

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
FEBRUARY 5, 2013
9:00 AM**

MINUTES

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

Others Present: Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Deputy Clerk/Board Secretary

Call to Order (9:04 AM)

Chairman Sanders called the Meeting to order.

Prayer and Pledge (9:04 AM)

There was a prayer followed by the Pledge of Allegiance.

Approval of the Minutes (9:04 AM)

Motion by Jackel, seconded by Parrish, to approve the Minutes of the January 15, 2013 Regular Meeting; Motion carried 5-0.

Payment of County Bills (9:05 AM)

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

Department Supervisor Report

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

Mr. Chipman stated that Larry Brown has retired and asked the Board for direction on filling Mr. Brown's position as Assistant Superintendent.

Mr. Chipman recommended appointing Dewitt Polous as the Assistant Superintendent and Lamar Hardy and Howard Nabors as foremen, all at their current rate of pay.

Chairman Sanders recommended looking at the structure of the Road Dept. once Mr. Chipman retires.

Commissioner Lockley and Mr. Polous discussed the procedure for transferring from another department into the Road Department.

Motion by Jackel, seconded by Massey, to accept Mr. Chipman's recommendation to have Dewitt Polous as the Assistant Superintendent, and Lamar Hardy and Howard Nabors as foremen until Mr. Chipman retires, at which time the Board will look at the structure of the Road Department; Motion carried 4-1 Lockley opposed.

Commissioner Jackel asked Mr. Pierce to verify that there are job descriptions for each of those positions.

Commissioner Massey asked Mr. Chipman to look at a problem of a developing sink hole in front of Cheap Butts in Eastpoint.

Fonda Davis – Solid Waste Director (9:16 AM)

Mr. Davis presented his report to the Board.

SOLID WASTE TRANSFER STATION:

FOR BOARD ACTION: The Waste Disposal Agreement between Franklin County and Waste Management Transfer Station expires on March 10, 2013. Waste Management submitted their RFP proposal for the operations of the Franklin County Transfer Station, with an increase rate from \$46.29 to \$57.95 (Difference of \$11.66). Due to this large increase, the Board will have to increase the current Tipping Fees to offset this expense.

REQUESTED ACTION: Motion to grant Waste Management's bid for operations of the County's Transfer Station and to increase the County's Household Tipping Fees to \$65.00 Per Ton and Yard Trash to \$45.00 Per Ton.

Commissioner Parrish and Mr. Davis discussed the 5 year length of the contracts.

Commissioner Jackel and Attorney Shuler discussed a cancellation or early termination provision clause in the contract. Commissioner Jackel would prefer that the County Attorney review the contract before any action is taken on this item.

The Board and Mr. Davis discussed the contract.

Motion by Jackel, seconded by Massey, to table this item until the County Attorney reviews contract and includes a 90 day early termination provision; Motion carried 5-0.

RECOVERED MATERIALS ANNUAL CERTIFICATION:

FOR BOARD ACTION: I have for the Boards approval and the Chairman's signature, the annual Application for Recovered Materials Certification and Reporting Form. We are required by Florida Statutes to report our recycling activities to the Florida Department of Environmental

Protection annually. During the year 2012, the recycling program, recycled 544.34, tons of recovered material. The annual cost for this certification is \$50.00. ACTION REQUESTED: Motion authorizing the Chairman's signature on the FDEP Application for Recovered Materials Certification and Reporting Form" and authorizing the payment of \$50.00 for the annual fee.

Motion by Lockley, seconded by Jackel, authorizing the Chairman's signature on the FDEP Application for Recovered Materials Certification and Reporting Form; Motion carried 5-0.

SOLID WASTE: (Equipment Purchase)

FOR BOARD APPROVAL: I am requesting Board assistance in the purchase of one new Pac Mac Loader for the 2003 Freightliner Knuckle Boom Truck currently in service.

ACTION REQUESTED: Motion approving the purchase of one new Pac Mac Loader, costing approximately \$37,179.00 from off the Florida Sheriff's Association and Florida Association of Counties FY 12/12 bid list.

Commissioner Massey asked about the condition of the Pac Mac Loader. He stated that if funding is a problem for the purchase of a new loader, maybe the main hydraulic pump can be rebuilt on the old truck.

Commissioner Jackel and Mr. Davis discussed funding for this purchase.

Commissioner Parrish stated why this equipment was needed.

Commissioner Jackel asked that all equipment requests be included within proposed budgets. She also discussed the increasing cost of picking up trash on the sides of County roads.

Motion by Lockley, seconded by Parrish, to approve Mr. Davis meeting with the Finance Office to discuss funding for this purchase, with Reserve for Contingency as a final funding source; Motion carried 4-1, Jackel opposed.

ANIMAL CONTROL: (Equipment Purchase)

FOR BOARD APPROVAL: I am requesting Board assistance in purchasing a truck for Animal Control. The 2001 Chevy Silverado has 290,000 miles on it and is constantly in the shop for repairs.

ACTION REQUESTED: Motion approving the purchase of one new Animal Control Vehicle from off of the Florida Sheriff's Association and Florida Association of Counties FY 12/13 bid list.

