

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JANUARY 17, 2012
9:00 AM**

MINUTES

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

Others Present: Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Betty Sasnett – Deputy Clerk

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 Minutes – December 20, 2011 Regular Meeting (9:03 AM)

Motion by Putnal, seconded by Sanders, to approve the Minutes of the January 3, 2012 regular meeting; Motion carried 5-0.

Payment of County Bills (9:03 AM)

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

Department Supervisor Report

Hubert Chipman – Superintendent of Public Works (9:04 AM)

Mr. Chipman had no items for Board action.

Mr. Chipman informed the Board that today is the last day to have the vacant position filled within the Road Dept.

Commissioner Putnal discussed an issue with people getting stuck on a road in Eastpoint.

Motion by Putnal, seconded by Sanders, to send a letter to the previous property owner asking that he repair the road to the property he sold in Eastpoint; Motion carried 5-0.

Commissioner Putnal asked Mr. Chipman to install a sign informing the public that children are playing in a certain area off of Whispering Pines Road in Eastpoint.

Commissioner Putnal and Mr. Pierce discussed a boat ramp dedication from previous years.

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

Mr. Johnson had no items for Board action.

Nikki Millender, of Parks and Recreation Department, discussed a proposal for renovations to the Coombs Armory. She asked the Board to tentatively approve the proposal, depending on Attorney Shuler review.

Chairman Jackel asked Mr. Pierce to have staff look at the proposal and give the Board a recommendation before the end of the meeting.

Mark Curenton said he would review the information and possibly bring back a recommendation before the end of the meeting.

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

Mrs. Brownell submitted her report but had no items for Board action.

The Emergency Management office and our Faith Based Organizations will be supporting the RED Cross Disaster Spiritual Care Training being conducted at the Red Cross Facility in Tallahassee on February 3, 2012 at 8:15 am.

Mike Rundel and I will be attending the Local Emergency Planning Committee meeting in Tallahassee, Wednesday, January 18, 2012 at 10:00am.

Franklin County Emergency Management, working in conjunction with The Management Experts LLC, will hold the first class for our Community Emergency Response Teams on January 27-29 at the Franklin County Emergency Operations Center. The second session is scheduled for February 10-12, also at the EOC.

The Franklin County 911 Communications Group meeting has been rescheduled for Wednesday, Jan. 25th, 2012 at the Franklin County Sheriffs' Office at 10:00 PM.

Commissioner Putnal and Mrs. Brownell discussed the progress of installing a cell phone tower on Highway 65.

Bill Mahan – County Extension Director (9:12 AM)

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

Franklin - UF IFAS Updates

1) FL Panhandle Outdoors Live Program – Tomorrow January 18th our newest Natural Resource Extension education program begins – "FL Panhandle Outdoors Live." The program was developed by the Natural Resource/Sea Grant Agents in the Northwest Extension District to educate adults some of the unique natural resources in the FL Panhandle. The first field trip features "Leon Sinks, Sinking Streams & Wakulla Springs." The cost of the program is \$30. Our second program is scheduled for February 16 at the "Chipola River Bluffs & Caverns, Falling Waters." For more information or to register for the program, please visit <http://panhandleoutdoorslive2012.eventbrite.com/>.

2) Beekeeping in the Panhandle– Our beekeeping class will finish at the end of January. The last two classes are January 23rd – "Splitting Hives" & "The Pollination Business;" and January 30th – "Other Bee Topics." More than 220 people have participated in this Northwest Extension District wide distance education effort.

FL Fish & wildlife Commission (FWC)

7) A Summary of Recent State Marine Fishery Management Changes– At the November FWC Meeting, the Commission approved management changes that affect eight species of fish in state waters.

The following rules are in effect:

Gulf grouper – The recreational red grouper bag limit increased from 2 to 4 fish per person per day within the Gulf grouper aggregate. This rule went into effect on Dec. 30, 2011.

Gag grouper – seasonal closure will continue through March 31, 2012, in Gulf state waters (excluding Monroe County). The FWC will revisit state gag grouper management efforts in February 2012, once federal rules are solidified.

Sharks – The recreational and commercial harvest of tiger sharks and great, scalloped and smooth hammerhead sharks is prohibited in state waters. These rules went into effect on January 1, 2012.

