

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JUNE 5, 2012
9:00 AM**

MINUTES

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

Others Present: Marcia Johnson — Clerk of Court, Alan Pierce — Director of Administrative Services, Michael Shuler — County Attorney, Michael Moron — Deputy Clerk/Board Secretary

Call to Order (9:00 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:00 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes (9:01 AM)

Motion by Lockley, seconded by Parrish, to approve the Minutes of the May 1,2012 & May 15,2012 Regular Meetings; Motion carried 5-0.

Payment of County Bills (9:02 AM)

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

Presentation by the Property Appraiser's Office (9:02 AM)

Doris Pendleton, Franklin County Property Appraiser, stated that her Office has certified a 10% reduction in property values. She said it could possibly be even more once all areas of the County are completed.

The Board, Mrs. Pendleton and Mr. Pierce discussed other revenue losses of state inmates at the Sheriff's Office and Medicaid payments at the Hospital, which will affect the overall

budget.

Commissioner Sanders stated that there will have to be major cuts in the budget. The Board and Mrs. Pendleton discussed the reduction in property values over the years and also the fact that the Board has kept millage rates down.

Mrs. Pendleton discussed some of the new homestead rules affecting the Property Appraiser's Office.

Mrs. Pendleton discussed a program that will search nationwide and find people who are filing homestead in more than one place. She said the County will be able to collect the taxes that were owed during the time the property owners were filing dual homestead. She said this is a better system than they have now because as of now the County only receives such information from tipsters but this system will allow the Appraiser to search every homestead in the County.

Motion by Lockley, seconded by Parrish, to proceed with this dual homestead searching program; Motion carried 5-0.

Mrs. Pendleton updated the Board on the GIS mapping project.

Department Supervisor Report

Hubert Chipman — Superintendent of Public Works (9:14 AM)

Mr. Chipman had no action items for the Board but gave an update on the County's grass mowing program.

Chairman Jackel and Mr. Putnal asked Mr. Chipman to look at specific areas that might need additional mowing.

Fonda Davis — Solid Waste

Mr. Davis presented his report to the Board.

Mr. Davis asked for the Chairman's signature on the Armory Project agreement.

Motion by Sanders, seconded by Lockley, to sign agreement with EMO for the Armory Project; Motion carried 5-0.

Commissioner Sanders asked Mr. Davis to install bear proof trash containers at the County Parks.

Chairman Jackel discussed an email she received from Pam Meredith, of Carrabelle, concerning Animal Control issues.

Chairman Jackel asked Mr. Davis to move the trash cans on the beach closer to the dune

walkovers so they are easily accessible. She stated some of the cans need repairs. She also discussed other items which need to be addressed.

Commissioner Putnal asked Mr. Davis to look at installing a trash receptacle at the Old Carrabelle Beach.

Pam Brownell — Emergency Management Director (9:20 AM)

Mrs. Brownell presented her report to the Board.

Action Items:

Requesting the Board's approval of the 2012-2013 State Base Grant (EMPA) in the amount of \$105,806.00 and the Federal Grant (EMPG) in the amount of \$53,302.00

Motion by Putnal, seconded by Sanders, to approve the 2012 — 2013 State Base Grant in the amount of \$105,806.00 and the Federal Grant in the amount of \$53,302.00; Motion carried 5-0.

Information Items:

The Emergency Management office participated in the Cops & Kids Day and handed out preparedness information. It was a great success.

This year's Hurricane Survival Guides are ready for mass mailing. Every resident in the county should receive one.

May 31, 2012 the Emergency Management department held a press luncheon for the county's Public Information Officers (PIOs) and the numerous agencies in an effort to build a solid relationship with the press.

June 7, 2012 the Emergency Management office will participate in the Senior Summit at the Carrabelle Senior Center.

June 18-20, 2012 the Emergency Management office is conducting several Community Emergency Response Team (CERT), Train-The-Trainer Classes, at the EOC from 8:30am till 4:30pm. This will help us have "in-county trainers" that will enable us to build the program locally.

June 9th and 10th , Franklin County United Firefighters will be sending volunteers to Emergency Vehicle Operation (EVOC), Train-The-Trainer Class in Tallahassee. Those successfully finishing this course will be qualified to teach the course, in county, thus ensuring a cache of qualified drivers for both fire trucks and ambulances.

Commissioner Sanders thanked all of the emergency personnel that responded to the fire on Highway 98 east of Carrabelle.

Chairman Jackel thanked Mrs. Brownell and her team for their efforts on the Public Information Day.

Bill Mahan — County Extension Director (9:23 AM)

Mr. Mahan presented the following items from his report.

Franklin - OF IFAS Updates

4H Summer Camp Registration Has Begun — Registration packets for this year's 4H Summer Camp at Camp Timpoochee are being sent out. The dates for Camp are July 9 — 13 . The cost is \$195. I am currently seeking businesses and/or individuals interested in sponsoring a camper or making a donation to help cover the costs of our campers. If you are interested in helping support the 4H Camping Program please let me know.

4H State Legislature — One of our 4-H'ers, Ursula Countryman will be attending the Annual 4H State Legislature in Tallahassee this year. The program is for senior 4H'ers 14-18 years old to develop their debating skills, analyze legislation and speak publically all while making new friends and having a whole lot of fun. At this civic education event, you can sponsor a bill, amend, or lobby it, then debate the issues on the Capitol house and senate floors with your friends. Each 4-H' er can apply for a position as State Representative, Lobbyist, or Reporter.

Freshwater License-Free Fishing Day — Freshwater recreational fishers do not need a fishing license on June 9. There couldn't be a better time to get out on the water and try your hand at some of Florida's fine fishing on these two Saturdays. Thirty-four states, including Florida and Georgia, will have license-free fishing days during the June 2 through June 10 National Fishing and Boating Week, a celebration of fishing and boating.

Mr. Steve Lanier — Hospital Update (9:24 AM)

Steve Lanier, of Weems Memorial Hospital, reviewed the Hospital's financial reports with the Board. He said the Hospital is continuing to bring down the amount owed out by the Hospital and the amount of accounts receivable is also looking very positive.

Commissioner Sanders and Mr. Lanier discussed the over 181 days account receivable amounts. They also discussed other Weems East amounts and ambulance balances.

Commissioner Lockley inquired about the six month time period that the Board gave the Hospital to pay off some of its debt.

Chairman Jackel suggested that the \$70,000, which was returned to the County from the Hospital, be used to pay off the Hospital's old debt.

Mrs. Johnson discussed this revenue with the Board and said she thought it was a reimbursement due the County on insurance. She suggested that the Board speak with Erin Griffith, of the Clerk's Finance Office.

Mr. Lanier discussed a new health insurance plan with United Healthcare, which will benefit the employees and not cost the hospital anymore money.

The Board and Mr. Lanier discussed this item further.

Chairman Jackel and Mr. Lanier discussed the electronic health recording requirements and the associated costs to start this program.

Chairman Jackel suggested allowing Mr. Lanier to discuss financing with local banks, which might save the County some money. She said this loan had to be in place in order to comply with Federal mandates.

Motion by Sanders, seconded by Putnal, to allow Mr. Lanier to discuss financing for the electronic health recording with the local banks; Motion carried 5-0.

Erin Griffith, of the Clerk's Finance Office, explained that the \$70,000 was the Hospital's portion of the property and automobile insurance payment, which was paid for by the County's General Fund

and was not considered unanticipated revenue but was recorded as accounts receivable.

Chairman Jackel and Mrs. Griffith discussed the details of this matter.

Mrs. Griffith explained that the Hospital is current with their insurance payments at this time.

The Board discussed the balance owed to TMH by Weems.

Mr. Lanier commented on this issue also and assured the Board that it would be paid.

Recess (9:48 AM)

Chairman Jackel called for a recess.

Reconvene (10:05 AM)

Chairman Jackel reconvened the Meeting.

Job Interviews — Solid Waste Director (10:05 AM)

Chairman Jackel and Mr. Pierce discussed the vacant position of the Solid Waste Director and stated that only two applicants had applied for the position.

The Board determined that the applicants should be interviewed by alphabetical order.

Fonda D. Davis, Sr. was interviewed first and was asked to state his responsibility, training and progression throughout his twenty four years of employment with the County. Mr. Davis provided the Board with his work history and qualifications for this position. The Board questioned Mr. Davis as to the operation of the landfill, requirements and what improvements he would make to the Solid Waste Department.