Commissioner Massey suggested that Mr. Davis look into purchasing a used vehicle for Animal Control.

Motion by Jackel, seconded by Massey, direct Mr. Davis, with Commissioner Massey's assistance, to look for a used truck for Animal Control with a maximum purchase price of \$10,000, and present the information at the next meeting; Motion carried 5-0.

Right-of-Way Debris Pickup / Recycle Material Hauled January 9th –January 24th FOR BOARD INFORMATION:

JANUARY 9TH – JANUARY 24TH
 RIGHT-OF-WAY DEBRIS PICKUP

<i>Apalachicola</i>	<i>Eastpoint</i>	<i>St George Island</i>	<i>Carrabelle</i>	<i>Lanark</i>	<i>Alligator Point</i>
126.31 TONS	57.59 TONS	40.10 TONS	70.55 TONS	29.51 TONS	13.98 TONS

RECYCLE MATERIAL HAULED

	<i>Apalachicola</i>	<i>Eastpoint</i>	<i>St George Island</i>	<i>Carrabelle</i>	<i>Lanark</i>	<i>Alligator Point</i>	<i>St James</i>
<i>Cardboard</i>	5.69 TONS	4.98 TONS	1.49 TONS	1.58 TONS	.32 TONS	0 TONS	.44 TONS
<i>Plastic, Paper, Glass, Aluminum</i>	3.40 TONS	1.08 TONS	2.24 TONS	1.11 TONS	.32 TONS	1.54 TONS	0 TONS

REQUESTED ACTION: None

Nikki Millender – Parks & Recreation (9:36 AM)

Mrs. Millender had no action items.

Mrs. Millender stated that March 22nd & 23rd has been designated as “Day of Ball” for the Franklin County Dixie Youth League.

Commissioner Lockley requested additional playground equipment at the Kiddy Park section at D. W. Wilson Park in Apalachicola. Commissioner Parrish suggested buying the equipment for both D. W. Wilson and Vrooman Park at the same time for better pricing.

Motion by Lockley, seconded by Parrish, to add children’s playground equipment to D. W. Wilson Park in Apalachicola; Motion carried 5-0.

The Board asked Mrs. Millender to add water fountains to all parks throughout the County. Commissioner Massey asked the Board to look at a stronger water fountain as others have been destroyed not too long after it has been installed.

Mrs. Millender informed the Board that children’s playground equipment is very expensive. She also discussed other repairs, and the related expenses, she has been doing to the parks throughout the County.

Chairman Sanders wanted everyone to be aware that the playground equipment at Kendrick Park was purchased with grant money.

Mrs. Millender updated the Board on a timeline for repairs to the soccer field in Apalachicola.

Mrs. Millender stated that she will be maintaining the parks and ball fields year round, which has not been done in the past.

Mr. Pierce stated that Mrs. Millender recently received a letter of commendation from the Apalachicola Chamber of Commerce for her efforts on the Eastpoint Christmas Parade and celebration.

Pam Brownell – Emergency Management Director (9:45 AM)

Mrs. Brownell had no action items.

Action Items: None

Information Items:

- 1. Franklin County Emergency Management conducted its' Initial Planning Conference with the Management Experts (TME) January 22nd to design a school security exercise for Franklin County. The ABC School was chosen as the site for the exercise and staff capabilities will be the focal point. The exercise will be funded through the State Homeland Security Grant Program (SHSGP).*
- 2. Franklin County Emergency Management continues to work on providing information to TME to submit Hazard Mitigation Grant applications for a new roof at the EOC and the county jail. Deadline for the applications is Feb. 15, 2013.*
- 3. Emergency Management along with Franklin County Solid Waste Department interviewed AshBritt Environmental Services on Jan.17th with questions about its' disaster debris services. All interviews with debris companies are now complete and a pre event contract must be developed.*
- 4. "Shandscair", Emergency Medical Air Service, based in Perry Florida, was scheduled to fly in to the Franklin County Sheriff's Office for a Meet-and-Greet on Wed. Jan. 30, but had to cancel because of the weather. EMS hopes to reschedule. "Shandscair" will be replacing "Airmedic" and will be responding to calls in our area.*
- 5. Communications at the Sheriff's Department is undergoing changes in staff and the relocation of "Dispatch". Franklin County Fire, EMS and Emergency Management are anxious to meet with the new personnel to brief them on the efforts of the **Franklin County Communications Advisory Group** to improve communications throughout the county and the region. The next meeting will be scheduled shortly.*

Bill Mahan – County Extension Director (9:45 AM)

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

Franklin - UF IFAS Updates

1) *Beekeeping in the Panhandle Workshops for 2013 – A new series of educational programs on beekeeping is now set. The Franklin UF IFAS is one of the host sites for this distance education program.*

- *Monday, February 18th: Queen and Package Bee Production*
- *Monday, February 25th: Nutrition/Immunity in Honey Bees*
- *Monday, March 4th: Integrated Pest Management for Disease/Pest Control*
- *Monday, March 11th: History and Theory of Honey Production*

These classes will be offered by interactive video at the Franklin UF IFAS County Extension Office located at 66 4th Street, Apalachicola, from 7-9 p.m. (Eastern Time).