The following changes go into effect on February 1, 2012:

Red drum —the recreational bag limit increases from one to two fish in the Northeast and Northwest regions of the state and a statewide vessel limit of eight red drums and off-water transportation limit of 6 red drums per person.

These rules go into effect Feb. 1, 2012.

Spotted sea trout — Recreational — the recreational season will be open year-round; size limit 15 — 20 inches total length (each fisherman is allowed to keep one fish greater than 20-inches total length); bag limit 5 fish per harvester per day (including 1 greater than 20-inches)

Commercial — the commercial season will be extended to 5 months in the Southeast, Southwest and Northwest (01 June — 31 October) areas of the state and to 6 months in the Northeast; and the sale of spotted sea trout will be allowed for 30 days after season closure; a commercial vessel limit of 150 fish when at least two licensed commercial fishermen on board. Changes go into effect on Feb. 1, 2012.

Red and gag grouper, as well as other shallow-water groupers — Shallow-water grouper season closes Feb. 1 in Gulf state waters and reopens April 1. Shallow water groupers in Gulf state waters include gag, red, black, yellowfin and yellowmouth groupers; scamp; and rock and red hind. This rule takes effect on February 1, 2012.

Chairman Jackel asked Mr. Mahan to have this information advertised in the local newspaper.

National Marine Fisheries Service (NMFS), Southeastern Regional Office

12) Proposed Changes to Regulations for by catch Reduction Devices and Shrimp Effort Restrictions in the Southeastern Shrimp Fisheries — On January 9, 2012, NOAA Fisheries Service began accepting public comment on proposed changes to shrimp regulations. One action would certify two new by catch reduction devices (BRDs) for use in the Gulf of Mexico and South Atlantic region. Another action would relax a restriction regarding the level of allowable shrimp effort in the Gulf of Mexico. The proposed rule would add these BRDs to the list of allowable BRDs, and provide technical specifications for the construction and subsequent legal enforcement of the BRDs. The proposed rule would also relax a shrimp effort reduction threshold for the Gulf of Mexico shrimp fishery implemented in 2008 requiring that shrimp effort in the 10-30 fathom depth zone west of Mobile Bay, Alabama, be at least 74 percent less than effort levels documented during 2001 through 2003. The intended effect of this proposed rule is to improve bycatch reduction in the shrimp fishery, provide greater flexibility to the industry, reduce social and economic impacts to fishing communities, and better meet the requirements of National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Written comments on these proposed changes must be received no later than 5 p.m., Eastern Time, February 8, 2012. You may submit comments, identified by NOAA-NMFS-2011-0274, by any one of the following methods:

Mail: Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Federal e-Rulemaking Portal at <http://www.regulations.gov>, enter "NOAA-NMFS-2011-0274" in the keyword search, and then select "Send a Comment or Submission." To view posted comments during the comment period, enter "NOAA-NMFS- 2011-0274" in the keyword search and click on "search." NOAA Fisheries Service will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, Wordperfect, or Adobe PDF file formats only. Comments received by February 8, 2012, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the proposed actions. Comments received after that date will not be considered by NOAA Fisheries Service in this decision.

The Board and Mr. Mahan discussed this matter.

FBO and New Hanger Bids cannot be opened because the deadline for receiving bids was on a holiday (9:21 AM)

Mr. Pierce said the bids were not going to be opened because the deadline for the bids was on a holiday so some of the bids could not be delivered because the Courthouse was closed. Chairman Jackel discussed the tight time schedule involved with the current FBO's lease expiration.

The Board and Attorney Shuler discussed the issue with changing the bid deadline.

Commissioner Parrish discussed concerns with having the bids sitting for three weeks when this matter could be taken care of sooner. He suggested having a special meeting in order to take care of this matter.

The Board decided to have a Special Meeting tomorrow morning at 9:00 AM to open the bids.

Motion by Putnal, seconded by Sanders, to postpone the opening of the bids until the next Meeting on February 7, 2012; Motion and second withdrawn.

Motion by Parrish, seconded by Lockley, to call a Special Meeting for January 18, 2012 at 9:00 AM, to open bids for the Airport FBO; Motion carried 5-0.

Chairman Jackel asked if any of the sitting members of the Airport Advisory Board had submitted a proposal for an FBO contract with the Airport.

Ted Mosteller, of Apalachicola Regional Airport, said Randy Randolph was involved with a proposal but will not participate in any meeting pertaining to this matter.

Chairman Jackel stated that she appreciates Mr. Randolph's service to the Board. She said she believed that it would be a conflict if he has submitted a request for FBO and were to receive that bid and was also serving on the Advisory Board. She said she has received calls concerning this matter and wanted the Attorney's clarification on this matter.

Attorney Shuler said he would have to gather more facts concerning this matter before he gives the Board a recommendation. He said he would report back to the Board concerning this matter at the Special Meeting in the morning.

Commissioner Lockley said they should resign when they put the paperwork in for the bid. Chairman Jackel clarified that the Board appreciates his service to the Airport Advisory Board but the rules had to be followed.

Planning & Zoning- Consent Agenda (9:33 AM)

Mr. Pierce informed the Board that Amy Kelly attended the Planning & Zoning Meeting and presented the following items for approval:

CRITICAL SHORELINE APPLICATIONS:

1- Recommended Approval by Planning and Zoning (Unanimous) - Consideration of a request to construct a Single Family Pier at 742 Alligator Drive, Alligator Point, Franklin County, Florida. The access walkway will be 245' x 4' with a 16' x 10' terminus. This dock meets all local, state and federal requirements and has all state and federal permits. The proposed pier will be used for observation/fishing pier and the mooring of canoes and kayaks. Request submitted by Garlick Environmental Agency, agent for Huddleston, ETAL, applicant. (Has House).

Motion by Sanders, seconded by Putnal, to approve request to construct a Single Family Pier at 742 Alligator Drive on Alligator Point; Motion carried 5-0.

2-Recommended Approval by Planning and Zoning (Unanimous) - Contingent upon written verification of construction of a Dwelling within 12 months: Consideration of a request to construct a Single Family Residential Boardwalk at Lot 4 Bay Cove Village, 2027 Sand Dollar Trail, St. George Island, Franklin County, Florida. This boardwalk will be 90' x 4' and will attach to a Single Family Dock that measure: walkway of 390' x 4' with a terminal platform that will be 26' x 6' and have two (2) boatlifts measuring 19' x 10' each. This boardwalk meets all local, state and federal requirements and has all state and federal permits. Request submitted by Garlick Environmental Agency, agent for James Campagna, applicant. (Has Proposed House on Site Plan)

Commissioner Parrish expressed his concerns that there is not a dwelling at this location and does not believe it goes along with the County's dock Ordinance.

Mr. Pierce discussed previous approval of docks being built without homes in order to appeal to the real estate market.

Dan Garlick, of Garlick Environmental Agency, addressed the Board and discussed dock building issues from years past. He said he had never seen wording saying that there has to be a house on the lot where the dock is being built. He explained that it is much easier to build a dock before a home is built due to homeowner association rules. Mr. Garlick also discussed the difficulty in obtaining DEP permits.

Chairman Jackel suggested that the Board considers this request upon the basis of house plans being submitted and permitted.

The Board and Mr. Garlick discussed this matter further.

Motion by Parrish, seconded by Putnal, to recommend approval of construction of a boardwalk Lot 4 Bay Cove Village, contingent upon application to the County for a building permit for a home to be built on the site; Motion carried 5-0

Marcia Johnson – Clerk of Courts – Report (9:45 AM)

Mrs. Johnson presented the following item from her report.

1) For information, the balance in the hospital's operating account for the month ending December 2011 was \$108,494.22. There is also Certificates of Deposit totaling \$204,930.28 and a Grant Account totaling \$78,637.12 for total monies of \$392,061.62. The balance in the hospital's capital fund was \$542,497.60.

Alan Pierce – Director of Administrative Services – Report (9:46 AM)

Mr. Pierce presented his report to the Board.

Mr. Pierce asked for Board permission to withdraw the proposal for his retirement.

Motion by Parrish, seconded by Lockley, to accept Mr. Pierce's withdrawal of retirement; Motion carried 4-1, Sanders opposed.

Commissioner Sanders and Mr. Pierce discussed his decision to continue his employment with the County.

Commissioner Sanders stated that Dr. Karen Chapman still has not approached the Board to give a date as to when the Health Department Clinic in Carrabelle would reopen. She asked for Board support to try and find out what is going on with the reopening of the Carrabelle Clinic. She asked that Chairman Jackel and Mr. Pierce meet with the Health Department and find out what is going on.

Chairman Jackel said she was happy to do that on the Board's behalf and asked that Mr. Pierce proceed in setting up a meeting with the Health Department as soon as possible.

The Board discussed this matter further.

Item 9 was discussed first in order for Mr. McLain to leave for a doctor's appointment.

9- Provide Board with update packet from the RiverKeepers regarding ACF. The RiverKeepers have made a request to our legislative delegation for support in developing a "Sustainable Water Management Plan." Mr. Dan Tonsmeire or Mr. Dave McClain may be on hand to provide additional information.

Dave McLain, Coordinator of Apalachicola Sub-basin Caucus with ACF Stakeholders, discussed a packet, which was distributed to the Commissioners, concerning the Florida Action Plan for the Apalachicola-Chattahoochee-Flint River Basin.

Commissioner Parrish asked where the water management district stands on this matter. Mr. McLain said they are on a parallel path but exchange and share data.

Commissioner Parrish said he would like to be more informed and Mr. McLain said he was optimistic about the exchange of information now. Mr. McLain asked the Board to remind Legislators about this.

Recess (10:06 AM)

Chairman Jackel called for a recess.

Reconvene (10:29 AM)

Chairman Jackel reconvened the Meeting.

Dan Tonsmeire, of Apalachicola Bay and Riverkeeper, presented a resolution supporting the water management funding for programs listed in Chapter 373, Florida Statutes and supporting Florida's Regional Water Management District concept in the Apalachicola River Basin. He asked that the Commission be represented at the meeting with Representative Patronis.

Motion by Sanders, seconded by Putnal, to table the adoption of the Resolution and instead send a Letter of Support to Representative Patronis at the meeting on January 27th; Motion carried 5-0.

The Board and Mr. Tonsmeire discussed this matter further.

Commissioner Sanders stated that she has some problems with the Water Management District and how they are taking control away from local government. She said she does support the mission of the Water Management in protecting the Apalachicola River and Apalachicola Bay but said she can't support them taking away certain public access areas in Tate's Hell Forest. Mr. Tonsmeire said he would look at her issues and the resolution to see if the language could be re-worded if needed.

Commissioner Lockley asked if Water Management takes input from Commissioner Parrish and Mr. Tonsmeire. Mr. Tonsmeire said typically there is a permitting process that allows for public input.

Commissioner Sanders said she was told that they do not allow public input.

Mr. Tonsmeire said the effort was to get Representative Patronis to help with the Apalachicola efforts.

Chairman Jackel asked Commissioner Parrish to represent the Board at the January 27th meeting.

Motion by Sanders, seconded by Putnal, to have Commissioner Parrish represent the Board that the meeting on January 27th with Representative Patronis and to pay travel fees; Motion carried 5-0.

Mr. Pierce presented Item 6 of his report.

6- Mr. Lee Edmiston, Estuarine Research Reserve Director, is here to tell the Board about a proposed controlled burn the state will be doing on state lands on the Bay side of St. George Island (SGI). When the state bought Unit IV the county retained ownership of the roads and the state will need to use the roads to perform the controlled burn. The Division of Forestry will do the controlled burn.

Lee Edmiston, Estuarine Research Reserve Director, first informed the Board that he is back working in the County for the Reserve. He said there was some concern on SGI about the potential for fire, and the Civic Club there was in full support of a controlled burn that will be coordinated with the Division of Forestry. He said the date will be advertised for the controlled burn, and wanted the BCC to know the State will need to use the County roads in the area for the burn. The area is from 3rd Street to about 11th Street.

Todd Schroeder, Wildfire Mitigation Specialist for Tallahassee State Forestry Center, stated that they have over-whelming support for the burn in Unit IV of the Island. He said they accept liability for any damages including road damages that may occur and said Victor Rowland, Forest Service Supervisor, was present to answer any questions.

Chairman Jackel requested that sufficient notice be given.

Mr. Rowland said this would be the first time fire was put on the island so it would be a small operation this first time.

Chairman Jackel said Chili Cook-Off is the 1st Sat. in March which begins a season so she requested the burn be done in February.

Commissioner Sanders wanted to be sure adjacent property owners were advised and Mr. Rowland said they were.

Commissioner Sanders asked if there is a number to call for people who may have health or breathing conditions that could be affected by the smoke.

Mr. Rowland said yes and they could call the person to advise them of the dates and they would typically look at the wind patterns to work around problems.

Mr. Edmiston said they were talking about burning around 50 acres, which included marsh lands.

Chairman Jackel asked them to keep the Board informed.

Mr. Edmiston also reported there is a plan to burn some land in the Plantation at a later date.

1 - Provide Board with copy of FAC annual report.

2 - Direction from Board on whether it wants to support a Resolution promoted by the City of Tallahassee requesting that Amtrak passenger service be reinstated from Jacksonville to New Orleans.

Commissioner Parrish discussed this matter and believed it is a good idea.

Motion by Parrish, seconded by Lockley, to support the Resolution requesting that Amtrak passenger service be reinstated from Jacksonville to New Orleans; Motion carried 5-0.

3- Inform the Board that DOT is willing to consider another landscaping grant for Franklin County. The grant has to be spent on improving the ROW on a state road and the county has to take responsibility for maintenance. Does the Board want to agree on another site to seek a landscaping grant?

Commissioner Putnal discussed seeking improvements at the park at Carrabelle Beach. Mr. Pierce discussed seeking improvements at the golf course area in Lanark Village.

4- Inform the Board that the architects for the Energy Grant have met with the City of Carrabelle and have come up with a list of improvements for the city complex. Mark is seeking approval from the state Energy Office for the improvements. The improvements involve replacing the front windows with Impact Thermal Insulated Glass, putting window film on other windows, building a cripple wall in the attic to restrict the flow of air as there is no insulation in part of the roof. If approved by the Energy Office we will do a change order with the contractor working on the courthouse windows as we do not have time to advertise and open bids and get the contract completed by April 30.

Motion by Sanders, seconded by Parrish, to approve Chairman Jackel's signature to allow improvements to be made at the City of Carrabelle Municipal Complex; Motion carried 5-0.

Mark Curenton said he spoke with Warren Emo and he was told that the \$7,833 will provide for an assessment of the issues at the Armory, it will not provide documents or plans and specs as that will be a separate cost. He recommended accepting the proposal but had concerns with one of the sentences in the contract.

The Board and Mr. Curenton discussed the cost of the assessment and also the bidding process for this project.

Motion by Parrish, seconded by Lockley, to accept the proposal and report for the renovation to the Coombs Armory, contingent upon approval by Attorney Shuler; Motion carried 5-0.

Commissioner Lockley wanted to be sure that the renovation projects are prioritized. Mr. Curenton said it would be.

5- Provide Board with copy of Amendment No. 3 to the Ochlockonee Boat Ramp. Amendment No. 3 is the final amendment clarifying what was built on site. The grant has been closed out and the county has been reimbursed the \$500,000 worth of construction that FWC had been holding.

7- The Hospital Board has experienced two recent vacancies it would like to fill, and they would like to change the by-laws to move the Medical Officer seat to a nonvoting status. They would then put another at-large voting member in the place of the non-voting Medical Officer so that the number of voting members remains at The Hosp. Board has 3 individuals it would like appointed to fill the seats just described. They are: Homer "Mac" McMillan, Deborah Huckleba, and Duffy Harrison. Board direction.

Deborah Huckleba, of Eastpoint, introduced herself to the Board.
Duffy Harrison, of Eastpoint, introduced himself to the Board.

Motion by Putnal, seconded by Parrish, to appoint Homer "Mac" McMillan, Deborah Huckleba and Duffy Harrison to fill the vacant seats on the Hospital Board; Motion carried 5-0.

Chairman Jackel said she would like to have Dr. Miniati restored to the Hospital Board, perhaps as a non-voting member.

Motion by Lockley, seconded by Parrish, to appoint Dr. Miniati as a non-voting member on the Hospital Board; Motion carried 5-0.

8- Inform the Board that the TDC did authorize the use of \$9,000 of funds to continue the bridge clean-up program through the end of Sept. 30, 2012. I have contacted VMS for a new Bridge cleaning contract for the Board to consider as we have currently expended all the VMS money. I am hoping we get a new VMS contract in February. It is my suggestion that the Board combine the TDC and VMS funds into one contract.

Chairman Jackel asked Mr. Pierce to keep an eye on this and report back to the Board.

Commissioner Sanders discussed grass growing over the sides of the road on the east and west ends of Highway 98 in the County.

The Board discussed the use of TDC monies and ways to fund future projects.

Commissioner Parrish discussed doing landscaping improvements at the 2 mile area.

The Board discussed the trash on the bridges, the need for improvements at different areas of the County and keeping the highway clean.

Mrs. Johnson expressed concerns with the use of TDC funds for bridge clean-up.

Chairman Jackel stated that Mrs. Johnson concerns were noted.

10 - Board action to approve a Resolution of Appreciation for former county commissioner Clarence Williams turning 85 on Friday, Jan 20.

Motion by Sanders, seconded by Lockley, to adopt a Resolution honoring former Commissioner Clarence Williams' 85th Birthday; Motion carried 5-0.

Commissioners Putnal and Sanders spoke highly of Mr. Clarence Williams.

Chairman Jackel discussed calls she had received about the oyster bars in the County being depleted. She wanted to open this subject up for discussion.

Commissioner Putnal said that the bars are worked too hard and don't have a chance to come back because there isn't enough time. He said it would help if the entire Bay was open except for permanently closed areas. He also discussed the history of the Bay.

Commissioner Lockley discussed how the Bay is being overworked but nothing is being done to replenish it. He said he didn't believe they are re-shelling the amount needed compared to license sales.

Motion by Putnal, seconded by Lockley, to send letters to Leslie Palmer asking for consideration in opening the entire Bay for oyster harvesting instead of just summer and winter bars and for re-shelling; Motion carried 5-0.

T. Michael Shuler – County Attorney – Report (11:41 AM)

Attorney Shuler presented his report to the Board.

Action Item:

1. Proposed Amendment To Hospital By-Laws

The proposed amendments-are attached for your consideration.

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

Attorney Shuler asked that he be allowed to pass on any action on the Hospital by-laws at this time.

The Board and Attorney Shuler discussed this matter further.

Non-Action Item

2. Eastpoint Water and Sewer District

Debbie Roumelis is coming to the Board to update you whether the grant can pay to repave the section of road that the EPWS district would like to cut. A local bank informed me that it would issue an unsecured letter of credit for a one percent origination fee plus documentary stamp taxes. For a thirty thousand dollar letter of credit, the cost would be about \$550.00 per year. Through their attorney, EPWS informed me that they will not obtain any letter of credit and that they do not believe that they are subject to the county's ordinances.

Debbie Belcher, of Roumelis Planning and Development Services, Inc., said she met with EPWS authority and Royal American, the contractor that's working on the project, and told them how much money is left in the grant. She asked Royal American what they could commit to doing to

repair the road cuts and they said they could do 50 ft. overlays on each of the cuts. She said Clay Kennedy said he thinks the patches will last as long as the road because the road doesn't have a very good base.

Clay Kennedy, of Preble-Rish, explained that the way he wrote it out for Mr. Pierce to hand off, the structural integrity of the patch is better than the condition of the road.

Ms. Belcher said the contractor has been having their heavy equipment to go over the cuts and continue to compact them. She said she thought they would be able to do more than 50 ft. overlays but she couldn't make that determination until the County approves the cuts.

Chairman Jackel asked when the Board will receive a definite comprehensive plan to the Board. Ms. Belcher said at this stage they should settle whether or not the County is going to be made and if they do, the cuts will be made to DOT specifications.

Chairman Jackel said the Board would agree to the cuts once EPWS has provided a letter of credit. She discussed the bank's willingness to issue a letter of credit at the cost of \$500 and said she didn't know how much cheaper they would be able to find a letter of credit.

Attorney Shuler said he spoke with a local bank and had them walk him through the process of a letter of credit. He said they were willing to give EPWS an unsecured letter of credit at the cost of 1% origination fee on an annual basis, plus documentary stamps. He discussed the areas that will be cut and the integrity of re-paving the cuts.

Chairman Jackel explained that the Board doesn't want to be a hindrance to this project but needs a guarantee that the integrity of the cuts should be as they were before they were cut.

Ms. Belcher wanted to clarify that she works for the County, not EPWS. She said she is just trying to make the project work.

Attorney Shuler discussed this matter further.

Commissioner Lockley said he didn't understand why this company couldn't agree to fix the cuts since they do this kind of work.

Commissioner Sanders said EPWS needed to come up with the letter of credit and there wouldn't be any problems.

Attorney Shuler recommended the Board accept Ms. Belcher's request to extend the grant as she recommended at the last Meeting.

The Board, Attorney Shuler and Ms. Belcher discussed waiving impact fees, the cost of the generator and a three month extension of the grant.

Motion by Sanders, seconded by Parrish, to request a three month extension on the County's grant for the EPWS project; Motion carried 4-1, Lockley opposed.

Motion by Parrish, seconded by Putnal, to allow EPWS an additional amount of \$26,000 to purchase a generator for the project; Motion carried 5-0.

The Board and Ms. Belcher discussed reasons for the additional \$26,000, which was originally allotted for impact fees.

Ms. Belcher presented a proposal of the County permitting the cuts with the condition that EPWS gets a line of credit.

Commissioner Sanders said the County needed to have the letter of credit before any permits are granted.

The Board and Attorney Shuler discussed the details of receiving the letter of credit and how it works.

Chairman Jackel said it would be an unwise decision to go forward with making cuts that are unpermitted. She said the Board would seek further remedy if that were the case and asked Ms. Belcher to relay this message to EPWS.

Ms. Belcher explained that the grant totals were not changing but that \$26,000 needed to be transferred from the connection portion of the grant to the sewer line portion of the grant.

Attorney Shuler discussed an earlier comment by Commissioner Parrish that the Attorney General might need to be contacted concerning this matter. He said it would be better if the Board keeps this matter within the County and he believed the three month extension would give both parties time to work through the issues. He suggested that Ms. Belcher inform EPWS that the bank is willing to give them an unsecured letter of credit.

The Board and Clay Kennedy discussed the transition area of the cuts, which could potentially cause a roller coaster effect.

Commissioner Sanders said the Board was not going to compromise on having the road cuts repaved to its original integrity.

Ms. Belcher said she could attend the EPWS Board Meeting tonight and relay a message that the Board wants them to get at least an unsecured letter of credit for \$30,000 for two years.

Attorney Shuler said he has provided the attorney for EPWS the letter of credit form that he has prepared and approved for use by the County.

Chairman Jackel asked Ms. Belcher to meet with Attorney Shuler and get the details to take to the EPWS Board Meeting this evening.

3. Airport FBO Lease

I have spoken with Joe Silva, Esquire, who represents the current tenant. Mr. Silva informs me that his client will agree to the three month extension of the lease on its current terms, with neither party waiving any of its rights, claims and defenses.

Commissioners' & Public Comments (12:21 PM)

Commissioner Putnal discussed issues with the Avenue A and Otter Slide intersection in Eastpoint. He said there is a big hill with a dip on both sides and wanted to know what the Board was going to do about this situation.

Chairman Jackel suggested having Mr. Kennedy look at the site and give the Board a plan and cost to correct the problem.

Chairman Jackel, on behalf of the Board, expressed her condolences to the family of former Sheriff Jack Taylor, who recently passed away.

Chairman Jackel showed a photo of her new grandson, William Buck Jackel. She said her family is very excited, thankful and very blessed.

Commissioner Parrish stated that the GOIC Meeting in Washington, D.C. is February 5, 2012 and needed approval for travel.

Motion by Sanders, seconded by Lockley, to approve travel fees issued in the form of a manual check from the Clerk for Commissioner Parrish to attend the GOIC Meeting in Washington, D.C.; Motion carried 5-0.

Mrs. Johnson stated that Aaron's Electric had tried to submit a bill for around \$3,700 but didn't realize the Courthouse was closed the previous day for holiday. She asked for permission to cut a manual check.

Motion by Sanders, seconded by Putnal, to allow the Clerk to cut a manual check to Aaron's Electric in order to pay the submitted bill; Motion carried 5-0.

Commissioner Sanders also commented on the passing of former Sheriff Jack Taylor.

Chairman Jackel reminded the Board that there will be a Special Meeting at 9 AM in the morning to open the FBO bids for the Airport.

Clay Kennedy, of Preble-Rish, wanted it to be understood that if you make cuts in a road it reduces the integrity of the road. He said he wanted to be sure that he was not held responsible for Royal American's re-paving.

Commissioner Sanders asked about Crooked River Bridge and striping down Highway 67.

Adjourn (12:31 PM)

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

Pinki C. Jackel, Chairman – FCBCC

Attest:

Marcia M. Johnson, Clerk of Courts