

PORT ST. JOE, FLORIDA

APRIL 28, 2009

REGULAR MEETING

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman Nathan Peters, Jr., Vice Chairman Carmen L. McLemore and Commissioners Billy E. Traylor, Bill Williams, and Warren Yeager.

Others present were: County Attorney Timothy McFarland, Clerk Finance Officer Carla Hand, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, Grant Writer Towan Kopinsky, Human Resource Director Denise Manuel, Planner David Richardson, Public Works Director Gerald Shearer, Road Department Superintendent Bobby Knee, Solid Waste Director Joe Danford, T.D.C. Coordinator Paula Pickett, and Sheriff Joe Nugent.

Sheriff Nugent called the meeting to order at 6:00 p.m., E.S.T.

Reverend Joey Smith opened the meeting with prayer, and Commissioner Traylor led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Upon motion by Commissioner Traylor, second by Commissioner Williams, and unanimous vote, the Board approved the Consent Agenda, as follows:

1. Minutes March 30, 2009 Emergency Meeting
2. Agreement Memorandum of Agreement (Sea Turtle & Escarpment Monitoring
* \$45,790.00)
3. Appointments Gulf Coast Workforce Board (Re-appoint Mr. Gary Ross * three
year term * Re-appoint Mrs. Ruth Phillips * three year term)

- Small County Coalition Board Representatives (Commissioner Bill
Williams * Commissioner Warren Yeager * Chief Administrator
Don Butler)
4. Employee Appreciation 4th Annual Employee Picnic (May 21, 2009 * Donnie
Wayne Brake Memorial Park * 12:30 p.m., E.S.T.)
5. Travel 24th National Conference (Preventing Crime in the Black Community
* May 20-23, 2009 * Jacksonville, Florida)

(End of Consent Agenda)

HONEYVILLE COMMUNITY CENTER / REQUEST WAIVER FEE

Reverend Joey Smith appeared before the Board to discuss a Senior Adult Day that will be held on Thursday, April 30th, provided by the Ministerial Association, and requested that the fee be waived for the use of the Honeyville Community Center for this program. Chairman Peters discussed the policy regarding the use of the facility, stating that no waivers are to be granted. After discussion, Commissioner McLemore motioned to pay for the usage fee for Ministerial Association to use the Honeyville Community Center for Senior Adult Day (to be paid from Account #21072-83000). Commissioner Traylor seconded the motion, and it passed unanimously.

PUBLIC HEARING / VARIANCE DOWNS/MAXWELL

Pursuant to advertisement to hold a public hearing to consider a side setback variance for Kevin Downs and James Maxwell (Parcel ID #03595-000R), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner McLemore motioned to approve this variance request. Commissioner Yeager seconded the motion, and it passed unanimously.

GULF BEACHES SEWER PROJECT / GRANT AMENDMENT #4

Upon discussion by Grant Writer Kopinsky, Commissioner Williams motioned to approve the D.E.P. Grant Amendment #4 for the Wastewater Improvement Project (reallocating the funds on the Beacon Hill portion of this project, no additional funds). Commissioner Traylor seconded the motion, and the motion passed 4-0, with Commissioner Yeager abstaining due to business relations with Preble-Rish, Inc.

PAYMENT REQUEST / ST. JOE BAY HUMANE SOCIETY

Upon discussion by Deputy Administrator Lanier, Commissioner McLemore motioned to approve Payment Request #2 for the St. Joe Bay Humane Society, in the amount of \$5,000.00 (to be paid from Account #43262-8200). Commissioner Yeager seconded the motion, and it passed unanimously.

INVOICE / CARR, RIGGS, & INGRAM, LLC

Upon discussion by Deputy Administrator Lanier, Commissioner Traylor motioned to pay invoice #20092060 for Carr, Riggs, & Ingram, LLC, in the amount of \$5,919.00 for audit services, contingent upon the County Clerk verifying the contracted amount (to be paid from Account #21111-3200). Commissioner Yeager seconded the motion, and it passed unanimously.

BUILDING DEPARTMENT

Upon inquiry by Chairman Peters, Building Official Collinsworth reported that business is slow.

GAC CONTRACTORS / ROAD BOND PROJECT

Road Department Superintendent Knee discussed the GAC Contractors invoice and change order that were pulled from the Consent Agenda dated April 14th. He recommended that the Board approve Change Order #18 and two invoices that have been submitted for payment. After discussion, Commissioner Traylor motioned to pay Invoice #6097 for GAC Contractors, in the amount of \$17,989.29, for the Road Bond Project, Series 2006 (to be paid from Account #41441-81000). Commissioner Yeager seconded the motion for discussion, following discussion, the motion passed 4 to 1, with Commissioner Williams voting no.

After discussion, Commissioner Traylor motioned to approve Change Order #18 for GAC Contractors, in the amount of \$126,721.00, for the Road Bond Project, Series 2006. Commissioner McLemore seconded the motion for discussion, following discussion, the motion passed unanimously.

Upon discussion by Road Department Superintendent Knee, Commissioner Traylor motioned to pay Invoice #6200 for GAC Contractors, in the amount of \$54,047.61, for the Road Bond Project, Series 2006 (to be paid from Account #41441-81000). Commissioner McLemore seconded the motion, and the motion passed 4 to 1, with Commissioner Williams voting no.

INVOICE / CITY OF PORT ST. JOE

Chairman Peters discussed an invoice that was submitted to the Board for payment from the City of Port St. Joe, stating that this invoice was overpriced and he has contacted City Manager Charlie Weston which is correcting the matter.

BID #0708-25 / DEBRIS REMOVAL SERVICES

Solid Waste Director Danford discussed the bids (#0708-25) that were received for the Debris Removal Services and recommended that the Board award this bid to AshBritt, Inc. as the primary contractor. Chairman Peters stated that the Board would consider his recommendation. Upon inquiry by Commissioner Yeager, Solid Waste Director Danford reported that AshBritt, Inc. is located in Georgia. Upon inquiry by Commissioner McLemore, Solid Waste Director Danford reported that this service is not a budgeted item, stating that AshBritt, Inc. will front the monies and assist the County in filing the paperwork for F.E.M.A. reimbursement.

NOTICE OF INTENT / FIVE POINTS LANDFILL

Solid Waste Director Danford reported to the Board that he has received a Notice of Intent from the Florida Department of Environmental Protection (D.E.P.) regarding the permit application for Five Points Landfill.

MOSQUITO CONTROL

Commissioner McLemore reported that the mosquito spray trucks are out spraying for mosquitoes and thanked Solid Waste Director Danford regarding this matter. Upon inquiry

by Commissioner Yeager, Solid Waste Director Danford reported that the crews are spraying seven days a week.

GRANT ACCEPTANCE / EDWARD BYRNE MEMORIAL

Sheriff Nugent appeared before the Board to report that he has received notification from F.D.L.E. that Gulf County has been awarded approximately \$288,000.00 from the Edward Byrne Memorial Grant (American Recovery and Reinvestment Act of 2009), stating that in years past these funds were split between the City and County (40% for the City and 60% for the County). He requested Board's approval for the Chairman to sign the acceptance letter. Commissioner Traylor motioned to allow the Chairman to sign the Certificate of Participation for the Edward Byrne Memorial Grant. Commissioner McLemore seconded the motion, and it passed unanimously.

GRANT WRITING / GOVERNMENT SERVICES

Sheriff Nugent reported that Government Services of Tallahassee has been assisting him with writing several grants, stating that Scott Meadows has not charged the Sheriff's Office for his services. Chief Administrator Butler reported that Scott Meadows is willing to offer his services to the County.

JAIL OVERSIGHT / WORKLOAD ASSISTANCE

Chief Administrator Butler presented to the Board a memorandum regarding the jail oversight and the need for assistance in the Administration Office. He read the memorandum to the Board and recommended this action. Upon motion by Commissioner Traylor, second by Commissioner McLemore, and unanimous vote, the Board agreed to trim the County Jail Budget by \$300,000.00, and hire a person to oversee the jail (detention facility) and assist the Chief Administrator with Board related issues, employee costs will be part of the remaining Jail Budget. Upon inquiry by Chief Administrator Butler, Chairman Peters stated that this motion is effect immediately.

SETTLEMENT AGREEMENT / FL DEPARTMENT OF COMMUNITY AFFAIRS

County Attorney McFarland discussed a lawsuit that was filed against Gulf County and St. Joe Company regarding affordable housing issues. He reported that the Florida Department of Community Affairs (D.C.A.) and St. Joe Company has reached an agreement, and recommended that the Board execute the Stipulated Settlement Agreement. Upon motion by Commissioner Yeager, second by Commissioner McLemore, and unanimous vote, the Board approved County Attorney McFarland's recommendation.

FUNDING / EMERGENCY FOOD AND SHELTER BOARD

Planner Richardson reported to the Board that there is additional funding available through Emergency Food and Shelter National Board Program, in the amount of \$4,086.00. He discussed his concerns regarding meeting the qualifications to receive this money. After discussion, Commissioner Williams motioned to start the advertising process to see if the County would qualify for the additional funding, contingent upon Planner Richardson's

approval. Commissioner Traylor seconded the motion, and it passed unanimously.

RIVER FLOODING

Emergency Management Director Nelson reported to the Board that Gulf County did receive a Federal Presidential Declaration due to the river flooding disaster. He stated that his office is collecting data to submit to F.E.M.A.

Emergency Management Director Nelson reported that budgets are tight from the Federal to the State level, stating that the State is working on the mosquito issue.

SWINE FLU

Emergency Management Director Nelson reported that there are 64 confirmed cases of Swine Flu in the United States. He reported to the Board that he has a Question and Answer sheet regarding this pandemic for the Board to review, and that his office is working with the Gulf County and State Health Departments on this issue. Gulf County Health Department Operations Manger Clarissa Herndon appeared before the Board to discuss the history of the Swine Flu. Emergency Management Director Nelson then distributed the Question and Answer sheet regarding the Swine Flu. Upon inquiry by Chairman Peters, Gulf County Health Department Operations Manger Herndon reported that there are no confirmed cases of the Swine Flu in the State of Florida at this time. Upon inquiry by Chairman Peters, Gulf County Health Department Operations Manger Herndon reported that there has been discussion about closing the border to Mexico, but it has not been implemented. Upon inquiry by Commissioner Williams, Gulf County Health Department Operations Manger Herndon stated that she would provide information regarding the Swine Flu to the T.D.C. to be placed on their website.

MOSQUITO CONTROL

Commissioner Traylor thanked Solid Waste Director Danford and Mosquito Control Director Cothran for their response to the calls regarding the mosquito issue. He reported that the majority of the calls are from the Overstreet area.

ADVERTISE FOR BIDS / FIRE STATION HIGHLAND VIEW FIRE DEPARTMENT

Commissioner Williams discussed the need for a design-build fire station for the Highland View Fire Department, and inquired if the County needs to advertise for sealed bids or if the County could piggy-back from a previous advertised bid (#0809-14). County Attorney McFarland recommended that the Board advertise to receive sealed bids. Upon motion by Commissioner Williams, second by Commissioner Traylor, and unanimous vote, the Board agreed to advertise to receive sealed bids for a design-build fire station for the Highland View Fire Department.

STORM WATER RUN-OFF / ST. JOSEPH SHORES

Commissioner Williams discussed the storm-water issue at St. Joseph Shores

Subdivision, and reported that Chief Administrator Butler is reviewing this matter further.

WAIVE TIPPING FEES / GOFF PROPERTY

Upon motion by Commissioner Williams, second by Commissioner Yeager, and unanimous vote, the Board agreed to waive the tipping fees for Bessie Goff for debris removal of a condemned home located at 518 4th Street, Highland View.

OFFICE SPACE / JUVENILE JUSTICE

Commissioner Williams reported that Juvenile Justice Probation Officer Mike LaPlante is in need of office space and requested that the Board allow Chief Administrator Butler to search for available space. After discussion by members of the Board, Chairman Peters directed Chief Administrator Butler to locate available office space for Juvenile Justice. Chief Administrator Butler discussed rental cost, and discussed his concerns regarding spacing issues.

COMMERCIAL AND RESIDENTIAL ZONING / GULF COUNTY

Commissioner Williams discussed his concerns regarding issues with commercial and residential zoning within Gulf County. He recommended that the Board appoint a committee to review the zoning issue (mainly RV issues) and work with the P.D.R.B.

WORKSHOP / CONSOLIDATION

Commissioner Williams discussed holding a workshop next week to discuss consolidation. Chairman Peters stated that he would schedule a workshop next week.

ROAD REPAIR / PAINTED PONY ROAD

Commissioner Yeager discussed the need to repair Painted Pony Road, stating that when the roads at Indian Pass are flooded the County uses this road for access. He reported that Public Works Director Shearer estimates the cost to be around \$400.00. Upon motion by Commissioner Yeager, second by Commissioner Williams, and unanimous vote, the Board agreed to repair Painted Pony Road. County Attorney McFarland stated that the County will need a Limited Maintenance Agreement from the property owners.

BEACH ACCESS / STUMPHOLE

Commissioner Yeager discussed the need for a beach access point in the Stumphole area. Upon motion by Commissioner Yeager, second by Commissioner McLemore, and unanimous vote, the Board agreed to create a beach access point at the Stumphole.

FLASHING SIGN / SIMMONS BAYOU

Commissioner Yeager reported that there will be a benefit concert at Simmons Bayou for Autism and inquired about obtaining the flashing sign for advertisement. Commissioner Traylor stated that Public Works Director Shearer has the flashing sign. Commissioner Yeager stated that he would contact Public Works Director Shearer regarding the use of the flashing sign, stating that the benefit is May 9th.

GULF COUNTY VETERANS / THE WALL THAT HEALS

Chairman Peters commended the Veterans of Gulf County, and discussed the "Wall that Heals" that traveled through Gulf County today. He reported that the "Wall that Heals" will be displayed in Apalachicola and encouraged citizens to visit the Wall.

BURN TRAILER / DALKEITH FIRE DEPARTMENT

Chairman Peters reported that he has been contacted by the Dalkeith Fire Department regarding an old trailer that the fire department would like to burn for practice located in Dalkeith. Chairman Peters then passed the Chair to Vice Chairman McLemore, and motioned to allow the Dalkeith Fire Department to proceed. Commissioner Traylor seconded the motion. Discussion continued by Commissioner Williams regarding his concerns of possible hazardous materials. The motion then passed unanimously. Chairman McLemore returned the Chair to Commissioner Peters. Commissioner McLemore discussed cleaning up the debris following the burn. Chairman Peters reported that the County will clean the area of debris. After discussion by members of the Board, the Board agreed for the fire department to place the debris on County right-of-way and then the County will dispose of the debris.

SUMMER FOOD PROGRAM / GULF COUNTY

Amy Rodgers, of the Gulf County United Community Development, appeared before the Board to discuss the Summer Food Program. She read a letter to the Board regarding the Summer Food Program and requested \$5,000.00 to fund this program for the Port St. Joe sites. After discussion by Mrs. Rodgers, Commissioner McLemore reported that the County Extension Agency received funds for the Wewahitchka site through a grant and their budget. He stated that the County does not have additional funds for this program. After discussion by Mrs. Rodgers, Commissioner Traylor stated that last year the County loaned the County Extension monies for this program and was reimbursed when County Extension Agent Carter received the grant funds. The Board requested documentation that the County would be reimbursed. Commissioner McLemore stated that he would like for County Extension Agent Carter and Mrs. Amy Rodgers to bring a recommendation to the Board for review.

OFF-SHORE DRILLING / THANK YOU LETTER

Commissioner Yeager discussed a Resolution (2007-16) that the Board passed in 2007 that supports off-shore drilling and recommended that the Board submit a thank you letter to Representative Patronis for his support in this matter. Upon motion by Commissioner Yeager, second by Commissioner McLemore, and unanimous vote, the Board agreed to submit this letter.

L.I.P. AGREEMENT / GULF COUNTY HEALTH DEPARTMENT

Gulf County Health Department Operations Manager Clarissa Herndon appeared before the Board to discuss the 2008-09 L.I.P. Agreement. She reported that Gulf County's funding contribution is \$20,225.00 and requested that the Board approve the Letter of Agreement. After discussion, Commissioner Williams motioned to approve the Letter of Agreement regarding the Low Income Pool Funding. Commissioner McLemore seconded the motion

for discussion. Following discussion, the motion passed unanimously, contingent upon the revision of the Letter of Agreement that would reduce the County's contribution to \$15,898.00.

TRAILER / HOWARD CREEK

Human Resource Director Manuel recommended that the Board table the issue regarding the burning of a trailer in Howard Creek, due to possible litigation issues. Chairman Peters stated that this property is not under investigation, but would make sure before the fire department burns it.

PAYMENT REQUEST / L.I.P. AGREEMENT

Upon recommendation by Deputy Administrator Lanier, Commissioner Traylor motioned to pay the third quarter payment, in the amount of \$137,500.00, for the Sacred Heart L.I.P. Agreement. Commissioner Williams seconded the motion, and it passed unanimously.

There being no further discussion, and upon motion by Commissioner Traylor, the meeting did then adjourn at 7:22 p.m., E.S.T.

**NATHAN PETERS, JR.
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**