Chairman Jackel asked that better efforts are made to clean-up the County, especially at public areas and the sides of the roads. Commissioner Lockley also commented on this issue.

Commissioner Putnal and Mr. Davis discussed working relationships with other employees in his department. Mr. Davis stated that it takes a team to make the job run smoothly.

Commissioner Sanders and Mr. Davis discussed the relationship with the Board as being his greatest challenge. Commissioner Sanders discussed all of the challenges Mr. Davis would encounter as the Director of Solid Waste Department.

Commissioner Sanders asked Mr. Davis if he had any weaknesses with the job and Mr. Davis stated that he had worked through his weaknesses throughout his employment with the County.

Mr. Davis stated that, if given the job, he would like to have a more open relationship with each of the Commissioners if he is chosen for the job.

Catherine Nicole Millender was interviewed next. Mrs. Millender gave some of her background history and also discussed some of her responsibilities during her ten and a half years of employment with the County. She discussed some of her qualifications for the position and stated that she was not certified to run the landfill at this time. She explained why she didn't think it was necessary to be certified as the former Director wasn't certified to run the landfill.

Commissioner Putnal and Mrs. Millender discussed working relationships with other Solid Waste employees. Mrs. Millender stated that she would have a professional working relationship with employees.

Mrs. Millender discussed her ideas and improvements she would like to make at the Solid Waste Department. She said she believed she could find different ways to boost revenue and save money for the County.

Chairman Jackel informed Mrs. Millender that she would like to see more diligent clean-up throughout the County if she were to be selected as Director. Mrs. Millender said she would also like to see more diligence in this area.

Mrs. Millender stated that her relationship with the employees and the community would be her biggest challenge. She said working together as a team with the employees and taking care of the community would be her biggest challenge.

The Board and Attorney Shuler discussed setting a salary amount for the position. Attorney Shuler suggested that he consult with the labor attorney, as one of the applicants does not meet several of the job requirements. He said this is a highly specialized area of

law and wants to be certain he gives the Board the right answer in order for the Board to make the best decision.

Motion by Sanders, seconded by Putnal, to allow Attorney Shuler to consult with the labor attorney on the matter of the applicants meeting all of the job requirements for the Solid Waste Director position; Motion carried 5-0.

Chairman Jackel recommended that the starting salary for the Solid Waste Director be \$45,000.

The Board discussed this matter further.

Recess (10:52 AM)

Chairman Jackel called for a recess.

Reconvene (11:04 AM)

Chairman Jackel reconvened the Meeting.

Attorney Shuler stated that Lucille Turner, Labor Attorney, recommended that Mrs. Millender be disqualified because she didn't meet the qualifications for the Solid Waste Director position. The Board discussed a probationary period for the new Solid Waste Director. Mr. Davis stated that the 90 days would not be a problem for him but it hasn't been that way in the past. Commissioner Putnal discussed the possibility of Mr. Davis as Solid Waste Director and Mrs. Millender as Assistant Solid Waste Director, which would be good for the County.

Motion by Lockley, seconded by Parrish, to appoint Fonda Davis as Solid Waste Director for Franklin County; Motion carried 4-1, Sanders opposed.

Motion by Putnal, to allow 90 days for any candidate to become certified to fill any position in the future; Motion failed for lack of a second.

Motion by Lockley, seconded by Parrish, to set the salary for the Solid Waste Director at \$45,833.00; Motion carried 3-2, Jackel and Sanders opposed.

The Board and Attorney Shuler discussed the Assistant Solid Waste Director position.

Motion by Parrish, seconded by Lockley, to advertise the Assistant Solid Waste Director job internally and direct County Staff to create a job description for this position; Motion withdrawn.

Motion by Parrish, seconded by Putnal, to direct the new Solid Waste Director to forward a copy of the Assistant Solid Waste Director position's description to the Board within the next three days; Motion carried 5-0.

Public Hearing — Wind Speed Map Adoption (11:30 AM)

Alan Pierce and Rachel Ward showed the three different zones of the Wind Speed Maps. Mrs. Ward explained that the maps are created based on types of construction. Mr. Pierce explained that the maps are generated by the State of Florida but the County is required to adopt them.

