

**PORT ST. JOE, FLORIDA**

**NOVEMBER 9, 2010**

**REGULAR MEETING**

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

Others present were: County Attorney Timothy McFarland, Clerk Rebecca L. Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Gulf County Extension Agent Roy Lee Carter, Grant Writer Towan Kopinsky, Gulf County Chamber of Commerce Director Sandra Chafin, Gulf County E.M.S. Director Houston Whitfield, Human Resource Director Denise Manuel, Mosquito Control Director Mark Cothran, Planner David Richardson, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, T.D.C. Director Tim Kerigan, and Veterans' Service Officer James Kennedy.

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

Deputy Administrator Lanier opened the meeting with prayer, and Chairman McLemore led the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

Upon motion by Commissioner Traylor, second by Commissioner Yeager, and unanimous vote, the Board approved the Consent Agenda, after removal of Item #5 (page #32), as follows:

1. Minutes – October 26, 2010 - Regular Meeting
2. Agreement – Bluemanta Technology Group (Managed Information Technology Services)  
  
Agreement – Sacred Hearth Health System, Inc. (Non-Emergency Medical Transportation)  
  
Agreement – The St. Joe Company (License)

3. Application – Garlick Environmental Associates, Inc. (Lands Landing Boat Ramp proposed Repair and Maintenance)
4. Invoices – County Attorney Timothy J. McFarland (Invoice October, 2010 \* \$9,019.00 \* to be paid from Account #21314-31100)
5. **\*\*DELETED\*\*** Proclamation – Chuck Edwards (Gulf Coast Workforce Board)
6. Resolution #2010-47 – C.D.B.G. Fund, St. Joe Fire Control District Fund, Tupelo Fire District and Overstreet Fire District (Unanticipated Revenue for FY 2009-2010) as follows:

**RESOLUTION 2010-47**

**WHEREAS**, the Gulf County Board of County Commissioners of Gulf County, Florida, has unanticipated revenue in the C.D.B.G. Fund, St. Joe Fire Control District Fund, Tupelo Fire District and Overstreet Fire District Fund for fiscal year 2009-2010; and

**WHEREAS**, said revenue is needed to help pay certain expenditures incurred in fiscal year 2009-2010.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The 2009-2010 fiscal year budget be amended as follows:

**C.D.B.G. FUND**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Expenditures:</b>				
<b>C.D.B.G. Housing:</b>				
113554-31000 Professional Srvs	0.00	4,000.00	-	4,000.00
<b>C.D.B.G. Sewer Services:</b>				
113535-31000 Professional Srvs	0.00	4,000.00	-	4,000.00
<b>C.D.B.G. Flood Control:</b>				
113538-31000 Professional Srvs.	0.00	30,000.00	-	30,000.00
<b>Revenue:</b>				
<b>C.D.B.G. Disaster Recovery Grant:</b>				
11331-50000 Economic Environ	0.00	34,000.00	-	34,000.00
<b>C.D.B.G. Disaster Recovery Grant:</b>				
11331-50000 Economic Environ	0.00	4,000.00	-	4,000.00

**St. Joe Fire Control District Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>S. Gulf FD Expenditures:</b>				
32922-52000 Operating Supp	24,766.20	12,815.00	-	37,581.20
<b>Revenue:</b>				
10631-20000 Pub Safety Grt	-	12,815.00	-	12,815.00

**Tupelo Fire District Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>SMCFD Expenditures:</b>				
31722-64001 Equip>\$5,000	-	3,936.00	-	3,936.00
<b>Revenue:</b>				
10731-20000 Pub Safety Grt	-	3,936.00	-	3,936.00

**Overstreet Volunteer Fire Department Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Expenditures:</b>				
32622-52000 Operating Supp	10,370.00	7,000.00	-	17,370.00
<b>Revenue:</b>				
10831-20000 Pub Safety Grt	-	7,000.00	-	7,000.00

**THIS RESOLUTION ADOPTED** by the Gulf County Board of County Commissioners this the 9<sup>th</sup> day of November, 2010.

(End)

7. Travel – 2010-2011 Florida Association of Counties Conference and 2010-2011 National Association of Counties Conference

(End)

**PUBLIC HEARING – ORDINANCE #2010-03 – CAPITAL IMPROVEMENT ELEMENT/CAPITAL IMPROVEMENT SCHEDULE**

Pursuant to advertisement to hold a public hearing to consider adoption of a proposed ordinance amending the Gulf County Comprehensive Plan, County Attorney McFarland read the proposed ordinance by title. Planner Richardson stated that if anyone wishes to receive a Notice of Intent from the Department of Community Affairs they will need to

sign the sign-in sheet. Planner Richardson discussed the various items within the Capital Improvement Elements/Schedule. Chairman McLemore called for public comment. There being no public comment, Commissioner Yeager motioned to adopt the following ordinance. Commissioner Williams seconded the motion, and it passed unanimously.

### **ORDINANCE #2010-03**

**AN ORDINANCE AMENDING THE GULF COUNTY COMPREHENSIVE PLAN PER THE REQUIREMENTS OF FLORIDA STATUTE 163.3177 FOR YEARLY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT AND THE GULF COUNTY FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 163.3177(3)(a) requires each Comprehensive Plan to have a Capital Improvements Element; and

**WHEREAS**, Florida Statute 163.3177(3)(a)1 requires the Capital Improvements Element to implement a five (5) year capital improvements planning period; and

**WHEREAS**, the Gulf County Comprehensive Plan Capital Improvements Element has identified the five year capital improvements planning period as the Gulf County Five Year Capital Improvements Schedule; and

**WHEREAS**, the Gulf County Five Year Capital Improvements Schedule yearly planning period will be same dates as the Gulf County Annual Budget; and

**WHEREAS**, Florida Statute 163.3177(3)(b) requires this element and planning period to be reviewed annually and amended by ordinance as necessary; and

**WHEREAS**, Gulf County updates Concurrency by reference into the Comprehensive Plan; and

**WHEREAS**, Gulf County has no roadways that are operating below LOS "D" as specified in the Comprehensive Plan; and

**WHEREAS**, DOT capital projects or projects subject to DOT grant funding listed in the DOT Five Year Transportation Plan and the Gulf County Capital Improvement

Schedule are subject to budget priorities by the State of Florida/DOT and projects may be advanced or delayed as necessary by DOT; and

**WHEREAS**, Gulf County has no facilities operating below LOS concurrency specified in the Comprehensive Plan; and

**WHEREAS**, no Gulf County project is needed to eliminate a concurrency deficit, only to maintain, improve or enhance the quality of service; and

**WHEREAS**, Gulf County Adopts by reference the Gulf County School District 2010/2011 Work Plan with no financial obligations by Gulf County; and

**WHEREAS**, the capital improvement projects of Port St. Joe are referenced as an economic benefit to Gulf County with no financial obligation by Gulf County; and

**WHEREAS**, projects in the Five Year Capital Improvement Schedule for years 1, 2 and 3 are funded and projects in years 4 and 5 are projects that are proposed pending funding; and

**WHEREAS**, the City of Port St. Joe has delayed the construction of the Sports Complex and therefore the Gulf County agreement to match the City of Port St. Joe contributions up to a maximum of \$600,000 has been delayed to the fifth year of the schedule or until the local economy and the burden on the tax payers has improved; and

**WHEREAS**, the Windmark Annexation Phase III Sewer Project for Beacon Hill by the City of Port St. Joe has delayed the construction date until additional project funding is secured; and

**WHEREAS**, the Gulf County Board of County Commissioners amends or updates the Capital Improvements Element by adding Policy 1.2.2; and

**WHEREAS**, the Gulf County Board of County Commissioners amends or updates the Five Year Capital Improvement Schedule to reflect the planning period of 2010/2011 through 2014/2015.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA AS FOLLOWS IN EXHIBIT A:**

If any part of this Ordinance is held to be unconstitutionally void or invalid, the validity of the remaining part of the Ordinance shall not be affected thereby.

Any other Ordinance or portion of any Ordinance in force at the time this Ordinance becomes effective, which may be in conflict with the provisions of this Ordinance, shall be deemed to have been replaced and repealed to the extent of such conflict, otherwise, the same shall remain in full force and effect.

This Ordinance shall become effective as provided by law.

**ADOPTED** this 9<sup>th</sup> day of November, 2010.

(End)

**PUBLIC HEARING – ORDINANCE – SMALL SCALE MAP AMENDMENT – HODGES/LAYFIELD**

County Attorney McFarland reported that the Public Hearing for the ordinance for the small-scale map amendment for Hodges/Layfield will be withdrawn, due to the advertisement being lost by The Star Newspaper. Planner Richardson stated that the Public Hearing will be re-scheduled.

**STATE REPRESENTATIVE JIMMY PATRONIS – COMMISSIONER PETERS AND COMMISSIONER TRAYLOR**

State Representative Jimmy Patronis appeared before the Board and discussed the sacrifices and commitment you give in running for a Public Office. On behalf of the Florida House of Representatives, Representative Patronis presented Commissioner Peters and Commissioner Traylor a Certificate of Appreciation for their years of service and hard work in Gulf County. Commissioner Traylor thanked Representative Patronis for his hard work in Gulf County.

**ECONOMIC DEVELOPMENT REVOLVING LOAN**

Chief Administrator Butler recommended that the Board adopt the criteria plan set out by the E.D.C., with a caveat that everything they do is consistent with the A.R.P.C. rules and the E.D.A. rules. Commissioner Peters motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

**INDUSTRIAL PARK TAXES**

Chief Administrator Butler discussed that the taxes (by Taunton's Truss) have not been paid for the past two years on the Industrial Park, nor have the current year taxes been paid, and recommended that the Industrial Park taxes be paid, in the amount of

\$10,970.87 from the Industrial Park Fund. Chief Administrator Butler stated that the Board of County Commissioners is not prohibited from pursuing the collection of the taxes later. Commissioner Traylor motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **SMALL COUNTY COALITION – STAFF LIAISON**

Chief Administrator Butler recommended that Commissioner Williams, Commissioner Yeager and the Staff Liaison as Chief Administrator Butler to serve on the Small County Coalition. Commissioner Yeager motioned to approve this recommendation. Commissioner Peters seconded the motion, and it passed unanimously.

#### **SHERIFF - GRANT ACCEPTANCE**

Sheriff Nugent requested permission for Chairman McLemore to sign the J.A.G. grant acceptance, in the amount of \$2,148.00 to be used for the D.A.R.E. Program. Commissioner Peters motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **SHERIFF – KIDS WISH PROGRAM**

Sheriff Nugent discussed that the Sheriff's Department is preparing to start the Third Annual Kids Wish Program for the under privileged children of Gulf County, stating that all monetary donations or gifts can be turned in at the Sheriff's Department.

#### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Sheriff Nugent thanked Commissioner Peters and Commissioner Traylor for their years of service to Gulf County.

#### **CONSOLIDATION SITE**

Building Official Collinsworth gave an update on the consolidation site, stating that there was seven inches of rain last week and it is very wet at this time.

#### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Assistant Administrator Hammond thanked Commissioner Peters and Commissioner Traylor for their service to the County, stating it has been a pleasure to work with, and for them through their years of service in Gulf County.

#### **AWARD BID #0910-22 - E.M.S. BILLING AND COLLECTIONS**

Gulf County E.M.S. Director Whitfield recommended awarding Bid #0910-22 to E.M.S. Consultants (low bidder), with a 5% commission. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion, for discussion. Upon inquiry by Chairman McLemore, County Attorney McFarland reported

that he has not reviewed the bids. Commissioner Yeager amended the motion to approve contingent upon County Attorney review. Commissioner Traylor stated that the second stands, and the motion then passed unanimously. Commissioner Williams requested to review the billable run rates on a monthly/quarterly basis with E.M.S. Director Whitfield.

Chairman McLemore called for public comment.

### **BRITISH PETROLEUM CLAIM – GULF COAST CLAIMS FACILITY**

Raymond Wood appeared before the Board and discussed that he submitted a claim to the B.P. claims department, and requested Chairman McLemore read a letter. Chairman McLemore requested for Mr. Wood to present the letter to the Clerk and she will make copies and distribute to all the commissioners and staff for review. Planner Richardson made copies and distributed to the Board, the Clerk, and the County Attorney. Mr. Wood reported that his emergency advance claim was denied due to mental health injuries not being covered.

### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Sally Jenkins appeared before the Board and thanked Commissioner Peters for his 24 years of service to Gulf County, and thanked him for his contributions to the Davida Byrd Scholarship Fund. Mrs. Jenkins thanked Commissioner Traylor for his 20 years of service to Gulf County.

### **BUSINESS HOURS EXTENSION**

Sarabia Tiller appeared before the Board and stated that he recently opened a new business in Wewahitchka, and requested for the Board to review and consider extending business hours for the holidays (November 26<sup>th</sup>, 27<sup>th</sup>, and December 24<sup>th</sup> and 25<sup>th</sup>). Upon inquiry by Chairman McLemore, Mr. Tiller reported that his new business is a Sports Bar and night lounge (5 O'clock Somewhere), on Highway 22. Chairman McLemore stated that the Board will need to meet with the Sheriff and County Attorney concerning this matter. Commissioner Williams discussed that this issue has already been addressed and the hours were extended, and requested that he submit a letter to the Board for review. Chairman McLemore requested for Sheriff Nugent to review this issue.

### **GRAIN BIN PROPERTY – HOWARD CREEK – DRAINAGE DITCH EASEMENT**

Paul Mills appeared before the Board and stated that he owns the Grain Bin property located at Howard Creek. He referenced a letter provided to the Board. Mr. Mills reported that the ditch easement is on the SW corner of the Grain Bin Property (given by M&K Ranches in 1978). Mr. Mills stated that no ditch exist and the property went

from M&K Ranch, to St. Joe Company, to the State of Florida. Mr. Mills stated that the easement cuts across a small portion of his property and respectfully requested the Board set aside the easement; or Quit Claim Deed it back to him. Chairman McLemore stated he would like to review this issue before the Board makes a decision on it. Mr. Mills had no objection.

#### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Commissioner Yeager discussed that he has served with Commissioner Peters and Commissioner Traylor for many years, and thanked them for their dedicated service to Gulf County.

#### **NATURAL RESOURCE DAMAGE ASSESSMENT TEAM MEETING**

Commissioner Williams reported that he and Chief Administrator Butler attended the Natural Resource Damage Assessment Team Meeting in Ft. Walton, stating that there is a basic restoration shoreline program in place.

#### **E.P.A. MEETING**

Commissioner Williams reported that he attended a meeting in Pensacola with the Secretary of E.P.A. concerning the same issue with the shoreline restoration program, stating that he will keep the Board informed concerning these issues.

#### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Commissioner Williams discussed that no one knows the sacrifice that Public Officials have to make, and thanked Commissioner Peters and Commissioner Traylor for their years of service to Gulf County.

#### **COMMISSIONER PETERS/COMMISSIONER TRAYLOR**

Chairman McLemore discussed that his first year as County Commissioner was very hard, but that he and Commissioner Peters were always able to work through their differences. Chairman McLemore presented Commissioner Peters and Commissioner Traylor with a clock in appreciation for their years of service to Gulf County.

#### **WASHINGTON HIGH GYM**

Upon request by Commissioner Peters, Building Official Collinsworth appeared before the Board and gave an update on the Washington High Gym, stating that the project will be completed tomorrow.

#### **NEW EMPLOYEES – NON BARGAINING UNIT – VACATION LIMIT**

Commissioner Peters motioned to change the vacation on all new hires for Gulf County from six weeks to five weeks, effective immediately, for non union members. Upon

inquiry by Chairman McLemore, Chief Administrator Butler reported that this is for any new hire for non bargaining unit employee. Commissioner Yeager seconded the motion for discussion. After further discussion, the motion then passed unanimously.

### **NEW EMPLOYEES – BARGAINING UNIT – VACATION LIMIT**

Commissioner Peters motioned to pursue a Memorandum of Understanding with the Bargaining Unit to change vacation for new employees from six weeks to five weeks effective immediately. Commissioner Yeager seconded the motion, and it passed unanimously.

### **COMMISSIONER PETERS – YEARS OF SERVICE**

Commissioner Peters thanked the Board for their hard work during the past budget session, stating that this was a very hard budget session; cutting two million and having only lost one employee. He thanked Mr. & Mrs. John Parker for their dedicated service, and involvement in local government, stating that they are what we all need to be. Commissioner Peters thanked Mr. & Mrs. Jenkins for their involvement in the community and being a mentor to him during his service on the Board. Commissioner Peters stated that when he said he loved Gulf County, he meant the entire County. He suggested for Roy Lee Carter to encourage the Ben Rainey's, the Clarence Gray's, the Hunter Brothers, and himself to be a part of Government. Commissioner Peters stated that he has always had a very good working relationship with the Constitutional Officers, and thanked them, County Extension Agent Roy Lee Carter, Chief Administrator Butler and Staff, E.D.C. and the private citizens that serve on this Committee, and the T.D.C. and the private citizens that serve on this Committee. Commissioner Peters reported on the highlights during his 24 years of service, stating (1) his favorite Commissioner during his 24 years of service was Mr. Doug Birmingham, (2) his favorite employees were Assistant Public Works Director Jake Lewis, Building Official Lee Collinsworth, and Grant Writer Towan Peters Kopinsky, (3) in 1986 established single member districts, (4) in 1993 the Gulf County Board of County Commissioners was the first Government Board to honor Martin Luther King has a paid holiday, (5) in 1996 the development of the Nathan Peters, Jr. Park, (6) in 2000 installed air conditioning in the David Jones Gym, (7) in 2008 he was the founder of the George Washington Elementary/High School Museum, and (9) in 2009 attended the Inauguration of the First Black President of the United States, Barack Obama. He reported that when he was elected 1986 his mother and father were living, and they have both passed away, stating that he would like to thank them for their love, support and leadership. Commissioner Peters stated that God is our Father, Christ is our Redeemer, man is our brother, and God Bless America.

**COMMISSIONER TRAYLOR – YEARS OF SERVICE**

Commissioner Traylor stated that after this many years of service you create a family, stating that this Board and Staff is his family. Commissioner Traylor pointed out that (1) Michael Hammond was elected as County Commissioner when he was only 19 years old, (2) our County Attorney for 15 years, Tim McFarland has now been appointed as the County Judge, (3) Chief Administrator Butler has been the County Manager for almost 20 years. He thanked all the County Staff and employees for their service and dedication to this County. Commissioner Traylor thanked Sheriff Nugent and Clerk of Court Becky Norris for all they do.

**SIGN MORATORIUM – DOLLAR GENERAL STORE**

Planner Richardson requested permission to waive the sign moratorium for the new Dollar General Store at St. Joe Beach. Commissioner Yeager motioned to approve this request. Commissioner Williams seconded the motion, and it passed unanimously.

**PROCLAMATION – GULF COAST WORKFORCE BOARD**

Upon inquiry by Commissioner Peters, Chief Administrator Butler reported that the Gulf Coast Workforce Board placed the Proclamation commending Chuck Edwards in the Agenda Packet, and recommended it be placed in the next Information Packet; stating that if the Board wants to approve or pull it, they can. Chairman McLemore directed that the Proclamation be placed in the next Information Packet.

There being no further business, and upon motion by Commissioner Traylor, the meeting did then adjourn at 7:05 p.m., E.T.

**CARMEN L. MCLEMORE  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**