The registration fee is \$25 per person or \$40/couple and covers the costs of the classes, refreshments, and course materials. Registration is due by February 8, 2013.

For more information, or to register, please contact the Franklin UF IFAS Extension Program, 850-653-9337.

2) *Growing Turfgrass 101 – The Basics - A new series of educational programs on beekeeping is now set. The Franklin UF IFAS is one of the host sites for this distance education program.*

- *Tuesday February 26th: pH, Soil Types, Soil Testing, Turf Types*
- *Tuesday March 5th: Fertilization*
- *Tuesday March 12th: Weed Control*
- *Tuesday March 19th: Irrigation*

These classes will be offered by interactive video at the Franklin UF IFAS County Extension Office located at 66 4th Street, Apalachicola, from 7-9 p.m. (Eastern Time). Registration fee is \$25 per person or \$40/couple and covers the costs of the classes, refreshments and course materials. Registration is due by February 14, 2013.

For more information, or to register, please contact the Franklin UF IFAS Extension Program, 850-653-9337.

Mr. Mahan handed out some informational items and then discussed it with the Board.

Report – Weems Hospital (9:47 AM)

Ray Brownsworth, CEO of Weems Hospital, introduced his wife, Lori Brownsworth, and thanked Ashley Teat for his work and saving the hospital \$300 by providing training for the Fire & Life Safety Inspection.

Mr. Brownsworth reviewed his report.

1. *HB 711 - The hospital valuation for HB711 should be complete in a couple of weeks. It is being prepared by Adams consulting group. After this, they will complete the debt capacity study for us.*

2. *Financial Assistance - Advertisements have been placed on the radio and in the paper to educate people on Weems' financial assistance program.*
3. *EHR - Initial bids will be opened at the February 5, 2013 County Commissioner meeting for the Electronic Health Record. After this, the vendors under consideration will be narrowed down to 3 companies. Additional review will occur with a broad representation of individuals and positions participating.*

The Board, Mr. Brownsworth, and Attorney Shuler discussed re-advertising the bids.

Motion by Jackel, seconded by Parrish, to reject all bids, then re-advertise for the Electronic Health Records; Motion carried 5-0.

4. *Physical Therapy - Discussions have continued with Tom Brocato to provide physical therapy services at Weems Memorial Hospital and Weems East. A contract has been signed for inpatient and skilled care patients. Therapy Management Consultants (TMC) will continue to provide services concurrently with Mr. Brocato. Minor renovations to the Weems East Clinic are being evaluated, to provide for dedicated space for PT services. This will be discussed at the Board level.
Tom Brocato and I will be working to gather seeking to gain health plan coverage for Franklin County residents related to Physical Therapy. This is a natural alliance for the hospital to work with area providers seeking to benefit the health of our county residents.*
5. *Capital Purchase of Fire Doors - I am asking for approval to purchase fire doors required by our ACHA inspection this past fall in the amount of \$26,925.00 with Moore Doors. Bids were opened recently at the Board of County Commissioners. I also ask that the funds be taken out of the hospitals capital fund. I will make a similar request at the next Board of County Commissioners.*

Motion by Jackel, seconded by Lockley, to accept recommendation to accept the bid from Moore Doors in the amount of \$26,925.00 for the purchase and installation of fire doors at Weems Hospital; Motion carried 5-0.

6. *Ambulance Billing - Steve Lanier and I are currently evaluating the performance of our existing EMS billing company and will most likely seek a different vendor due to a lack of performance and service. Michael Shuler is reviewing the contract for compliance with terms of termination.*
7. *Hospice Medical Director - Big Bend Hospice has contacted me to engage Dr. Eugene Charbonneau as their medical director. Dr. Charbonneau and I will be working on the terms of an agreement to provide for this.*

8. *Capital Health Plan – CHP has agreed to include Weems Memorial Hospital in its health plan for the provision of Skilled Care services. The contract is currently under review. We have requested that our inpatient and outpatient services likewise be included in the future.*
 9. *Prison Employees - We are also looking at how to increase utilization of the hospital and clinics by the prison staff. I have contacted Russell Hosford about the services that the hospital and our clinics can provide to employees with either Capital Health Plans or Blue Cross Blue Shield. He will pass this along to his staff.*
 10. *Prestige Health Plan - Prestige and Weems Memorial Hospital have signed a Medicaid PSN contract for the hospital and clinics. As you most likely know, Florida is dividing the state into regions with assigned health plan vendors for Medicaid providing an HMO product and a Provider Service Network.*
 11. *Medipass Patient's - With Dr. Miniat's leaving, Weems East has agreed to take about 130 Medipass patients that he had previously serviced. We have also offered to the state to take over the Healthy Kids patients. At this time however, the state has not responded.*
 12. *Additional Clinic Day - On January 28, 2012, Weems West began providing clinic services on Mondays also.*
- Attorney Shuler discussed an item on his report regarding Dr. Miniat and the use of his old office building.
- Chairman Sanders congratulated Mr. Brownsworth on his services thus far and said she is very happy with what he is doing for the County.
- Mr. Brownsworth discussed Weems' East and the possibility of adding a medical assistant due to the volume of patients being seen each day.
13. *Donated Equipment - A medical clinic in Gainesville, FL has donated a bone densitometry and CR X-ray machine to Weems. These should be de-installed and transported to Apalach by February 20th.*
 14. *Cash Collections - As a performance improvement project, Admissions and the Business offices at the hospital and clinics have been focusing on improving our upfront collection of cash. They also have been looking improving the timeliness of bills by reducing on-hold days. The ER doctors and nursing are working to complete all physician charts by the end of shift.*

15. *Audit of Billing Companies - Hometown Health, a company providing services for the Rural Flex Grant Program, will be performing an audit of our billing companies to be paid for by a \$3,000 grant.*
16. *New DON - Becky Gibson has been chosen to be the new Director of Nursing (DON) for the hospital.*
17. *EMS Medical Director - Dr. Conrad was named the Medical Director for the EMS department at the December Medical Staff meeting.*
18. *Blue Manta - I have renegotiated the IT contract with Bluemanta for \$6,500 which previously was \$9,000 resulting in a savings of \$30,000 annually. Along with this, additional accountability procedures have been put into place to monitor work completed as well as the ordering and receipt of equipment.*

Commissioner Lockley and Mr. Brownsworth discussed employment opportunities at the Hospital and advertising for those positions.

Steve Lanier, Comptroller of Weems Hospital, reviewed the financial report with the Board.

Open Bids - Airport Hanger (60' x 60') (9:58 AM)

Mr. Pierce stated that one of the Airport hangar bids was late by 5 minutes.

**Motion by Lockley, seconded by Massey, to accept the late bid for the Airport Hangar;
Motion carried 5-0.**

Mr. Pierce opened and read the bids:

Shumaker, Panama City, Florida - \$261,307.00

Cathey Construction, Mexico Beach, Florida - \$246,435.00

Poloronis Construction, Apalachicola, Florida - \$229,500.00

Sperry, Tallahassee, Florida - \$196,290.00

R. W. Thomas, Eastpoint, Florida - \$206,240.00

Mr. Pierce suggested converting a Hangar that is currently in use by the County for rental purposes especially since all of the bids are over the available amount. The Board discussed this suggestion and the funding expiration date.

Mr. Pierce stated that he will discuss this information with the Airport Committee at their meeting tonight.

Motion by Parrish, seconded by Jackel, to forward information to Airport Advisory Committee for a recommendation and present it at the next BOCC Meeting; Motion carried 5-0.

Marcia Johnson – Clerk of Court – Report (10:05 AM)

Mrs. Johnson presented her report to the Board.

1. I have been in discussions with my sister, Monica Lemieux, a representative of Centennial Bank, regarding the county's possible acquisition of bank-owned property in Eastpoint located directly behind the old Jr. Store at the intersection of Patton Drive and Highway 98 and across the street from the Eastpoint Pavilion. The property reaches from Highway 98 across to Patton Drive and is .45 of an acre in size. It comprises 124 ft on Highway 98 and 142.51 ft on Patton Drive and I've attached a drawing of the lot size and a copy of the banks survey. A larger, clearer copy is available for viewing. Monica and I had been talking about the needs of the seafood workers as we drove through the area one day, and as we talked about options, we decided that this property would be best suited for use by the county for the benefit of the seafood workers for additional parking. She moved the idea forward with the Bank, and they are receptive to the County making them the first offer for the property. It is assessed on the Property Appraiser's books at \$36,849. I have viewed the property with my sister. It's a nice size property and would offer parking across the street from the County's Pavilion. There is an old house on the property that the County would have to demolish, and the store has placed air conditioning units and a gas tank on the property, so these things have to be considered when deciding an offer as well as the fact that the county would have to pay our engineers to assess the best lay-out for parking. Pursuant to Florida Statutes 125.355, if a purchase is under \$100,000, an appraisal wouldn't be required. I'd like Board approval to exempt the requirement for an appraisal to speed the process along and direct Alan Pierce to negotiate an offer you agree upon. There are funds available in Capital Outlay.

The Board discussed this item and was in favor of this idea.

Commissioners Jackel and Parrish discussed negotiating for the property.

Motion by Lockley, seconded by Massey, to approve negotiations for the purchase of property in Eastpoint and exempt the requirements for an appraisal; Motion carried 5-0.

2. For the discussion of placing the MSBU special assessments on the property tax bills instead of mailing out separate bills and recording liens, see the attached report I completed.

If MSBU special assessments were to be included on one property tax bill utilizing 2011 MSBU information through 1/18/13

Effects on the BCC			
Positives		Negatives	
Postage saved to mail out MSBU	\$2,550.00	Loss of Recording Revenue	\$3,104.00
Postage saved to mail out liens	\$690.75	(776 liens satisfied - BCC receives	
Postage saved to mail out satisfactions	\$349.20	\$4 from recording fees)	
Recording Fees for liens (If Pd. Upfront)	\$23,110.00		
	\$26,699.95		\$3,104.00

The Tax Collector mailed out separate bills for the MSBU assessments. Once the unpaid MSBUs were turned over to the Clerk, the Clerk mailed out 1535 liens. Up to 1/18/13, the Clerk mailed out 776 satisfactions on liens that were taken care of (776 of 1535)

For each recording at \$10, the BCC receives \$2 dedicated to a fund for the Judges, State Attorney, and Public Defender for modernization. Now, we record the lien and when they are paid, we record the satisfaction (2 instruments), thus the BCC is distributed \$4.00.

