

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
APRIL 1, 2014
9:00 AM**

MINUTES

Commissioners Present: Cheryl Sanders – Chairman, William Massey – Vice Chairman, Pinki Jackel, Noah Lockley, and Joseph Parrish

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

Call to Order (9:01 AM)

Chairman Sanders called the Meeting to order.

Prayer and Pledge (9:01 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes (9:02 AM)

There were no Minutes presented for approval.

Payment of County Bills (9:02 AM)

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

Department Supervisor Report

Howard Nabors – Superintendent of Public Works (9:03 AM)

Mr. Nabors had no items for Board action.

Commissioner Lockley requested some landscaping maintenance at the Hospital.

Commissioner Jackel asked for road maintenance at 4th St. and Hwy. 98 in Eastpoint.

Chairman Sanders and Mr. Nabors discussed needed easements for road maintenance in Carrabelle. She also asked Mr. Nabors to look at the culvert on Hwy. 67 in the area of Jason Millender's home.

Fonda Davis – Solid Waste Director (9:06 AM)

Mr. Davis had no items for Board action.

Commissioner Jackel thanked Mr. Davis for handling item in Eastpoint.

Commissioner Massey also thanked Mr. Davis for his help.

Nikki Millender – Parks & Recreation (9:06 AM)

Mrs. Millender reported on the Dixie Youth League Day of Ball kick-off held in Carrabelle last Saturday.

Chairman Sanders thanked Mrs. Millender for her efforts with Day of Ball.

Pam Brownell – Emergency Management Director (9:07 AM)

Mrs. Brownell was not in attendance but had previously submitted her report.

Action Items: None

Information Items:

- 1. Franklin County Emergency Management attended the Franklin Promise meeting on April 24, 2014 and gave information about the CERT team and about information on disaster booklets that they will be working on in the coming months.*
- 2. Franklin County Emergency Management held a Local Mitigation Strategy Meeting on March 26th, 2014. Attendance was very diverse. Working groups were created to streamline some of the projects for mitigation.*
- 3. Tress Dameron and I attended the North Florida Domestic Security Task Force meeting in Tallahassee on 3/25/2014 at 9:00 am.*

Ray Brownsworth – Weem's CEO – Hospital Update (9:08 AM)

Mr. Brownsworth reviewed the financial report and other information that he presented to the Board. He stated that a HVAC had to be replaced at a rate of \$8,500 and would like board action to pay for this from Capital funds.

Motion by Lockley, seconded by Jackel, to approve \$8,500 payment for HVAC from Capital account; Motion carried 5-0.

Mr. Brownsworth discussed the employment concern policy, which was recently adopted by the Hospital board. He mentioned some of the positive patient comments based on a survey received. He informed the Board that the new CFO will start within a few weeks.

Commissioner Jackel and Mr. Brownsworth discussed the current status of the feasibility study. They also discussed the status of the USDA application.

Marcia Johnson – Clerk of Courts (9:15 AM)

Mrs. Johnson had no report for the Board.

Lynn Banister – Senator Bill Nelson’s Office (9:15 AM)

Chairman Sanders recognized Lynn Banister of Senator Nelson’s office.

Lynn Banister, from Senator Bill Nelson’s Office discussed the status of the funding for the seafood workers from the Federal Government.

Commissioner Lockley and Mr. Pierce stated their concerns with how many seafood workers will be assisted by this funding, not wanting it to be like the last funding, which was restricted to only a small portion of seafood workers.

Chairman Sanders stated some concerns with the County being able to receive educational funding for training and would like to see some of this funding going to the Literacy Program. Chairman Sanders thanked Ms. Banister for attending the meetings.

Ms. Banister and Commissioner Jackel discussed her new role with Senator Nelson’s Office.

Ms. Banister stated that she has offered assistance to Ray Brownsworth regarding funding for the Hospital project.

Open RFQ’s for Alligator Point Debris Removal (9:22 AM)

Mr. Pierce opened and read the bids to remove the revetment from South Shoal.

C. W. Roberts - \$97,516.50 - Bid Bond attached

Roberts and Roberts - \$95930.00 Bid Bond attached

Motion by Lockley, seconded by Massey, to forward bids to Engineering Staff for a recommendation; Motion carried 5-0.

Board asked Mr. Pierce if he can get the engineer's to look at the bids and return with a recommendation before the end of today's meeting.

Christopher Atkins – Warden – Franklin Correctional Institution (9:24 AM)

Chairman Sanders recognized Warden Atkins.

The Warden and Commissioner Massey discussed a change in the schedule based on the reduced amount of staff, which is due to a hard freeze on hiring and some of the current staff will be attending training. The Warden explained this matter further and discussed a possible plan to be able to help the County with inmate work crews.

The Warden stated that the keys for Bay City Work Camp have been forwarded to the County.

Alan Pierce – Director of Administrative Service (9:28 AM)

Mr. Pierce presented his report to the Board.

1-Board direction on request by the Franklin County Sheriff's Office to sign agreement with Sacred Heart to provide reduced rates for medical services provided to Sheriff's Office, if needed. According to the Sheriff's Office, all hospitals in the region, Weems, TMH, and Bay Medical, all have agreements with the FCSO to provide reduced rates in the event an inmate needs medical attention. The Sheriff would like to have a similar agreement with Sacred Heart Hospital as he does not know where an inmate will end up in an emergency situation.

Motion by Parrish, seconded by Massey to approve to sign agreement with Sacred Heart to provide reduced rates for medical services provided to Sheriff's Office, if needed; Motion carried 5-0.

2- Inform the Board that bids will be opened for the striping of Lake Morality Road on April 15. Because this is a LAP project, the Board will also have to be selecting a consulting engineering firm to provide Construction Engineering and Inspection Services.

3- Inform the Board that Karen and AD Folks have requested a modification to their existing Alligator Harbor Clam Aquaculture lease to allow full use of the water column in order to test oyster aquaculture.

4- Board action to allow Fairpoint Communications to install a communication box on the edge of the right of way at E. Pine St. and 11th St., St. George Island. The box will be similar in size and shape to the one installed several years ago on Bluff Road just before the Bay City Road intersection.

Motion by Jackel, seconded by Massey, to approve Fairpoint Communications to install a communication box on the edge of the right of way at E. Pine St. and 11th St., St. George Island; Motion carried 5-0.

5- Inform the Board that the hearing with Capital City Bank and DEP over the repairs to the Alligator Drive revetment east of Tom Roberts Road has been delayed. Because of the delay I have asked FEMA for a time extension. It is unknown at this time if it will be granted. The current expiration of FEMA funds is June 30, 2014.

Chairman Sanders expressed her concerns with the County losing this funding due to current litigation. Mr. Pierce and Attorney Shuler commented on this matter.

6- Inform the Board that at the direction of the Chairman I spoke with Mr. David Welker, Interim CEO of the BP Fund for economic injury to find out if the claims office in Apalachicola could remain open as it was closed March 26. Congressman Southerland's office sent out an email saying they were working on the same issue. Mr. Welker said that the decision to close the Apalachicola office is part of a larger reduction and re-organization of the claims process. An office in Gulf Shores, Alabama was also closed when the Apalach office was closed, and several other offices were relocated or combined. The nearest BP claims office will now be at 7938 Front Beach Road, Panama City Beach, Florida, phone number 850-233-0727. Mr. Welker said that the federal judge handling the BP case was aware of the reduction in claims offices throughout the Gulf Coast, and that the decision was not going to be reversed.

7- Inform the Board that there is a serious issue with the future usefulness of the large culvert under Bluff Road that provides drainage for a large part of the airport. At this time Preble-Rish Engineers are reviewing options with DOT. If the culvert has to be replaced it will be expensive as it is a large culvert and traffic will have to be maintained while the culvert is being replaced. While the culvert is just outside airport property I have inquired with FDOT Aviation to see if some of the current airport drainage funds could be used to pay for this replacement as a large part of the flow that goes through this culvert comes from the airport.

Mr. Pierce explained the details of this issue further.

Clay Smallwood, of Preble-Rish, stated that the proposal from the contractor has been sent to DOT.

Commissioner Parrish stated that this issue is delaying the other project that is going on at Bluff Road.

Motion by Lockley, seconded by Massey, to authorize culvert project on Bluff Road, as it is an emergency; Motion carried 5-0.

Commissioner Jackel and Mr. Pierce discussed why this wasn't discovered during the preview of the original project. The Board discussed.

8- Update on DOT road paving in Franklin County and discussion of SCOP candidates. I have spoken to Ms. Vickie Kent, FDOT, about SCOP. This is what is in the pipeline for Franklin County road paving- 2014/15- Oak St. and Bayshore loop; 2016 Bald Point Road from beginning to end; 2017 Ellis Van Vleet St.; 2018 Bike Path on Island Drive from US 98 to base of St. George Island Bridge.

The DOT is currently forecasting more funds for SCOP so that is why paving of unpaved roads has a greater chance now than before. However, SCOP projects are ranked by district so it really depends on what other counties submit and how those other projects score to know whether an unpaved road will get funded. The important criteria are still will the project relieve the state highway system of traffic/congestion; is it an evacuation route; is it an arterial road or feeder road. I have developed a list of 3 possible SCOP projects for Board consideration, all are unpaved roads- Pine St. on St. George Island; Mill Road in Carrabelle, and Teat Road west of Apalachicola. The deadline for submitting SCOP projects is May 9. I have asked Ms. Kent to talk to her supervisors to see if there is any additional guidance I can get regarding SCOP.

Chairman Sanders, Commissioner Jackel and Mr. Pierce discussed this matter further. Commissioner Jackel asked Mr. Pierce to try and get the most points on these roads.

Motion by Jackel, seconded by Lockley, to submit SCOP projects as presented; Motion carried 5-0.

9- Inform the Board that the annual FDOT airport inspection will take place April 10.

10- Inform the Board that Florida Pest Control will be starting to tent the Armory for termites tomorrow, Wed. April 2. They are bringing all their company resources to bear on this project and hope to have the building completely tented in one day. The tent will remain up with the fumigation process going on Thursday, and then the tent will come down Friday morning, April 4. I have informed the UF Extension Service that they must be out of the building by end of business today, Tuesday, April 1, and will be able to re-enter the building Friday afternoon, April 4. The school prom is scheduled to take place on Saturday night, April 5, and that will go on as scheduled. I have consulted with Nikki and she is working with the Prom sponsors to assist in setting up the Prom. The building will be safe to enter on Friday.

Mr. JR Sapp, owner of Florida Pest Control, will be at the Armory on Wed. April 9 to inspect the work, and he invites all the county commissioners for a photo with him at 11 AM in front of the Armory on April 9. Florida Pest Control and BASF are generating quite a bit of publicity about the tenting of the Armory so there might be media coverage on April 2 and April 9.

The Board discussed this matter further with Mr. Pierce.

11- Inform the Board that it will be at least another year before there is any definitive estimate on how much BP is going to have to pay in fines associated with the Deepwater Horizon oil spill. According to a news article I received, the federal judge presiding over the case has agreed that

the third and final part of the litigation will start on Jan. 20, 2015. It is unknown how long the third phase will last, or when the judge would rule once the trial is complete.

Chairman Sanders commented on the Gulf Coast Consortium Meeting that was held last week.

12- Inform the Board that the Sheriff's Office had the Chairman sign an E-911 Grant application for some \$17,000 for FairPoint Communications to continue to maintain the 911 equipment. The deadline for applying is today, April 1, so the Chairman signed the application last week so that it would arrive at the state on time.

Mr. Pierce commented on the grant application for the new ambulance which was applied for by the Hospital.

Clay Smallwood, of Preble-Rish, recommended awarding the Alligator Point Debris Removal project to Roberts and Roberts.

Motion by Lockley, seconded by Jackel, to approve awarding bid for Alligator Point Debris Removal Project to Roberts and Roberts; Motion carried 5-0.

Mr. Pierce discussed this project further.

Commissioner Jackel asked Mr. Pierce to bring back information from FWC regarding the Fisheries funding at the next Meeting.

Commissioner Jackel asked for Board action to pay the \$300 membership fee for the Big Bend Continuum of Care Committee, which she was appointed to by the Board.

Motion by Parrish, seconded by Massey, to approve payment of \$300 membership fee to Big Bend Homeless Coalition; Motion carried 5-0.

T. Michael Shuler – County Attorney Report (10:01 AM)

Attorney Shuler presented his report to the Board.

Action Items

Ordinance 04-29 — Imposing Court Costs

In 2004, the Board enacted ordinance 04-29, which imposed a \$65 court cost to fund court system innovations, legal aid programs, local law libraries and alternate juvenile programs.

The fee is collected for those who plead guilty or no-contest, or are convicted, or any felony, misdemeanor or criminal traffic offense. It does not include juvenile proceedings.

The ordinance should be amended because the legislature has added that the fee can be collected in juvenile proceedings, but your ordinance is limited to criminal cases, and does not currently include juvenile cases.

Action Requested: Board authorization to schedule a public hearing to consider amending ordinance 04-29 to include the collection of the \$65 court cost in juvenile proceedings.

Commissioner Jackel asked Attorney Shuler to verify that the County has to collect this fee. He stated that he will have that information at the public hearing.

Motion by Lockley, seconded by Parrish, to approve scheduling a public hearing to consider amending ordinance 04-29 to include the collection of the \$65 court cost in juvenile proceedings; Motion carried 5-0.

Non-Action Informational Items

Capital City Bank

The final hearing scheduled for April 1st and 3rd, 2014 has been postponed until April 21st, 2014, at the bank's request due to a last minute loss of an expert witness. The final hearing in on the bank's challenge to the after-the-fact permit issued for one of the revetments at Alligator Point. This revetment runs about 800 feet east of the intersection of Tom Roberts Road and Alligator Drive. Mr. Pierce has requested an extension of time on the \$140,000.00 FEMA grant, which expires June 30, 2014.

Chambers Bank
To date, Chambers Bank has not hired a contractor for the clean-up in Eastpoint, Florida. However, the bank's representative traveled to Franklin County to view the site on March 17, 2014, and the bank's attorney informed me last week that the person handling this project for the bank was out of the office last week. Last week and also on March 31, 2014, the bank's attorney says that they have spoken to several contractors and are waiting on quotes. They also inform me that they are following up with the contractors regarding the need for quotes. In short, the bank is adequately communicating with the county at this time and appears to be moving forward.

Unless the board directs otherwise, I will continue to work with the bank. I will inform the board if I believe that the bank is no longer working with the county in good faith. If that occurs, I will proceed with the lawsuit that the county has filed against Chambers Bank.

Gulf Shore Boulevard

I have received all of the easement deeds for the relocation of Gulf Shore Boulevard, except for lot 4. The owner of lot 4 has indicated that they will sign and deliver the deed to Franklin County, but the owners are scattered, literally, from the east coast to the west coast. There are a total of six lots and all the rest have signed and delivered the easement deeds to me.

City of Apalachicola

On March 20, 2014, the County filed its Answer to the city's lawsuit against Franklin County. In that lawsuit, the city claims a right to allocate RESTORE Act funding independent of the county. The RESTORE Act does not provide any such right to the city. The city has refused my request that it cite to the provision of the law granting any such right to them.

I also filed a Counter-Claim against the city. The Counter-Claim requests the Court to: Enter an order declaring that the city is not authorized by the RESTORE Act to recommend projects for funding independent of the county; and

Enter an order declaring that the city has not properly invoked or followed Chapter 164, which is known as the "Governmental Dispute Resolution Procedures Act." The city improperly invoked this act seeking to conduct joint meetings with the county, but the city failed to follow the very law that it invoked by failing to conduct meetings according to the dispute resolution procedures set forth in that law.

The city is required to file its Answer to Franklin County's lawsuit on or before April 4, 2014.

Eastpoint Water and Sewer

On March 25, 2014, Mr. George Allen called Mr. Alan Pierce and informed him that EPWSD had located a letter from the late 1980's which stated that the district had accepted ownership of the sewer lift station serving the Franklin County Jail. I received an email from the district's attorney to the same affect. It appeared that the matter was resolved and a lawsuit would be necessary.

Unfortunately, on March 27, 2014, the district's attorney, Kristy Banks, delivered to me a letter which appears to indicate that the district does not believe that it is responsible for the sewer lift station serving the jail, and requested that the county draft an agreement for their consideration. The district also injected two new issues regarding the water system and the storm water runoff from the landfill.

The district has owned, operated, maintained, repaired and collected fees from both the water and sewer systems, including the jail lift station, for 25 years. Unless the board directs otherwise, I do not intend to negotiate with the district concerning its ownership and responsibility for the jail's lift station, or the two new issues raised by the district regarding the water system and the storm water at the land fill.

I have asked Ms. Banks to clarify and send a definitive letter indicating that the district accepts its ownership of the aforementioned lift station, together with the responsibility to maintain and repair it.

I have asked that Ms. Banks send me that letter by April 1, 2014. If such a letter is not received by then, I will presume that the district maintains its prior official policy that it does not own the sewer lift station at the jail.

Board and Attorney Shuler discussed this matter further.

Courthouse Roof

After diligent search and inquiry, I have not been able to locate credible evidence that All South Roofing repaired or installed the roof water drains that failed last year and flooded the courthouse. Accordingly, I will not file a lawsuit against them.

Commissioner Jackel asked that the County keep the heat on with the cleaning and clearing up of the waterfront in Eastpoint.

Commissioners' & Public Comments (10:06 AM)

The Board discussed the language for the budget letters. Commissioner Jackel suggested a 2% cut for all departments and offices so that the County budget could stay at rollback. Commissioner Parrish stated that he would also like to keep the budget at rollback rate.

Motion by Jackel, seconded by Parrish, to direct the Clerk to send budget letters requesting a 2% cut of all departments and offices; Motion carried 4-1, Lockley opposed.

Allan Feifer, APTA, offered some suggestions for the Board to address the budget this year.

Mrs. Johnson asked what to do if a budget is turned in without a 2% cut and also asked if this applies to the non-governmental departments.

Chairman Sanders stated that the 2% does apply to non-governmental departments and to not accept any budget without the 2% cut.

Commissioner Lockley stated that he isn't in favor of any change to the budget unless the entire Board is in agreement and is willing to vote for the budget.

Chairman Sanders discussed issues with tax amounts.

Commissioner Jackel recognized Rex Pennycuff and thanked him for his service to the County.

Commissioners Lockley and Jackel discussed the new location of the Franklin County Tourist Development Council office, which is at the old Apalachicola High School.

Commissioner Parrish commented on the traffic changes on Bluff Road while the culvert project is in process.

Chairman Sanders commented on the recent passing of residents in Franklin County and offered her condolences to the families.

Adjourn (10:21 AM)

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

Cheryl Sanders, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts