

**AUGUST 9, 2011**

**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 Warren J. Yeager, Jr., Vice Chairman Bill Williams, and Commissioners Carmen L. McLemore, Ward McDaniel, and Tan Smiley.

Others present were: County Attorney Jeremy Novak, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, G.I.S. Coordinator Scott Warner, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Public Works Director Joe Danford, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, T.D.C. Director Tim Kerigan, and Preble-Rish Engineer Clay Smallwood.

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

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

**CONSENT AGENDA / SUPPLEMENTAL CONSENT AGENDA**

Upon motion by Commissioner Smiley, second by Commissioner Williams, and unanimous vote, the Board approved the Consent Agenda and Supplemental Consent Agenda after removal of Item #3 (page 23) and Item #8 (page 48-49) as follows:

1. Minutes – July 25, 2011 – Special Meeting  
- July 26, 2011 – Regular Meeting
2. Approval of Checks and warrants for July, 2011 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Budget Amendment #4 (St. Joe Fire Control District Fund \* \$50,000.00 \*  
Amending the FY 2010-2011 Budget for Beaches Fire Department – Purchase Request – Brush Truck.  
Budget Amendment to move Windmark fire tax funds from unbudgeted reserves) as follows:

Amend the FY2010-2011 Budget for Beaches Fire Department – Purchase Request – Brush Truck. Purchase approved in July 12, 2011 Regular Meeting. Budget amendment is necessary to move Windmark fire tax funds from unbudgeted reserves. Funds not in original 2010-2011 budget.

**Budget Amendment  
#4**

**St. Joe Fire Control District Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Beaches Fire Department:</b>				
32122-64001 Equipment >\$5000	\$ 0.00	\$ 50,000.00	\$ 0.00	\$50,000.00
<b>Reserves:</b>				
N9984-96000 Cash to be CF	\$124,542.00	\$ 0.00	\$ 50,000.00	\$74,542.00

(End)

Budget Amendment #5 (General Fund \* \$16,500.00 \* Amending the FY 2010-2011 Affordable Housing Budget for repayment to the State for the Williamsburg lots) as follows:

Amend the FY2010-2011 Affordable Housing Budget for repayment to the State for the Williamsburg lots. As approved in the regular BOCC meeting 07-26-2011.

**Budget Amendment  
#5  
General Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Reserves:</b>				
99984-95000 Resrv for Cont	\$ 841,729.00	\$ 0.00	\$16,500.00	\$ 825,229.00
<b>Affordable Housing:</b>				
27954-49000 Other Current Chgs	\$ 0.00	\$16,500.00	\$ 0.00	\$ 16,500.00

(End)

Budget Amendment #6 (General Fund \* \$6,800.00 \* Amending the FY 2010-2011 Consolidation P.W. and BOCC Budgets for items approved to be paid with Reserve for Infrastructure funds) as follows:

Amend the FY2010-2011 Consolidation PW and BOCC Budgets for items approved to be paid with Reserve for Infrastructure funds.

**Budget Amendment  
#6  
General Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Reserves:</b>				
99984-95002 Resrv for Infrastr	\$ 497,820.00	\$ 0.00	\$ 6,800.00	\$ 491,020.00
<b>BOCC:</b>				
21111-31300 Prof Services	\$ 85,000.00	\$1,550.00	\$ 0.00	\$ 86,550.00
<b>Consolidated PW:</b>				
42819-31000 Prof Services	\$ 0.00	\$ 1,250.00	\$ 0.00	\$ 1,250.00
42819-34000 Other Contractual	\$ 0.00	\$ 4,000.00	\$ 0.00	\$ 4,000.00

(End)

**\*\*DELETE\*\*** Budget Amendment #7 (Tourist Development Fund \* \$125,000.00 \* Amending the FY 2010-2011 T.D.C. budget for items to be paid with T.D.C. Reserve funds) as follows:

Amend the FY2010-2011 TDC budget for items to be paid with TDC Reserve funds.

**Budget Amendment  
#7  
Tourist Development Fund**

	Original Budget	Increase	Decrease	Amended Budget
<b>Reserves:</b>				
69984-95000 Resrv for Cont	\$ 332,036.00	\$ 0.00	\$125,000.00	\$207,036.00
<b>Beach Renourishment:</b>				
28039-31000 Prof Services	\$ 159,617.00	\$125,000.00	\$ 0.00	\$284,617.00

(End)

4. Contract - Change Order #1 (Stumphole Revetment Project, Phase III  
\* I-C Contractors, Inc \* increase \$14,824.00 \* to be paid  
from DRI Grant Funds)
5. Engagement Letter – Auditing Services (Roberson & Associates, P.A. / Vance  
CPA, LLC)
6. Invoices – County Attorney Jeremy Novak (July 17, 2011-July 31, 2011 \*  
\$7,462.85 \* to be paid from Account #21314-31100)
  - I-C Contractors, Inc. – Stumphole Revetment Project (Application  
No. 5 \* \$12,492.91 \* to be paid from Account #113538-  
34000)
  - Jordan & Associates – C.D.B.G. Grant Administration Services  
(Invoice #11-K15-A08 \* \$4,779.00 to be paid from  
Account #113538-31000 \* \$1,302.00 to be paid from  
Account #113535-31000 \* \$669.00 to be paid from  
Account #113554-31000)
  - Jordan & Associates – C.D.B.G. Grant Activity Delivery Services  
(Invoice #11-K15-D03 \* \$31,963.14 to be paid from  
Account #113538-31000 \* \$1,647.43 to be paid from  
Account #113535-31000)
  - Rumberger, Kirk & Caldwell – General Employment Matters  
(Invoice #763688 \* \$115.00 \* to be paid from Account  
#21111-31200)

- Sniffen & Spellman, P.A. - Professional Litigation Services  
(Invoice #7394 \* \$13,886.76 \* to be paid from Account #21111-31200)
- St. Joseph Bay Humane Society – Animal Control (July, 2011 \* \$3,185.00 \* to be paid from Account #43262-82000)

7. Purchase Request – E9-1-1 Department (Amended E9-1-1 Logging Recorder Upgrade \* 15,936.00)

8. **\*\*DELETE\*\*** Resolution #2011-16 (Budget Resolution for unanticipated revenue in the Tourist Development Fund for FY 2010-2011) as follows:

**RESOLUTION 2011-16**

**WHEREAS**, the Gulf County Board of County Commissioners of Gulf County, Florida, has unanticipated revenue in the Tourist Development Fund for fiscal year 2010-2011 and

**WHEREAS**, said revenue is needed to help pay certain expenditures incurred in fiscal year 2010-2011,

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

1. The 2010-2011 fiscal year budget be amended as follows:

**Tourist Development Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Beach Renourishment:</b>				
28039-31000 Contractual Srvs	131,000.00	28,617.00	-	159,617.00
<b>Tourist Development:</b>				
27452-49201 BP3 Adv-TV	0.00	200,000.00	-	200,000.00
27452-49202 BP3 Adv-Print	0.00	63,334.00	-	63,334.00
27452-49203 BP3 Adv-Interactive	0.00	70,000.00	-	70,000.00
27452-49204 BP3 Adv-Outdoor	0.00	33,333.00	-	33,333.00
27452-49205 BP3 Adv-Radio	0.00	23,333.00	-	23,333.00

27452-49300 BP3 Media Tours	0.00	26,667.00	-	26,667.00
27452-49301 BP3 Public Rel Spt	0.00	33,333.00	-	33,333.00
27452-48000 BP3 Events-Area Su	0.00	223,333.00	-	223,333.00
27452-48001 BP3 High Impact Ev	0.00	100,000.00	-	100,000.00
<b>Revenue:</b>				
600334-39001 Other Phy Env Grnts	0.00	28,617.00	-	28,617.00
60069-90000 BP3 Misc Rev	0.00	773,333.00	-	773,333.00

**THIS RESOLUTION ADOPTED** by the Gulf County Board of County Commissioners this the 9<sup>th</sup> day of August, 2011.

(End)

**GULF COAST STATE COLLEGE**

Dr. Jeff Stevenson, Chief Economic Development Officer of Gulf Coast State College appeared before the Board and reported that he is the Business and Community Liaison, and introduced Dr. Stephen Dunnivant the Interim Dean for the Advanced Technology Center at Gulf Coast State College. Dr. Dunnivant gave a power point presentation on the new Advanced Technology Center. <A copy of the Power Point Presentation was not provided.>

**CONTRACT MODIFICATION – C.E.I. CAPE SAN BLAS BIKE PATH PROJECT**

Grant Writer Kopinsky recommended approval of a contract modification for the Cape San Blas Bike Path project, stating that they changed the name from P.B.S. & J. to Atkins North America, Inc. Commissioner Smiley motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

**INVOICE – I-C CONTRACTORS, INC. – STUMPHOLE REVETMENT PROJECT PHASE III**

Grant Writer Kopinsky requested approval of the final invoice from I-C Contractors, Inc. for the Stumphole Revetment Project, in the amount of \$121,542.36. Commissioner Smiley motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

**BUDGET ITEMS**

Grant Writer Kopinsky reported that the items pulled from the Consent Agenda (Item #3 page 23 and, Item #8 page 48) will need to be discussed at the next Regular Board meeting instead of at the Budget Hearing because it is this fiscal year’s budget.

### **E.M.S. INVENTORY – BID #1011-24**

E.M.S. Director Whitfield requested permission to sell a junk car (1985 Plymouth, Vin No. 1P3BP4607JF246273), stating that they advertised to receive sealed bids to sell and received no bids. Commissioner McDaniel motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

### **SIGN MORATORIUM**

Building Official Collinsworth reported that he was contacted by Danny Raffield concerning a couple signs (4x8) to be placed at Simmons Bayou and Cape San Blas Road and requested direction from the Board on this issue. Commissioner Smiley motioned to approve this request. Commissioner Williams seconded the motion. Upon inquiry by Commissioner McDaniel concerning the location, Building Official Collinsworth reported that it will be on a State Road, but on his own property; stating Mr. Raffield must still meet all the set back and size requirements that we would normally have before the moratorium went into effect. The motion then passed unanimously.

### **ST. JOE BEACHES FIRE DEPARTMENT – WAIVE BID POLICY – BRUSH TRUCK**

On behalf of St. Joe Beaches Fire Department, by letter Planner Richardson requested permission to waive the fire departments purchasing policy and allow the department to proceed with the purchasing of equipment and construction of the new brush truck (F-550). Commissioner Williams motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **APALACHEE REGIONAL PLANNING COUNCIL – F.D.O.T. WORK PROGRAM**

Keith McCarron of the Apalachee Regional Planning Council appeared before the Board and gave an update on the F.D.O.T. 5 year work program, stating that this is a list of transportation projects funded by Federal and State funds. Upon inquiry by Assistant Administrator Hammond concerning the Wetappo Creek Bridge, Mr. McCarron reported that it is not structural deficient, stating that it is not designed according to the current standards, but they have requested additional safety precautions for this area. Mr. McCarron reported that the Gulf Coast Parkway is on the work program for the 2013-2014 plans, stating that they are anticipating this fall a draft environmental statement released for comments, and hopefully in the spring it will become a final draft.

### **POLICY – INDIGENT AND DECEASED**

County Attorney Novak updated the Board concerning the Counties indigent and deceased policy, stating that an individual had passed away and was transported to Kelley Funeral Home in Apalachicola, and since then the County has received an affidavit of the unclaimed body and invoice; stating that the County has been notified by

Kelley Funeral Home that there was not room in Apalachicola or Eastpoint and the County will be invoiced for additional burial services and a cemetery plot. He reported that Kelley Funeral Home is not listed in the policy as Rocky Comforter is the designated transportation and service provider, stating that he has discussed this matter with Mr. Comforter as well as Kelley Funeral Home, and requested approval of the invoice from Kelley Funeral Home, in the amount of \$925.00. Commissioner Williams motioned to approve paying the invoice. Commissioner McDaniel seconded the motion for discussion. Commissioner Williams reported that this is a big issue throughout the State, stating that the policy needs to reflect cremations only, and requested to expedite this policy amendment. County Attorney Novak reported that he met with Rocky Comforter and he had a lot of good suggestions and that he has provided this service to the County for the past 13 years, stating that Mr. Comforter found a cheaper place (crematory) to provide the services, and will bring the recommendations back at the next meeting. The motion then passed unanimously.

#### **AGENCY FOR HEALTHCARE ADMINISTRATION (A.H.C.A.)**

County Attorney Novak reported that he received a letter from Deputy Administrator Lanier from A.H.C.A. with regards to an additional second year funding of grant funds, in the amount of \$319,880.00 for FY 2011-2012, stating that the County received this notice last Thursday, and hopes that they can come back with a pledge from Sacred Heart Hospital with a modified commitment for the upcoming year. Commissioner Williams reported that he has met with them on several occasions, and requested to freeze these dollars until the County receives an explanation. County Attorney Novak requested direction for the Board concerning this issue. Commissioner Williams motioned for County Attorney Novak and Chairman Yeager to address the letter and get this issue resolved. Commissioner Smiley seconded the motion, and it passed unanimously.

#### **PUBLIC WORKS INVENTORY – BID #1011-11(B)**

County Attorney Novak reported that Public Works notified him of an abandoned vehicle, stating that they previously advertised to receive sealed bids to sell the vehicle (with a minimum bid of \$500.00), and two bids were received after the deadline. County Attorney Novak reported that he advised Public Works Director Knee to notify those two late bidders and request their final and best bid. He stated that only one responded with a bid of \$400.00 and recommended the Board accept the bid and sell it to the highest bidder, McLean's Auto Salvage (1995 Ford F-150 Pickup Truck \* #25-185 \* VIN #1FTDF15Y7SNA09143). Commissioner McDaniel motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously.

### **TOURIST DEVELOPMENT COUNCIL**

County Attorney Novak reported on the pending litigation with the recommendation from T.D.C. on the loss revenue claims from April, 2010 through December, 2010, stating that they had submitted claims, in the amount of \$121,663.00. He reported that British Petroleum (B.P.) and the G.C.C.F. have come back and acknowledged that recovery and agreed to an amount of \$130,796.00, which has been presented to the T.D.C. Board. County Attorney Novak reported that he spoke with Attorney Martin and Attorney Harrison, stating that he has read over the release and covenant not to sue, and this is more than what they had originally filed for. County Attorney Novak recommended approval and for the Chairman of the Board and the T.D.C. Executive Director to sign the partial settlement. Commissioner McLemore motioned to approve this recommendation. Commissioner McDaniel seconded the motion for discussion. Upon inquiry by Commissioner McDaniel, T.D.C. Director Kerigan appeared before the Board and reported that they are very pleased with the settlement. County Attorney Novak reported that the T.D.C.'s ultimate generated revenue from this is 79.5%, stating that this is only for last year's loss revenue, and they are still getting models together for the final claim. The motion the passed unanimously.

### **TEMPORARY ROAD CLOSURE – BEACH BLAST TRIATHLON**

T.D.C. Director Kerigan requested approval to temporarily close Highway 98 for the Beach Blast Triathlon on September 10, 2011. Commissioner Williams motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

### **P.D.R.B. RECOMMENDATION – HIBISCUS**

County Attorney Novak reported on the P.D.R.B. recommendation concerning the Hibiscus project, stating that there was a recommendation and 5-0 vote from this Board for a settlement on the five year pending lawsuit, and presented a modified settlement agreement to the Board. He reported that there are two issues (1) a P.D.R.B. development order and (2) a settlement agreement, stating that Fed Johnson is in attendance tonight to offer his comments, and there are two terms which need to be added to the development order. County Attorney Novak recommended with regards to the development order and approval, to change the language under 4C, stating that the language creates a wetlands swell along the south easterly 15 feet of parcel 516 and grants a permanent easement, drainage easement on that said 15 feet for the benefit of those Hibiscus Drive property owners, and recommended adding these provisions to the development order. He then recommended a provision on the settlement agreement, stating that Mr. Rish has rendered parcels 516 and 503 as unbuildable as a term of the settlement agreement, stating that he will be removing fill from them within the next 90 days, and the other parcel ID's and the other property owners in this suit

have agreed to this settlement agreement; stating that the only modification is under 4A which states within 90 days. Commissioner McDaniel motioned to approve the recommendation from County Attorney Novak concerning the development order. Commissioner Williams seconded the motion, and it passed unanimously. County Attorney Novak reported on the settlement agreement, stating that everyone has to perform within the next 90 days, and there is a contribution monetarily to a taxable cost that came through the appeal, which will be paid to the Plaintiff, and the County's cost will be in the amount of \$2,750.00 recommending to accept and allow the Chairman to sign the agreement. Commissioner Williams motioned to approve this recommendation on the settlement agreement. Commissioner McDaniel seconded the motion for discussion. Fred Johnson requested for the County to approve the settlement agreement. The motion then passed unanimously.

### **RE-DISTRICTING – SPECIAL MEETING**

Chief Administrator Butler reported that there needs to be a workshop scheduled to discuss re-districting. Upon inquiry by Chairman Yeager concerning possible meeting dates, Chief Administrator Butler stated that we have a request to meet next Tuesday, August 16<sup>th</sup> at 4:00 p.m., E.T. to consider Insurance quotes. Chairman Yeager scheduled a special meeting for Tuesday, August 16<sup>th</sup> at 4:30 p.m. E.T. to discuss re-districting.

### **LANDFILL RFP#1011-22 – WASTE MANAGEMENT**

Chief Administrator Butler reported that Waste Management has requested several additional things concerning the landfill and they have furnished the information to them, stating that they are trying to get the numbers prior to the final budget.

### **HEALTH DEPARTMENT INVENTORY – TRUCK**

Chief Administrator Butler reported that the Health Department would like to give a small pick-up truck (1995 Chevrolet Pickup Truck \* Model #S-10 \* VIN #1GCCS1448S8218007) to the County and requested for the Board to accept the truck to be used at Public Works. Commissioner McDaniel motioned to accept the truck. Commissioner McLemore seconded the motion, and it passed unanimously.

### **INSURANCE COMMITTEE MEETING**

Chief Administrator Butler reported that the Insurance Committee met today and will meet again on Tuesday, August 16<sup>th</sup> at 1:30 p.m., E.T.

### **COURTHOUSE SECURITY**

Chief Administrator Butler gave an update on the Courthouse Security, stating that the Board has budgeted for the 2011-2012 fulltime deputy in the Courthouse, and

Emergency Management Director Nelson is working on a price for a swipe card system for the back doors.

### **BIRD HABITAT – HIGHLAND VIEW**

Commissioner Williams discussed the bird habitat located in the Highland View area, stating that this continues to be a friction point, and requested permission from the Board to submit a letter to D.E.P. and Barbara Ells to specify a time frame. The Board had no objections.

### **BEACH RENOURISHMENT – ADVERTISE FOR RFQ – LOBBYING SERVICES**

Commissioner Williams discussed the beach renourishment issue with F.E.M.A. and Fish and Wildlife, and inquired as to the status on this issue on the Federal side. Chief Administrator Butler reported that they have a meeting on Thursday, and they will probably need assistance at the Federal level, stating that they need to look at someone to assist in lobbying. He recommended for the Board to consider finding someone to do some lobbying work on these two particular issues. Commissioner Williams motioned to advertise to receive RFQ's for Lobbying Services. Commissioner McLemore seconded the motion, and it passed unanimously.

### **CONTRACTORS – OUT OF COUNTY – RECIPROCAL AGREEMENT – OKALOOSA COUNTY**

Chairman Yeager reported that a lot of our contractors have to go out of county to work, stating that a lot of our contractors are trying to work in Okaloosa County and that is one of the Counties that we do not have a reciprocal agreement with. Building Official Collinsworth reported that we have a reciprocal agreement with Franklin, Calhoun and Bay Counties which are bordering our County. He reported that he has had contact with Okaloosa County and several of our contractors want to go there and work and Okaloosa County will only allow if we have a reciprocal agreement with them. Commissioner McLemore motioned to approve a reciprocal agreement with Okaloosa County. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **CAPE PALMS PARK**

Chairman Yeager reported that he has been working with Building Official Collinsworth concerning some safety issues at Cape Palms Park, stating that the boardwalk needs to be repaired and it will cost approximately \$8,000.00 and requested permission to proceed in finding the funds. Commissioner Williams motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

### **NEW HIRE - HUMAN RESOURCE/RISK MANAGEMENT – S.H.I.P. – E.M.S. BILLING**

Chairman Yeager reported that there has been discussion on the possibility of a new hire, stating that there are two or three items that can possibly be combined. He reported that the County is going to receive \$350,000.00 S.H.I.P. funds and of that 10% can be used for Administrative cost. Chairman Yeager stated he would like to combine S.H.I.P. Administration to the Human Resource/Risk Management position and use the 10% Administration money to help fund that position. Commissioner Smiley motioned to approve this request. Commissioner McLemore seconded the motion. Chief Administrator Butler reported that by rearranging things we can possibly let this person do some billing for E.M.S., stating that everything will be relocated to the Administration building. Mr. Butler stated that in order to do that he will assume the union negotiations and union work that was previously handled by Human Resources. He reported that the safety program will be handled by the shop foremen so the County can continue to get the 5% discount on the insurances, and the Clerk has agreed for the reconciling of insurance to go to Elaine Bland in the Clerk's Office. The motion then passed unanimously.

### **EMPLOYEE MATTERS – JOHN FORD**

Chairman Yeager reported that the Board previously requested for him to meet with Dr. Pablo concerning the John Ford issue, stating that he met with him on Tuesday, and Dr. Pablo will be coming to Gulf County on Thursday to meet with Mr. Ford.

Chairman Yeager called for public comment.

### **BEACH RENOURISHMENT**

Patricia Hardman appeared before the Board and thanked the Board for voting to proceed with the beach renourishment, stating that we are going to lose the beach if we do not proceed.

### **SIGN ORDINANCE**

Patricia Hardman requested for the Board to move forward with the County sign ordinance, stating that the Board approved tonight to place two signs up in the tourist corridor. Chairman Yeager stated that they need to move forward with the sign ordinance, but the signs approved tonight would have fit under the old sign ordinance.

### **COURTHOUSE SECURITY**

Sheriff Nugent appeared before the Board and requested for the Board to look at purchasing an x-ray machine instead of the magnetometer for the Courthouse. Chief Administrator Butler reported that the Court System Chief Judge is looking at the cost to

budget, stating that they have inquired about the cost for the card swipe system, the buzzer in the front and for the cameras.

There being no further business, and upon motion by Commissioner Williams, the meeting did then adjourn at 6:58 p.m., E.T.

**WARREN J. YEAGER, JR.**  
**CHAIRMAN**

**ATTEST:**  
**REBECCA L. NORRIS**  
**CLERK**