

PORT ST. JOE, FLORIDA

MAY 26, 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 Rebecca L. Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, E.M.S. Director Shane McGuffin, Assistant Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Gerald Shearer, and Sheriff Joe Nugent.

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

Planner Richardson opened the meeting with prayer, and Commissioner Traylor led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Commissioner Traylor motioned to approve the following Consent Agenda items. Commissioner McLemore seconded the motion, based on removal of item #2 (pages 15-19). This being agreeable, the motion did then pass unanimously as follows:

1. Minutes April 28, 2009 Regular Meeting
 - May 7, 2009 Special Meeting
 - May 7, 2009 Workshop
2. ****DELETED**** Abandonment Alleyway/Roadway (N. Oak Street and N. Palm Street off Indian Pass Road)
3. Change Order #5 - St Joseph Peninsula Erosion Control Project - Bid #0607-34 (Manson Construction Co. * Increase construction window by 14 days * Decrease total contract by \$40,302.68)
4. Grant Applications Permission to apply for any grants
5. Inventory - Clerk of Court (Removal from inventory one Lexmark Optra S1625 Printer ID #10-332)
 - Road Department (Junk #100-471 1999 Manitowoc Ice Machine * Model #QD0602A * Serial #990460748)
6. Invoice Aquatic Plants of Florida - St Joseph Peninsula Erosion Control

- Project -Bid #0809-03 (Pay Request #1 * \$194,160.00 * to be paid from Account #43137-31000)
 - Gulf Coast Children's Advocacy Center (April, 2009 * \$175.00 to be paid from Account #21111-31300)
 - Manson Construction Co. - St Joseph Peninsula Erosion Control Project -Bid #0607-34 (Pay Request #12 * \$2,144,599.77 to be paid from Account #43137-31000)
 - M.R.D. Associates, Inc. St. Joseph Peninsula Construction Services (Project #08-210.8 * Invoice #1257 * \$7,680.00 to be paid from Account #43137-31000)
 - St. Joseph Bay Humane Society Animal Control Services (April, 2009 * \$2,246.00 to be paid from Account #27452-81001)
7. Resolution - Budget Amendment (Unanticipated Revenue * Tupelo Fire Control District * \$199,500.00) as follows:

RESOLUTION NO. 2009-16

WHEREAS, the Gulf County Board of County Commissioners of Gulf County, Florida, has received unanticipated revenue in the Tupelo Fire Control District Fund for fiscal year 2008-2009; and

WHEREAS, said revenue is needed to help pay certain expenditures incurred in fiscal year 2008-2009.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The 2008-2009 fiscal year budget is amended as follows:

TUPELO FIRE CONTROL DISTRICT FUND

Original Budget Increase Amended Budget

REVENUES:

Federal Grants:

10731-20001 Public Safety-Homeland Sec	\$	-0-	\$ 199,500	\$ 199,500
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EXPENDITURES:

Stonemill Creek Fire Department:

31722-64001 Equipment > \$5,000	\$	-0-	\$ 199,500	\$ 199,500
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THIS RESOLUTION ADOPTED by the Gulf County Board of County Commissioners, this 27th day of May, 2009.

(End)

8. S.H.I.P. - Rehabilitation Assistance (\$5,500.00 Betty Fleming/Betty Harris)

9. Travel 2009 NACo Conference (Nashville, TN * 7/24 7/28)

(End)

CAPITAL AREA COMMUNITY ACTION AGENCY

Dorothy Inman-Johnson, Capital Area Community Action Agency appeared before the Board and discussed the Annual Report for the Agency, stating that this is funded by the Federal Government. She discussed that the agency provides assistance with the low income home energy assistance, utility assistance, and weatherization assistance grant. Ms. Johnson reported that Capital Area Community Action Agency as the grantee Agency for the weatherization assistance program funded by the Federal Government in Gulf, Franklin, Gadsden, and Jefferson County is the recipient of American Recovery and Reinvestment Act or stimulus funds to provide weatherization services in Gulf County. She stated that they have been notified by the Florida Department of Community Affairs that they will receive \$1.3 million dollars for weatherization assistance in Gulf County. She discussed the purpose of these funds is to (1) weatherize as many low income houses as possible, and (2) create jobs and boost the economy, stating that they have placed notices out in the County asking for people who are interested in doing contract work to contact their Agency. Commissioner Yeager discussed that this information needs to be placed on the County website.

ST. JOSEPH BAY BUFFER PRESERVE

Chairman Peters discussed a letter of support for the St. Joseph Bay Buffer Preserve, and that the Board has discussed providing five parking areas with dolomite. Jean Huffman, St. Joseph Bay Buffer Preserve, appeared before the Board requesting support from the Board for their application to the National Coastal Wetlands Conservation Grant Program, stating that this is a federal program to acquire the outlet of Money Bayou. She reported that only the State of Florida can apply for this grant and it is 75% Federal and 25% State funded. Ms. Huffman discussed that they are applying to acquire the land (all from willing sellers) that will aid in the protection of the upper wetlands, and for the grant to have support of the County is very important. She stated that having the parking spaces would help in obtaining extra points toward the grant, making it more likely that it would be awarded. Upon inquiry by Commissioner Yeager, Ms. Huffman discussed that this land would become part of the Buffer Preserve and will be open to the public. Upon motion by Commissioner Yeager, second by Commissioner McLemore, and unanimous vote, the Board approved to submit a letter of support to the St. Joseph Bay Buffer Preserve.

RECORDS DISPOSITION CLERK

Clerk Norris requested approval to dispose of County records that have met the State's records retention requirements (list on file in Clerk's Office). Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion and it passed unanimously.

F.E.M.A. HURRICANE GUSTAV

Emergency Management Director Nelson appeared before the Board and give an update on the waiver request, stating that he should have an answer within the next two weeks on

Hurricane Gustav.

FLOOD

Emergency Management Director Nelson discussed that F.E.M.A. will be here tomorrow and they will start writing project worksheets for the flood, stating that he will submit a match waiver request for the flood as soon as they receive the figures. Commissioner Traylor requested that a thank you letter be submitted to Sonny O'Brien, Calhoun County Emergency Manager for his assistance during the flood. The Board had no objections.

P.D.R.B. RECOMMENDATIONS APRIL 21, 2009

The Board then addressed the following recommendations from the April 21, 2009 meeting of the Planning & Development Review Board:

PRELIMINARY PLAT APPROVAL PARKER SUBDIVISION

Pursuant to advertisement to hold a public hearing to consider preliminary subdivision plat approval for June M. Parker (Parcel ID #03187-010R * 1 acre in S21, T9S, R10W), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner McLemore motioned to approve the preliminary subdivision plat of Parker Subdivision (a 3-unit development), subject to all Federal, State and Local development regulations, both stated and unstated. Commissioner Yeager seconded the motion, and it passed unanimously.

GRANT ACCEPTANCE / EDWARD BYRNE MEMORIAL

Sheriff Nugent appeared before the Board and requested Chairman Peters sign the acceptance letter for the Edward Byrne Memorial Grant, for approximately \$288,000.00 (American Recovery and Reinvestment Act of 2009).

OFFICE SPACE JUVENILE JUSTICE

Chief Administrator Butler appeared before the Board and discussed available office space for the Juvenile Justice Program, stating there is no space available here at the Courthouse. He discussed that Judge Witten may be able to let them use an office upstairs in the Old Wewahitchka Courthouse. Chief Administrator Butler recommended allowing Juvenile Probation Officer Mike LaPlante to use an office in the Old Courthouse in Wewahitchka, if available. Chief Administrator stated the Juvenile Justice has agreed to pay rent. Commissioner Traylor motioned to approve this recommendation on a year-to-year basis. Commissioner Williams seconded the motion, and it passed unanimously.

OFFICE SPACE STATE ATTORNEY

Chief Administrator Butler discussed that the State Attorney's Office met with him and requested additional office space in the Courthouse for F.D.L.E., and he informed them that there is no office space available.

INMATE MEDICAL BILL BAY MEDICAL CENTER

County Attorney McFarland discussed an inmate medical bill from Bay Medical in the

amount of \$350,000.00 for care due to a stroke while in the County Jail, stating that she was released on her own recognizant in February, and that Bay Medical is willing to go back to this date on the bill. He discussed that moving back to the February release date would decrease the bill to \$150,339.47. He stated that his previous offer to settle at \$25,000.00 was declined by Bay Medical Center. County Attorney McFarland recommended for the Board to allow him to make an offer to settle at \$35,000.00. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

ARIZONA CHEMICAL CLOSURE

Commissioner Yeager discussed that Arizona Chemical announced on Thursday they are closing permanently, effective July, 1, 2009, stating that he has contacted Kim Bodine with Workforce Development to work with displaced workers. Commissioner Williams discussed that E.D.C. will also help with the displaced workers from Arizona Chemical. Chairman Peters discussed that the Board will help in any way with the displaced workers, stating that Arizona Chemical was a great Company to work for. He discussed that they were established in 1957, stating that he was employed there for 33 years.

WEWAHITCHKA PROJECT GRADUATION FEE WAIVER REQUEST

Commissioner McLemore discussed that the Wewahitchka Project Graduation has requested a fee waiver for the Honeyville Storm Shelter for Saturday night. Commissioner Traylor motioned to approve this request and each Commissioner pay from their funds (#21072-83000 Other Grants & Aids). Commissioner McLemore seconded the motion, and it passed unanimously.

TAUNTON FAMILY CHILDREN'S HOME

Commissioner McLemore discussed Taunton Children's Home has requested a waiver for the building permit fees to rebuild the home. Upon inquiry by Commissioner Yeager regarding waiving the fees for others and churches, Chairman Peters discussed that they have not waived any fees. Commissioner McLemore motioned to waive the building permit fees. Commissioner Traylor seconded the motion for discussion. After further discussion by the Board, the motion then failed 3-2 with Chairman Peters, Commissioner Williams and Commissioner Yeager voting no.

HONEYVILLE COMMUNITY CENTER FREEZER

Commissioner McLemore requested permission to use the freezer at the Honeyville Community Center three days per month to help run the Commodity Program. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

LADY SHARK GIRLS SOFTBALL TEAM

Commissioner Williams motioned to give \$500.00 to the Lady Sharks Girls Softball Team, to be paid from the Other Grants & Aids Fund (#21072-83000). Commissioner Traylor seconded the motion, and it passed unanimously.

STIMILUS PACKAGE FUNDS

Commissioner Traylor discussed that the Federal Government announced several months ago that they would be releasing the stimulus package funds, stating that only 6% has been released. Commissioner Traylor motioned to submit a letter to Congressman Boyd and Representative Patronis regarding the stimulus funds. Commissioner Williams seconded the motion, and it passed unanimously.

RIGHT-OF-WAYS / PUBLIC UTILITIES

Upon inquiry by Commissioner Traylor regarding the issue with right-of-ways and public utilities on right-of-ways, Chief Administrator Butler discussed that he has requested plans from other Counties for what they have adopted, and that they are working on a recommendation to bring back to the Board.

CONTRACTORS BEACHES SEWER PROJECT

Commissioner Traylor discussed that he has been contacted by several contractors regarding not being paid for work on the Beaches Sewer project. Chairman Peters requested that this issue be addressed later in the meeting.

WELLNESS CENTER EMPLOYEES

Chairman Peters discussed employees attending the Wellness Center in regards to their Health Insurance benefits, and requested the number of employees that are utilizing the facility. Commissioner Williams discussed that he will obtain this information and present it to the County.

SPECIAL MEETING ALTERNATIVE REVENUE SOURCES

Chairman Peters discussed that he will be holding a Special Meeting on Thursday, May 28, 2009 at 11:00 a.m., E.T., to discuss Alternative Revenue Sources.

BEACHES SEWER PROJECT

Commissioner Traylor discussed that he has been contacted by several vendors regarding not being paid for work on the Beaches sewer project by the City. Mayor Mel Magidson appeared before the Board and discussed that the City pays the contractor not the subcontractors, stating that L & R is the contractor on this project.

HIGHLAND VIEW PROJECT

Mayor Magidson discussed that he presented a request to Chief Administrator Butler for payments to close out the Highland View project.

BEACHES SEWER PROJECT

Mayor Magidson appeared before the Board and discussed that the City is preparing documentation that will comply with the County's request concerning the status and funding of the Beaches Sewer project. County Attorney McFarland discussed that the payment will need to be paid directly to the City of Port St. Joe. Upon inquiry by Commissioner Traylor regarding what the County is requesting, Mayor Magidson discussed that he did not attend

the meeting, stating that he understood the County wants documentation showing the contractor has been paid, and a progress report on the project. Chief Administrator Butler inquired if the City has the funds to complete the Overstreet Water system and the Beaches sewer system. Mayor Magidson discussed that the City has the funds to complete these projects. Commissioner Traylor discussed that the Overstreet water project started 3 ½ years ago and still is not completed. Commissioner Williams discussed the basic concept and thanked Mayor Magidson for appearing before the Board with this information, stating that the County needs the total cost of each project, number of residents covered on the system, what the revenue debt schedule is, and a report from the Engineers on time execution for Beacon Hill and Overstreet. Mayor Magidson discussed that 90% is a technical question to be answered by the engineer Preble-Rish, Inc. Commissioner Williams requested that the City Manager appear before the Board and report on the financial component, and Preble-Rish engineers appear before the Board and report on the technical component. Upon inquiry by Commissioner Traylor, Mayor Magidson discussed that he cannot provide this information because it is a question for the engineers. Mayor Magidson assured Commissioner Traylor that the Overstreet project would be completed. Chief Administrator Butler discussed that the pending invoice amount is \$472,234.16, and that the Engineers, Administration have signed off on the invoice, stating that the Clerk needs to sign-off on the invoice. He discussed that the Auditor is not allowed to approve invoices as this would be an impairment of his independence as the auditor. Chief Administrator Butler discussed that he has not received the information that was requested from the City to pay the invoice.

BIOMASS GAS & ELECTRIC

City Mayor Mel Magidson appeared before the Board and discussed a press release from Biomass Gas & Electric, stating that the Company will be locating in Port St. Joe at the old M.T.I. site. He discussed that they have a purchase power agreement with Progress Energy.

ST. JOSEPH SHORES

Eric Davidson, St. Joseph Shores resident, appeared before the Board and presented a power point presentation on storm water drainage issues in St. Joseph Shores. Commissioner Williams discussed that there are multiple complications on this issue at St. Joseph Shores. County Attorney McFarland discussed that they need to talk to St. Joe Company to come up with some type of Resolution for this issue.

ABANDONMENT N. OAK STREET AND N. PALM STREET

Upon inquiry by Emergency Management Director Nelson, Commissioner Yeager discussed that there was previously a motion to proceed on the abandonment Alleyway/Roadway (N. Oak Street and N. Palm Street off Indian Pass Road). After further discussion by members of the Board, Commissioner McLemore motioned to stop the process of abandonment. Chairman Peters passed the Chair to Commissioner Traylor, and seconded the motion. The motion then passed 4 to 1 with Commissioner Yeager voting no. Chairman Traylor passed the Chair back to Commissioner Peters.

BEACHES SEWER PROJECT

Steve Norris appeared before the Board and requested clarification on the Beaches sewer project payment in two weeks. Commissioner Williams discussed if the City complies with the action of the Board the payment will be made.

ST. JOSEPH SHORES

Gail Alsobrook, of St. Joseph Shores, appeared before the Board and discussed she is a homeowner at St. Joseph Shores, stating that they mail out news letters to all the owners. Upon inquiry by Chairman Peters, Gail Alsobrook discussed that they have contacted the City for help with the drainage issues.

There being no further discussion, and upon motion by Commissioner McLemore, the meeting did then adjourn at 8:02 p.m., E.T.

**NATHAN PETERS, JR.
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**