

PORT ST. JOE, FLORIDA

SEPTEMBER 22, 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., and Commissioners Billy E. Traylor, Bill Williams, and Warren Yeager. <Vice Chairman Carmen L. McLemore was absent>

Others present were: County Attorney Timothy McFarland, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, Planner David Richardson, Sheriff Joe Nugent, Solid Waste Director Joe Danford, and T.D.C. Director Paula Pickett.

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

Assistant Administrator Hammond opened the meeting with prayer, and Commissioner Traylor led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Upon motion by Commissioner Yeager, second by Commissioner Williams, and unanimous (4-0) vote, the Board approved the Consent Agenda, after removal of Item #9 (pages 131-133), as follows:

1. Minutes – August 25, 2009 - Regular Meeting
 - August 26, 2009 – Combined Workshop
 - August 31, 2009 – Special Meeting
 - September 3, 2009 – Budget Public Hearing
2. Agreement – Gulf County Emergency Management (Generator Maintenance Agreement)
3. Bid Award #0809-29 (Construction of Approximate 16,500 square foot Metal Building for Consolidation Site * Cathey Construction & Development - \$221,446.00)

Bid Award #0809-31 (Gulf County Parks Weekend Clean Up * Aaron Etheridge - \$347.50 per week)

4. Committee Appointment (E911 Department, Ben Guthrie * Vice President, National Emergency Number Association)
5. Contract & Fee Schedules – Gulf County Health Department (2009-2010)

6. Funding Request – District 1 (Wewahitchka Dixie Youth Girls Softball * \$300.00)
7. Grant Agreement – Gulf County Emergency Management (Emergency Management Preparedness Assistance Grant (EMPA) \$102,724.00)
8. Inventory - Gulf County Sheriff's Department (Transfer 1994 Ford F-250 VIN #1FTHX25M7RKA03372 TO THE Overstreet Fire Department)
- Supervisor of Elections (Junk #30-60, #30-61)
9. ****DELETE**** Invoice – City of Port St. Joe (St. Joe Beach Sewer Project * \$289,983.60 * to be paid from Account #33035-81000)
10. Proclamation – 9th Annual Put the Brakes on Fatalities Day
11. Purchase Request – Gulf County Emergency Management (LED Message Board * \$14,273.57 * to be paid with Grant Funds)
- Legally Informed, LLC (Florida's Sunshine Law)
- Gulf County Mosquito Control (Vector Control Management System Software * \$7,822.40 * to be paid from the Mosquito Control State 1 Grant Budget)
12. Resolution – Comprehensive Federal Health Reform Legislation
13. Road Bond – Change Order #22 (Hall Street and Griffin Avenue * \$15,305.34)

(End)

P.D.R.B. RECOMMENDATIONS

The Board then addressed the following recommendations from the September 21, 2009 meeting of the Planning & Development Review Board:

SMALL-SCALE MAP AMENDMENT - WATERFRONT GROUP

Pursuant to advertisement to hold a public hearing to consider a small-scale map amendment for Shawn L. Logan (Parcel ID #00398-003R * 2.5 acres in S32, T7S, R8W), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner Traylor motioned to approve a small-scale map amendment changing the 2.5 acres from conservation to residential located in Sauls Creek. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

OPPORTUNITY FLORIDA – RESOLUTION #2009-57 / RURAL AREA OF CRITICAL ECONOMIC CONCERN

Deputy Lanier reported that she received a request from Opportunity Florida requesting the Board adopt a resolution for Governor Crist to extend the Rural Areas of Critical Economic

Concern. Commissioner Yeager motioned to adopt the proposed resolution. Commissioner Williams seconded the motion, and it passed unanimously (4-0) as follows:

RESOLUTION NO. 2009-57

WHEREAS, in 1999 Governor Bush, by executive order, identified eight counties (Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty and Washington) as Rural Areas of Critical Economic Concern, and that this designation was renewed in 2004;

WHEREAS, in 2000 Opportunity Florida was created to promote and improve economic development in the eight counties designated as Rural Areas of Critical Economic Concern;

WHEREAS, the various counties and municipalities in the Opportunity Florida region request that Governor Crist renew the designation as a Rural Area of Critical Economic Concern;

WHEREAS, Opportunity Florida has assisted in establishing Enterprise Zones in each of the eight counties;

WHEREAS, Opportunity Florida has made great strides in improving the economic outlook for these Areas of Critical Economic Concern by assisting with recruiting new industries, supporting infrastructure projects and working together with local communities and other organizations such as Enterprise Florida, and the Governor's Office of Tourism, Trade and Economic Development; and

WHEREAS, notwithstanding the progress that has been made since 2004, there is still much work that needs to be done to help these eight counties compete economically with other parties of the state;

NOW, THEREFORE BE IT RESOLVED that Gulf County does hereby express its support of the following:

1. That the designation of Rural Areas of Critical Economic Concern continue to apply to Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty and Washington counties;
2. That all existing Enterprise Zones in these counties continue to exist;
3. The continuation of all staff grant funding for Opportunity Florida through Enterprise Florida.

(End)

COURTHOUSE FACILITIES – AMENDED SPENDING PLAN

Deputy Administrator Lanier reported on the Courthouse Facilities spending plan and recommended that the Board amend the spending plan to complete the Courthouse renovations, in the amount of \$103,377.09. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion and it passed unanimously (4-0).

WASTE MANAGEMENT - BAY COUNTY INCINERATOR

Deputy Administrator Lanier reported to the Board that the Bay County Incinerator will be closed from October 8, 2009 through November 12, 2009.

MAINTENANCE – VAN PURCHASE

Deputy Administrator Lanier reported that the new Maintenance van has been ordered, stating that it will not be received before the end of the fiscal year, and requested permission to carry the funds to purchase the van forward into the 2009-10 budget. Clerk Norris reported that this can be handled through a supplemental budget process.

FLOODING

Emergency Management Director Nelson reported on the flooding in Atlanta and the possible impacts for Gulf County, stating that Jim Woodruff Dam is currently releasing water, and they will be bringing the Apalachicola River between 14-15 feet at Blountstown by Friday.

SOLID WASTE BUDGET – PURCHASE ALL-TERRAIN FORKLIFT

Solid Waste Director Danford requested permission to purchase an all-terrain forklift, through State Contract. Commissioner Traylor motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

T.D.C. DIRECTOR RESIGNATION / INTERVIEW COMMITTEE

T.D.C. Director Pickett presented a letter to the Board from the T.D.C. Chairman Jason Bogan, requesting that T.D.C. have an appointment to an interview committee for the T.D.C. Director position. She reported that she has submitted her resignation and how much she appreciated the past eight years working as T.D.C. Director. Commissioner Traylor thanked T.D.C. Director Pickett for all the hard work as T.D.C. Director for the past eight years. Chairman Peters thanked Pickett for the great job on the beach renourishment project.

INSURANCE ENROLLMENT

Sheriff Nugent appeared before the Board and reported that he has had a lot of problems with the Insurance open enrollment process, stating that he has been unable to obtain any information on his employees insurance. Deputy Administrator Lanier reported that due to previous errors, Human Resource Director Manuel had a form for every employee to sign as they enrolled. Chairman Peters instructed Chief Administrator Butler to handle this issue with the insurance tomorrow.

HUNT INSURANCE – HEALTH INSURANCE

Sheriff Nugent reported that he has been contacted by Hunt Insurance concerning health insurance for the Sheriff's Department and small counties with less than 300 employees. Commissioner Williams reported that this needs to be reviewed by the Insurance committee.

JAIL – FIRE ALARM SYSTEM

Jail Administrator Hammond appeared before the Board and requested permission to purchase equipment to upgrade the Jail fire alarm system from Heller Systems (sole

source provider), not to exceed \$6,400.00. Commissioner Yeager motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously (4-0).

CONFLICT COUNSEL

County Attorney McFarland discussed a letter on page 20 of the Information Packet from the Office of Conflict Counsel, stating that the Board previously voted to request them to vacate the office space in the Courthouse effective September 15, 2009. Chief Administrator Butler reported that the Clerk's budget was cut for the off-site storage, stating that this space is to be used for Clerk storage. Chairman Peters directed County Attorney McFarland to notify the Conflict Counsel of the Board's decision. Commissioner Traylor motioned for the Conflict Counsel to vacate the office space in the Courthouse, effective October 1, 2009 or start the eviction process. Commissioner Yeager seconded the motion, and it passed unanimously (4-0). Deputy Administrator Lanier reported that the Board will be responsible for the Clerk storage fee.

FLOODING

Chief Administrator Butler reported that there is a problem with flooding on C.R. 30E, and requested that the Chairman submit a letter to D.O.T requesting they insert pipe under the road to drain the water. Commissioner Yeager reported that he will contact D.O.T. with this request, and Chairman Peters to follow with a letter. Commissioner Williams motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

BYRD PARKER DRIVE

Chief Administrator Butler reported that he met with Commissioner McLemore and the Engineer, stating that the river is approximately 10-12 feet from the pavement and it is still caving in. He reported that the engineer recommends they riff raff Byrd Parker Drive they same as Cut-Off Drive. Commissioner Traylor motioned to apply for an emergency permit. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

BID AWARD #0809-30 / INFORMATION TECHNOLOGY POSITION

Chief Administrator Butler recommended to award bid #0809-30 (I.T. Position) to Bluemanta, in the amount of \$70,000.00, contingent upon all Constitutional Officers agreeing to a prorated share, based on the amount of equipment they have. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion. Commissioner Williams recommended that the contract with Bluemanta give the County a 30 day cancellation if needed. After further discussion by members of the Board, the motion passed unanimously (4-0).

DESIGN/BUILD – SOUTH GULF COUNTY FIRE DEPARTMENT & HIGHLAND VIEW FIRE DEPARTMENT

Chief Administrator Butler reported on the design/build agreements with Cathey Construction & Development for South Gulf County Fire Department and the Highland View Fire Department. He stated that this is for Phase I and Phase II of design for each building, in the amount of \$6,000.00 for Phase I, and \$12,000.00 for Phase II on each building. He recommended the Board approve the design/build for each building, and to send the Notice of Commencement out tomorrow. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

SOUTH GULF COUNTY FIRE DEPARTMENT

Chief Administrator Butler reported that he met with the S.G.C.F.D., and they are requesting to purchase a new ladder fire truck through State Contract, contingent upon available funds, in the amount of \$453,424.00, stating that they would like to make a pre-payment once approved by County Attorney, which would reduce the amount to \$439,249.00. Commissioner Yeager reported that the South Gulf County Fire Department is going to use the fire tax funds, but they also raised funds to purchase this truck. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

AWARD BID #0809-27 – WIDENING/RESURFACE PORTION OF C30-A

Chief Administrator Butler recommended to award bid #0809-27 for widening/resurfacing a portion of C30-A to C.W. Roberts, in the amount of \$359,920.40, contingent upon negotiating the amount down to available funds. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously (4-0).

GARBAGE – CAPE SAN BLAS

Commissioner Yeager requested Deputy Administrator Lanier call Rick from Waste Management regarding Monday garbage pick-up at Cape San Blas.

T.D.C. APPOINTMENT

Commissioner Yeager motioned to appoint Jay Rish to the T.D.C. Board. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

APALACHICOLA, CHATTACHOOCHEE & FLINT RIVERS

Commissioner Williams reported that he and Commissioner McLemore are the representatives for the A.C.F. Repairing Counties, stating that the Board approved \$250.00 to join the lower basin (Six Counties) and requested the Board look at stakeholders within the County to serve and attend these meetings (Approximately 4 years). Commissioner Williams stated that the appointments must be made by October 31, 2009.

BEACHES SEWER - CITY OF PORT ST. JOE INVOICE

Commissioner Williams reported that he pulled pages 131-132 from the Consent Agenda, stating that he was notified last week concerning the understanding with the City of Port St. Joe on the V.F.W. and the Churches are to be covered at the \$500.00 hook-up fee. He reported that the Churches have been hooked up at the \$500.00 amount (White City and Highland View), but the City took action last week to disregard that, stating that they will now be taken off the system if the additional rate amount is not paid. Commissioner Williams reported that the City is charging the V.F.W. \$13,000.00 for their sewer hook-up. He also reported that Middie Allyson, at 6773 Georgia Avenue, has to pay approximately \$10,000.00 to hookup to the sewer system, stating that this is unacceptable. He reported that the City of Port St. Joe has borrowed approximately \$16,000,000.00 to complete the Beaches Sewer project.

WATER SYSTEMS – CITY OF PORT ST. JOE

Commissioner Williams reported that D.E.P. has issued a Consent Order regarding the water contaminants, stating that there are contaminants of an unknown origin in toxicity

levels. He reported that this is a public safety issue concerning the toxicity levels in the water, stating that the City of Port St. Joe has not notified the public or the County on this issue. Commissioner Williams reported that the City continues to violate the Interlocal Agreements, and requested a joint meeting with the City of Port St. Joe and have D.E.P. facilitate the meeting, stating that there is a lack of communication between the agencies. Commissioner Williams further discussed unresolved issues in reference to the trunk-line to Beacon Hill, rate structures and impact fees. Commissioner Traylor reported that he spoke with Veterans Service Officer Kennedy regarding the V.F.W. hookup, stating that it is now \$10,000.00 instead of the original \$500.00 agreement. He also reported that they continue to break their contracts. After further discussion by members of the Board, Commissioner Williams motioned to not pay the City's request. Commissioner Traylor seconded the motion, and it passed unanimously (4-0).

F.A.C. MEETING

Commissioner Williams requested permission for he and Commissioner Yeager to travel to the F.A.C. meeting in Washington, DC. Commissioner Traylor motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

F.E.M.A. LITIGATION / HURRICANE GUSTAV

Upon inquiry by Commissioner Traylor, Emergency Management Director Nelson reported that all of the project worksheets have been approved by the State and F.E.M.A. on the F.E.M.A. litigation for Hurricane Gustav. He reported that the Sauls Creek Road project needs engineering, stating that it will have to be decided if it will be in house or under contract.

WATER SYSTEMS – D.E.P.

Doug Kent, Health Department Administrator, appeared before the Board and reported that he was not aware of the Consent Order issued from D.E.P. Commissioner Williams reported that Doug Kent is the Chief Medical Officer for this County and has no idea about the D.E.P. Consent Order issued to the City of Port St. Joe. Chairman Peters requested that Health Department Administrator Kent review and report back to the Board regarding this issue.

H1N1 UPDATE

Doug Kent, Health Department Administrator reported that there have been approximately 100 cases of the Tami flu virus in the County.

RAFFIELD FISHERIES – A.R.P.C.

Commissioner Traylor reported that there were 2 representatives from A.R.P.C. that appeared before the Board last year, stating that the County agreed to some terms for funds to be exchanged with A.R.P.C. He reported that A.R.P.C. offered the County an agreement with a 5-0 vote, stating that the agreement has never been signed. County Attorney McFarland reported that the County will transfer \$214,701.00 to A.R.P.C. in reduction of the debt for Raffield Fisheries, stating that the balance is approximately \$349,394.00, and the entire payment amount from Raffield Fisheries will be applied directly to the A.R.P.C. debt. Commissioner Yeager motioned to approve this agreement and for the Chairman to sign any necessary documents. Commissioner Traylor seconded the motion, and it passed unanimously (4-0).

GULF COAST PARKWAY

Steve Norris, T.R.I.P. Committee, appeared before the Board and reported that the Local Transportation Group met and discussed the four corridors that are now on the P.B.S. & J. study for Gulf Coast Parkway. He requested the Chairman schedule a workshop prior to the next Board Meeting on the Gulf Coast Parkway. Chairman Peters scheduled a workshop for October 13, 2009 at 5:30 p.m., E.T.

ST. JOSEPH SHORES

Stan Price appeared before the Board on behalf of the St. Joseph Shores residents and reported that there is a serious problem with flooding in this area, stating that these residents are suffering from mosquitoes and the smell of sour mud. He reported that this has been a problem ever since Windmark was developed, stating that he is not asking for a solution tonight; he is asking for a commitment to solve the problem. Commissioner Williams reported that he has met with St. Joe Company on several occasions and that this is a major problem in that area. After further discussion by members of the Board, Commissioner Williams motioned to get a feasibility study and get a cost estimate to fix the problem at St. Joseph Shores subdivision. Commissioner Yeager seconded the motion. After further discussion by members of the Board, Commissioner Yeager withdrew his second. Commissioner Traylor seconded the motion, and it passed 3 to 0, with Commissioner Yeager abstaining due to a business relationship with Preble-Rish, Inc.

BOARD WALK

Vicky Foster, 148 Florida Avenue Port St. Joe, appeared before the Board and discussed that there needs to be a larger lift station at the Board Walk, stating that they will be appearing before the Board for assistance.

BEACON HILL VETERANS' MEMORIAL PARK

Commissioner Williams reported that the probation was terminated on the juvenile arrested for the Beacon Hill Veterans' Memorial Park fire on August 24, 2009, stating that no restitution has been paid, and requested that the County Attorney seek damages accordingly. County Attorney McFarland reported that there has been no recovery from the County insurance, and the law states if a juvenile commits a crime for which restitution is owed, the parents can be held accountable for the restitution. He reported that the restitution order has been converted to a Civil Judgment.

There being no further business, and upon motion by Commissioner Yeager, the meeting did then adjourn at 7:45 p.m., E.T.

**NATHAN PETERS, JR.
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**