

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

**DECEMBER 9, 2008**

### **REGULAR MEETING**

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

Others present were: County Attorney Tim McFarland, Clerk of Circuit Court Rebecca L. Norris, Deputy Clerk Kayla Duke, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Human Resource Director Denise Manuel, Grant Writer Towan Kopinsky, Planner David Richardson, Emergency Management Director Marshall Nelson, Solid Waste Director/Mosquito Control Director Joe Danford, Assistant Mosquito Control Director Mark Cothran, Public Works Director Gerald Shearer, TDC Director Paula Pickett, Building Official Lee Collinsworth, Animal Control Officer Roland Jones, and Major Bobby Plair.

Major Bobby Plair called the meeting to order at 9:00 a.m, E.T.

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

#### **CONSENT AGENDA**

Upon motion by Commissioner Peters, seconded by Commissioner McLemore, and unanimous vote, the following Consent Agenda was approved.

1. Minutes November 10, 2008 Regular Meeting  
Minutes November 25, 2008 Special Meeting
2. Agreements Agency for Healthcare Administration  
(House Bill 5001/Medicaid Low Income Pool)
3. Inventory Clerk's Office  
(Junk Canon DR 5020 Scanner  
#10-368)  
  
Maintenance Department  
(Junk 1991 Ford F-150 \* #25-184/  
Receive sealed bids)
4. Invoices Ausley & McMullen, P.A. Gulf Pines  
Hospital Bankruptcy (#71853 \* \$240.00  
\* to be paid from Account #21111-31200)

County Attorney Timothy McFarland  
(November 2008 \* \$14,306.20 \* to be paid  
from Account #21314-31100)

GAC Contractors Road Bond Project  
Bid# 0607-11 (# Partial Retainage \*  
\$265,802.76 \* to be paid  
from Account #41441-63000)

GAC Contractors Road Bond Project  
Bid# 0607-11 (#5874 \* \$21,263.78 \* to be  
paid from Account #41441-63000)

Rumberger, Kirk, & Caldwell General  
Employment Matters (File #G214-107990  
\* #731021 \* \$3,808.56 \* to be paid from  
Account #21111-31200)

St. Joseph Bay Humane Society Animal  
Housing (November 2008 \* \$2,246.00 \* to  
be paid from Account #43262-82000)

5. S.H.I.P. Rehabilitation Assistance  
(Ann Lee \* \$5,500.00)

6. Travel Request FAC New Commissioner  
Workshop (January 7-8, 2009)

(End of Consent Agenda)

#### **ORDINANCE/PUBLIC HEARING**

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance amending Animal Control Ordinance #2005-24, County Attorney McFarland read the Ordinance by title and called for public comment. There being no public comment, Commissioner McLemore motioned to adopt the following ordinance. Commissioner Williams seconded the motion and it passed unanimously.

#### **ORDINANCE #2008-20**

**THE AN ORDINANCE AMENDING GULF COUNTY ORDINANCE #2005-24 RELATING TO  
REGULATION, LICENSING, VACCINATION, CONFINEMENT, CLASSIFICATION AND  
DISPOSAL OF CATS AND DOGS IN GULF COUNTY, PROVIDING FOR DEFINITIONS,  
CITATIONS, ENFORCEMENT AND PENALTIES FOR VIOLATIONS, PROVIDING FOR**

**REPEAL OF ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.**

**INTERLOCAL AGREEMENT/ANIMAL CONTROL SERVICES**

Upon recommendation by County Attorney McFarland, Commissioner McLemore motioned to approve an Interlocal Agreement with the City of Port St. Joe and City of Wewahitchka, providing animal control services within the City boundaries. Commissioner Yeager seconded the motion and it passed unanimously.

**GRANT/911 RECORDERS/ADVERTISE FOR BIDS**

Grant Writer Towan Kopinsky informed the Board of a grant received to purchase 911 recorders and requested the Board's permission to advertise for bids for recorders. Commissioner Peters motioned to approve this request. Commissioner McLemore seconded the motion and it passed unanimously.

**HOMELAND SECURITY GRANT APPLICATIONS**

Grant Writer Towan Kopinsky requested permission to apply for any Homeland Security grants that might become available. Chairman Traylor directed her to do so.

**SCHOOL BOARD WORKSHOP/RSVP**

Deputy Administrator Lynn Lanier informed the Board that the deadline for the Board to RSVP for the December 16<sup>th</sup> School Board workshop luncheon is today.

**S.H.I.P. /PURCHASE ASSISTANCE**

Deputy Administrator Lanier presented a purchase assistance request for Stephen Gaddis, Jr. and Brandy Jones, in the amount of \$25,000.00 each. Commissioner Yeager motioned to approve the request. Commissioner McLemore seconded the motion and it passed 4-0, with Commissioner Peters abstaining.

**S.H.I.P./LOAN SUBORDINATION**

Deputy Administrator Lanier presented a loan subordination request for Mark and Amanda Cothran. Commissioner Yeager motioned to approve this request. Commissioner Peters seconded the motion and it passed unanimously.

**REGULAR MEETING RESCHEDULED**

Chairman Traylor rescheduled the December 23<sup>rd</sup> Regular Meeting to Monday, December 22, 2008 at 6:00 p.m., E.T.

**2009 CHAIRMANSHIP AND VICE CHAIRMANSHIP**

Deputy Administrator Lanier requested the Board's direction concerning the Chairmanship and Vice Chairmanship for 2009. Chairman Traylor stated that he would like to resolve this at the next regular meeting.

**LETTERS/ECONOMIC STIMULUS PLAN**

For the Board's review, Deputy Administrator Lanier presented the economic stimulus

letters, as requested at the November 25, 2008 Regular Board meeting.

### **SAFETY AND WELLNESS COMMITTEES**

Human Resource Director Denise Manuel informed the Board that she will need support and direction concerning these committees. Commissioner Williams motioned to have Human Resource Director Manuel draft a letter under the Chairman's signature to send to each Constitutional Officer, requesting their participation on these committees. Commissioner Yeager seconded the motion and it passed unanimously.

### **BAY CITY ROAD AREA/MAINTENANCE**

Road Department Superintendent Bobby Knee informed the Board of a drainage problem on Bay City Road area, due to a collapsed pipe causing County Right of Way flooding problems. County Attorney McFarland informed the Board that the County will need a Limited Maintenance Agreement with the land owner. Chairman Traylor directed Road Department Superintendent Knee to work with County Attorney McFarland on the Agreement.

### **PLAT ABANDONMENT REQUEST**

Planner David Richardson presented to the Board a request for plat abandonment of Park Sides at Secluded Dunes. Commissioner McLemore motioned to approve this request, contingent upon the P.D.R.B.'s approval. Commissioner Williams seconded the motion and it passed unanimously.

### **CELL TOWER AT CAPE SAN BLAS**

Planner David Richardson informed the Board that there is a strong possibility that the Cape will be getting a cell tower, and there are no provisions governing cell towers. Planner Richardson requested the Board's permission to begin drafting some language, concerning utilities and tower regulations.

### **INVOICE#7/BEACH RENOURISHMENT PROJECT/MANSON CONSTRUCTION/BID#0607-23**

TDC Director Paula Pickett presented Pay Request #7 from Manson Construction, in the amount of \$2,272,019.80. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion and it passed unanimously.

### **CHANGE ORDER #3/BEACH RENOURISHMENT PROJECT/BID#0607-23**

TDC Director Paula Pickett presented Change Order #3 to the Board, for the Beach Renourishment Project. TDC Director Pickett informed the Board that there were additional funds left over from the Turtle Monitoring Project and the Sea Oats Project. She further informed the Board that the additional funds will be used to purchase additional sand for

the Stumphole area. Commissioner Yeager motioned to approve the Change Order. Commissioner McLemore seconded the motion and it passed unanimously.

#### **SEA OAT PROJECT/BID#0809-03**

TDC Director Pickett informed the Board that the low bidder for the Sea Oats Project is Aquatic Plants of Florida at \$215,310.00. TDC Director Pickett informed the Board that the bid was approved by the engineer. Commissioner Peters motioned to approve the award of Bid # 0809-03 to Aquatic Plants of Florida. Commissioner Yeager seconded the motion and it passed unanimously.

#### **PET STATIONS PROJECT/BID #0809-02**

Pet TDC Director Pickett informed the Board that Park n' Pool was the low bidder for the Stations Project at \$3,879.75, and requested the approval of the Board to award this bid. Commissioner Peters motioned to do so. Commissioner Yeager seconded the motion and it passed unanimously.

#### **TDC/ANNUAL REPORT**

TDC Director Pickett distributed to the Board, copies of the TDC's annual report.

#### **FOURTH AMENDED CLOSING DOCUMENT/LAND ACQUISITION/ST. JOE COMPANY**

County Attorney McFarland requested the Board's approval of a 4<sup>th</sup> Amended Closing Document of the Land Acquisition with St. Joe Company. County Attorney McFarland informed the Board that there were substantial title problems and the amendment was necessary. Commissioner McLemore motioned to approve the amendment. Commissioner Yeager seconded the motion and it passed unanimously.

#### **C.B.I.R.S. APPLICATIONS/GULF BEACHES SEWER PHASE III**

Chief Administrator Butler informed the Board that additional funding is needed for Phase III of the Gulf Beaches Sewer Project, and stated that the County will not be able to make application through the Community Budget Issue Request System (C.B.I.R.S.) this year. Chief Administrator Butler requested that the Board request additional funds from the State for this project. Commissioner Peters motioned to do so. Commissioner Williams seconded the motion and it passed unanimously.

#### **LETTERS/ECONOMIC STIMULUS PACKAGE/CONSTITUTION MUSEUM**

Upon Chief Administrator Butler's recommendation, Commissioner Williams motioned to approve the Economic Stimulus Package letter. Commissioner Peters seconded the motion and discussion followed. The motion was then amended to include a letter to Representative Jimmy Patronis concerning the Stimulus Package and the Constitution Museum State Park. There being no objection, the motion then passed unanimously.

#### **ELECTION/PRECINCTS**

Chief Administrator Butler requested the Board's direction concerning which precincts

need to be open in March. Commissioner Yeager stated that he would like to hold a workshop and look at statistics before a decision is made. Clerk Norris clarified that the motion was to review and make a costs analysis on reinstating all the voting precincts (prior to the 2010). Chief Administrator Butler discussed the cost of opening all of the precincts. Chairman Traylor scheduled a workshop for Monday, December 22, 2008 at 4:30 p.m., E.T. to further discuss the matter.

### **SCHOOL BOARD REFERENDUM/SPECIAL ELECTION**

Chairman Traylor stated that the Board voted to approve a special election for March 17, 2009, for the qualified electors of the Gulf County School District to vote on an ad valorem millage increase of 1 mill for operating expenditures of the School District, contingent upon the School paying off the ½ cent sales tax bond in June 2009. Chairman Traylor stated that the School Board has since learned that the Department of Revenue prohibits them from paying off and stopping the sales tax prior to December, 2009. Commissioner Yeager motioned to rescind the 11/25/08 motion and to approve the special election request, contingent upon the bond debt being paid off and the ½ cent sales tax stopping in December, 2009. Commissioner Williams seconded the motion. After discussion, the motion failed 2-3, with Chairman Traylor and Commissioners Peters and McLemore voting no.

Commissioner McLemore motioned to rescind the Board's 11/25/08 motion allowing this to be placed on the ballot for March 17, 2009. Chairman Traylor passed the Chair to Commissioner Peters and seconded the motion. Upon Commissioner Yeager's inquiry, County Attorney McFarland stated that there was no specific language in statute requiring the Board to put this on the ballot. Commissioner Williams stated that it is an injustice to the people to not allow the public the right to vote on this issue. He further stated that the Board

has no right to make speculations on a School Board issue. After discussion, the motion passed 3-2, with Commissioners Yeager and Williams voting no. Chairman Peters returned the Chair to Commissioner Traylor.

### **AGENCY FOR HEALTH CARE ADMINISTRATION AGREEMENT**

Commissioner Williams discussed the A.H.C.A. Agreement in the Consent Agenda, stating that this is a very important agreement and the Board has made a \$25 million dollar commitment over a period of twenty years.

### **WORKSHOP/TDC**

Commissioner Williams stated that the TDC would like to be added as a topic to the Workshop on December 22, 2008.

### **BOND ISSUE/BEACH RENOURISHMENT/MSTU**

Commissioner Williams discussed his concerns with the MSTU Beach Renourishment Bond Issue and the declining property values, and how it will effect the County's ability to meet the Bond commitment. Commissioner Williams requested the Board formalize a plan to address how the County will meet this obligation, in the event of a short fall. TDC Director Pickett agreed, and stated that the TDC has approximately \$800,000.00

(\$600,000.00 under the current contract/\$200,000.00 from the 1 Cent Bed Tax) in their budget available to cover expected shortfalls.

### **WHITE CITY BULKHEAD/CONCRETE RUBBLE**

Commissioner Williams stated that Gulfco Equipment Utilities is willing to give the County approximately two truckloads of concrete rubble. Commissioner Williams requested permission to use the County crews and equipment to move the rubble from Money Bayou to White City, to be used on the Bulkhead.

### **F.A.C. ELECTION**

Commissioner Williams motioned for the Board to allow him to run for Second Vice President for the Florida Association of Counties. Commissioner Yeager seconded the motion and it passed unanimously.

### **ALCOHOL SALES/ ORDINANCE 89-3**

Commissioner Williams motioned to begin the process of amending the Counties' Alcohol Ordinance to make it consistent with the Cities' Alcohol Ordinance, stating that there is a one hour difference in the time businesses can begin to sale alcohol. Commissioner McLemore seconded the motion and it passed unanimously.

### **HONEYVILLE PARK PHASE II/GRANT FUNDS**

Commissioner McLemore motioned to go out for bids for Honeyville Park Phase II, to be paid for from Grant Funds. Commissioner McLemore stated that the County does not have adequate staff to complete this project, and it would be more efficient to bid the project out. Commissioner Williams seconded the motion and it passed unanimously.

### **BUDGET**

Commissioner McLemore stated that he would like to begin budget meetings in January. Commissioner Peters discussed a budget committee that will begin meeting in January.

### **CONSTITUENT DONATION**

Commissioner Yeager inquired what the process would be if a constituent wants to make a donation to the County for upgrading one of the parks. County Attorney stated that the check would need to be remitted to the Clerk's Office, designating what park it is to be spent on.

### **COUNTY WIDE VOTING**

Commissioner Yeager informed the Board that he would like to look into the possibility of County-wide voting again.

### **BUDGET/HOLD ON SPENDING**

Commissioner Peters informed the Board that he has spoken with Tax Collector Shirley

are like Tax Jenkins concerning the tax collections, and Mrs. Jenkins informed him that the numbers are much better than originally expected. Commissioner Peters further stated that he would like to continue to have a hold on spending until the Board receives an official report from Tax Collector Jenkins.

#### **PURCHASE MOSQUITO SPRAY**

will Chief Administrator Butler informed the Board that they have approximately \$45,000.00 available to purchase mosquito spray/chemicals. He stated that the price increase in January and requested the Board's permission to purchase the spray immediately, to save money. Commissioner Peters motioned to do so. Commissioner McLemore seconded the motion and it passed unanimously.

#### **ANIMAL CONTROL EMPLOYEE**

Commissioner Peters discussed the need for an Animal Control Employee, and motioned to give Chief Administrator Butler permission to hire someone to fill this position.

Commissioner McLemore seconded for discussion, stating that he feels the County could transfer an employee from another position. Commissioner Peters discussed the possibility of asking the Humane Society to take over this responsibility. After discussion,

Commissioner Peters withdrew his motion. Commissioner McLemore withdrew his second. Chairman Traylor stated that the Board can discuss this issue in the workshop on December 22, 2008. County Attorney McFarland reminded the Board that both cities have to ratify the Interlocal Agreement before this person will be needed.

#### **CONSTITUTION MUSEUM STATE PARK**

keeping Commissioner Peters expressed his appreciation to the Board for their support on the Constitution Museum State Park Open.

#### **COURTHOUSE ELEVATOR**

the elevator situation at the Courthouse, and asked County Attorney McFarland for an update. County Attorney McFarland stated that Chief Administrator Butler's Office has contacted an Elevator Company in Mobile, and they have inspected the elevator and will be repairing it. County Attorney McFarland further stated that they will be providing a breakdown of what Mallory Elevator Company did not do correct in the initial installation. County Attorney McFarland stated that once the County receives the report from KONE Elevator Co., the Board can discuss how to proceed.

#### **WEWAHITCHKA HEALTH DEPT LEASE/EDC**

per Chairman Traylor discussed the need to rent or lease the Old Wewahitchka Health Department Building, and the EDC's willingness to handle the process. Commissioner Williams motioned to lease the Old Wewahitchka Health Department to the EDC for \$1 year, entitling them to manage and negotiate the rental or leasing of the facility, for economic development. Commissioner Yeager seconded the motion and it passed unanimously.

### **BOARD MEETING TIMES**

Chairman Traylor stated that he would like to move all Board meetings to 10:00 a.m., E.T. Commissioner Peters stated that he does not want to lose the afternoon meetings. Commissioner Williams discussed the importance of continuing to provide public access to the meetings. After discussion, Commissioner Peters motioned to move all of the meetings back to 6:00 p.m., E.T. Commissioner McLemore seconded the motion. After continued discussion, Commissioner Peters withdrew his motion. Commissioner McLemore withdrew his second. Commissioner Peters then motioned to hold one regular meeting at 6:00 p.m., E.T. and one meeting at 10:00 a.m., E.T. The motion then passed 4-1, with Commissioner McLemore opposing.

### **2009 BOARD CHAIRMAN AND VICE CHAIRMAN**

Chief Administrator Butler informed the Board of a request from FAC for the Chairman and Vice Chairman names. Chairman Traylor passed the Chair to Commissioner Peters and motioned to appoint Commissioner Peters as Chairman of the Board for the upcoming year. Commissioner Yeager seconded the motion and it passed unanimously. Chairman Peters returned the Chair to Commissioner Traylor. Commissioner Peters motioned to appoint Commissioner McLemore as Vice Chairman. Commissioner Williams seconded the motion and it passed unanimously.

### **PUBLIC COMMENT**

Ann White, of Port St. Joe, Florida approached the Board to inquire what the next steps are to allow the County to enforce the Animal Control Ordinance within City limits. County Attorney McFarland informed Ms. White that the City has received a copy of the Ordinance, but the County has no way of knowing where the City is in the process of adopting the ordinance.

### **SEVERE WEATHER**

Emergency Management Director Marshall Nelson informed the Board of severe weather and possible flooding in Gulf County over the next two days.

There being no further business and upon motion by Commissioner McLemore, the meeting did then adjourn at 1:46 a.m., E.T.

**BILLY E. TRAYLOR  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**

