a credit card machine and coming to an agreement with the proposed FBO lease.

2. Eastpoint Water and Sewer

EPWS has refused to provide any letter of credit or to finish the CDBG project as approved by Franklin County. They represent that they will hook up the minimum amount of residents required by the CDBG grant, but that will leave out three or four families who they promised service to. A email from their attorney is attached and is self explanatory. I find their actions to be unlawful, but we should not allow their misbehavior to cause harm to these families who will be deprived of the utility service promised to them.

Recommendation: I recommend that the county reach an accommodation with EPWS as to the absolutely minimum road cuts needed to hook-up the remaining three or four families, but do so under a reservation of rights, claims and defenses.

Chairman Jackel expressed concerns regarding upholding of the minimum number of road cuts agreed to by the County and EPWS. Attorney Shuler explained the process he will use in this manner.

Commissioner Putnal discussed his concerns with the families who have yet to be hooked up to water and sewer. He asked that he is informed when the applications for the cuts are made. Attorney Shuler discussed the repercussions for EPWS if they do not comply with the agreement for minimal cuts.

Mr. Pierce stated he will consult with Debbie Belcher on the minimum cuts needed. The Board and Attorney Shuler discussed this matter further.

Motion by Putnal, seconded by Parrish, to accept Attorney Shuler's recommendation that the County reach an accommodation with EPWS as to the absolutely minimum road cuts needed to hook-up the remaining families with water and sewer service; Motion carried 4-0.

Informational Items

3. Medicaid Task Legal Force

The Florida Association of County Attorney's Board of Directors has invited me to be a member of the Medicaid Legal Task Force formulating legal theories and strategies for the litigation opposing HB 5301.

4. Flashy Me Boutique

A copy of the warning letter service by service of process upon Flashy Me Boutique and Hal Tobin is attached., together with the return of service of process.

5. Capital City Bank

Attached is a copy of my letter to Capital City Bank denying their request for a standing public record request for my and Alan's reports.

6. Water Management Services, Inc.

Attached is a copy of my letter to Gene Brown of WMS denying his request for personal notification prior to discussion of his company's water rate increase rate case.

7. Landfill/Animal Control/Parks and Recreation Department Head Job Description

A copy of the job description is attached. It has been reviewed, and amended, by myself and Lucy Turner. It will be posted for 14 days, per your personnel rules.

Recess (10:37 AM)

Chairman Jackel called for a recess.

Reconvene (10:52 AM)

Chairman Jackel reconvened the Meeting.

Commissioners' & Public Comments (10:52 AM)

Chairman Jackel discussed a letter she received from Franklin Needs thanking Board for the \$500 grant for Breast Cancer Awareness. She said the proceeds from their calendar will go to providing Franklin County residents with Breast Cancer education and mammograms.

Commissioner Putnal wished Commissioner Sanders well from her surgery.

Chairman Jackel also expressed her well wishes for Commissioner Sanders.

Hal Tobin, of Flashy Me, explained the situation regarding the equipment that is stored at his business located in Eastpoint. He explained the reasons why he hasn't complied with the Board's requests to remove unsafe appliances from his property.

Chairman Jackel explained that the main concern of the Board is that the safety violations and issues be remedied immediately. She further explained that the Board has no desire to stop his business and appreciates all he is doing to become compliant.

Dorothy Tobin, of Flashy Me, asked what is being done about other property owners who also have refrigerators on their property and are in violation of safety regulations.

Chairman Jackel stated that she will look into this matter.

Adjourn (11:02 AM)

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

Pinki Jackel, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts