

## **PORT ST. JOE, FLORIDA**

**JANUARY 27, 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, Deputy Clerk Kari Summers, Clerk Finance Officer Carla Hand, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, Extension Agent Roy Lee Carter, G.I.S. Director Scott Warner, Grant Writer Towan Kopinsky, Planner David Richardson, Sheriff Joe Nugent, Solid Waste Director Joe Danford, T.D.C. Director Paula Pickett, and Veterans' Service Officer James Kennedy.

Sheriff Nugent called the meeting to order at 6:01 p.m., E.T.

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

#### **2008 CHAIRMANSHIP**

Chairman Peters discussed the 2008 Chairmanship of Commissioner Traylor, and presented Commissioner Traylor with a plaque in recognition of his service.

#### **TOURIST DEVELOPMENT COUNCIL**

T.D.C. Director Pickett appeared before the Board and presented Julia Cunningham and Sherry Dodsworth with plaques in recognition for their leadership and dedication as members of the T.D.C. Commissioner Williams discussed what a great job both Julia Cunningham and Sherry Dodsworth have done on the T.D.C.

#### **VETERANS' SERVICE**

Veterans' Service Officer James Kennedy appeared before the Board and made a commemorative tribute to the Veterans that served in Vietnam, stating that January 27<sup>th</sup> is the official day that the Vietnam Peace Accord was signed in 1973. He thanked all Veterans and their families for their service during a difficult time in America's history. Veterans' Service Officer Kennedy recognized the John C. Gainous VFW Post 10069 and their Ladies Auxiliary, Wewahitchka VFW Post 8285 and their Ladies Auxiliary, and the Willis V. Roland American Legion Post 116. He reported that the VFW and American Legion was founded in 1899 as the American Veterans of Foreign Service, and then became the Veterans of Foreign Wars in 1936. He also reported that the purpose of the VFW and the Mens and Ladies Auxiliary is to be a voice for the returning and currently deployed service members and their families. Veterans' Service Officer Kennedy reported that the VFW Department of Florida Teacher of the Year for grades four and five was John Huff a teacher at the Wewahitchka Elementary School, and VFW District 17 Voice of

Democracy winner was Bryce Gerber, a ninth grade student at Wewahitchka High School. Mr. Kennedy invited the Board and the community to show their support to the Navy Junior R.O.T.C., by attending a Naval inspection on Friday, January 30, 2009 at 8:30 a.m. in the gym of Port St. Joe High School. He also reported that the Federal Department of Veterans' Affairs spent \$4,336,000.00 on the Veterans and their families in Gulf County in 2007. Veterans' Service Officer Kennedy presented a Certificate of Accommodations to John C. Gainous VFW Post 10069 and their Ladies Auxiliary, Willis V. Roland American Legion Post 116 and their Ladies Auxiliary and Wewahitchka VFW Post 8285 and their Ladies Auxiliary. Chairman Peters thanked Veterans' Service Officer Kennedy and reported that the Board supports the Veterans 100%.

### **VETERANS' SERVICE OFFICER TRAVEL REQUEST**

Commissioner Williams motioned for Veterans' Service Officer Kennedy to travel to Tallahassee for the Stakeholders Panel Meeting. Commissioner Traylor seconded the motion, and it passed unanimously.

### **CONSENT AGENDA**

Upon motion by Commissioner McLemore, second by Commissioner Traylor, and unanimous vote, the Board approved the following Consent Agenda items, with a correction to the minutes of January 13, 2009 (on page 10):

1. Minutes - January 13, 2009 Regular Meeting
2. Inventory Dalkeith Fire Department

Transfer #320-7 \* 69 IHC Transport to Florida Department of Agriculture & Consumer Services Division of Forestry  
Transfer #320-17 \* 1984 Step Van Chevrolet 4x2 to Florida Department of Agriculture & Consumer Services Division of Forestry

- Gulf County Tax Collector  
Delete #40-115 \* Computers & PRI Dell 27FTW01 Pentium 4 Processor Computer

- Wewahitchka E.M.S.  
Surplus and Sale #220-115 \* 1985 Plymouth

Transfer 1976 Ford F250 utility truck, VIN #F27YNG76900 to Wewahitchka Search & Rescue

Junk #220-89 \* 1995 Legend 436 CDT Computer

Junk #220-59 \* 1991 Skillmeter RA Defibrillator Trainer  
Junk #220-65 \* 1992 Skillmeter RA Defibrillator Trainer

Junk #220-61 \* 1992 Heartstart 3000

Junk #220-62 \* 1992 Heartstart Quick Reporter

Junk #220-108 \* 1997 Heartstart 3000 QR AED Semi-Aucomatic

Junk #220-45 \* 1989 (2) 15-Channel Portable Radio

Junk #220-46 \* 1990 (2) 15-Channel Portable Radio

Junk #220-70 \* 1992 Johnson 8-Channel UHF Radio w/desk mike

Junk #220-63 \* 1992 MCM Plus Semi-auto 3-pack

Lost #220-94 \* 1996 Oximeter, N.A.

4. Invoices G.A.C. Contractors, Inc. Stumphole Rock Enhancement Project (Invoice #6023 \* \$401,415.24 \* to be paid from Account #40249-34000)
  - Gulf Coast Children's Advocacy Center (December, 2008 \* \$525.00 \* to be paid from Account #21111-31300)
  - Legal Services of North Florida (10/1/08 12/31/08 \* \$1,243.68 \* to be paid from Account #71015-82000)

5. Resolution Tax Collector Budget as follows:

RESOLUTION NO. 2009-04

**WHEREAS**, Section 145.022, Florida Statutes provides that the Board of County Commissioners, with the concurrence of a County Official as provided for and in said Section, shall be resolution guarantee and appropriate a salary to the County Official in an amount not to exceed that specified in said Chapter; and

**WHEREAS**, the Tax Collector has requested and concurred with the Board of County Commissioners that said Tax Collector be placed on a salary as provided in said Section; and

**WHEREAS**, the said Tax Collector will pay all fees collected by said Office to the Board of County Commissioners of Gulf County as provided for in said Section:

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

1. That the Board of County Commissioners of Gulf County, Florida pays the Tax Collector of said County a guaranteed salary as provided for in Section 145.022, Florida Statutes.
2. That said Board will provide funds according to the budget as submitted by said Tax Collector and approved by the Board, which will include each and every item of expenditure necessary to operate said Office, including the salary of the Tax Collector.
3. That said Board will pay over said funds to the Tax Collector as provided by law or upon monthly requisition.
4. That a copy of this resolution be filed with the Florida Department of Banking and the Auditor General.

**ADOPTED** this 27th day of January, 2009.

(End)

#### **SUPPLEMENTAL CONSENT AGENDA**

Upon motion by Commissioner Traylor, second by Commissioner McLemore, and a 4-0 vote, the Board approved the following supplemental consent agenda items.

Commissioner Yeager abstained due to having a business relationship with Preble-Rish, Inc.

1. Invoice Preble-Rish, Inc., (Invoice #65962 \* \$7,901.00 \* to be paid from Account #41441-81000)

(End)

#### **PUBLIC HEARING ORDINANCE / SALE OF ALCOHOLIC BEVERAGE**

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance regulating the time for sale of alcoholic and intoxicating beverages, County Attorney McFarland read the Ordinance by title and called for public comment. There being no public comment, Commissioner Williams motioned to adopt the following ordinance (after changing the time frame from 1:00 a.m. and 7:00 a.m. to 2:00 a.m. and 7:00 a.m.). Commissioner Traylor seconded the motion, and it passed 4 to 1, with Chairman Peters voting no.

ORDINANCE NO. 2009-01

AN ORDINANCE OF GULF COUNTY, FLORIDA REGULATING THE TIME FOR SALE OF ALCOHOLIC AND INTOXICATING BEVERAGES WITHIN THE UNINCORPORATED AREAS OF GULF COUNTY; PROVIDING FOR REPEAL OF ORDINANCE 80-3 AS WELL AS ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE

**BE IT ORDAINED** by the Board of County Commissioners of Gulf County, Florida as follows:

Section 1. It shall be unlawful for any alcoholic or intoxicating beverages to be sold, consumed or served, between the hours of 2:00 a.m. and 7:00 a.m. of the same day in any place holding a license under the State Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco or other appropriate licensure agency within the unincorporated areas of Gulf County, Florida.

Section 2. Violation of this Ordinance shall be a misdemeanor of the second degree and shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the Gulf County Jail not to exceed sixty days, or by both such fine and imprisonment.

Section 3. Gulf County Ordinance 80-3 is hereby repealed.

Section 4. This Ordinance shall take effect as provided by law.

**APPROVED and ADOPTED** by the Board of County Commissioners of Gulf County, Florida on this 27<sup>th</sup> day of January, 2009.

(End)

**PUBLIC HEARING - P.D.R.B. RECOMMENDATIONS (01/20/09)**

The Board then considered the following recommendation from the January 20, 2009 meeting of the Planning & Development Review Board:

**FINAL PLAT REVISION - SEASIDE FARMS PHASE II**

Pursuant to advertisement to hold a public hearing to consider approval of a final plat revision for Waterfront Group, LLC (Parcel ID #01095-001R \* S23, S26, S27, and S34, T6S, R9W \* 1,650 Acres \* 22 Units), Planner Richardson discussed a correction to the plat, stating that no roads be accepted by the public, and that this is in a flood zone. Commissioner McLemore motioned to approve the final plat revision for Seaside Farms Phase II, subject to all Federal, State and Local Development Regulations, both stated and unstated, as recommended by the Planning & Development Review Board. Commissioner Williams seconded the motion, and it passed 4-0 with Commissioner Yeager abstaining due to a potential conflict of interest as an employee of the engineering firm.

**NOTICE OF TAXING AUTHORITY**

County Attorney McFarland discussed a Notice of Taxing Authority from the Community Redevelopment Agency, stating this notice is their intention to expand the boundaries of that

Agency. He discussed that within 30 days the Board can request a meeting to discuss this prior to the changing of the boundaries, and this time frame began on January 21, 2009. Upon recommendation by County Attorney McFarland, Commissioner Williams motioned to file notification to schedule a meeting with this Agency. Commissioner Yeager seconded the motion, and it passed unanimously.

### **BAY MEDICAL CENTER INVOICE**

County Attorney McFarland reported that the County has received two new complaints from Bay Medical Center regarding inmate medical bills, and recommended that these be diverted through Resolution Management so the County can work out the differences. He stated that the County is being billed at a rate that is higher than expected through Medicaid or Medicare. Commissioner Williams motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously.

### **ST JOSEPH SHORES PERMIT / LITIGATION**

County Attorney McFarland reported that he has received a new administrative lawsuit filed against the County regarding the D.E.P. permit issued for St. Joseph Shores.

### **AWARD BID #0809-07 / HONEYVILLE PARK RESTROOMS**

Upon recommendation by Grant Writer Kopinsky, Commissioner McLemore motioned to award Bid #0809-07 for construction of restrooms at Honeyville Park Phase II (in the amount of \$22,967.00) to Cathey Construction & Development (low bid). Commissioner Yeager seconded the motion, and it passed unanimously.

### **AGREEMENT CAPE BIKE PATH PHASE IV**

Upon recommendation by Grant Writer Kopinsky, Commissioner Yeager motioned to execute the L.A.P. Agreement with D.E.P. for Cape Bike Path Phase IV grant funds. Commissioner Traylor seconded the motion, and it passed unanimously.

### **AWARD BID #0809-08 / LEASE OF OLD WEWAHITCHKA HEALTH DEPARTMENT BUILDING**

Upon recommendation by Deputy Administrator Lanier, Commissioner McLemore motioned to accept the proposal from Gulf County E.D.C. (only bidder), contingent upon the County Attorney preparing a lease agreement. Commissioner Yeager seconded the motion, and it passed unanimously.

### **POLICIES AND PROCEDURES / MOBILE HOME INSPECTIONS**

Building Official Collinsworth discussed a potential conflict between the Board policy and the Clerk regarding fees for mobile home inspections. Clerk Finance Officer Hand discussed that the problem is that of paying a county employee as a contract laborer. Building Official Collinsworth reported that the mobile home is located in Plant City. County Attorney McFarland discussed that the County can contract with someone else to provide the mobile home inspections or pay the county employee a stipend for providing the service. Commissioner Traylor motioned to pay a stipend to the County employee who performs mobile home inspections. Commissioner Williams seconded the motion, and it passed unanimously.

### **5 POINTS LANDFILL PERMIT**

Solid Waste Director Danford reported that the County is very close to obtaining the permit for Five Points Landfill and, if this happens, D.E.P. will approve the landfill capacity until 2018.

### **DOWNTOWN REDEVELOPMENT AGENCY**

Chief Administrator Butler discussed that the Downtown Redevelopment Agency has submitted a revised invoice in the amount of \$272,621.00 (but he still does not agree with this amount), and recommended that the County pay 80% of the invoice at this time, and pay the balance after the matter is reconciled. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously. County Attorney McFarland discussed that they have been trying to work out this issue, and there is a provision of the law which states that they (D.R.A.) can charge the County a penalty if the invoice is paid after January 1, 2009, and stated that he has received notice that it is their intent to assess the penalty. He recommended that the County request that they waive the penalty. Commissioner Yeager motioned to submit a letter to the Downtown Redevelopment Agency requesting a waiver of the late penalties. Commissioner Traylor seconded the motion, and it passed unanimously.

### **G.A.C. CHANGE ORDER #16**

Chief Administrator Butler discussed proposed change order #16 between the Board and G.A.C. Contractors (requested by the City of Port St. Joe) for the Williams Avenue and Reid Avenue connector road, in the amount of \$133,254.00. Commissioner Traylor motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed 4 to 0, with Commissioner Yeager abstaining due to potential conflict of interest as an employee of the engineering firm.

### **HEALTH CARE COMMITTEE**

Chief Administrator Butler discussed that he received a letter from Doug Kent, Gulf County Health Department Administrator dated January 22, 2009, stating that the Executive Health Care Committee has agreed to send \$1,000,000.00 of the ½ cent Hospital Tax to Sacred Heart Hospital. After discussion by the Board, Commissioner Williams motioned to send a letter to Sacred Heart Hospital and the Executive HealthCare Committee to hold the funds until clarification is received regarding a previous commitment for these funds. Commissioner Traylor seconded the motion, and it passed unanimously.

### **AFFORDABLE HOUSING ADVISORY COMMITTEE / SHIP**

Chief Administrator Butler discussed that the committee has met and developed their plan, and will need the Board to review and approve it by the next Board meeting.

### **ECONOMIC STIMULUS / LOBBYIST**

Chief Administrator Butler discussed the economic stimulus plan that the Federal Government has been working on, stating that he met with a Lobbyist on this issue in Tallahassee on January 23, 2009. He discussed that there is a good opportunity to combine with other Counties to develop a Regional request and have a better chance of obtaining funds. Chief Administrator Butler recommended meeting with the other Counties on this issue as soon as possible, and to hire the lobbyist for the County on an emergency basis. After discussion by the Board, Chairman Peters passed the Chair to Vice Chairman McLemore and motioned to approve this recommendation, contingent upon combining with multiple Counties. Commissioner Traylor seconded the motion, and it passed unanimously. Chairman McLemore

returned the Chair to Commissioner Peters. Chairman Peters recommended that each Commissioner establish a #1 priority and #2 priority from the list they received . Steve Norris appeared before the Board and discussed that the Northwest Florida Transportation Corridor Authority voted to submit a request from their Board to the Governor's Office for the Gulf to Bay Highway segment two to be a top priority, and also reported that the project is in the permitting process.

### **BUDGET**

Chief Administrator Butler reported that the Staff has been meeting on the Budget, and reported that they will need to meet with the Board. Commissioner Yeager requested that a workshop be scheduled with the Board before the next regular meeting.

### **AGRICULTURAL EXTENSION MEETING**

Extension Agent Carter discussed that on Wednesday, January 28, 2009 there will be a Stakeholder's meeting in Jackson County, and encouraged all of the Board Members to attend.

### **80 ACRES / WETAPPO CREEK**

Upon Commissioner McLemore's inquiry, County Attorney McFarland reported that the paperwork has been submitted to close the property swap with St. Joe Company and the completed paperwork should be back to him tomorrow.

### **UNITED WAY / WAIVE TIPPING FEE / DEMOLITION**

Commissioner Williams thanked the United Way of Northwest Florida for their assistance to a family in Highland View after their house burned. He also reported that the fire department was on scene within four minutes of the call. Commissioner Williams motioned to assist the family with demolishing, hauling the burned home to the landfill, and waiving the tipping fees. Commissioner Traylor seconded the motion, and it passed unanimously.

### **WHITE CITY PARK**

Commissioner Williams thanked Grant Writer Kopinsky and Building Official Collinsworth for their work at the White City Park. He reported that this work has been accomplished with a grant from the Florida Fish and Wildlife Conservation Commission.

### **VETERANS' MEMORIAL PARK AT BEACON HILL**

Commissioner Williams thanked Grant Writer Kopinsky for working with Veterans' Service Officer Kennedy on the Beacon Hill Park monument in memory of the Veterans.

### **ECONOMIC DEVELOPMENT COUNCIL**

Commissioner Williams discussed that E.D.C. and T.D.C. need to get involved with the local merchants, and requested permission for Mr. Nelson and Mr. Graney to meet with local merchants regarding their needs. The Board has no objections.

### **STONE MILL CREEK / OVERSTREET PARKS**

Commissioner Traylor thanked Grant Writer Kopinsky for overseeing the impact fee projects for the parks at Stone Mill Creek and Overstreet, stating they have turned out great. Upon his inquiry, Grant Writer Kopinsky reported that the swing for the toddlers has been ordered and should be delivered soon.

### **HIGHLAND VIEW FIRE DEPARTMENT**

Commissioner Williams discussed the adjoining lot at Highland View Fire Department, stating that it was appraised at \$65,000.00 but is currently in foreclosure. Commissioner Williams motioned for County Attorney McFarland to be allowed to attend the foreclosure and bid up to \$65,000.00. Commissioner Traylor seconded the motion for discussion. County Attorney McFarland discussed that the County can purchase property without a supporting appraisal up to \$100,000.00. Commissioner Williams amended his motion for the amount to be set at \$99,999.00, and Commissioner Traylor's second remained. Upon inquiry by Commissioner McLemore, Commissioner Williams reported that the funds to pay for the property will come from the Highland View Fire Department. After further discussion by members of the Board, the motion passed 4 to 1, with Commissioner McLemore voting no.

### **PRESIDENT OBAMA'S INAUGURATION**

Chairman Peters discussed the Inauguration of President Obama, stating that he is a new voice of hope for so many people. He discussed that this Country is in a recession and it is everyone's responsibility to help the recovery effort.

### **COMMISSIONER DUTIES**

Chairman Peters discussed that the Board has to be accountable for everything, stating that he is giving a responsibility to each Commissioner to make a recommendation back to the Board at the next Board meeting as follows: Commissioner Yeager - Honeyville Park and Storm Shelter and Dead Lakes Park with assistance from Chief Administrator Butler, Human Resource Director Manuel, and Road Department Superintendent, Commissioner McLemore Landfill with assistance from Chief Administrator Butler, Solid Waste Director Danford and Deputy Administrator Lanier, Commissioner Traylor - Insurance with assistance from Chief Administrator Butler, Human Resource Director Manuel and Deputy Administrator Lanier, and report back to the Board by June 1, 2009, and Commissioner Williams - consolidation of Public Works, Solid Waste, Maintenance, E.M.S., Road Department and Mosquito Control with assistance from Chief Administrator Butler, Grant Writer Kopinsky, and Solid Waste Director Danford.

There being no further business and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:40 p.m., E.T.

**NATHAN PETERS, JR.  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**