

DECEMBER 11, 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 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, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, E.D.C. Director Barry Sellers, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Maintenance Supervisor Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish, Inc./County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, Sheriff Joe Nugent, T.D.C. Director Jennifer Jenkins, and Veterans' Service Officer James Kennedy.

Sheriff Nugent 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 discussion regarding Item #10 (pages 24-26), Commissioner McLemore motioned to approve the Consent Agenda. Commissioner Yeager seconded the motion, and it passed 4-0, with Chairman Smiley abstaining due to family involvement, (Form 8B on file in Clerk's Office) as follows:

1. Approval of Checks and warrants for November, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
2. Agreement – The Ferguson Group, LLC (Federal Representation and Consulting Services)
3. Budget Amendment #1 (Amend the FY 2012-2013 budget for the St. Joe Fire District Fund, Tupelo Fire District Fund, and Overstreet Fire District Fund by the decrease in actual Cash Carry Forward below the budgeted amount)

Amend the FY2011-2012 Budget for account reclassifications. No change to budget.

Budget Amendment #1

General Fund (includes Public Works Consolidated Services Fund-Part of General Fund)

	Original Budget	Increase	Decrease	Amended Budget
Transfers In:				
104381-00000 Interfund Transfer	\$2,704,992	\$ -0-	\$2,704,992	\$ -0-
104381-92000 Intra-fund Transfer	\$ -0-	\$2,704,992	\$ -0-	\$ -0-
00189-10000 Interfund Transfer	\$ 200,000	\$ -0-	\$ 200,000	\$ -0-
00181-91000 Interfund Transfer	\$ -0-	\$ 200,000	\$ -0-	\$ 200,000

(End)

Budget Amendment #2 (Amend the FY 2012-2013 budget for the St. Joe Fire District Fund by reducing Cash to be Carried Forward from the Windmark DRI and increasing the expenditures for \$6,000.00 for the St. Joe Fire Department)

Amend the FY2012-2013 budget for the St Joe Fire District Fund by reducing Cash to Be Carried Forward from the Windmark DRI and increasing expenditures for \$6,000 for the St. Joe Fire Department as approved by the BOCC on November 13, 2012.

**Budget Amendment #2
ST JOE FIRE DISTRICT FUND**

	Original Budget	Increase	Decrease	Amended Budget
Reserves:				
N9984-96000 Cash to be Carried For	\$110,513.00	\$ 0.00	\$6,000.00	\$104,513.00
St. Joe Fire Ctrl District:				
32422-81000 Aid to City PSJ	\$ 175.00	\$6,000.00	\$ 0.00	\$ 6,175.00

(End)

Budget Amendment – Gulf County Sheriff (Beach Patrol Funds * \$8,000.00)

4. Change Order #2 – Affordable Rental Housing – D.R.E.F. (Moss Creek, Pine Ridge and Liberty Manor)
5. Grant Contract – Emergency Management (State Homeland Security Grant Contract #12-DS-9Z-02-33-01-274 * \$49,798.00)
6. Inventory – Gulf County E.M.S. (Donate * Wellness Screening * Bowflex Exercise Machine)

7. Invoices – Coastal Parasail - Beach Raking (Invoice #12010 * \$1,000.00 * to be paid from Account #27452-46100 * Invoice #12011 * \$750.00 * to be paid from Account #27452-46100 * Invoice #12012 * \$1,000.00 * to be paid from Account #27452-46100 * Invoice #12013 * \$1,000.00 * to be paid from Account #27452-46100)
 - Ken Murphy – Taping County Commissioners Meetings (November, 2012 * \$1,350.00 * to be paid from Account #21111-34100)
 - The Ferguson Group, LLC – Federal Lobbyist (Invoice #1012576 * \$84.37 * to be paid from Account #21111-31200)
8. Purchase Request – T.D.C. (2013 Nissan Pathfinder through State Contract #25013 * \$25,470.00)
9. Resignation – Larry Young, Operator II (Effective January 31, 2018)
10. S.H.I.P. – Down Payment Assistance Extension (Sheila Ann Williams * \$30,000.00)
 - S.H.I.P. – Rehabilitation Assistance (Ida & Sammy Porter * \$40,000.00)

(End)

PENDING ADJUDICATORS AUDIT OF BOARD POLICIES AND PRACTICES

John Comer, of Port St. Joe appeared before the Board to discuss that after the first of the year adjudicators are going to be coming to Counties along Florida, stating that the Justice Department is going to try and figure out how they can avoid politically circumventing the States under the Restore Act. He discussed that they are going to come down and do profiles of the various Counties and see what excuses they might have to exclude Counties from this process politically. He discussed his concerns regarding the Restore Act and the Constitution. He then passed out material for the Board's review <Copy of file in the Clerk's Office>.

TOURIST DEVELOPMENT COUNCIL

T.D.C. Director Jenkins appeared before the Board to present the November, 2012 T.D.C. Report, stating that the T.D.C.: (1) is working on the Visitor Guides, (2) is working on implementing their own search engine marketing program, (3) had an increase of visitors this month to the Visitor Center, (4) Bed Tax Revenue for October increased more than 39%, (5) is completing the Research Survey, (6) will be hosting Celebrate Twice with Mexico Beach and updated trolley stops have been implemented this year, (7) is updating the T.D.C. Logo, and (8) has appointed a Beach Cleaning Committee. Upon inquiry by Chairman Smiley, T.D.C. Director Jenkins reported that she met with Keith Nichols, Channel 17 Coastal Connection regarding PEG Channels, stating that they are working on a bundle package.

GULF COUNTY AMBULANCE SERVICE CONTRACT – BAY MEDICAL CENTER

E.M.S. Director Whitfield appeared before the Board to discuss the drafted contract with Bay Medical Center for supplement ambulance service provided for Mexico Beach, stating that effective April 1, 2013 the ambulance service will go back to Bay County. He reported Bay Medical Center requested the proposed contract date be changed to January 1, 2013. After further discussion, Commissioner Yeager motioned to amend the contract date with Bay Medical to January 1, 2013. Commissioner McDaniel seconded the motion, and it passed unanimously. <Clerk Norris arrived at 9:12 a.m., E.T.>

CAPITAL IMPROVEMENT PLAN

Planner Richardson reported that the adoption of the Capital Improvement Schedule Plan is set for January, 2013.

D.R.E.F. GRANT – STUMPHOLE PROJECT

Grant Writer Kopinsky requested the Board allow Chairman Smiley to execute a modification regarding the D.R.E.F. Grant which will transfer \$23,000.00 from Affordable Rental Housing to the Stumphole Project; stating these funds will complete the construction on the entire permitted South end of the Stumphole Project. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

CHANGE ORDER – JORDAN & ASSOCIATES – AFFORDABLE RENTAL HOUSING

Upon recommendation by Grant Writer Kopinsky, Commissioner Yeager motioned to approve Change Order #1 for Jordan & Associates; a reduction to the contract, in the amount of \$3,109.82 for the Affordable Rental Housing. Commissioner McLemore seconded the motion, and it passed unanimously.

CHANGE ORDER – BRYAN-CO SERVICES – AFFORDABLE RENTAL HOUSING

Upon recommendation by Grant Writer Kopinsky, Commissioner McLemore motioned to approve Change Order #3 for Bryan-Co Services; a reduction in the amount of \$18,268.84. Commissioner McDaniel seconded the motion, and it passed unanimously.

H.M.P.G. GRANT APPLICATION – T.S. DEBBY

Grant Writer Kopinsky discussed applying for an H.M.P.G. Grant due to Tropical Storm Debby, in the amount of \$767,733.02; stating this is a matching grant. She discussed the possibility of receiving assistance with the match funds, in the amount of \$255,911.00 from the Florida Department of Transportation. Commissioner Yeager motioned to approve applying for the H.M.P.G. Grant. Commissioner McLemore seconded the motion, and it passed unanimously.

REFERENDUM – SCHOOL BOARD RESOLUTION

County Attorney Novak reported the Gulf County School Board met on December 6, 2012 and passed a Resolution to explore placing a referendum to the public regarding the extension of the additional ½ mil for four years. County Attorney Novak read the Resolution by title. Gulf County School Board Superintendent Jim Norton appeared

before the Board to discuss the adopted resolution which directs the Gulf County Board of County Commissioners to call for a special election within the School District to approve an Ad Valorem Tax Millage as authorized under Florida Statute 1011.73. Commissioner Yeager motioned to approve a referendum for the Gulf County School Board to hold a Special Election on March 5, 2013. Commissioner McDaniel seconded the motion for discussion. Upon inquiry by Commissioner Bryan, Superintendent Norton reported that the School Board is following the same process that was in place four years ago, per the laws of the State of Florida. After further discussion, the motion then passed unanimously.

HEALTHCARE TRUST BOARD COMMITTEE – APPOINTEE

County Attorney Novak discussed the Health Trust Board Committee meeting, stating according to the Interlocal Agreement, there needs to be two County Representatives serving on the Healthcare Trust Board and recommended appointing a Commissioner to replace Commissioner Williams. Commissioner Yeager motioned to appoint Commissioner McDaniel to the Healthcare Trust Board. Commissioner McLemore seconded for discussion. After discussion regarding Commissioner McDaniel's spouse working at the Gulf County Health Department, the motion then passed unanimously.

P.D.R.B. – VACANCIES

County Attorney Novak reported the P.D.R.B. could not establish a quorum to meet this month, and requested the Board remind the public of the vacancies. He reported that the form is available on the County's website for anyone interested in serving on the P.D.R.B.

RESTORE ACT – RESTORE TECHNICAL ADVISOR

County Attorney Novak reported back to the Board regarding the request and instructions he was previously provided to determine the services a former commissioner from the County may provide to the Board. County Attorney Novak reported that following the request of the Board to explore what consultant services and or a Restore Technical Advisor position an elected official could perform that he sought additional clarification through an Advisory Opinion from the Commission on Ethics. He reported it is not prohibited by Florida Statute to have a former elected official return to work directly for the County following his or her term for the County. However, he added that Florida Statute would prohibit a former elected official from an employment role for a third party for the County that would require him to appear before the Board. He also indicated that he or she could not lobby inside or outside the County on behalf of the County Commission. After the report and discussion by County Attorney Novak which included his stating the standing Board's Policy regarding bid limits and request for proposals, Commissioner Yeager expressed concerns regarding the County's time and the need for items to be presented first to the Restore Act Committee for their review and recommendations to the Board for technical consultant and or advisor.

PLEDGE OF CIVILITY

County Attorney Novak discussed the Pledge of Civility, stating there is a Senate Bill for 2013 (SB50), which will give the public the opportunity to speak at public forum

meetings. He discussed the Board's Policy regarding the public appearing before the Board to speak during Commission meetings.

LEASE – INDUSTRIAL PARK BUILDING

Upon discussion and recommendation by Chief Administrator Butler, Commissioner McLemore motioned to approve a proposed Lease Agreement for the Industrial Park, contingent upon approval from E.D.A. and the County Attorney's review. Commissioner Yeager seconded the motion for discussion. Upon inquiry by Commissioner McDaniel, Chief Administrator Butler reported the County is to maintain the building for twenty (20) years before the County can consider the option to sale, stating that the 20 year term will end early 2016. Upon inquiry by Commissioner Bryan, County Attorney Novak reported the County will rent to a commercial tenant under E.D.A. guidelines for the next 36 months. He discussed the "buy-out" option after the twenty year term has expired. After further discussion, the motion then passed 4 to 1, with Commissioner Bryan voting no.

OIL SPILL RESPONSE COORDINATION

Chief Administrator Butler discussed the Oil Spill Response Coordination and the fifteen (15) recommendations. He reported the next meeting will be held on January 17, 2013 to make a final vote regarding these recommendations which will then be submitted to the Governor for review.

CONTRACT – COUNTY PROBATION SERVICES

Chief Administrator Butler discussed the existing contract with Florida Probation Services for the County Probation services and recommended the Board extend the contract for 60 days in order to modify the scope of services. Florida Probation Services President Richard Stewart appeared before the Board to discuss the modification to the existing contract and requested the Board agree to a three year contract instead of a yearly contract. Commissioner McDaniel motioned to extend the County Probation Contract with Florida Probation Services for sixty days. Commissioner McLemore seconded the motion, and it passed unanimously.

FUNDING REQUEST – NORTH FLORIDA CHILD DEVELOPMENT

Chief Administrator Butler presented a funding request from North Florida Child Development for the Board's review. No action was taken by the Board.

EMPLOYEES – GULF COUNTY SHERIFF DEPARTMENT

Sheriff Nugent appeared before the Board to report that the new Sheriff Elect has made some personnel changes, stating that the payout cost is approximately \$60,000.00 which is not budgeted.

SWEARING IN CEREMONY

Clerk Norris reported the newly elected and re-elected Constitutional Officers will hold their "swearing-in" ceremony on January 8, 2013 at 9:00a.m., E.T. in the Gulf County Courtroom.

APALACHEE REGIONAL PLANNING COUNCIL – APPOINTEE

Assistant Administrator Hammond reported he serves as the Governor's appointee on the A.R.P.C. Board and this Board will need to appoint a new County Representative to serve once County Property Appraiser Colbert leaves office.

TRANSPORTATION DISADVANTAGED COORDINATING BOARD – APPOINTEE

Deputy Administrator Lanier discussed the need of an appointee to serve on the Transportation Disadvantaged Coordination Board, stating the deadline to notify A.R.P.C. of this new member is December 28, 2012. Commissioner Yeager motioned to appoint Chairman Smiley to serve on the Transportation Disadvantaged Coordination Board. Commissioner Bryan seconded the motion, and it passed unanimously.

G.C.B.O.C.C. DECEMBER MEETING – CANCELLED

Upon discussion by Deputy Administrator Lanier, Commissioner McDaniel motioned to cancel the second scheduled regular board meeting in December. Commissioner Yeager seconded the motion, and it passed unanimously.

COUNTY AGENDA PACKET

Commissioner Bryan discussed her concerns regarding items brought before the Board to be voted on that are not placed in the Agenda for prior review, and suggested the Board review this issue further. Commissioner Yeager discussed his concerns regarding the agenda process and items being presented to the Board for a vote.

G.C.B.O.C.C. BOARD –MEETING TIMES

Commissioner Bryan discussed her concerns regarding the time the commission meetings are held, stating citizens are concerned that the meetings are held during the work day. She also suggested the Board consider making an adjustment to the meeting times.

STREET LIGHTS

Commissioner McLemore discussed his concerns regarding the Board's vote during the budget session to have the street lights turned off. He reported that street lights are being turned off and discussed his concerns regarding security and safety due to this change. Commissioner Yeager reported that the decision of the Board was to leave street lights on at the boat ramps, parks, and dangerous intersections. Upon inquiry by Commissioner McLemore, Commissioner Yeager reported that a letter has been sent to Gulf Coast Electric Cooperative regarding which street lights to turn off. Commissioner McDaniel discussed his concerns regarding street lights within the County.

RESTORE ACT – WORKSHOPS

Commissioner Yeager discussed the workshops that were held in Port St. Joe and in Wewahitchka regarding the Restore Act, reporting that more public meetings will continue.

CONSORTIUM – FORMULA ALLOCATION RESOLUTION

Commissioner Yeager discussed the twenty-three County Consortium meeting and recommended the Board accept the new formula allocations by resolution. County Attorney Novak reported that the proposed resolution is being drafted to reflect the new formula. Commissioner Yeager motioned to allow the Chairman to execute the new allocation formula resolution. Commissioner McLemore seconded the motion, and it passed unanimously.

CONSORTIUM EXECUTIVE COMMITTEE – APPOINTEE

Following discussion, Commissioner Yeager motioned to submit a letter to the Consortium Executive Committee approving Commissioner Yeager to run for the office of Secretary-Treasurer. Commissioner McDaniel seconded the motion, and it passed unanimously.

COUNTY ROAD 386

Commissioner McDaniel reported that he has been in contact with the State regarding turning County Road 386 into a State Road. He discussed his concerns regarding the Gulf Coast Parkway Project.

PLANNING & DEVELOPMENT REVIEW BOARD – APPOINTEE

Commissioner McDaniel discussed his concerns regarding having a representative from the North end of the County to serve on the P.D.R.B. Planner Richardson reported that each district has a representative to serve on the P.D.R.B.

Chairman Smiley called for public comment.

PORT ST. JOE DOWNTOWN REDEVELOPMENT AGENCY – BAY FRONT PARK

Gail Alsobrook of the Port St. Joe Downtown Redevelopment Agency (P.S.J.D.R.A.) appeared before the Board to discuss the proposed plan for the Bay Front Park Project. Commissioner Yeager motioned to allow an additional three minutes to speak. Commissioner Bryan seconded the motion, and it passed unanimously. Ms. Alsobrook discussed the proposed buffer preserve and turtle rescue, stating the desire is to have people stop and visit Gulf County. Commissioner McLemore stated he is not in support of moving the Lighthouse to the City of Port St. Joe. Upon inquiry by Commissioner Yeager, Ms. Alsobrook reported the meeting to discuss the Bay Front Park Project will be held on December 13, 2012 at 10:00 a.m., E.T. at the Welcome Center. Commissioner Yeager discussed his concerns regarding the relocation of the Lighthouse.

COUNTY AGENDA PACKET

Christy McElroy of Port St. Joe appeared before the Board to discuss the agenda packet, stating the City of Port St. Joe's policy is to add the late items to the agenda packet and highlight the additions in red.

There being no further business, and upon motion by Commissioner Yeager, second by Commissioner McDaniel, and unanimous vote, the meeting did then adjourn at 10:32 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**