Effects on the Fire Departments			
Positives		Negatives	
Possible increase from outstanding liens (759 liens recorded remain unpaid)	\$25,090.00	Discounts for early pmts in Nov/Dec	\$7,848.27
		Loss of Interest on liens satisfied/paid	664.60
Possible increase in exemptions	\$7,210.00		
	\$32,300.00		\$8,512.87

Currently, the Tax Collector is authorized to certify persons to be exempt and/or indigent. As indicated, those lien amts. certified totalled \$7,210. If put on 1 tax bill, the Property Appraiser's office would be responsible for exemptions based on State law, and this number may decrease based on the BCC identifying the process to be utilized by the Tax Collector (no proof required now)

The numbers above indicate a possible maximum positive net of \$47,383.08. These figures don't include staff time, equipment, and supplies, but it takes 2 to 3 months to complete the tasks.

Other Points:

The Clerk will take the biggest monetary hit should the MSBUs be included on one tax bill due to the loss of recording fee revenues that go to operate that department. This is not a selfish action on the part of the clerk, but is being suggested to help the fire departments see an increase in their collections. Currently, the BCC has already received requests from both St. George Island Fire Department and Alligator Point Fire Department to hold a mail-out election in their districts to raise the MSBU assessments from \$50 to \$95. Should the BCC decide to put the

MSBUs on one property tax bill, the fire departments should see an increase in collections which could prevent the remaining fire departments from asking for a rate increase. Under the current 2011 year process, the Clerk received 1535 unpaid assessments and liens. Since the BCC added assessments for vacant land, the number of liens has increased probably by five times the original numbers. It is impossible to record that huge number of liens immediately. This could be a liability to the county should the liens not be recorded and a title closing occur on the property. The Official Records of the Clerk are full of MSBU liens that remain unpaid unless property is sold. Gulf, Wakulla, and Leon Counties send out only 1 tax bill which includes their MSBUs. Gadsden did the same when they had an MSBU. Liberty and Calhoun have no MSBUs. The records reflect that the MSBU separate bills are ignored by many. Were they to be included on the one tax bill, they would be paid by everyone who diligently pays their property taxes, and the fire departments would collect more money for their operations. The BCC has been told nobody could lose their homes if the special assessment was placed on the tax bill because the value of the assessment is below a certain threshold in the law.

From a report on 1/18/13, \$25,340 had been collected on 2011 MSBU liens and \$664.60 interest had been collected. The unpaid MSBU liens from 2011 total \$25,090.00. From the number of liens and the amounts, it's apparent that about one-half are not being collected in a timely manner. For 2012 MSBUs, liens will be recorded as in the past.

Should the Board wish to have the special assessments placed on the property tax bill, pursuant to FS 197.3632, a resolution would have to be adopted at a public hearing held prior to March 1 and the property appraiser and tax collector would have to agree to the proposal. The Board would have to advertise a notice of their intent 4 times preceding the public hearing. For this to be accomplished, the Board would have to approve publishing a notice of the intent for the next 4 Thursdays (Feb. 7, 14, 21, and 28) and hold the public hearing on Feb. 28th at a time in the P.M. The Department of Revenue has verified the correctness of these steps.

Rhonda Skipper, Property Appraiser, stated the amounts she needs in funding from the Board for inserts and advertising in order to provide information to property owners.

James Harris, Tax Collector, stated the amount of one time funding he will need to get this to work on his bills. Mr. Harris stated that he wanted the districts to understand that the MSBU will be subject to the discount allowed for paying bills early.

The Board, Mrs. Johnson, Mr. Harris, and Mrs. Skipper discussed this item further and were all in favor of this item.

Mrs. Johnson stated that she also needs for the Board to hold a public hearing prior to March 1st in order for the notice to be published in the newspaper.

Motion by Jackel, seconded by Lockley, to accept recommendation and schedule a public hearing on February 28, 2013 @ 1:30 PM; Motion carried 5-0.

Mr. Harris asked for Board action to adopt a Resolution for him to budget through the BOCC.

Motion by Jackel, seconded by Massey, to adopt Resolution for James Harris, Tax Collector to budget through the BOCC; Motion carried 5-0.

T. Michael Shuler – County Attorney – Report (10:19 AM)

Attorney Shuler presented his report to the Board.

1. Senate Bill 2

A bill is proposed for the upcoming legislative session that would restrict and limit the ability of municipal employees to hold office as a county commissioner. Current county commissioners employed by a municipality will be grand-fathered, but will be prevented from accepting any pay increases or job advancement.

Board Action Requested: Does the Board want to contact our legislative delegation to oppose this bill?

