

**MAY 8, 2012**

**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 William C. Williams, III, Vice Chairman Tan Smiley, and Commissioners Carmen L. McLemore, Ward McDaniel, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, E.D.C./Chamber Director Barry Sellers, Emergency Medical Services Director Houston Whitfield, Planner David Richardson, Preble-Rish, Inc. / County Engineer Clay Smallwood, Sheriff Joe Nugent, and Sheriff's Office Captain Ricky Tolbert.

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

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

**PUBLIC SPEAKING – TOURIST DEVELOPMENT COUNCIL – GRANT APPLICATION**

Rich Brenner of 7121 Americus Avenue Port St. Joe, Florida appeared before the Board and discussed the need for County Staff sitting on the side of the room to speak directly into the microphone, because it does not always pick up their voice. Mr. Brenner made numerous suggestions for improvement to the T.D.C. Grant Application on pages 2-12 of the Consent Agenda. Commissioner Yeager motioned to allow additional time for Mr. Brenner to speak. Commissioner McDaniel seconded the motion, and it passed unanimously. Mr. Brenner continued discussing some of the discrepancies/inconsistencies he found throughout the application. Upon inquiry by Mr. Brenner concerning page 6 (Advertising/Marketing Expenses Requested for Funding), Commissioner Yeager stated he thinks this is referring to some of these in the Marketing /Advertising business that might refer to t-shirts when referencing quantity and unit cost. County Attorney Novak stated based on the prior grants and sponsorships that have come in, those are some of the promotional or advertising; and when they use advertising/marketing they use quantities and how many, stating this is

general and there are other items for promotional advertising and marketing. Commissioner Yeager motioned to allow additional time for Mr. Brenner to speak. Commissioner McDaniel seconded the motion, and it passed unanimously. Mr. Brenner continued to discuss discrepancies/inconsistencies throughout the grant application. Chairman Williams asked Mr. Brenner to follow up with the County Attorney, with County Attorney Novak and Chief Administrator Butler coming back before the Board with any needed modifications. Chairman Williams directed County Attorney Novak to review the grant application. Commissioner McDaniel noted the reason for implementing the grant application process, stating there must be a paper trail and accountability.

### **CONSENT AGENDA**

Upon motion by Commissioner McLemore, second by Commissioner Smiley, and unanimous 5-0 vote, the Board approved the Consent Agenda after removal of Item #2 (page 1) as follows:

1. Approval of Checks and warrants for April, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
2. **\*\*DELETE\*\*** Agreement – Gulf County E.M.S. (Nepotism)
3. Grant Application – Tourist Development Council (Special Event)
4. Inventory – Dalkeith Fire Department (Junk and donate to Wewa Search & Rescue for parts \* #320-32 1995 Seadoo Jet  
Ski S/N ZZN06905K495 \* Junk and Sale for Scrap –  
funds to Public Works \* #320-29 1978 Grumman/Ford  
Pumper Fire Truck ID #D80DVCA8157)
  - Howard Creek Fire Department (Junk and Sale for Scrap –  
funds to VFD's \* #180-22 1973 Mack CF95F Pumper  
Fire Truck ID #CF795F121041 \* #180-18 1986 Chevrolet  
Astro Van ID #1GCDM15Z6GB220051)
  - Gulf County Fire Department (Junk and Sale for Scrap \* 1978  
Ford 8000 Fire Truck VIN #D80DVCA8157)
  - Road Department (Transfer to VFD Fire Coordinator \* #100-538  
2004 Chevrolet 2X2 Pickup Truck  
ID #1GCEC14V14Z187016)

- Stone Mill Creek Fire Department (Junk and Sale for Scrap – funds to Fire Departments Budget \* #185-9 1976 Seagrave Custom Pumper, 1000GPM ID #F73544)
- 5. Invoices – Bryan-Co Services, Inc. – C.D.B.G.-D.R.I. Affordable Rental Housing Liberty Manor Apartments (Application #5 \* \$9,163.08 \* to be paid from Account #113554-34000)
  - Bryan-Co Services, Inc. – C.D.B.G.-D.R.I. Affordable Rental Housing Pine Ridge Apartments (Application #7 \* \$10,333.44 \* to be paid from Account #113554-34000)
  - Lovelace Electronics, Inc. – Gulf County Health Department (Invoice #22-J239 \* \$14.29 \* to be paid from Account #42562-46000)
  - St. Joseph Bay Humane Society – Animal Control (April, 2012 \* \$3,479.00 \* to be paid from Account #43262-82000)
- 6. Payroll – Gulf County E.M.S. (E.M.S. Overtime / Pay Period)
- 7. Refund – Gulf County Sheriff (Crime Stopper Materials \* \$1,419.67 \* to be paid from Gulf County Crime Prevention Funds)

(End)

### **RECOGNITION OF BESSIE NUNNERY**

Upon request by Commissioner McLemore, Bessie Nunnery appeared before the Board and Commissioner McLemore noted today as Mrs. Nunnery's 80<sup>th</sup> birthday, stating she is the Secretary of the Order of the Eastern Star, member of Gulf County Search and Rescue, and a dedicated member to the commodity program. Commissioner McLemore presented a plaque to Mrs. Nunnery in recognition and appreciation of her dedication and voluntarism for the betterment of Gulf County. Mrs. Nunnery stated this is a great honor and thanked the Board for this recognition. She also thanked the Board for all they do to achieve a better Gulf County.

### **WOUNDED WARRIOR WEEKEND**

United States Army Retired Major General Jim Simmons appeared before the Board and discussed the Forgotten Coast Wounded Warrior weekend, stating this is a non-profit organization for the sole purpose of honoring those who have been injured in the line of duty during the war in Iraq and Afghanistan. He noted this is the third year they have hosted the Wounded Warrior Weekend in Gulf County and thanked those who have contributed to the success of this event. He stating they are doubling the number of warriors this year to twenty, and their guest for the weekend. Mr. Simmons reported the event will begin on Wednesday, May 30<sup>th</sup>. He informed the Board that on Thursday, May 31<sup>st</sup> there will be a motorcade from Windmark, through downtown Port St. Joe and to the Centennial Building where there will be a banquet in their honor, stating the guest speaker will be Brigadier General William T. Wolff. Major General Simmons stated the fishing tournament will begin at 6:30 a.m. Friday, June 1<sup>st</sup> from the Port St. Joe Marina, with the weigh-in starting at noon. He reported that lunch will be provided by Dock Side Café, dinner will be provided by the volunteers of the V.F.W., and the V.F.W. will host a departure breakfast on Saturday, June 2<sup>nd</sup>. Major General Simmons extended an invitation to the Commissioners to attend the banquet on May 31, 2012. Chairman Williams requested a list of names for the twenty (20) warriors, stating that Congressman Steve Southerland is going to provide a Federal Declaration plaque to each Warrior. Commissioner Yeager noted this as a great event, and requested County Attorney Novak and Chief Administrator Butler to see if there are some funds available to assist with the event. Commissioner Yeager motioned for County Attorney Novak and Chief Administrator Butler to find the available funds to assist with the Wounded Warrior Weekend and for Chairman Williams to execute the proclamations on behalf of the Board. Commissioner McLemore seconded the motion, and it passed unanimously.

### **GULF COUNTY HEALTH DEPARTMENT – ANIMAL VACCINATION CLINIC**

At the request of Chairman Williams, Marsha Lindeman, Gulf County Health Department Administrator and Staff appeared before the Board. Commissioner McLemore thanked them for their hard work at the animal vaccination clinic held at the Honeyville Community Center, stating this was very beneficial to the County. Marsha Lindeman, Gulf County Health Department Administrator, thanked Commissioner McLemore, Commissioner McDaniel, and Sheriff Nugent for their help; stating they vaccinated 445 cats and dogs at the vaccination clinic. She recognized her leadership team (Zach Hodges, Rhonda Gay, Marie Clark, Jamie Carmichael, Lisa McDaniel, Julie McKinney, Jessie Hayes, Gwen Allen, and Sarah Hinds), and then presented certificates of appreciation to Commissioner McLemore, Commissioner McDaniel, and Sheriff Nugent. Commissioner McLemore motioned for Chairman Williams to send a letter of appreciation from the Board to the volunteer Veterinarians. Chairman Williams

recognized Ms. Lindeman and her staff for being in the shadows watching public safety. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **BID #1112-17 – UNIFORMS AND CLEANING FOR PUBLIC WORKS**

Deputy Administrator Lanier stated there were no bids received for Bid #1112-17, and requested permission to either piggy-back, or negotiate with the contractors. Commissioner Yeager so moved. Commissioner Smiley seconded the motion. Upon inquiry by Commissioner McDaniel, Deputy Administrator Lanier stated the current Company did not bid back and noted the Company she has been negotiating with bought out the previous Company the County had contracted with. County Attorney Novak reported the Board previously voted to advertise to receive sealed bids; noting the contract expired. He stated nothing came back (no bids received) and advised the Commission that they have the authority to piggy-back under the contract or negotiate with this vender who has been absorbed by another company. Deputy Administrator Lanier reported she will bring a recommendation back to the Board for approval. The motion then passed unanimously.

### **FLORIDA DEPARTMENT OF TRANSPORTATION – PUBLIC MEETING/ROAD CLOSURES**

Deputy Administrator Lanier reported that F.D.O.T. will hold a public meeting concerning State Road 30A on Thursday, May 17<sup>th</sup> from 5:30 to 6:30 p.m., E.T. at the St. Joseph Bay State Buffer Preserve. She also noted there will also be lane closures on State Road 22 beginning May 14<sup>th</sup> through July 1<sup>st</sup> from 7:00 a.m. to 6:00 p.m. for road repairs.

### **CHANGE ORDER #1 – BRYAN-CO SERVICES, INC. – AFFORDABLE RENTAL HOUSING**

On behalf of Grant Writer Kopinsky, Deputy Administrator Lanier requested approval of Change Order #1-DREFF from Bryan-Co Services, Inc. for the Affordable Rental Housing Project, in the amount of \$123,428.00, stating this is to increase the contract to expend the additional DREFF funds received. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded for discussion. Upon inquiry by Commissioner Yeager concerning the original contract amount, Deputy Administrator Lanier stated she does not know the original contract amount. The motion then passed unanimously.

### **FLOOD PLAIN CHANGES**

Planner Richardson discussed they are still working on the changes to the Flood Plain Ordinances and the 2010 Building Codes, stating they are still waiting on F.E.M.A. and the State to approve the Flood Plain Ordinance.

### **ORDINANCE – ANIMAL CONTROL TETHERING**

County Attorney Novak stated he has been working with Commissioner McLemore and Representatives from the St. Joseph Bay Humane Society, noting he provided some proposed language to those members and will try to bring recommendations to the Board at the next meeting.

### **S.H.I.P. – SATISFACTION OF MORTGAGE**

County Attorney Novak recommended conditional approval of a S.H.I.P. Satisfaction of Mortgage for James R. Purswell and permission to sign off on the satisfaction. Commissioner Yeager motioned to proceed. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **SIGN ORDINANCE**

County Attorney Novak reported the Sign Ordinance Sub-Committee and the Planning and Development Review Board met twice in April. He stated the P.D.R.B. asked to have a follow-up special meeting and this was held on May 1<sup>st</sup> with many recommendations offered by multiple citizens and community groups. He noted the result of the P.D.R.B. special meeting was to go back to the Sub-Committee for review of the suggestions and recommendations; stating they will meet Tuesday, May 15<sup>th</sup> at 2:00 p.m., E.T.

### **DEEPWATER HORIZON OIL SPILL**

County Attorney Novak gave an update on the Deepwater Horizon Oil Spill from the Beasley Allen Law Firm, stating they would like to come down for another closed-session meeting before the next Board meeting. <E.D.C./Chamber Director Sellers entered the meeting at 6:39 p.m., E.T.>

### **NUISANCE AND SHELTER ORDINANCE**

County Attorney Novak discussed a nuisance and shelter ordinance, stating that he met with the City of Port St. Joe Attorney (Tom Gibson), and they are working on a proposed ordinance. He discussed the Board previously recommended a Sub-Committee, and recommended the Board to authorize himself and the Staff to meet with the Sub-Committee members. He noted there is considerable interest and asked whether the Board wished to appoint others to the committee. Commissioner Yeager motioned to appoint Christy McElroy to the Nuisance and Shelter Sub-Committee. Commissioner McLemore seconded the motion, and it passed unanimously.

### **RE-DISTRICTING LINES**

County Attorney Novak reported the re-districting lines have been submitted to the State and confirmed they have been received. He stated there has been no contest. With the previous instruction from the Commission to assure both on a State and Federal level, County Attorney Novak stated he will proceed accordingly and will report back to the Board on any correspondence received. Upon inquiry by Commissioner Yeager, County Attorney Novak confirmed he has consulted with the Sniffen & Spellman Law Firm who will actually author the letter and submit the packet.

### **BRITISH PETROLEUM – TOURIST DEVELOPMENT COUNCIL**

Chief Administrator Butler discussed B.P. funds for the T.D.C, stating there was an April 21<sup>st</sup> deadline to expend the funds but a sixty day extension was received. He reported there is a June 21<sup>st</sup> deadline on the expenditure of funds. Mr. Butler recommended making another formal request for an extension of the funds (approximately \$100,000.00 for marketing). Chairman Williams stated he spoke with Representative Keith Rupp concerning these funds and he has verbally agreed, but requested that County Attorney Novak submit a formal letter and he would grant the County's request. Chief Administrator Butler asked the Board to recognize the upcoming deadline and allow staff to negotiate with a marketing firm that has gone through the competitive bid process and has been awarded a bid with a T.D.C. organization in the State so the money won't be lost. Commissioner Yeager so moved. Commissioner McLemore seconded the motion and it passed 5-0.

### **TRAVEL – U.S. FISH & WILDLIFE**

Chief Administrator Butler requested permission for himself and Commissioner Yeager to travel to the U.S. Fish & Wildlife at F.E.M.A. Headquarters on May 16<sup>th</sup> concerning C.B.R.A. and reimbursement for the beach project. Mr. Butler noted their intent is to fly in that morning and return that night. Commissioner McLemore motioned to approve this request. Commissioner Smiley seconded the motion, and it passed 5-0.

### **BEACH CLOSING-TURTLE SEASON**

Sheriff Nugent appeared before the Board and reported that on May 1<sup>st</sup> they started closing the beach at dark from the Stumphole to the State Park and from Vitro to the Lighthouse due to the Turtle nesting season.

### **HONEYVILLE PARK - KIDS DAY CATFISH TOURNAMENT**

Commissioner McLemore announced there will be a Kids Day Catfish Tournament at Honeyville Park on May 16<sup>th</sup> from 3:00 p.m. to 5:00 p.m., C.T.

### **AGREEMENT – NEPOTISM POLICY**

Upon inquiry by Commissioner Smiley concerning the Nepotism Agreement which was pulled from the Consent Agenda (page 1). County Attorney Novak noted the agreement is for E.M.S. and would give the Director the ability to properly manage either department or the County Administration as a whole. Gulf County E.M.S. Director Whitfield discussed that every Paramedic is responsible for the ambulance and the supervision of the E.M.T., and this would eliminate E.M.T.'s from working under direct supervision of a relative. Commissioner Yeager motioned to approve the Nepotism Policy Agreement. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **DAY OF DECLARATION**

Commissioner Yeager stated that Pastor James Wiley requested the Board submit a letter to Governor Rick Scott inviting him to attend the Day of Declaration on December 3, 2012 and so moved to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

### **TOBAGO ROAD – PUBLIC BEACH ACCESS**

Commissioner Yeager discussed a possible public easement for public beach access off Tobago Road at Cape San Blas, and requested County Attorney Novak research the matter to see whether this is private or public access.

### **CAPE SAN BLAS BIKE PATH**

Commissioner Yeager reported that the Cape San Blas Bike Path is completed and recommended placing appropriate signage and mile markers on the Bike Path, to be paid from T.D.C. or Parks & Recreation funds. Commissioner Yeager motioned to approve this recommendation and report back to the Board for a ribbon cutting ceremony. Commissioner Smiley seconded the motion, and it passed unanimously.

### **SPEED LIMIT SIGNS**

Commissioner McDaniel reported that he worked with Public Works on correcting and placing new speed limit signs on Iola Road, across the Dead Lakes Bridge, Gaskin Park, Stone Mill Creek, and Gaskin Side Road within the Wewahitchka area.

### **TELEVISED MEETINGS – NORTH END**

Commissioner McDaniel reported that Ken Murphy's wife (Betty) suffered a heart attack yesterday. He noted beginning tomorrow everyone in the north end of the County serviced by Mediacom will be able to view the Board meetings at 8:00 a.m., and on Thursday night at 7:00 p.m., C.T.; continuing seven (7) days a week. He reported that

I.T. Director Barfield is working on setting it up on the computer so the other outlying areas can watch the meetings from home.

### **MEDICAID**

Chairman Williams discussed the ongoing issues with Medicaid due to HB 5301; stating A.H.C.A. will be meeting with the Clerk's Office this week concerning this issue. He reported that the County has joined 50 other Counties in a lawsuit to stop this process.

### **RESTORE ACT**

Chairman Williams gave an update on the Restore Act, stating that he met with Carrie Rorick, Deputy Chief of Staff for Governor Scott, Secretary Vinyard, and Brian McManus, of the Washington, D.C. Office concerning the Restore Act.

### **PROCLAMATION – MENTAL HEALTH MONTH**

Tricia Pearce of Life Management Center of Northwest Florida appeared before the Board and requested the Board adopt a Proclamation declaring May, 2012 as Mental Health Month in Gulf County. Ms. Pearce read the proclamation for Board consideration. Commissioner Yeager motioned to adopt the proclamation. Commissioner Smiley seconded the motion, and it passed unanimously.

### **PROCLAMATION – NATIONAL WOMEN'S HEALTH WEEK**

Marsha Lindeman, Gulf County Health Department Administrator, appeared before the Board and introduced Sarah Hinds, Gulf County Health Department Community Health Services Manager and Jessie Hayes, Gulf County Health Department Public Health Educator, stating they would like to request the Board adopt a proposed proclamation for National Women's Health Week. Ms. Lindeman thanked the Board for their support with the Tobacco Grant application; learning they received funding just yesterday. Sarah Hinds read the proposed proclamation and requested that the Board adopt a proclamation declaring National Women's Health Week as May 13-19, 2012. Jessie Hayes appeared and reported that the Women's Center at Sacred Heart Hospital on the Gulf is a joint project with the Gulf County Health Department to promote improved health for the residents of this community. Commissioner McDaniel motioned to adopt the proclamation. Commissioner Yeager seconded the motion, and it passed unanimously.

### **PORT ST. JOE PORT AUTHORITY**

Johanna White, Chairperson of the Port St. Joe Port Authority appeared before the Board and gave an update on the Port St. Joe Port Authority status, stating that they have entered into a Marketing and Economic Development Agreement with the St. Joe Company. She noted the Authority office has relocated to the Local Colors building

(E.D.C./Chamber of Commerce site). Mrs. White stated the Port St. Joe Port Authority funds are nearly depleted. She reported that their biggest issue is the \$4.6 million dollar debt to Capital City Bank, stating that they are working closely with the bank for a resolution on this debt. She noted without a source of funds, they cannot pay this debt, nor the one owed to the County at this time. Mrs. White reported that it is a new day and time for the Port St. Joe Port Authority, stating they are taking a step back and taking a look at a new way of doing business. She said partnering with the St. Joe Company and utilizing their resources will help. Mrs. White thanked the Board for loaning the Port Authority the \$200,000.00. Commissioner Yeager agreed it is a new day for the Port St. Joe Port Authority, stating the marketing agreement with St. Joe Company has been long overdue. Upon inquiry by Commissioner McLemore concerning the debt to Capital City Bank and whether they will foreclose on The Port, Mrs. White reported she does not have an answer because she does not know what the bank will do but the bank has been working with them on this issue. Mrs. White thanked Commissioner Yeager and Ralph Rish for their help in initiating the conversation with the St. Joe Company. Mrs. White also thanked Commissioner Smiley for his assistance with the Summer Youth Program through Workforce Development.

#### **PORT ST. JOE PORT AUTHORITY**

Christy McElroy appeared before the Board and inquired whether there is a business plan for the Port St. Joe Port Authority. Chairman Williams stated there is a Comprehensive Port Plan for the Port St. Joe Port Authority. Chairman Williams explained the Port St. Joe Port Authority is a separate governmental entity with the County, Municipalities, and other organizations as stakeholders. Upon inquiry by Ms. McElroy concerning obtaining a copy of the Comprehensive Port Plan, Mrs. Johanna White responded that a copy of the Port Master Plan is available at the Port Authority office.

#### **SIGN ORDINANCE SUB-COMMITTEE**

Christy McElroy thanked the Board for allowing her to be a member of the sign ordinance sub-committee, stating it is time to move on and expedite the solutions. County Attorney Novak reported he will set up a sub-committee meeting within the next 10 days.

#### **SIGN ORDINANCE**

Toye Roberts appeared before the Board and discussed an issue with a sign and requested direction from the Board, stating he has received a violation for the sign. Chairman Williams discussed that this has been directed back to the P.D.R.B. and there should not be any violations within the thirty day window. County Attorney Novak discussed that this is going before the P.D.R.B., stating there will be a recommendation

to the Board from the P.D.R.B. concerning this issue. Upon inquiry by Mr. Roberts concerning the proper process, Chairman Williams discussed that he is following the right process on this issue. Commissioner McLemore motioned to extend the violation time for 60 days. Commissioner Smiley seconded the motion, and it passed unanimously.

### **TUPELO FESTIVAL**

E.D.C. Director Sellers appeared before the Board and reported that the Tupelo Festival is Saturday, May 19, 2012 at Lake Alice Park in Wewahitchka, noting they are still looking for volunteers.

### **PORT ST. JOE PORT AUTHORITY**

E.D.C. Director Sellers discussed that they are glad to have the Port St. Joe Port Authority located with them, stating they are looking forward to working with them. He discussed that they met with Mr. Brady and Mr. Gonzalez from St. Joe Company concerning the Marketing Plan, stating there will be four entities in the marketing plan (Port St. Joe Port Authority, St. Joe Company, Gulf County E.D.C./Chamber of Commerce, and Genesee Wyoming Railroad).

### **CITY COMMISSIONER**

Chairman Williams reported that Phil McCroan is the new Port St. Joe City Commissioner.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:29 p.m., E.T.

**WILLIAM C. WILLIAMS, III  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**