

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
AUGUST 21, 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 Morón – Deputy Clerk/Board Secretary

Call to Order (9:01 AM)

Chairman Jackel called the Meeting to order.

Prayer and Pledge (9:01 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of Minutes (9:03 AM)

Motion by Lockley, seconded by Putnal, to approve the Minutes of the July 3, 2012 & August 1, 2012 Regular Meeting; Motion carried 5-0.

Payment of County Bills (9:03 AM)

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

Department Supervisor's Report

Hubert Chipman – Superintendent of Public Works (9:03 AM)

Mr. Chipman explained issues the Road Dept. is having with maintaining roads and mowing grass due to the excessive amounts of rain.

Chairman Jackel and Mr. Chipman discussed the availability of barricades with flashing lights. Chairman Jackel asked Mr. Chipman to order additional barricades with flashing lights and to consult with Pam Brownell concerning funding from FEMA to pay for the barricades.

Mr. Chipman assured the Commissioners that he will get to all of the work orders as quickly as possible.

Motion by Lockley, seconded by Parrish, to authorize a onetime maintenance upgrade to Reeder Lane, a private road in Apalachicola; Motion carried 5-0.

Chairman Jackel also mentioned that Buck Street in Eastpoint needed some maintenance. Mr. Chipman discussed previous repairs to this street.

Chairman Jackel asked whether or not Buck Street in Eastpoint is a County road and Attorney Shuler said it wasn't and discussed this matter further.

Commissioner Sanders stated that a gentlemen who lives on Gulf Shore Blvd. in Alligator Point needs access to his property. Mr. Pierce and Attorney Shuler provided additional information on this matter.

Attorney Shuler discussed his conversation with DEP concerning the access road.

Commissioner Sanders said that there have been complaints of turtle nests being disturbed and she wanted the record to reflect that the County has not had any equipment on the beaches in Alligator Point.

Mr. Pierce provided some information on current restrictions the County is facing in making repairs to County beaches.

Commissioner Parrish directed Mr. Chipman to clean a ditch at the north end of the airport fence, in order to avoid further flooding.

Commissioner Sanders asked Mr. Chipman to do the same work to the large ditch that runs along Hwy. 67 in Carrabelle.

Chairman Jackel and Mr. Chipman discussed the need for overtime in order for the Road Dept. crew to accomplish all of the clean-up work throughout the County.

The Board and Mr. Pierce discussed FEMA reimbursing the County for some of the clean-up costs, such as employee overtime.

Motion by Putnal, seconded by Sanders, to approve overtime for County employees doing storm clean-up work; Motion carried 5-0.

Motion by Parrish, seconded by Lockley, to send a letter to the Governor's Office declaring a State of Emergency to request assistance for road maintenance, ditch clean-up, and mosquito control; Motion carried 5-0.

Fonda Davis – Solid Waste Director (9:31 AM)

Mr. Davis presented his report to the Board.

CONSOLIDATED SOLID WASTE GRANT WORK PLAN:

FOR BOARD ACTION: I have for Board approval and the Chairman's signature the completed Consolidated Solid Waste Management Grant Work Plan for Fiscal Year 2012-2013. The grant is used within the solid waste department to offset the cost of providing solid waste management services. The Work Plan needs the chairman's signature.

REQUESTED ACTION: Board Approval and the Chairman's Signature on the Consolidated Solid Waste Management Grant Work Plan for Fiscal Year 2012-2013.

Motion by Lockley, seconded by Sanders, to approve the Chairman's Signature on the Consolidated Solid Waste Management Grant Work Plan for Fiscal Year 2012-2013; Motion carried 5-0.

REQUEST FOR A NEW HIRE POSTION & RESTRUCTURING OF CURRENT EMPLOYEES:

FOR BOARD ACTION: I am requesting Board approval to advertise and fill the vacant position that is currently allocated in my budget. I would like to hire one new entry level employee, at the starting pay of \$25,500 and an extra \$5000 for restructuring of current employee positions.

REQUESTED ACTION: Board Approval to advertise and fill one new entry level Position, and \$5000 for restructuring of current positions.

Mr. Davis explained that he will give Albert Floyd a \$2,000 increase as the Assistant Director, and Kelvin Shiver and Link Carroll will receive \$1,500 each.

Chairman Jackel and Attorney Shuler discussed the restructuring plan and how this differs from previous issues with advertising for positions.

Motion by Sanders, seconded by Parrish, to approve restructuring and advertising to fill a position at the Landfill; Motion carried 5-0.

Nikki Millender – Parks & Recreation (9:38 AM)

Mrs. Millender presented her report to the Board.

For Board Guidance: Parks & Recreation rents numerous port a potty units from Wilson Septic Company, in July they placed five units at Will Kendrick Sports Complex for the State Softball

Tournament and they have yet to be removed. I have spoken with Alan Pierce about this matter; he informed me that he would have Rachel contact Wilson to ask that the units be removed. Wilson's still has not removed the units. I have not received any invoices since April 3, 2012 nor have I received invoices from September 2011 through February 2012. I have contacted them numerous times requesting invoices and have not received any.

REQUESTED ACTION: Board Guidance

The Board suggested that Mr. Pierce contact Wilson's Septic Company to try to resolve this matter.

Chairman Jackel and Mrs. Millender discussed the installation of additional lighting at Vrooman Park in Eastpoint.

Commissioner Sanders and Mrs. Millender discussed the County seeking a bid to host the Youth League World Series at Kendrick Park in Carrabelle and the expenses that are involved with these types of events.

For Board Information: Fort Coombs Renovations/Armory and Convention Center

Section One: Summary

EMO/ARCHITECTS, INC. (EMO) is currently completing their Task Two services for partial re-roofing and gutter repairs. Through 16 August 2012 EMO has completed approximately 95% of the Final Architectural Construction Documents (Drawings and Specifications). The remaining services require completion of a Site Survey necessary for the design of infrastructure by the Civil Engineer for connecting roof drainage to the new offsite drainage improvements recently installed by the City of Apalachicola. Weather delays have prevented completion of the Site Survey, however all efforts are being made to complete these services in a timely manner. EMO is on schedule to review and incorporate the Engineer's drawings to allow the project to be Bid in late August.

Section Two: Activities and Progress

Basic Services:

| | | |
|------------|------------------------------------|---------------------|
| <i>400</i> | <i>Construction Documents</i> | <i>95% Complete</i> |
| <i>500</i> | <i>Bidding/Negotiations</i> | <i>0% Complete</i> |
| <i>600</i> | <i>Construction Administration</i> | <i>0% Complete</i> |

EMO has previously submitted a copy of the 75% Preliminary Architectural Construction Drawings and Specifications dated 3 July 2012 which are stamped preliminary.

Pastor Craig Hicks, along with Betty Sasnett, addressed the Board concerning the newly formed Franklin County Soccer League. They discussed what they would like to do in the County for a soccer program, including having a County field dedicated for soccer.

Commissioner Sanders expressed her support for this new league.

Commissioner Putnal suggested contacting both the City of Apalachicola and the City of Carrabelle asking for the use of their football fields.

Pastor Hicks discussed the help that Gulf County has provided in getting the league started in Franklin County.

Commissioner Parrish stated some of what has been done thus far to create a field, especially at D.W. Wilson. He also provided additional information on what can be done this year versus next year.

Pastor Hicks stated that this will be part of the Franklin County Youth League by next year.

Motion by Parrish, seconded by Sanders, to move forward with having the Parks and Rec Dept. repair the soccer fields as much as possible for this year's season and during the winter create a more permanent soccer field for next season; Motion carried 5-0.

Commissioner Lockley asked if the same could be done for a basketball league for the County now that the school system has cut out middle school sports.

Motion by Lockley, seconded by Parrish, to create a more permanent youth basketball league, along with courts for playing and practicing; Motion carried 5-0.

Commissioner Parrish discussed the benefits of establishing these sports leagues.

Pam Brownell – Emergency Management Director (10:04 AM)

Mrs. Brownell presented her report to the Board.

Action Items: Recommend the Board create a 3 member committee to review Requests for Qualifications (RFQs) submitted to Emergency Management and make recommendations on their choices for pre-event contracts for Disaster Debris Removal and Disposal Services for Franklin County. Signing of pre-event contracts will be at no cost to the county. Emergency Management recommends that the Franklin County Solid Waste, Road and Emergency Management Departments be parts of this committee.

The following companies successfully submitted their RFQs by the deadline advertised:

1. Tag Grinding Services, Inc.
2. Crowder Gulf
3. Ceres Environmental Services
4. Phillips & Jordan, Inc.
5. J.B Coxwell Contracting, Inc.
6. Bergeron
7. Asplundh Tree Expert Company
8. T.F.R Enterprises. Inc
9. D & J Enterprises
10. Ashbritt, Inc.

Information Items:

1. The FEMA Disaster Relief Center in Apalachicola, FL has closed as of August 4, 2012. Their report states that 488 individuals have registered for disaster assistance in our county. \$125,538 has been provided to individuals for temporary housing needs and \$16,782 for other needs.
2. Emergency Management is working with the Florida Fire Service to offer 2 wild land fire fighting courses to our volunteer fire departments.

The Board requested that the RFQs be opened in today's Meeting.

Mrs. Brownell informed the Board that Tropical Depression #9 is on its way and is bringing lots more rain.

Mrs. Brownell left the Meeting to pick up bids and bring them back to the Meeting.

Recess (10:09 AM)

Chairman Jackel called for a recess.

Reconvene (10:34 AM)

Chairman Jackel reconvened the Meeting.

Bill Mahan – Extension Office Director (10:34 AM)

Mr. Mahan discussed sea turtle nests.

Commissioner Putnal called Shannon Hartsfield, President of the Franklin County Seafood Workers Association, forward and asked him to have the State check the oysters on the summer bars and see if they can be extended for a while. He said there are not a lot of oysters on the winter bars but he doesn't want to over work the summer bars either because it will affect the oysters for next summer.

Commissioner Parrish discussed issues with the depletion of the oyster bars.

Motion by Putnal, seconded by Sanders, to have DACS & FWC check on the winter bars and see what is out there and bring results back to the board; Motion carried 5-0.

Alan Pierce Report Item #6 - Shelling Project

Provide Board update on oyster re-shelling program. The re-shelling program will have its 3rd and final re-shelling on Friday, August 24. The program will be back in Eastpoint. Mr. Hartsfield

has not provided me with an exact count of loads left to be put in the bay, but I believe it is around 250 as during the first two days not all the participants showed up.

Mr. Hartsfield stated that the workers had put out 256 loads in Eastpoint, 278 loads in Apalachicola and the last 266 loads will be put out in Eastpoint. The Board and Mr. Hartsfield discussed the operation's success.

Dewitt Polous – Mosquito Control (10:45 AM)

Mr. Polous addressed the Board and discussed serious mechanical issues he is having with his spray trucks.

Motion by Putnal, seconded by Sanders, declaring a state of emergency, authorizing the purchase of two new trucks for Mosquito Control, from Reserves for Contingency account, and from State bidding if possible; Motion carried 5-0.

Chairman Sanders asked for information relating to West Nile virus in our area.

Ms. Marsha Lindeman, Interim Administrator of Franklin County Health Dept., stated that there is one possible West Nile virus case from Eastpoint at this time. She stated that there have been eleven cases in Duval County and two in Escambia County. Ms. Lindeman discussed precautions and preparedness documents that are being distributed to inform medical workers and citizens concerning possible outbreaks of the virus.

Ms. Lindeman discussed ways to minimize the risk including staying indoors at dawn and dusk, wearing bug spray with Deet, dressing appropriately to cover yourself as much as possible and drain any standing water.

David Walker, of Franklin County Health Dept. stated that he is providing information to the press concerning the West Nile virus.

The Board asked Mr. Walker to be sure to pass along all precautionary information to the at-risk citizens in the County.

Mr. Polous expressed his appreciation for the Board's support.

Open RFQ's for Storm Debris Management

Motion by Parrish, seconded by Lockley, to amend the agenda in order to add opening RFQ's for storm debris management; Motion carried 5-0.

Mrs. Brownell stated that advertising was for qualifications to remove storm debris.

Motion by Lockley, seconded by Parrish, to have Mrs. Brownell form a committee of herself, Fonda Davis, and Hubert Chipman, with the assistance of Attorney Shuler and Mr. Pierce as needed, to review RQF's; Motion carried 5-0.

The Board requested that the committee rank the bids and Mrs. Brownell said she is going to request that each of the applicants come in and put on a presentation.

Attorney Shuler, Mr. Pierce and Mrs. Brownell opened and read the bids.

Commissioner Lockley and Mrs. Brownell discussed the status of the oyster bars according to the assessment from DACS.

Ms Marsha Lindeman – Health Department Update (11:06 AM)

Ms. Lindeman, Interim Administrator of Franklin County Health Dept., addressed the Board and discussed the CHD ranking tool that is used to evaluate county health departments. She said they took a compilation of measures that were already in existence and put them together to try to measure the different aspects and functions of the health departments. She explained how the rankings were determined and stated that some of the measures were from two or three years. Ms. Lindeman discussed the different measures with the Commissioners. She discussed strategic planning with the community, performance improvement and administrative functions of the health department.

She said that she would like to come back and update the board on the progress that is made in areas that needed improvement.

Chairman Jackel expressed concerns about the age 2 immunization rates being low and would like to see improvement. Mr. Walker stated that as of 2011 these rates are now 100% and said they will continue to watch these statistics.

Chairman Jackel discussed other issues that concerned her and Ms. Lindeman addressed these concerns.

Commissioner Sanders inquired about the dental sites and asked if they are open yet.

Ms. Lindeman stated that they are not yet open but informed the Board of equipment that is being installed and said a dentist was hired last week. She said they will be adding her as an OPS position so that she can interview and hire her team. She said they are hoping to open by the end of September or early October. Ms. Lindeman said they will be starting in the schools in order to get sealant on the children's teeth.

RFP – Airport and New Hangar (11:31 AM)

Mr. Pierce informed the Board that one of the bids was filed electronically with the Planning and Zoning Office and asked for the discretion of the Board as to whether or not they would like to accept the bid.

Motion by Sanders, seconded by Putnal, to accept the electronic bid; Motion carried 5-0.

Attorney Shuler suggested going forward with the discussion of water utilities while Mr. Pierce opens the bids.

Bob Nabors & John Jenkins of Nabors & Giblin Law Firm – Discuss Water Utilities (11:35 AM)

Attorney Shuler discussed recent concerns with the purchase and sell of utilities in the County which has become a public concern and debate. He said a group of residents had addressed the Board and asked what the County's options are in terms of creating mechanisms for the funding of purchasing utilities and also the possibility for the County's home rule power to purchase and sell utilities. Attorney Shuler stated that he recommended the Board hire Nabors & Giblin Law Firm and he introduced Bob Nabors and John Jenkins.

Mr. Nabors stated the options the Board has to create a special district which could own and operate the water utility on St. George Island. He said there are two types of special districts, which are independent special districts, created by the Florida Legislature and dependent special districts are created by ordinance of a municipality.

He said there had to be one of four characteristics in creating a dependent special district and reviewed the four characteristics:

1. Governing board is appointed by the district
2. County Commissioner/Municipality serves as the governing board.
3. County/City approves a budget.
4. Has to have the ability to remove a member of the governing board during an unexpired term.

Mr. Nabors explained how the Board could create a district and explained that the County hasn't committed any funds at any time to provide the service as it would be subject to the rates imposed by the governing boards. He said it would have to be included on financial statements but it wouldn't require any obligation to commit any County funds to the operation. Mr. Nabors discussed how the district would be operated.

Mr. Jenkins discussed water and waste water regulations of privately owned utilities. He said the Public Service Commission operates pursuant to two documents, which are the Water and Sewer System Regulatory Act and the PSC's own rules and regulations that are more detailed and explain the responsibilities for utility operations.

Mr. Jenkins said there are 31 counties in Florida that regulate private systems. He said they take the two laws from the PSC and adopt those with certain changes to accommodate their particular interests.

Mr. Jenkins discussed the sale of a private utility to a local government and different reporting requirements and regulations for operations of the utility.

Attorney Shuler and Mr. Jenkins discussed regulatory fees that can be assessed to pay expenses.

RFP – Airport and New Hangar – Continued (11:46 AM)

Mr. Pierce opened and read the bids.

1. Apalachee Winds Aviation – no proposal included.
2. Fly High – \$7,500 per month for the hangar and parking lot, commission of 10% for anything above hangar and parking lot, \$.08 per gallon for fuel.
3. Trident Aircraft – 5% of fuel sales, \$12.50 per month for each occupied T hangar, 5 year lease for \$1,350 for commercial hangar.
4. Crystal Air – proposal unclear.

Motion by Putnal, seconded by Parrish, to forward the bids to the Airport Committee for a recommendation and request that their recommendation is sent back to the Board as soon as possible; Motion carried 5-0.

P & Z Report (11:55 AM)

Mr. Pierce presented the items to the Board.

CRITICAL SHORELINE APPLICATIONS:

Recommended Approval- Unanimous: Consideration of a request to construct a Single Family Private Dock which is 53' x 4' with a 25' x 15' terminus at 2323 Tally Ho, Lot 12, Schooner Landing Subdivision, St. George Island, Franklin County, Florida. This application has all State and Federal Permits and is consistent with the Franklin County Dock Ordinance. Request submitted by Larry Joe Colson, agent for Randall Rust, applicant. (No House)

Motion by Parrish, seconded by Sanders, to approve request to construct a Single Family Private Dock which is 53' x 4' with a 25' x 15' terminus at 2323 Tally Ho, Lot 12, Schooner Landing Subdivision, St. George Island; Motion carried 5-0.

LAND USE & RE-ZONING CHANGE & SKETCH PLAT APPROVAL:

2- Recommended Approval- Unanimous for a public hearing for Small Scale Land Use Change, Re-Zoning and Sketch Plat Approval contingent upon 4 caveats listed below: Consideration of a request to rescind the South Shoal PUD Ordinance 2004-36 allowing for the property to be replatted and developed into 7 lots to be known as "Southwest Cape." Also, seeking a Small Scale Land Use Change of a 7.141 acre parcel known as "South Shoals PUD" to Residential and a Re-

Zoning from Commercial to R-1 Single Family Residential. Request submitted by Mowrey Law Firm, P.A., agent for Capital City Bank.

- *Private internal road system accessed from Tom Roberts Road,.*
- *40' Right of Way easements clearly marked with a minimum of 12' driving path, possible backfill a portion of the storm water, and to clearly distinguish the storm water easement from the right of way.*
- *Plat notations stating: Primary access for all lots to be from Tom Roberts Road.*
- *Maintenance of the Storm Water Retention Pond to be the sole responsibility of the HOA, not the County.*

Motion by Lockley, seconded by Sanders, to approve a request for a public hearing for Small Scale Land Use Change, Re-Zoning and Sketch Plat Approval; Motion carried 5-0.

Attorney Shuler discussed issues that will be considered at this public hearing.

Attorney Shuler said the public hearing hasn't been scheduled at this time and discussed reasons why. He said the hearing should be planned within the next 60 days. Commissioner Sanders asked Attorney Shuler to make sure the caveats are put in the plat where it follows the land. She expressed her concerns with South Shoal meeting the terms and conditions.

Commissioner Parrish stated that he has issues with the continued flip flopping back and forth.

The Board and Attorney Shuler discussed this matter further.

Commissioner Sanders wanted to be sure that the terms and conditions are clear on this matter.

Marcia M. Johnson – Clerk of Courts – Report (12:04 PM)

Mrs. Johnson had no report for the Board.

Alan Pierce – Director of Administrative Services – Report (12:04 PM)

Mr. Pierce presented his report to the Board.

1- Board action for Chairman to sign FEMA Public Assistance Funding Agreement. This is the agreement that allows FEMA to reimburse the county for damages associated with TS. Debbie.

Motion by Parrish, seconded by Lockley, to approve the Chairman's signature on the FEMA Public Assistance Funding Agreement allowing the reimbursement to the County for damages associated with Tropical Storm Debby; Motion carried 5-0.

2- Board action for Chairman to sign Disaster Assistance Local Match waiver. This form and related documents will go to the Governor's Office for review. We are asking for a waiver of the 12.5% local share that is normally part of a disaster. The standard arrangement for reimbursement is the federal government pays 75% of the cost of damages, the state pays 12.5%, and the local government puts up 12.5%. The local share can be met with documentation of the value of volunteers who helped respond during the disaster. Pam Brownell is coordinating the collection of that data in the event the waiver is denied.

Motion by Lockley, seconded by Sanders, to approve the Chairman's signature on the Disaster Assistance Local Match waiver; Motion carried 5-0.

3- FEMA has been in the county writing the PWs for the damage. There is only one team writing PWs so not all PWs have been written at this time. In past declared disasters, once a PW was written and signed the county was then able to submit for reimbursement immediately. Now there is a review process on the PWs before the county can submit.

4- Mr. Lee Edmiston, Research Reserve Director, would like the Board to know that the Reserve is installing 4 stations in the Bay that will produce real time data for anyone to access on water quality- salinity, water temperature, dissolved oxygen, pH, and turbidity. The four stations will be on East Bay, Dry Bar, Pilot's Cove of Little St. George, and one near Four Tree Cutoff on the Little St. Marks River. In addition to the water data, all four stations will have a small weather station measuring air temp, wind speed, and direction. The stations will be permitted through DEP, and USACOE, and will be installed in the next few months.

5- Remind the Board that the recognition of the girls' softball state champions will take place at a pep rally at the Franklin County Consolidated School on Friday, Sept. 7, 2012, at 1:30 PM in the school gymnasium. All commissioners are invited to attend. Please check in at the front office when you arrive on campus.

Motion by Sanders, seconded by Parrish, to approve the resolution recognizing the girls' softball state champion team; Motion carried 5-0.

6- Provide Board update on oyster re-shelling program. The re-shelling program will have its 3rd and final re-shelling on Friday, August 24. The program will be back in Eastpoint. Mr. Hartsfield has not provided me with an exact count of loads left to be put in the bay, but I believe it is around 250 as during the first two days not all the participants showed up.

This item was discussed earlier in the Meeting.

7- Board direction on negotiation with DOT on use of area on the Eastpoint end of the long bridge that is currently fenced off. This is the area that Progress Energy used as a staging area during their construction project. Before it was fenced off it was a popular fishing area for the public. At the direction of the Chairman I met on site with DOT personnel last week. Progress

Energy improved the area so that it can accommodate more vehicles, and DOT is willing to consider leasing the area to the county so the public can continue to fish, but there is one hazard that DOT wants resolved before the area is opened back to the public. The area that is fenced off was the approach to the original bridge between Eastpoint and Apalachicola. The original bridge had a corrugated iron headwall that now 50 years later has eroded to the point where someone could get hurt if they fell on it. I believe the headwall can either be fenced off, or perhaps knocked down so that the area could be safely used. Does the Board want me to develop a plan, and a cost, for opening the area for fishing? DOT said that with adequate safeguards in place they would consider leasing the area to the county so long as we would keep in free of litter and trash.

The Board and Mr. Pierce discussed this item.

Commissioner Parrish asked that this item be tabled until the next Meeting so that he could check out this area.

8- Board direction to contact Progress Energy to resolve a drainage problem on the PE power line between Adams and Franklin St. in Eastpoint.

The Board asked Mr. Pierce to contact Bobby Pickels, of Progress Energy, on this matter.

9- Provide Board with a copy of story about ACF River battle in this month's American Planning Assoc. magazine. It is a good summary of the current situation. Mr. Dan Tonsmeire is quoted.

10- Provide Board with copy of email I sent to DOT regarding the re-striping of the bridges. DOT has responded with an email thanking the Board for their concern and they are evaluating the request.

The Board asked Mr. Pierce to follow up on this matter.

11- Provide Board an update of the status of the revenue sharing funds that the state was going to withhold from each county for repayment of Medicaid costs. The Board may recall that the Legislature passed a law that allows DOR to withhold revenue sharing from counties in order for the state to re-coup what it claims is money owed by county residents who receive Medicaid benefits. In the case of Franklin County, the amount that was going to be withheld was some \$180,000, and it was going to be withheld over a 5 year period so that each year for 5 years approximately \$35,000 would be withheld from what the county would otherwise receive. The county Finance Office discussed this withholding issue with the Board during the budget workshop.

Several weeks after the budget workshop, the Finance Office learned that DOR had determined the Franklin County has resolved all its outstanding Medicaid issues so that the county was not going to have any revenue withheld. I understand Franklin County is one of 10 counties in the state not have revenue withheld because of a Medicaid dispute with the state.

Commissioner Sanders commented on this matter and said this item was discussed at the FAC meeting in Panama City.

12- Bids to replace roof on the Carrabelle Annex. FEMA is going to replace the roof and the question is should we upgrade to a metal roof.

The Board discussed this matter and decided to keep a shingle roof.

Michael Shuler – County Attorney – Report (12:19 PM)

Attorney Shuler commented on the Medicaid credit and said it was a true credit.

Attorney Shuler presented his report to the Board.

1. Health Insurance Quote

You previously authorized Mr. Fenstermaker to provide a quote for health insurance at your last meeting.

Blue Cross and Blue Shield of Florida ("BCBS") has informed Mr. Fenstermaker, and he has told me, that BCBS will not allow him to provide a quote unless he is an agent of record for the county

I have brought this back to your attention because although you authorized the quote, you did not authorize naming Mr. Fenstermaker as your agent of record.

A copy of a draft letter, edited by me, is attached for your consideration.

The letter makes clear that the sole purpose of the designation is for Mr. Fenstermaker to provide us a no obligation quote for health insurance.

Mr. Fenstermaker has confirmed in an email to me that the quote is at no cost and that he will not make any fees unless the county accepts his quote.

Recommendation: Since there is no cost, I recommend that the board designate Mr.

Fenstermaker as the agent of record for the limited purpose of providing you with a no cost, no obligation quote on health insurance.

The Board discussed concerns that this agent was unknown but also determined the need for a less expensive plan for the County and the families of the workers.

Commissioner Putnal stated that the former insurance agent for the County had recommended the insurance agent for the Gulf County School Board.

Attorney Shuler assured the Board that there will be no obligation by allowing Mr. Fenstermaker to give the Board a quote.

Motion by Sanders, seconded by Putnal, to designate Mr. Fenstermaker as agent of record for the purpose of a quote and for Staff to contact the insurance agent for the Gulf County School Board to request a quote; Motion carried 5-0.

2. Weems Electronic Medical Records (Healthland Contract)

Centennial Bank has informed me that it may be necessary for the county, not the hospital, to book the \$800,000.00, (approximately) loan for the electronic medical records software we are buying from Healthland. This is the contract that Mr. Lanier explained to you at the last meeting. A copy of the bank's loan commitment is attached.

If the county takes out the loan, the CPA, Robert Petro, has confirmed that the hospital can book the loan as an obligation of the hospital and that the hospital, not the county, would make the loan payments. A copy of that email is attached. This would operate just like the OTED loans that the county took out years ago when took over the hospital. The OTED loans are in the name of the county, but are booked as a liability of the hospital and are paid by them.

In the event that the bank requires that the county take out the loan, I request board approval for the chairman to sign such loan document as the bank may require.

Recommendation: A motion authorizing the chairman to sign such documents the bank requires for the \$800,000.00, more or less, loan to purchase the electronic medical records software from Healthland.

Commissioner Sanders stated that she was in favor of not acting on this today and asked the Hospital Board to send this to TMH for a recommendation.

Chairman Jackel provided and discussed some information on this subject that she received from TMH yesterday. She said the information she received outlines some pitfalls to this contract and was absent of detailed implementation plan, putting Weems at risk for payment terms. She said she received information from Madison County that gave her reason to question this contract.

The Board discussed hidden fees that could be included in this contract and expressed concerns.

Commissioner Lockley expressed his concerns with TMH not being involved in these types of decisions.

Attorney Shuler stated that there is a disconnect somewhere and someone in authority needs to look at and reconnect.

Motion by Sanders, seconded by Putnal, tabling this item and the execution of any contract relating to this item and direct the Hospital Board to request a recommendation from TMH; Motion carried 5-0.

Chairman Jackel and Attorney Shuler discussed bidding requirements for these types of contracts.

Commissioners Lockley and Parrish expressed their concerns of the lack of support from TMH.

Chairman Jackel expressed her support for the partnership with TMH but agreed that there has to be discussion with TMH for better communication and other issues.

Commissioner Putnal commented on some of the benefits to the County by partnering with TMH.

Motion by Lockley, seconded by Parrish, to terminate the agreement the County has with TMH; Motion failed 2-3. Sanders, Putnal, and Jackel opposed.

Informational Items

3. Healthland Maintenance Fees

It has been brought to my attention that there is some concern about the monthly maintenance fees charged by Healthland in the approximate balance of \$9,000.00, month, so I wanted to bring this to the boards attention.

Below is a statement prepared by Interim CEO Cindy Drapal about the fees that going to be sent to the hospital board members.

*"Please refer to the attached Healthland Proposal. This proposal was discussed in detail at the May 31, 2012 Hospital Governing Board meeting. The annual maintenance fees are indicated on page 1 of the proposal (pg. 37 of the BOD packet). The final contract addendum was not available from Healthland until after we received approval from the BOD. My discussion with Healthland was that the annual maintenance fee would be paid monthly, per the conditions of our existing contract. As I indicated in my initial response to Tammi, I have negotiated out \$5401.00 from the maintenance fee as warranty service of the Dell servers. The remaining balance will be billed in monthly payments. This is a normal operating fee for any EHR. We currently pay a monthly maintenance fee of approximately \$4500.00 for our Healthland financial package. Additionally, we pay a monthly fee of approximately \$700.00 per month for ER physician documentation. The ER physician documentation will eventually incorporate into the Healthland system eliminating that fee. **In essence, we are increasing our operating expense for the EHR by approximately \$3000.00 because the monthly payments will total \$8,542.**" (Emphasis added)*

Also attached are some documents Cindy sent to me that were considered by the hospital board when it approved the Healthland contract, and the maintenance fees were part of that information. For convenience, that information is located on the attachment identified with the number "37" in the bottom right hand corner that I have marked a circle.

4. SGI Fishing Pier

Until August 16, 2012, I felt positive about Orion Marine's actions in accepting responsibility for the damage to our fishing pier and returning it to the condition it was in before the damage. In essence, Orion had informed me that they were in the marine construction business, and had the capability of engineering and rebuilding the pier. Generally, Orion would make the repairs as it would be more cost effective and timely for them to do so. No final agreement was reached,

but they were supposed to prepare construction plans and send them to the county for consideration.

However, on August 16, 2012, instead of sending plans, Orion's General Counsel, together with the attorney that had been my contact, informed me that they did not want to accept design liability for repairing a 50 year old structure, that they did not want to build a brand new bridge when all we had was a 50 year old bridge and that they wanted our insurance carrier to become involved to work with their insurance carrier for the purpose of appraising the fair market value of the damage. They went on to say that we could then use that money to hire someone to make the repairs to the pier, and if the repairs exceeded the estimate, we would pay the difference and if we decided to make lesser repairs, we could pocket the savings.

I have at least two problems with this. First, there is no negligence on our part that would implicate our insurance. Second, they clearly want to base the damages on the value of that part of the pier that was damaged, not the total cost of repairs. Think of this in terms of a car accident when the insurance company says that the fair market value of your car at the time of the accident is less than the actual cost to you to replace your car.

Effectively, this clearly means that Orion envisions that they will pay us less than the actual cost to rebuild the pier. That is unacceptable.

We almost reached logger-heads, but in the end, Orion asked to continue the dialogue and requested that we send them some details on the repairs we expected and they would consider further whether to make repairs or, if not, for lack of a better term, we could litigate the loss. They did not say litigate, but effectively that is where we will be if we cannot reach an agreement with them on making repairs.

I do not think that we need the walking surface of the fishing pier to be reconstructed as a vehicular bridge (the thick concrete driving surface). It may be that rebuilding it as a pedestrian walking surface is appropriate, however, it will have to be rebuilt the entire length and width of what was destroyed, using appropriate materials, and I think that the façade should attempt to substantially match the remainder of the pier.

At one point, Orion mentioned simply building a walk way to connect the two pieces of the pier instead of rebuilding the damaged sections. That also is unacceptable.

I will continue to work with them and if material progress is not made, I will return for board action on how to proceed.

Commissioner Sanders thanked Attorney Shuler for his efforts at Lanark Village trying to clean up the burned apartments.

Chairman Jackel and Attorney Shuler discussed the need for repairs to the St. George Island fishing pier. Chairman Jackel asked that the Board and Attorney Shuler consider using money from the Bridge Fund to repair the fishing pier.

Commissioner Sanders expressed concerns of not requiring the company that destroyed the pier to repair it.

Chairman Jackel explained that the repairs would be made by the County but the company would still be required to reimburse the County for repairs.

The Board and Attorney Shuler discussed this matter further.

Commissioners and Public Comments (12:54 PM)

Commissioner Lockley expressed concerns of a rumor he heard that the Bay City Work Camp might be closing.

Commissioner Parrish stated that he has heard these same rumors by employees from the Work Camp.

Motion by Lockley, seconded by Parrish, to send a letter to the DOC about the State's intentions regarding closing the work camp and the importance of this facility to the County; Motion carried 5-0.

Commissioner Parrish asked to be reimbursed for expenses he incurred for attending the meeting last week and the upcoming meeting regarding the oil spill and funding for the counties.

Motion by Lockley, seconded by Putnal, to approve the reimbursement of travel expenses incurred by Commissioner Parrish for attendance at oil spill meetings; Motion carried 5-0.

Adjourn (12:59 PM)

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

Pinki C. Jackel, Chairman – FCBC

Attest:

Marcia M. Johnson, Clerk of Courts