Motion by Lockley, seconded by Massey, to have Attorney Shuler contact Legislative Delegation to oppose Senate Bill 2; Motion carried 5-0.

2. Lanark Village

On January 17, 2013, I met with Carol Roberts, the Lanark Association President, to review two properties that may constitute possible nuisances. We viewed Apartments No. 19-6 and 48-6. Apartment 48-6 is not a legal nuisance in my opinion because while a corner of the roof has some minor damage, and some torn screens and paper garbage on the porch, that does not constitute an actionable nuisance.

Apartment 19-6 is a nuisance. The roof is completely gone and has caved into the interior of the building, which is completely gutted and open to the elements. In my opinion, this is an actionable nuisance.

Although we did not view the old Putnal Station in Lanark Village, Commissioner Sanders has expressed concern to me about the building. I am familiar with the building and it

Finally, Daniel LaFleur was served with our recent lawsuit and has already paid to have the burned out apartment, and it has been, demolished to the slab. All of the owners of the burned units, including, Mr. LaFleur, have incurred several thousand dollars in assessment and clean-up costs.

Board Action Requested:

a. Authority to take action to require the owner of Apartment 19-6, to clean the property to the slab.

Motion by Jackel, seconded by Massey, to approve Attorney Shuler's recommendation to take action to require the owner of apartment 19-6 in Lanark Village to clean the property to the slab; Motion carried 5-0.

b. Does the Board want to take action to clean-up part or all of the old Putnal Station?

Motion by Lockley, seconded by Massey, to have building official visit the Putnal Station and other locations submitted by Commissioner Jackel; Motion carried 5-0.

c. Does the Board want me to continue the lawsuit against Mr. LaFleur for damages, attorney fees and costs, or simply drop the lawsuit now that he has cleaned the property?

Motion by Lockley, seconded by Massey, to accept Attorney Shuler's recommendation to dismiss lawsuit against Mr. LaFleur now that he has cleaned the property; Motion carried 5-0.

3. City of Apalachicola Restore Lawsuit

I have previously copied you with the lawsuit against Franklin County served by the City of Apalachicola on January 17, 2013. A reply is due February 6, 2013. I am still waiting on a coverage determination by your insurance carrier.

Board Action Requested: No recommendation.

Commissioner Jackel and Attorney Shuler discussed the County's response to this item.

4. Capital City Bank v. Franklin County

a. I have previously copied you with the lawsuit against Franklin County served by the bank on January 22, 2013. A reply is due February 11, 2013. I am still waiting on a coverage determination by your insurance carrier.

b. On February 6, 2103, I have a motion to dismiss hearing in Tallahassee on another lawsuit filed by the bank over the revetment. This is the case that has been dismissed twice before.

Board Action Recommended: No recommendation.

Commissioner Parrish asked at what point these lawsuits become frivolous. Attorney Shuler stated that after the hearing tomorrow there should be no more lawsuits.

The Board discussed this item with Attorney Shuler.

5. MSBU Ballot Language

I delivered the ballot language to the Supervisor of Elections last week.

Board Action Recommended: No recommendation.

6. Old Apalachicola Health Department Building

Dr. Miniat is out of the building and I have notified Mr. Brownsworth to take such action as needed to assess the use of the building as a clinic.

This item was addressed earlier in the Meeting.

7. Tara Roberts Lot Donation

Mrs. Roberts has informed me that after making her offer to donate the property to Franklin County, she was contacted by someone who desired to purchase the property. She may contact us if that sale falls through.

8. SGI Pier Salvage

*Mr. Ricky Banks called me Friday, February 1, 2013, and said that all but one strand of wire had been stolen and that the last strand had a "pull cable" attached to it. I contacted the FCSO that day and will file a report this week to begin an investigation.
Mr. Banks has withdrawn his bid to salvage the metal.*

Recess (10:29 AM)

Chairman Sanders called for a recess.

Reconvene (10:45 AM)

Chairman Sanders reconvened the Meeting.

Interviews – County Attorney Candidates (10:45 AM)

Mr. Pierce introduced the candidates for the County Attorney position.

Ethan Way

Attorney Way stated that he is an attorney in Tallahassee, Florida and discussed his current practice, along with his law partners and he listed some of his qualifications. He gave some information on his history and ties to Franklin County and discussed why he thinks having an office in Tallahassee is very important. He and Commissioner Massey discussed Mr. Way's back-up attorney. Mr. Way stated that he would have his partner come from Jacksonville if needed but he stated that he would be here. He and Commissioner Jackel discussed his federal court experience, especially with the County being involved with the Restore Act. They also discussed his ability to save the County money by not outsourcing litigation.

Kristy Branch-Banks

Attorney Banks discussed her experience as an attorney. She stated that she is a native of Franklin County and said she feels as though she offers a unique perspective in connection with some of the most important industries and foundations in the County. She stated that currently she isn't able to practice in Federal Court but has no problem with applying so that she can and stated that she is eligible to do so. She explained how she would represent the County and that she would resign from the political party she is affiliated with at this time. She stated that since she is the lower bidder she would be able to save the County money. She and Commissioner Jackel discussed the number of jury trials she has been involved in and Ms. Banks stated that she has not been involved in any jury trials. She and Commissioner Jackel discussed how she would save the County money by not outsourcing litigation.

Daniel Cox

Attorney Cox discussed his life and legal experience. He stated that he has focused that almost entirely with local government and folks who have problems with local governments. He has worked with communities to develop growth management plans and has experience in land development regulations, public finance among other things.

He and Commissioner Jackel discussed how many jury trials and how many Federal cases he has been involved in and he stated that he hasn't been involved in any jury trials but has been involved in several Federal trials.

He and Commissioner Jackel discussed whether he can save the County money by not outsourcing litigation.

Shalene Grover

Attorney Grover stated that she has been the County Attorney for Liberty County over the past 12 years. She stated that she really loves the job and would like to focus her law practice on representing county governments and that is why she is interested in representing Franklin County.

She and Commissioner Jackel discussed how many jury trials and Federal cases she has been involved in.

FWC Firing Range Discussion

The Board discussed the moving of the FWC firing range while waiting for the last candidate to be interviewed.

Commissioners Massey and Jackel discussed the proposed FWC Firing Range in the County. Commissioner Jackel explained the Firing Range proposal in detail and also discussed the problems with the current location.

Mr. Pierce discussed the Tate's Hell Rod and Gun Club, which is new in Franklin County. Commissioner Jackel discussed this item further.

Interviews – County Attorney Candidates – Continued

Michael Shuler

Attorney Shuler discussed his law experience and stated that he was born and raised in Franklin County. He gave some history of his family's involvement in the County and discussed the services he and his family have provided to the County throughout the years.

He and Commissioner Jackel discussed his federal court experience.

Commissioner Massey stated that he was threatened as to who to vote for so he is not making a decision today.

Chairman Sanders stated that she has also had some unpleasant and threatening phone calls on this matter. She expressed her disappointment in the situation.

Motion by Lockley, seconded by Parrish, to retain Attorney Shuler as County Attorney; Motion failed 2-3, Sanders, Jackel, Massey opposed.

Commissioner Jackel stated that she thinks this issue should be tabled until the next Meeting before a decision is made.

Motion by Jackel, seconded by Massey, to table this item until the next Meeting; Motion carried 3-2, Parrish, Lockley opposed.

Recognition of Audience Member

Chairman Sanders recognized Warden Russell Hosford of Franklin Correctional Institute. The Board thanked him for all of his efforts in the County.

Alan Pierce – Director of Administrative Services – Report (11:31 AM)

Mr. Pierce presented his report to the Board.

1- Inform Board that Senator Montford has announced the county's legislative delegation meeting will take place on Feb. 26, at 7 PM. The delegation is first meeting in Gulf County on the same day starting at 5 PM and then coming to Franklin.

2- Inform the Board that Ms. Nikki Millender received a letter of appreciation from the Apalachicola Chamber of Commerce for her work during the Eastpoint Christmas Parade and Celebration.

This item was addressed earlier in the Meeting.

3- Inform the Board that I received an email from DOT providing assurance that CR 67 is not being taken over by DOT in either Franklin or Liberty County.

4- Inform the Board that the US Dept of Labor has responded to the Board's Oct. 12 letter requesting a time extension for people to file unemployment claims based upon the damage that TS Debbie did to the oyster bars. The Dept. denied the request.

5- Provide Board with material presented to Senator Charlie Dean's Environmental and Preservation Committee's hearing on the status of the Apalachicola Bay. Mr. Lee Edmiston made a presentation on the water wars and Mr. Chris Doolin and I followed up with some brief comments.

6- Inform the Board the Univ. of Florida will be providing the Board with a written architectural analysis of the Chapman Auditorium, its condition and what it would take to restore it. The UF contacted me last week and the report will be valuable if funding ever becomes available for

historic preservation. The study will be done by UF architecture professors and their graduate students.

7- Board direction to hold the workshop with those agencies providing services to the elderly in Franklin County after the Board meeting on March 5. The purpose of the workshop will be to make sure there is no duplication of services and costs. I believe the participants need to be the Franklin County Senior Center, the Wakulla County Senior Center as they do the meals on wheels in the eastern part of the county, the Apalachicola Senior Center, the Gulf County Senior Center as they do the meals on wheels for the western part of the county, and Franklin's Promise as they run the food pantry. Does anyone else need to be invited?

Mr. Pierce stated that the workshop will begin at 1:30 PM.

Commissioner Jackel stated that this workshop will give direction on how to fund these agencies during the next budget cycle.

8- Inform Board that the federal flood insurance program is undergoing two major changes that will affect property in Franklin County as well as every other county in the state. One, as the Board is aware, the federal government is revising the flood zones and in almost every case base flood elevation requirements have become higher. The new flood maps are expected to go into effect sometime in March, 2013.

The second change is that the federal flood insurance program is changing the rates charged for flood insurance. These rate changes are being dictated by the federal government.

In order to stay in the federal flood insurance program, the federal government has issued a revised floodplain management ordinance the county must adopt. The Board must hold a public hearing and adopt the ordinance sometime after the flood maps go into effect. There are no substantial changes in the flood ordinance itself- most of the changes that will impact property and rates are on the maps themselves. However, the Board has the ability to help property owners mitigate the rising cost of flood insurance by allowing houses to start their first floor as much as 3 feet above the base flood requirements. The federal government is providing significant discounts to insurance premiums if houses are built above the base flood requirements. Franklin County has a requirement in its zoning code that prohibits houses from starting their first floors above the base flood requirement. The Board may want to amend the zoning code to keep the height of a house the same, which is 35 feet from the first floor, but to allow the first floor to be up to 3 feet higher. This is a discussion that can be had later.

Board direction to schedule a public hearing for the revised Flood Ordinance sometime in March/April.

The Board decided to discuss this at a later date.

9- Inform Board that I will need to have the Road Dept. move the last 40 feet of Marks St. on St. George Island off private property. Marks St is an unpaved road that on the plat of the Island merges with West Bayshore in sort of a "Y" configuration. Over the 30 years the road has been in existence vehicular traffic has driven across private property instead of following the Right of

Way. It has become a problem because the St. George Island water line is in the ROW but the county road is not. The ROW has been surveyed and is staked and I have met on site with the property owners affected, and the water company. The relocation of the road will require the removal of some small pine trees and the placement of some limerock. It is a fairly straight forward job.

While equipment is on the Island I will also have the Road Dept. correct a drainage problem on Sawyer St.

10- Inform Board that the Dept. of Economic Opportunity (DEO) held an initial workshop in Franklin County on Jan. 24 to begin the process of collecting information on the county's economy. DEO has offered to provide funding for an economist/planning consultant to analyze the county's economy and offer suggestions for how it might diversify. The DEO staff has provided me with a list of work products they want a consultant to develop and DEO will provide the money to the county to hire the consultant. Board action to allow me to advertise for Request for Qualifications for a suitably qualified consultant. Before a consultant is hired the Board will sign a contract with DEO so that we have assurance that funds are available to pay the consultant but I need to begin the process of selecting a consultant because DEO wants a great deal of the work products delivered before June 30.

Motion by Parrish, seconded by Massey, to begin the process to advertise for RFQ's for a suitably qualified consultant; Motion carried 5-0.

11- Board action to name additional members to the RESTORE Council. Chairman Sanders is naming Ms. Suzanne Zimmerman as her appointment.

Commissioner Jackel appointed Ms Pat O'Connell to the RESTORE Council as her representative and Commissioner Parrish appointed Ottice Amison to the RESTORE Council as his representative.

Commissioner Massey asked to be excused so he can discuss a matter related to this item with a City of Carrabelle Commissioner.

The Board discussed meeting dates and a location for the first meeting. They also discussed guidelines for projects.

Commissioner Massey explained that his original appointee was not in his district so he was now nominating Brenda La Paz.

12- Board action award the low bid on the repairs to the SGI Fishing Pier to Gulf Group for \$566,171 and to direct Preble-Rish to have all the appropriate contract documents signed and issue a Notice to Proceed.

Motion by Jackel, seconded by Massey, to approve the low bid, in the amount of \$566,171.00, for the SGI Fishing Pier repairs to Gulf Group; Motion carried 5-0.

13- Inform Board that the county received an anonymous letter of complaint regarding a sign in the City of Carrabelle. I have spoken with the City and they are investigating.

14- Board action to approve an agreement with DOT for the engineering and design of the Alligator Point Multi-Use Path for \$122,000. The county had made the application for funding several years ago. Construction is still several years away.

Motion by Jackel, seconded by Massey, to approve an agreement with DOT for the engineering and design of the Alligator Point Multi-Use Path for \$122,000.00; Motion carried 5-0.

15- Inform the Board that I spent Monday afternoon with the owner of the company involved in the Project Hovercraft. The Board may recall that I received direction from the Board to submit a proposal through Enterprise Florida for a company that wanted to relocate to Florida. The owner of the company did a site visit to Franklin County as well as some other sites in the Florida panhandle.

Mr. Pierce stated that he has received a FEMA Project Worksheet for relocation funding of Gulf Shore Blvd.

Commissioners' & Public Comments (11:50 AM)

Commissioner Lockley expressed concerns of the problems with both Cities and the County regarding the RESTORE Act.

The Board and Attorney Shuler discussed this matter further.

Motion by Jackel, seconded by Massey, to have Attorney Shuler contact the City of Carrabelle regarding the RESTORE Act lawsuit filed by the City of Apalachicola and discuss their involvement; Motion carried 5-0.

Robin Vroegop, of Apalachicola, stated that there are Minutes on the City of Apalachicola's website concerning this matter.

Chairman Sanders informed the Board of an Army Corps of Engineers meeting at the Gibson Inn on February 6, 2013.

Chairman Sanders sent condolences to the families of "Marion Millender", long time resident of the County, and also Mike Boysen, a seafood worker from Louisiana, who was well known in Franklin County.

Mr. Walter Armistead stated that all threats made to elected officials should be investigated.

Adjourn (12:00 PM)

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

Cheryl Sanders, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts