

AUGUST 27, 2013

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, Clerk Finance Officer Sherry Herring, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, E9-1-1 Coordinator Ben Guthrie, County Extension Agent Roy Lee Carter, Fire Coordinator Brad Price, G.I.S. Coordinator Scott Warner, Grant Writer Towan Kopinsky, County Jail Administrator Evette Farmer, Maintenance Supervisor Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, Sheriff Mike Harrison, Sheriff's Office Captain Chris Buchanan, Tax Collector Shirley Jenkins, and T.D.C. Executive Director Jennifer Jenkins.

Sheriff Harrison 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 motion by Commissioner Yeager, second by Commissioner McDaniel, and unanimous vote, the Board approved the Consent Agenda, as follows:

1. Minutes - July 9, 2013 – Regular Meeting
- July 15, 2013 – Special Meeting
2. Agreement – Northwest Regional Library System (State Aid to Libraries FY 2014)
3. Budget Amendment – Public Works (Equipment Line Items be rolled to FY 2013-2014 * \$29,513)

Budget Amendment #8 – Tupelo Fire Control District (Amend the FY 2012-2013 Budget for Tupelo Fire Control District Fund and General Fund by Reducing Stone Mill Creek Fire Departments Budget by \$1,490 and increasing the Fire Coordinator Budget by \$1,490)

BUDGET AMENDMENT #8

Amend the FY 2012-2013 Budget for Tupelo Fire Control District Fund and General Fund by reducing Stone Mill Creek Fire Department's Budget by \$1,490 and increasing the Fire Coordinator's Budget by \$1,490 by way of Interfund Transfers. This transfer of funds was approved by the BOCC on July 23, 2013 and will fund the purchase of a Dell Latitude E5430 Laptop for the Fire Coordinator to use in training throughout the county.

Tupelo Fire Control District

	Original Budget	Increase	Decrease	Amended Budget
Stone Mill Creek FD:				
31722-64000 Equipment	\$4,227.00	\$ 0.00	\$1,490.00	\$2,737.00
Interfund Transfers Out:				
107581-91000 Interfund Transfers Out (TFD)	\$4,497.00	\$1,490.00	\$ 0.00	\$5,987.00

General Fund

	Original Budget	Increase	Decrease	Amended Budget
Interfund Transfers In:				
00181-91000 Interfund Transfers In	\$41,137.00	\$1,490.00	\$ 0.00	\$42,627.00
Fire Coordinator:				
314522-64000 Equipment	\$ 1,775.00	\$1,490.00	\$ 0.00	\$ 3,265.00

(End)

4. Invoices – Sniffen & Spellman, P.A. – Legal Services (Invoice #10950 * \$690.00 * to be paid from Account #21111-31200)
 - UniFirst Corporation (Public Works * Invoice #2710050134 * \$10.00 * Invoice #2710050589 * \$10.00 * Invoice #2710051046 * \$10.00 * Courthouse * Invoice #2710050138 * \$68.50 * Invoice #2710050593 * \$68.50 * Invoice #2710051050 * \$68.50)
5. Meeting – Public Hearing – Enterprise Zone (December 10, 2013 at 9:00 a.m., E.T.)
6. Policy – Gulf County Fire Departments (Appreciation Dinners)
7. Purchase Request – Public Works (Vehicle for Assistant Director Jake Lewis from State Contract)

(End)

SENATOR MONTFORD'S OFFICE

Commissioner Yeager recognized Marsha Mathis from Senator Montford's Office, stating during the session Senator Montford and Ms. Mathis did a great job helping Gulf County with several issues.

P.D.R.B. RECOMMENDATIONS

The Board then considered the following recommendations from the August 19, 2013 Planning Development and Review Board Meeting.

VARIANCE APPLICATION – DOUGLAS & BARBARA COOKSEY

Pursuant to advertisement to hold a public hearing to consider a variance application for Douglas & Barbara Cooksey (Parcel ID #03898-002R * located in S5, T7S, R11W, Gulf County, Florida – road setback encroachment to add screen porch), County Attorney Novak read the Public Notice. Commissioner Bryan motioned to approve this variance application. Commissioner Yeager seconded the motion, and it passed unanimously.

TOURIST DEVELOPMENT COUNCIL – NET MEDIA RATES

T.D.C. Executive Director Jenkins appeared before the Board and presented the Fall Media Plan. She stated they will buy the media; noting there will be an additional \$3,000.00 for Google and requested approval for this increase for the month of September, 2013. Commissioner McLemore motioned to approve, as requested. Commissioner Yeager seconded the motion, and it passed unanimously.

CONTRACT – SIZZLE REEL / TOURIST DEVELOPMENT COUNCIL

T.D.C. Executive Director Jenkins discussed the previous sizzle reel with the South Gulf County Fire Department, stating the company has decided to change their approach and requested to put a reel together on Gulf County Tourism through T.D.C. After discussion, Commissioner Yeager motioned to proceed with sizzle reel for the Gulf County Tourism. Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner McLemore abstaining due to involvement in the sizzle reel. Form 8B on file in the Clerks Office.

CONTRACT – REVISED SMALL COUNTY GRANT

Upon request by Public Works Director Danford, Commissioner Yeager motioned to allow the Chairman to sign and execute the Revised Small County Grant. Commissioner McDaniel seconded the motion, and it passed unanimously.

REPORT – FLOODPLAIN MANAGEMENT

Planner Richardson discussed the floodplain management progress report and requested approval. Upon motion by Commissioner Yeager, second by Commissioner Bryan, and unanimous vote, the Board approved this request.

AWARD BID #1213-16 – BUNKER GEAR / BEACHES FIRE DEPARTMENT

Upon recommendation by Gulf County Beaches Fire Chief Richardson, Commissioner Bryan motioned to award Bid #1213-16 for bunker gear for the Beaches Fire Department to Sunbelt, Inc., (higher bidder), in the amount \$1,393.00. Commissioner Yeager seconded the motion, and it passed unanimously. Mr. Richardson requested permission for other fire departments to piggy-back on this same bid, if desired. The Board had no objections.

RESOLUTION – EMERGENCY MEDICAL SERVICE GRANT

Upon discussion by Grant Writer Kopinsky, Commissioner Yeager motioned to approve a proposed resolution regarding an E.M.S. Grant, in the amount of \$1,035.00 for training. Commissioner McDaniel seconded the motion, and it passed unanimously, as follows:

RESOLUTION NO. 2013-18

A RESOLUTION CERTIFYING THAT THE MONIES FROM THE EMERGENCY MEDICAL SERVICES MATCHING GRANT WILL IMPROVE AND EXPAND THE COUNTY’S PRE-HOSPITAL EMERGENCY MEDICAL SERVICES SYSTEM.

WHEREAS, Gulf County has an outstanding Emergency Medical Services system, which serves the citizens of Gulf County; and

WHEREAS, the Emergency Medical Services system receives funding from Gulf County only for specific, itemized, budgeted expenditures; and

WHEREAS, the budgeted funds for the Emergency Medical Services system cannot be used for other items or activities; and

WHEREAS, the existing budget allocations do not provide for all needs of the Emergency Medical Services systems;

NOW, THEREFORE, BE IT RESOLVED BY THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS, as follows:

1. That monies from the Emergency Medical Services Matching grant will improve and expand the County’s pre-hospital Emergency Medical Services system.
2. That the grant monies will not be used to supplant existing County Emergency Medical Services budget allocations.
3. That a copy hereof shall be provided to all parties of interest upon request.

ADOPTED this 27th day of August, 2013.

(End)

ROAD REPAIR – COUNTY ROAD 386

Grant Writer Kopinsky reported that a letter has been submitted to F.D.O.T. regarding the repaving and widening of C.R. 386; noting the County has not received a response. After discussion, Commissioner Yeager requested permission to contact Tommy Barfield of F.D.O.T. regarding this matter. The Board had no objections to this request. Chief Administrator Butler discussed his concerns regarding grant applications and this road project. After further discussion, Grant Writer Kopinsky requested that Commissioner Yeager notify her after he speaks with Tommy Barfield.

COUNTY JAIL

Jail Warden Hammond discussed the history of the County Jail; noting at the last Board meeting Commissioner Bryan called for an inspection of the Jail for compliance of Florida Model Jail Standards, stating this request was in direct violation of adopted Board Policy. He discussed the Florida Model Jail Standards; stating it is rules mostly of which Gulf County Jail already complies with, as best management practices and adopting the Florida Model Jail Standards without funding is useless. Jail Warden Hammond reported that he has fifteen (15) full-time employees at the Jail who have serious concerns regarding the talk about outsourcing the Jail to Bay County; recommending the Board put this issue to rest today. Jail Warden Hammond discussed the incorrect information that was printed in The Star (local newspaper) regarding the County Jail. He requested the Board not outsource or close the Gulf County Jail; giving the employees peace of mind, and allow him to continue to operate the County Jail in an efficient and safe manner that protects the taxpayers of Gulf County from liability and waste. County Jail Captain Evette Farmer appeared before the Board to report that she has been with this facility for twenty-three (23) years and discussed her experience at the County Jail. Commissioner Bryan discussed that the Statute regarding Model Jail Standards, stating there is no enforcement mechanism built into the Statute. After further discussion by Commissioner Bryan, Commissioner McLemore inquired if Commissioner Bryan wanted to lay-off or eliminates fifteen (15) jobs in Gulf County by sending all the inmates to be housed in Bay County. He discussed his concerns regarding the Board striving to put people to work in Gulf County. Commissioner Bryan discussed housing inmates at the Bay County Jail. Upon inquiry by Commissioner McDaniel, Jail Warden Hammond reported that the State Law states that the County Jail has to book the inmates in the County where they are arrested. After further discussion, Commissioner Bryan stated that she will continue to work through the options and would be willing to present a plan to the Board for review. After discussion by Commissioner McDaniel, Commissioner McLemore motioned to keep the Jail in Gulf County and put this issue to rest. Commissioner Yeager seconded the motion for discussion, after discussion the motion then passed unanimously.

HEARING – PORT ST. JOE PORT AUTHORITY

County Attorney Novak gave an update to the Board regarding the Port Authority, stating that last Tuesday the various parties appeared before Judge Fishel on a Summary Judgment Hearing. He reported that once he receives the update from Judge Fishel, he will report back to the Board.

COUNTY-WIDE VOTING

County Attorney Novak discussed the update that Michael Spellman of Sniffen & Spellman Law Firm brought before the Board at the last meeting regarding County-Wide Voting. He stated that he is waiting on the Scope of Service and Engagement Letter from Mr. Spellman.

ADVERTISE – PROPOSED COUNTY PROBATION SERVICE ORDINANCE

County Attorney Novak read the proposed ordinances by title regarding the County probation ordinance. Commissioner Yeager motioned to advertise to hold a public hearing regarding two proposed ordinances for County Probation Services. Commissioner McDaniel seconded the motion, and it passed unanimously.

INTERLOCAL AGREEMENT – CITY OF PORT ST. JOE

County Attorney Novak discussed the summary of the Amended Interlocal Agreement with the City of Port St. Joe, stating that he and City Attorney Tom Gibson have revised the Interlocal Agreement for consideration by both the County and the City. He discussed that there are some additions to the Interlocal Agreement, if accepted as proposed: (1) the City of Port St. Joe will receive formal jurisdiction over the Oak Grove area for Fire and Emergency Rescue, (2) the City of Port St. Joe will establish a water rescue program for the incorporated areas of Windmark Beach and the coastal areas around the City of Port St. Joe, and (3) the City of Port St. Joe will prepare a Special Warranty Deed to convey the land which the T.D.C. Welcome Center currently sits on over to the County, with some additional provisions for reversion clauses. Commissioner Yeager discussed his concerns regarding the proposed amended interlocal agreement. Commissioner Bryan discussed Item #4 regarding the water and sewer rates for the unincorporated areas, which affects District III. She discussed her concerns regarding the residents in District III that are already struggling with their water and sewer rates. After further discussion, Commissioner Yeager motioned to adopt the Amended Interlocal Agreement, excluding Item #4. Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner Bryan voting no. County Attorney Novak discussed that he will work with City Attorney Gibson on Item #4 and bring a report back to the Board.

AGREEMENT – LIGHTHOUSE KEEPER'S DRIVE

County Attorney Novak discussed the sign located at Veterans' Park in Beacon Hill, stating that there has been discussion regarding the road access on Lighthouse Keepers Drive. He reported there have been inquiries from the public and from legal counsel concerning the Right-of-way Agreement from thirteen (13) years ago. County Attorney Novak requested permission from the Board to move forward and draft a perpetual easement for access back to the properties and the facilities located on Lighthouse Keepers Drive. After discussion by Commissioner Bryan, County Attorney Novak read a letter submitted by Attorney Charles Costin, who represents some of the residents in this area, regarding Lighthouse Keeper's Drive. He then stated that he would contact Attorney Costin regarding this matter and report back to the Board.

LITIGATION – COUNTY LAWSUIT

County Attorney Novak reported that the lawsuit against the County has been successfully defended and openly dismissed. He discussed the process leading up to the dismissal.

LANDFILL TIPPING FEES

Chief Administrator Butler discussed a letter from the City of Port St. Joe in 2009 regarding Landfill Tipping Fees and the ½ Cent Sales Tax, stating that the City of Port St. Joe preferred to pay Tipping Fees instead of the ½ Cent Sales Tax. After discussion by Chief Administrator Butler, Commissioner Yeager reported that he received a call from a City Commissioner regarding this issue. He discussed his concerns regarding the County finding other alternative revenue sources to reduce the property tax payers from paying for everything. Chief Administrator Butler recommended that the County extended the option back to the City of Port St. Joe. After further discussion, Commissioner Yeager motioned to extend back to the City of Port St. Joe for Landfill Tipping Fees. Commissioner McDaniel seconded the motion, and it passed unanimously.

ADVERTISE FOR SEALED BIDS – REPAIR BRIDGES

Chief Administrator Butler discussed the specifications for three (3) bridges that were previously approved by the Board to repair: (1) the Cypress Creek Bridge, located on the Overstreet Road, (2) the box cover on the Westside of the Raw Bar on SR 30A, (3) and the bridge at Stone Mill Creek on South Diana. Upon recommendation by Chief Administrator Butler, Commissioner Yeager motioned to advertise to receive sealed bids for the repair of three bridges, to be paid from Secondary Road & Bridge by amending the budget to pay for this project. Commissioner McDaniel seconded the motion, and it passed unanimously.

ADVERTISE FOR SEALED BIDS – REPAIR RADIO SYSTEM

Chief Administrator Butler discussed the issues regarding the radio system, stating that the County does not have the funds to replace the current radio system that is used by Law Enforcement, E.M.S., and the Fire Departments. He reported that Williams Communications submitted a quote for the repairs for the existing system. Chief Administrator Butler requested approval from the Board to use the \$12.50 Moving Violation Surcharge to pay for the repairs and to advertise to receive sealed bids for this project. He stated the cost for this project will be approximately \$8,000.00 to \$10,000.00. Commissioner Bryan motioned to advertise to receive sealed bids to repair the existing radio system, to be paid from \$12.50 Moving Violation Surcharge. Commissioner Yeager seconded the motion, and it passed unanimously.

SPECIAL DISTRICTS

Chief Administrator Butler discussed the Special Districts, stating that there are a couple of the Special Districts within the County that need to be placed on the list for removal (Dead Lakes Water Management District, and Highland View Water and Sewer District).

INSURANCE COVERAGE – COUNTY ATTORNEY

Upon recommendation by Chief Administrator Butler, Commissioner Yeager motioned to add the County Attorney to the County group insurance at the same contribution rate as County employees. Commissioner McDaniel seconded the motion, and it passed unanimously.

SIGN REMOVAL – BEACON HILL

Chief Administrator Butler reported that William C. Williams, III (Bill) submitted a letter to his office regarding the sign located in Beacon Hill. He then read the letter for the record to the Board. Commissioner McDaniel motioned to accept the letter from Mr. Williams; notify Mr. Williams that he has ten (10) days to remove the sign from the Beacon Hill location, and if not removed within the allotted time then the County will remove the sign; hold it for 'X' days and if Mr. Williams claims the sign, then he will pay the cost to the County for the removal; if not, the sign will belong to the County and the County will sell it sign for scrap or whatever is needed. Commissioner McLemore seconded the motion for discussion. After further discussion, the motion then passed unanimously.

TRAINING CLASS – ETHICS

Chief Administrator Butler reported that State Law now requires that all County Commissioners and Constitutional Officers are to have four (4) hours in Ethics Training every year and the next available class will be in Daytona in November, 2013. He stated that if a closer location becomes available, he will notify the Board.

FLOODING – AMERICUS AVENUE DITCH PROJECT

Bill Koran of St. Joe Beach appeared before the Board to discuss his concerns regarding his home located on Ponce De Leon Street that flooded twice in the past eight (8) years due to County work on the Americus Avenue Ditch. He presented pictures to the Board regarding the Americus Avenue Ditch Project. Mr. Koran stated that this is a \$1.2 million dollar ditch and that \$250,000.00 has been spent repairing the project. He also stated that the taxpayers of this County deserve an explanation, and he is again asking for answers for the misuse of taxpayer's money. Upon inquiry by Commissioner McLemore, Mr. Koran reported that he contacted his Commissioner in District III regarding his questions and is waiting for a reply. After discussion, Commissioner Bryan reported that she requested a lot of information regarding the Americus Avenue Ditch Project; noting she has reviewed the information provided by Chief Administrator Butler. She discussed her concerns regarding there being no proof of Workers Compensation from the contractor, which subjected the County to unlimited liability. Upon inquiry by Commissioner Bryan, Chief Administrator Butler reported that this project started six (6) years ago and he has provided everything that he could find in the files regarding this project. He stated this project was awarded to the low and local bidder (Bailey & Sons). After discussion, Commissioner Bryan stated that the awarded bid should have been discarded and should have not been considered because it did not meet the qualifications. She reported that under the contract, it was one hundred twenty (120) days (to complete the project) and the actual time frame was one hundred fifty one (151) days past the time it should have been completed. Commissioner Bryan also

reported that there were liquidated damages in the contract of \$250.00 per day, which would have totaled \$37,750.00 to the County that probably were never collected. Upon inquiry by Commissioner Bryan, Chief Administrator Butler stated that to his knowledge the liquidated damages were not collected. Commissioner Bryan reported that as of August 1, 2013, the County has repaired one hundred thirty (130) leaks associated with this project, at a cost of \$37,926.74. She also reported that at this time, the County is aware of approximately sixteen (16) additional leak problems that will need to be addressed and that cost is yet to be determined. Upon inquiry by Mr. Koran and Commissioner Bryan, Chief Administrator Butler reported that Preble-Rish, Inc. was the engineer who designed and inspected this project. After discussion, Mr. Koran discussed his concerns regarding the county continuing to do the same thing. Christy McElroy appeared before the Board to discuss her concerns regarding Mr. Koran.

PROPOSED PROCLAMATION – DIXIE PHONICS DAY

Herbert J. Carter of Tallahassee appeared before the Board to discuss establishing a foundation for music in Florida, Georgia, and Alabama. He requested the Board adopt a proclamation for a Dixie Phonic Day in Gulf County. Commissioner McLemore requested that T.D.C. Executive Director Jenkins work with Mr. Carter to bring a proposed proclamation before the Board for review.

FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION

Commissioner Bryan discussed a letter submitted to Florida Fish & Wildlife Conservation Commission (F.W.C.) from Assistant Administrator Hammond requesting their equipment be removed from County property. She noted this was a follow up letter from a previous one that was submitted on July 29, 2010. Upon inquiry by Commissioner Bryan, Assistant Administrator Hammond reported that contact was made on two previous occasions with F.W.C., but the Chairman at the time decided to supersede Chief Administrator Butler's decision to remove the boats. Upon inquiry by Commissioner Bryan, Chief Administrator Butler reported the decision to request the removal of their equipment started when F.W.C. began parking their equipment in the overflow parking lot on the south side of the Courthouse, washing their vehicles behind the E.O.C. Building, and dumping trash in the County dumpster behind the Courthouse. After further discussion by Chief Administrator Butler, Commissioner Bryan discussed the need to work together with other Governmental Agencies and with Law Enforcement. Following discussion, Commissioner Bryan motioned for Chief Administrator Butler to work with F.W.C. to resolve the issue of the water usage and tearing up the ground. Commissioner Yeager seconded the motion for discussion. Commissioner Bryan amended her motion to allow Commissioner Yeager to contact F.W.C. regarding this issue. After further discussion, Commissioner Yeager reported that he and Chief Administrator Butler will work with F.W.C. and bring a recommendation to the Board for review. The Board did not follow through with the vote.

COMMISSIONER COMMENTS

Commissioner Bryan discussed comments made to her at the last meeting by Commissioner McLemore, noting he made the statement that he is after her and he is

going to get her. Upon inquiry by Commissioner Bryan, Commissioner McLemore stated that he wanted to work with Commissioner Bryan.

SACRED HEART – WEWAHITCHKA

Upon inquiry by Commissioner McLemore, County Attorney Novak stated he will follow up with Sacred Heart regarding opening a facility in Wewahitchka and report back to the Board.

FOOD PANTRY – SOUTH GULF

Commissioner McLemore noted the food pantry on the South end of the County is low on items and requested that the person in charge of this program to contact him.

RESTORE MEETING

Commissioner Yeager discussed the recent restore meeting; stating that they are still waiting on the U.S. Treasury to set the rules. He requested the Board direct the Restore Committee to draft an RFP/RFQ for the planning.

PUBLIC WORKS – ROAD REPAIR

Commissioner McDaniel reported that Public Works will be working on the dirt roads as soon as the rain stops.

ST. JOSEPH SHORES DRIVE

Commissioner McDaniel discussed receiving calls regarding flooding on St. Joseph Shores Drive and the County addressing the issue. Commissioner Yeager discussed his concerns regarding the safety issue.

MARTIN LUTHER KING BOULEVARD

Upon request by Chairman Smiley, Preble-Rish /County Engineer Smallwood appeared before the Board to report that U.S.D.A. has approved to advertise to receive sealed bids for the sidewalk improvement project on M.L.K. Boulevard.

Chairman Smiley called for public comment. There was no public comment.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 11:43 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

**ATTEST:
REBECCA L. NORRIS
CLERK**