Chairman Jackel opened the floor for public comments. There were no public comments.

Motion by Sanders, seconded by Putnal, to approve the Wind Speed Maps as presented; Motion carried 5-0.

Marcia Johnson — Clerk of Courts — Report (11:34 AM)

Mrs. Johnson had no report for the Board.

Commissioner Sanders asked for a comp time report for the Board departments to be presented at the next Meeting

Chairman Jackel and Mrs. Johnson discussed a letter from the Chief Judge Charles Frances.

Chairman Jackel and Mrs. Johnson discussed conferring with each other regarding the budget.

Alan Pierce — Director of Administrative Service — Report (11:36 AM)

Mr. Pierce presented his report to the Board.

1- Inform the Board that there will be fireworks in Franklin County on two different occasions. There will be a fireworks display on July 3 in the City of Apalachicola, and then July 4th there will be displays in Carrabelle and St. George Island.

2- At the last Board meeting, the Board voted to join a letter urging Congress to approve the RESTORE Act. The Board's name was added electronically to a list of other agencies. Provide Board copy of letter.

I participated in a FAC led tele-conference on Friday to get an update on the RESTORE Act and the NRDA process. It was reported that there has been no positive action on either one.

Complicating matters for the RESTORE ACT, Governor Scott's office is continuing to seek an amendment to the Act that would give the state control over the money coming to Florida.

(In Monday's email, the county did receive a copy of a 114 page DEP/USACOE permit application that will be funded by NRDA for sea grass bed restoration throughout the panhandle. The applicant is NOAA- a federal agency. It appears that 342 acres of sea grass beds in the Franklin County area will be restored from damage caused by prop dredging and anchor dragging associated with boom deployment. The application did not list a cost and I have called DEP to find out an estimated cost and no one seems to know. The total acreage involved in the panhandle is 3455 acres.)

3- On a related note, the Board has received a letter from DEP advising that DEP is in the process of gathering names of representatives to sit on the Commission on Oil Spill Response Coordination. According to the letter, the Florida Legislature has enacted the Commission to identify ways to ensure that Florida's citizens and assets are protected from future oil spills. Each of the 8 impacted counties will have one appointee, and the letter indicates that will be the Chairman or the Chairman's designee, and each state agency will have one appointee. As I understand it, this Commission will not be dealing with any BP money but will be recommending changes in responses for future oil spills. In the conference call Friday morning it was mentioned that the first meeting will probably occur sometime in July.

4- Provide Board with copy of information provided to Mr. Mike Malsom, USACOE, as he works on the permit for the Eastpoint Channel. The Corps is actively pursuing a DEP permit for dredging the channel.

Chairman Jackel provided additional information on this item. She said the design and application will be completed next week and the Corps will be coordinating with the Board as they have come up with options for spoil disposal. She said they also have come up with the timing for the project.

Commissioner Putnal commented on this item.

5- Provide Board with signed agreement between NACo and county on receiving a share of the benefits of the NACo drug card. We will receive \$1 for every prescription issued after June 1, 2012. We will receive the checks quarterly, and the first check will be received sometime after July 15th.

6- The Finance Dept. has been approached by different insurance agents interested in becoming the "Agent of Record (AOR)" for the county. The fee structure for the AOR is built into policy premiums- in the case of Franklin County it is approximately \$20,000 per year. The current AOR is Digital Insurance, and their local agent for Franklin County has recently retired. The county maintains a good relationship with our insurance carrier- Blue Cross Blue Shield and there is a new customer service center located in Tallahassee that is open 7 days a week. Board action on whether the Finance Dept. should continue the existing AOR relationship, seek a new AOR, or

seek to work directly with the insurance companies and see a reduction in premiums by not having an AOR.

Commissioner Parrish and Mrs. Johnson discussed this matter.

Motion by Parrish, seconded by Lockley, to choose not to have an Agent of Record for the County; Motion carried 5-0.

7- Board action to authorize the Franklin County Sheriff's Office to spend up to \$20,000 for parts and materials to repair the perimeter fencing at the jail. The Board may recall the previous estimated cost was approximately \$60,000. The jail will be buying the material and using supervised inmates to do the work.

Motion by Parrish, seconded by Lockley, to authorize the FCSO to spend up to \$20,000 for parts and materials to repair the perimeter fencing at the jail; Motion carried 5-0.

8- Provide Board with a copy of the Fire Safety Inspection report of the Jail.

9- Board authorization to sign a contract with DACS to extend the time until June 30, 2013 to expend the \$112,000 currently provided by DACS for either a re-shelling program or a relaying program. The current contract expires June 30, 2012. I have spoken to Ms. Leslie Palmer and she is preparing an extension until June 30, 2013 . The Board can decide at a later date which kind of program it wants.

Motion by Sanders, seconded by Lockley, to authorize the Chairman's signature on the contract with DACS to extend the time to June 30, 2013 to expend the \$112,000 provided by DACS for oyster re-shelling or relaying program; Motion carried 5-0.

The Board discussed issues with Progress Energy delaying removing the poles and the sediment, which may affect the oyster bars.

10- The St. George Island Lighthouse Association held their annual meeting and the following information was presented. Between Dec. 1, 2008 and March 2012, 55,499 people have climbed the Lighthouse. The St. George Island Visitor Center has received 22,000 visitors. The Center has recently been painted and an exhibit detailing St. George Island has been installed.

Chairman Jackel commented on this matter.

11- Inform the Board that the existing Weems Hospital Helipad should have had a DOT permit for its operations when it was built several years ago. The Hospital is now going through the permit process. I have put a notice in the paper for public comment but there will be no changes to the pad. The Heli-pad has already been inspected and meets all safety and operational standards.

12- Opportunity Florida update. Inform the Board that Mr. Rick Marcum retired May 31. He is moving to the country of Ecuador. His replacement is a man named Jim Brook. Opportunity Florida is still developing their Broadband initiative. In Mr. Marcum's exiting email he has asked Franklin County to consider signing the Broadband Agreement. He is also still seeking tower sites to hang equipment from that is over 110 feet tall. The only site the county owns is the tower at the jail and Mr. Marcum is familiar with that site.

13- Inform the Board that DOT has announced the opening of applications to the County Incentive Grant Program (CIGP). Qualified road segments should demonstrate that they relieve congestion from the state highway system. Funding is very limited with only \$55M for DOT District 3 and that is for 2 fiscal years- 2016 and 2017. The deadline for applying is June 22. Clay Kennedy and I have discussed options. The limited funding means that the county does not have a project that most likely could be funded in its entirety as the county has usually sought long road segments for paving with state dollars. In this situation the Board could start the process of paving a road knowing it will only get part of it paved. One such road segment would be Mill Road in Carrabelle where we would apply for money to pave as much of the road as possible knowing that only a small section will actually get paved. Mill Road has been used as a connector between the east and west part of the county when US 98 gets washed out between Eastpoint and Carrabelle. Board action to submit Mill Road for as the CIGP candidate for 2016 and 2017.

Motion by Putnal, seconded by Sanders, to approve the submittal of Mill Road as the CIGP candidate for 2016 & 2017; Motion carried 5-0.

14- Airport update. As the Board is aware, the Apalachicola Franklin County Regional Airport is open for business. Operating hours are 7 AM to 7 PM. Mr. Ted Mosteller, Airport Manager, has posted signs that if pilots need fuel at other times for them to call his cell phone. At this point the county has refurbished the FBO, is pumping gas, and is beginning to collect T-hanger rent. The phone number for the office is 850-653-1366. On Friday, May 25, Erin Griffin, Michael Moron, and I worked at the airport and got the FBO office up and running, the credit card machine operating, and a website set up.

Melanie Hutchins, courthouse janitor, assisted in the airport office over the Memorial Day weekend because the holiday traffic. In the one week the county has been selling fuel and providing other services the airport has generated over \$14,000 in gross revenue, of which approximately \$2000 is net.

Ted Mosteller, Apalachicola Airport Manager, commented on the price per gallon for fuel at the Airport.

The Board discussed this matter with Mr. Mosteller.

Motion by Lockley, seconded by Sanders, to set the fuel prices at the Airport at whatever the Board sets and there should be no increases in fuel prices without Board authorization; Motion carried 5-0.

Alan Feifer, of Alligator Point, discussed the price of fuel at the Airport and made some recommendations as to how the Board should set their fuel prices.

The Board and Mr. Mosteller discussed fuel prices from neighboring airports.

Chairman Jackel reiterated that the Board only wanted to charge one dollar more per gallon than the price paid for the fuel.

Commissioner Parrish agreed that until the Board has more information the mark up should remain at one dollar per gallon.

At a previous meeting I had recommended that Mr. Mosteller continue to receive his pay as Airport Manager and not receive an hourly wage. In order to be fully protected under workman's compensation insurance Mr. Mosteller needs to be paid a wage for the work he is doing. I recommend Mr. Mosteller receive \$10/hr for a 40 hour week, and this be retro-active to May 21. Board action. This arrangement, like Mr. White's, has no benefits but has to end within six months otherwise the county will be responsible for benefits.

Commissioner Lockley asked if it would be a conflict if Mr. Mosteller were an Airport employee and also serve on the Airport Advisory Committee.

Attorney Shuler said that he would look into this matter and report back to the Board.

Motion by Parrish, seconded by Lockley, to pay Ted Mosteller \$10 per hour for a 40 hour week and make it retroactive to May 21, 2012; Motion carried 5-0.

The airport advisory committee met in a special meeting on May 23 at the request of several members to discuss the county taking on the operation of the airport. The advisory committee voted to recommend the county commission continue to seek a private vendor to operate the airport/FBO.

In the past week I have received phone calls from knowledgeable professionals both that the county should get out of the airport business and that the county should stay in the airport business. However, if the county continues to run the airport proper staffing will have to be implemented as it is obvious from the Memorial Day weekend that it takes more than two people to run the airport during peak hours. The aviation business is service oriented and you have to have people available when the planes come in. Pilots want fuel, use the restroom, get a cup of coffee, borrow some ice, use a computer, and maybe get a car to come in town to buy lunch. If you can provide a service you can make money, but it takes people. At this time I have allocated Melanie Hutchins to work part time on weekends at the airport to provide assistance

to Mr. Mosteller and Mr. White but this is only a temporary solution. I have asked Mr. Mosteller to provide the Board a sample staffing pattern for the airport.

On a related note, Mr. James Lawrence has notified the county that he is no longer interested in leasing the new hanger.

Board direction.

The Board and Mr. Pierce discussed the details of this matter further.

Commissioner Parrish stated that he isn't against finding an FBO but said the Board needs to find an FBO with the necessary capital to run the Airport.

Commissioner Sanders expressed her displeasure with Bill Ruic renting a T-Hangar at the airport, especially with the manner in which he left the Airport as the former FBO. Commissioner Parrish also expressed concerns with this situation.

The Board discussed the reasons for Fly High's decision not to follow through with taking over the FBO position at the Airport.

Commissioner Parrish agreed that a staffing plan is needed before the next meeting so a better decision can be made.

Chairman Jackel stated that a budget is needed for the Airport and asked Mrs. Johnson if the Finance Department could create some type of budget and find out how much money has been invested thus far into the Airport.

Commissioner Sanders and Mr. Pierce discussed an issue with the Lanark Review Committee.

T. Michael Shuler — County Attorney — Report (12:34 PM)

Attorney Shuler presented his report to the Board.

Action Items

Eastpoint Highway Patrol Station

The contract for the purchase and sale of the now closed Highway Patrol Station in Eastpoint, Florida is attached. Although it is not the standard Florida Bar/Board of Realtors Contract, the form of the contract is sufficient given that we are dealing with a state agency which has said that they do not particularly want to make any changes to their standard contract and the cost to us is only \$300.00.

I am changing the legal description on the contract because the legal description prepared by the state excludes the building and the highway frontage. The state has verbally acknowledged the error and has no problem with this change, as they understand that they are conveying back to us all of the land which the county originally conveyed to them.

Board Action Recommended: I recommend that the board approve the contract, as amended, and authorize the clerk to provide the checks in the manner set forth in the contract.

Motion by Sanders, seconded by Lockley, to authorize the contract and payment and to authorize the Clerk to provide the checks, in the manner set forth in the contract, for the purchase of the Florida Highway Patrol station in Eastpoint; Motion carried 5-0.

Department of Environmental Protection

DEP, in response to demand by Capital City Bank, served a Notice of Violation to Franklin County for construction debris placed in the rock revetment in July 2005, A response is due June 5, 2012. I have asked for, but not yet received, an extension until June 8, 2012. We either challenge their notice or enter into a consent order.

The cost of removing the debris is \$82,000.00, more or less. Entry into a consent order with them will, in my opinion have the likely effect of waiving the statute of limitations defense I have raised against the Bank. I expect the Bank to challenge any consent order that we enter into.

I believe that we have a reasonable basis to seek a declaratory judgment from the Franklin County circuit court declaring whether we have to respond to the Notice of Violation because it is barred by the statute of limitations.

It is DEP's position that in any administrative challenge that we file against the NOV in Tallahassee is not subject to the statute of limitations.

Board Action Recommended: I recommend that the Board authorize me file a declaratory judgment action against DEP in Franklin County. If the court says we must respond to the NOV, then we will do so.

Attorney Shuler discussed this matter in further detail.

Motion by Sanders, seconded by Putnal, to authorize Attorney Shuler to file a declaratory judgment action against DEP in Franklin County; 5-0.

Car Rental Agreement Ratification at the Airport

Motion by Parrish, seconded by Lockley, to ratify the Chairman's signature on the car rental agreement at the Airport; Motion carried 5-0.

The Board, Mr. Pierce and Alan Feifer discussed the use of the crew car at the Airport.

Medicaid Cost Shift Agreement MOU

Attorney Shuler discussed this matter with the Board.

Motion by Parrish, seconded by Lockley, to authorize the Chairman's signature on the Medicaid Cost Shift MOU; Motion carried 5-0.

Non-Action Items

Capital City Bank

a. On May 22, 2012, Judge Dempsey dismissed the bank's lawsuit. A copy of that order is attached. She gave the bank 30 days to file a seconded amended lawsuit. A copy is attached.

b. On May 25, 2012, the Bank filed a motion to disqualify Judge Dempsey on grounds that she is a former employee of DEP and that she failed to disclose this fact to the bank. DEP is one of the defendants in the bank's lawsuit. A copy is attached. On May 31, 2012, I filed the county's reply to the bank's motion to disqualify Judge Dempsey.

Lanark Village Burned Out Apartments

Attached are copies of the certified letters sent to the owners of the burned out apartments notifying them of the violation and giving them 30 days to clean the property. The letter speaks for itself.

David Ard

Attached is a certified letter sent to David Ard concerning a possible violation of the zoning code on his property located at 622 Ridge Road, Eastpoint, Florida. The letter speaks for itself.

Clements v. Taylor

This is the lawsuit wherein Dr. Clements has engaged in litigation with some, but Not all, of his surrounding neighbors at St. Theresa concerning a private road used by the neighborhood for decades to reach their properties. The court has ordered that the county is a necessary party and joined us to the litigation because the suit may involve an unopened portion of St. Theresa Boulevard. Mediation will be again be held July 10, 2012 in Tallahassee, Florida.

Airport

a. The fence repairs authorized by the board subject to my review commenced last week. Ted Mosteller is overseeing the specifics of the work, but I have viewed the area with him and it is approximately one-quarter of a mile of fencing that is in need of repair. Some areas need new fence, which is being provided by the airport; other areas require repair of existing fencing due to failed poles and/or fencing which has been knocked over by tree growth. In lieu of cash payment, Mr. Mark Wilson has asked that the county give him for scrap metal one old fire truck and one old road sweeper. Mr. Mosteller showed me the two pieces of equipment. The sweeper is an old navy surplus that has never worked and the old fire truck was striped and donated by the St. George Island VFD. They are both indeed nonfunctional, striped and have not worked for well over ten years. I am informed that the scrap value is estimated at \$4,000.00.

b. Attached is a copy of the Hertz Car Rental Agreement for the Airport executed by the Chairman by my request.

Estate of Thomas E. Perkins

Attached is my May 29, 2012 letter to attorney George Gwynn, who represents the heirs of Thomas E. Perkins, deceased. The letter speaks for itself.

Mr. Pierce asked for approval to allow Progress Energy to use the Airport as a staging area for emergency situations.

Motion by Lockley, seconded by Parrish, to approve an agreement to use the Airport as a staging area for Progress Energy during emergency situations, based on Attorney Shuler's approval; Motion carried 5-0.

Chairman Jackel discussed the intent of the City of Carrabelle to purchase Water Management of St. George Island and asked the Board to support a Resolution asking the State to delay any decision on this matter until the citizens of St. George Island have received sufficient information in able to support or reject the proposal.

Commissioner Sanders asked if this process can be completed without any type of input from the County Commission or the residents of St. George Island.

Attorney Shuler commented on this matter but said he wasn't in the position to give a public opinion one way or the other.

Commissioner Sanders expressed her concerns with the Board not being notified of this endeavor.

Chairman Jackel also expressed concerns with the completion of this sale being final in the near future.

Commissioner Putnal expressed his concerns with the possibility of Mr. Brown deciding to close Water Management and how it would affect the residents of St. George Island.

Commissioner Putnal and Attorney Shuler discussed whether or not the County would be forced to take over the utility services for St. George Island if Mr. Brown were to close his operation.

Motion by Sanders, seconded by Parrish, to support the Resolution to ask the State to delay any decisions regarding the purchase of Water Management of St. George Island by the City of Carrabelle; Motion carried 5-0.

Chairman Jackel stated that the Volunteer Fire Dept. on St. George Island is asking the residents of SGI to allow the VFD to charge a different rate for the MSBU. She said they would like to have a district portion part of the MSBU. She wanted to know if this was possible and asked Attorney Shuler to look into the legality of this type of action.

Commissioner Parrish would like Attorney Shuler to see if the residents of the district are allowed to vote on this type of action.

The Board discussed this matter further.

Mrs. Johnson stated that she believed if the MSBU was included with the ad valorem tax bill the County would be able to collect more revenue because people would be more apt to pay it when they pay their ad valorem taxes.

Motion by Sanders, seconded by Putnal, to authorize Attorney Shuler to look into the possibility of Volunteer Fire Dept. districts raising the MSBU and if the residents can vote on these fees before the MSBU is raised; Motion carried 5-0.

Chairman Jackel discussed a call she received from the Assistant Fire Chief at the Eastpoint Fire Dept. concerning a life emergency on Wilderness Road in which the emergency responders were delayed because of the cuts made on that road by EPWS.

Chairman Jackel suggested that the County move forward and repair these cuts because it is a public safety hazard.

The Board discussed this matter and Attorney Shuler made additional suggestions for a solution.

Motion by Sanders, seconded by Putnal, move forward with repairing the area on Wilderness Road where the EPWS cuts have been made and have Attorney Shuler seek some type of solution for getting the money back from EPWS and the grant; Motion carried 5-0.

Commissioners' & Public Comments (1:24 PM)

Commissioner Lockley asked about Progress Energy delaying the dates for removing the poles and it's affect on the oyster beds.

Chairman Jackel stated that she had heard from Bobby Pickles, of Progress Energy, and he said they will be going forward with the July 9th date to switch out the power poles.

Commissioner Parrish stated that he was asked to bring pictures to the FAC conference to display highlighting Franklin County and he said the cost would be about \$150 to build a display.

Motion by Lockley, seconded by Putnal, to authorize the \$150 to build a photo display for the FAC Conference; Motion carried 4-0, Sanders was away from desk.

Tom Daly, of Apalachicola, asked for Board support by having them send a letter asking Progress Energy to consider an alternate route for the new power poles.

Attorney Shuler explained that the route which Mr. Daly is referring to has been discussed by the Board previously and stated why it wasn't considered before.

Attorney Shuler expressed other concerns, especially with funding for this route and suggested that this matter is sent to Staff for a recommendation.

Susan Richardson, of Apalachicola, would like for the Board to support the letter Mr. Daly discussed.

Alan Feifer, of Alligator Point, asked what economic benefits the wind map would be for residents, especially for Alligator Point. Mr. Pierce said the cost of building will be less.

Alan Feifer and Attorney Shuler discussed the Bald Point Trust Fund.

Adjourn (1:37 PM)

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

Pinki C. Jackel, Chairman — FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts