

AUGUST 27, 2013

PORT ST. JOE, FLORIDA

REGULAR MEETING

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman Tynalin Smiley, Vice Chairman Ward McDaniel, and Commissioners Carmen L. McLemore, Joanna Bryan, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, E9-1-1 Coordinator Ben Guthrie, County Extension Agent Roy Lee Carter, Fire Coordinator Brad Price, G.I.S. Coordinator Scott Warner, Grant Writer Towan Kopinsky, County Jail Administrator Evette Farmer, Maintenance Supervisor Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, Sheriff Mike Harrison, Sheriff's Office Captain Chris Buchanan, Tax Collector Shirley Jenkins, and T.D.C. Executive Director Jennifer Jenkins.

Sheriff Harrison called the meeting to order at 9:00 a.m., E.T.

Assistant Administrator Hammond opened the meeting with prayer, and Chairman Smiley led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

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

1. Minutes - July 9, 2013 – Regular Meeting
- July 15, 2013 – Special Meeting
2. Agreement – Northwest Regional Library System (State Aid to Libraries FY 2014)
3. Budget Amendment – Public Works (Equipment Line Items be rolled to FY 2013-2014 * \$29,513)

Budget Amendment #8 – Tupelo Fire Control District (Amend the FY 2012-2013 Budget for Tupelo Fire Control District Fund and General Fund by Reducing Stone Mill Creek Fire Departments Budget by \$1,490 and increasing the Fire Coordinator Budget by \$1,490)

BUDGET AMENDMENT #8

Amend the FY 2012-2013 Budget for Tupelo Fire Control District Fund and General Fund by reducing Stone Mill Creek Fire Department's Budget by \$1,490 and increasing the Fire Coordinator's Budget by \$1,490 by way of Interfund Transfers. This transfer of funds was approved by the BOCC on July 23, 2013 and will fund the purchase of a Dell Latitude E5430 Laptop for the Fire Coordinator to use in training throughout the county.

Tupelo Fire Control District

	Original Budget	Increase	Decrease	Amended Budget
Stone Mill Creek FD:				
31722-64000 Equipment	\$4,227.00	\$ 0.00	\$1,490.00	\$2,737.00
Interfund Transfers Out:				
107581-91000 Interfund Transfers Out (TFD)	\$4,497.00	\$1,490.00	\$ 0.00	\$5,987.00

General Fund

	Original Budget	Increase	Decrease	Amended Budget
Interfund Transfers In:				
00181-91000 Interfund Transfers In	\$41,137.00	\$1,490.00	\$ 0.00	\$42,627.00
Fire Coordinator:				
314522-64000 Equipment	\$ 1,775.00	\$1,490.00	\$ 0.00	\$ 3,265.00

(End)

4. Invoices – Sniffen & Spellman, P.A. – Legal Services (Invoice #10950 * \$690.00 * to be paid from Account #21111-31200)
 - UniFirst Corporation (Public Works * Invoice #2710050134 * \$10.00 * Invoice #2710050589 * \$10.00 * Invoice #2710051046 * \$10.00 * Courthouse * Invoice #2710050138 * \$68.50 * Invoice #2710050593 * \$68.50 * Invoice #2710051050 * \$68.50)
5. Meeting – Public Hearing – Enterprise Zone (December 10, 2013 at 9:00 a.m., E.T.)
6. Policy – Gulf County Fire Departments (Appreciation Dinners)
7. Purchase Request – Public Works (Vehicle for Assistant Director Jake Lewis from State Contract)

(End)

SENATOR MONTFORD'S OFFICE

Commissioner Yeager recognized Marsha Mathis from Senator Montford's Office, stating during the session Senator Montford and Ms. Mathis did a great job helping Gulf County with several issues.

P.D.R.B. RECOMMENDATIONS

The Board then considered the following recommendations from the August 19, 2013 Planning Development and Review Board Meeting.

VARIANCE APPLICATION – DOUGLAS & BARBARA COOKSEY

Pursuant to advertisement to hold a public hearing to consider a variance application for Douglas & Barbara Cooksey (Parcel ID #03898-002R * located in S5, T7S, R11W, Gulf County, Florida – road setback encroachment to add screen porch), County Attorney Novak read the Public Notice. Commissioner Bryan motioned to approve this variance application. Commissioner Yeager seconded the motion, and it passed unanimously.

TOURIST DEVELOPMENT COUNCIL – NET MEDIA RATES

T.D.C. Executive Director Jenkins appeared before the Board to discuss the Fall Media Plan, stating that they will buy the media and this will be an additional \$3,000.00 for Google and requested to increase by \$3,000.00 for the month of September, 2013. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

CONTRACT – SIZZLE REEL / TOURIST DEVELOPMENT COUNCIL

T.D.C. Executive Director Jenkins discussed the previous sizzle reel with the South Gulf County Fire Department, stating the company has decided to change their approach and requested to put a reel together on Gulf County Tourism through T.D.C. After discussion, Commissioner Yeager motioned to proceed with sizzle reel for the Gulf County Tourism. Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner McLemore abstaining due to involvement in the sizzle reel.

CONTRACT – REVISED SMALL COUNTY GRANT

Upon request by Public Works Director Danford, Commissioner Yeager motioned to allow the Chairman to sign and execute the Revised Small County Grant. Commissioner McDaniel seconded the motion, and it passed unanimously.

REPORT – FLOODPLAIN MANAGEMENT

Planner Richardson discussed the floodplain management progress report and requested approval. Upon motion by Commissioner Yeager, second by Commissioner Bryan, and unanimous vote, the Board approved this request.

AWARD BID #1213-16 – BUNKER GEAR / BEACHES FIRE DEPARTMENT

Upon recommendation by Gulf County Beaches Fire Chief Richardson, Commissioner Bryan motioned to award Bid #1213-16 for bunker gear for the Beaches Fire Department to Sunbelt, Inc., (higher bidder), in the amount \$1,393.00. Commissioner Yeager seconded the motion, and it passed unanimously. Mr. Richardson requested permission for other fire departments to piggy-back on this same bid, if desired. The Board had no objections.

RESOLUTION – EMERGENCY MEDICAL SERVICE GRANT

Upon discussion by Grant Writer Kopinsky, Commissioner Yeager motioned to approve a proposed resolution regarding an E.M.S. Grant, in the amount of \$1,035.00 for training. Commissioner McDaniel seconded the motion, and it passed unanimously, as follows:

RESOLUTION NO. 2013-18

A RESOLUTION CERTIFYING THAT THE MONIES FROM THE EMERGENCY MEDICAL SERVICES MATCHING GRANT WILL IMPROVE AND EXPAND THE COUNTY’S PRE-HOSPITAL EMERGENCY MEDICAL SERVICES SYSTEM.

WHEREAS, Gulf County has an outstanding Emergency Medical Services system, which serves the citizens of Gulf County; and

WHEREAS, the Emergency Medical Services system receives funding from Gulf County only for specific, itemized, budgeted expenditures; and

WHEREAS, the budgeted funds for the Emergency Medical Services system cannot be used for other items or activities; and

WHEREAS, the existing budget allocations do not provide for all needs of the Emergency Medical Services systems;

NOW, THEREFORE, BE IT RESOLVED BY THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS, as follows:

1. That monies from the Emergency Medical Services Matching grant will improve and expand the County’s pre-hospital Emergency Medical Services system.
2. That the grant monies will not be used to supplant existing County Emergency Medical Services budget allocations.
3. That a copy hereof shall be provided to all parties of interest upon request.

ADOPTED this 27th day of August, 2013.

(End)

ROAD REPAIR – COUNTY ROAD 386

Grant Writer Kopinsky reported that a letter has been submitted to F.D.O.T. regarding the repaving and widening of C.R. 386, stating that the County has not received a response. After discussion, Commissioner Yeager requested permission to contact Tommy Barfield of F.D.O.T. regarding this matter. The Board had no objections to this request. Chief Administrator Butler discussed his concerns regarding grant applications and this road project. After further discussion, Grant Writer Kopinsky requested that Commissioner Yeager notify her after he speaks with Tommy Barfield.

COUNTY JAIL

Jail Warden Hammond discussed the history of the County Jail, stating at the last Board meeting, Commissioner Bryan called for an inspection of the Jail for compliance of Florida Model Jail Standards, and this request was in direct violation of adopted Board Policy. He discussed the Florida Model Jail Standards, stating it is rules mostly of which Gulf County Jail already complies with, as best management practices and adopting the Florida Model Jail Standards without funding is useless. Jail Warden Hammond reported that he has fifteen (15) full-time employees at the Jail, and they have serious concerns regarding the talk about outsourcing the Jail to Bay County. He recommended that the Board put this issue to rest today. Jail Warden Hammond discussed the incorrect information that was printed in The Star (local newspaper) regarding the County Jail. He requested that the Board not outsource or close the Gulf County Jail, to give the employees peace of mind, and he will continue to operate the County Jail in an efficient and safe manner that protects the taxpayers of Gulf County from liability and waste. County Jail Captain Evette Farmer appeared before the Board to report that she has been with this facility for twenty-three (23) years and discussed her experience at the County Jail. Commissioner Bryan discussed that the Statute regarding Model Jail Standards, stating that there is no enforcement mechanism built into the Statute. After further discussion by Commissioner Bryan, Commissioner McLemore inquired if Commissioner Bryan wants to lay-off or eliminates fifteen (15) jobs in Gulf County by sending all the inmates to be housed in Bay County. He discussed his concerns regarding the Board striving to put people to work in Gulf County. Commissioner Bryan discussed housing inmates at the Bay County Jail. Upon inquiry by Commissioner McDaniel, Jail Warden Hammond reported that the State Law states that the County Jail has to book the inmates in the County where they are arrested. After further discussion, Commissioner Bryan stated that she will continue to work through the options and would be willing to present a plan to the Board for review. After discussion by Commissioner McDaniel, Commissioner McLemore motioned to keep the Jail in Gulf County and put this issue to rest. Commissioner Yeager seconded the motion for discussion, after discussion the motion then passed unanimously.

HEARING – PORT ST. JOE PORT AUTHORITY

County Attorney Novak gave an update to the Board regarding the Port Authority, stating that last Tuesday the various parties appeared before Judge Fishel, II on a Summary Judgment Hearing. He reported that once he receives the update from Judge Fishel, II he will report back to the Board.

COUNTY-WIDE VOTING

County Attorney Novak discussed the update that Michael Spellman of Sniffen & Spellman Law Firm brought before the Board at the last meeting regarding County-Wide Voting. He stated that he is waiting on the Scope of Service and Engagement Letter from Mr. Spellman.

ADVERTISE – PROPOSED COUNTY PROBATION SERVICE ORDINANCE

County Attorney Novak read the proposed ordinances by title regarding the County probation ordinance. Commissioner Yeager motioned to advertise to hold a public hearing regarding two proposed ordinances for County Probation Services. Commissioner McDaniel seconded the motion, and it passed unanimously.

INTERLOCAL AGREEMENT – CITY OF PORT ST. JOE

County Attorney Novak discussed the summary of the amended Interlocal Agreement with the City of Port St. Joe, stating that he and City Attorney Gibson have revised the Interlocal Agreement for both the consideration of the County and the City. He discussed that there are some additions to the Interlocal Agreement, if accepted as proposed: (1) that the City of Port St. Joe will receive formal jurisdiction over the Oak Grove area for fire and emergency rescue, (2) they will establish a water rescue program for the incorporated areas of Windmark Beach and the coastal areas around the City of Port St. Joe, and (3) the City of Port St. Joe will prepare a special warranty deed to convey the land which the T.D.C. Welcome Center currently sits over to the County, with some additional provisions for reversion clauses. County Attorney Novak discussed that he has provided to the Board a summary of the Interlocal Agreement on which items that have been removed and which items that have been revised. Commissioner Yeager discussed for the betterment of the citizens of the City of Port St. Joe and the County to proceed with the amended Interlocal Agreement. Commissioner Bryan discussed item #4 regarding the water and sewer rates for the unincorporated areas, which affects District 3, stating that the residents in District 3 are already struggling with their water and sewer rates as they currently are. After further discussion by members of the Board, Commissioner Yeager motioned to pass the amended Interlocal Agreement excluding item #4. Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner Bryan voting no. County Attorney Novak discussed that he will work with City Attorney Gibson on Item #4 and bring a report back to the Board.

BEACON HILL SIGN

County Attorney Novak discussed the sign located at Veterans' Park in Beacon Hill, stating there has been discussion with regards to the access on Lighthouse Keepers Drive, and there have been inquiries from the public and from legal counsel concerning the right-of-way agreement from thirteen years ago. He requested permission to move forward and draft a perpetual easement for access back to the properties and the facilities located on Lighthouse Keepers Drive. Commissioner Bryan discussed her concerns regarding this issue. County Attorney Novak discussed the concerns submitted by Attorney Charles Costin which represents some of the residents in this

area. County Attorney Novak discussed that he will report back to the Board concerning this issue at the next meeting.

COUNTY LAWSUIT

County Attorney Novak discussed that the lawsuit against the County has been successfully defended and openly dismissed.

LANDFILL TIPPING FEES

Chief Administrator Butler discussed a letter from the City of Port St. Joe in 2009 concerning the (1) landfill tipping fees and (2) the ½ cent sales tax, stating that the City of Port St. Joe chose to pay tipping fees instead of the ½ cent sales tax. Commissioner Yeager discussed that he received a call from a City Commissioner concerning this issue, and the County has got to look at alternative sources of revenue to reduce the property tax payer from paying for everything. Chief Administrator Butler recommended extending back to the City of Port St. Joe. Discussion followed. Commissioner Yeager motioned to approve the recommendation and extend back to the City of Port St. Joe for landfill tipping fees. Commissioner McDaniel seconded the motion, and it passed unanimously.

BRIDGE REPAIRS

Chief Administrator Butler discussed the specifications for three (3) bridges, stating the Board previously approved to move forward with the repairs to the Cypress Creek bridge located on the Overstreet Road, the box cover on the west side of the Raw Bar on SR 30A, and the bridge at Stone Mill Creek on south Diana. He discussed that this needs to be advertised and solicit bids for the three bridges, and this should be paid from Secondary Road & Bridge. Chief Administrator Butler recommended paying from Secondary Road & Bridge Fund and amending the budget to pay for it. Commissioner Yeager motioned to advertise and move forward with this project. Commissioner McDaniel seconded the motion, and it passed unanimously.

RADIO SYSTEM

Chief Administrator Butler discussed that he and Sheriff Harrison have discussed the issues with the radio system, stating the County does not have the funds to replace the radio system for law enforcement, E.M.S., and the fire departments. He discussed they have talked with Williams Communications concerning this issue, stating they have provided a quote to make repairs to the existing system. Chief Administrator Butler requested permission to use the \$12.50 moving violation surcharge in the budget and get quotes to repair the existing radio system, stating it will cost approximately \$8,000.00 to \$10,000.00. Commissioner Bryan motioned to approve this request and move forward. Commissioner Yeager seconded the motion, and it passed unanimously.

SPECIAL DISTRICTS

Chief Administrator Butler discussed special districts, stating there are a couple special districts in the County (fire control districts), Highland View Water & Sewer District and Dead Lakes Water Management District were enacted by the legislature many years ago and recommended to add these two special districts to the list for removal.

INSURANCE – COUNTY ATTORNEY

Chief Administrator Butler recommended adding the County Attorney to the county group insurance at the same contribution rate as county employees. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

SIGN – BEACON HILL

Chief Administrator Butler discussed a conversation with Bill Williams, III concerning the sign located at Beacon Hill, and he read a letter from Mr. Williams concerning this issue. Commissioner McDaniel motioned to accept the letter from Mr. Williams and have Public Works remove the sign and allow Mr. Williams ten (10) days to remove the sign. Commissioner McLemore seconded the motion for discussion. Upon inquiry by Commissioner McLemore, Public Works Director Danford discussed that he will bring the sign to the public works yard, but questioned who will pay for this work. After further discussion, the motion then passed unanimously.

ETHICS TRAINING

Chief Administrator Butler discussed that State Law now requires all County Commissioners and Constitutional Officers too have four (4) hours in ethics training every year and the next available class will be in Daytona, in November.

AMERICUS AVENUE DITCH

Bill Koran, of St. Joe Beach appeared before the Board and discussed his house on Ponce De Leon Street has flooded twice in the past eight years due to County work on the ditch. Mr. Koran presented some pictures to the Board on the Americus Avenue ditch project, stating page one (1) shows the proper grading has been done, and page two (2) shows examples of bad work left by the contractor, and this is a \$1.2 million dollar ditch and \$250,000.00 has been spent repairing the project after the fact. Mr. Koran discussed that the tax payers of this County deserve an explanation, and he is again asking for answers for the misuse of tax payer's money. Upon inquiry by Commissioner McLemore, Mr. Koran discussed that he has contacted his Commissioner in District 3 concerning these questions. Commissioner Bryan discussed that she has requested a lot of information concerning the Americus Avenue ditch project, stating she has reviewed the information provided by Chief Administrator Butler. Commissioner Bryan discussed that there was no proof of workers compensation, which subjected the County to unlimited liability, and inquired to Chief Administrator Butler concerning the workers compensation insurance. Chief Administrator Butler discussed that this project started six (6) years ago and discussed that he provided everything that he could find in the files, stating that this was awarded to the lowest bidder (Bailey & Sons). Commissioner Bryan discussed that this bid should have been discarded and should have not been considered, stating it did not meet the qualifications. She discussed under the contract it was one hundred twenty (120) days and the actual time frame was one hundred fifty one (151) days past the time it should have been completed, stating there was liquidated damages in the contract of \$250.00 per day, which would have totaled \$37,750.00 to the County for the liquidated damages and they were never collected. Commissioner Bryan discussed as of August 1, 2013,

County personnel has repaired one hundred thirty (130) leaks associated with this project, at a cost of \$37,926.74, stating at this time the County personnel is aware of approximately sixteen (16) additional leak problems that will need to be addressed, and the cost is yet to be determined. Upon inquiry by Bill Koran concerning who was watching the contractor, Chief Administrator Butler discussed that Preble-Rish, Inc. was the engineer on the project and they designed and inspected the project. Discussion followed. Bill Koran discussed that the County continues to do the same thing. Christy McElroy appeared before the Board and discussed issues with Mr. Koran.

PROPOSED PROCLAMATION – DIXIE PHONICS

Herbert J. “Kuntry” Carter, of 5886 Axis Lane Tallahassee, Florida appeared before the Board and discussed he is here to establish a foundation for music in Florida, Georgia and Alabama, and requested the Board pass a Proclamation for Dixie Phonic Day in Gulf County. Commissioner McLemore requested for T.D.C. Executive Director Jenkins to work with Mr. Carter and bring the proclamation back before the Board.

FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION (F.W.C.)

Commissioner Bryan discussed a letter which was submitted to Florida Fish & Wildlife Conservation Commission from Assistant Administrator Hammond requesting that their equipment be removed from the County property, stating this was a follow up letter from a letter that was submitted to them on July 29, 2010. Assistant Administrator Hammond discussed that there was contact made on two previous occasions with F.W.C. Upon inquiry by Commissioner Bryan, Chief Administrator Butler discussed that he made the decision for F.W.C. to remove their equipment from County property, stating this started when F.W.C. was parking their equipment in the overflow parking lot on the South side of the Courthouse, washing their vehicles behind the E.O.C. building, and dumping trash in the County dumpster behind the Courthouse. Commissioner Bryan discussed that we need to work together with other governmental agencies and with law enforcement. Discussion followed. Commissioner Bryan motioned for Chief Administrator Butler to work with F.W.C. and resolve these issues. Commissioner Yeager seconded the motion for discussion, stating he can contact Nick Wiley, Head of F.W.C. concerning this issue. Discussion followed.

COMMISSIONER COMMENTS

Commissioner Bryan discussed comments that were made to her at the last meeting by Commissioner McLemore, stating he made the statement that he is after her and he is going to get her, and requested an explanation from Commissioner McLemore.

SACRED HEART – WEWAHITCHKA

Upon inquiry by Commissioner McLemore concerning the issue with Sacred Heart in Wewahitchka, County Attorney Novak discussed he will follow up with Sacred Heart and report back to the Board on this issue.

FOOD PANTRY – SOUTH GULF

Commissioner McLemore discussed that the food pantry on the south end of the County is low and requested for the person in charge to contact him and he will assist.

RESTORE MEETING

Commissioner Yeager discussed the recent restore meeting, stating they are still waiting on the U.S. Treasury to set the rules, and requested for the Board to get the restore committee to draft an RFP/RFQ for the planning.

PUBLIC WORKS

Commissioner McDaniel discussed that Public Works will be working on the dirt roads as soon as the rain stops.

ST. JOSEPH SHORES DRIVE

Commissioner McDaniel discussed that he has received calls concerning flooding on St. Joseph Shores Drive and this Board has to address this issue. Commissioner Yeager discussed that this is a safety issue and has to be addressed.

MARTIN LUTHER KING BOULEVARD (M.L.K.)

Upon request by Chairman Smiley, Preble-Rish /County Engineer Smallwood appeared before the Board and reported that U.S.D.A. has approved to advertise to receive sealed bids for the sidewalk improvement project on M.L.K.

Chairman Smiley called for public comment. There was no public comment.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 11:43 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**