

**PORT ST. JOE, FLORIDA**

**JUNE 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., Vice Chairman Carmen L. McLemore and Commissioners Billy E. Traylor, Bill Williams, and Warren Yeager.

Others present were: County Attorney Timothy McFarland, Clerk Rebecca L. Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Emergency Management Director Marshall Nelson, Grant Writer Towan Kopinsky, Human Resource Director Denise Manuel, Assistant Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Gerald Shearer, Road Department Superintendent Bobby Knee, and Sheriff's Office Captain Bobby Plair.

Captain Plair called the meeting to order at 6:00 p.m., E.T.

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

**CONSENT AGENDA**

Commissioner Traylor motioned to approve the following Consent Agenda items. Commissioner McLemore seconded the motion, and it passed unanimously as follows:

1. Minutes May 28, 2009 Special Meeting  
- June 9, 2009 Regular Meeting
2. Agreement Apalachee Regional Planning Council  
- MorphoTrak - Jail Fingerprinting (Maintenance and Support \*  
Livescan \* 11/1/09 10/31/10)
3. Invoices City of Port St. Joe (Basin 7 Road Bond Project \* Requisition #1  
\$293,835.00 \* Requisition #2 \$10,979.06 \* to be paid  
from Account #41441-63000)
4. Quote/Waiver Gulf County Ambulance Building
5. Resolution/Agreement D.O.T. (Highway Lighting, Maintenance and  
Compensation) as follows:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**RESOLUTION NO. 2009-19**

**WHEREAS**, the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the “**FDOT**” find it necessary for the Gulf County, hereinafter referred to as the “**MAINTAINING AGENCY**”, to execute and deliver to the FDOT the agreement identified as STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPLENSATION AGREEMENT, hereinafter referred to as the Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAINTAINING AGENCY:**

That (**NAME**) Nathan Peters, Jr., (**TITLE**) Chairman be hereby authorized and directed to execute and deliver the Agreement to the **FDOT**.

A certified copy of this Resolution be forwarded to the **FDOT** along with the executed Agreement.

**ON MOTION** of Commissioner Traylor, second by Commissioner McLemore, the above RESOLUTION was introduced and passed by the **MAINTAINING AGENCY** on the 22<sup>nd</sup> day of June, year of 2009.

(End)

6. S.H.I.P. Purchase Assistance (\$17,500.00 Walter Refour)

(End)

**GULF COAST PARKWAY**

Rosemary Woods, of P.B.S.& J. appeared before the Board and gave an update on the Gulf Coast Parkway Project, stating that F.D.O.T. is now the leading Agency for the project instead of Opportunity Florida. She discussed that they presented 12 corridors in 2008 which they were studying, stating that they have recommended 4 corridors, which have been approved by the Federal Highway System. Ms. Wood discussed that the website has been updated and the address is [gulfcoastparkway.com](http://gulfcoastparkway.com). She discussed that the 4 corridors which will move forward are Corridor 8, 14, 15, and 17, stating that the corridors are approximately 800' wide, and they will be looking at alternative alignment within the corridors. Ms. Wood discussed that they will be holding an alternative public meeting, stating that they will present these 4 corridors and alignments within these corridors and compare the alternative. She discussed that they will then submit the Environmental Impact Statement, and the Final E.I.S. will go to F.D.O.T., Agencies, and Federal Highway System for review, stating that the project should be complete in approximately 2 years (P.D.& E. process). She also discussed that they have received a lot of calls from residents about letters they have received about eminent domain or right-of-way acquisition. Ms. Wood reported that it will be over a year before a decision is made on which corridor will move forward, stating that all 4 corridors tie back into CR 386 at Mexico Beach. She discussed that the design will take approximately 2 years, and the R-O-W acquisition 3 years; stating that there is currently no funding for construction.

Ms. Woods discussed that the Gulf to Bay Highway (Mexico Beach area) is not to be confused with the Gulf Coast Parkway, stating that there are no funds available for this construction.

Commissioner Traylor discussed that the Board has supported the Gulf Coast Parkway from the beginning.

**PUBLIC HEARING REASSESSMENT LOCAL OPTION GAS TAX ORDINANCE**

Pursuant to advertisement to hold a public hearing to consider adoption of a proposed ordinance relating to the reassessment of a six-cent per gallon gasoline and fuels tax, known as the Local Option Gas Tax, County Attorney McFarland read the proposed ordinance by title and called for public comment. There being no public comment, Commissioner McLemore motioned to adopt the following titled ordinance. Commissioner Yeager seconded the motion, and it passed unanimously.

**ORDINANCE NO. 2009-06**

**AN ORDINANCE RELATING TO THE REASSESSMENT OF A SIX-CENT PER GALLON GASOLINE AND FUELS TAX, TO BE KNOWN AS THE "LOCAL OPTION GAS TAX"; PROVIDING FOR AND EFFECTIVE DATE AND TERM; PROVIDING FOR DISTRIBUTION OF A PORTION OF PROCEEDS TO MUNICIPALITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.**

WHEREAS, by Florida Statutes Section 336.025, the Legislature of the State of Florida, granted authority to the Board of County Commissioners of Gulf County, Florida, to levy a six-cent per gallon local option motor fuel and special fuel tax; and

WHEREAS, it is in the best interest of the residents and taxpayers of Gulf County, Florida, that the burden and expense of constructing and maintaining the county road system be placed upon those making use of that system, in the form of a gasoline and motor fuel tax;

WHEREAS, Gulf County has previously adopted a Gulf County Ordinance No. 89-04 assessing the six cent (6¢) per gallon gasoline and fuel tax and Florida Statutes Section 336.025 allows the contribution of said assessment; and

WHEREAS, the current tax expires, pursuant to Gulf County Ordinance No. 89-4 on

August 31, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA, that:

1. There is and shall be imposed, a continuation six-cent gas tax on every gallon of motor fuel and special fuel sold in Gulf County, and taxed under the provisions of Florida Statutes Chapter 206. Said tax shall be used exclusively for transportation expenditures (as defined in Florida Statutes Section 336.025(7) as amended within Gulf County, Florida.

2. Said tax shall be and remain in effect for a period of thirty (30) Years commencing September 1, 2009 and expiring August 31, 2039.

3. The County and its municipalities, the City of Port St. Joe and the City of Wewahitchka have previously reached an Interlocal Agreement regarding the distribution of said tax monies as attached hereto as exhibit "A" which expire on December 31, 2031 and the proceeds of this tax shall be distributed in accordance with such agreements.

4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason, to be unconstitutional, void or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

5. This Ordinance shall take effect upon receipt of official acknowledgments from the Office of the Secretary of State of the State of Florida.

ADOPTED, AT THE REGULAR MEETING, THIS 22<sup>nd</sup> DAY OF JUNE 2009, BY A VOTE OF 5 TO 0, AFTER DUE NOTICE AND PUBLICATION.

(End)

## **PUBLIC HEARING ADDITIONAL FIVE-CENT LOCAL OPTION GAS TAX ORDINANCE**

Pursuant to advertisement to hold a public hearing to consider adoption of a proposed ordinance imposing the levy of five cents additional Local Option Gas Tax on motor fuel, County Attorney McFarland read the proposed ordinance by title. Upon inquiry by Commissioner Yeager, County Attorney McFarland discussed that there is an existing interlocal agreement that provides for the cities to contribute their money for paving. Commissioner Traylor discussed the budget shortfalls and downgrade in the 2006 Series Road Bond insurer M.B.I.A. which now requires the Board to set aside \$200,000.00 a year for five years in escrow. Commissioner Traylor stated that he does not want to place this on the ad valorem tax payers. County Attorney McFarland discussed that this is proposed to sunset in five years. Commissioner Williams discussed that the Board needs to wait to see if the budget can be cut, stating that he does not support this ordinance. Chairman Peters called for public comment. Barbara Radcliff appeared before the Board and discussed that the low income and fixed income people are going to suffer the most if this is passed. Commissioner Traylor motioned to adopt the ordinance, and then withdrew the motion. Commissioner Peters discussed the possibilities of other avenues and the possibility of waiting until next year to adopt the ordinance. After further discussion by members of the Board, Commissioner Traylor motioned to adopt the following titled ordinance. Commissioner McLemore seconded the motion. Requiring a super-majority vote of the Board, the motion failed 3 to 2, with Chairman Peters and Commissioner Williams voting no.

## **PUBLIC HEARING - P.D.R.B. RECOMMENDATIONS JUNE 22, 2009**

The Board then addressed the following recommendations from the June 22, 2009 meeting of the Planning & Development Review Board:

### **VARIANCE APPROVAL WINDWARD EQUITY INVESTMENTS, LLC**

Pursuant to advertisement to hold a public hearing to consider a variance to the development regulations for Windward Equity Investments, LLC (Parcel ID #03180-150R in S19, T9S, R10W), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner Yeager motioned to approve this variance request, as recommended by the Planning & Development Review Board. Commissioner Williams seconded the motion, and it passed unanimously.

### **VARIANCE APPROVAL JOAN M. BEAUMONT**

Pursuant to advertisement to hold a public hearing to consider a variance to the development regulations for Joan M. Beaumont (Parcel ID #03862-000R in S5, T7S, R11W), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner Williams motioned to approve this variance request, as recommended by the Planning & Development Review Board. Commissioner Yeager seconded the motion, and it passed unanimously.

### **TEMPORARY VARIANCE APPROVAL JENNIFER WILLIAMS**

Pursuant to advertisement to hold a public hearing to consider a temporary variance to the development regulations for Jennifer Williams (Parcel ID #00644-380R in S31, T4S, R9W), County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner Williams motioned to approve this variance request, as recommended by the Planning & Development Review Board. Commissioner Traylor seconded the motion, and it passed unanimously.

### **PUBLIC HEARING - D.C.A. STIPULATED SETTLEMENT AGREEMENT**

Pursuant to advertisement to hold a public hearing to discuss a stipulated settlement agreement with the Department of Community Affairs concerning an amendment to the Comprehensive Plan for density bonuses for residential low density dealing with affordable housing, County Attorney McFarland read the proposed agreement and called for public comment. There being no public comment, and upon motion by Commissioner Traylor, second by Commissioner Williams, the motion then passed unanimously.

### **D.R.I. - ST JOSEPH SHORES**

Commissioner Williams discussed that the road at St. Joseph Shores was suppose to be abandoned by St. Joe and be transferred to the County, stating that this has not occurred. After discussion by the Board, County Attorney McFarland discussed he will review and report back to the Board.

### **WHITE CITY PARK / FISH & WILDLIFE COMMISSION**

Commissioner Williams discussed that he spoke with Fish & Wildlife concerning the completion of the White City Park, stating that they will attend the appreciation ceremony once set by the Chairman. Commissioner Williams motioned for Chairman Peters to send a letter to Fish & Wildlife. Commissioner Yeager seconded the motion, and it passed unanimously.

### **S.H.I.P. WEATHERIZATION**

Commissioner Williams discussed that he spoke with Diana Sealy Burkett regarding coordinating with C.D.C. on the weatherization. Commissioner Williams motioned to send a letter to Capital Area Community Action Agency requesting someone be assigned to Gulf County for the weatherization assistance. Commissioner Yeager seconded the motion, and it passed unanimously.

### **GULFAIRE WATERSHED**

Commissioner Williams discussed that Public Works Department worked with the City of Port St. Joe regarding the watershed problem at Gulf Aire, stating that he will report back to the Board on the damages.

### **BUDGET**

Commissioner McLemore requested that Commissioner Williams bring a recommendation to the Board on how to cut the 2009-2010 Budget.

### **S.H.I.P. POLICY AND PROCEDURES SUBORDINATION AGREEMENT**

Commissioner Yeager discussed that in 2000 the Board adopted a policy that will not allow a cash out, stating that there is opportunity for people to enhance their property as long as the money they borrow goes back into the property. County Attorney McFarland

discussed that the current policy does not need to be changed, stating that there should be no cash out without requiring S.H.I.P. funds be re-paid to the Board. He recommended an exception to the policy, contingent upon the lender certifying that the funds are borrowed for improvements to the house, and the Building Inspector certifying that they have pulled a building permit. Commissioner Yeager motioned to amend the S.H.I.P. Subordination Agreement Policy as recommended by County Attorney McFarland. Commissioner Williams seconded the motion, and it passed unanimously.

### **BEACHES SEWER CITY OF PORT ST. JOE**

Commissioner Yeager discussed the beaches sewer project and the City of Port St. Joe, stating that they have committed to complete the beaches sewer, and they have committed to sign the change order and complete the Overstreet Water project. He discussed offering an Olive Branch to the City of Port St. Joe, stating that they are having a cash flow problem. Commissioner Williams discussed that this Board needs an action plan for Beacon Hill. Commissioner Yeager motioned to pay the City of Port St. Joe \$800,000.00 and the County hold back the rest of those funds until the rest of the projects are complete. After further discussion by members of the Board, Commissioner Yeager then withdrew the motion.

### **F.E.M.A. ROADS**

Upon inquiry by Commissioner Yeager, Emergency Management Director Nelson discussed that the project worksheets were turned in last week, and he has been reviewing them, stating that there is still a problem with the Sauls Creek Road. He discussed that F.E.M.A. is not giving the funds that the County should receive for this project, stating that they are only giving approximately \$59,000.00 for the Sauls Creek Road, and that there is several issues with this worksheet.

### **F.E.M.A. HURRICANE GUSTAV**

Upon inquiry by Commissioner Yeager, Emergency Management Director Nelson discussed that he will check on this issue and report back to the Board.

### **WELLNESS CENTER**

Upon inquiry by Chairman Peters, Human Resource Director Manuel discussed that she has not received the report she requested from the Wellness Center.

### **COUNTY & CITY COMMISSIONERS**

Chairman Peters discussed that there is some friction between the City Commissioners and the County Commissioners, stating that they have to work together on so many projects. He discussed that the County previously had all the water systems and they were turned over to the City at a bargain price. Chairman Peters discussed that as long as we exist as Commissioners they have to get along, and that he has discussed this with some of the City Commissioners and they feel the same, stating that they would like to have a workshop between the City and County to discuss the current projects and drop the hatchet. Chairman Peters passed the Chair to Commissioner McLemore and motioned to schedule a workshop with the City Commissioners and work out the issues. Commissioner Yeager seconded the motion for discussion. Commissioner Traylor stated that the County

signed a contract of agreement with the City to complete certain projects and that the City has not fulfilled the agreement. After discussion by members of the Board, the motion then passed unanimously. Chairman McLemore then returned the Chair to Commissioner Peters. Chairman Peters expressed the importance of all five commissioners being present at the workshop.

### **INVOICE CITY OF PORT ST. JOE HIGHLAND VIEW SEWER**

Grant Writer Kopinsky recommended payment of two (2) invoices from the City of Port St. Joe for the Highland View Phase which is complete and approved by the State, in the amount of \$78,510.80 and \$119,029.97, stating that this will close out the Highland View Phase. Commissioner Yeager motioned to approve the recommendation. Commissioner Traylor seconded the motion, and it passed unanimously.

### **STUMPHOLE PROJECT**

Grant Writer Kopinsky discussed that the extension on the Stumphole project has been approved and extended until December 31, 2009, stating that the amendment has been signed by the Chairman and sent back to D.O.T.

### **AWARD BID #0809-22 SALE OF TWO (2) BEACH RAKES**

Upon recommendation by Public Works Director Shearer, Commissioner Traylor motioned to award Bid #0809-22 for the sale of two (2) beach rakes (1)2003 Barber Surf Rake, Model #600HD, VIN #8878 and (2) 1997 Barber Surf Rake, Model #600HD, VIN #6493, to Coastal Parasail (highest bidder), in the amount of (1) \$16,000.00 and (2) \$600.00. Commissioner Yeager seconded the motion, and it passed unanimously.

### **CAPITAL IMPROVEMENT**

Planner Richardson requested that the Board remember the financial feasibility as part of the Capital Improvement element, stating that the Road Bond requirements are part of this.

### **TRANSFER PROPERTY**

County Attorney McFarland discussed a letter in the Information Packet from Attorney Paul Groom concerning a lot that is adjacent to the Douglas Landing Road, stating that there is a request for the County to look at a transfer of the portion which lies West of the right-of-way where the County constructed the road. He discussed that there is a reverter clause in the deed which states if the County does not construct a road on the property then it reverts back to the guarantor. County Attorney McFarland requested permission for Road Department Superintendent Knee to go out and check to see what it is used for or if the County needs the property. Commissioner McLemore motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

### **INMATE MEDICAL BILL - BAY MEDICAL CENTER**

County Attorney McFarland discussed that the previous settlement offer made to Bay Medical, in the amount of \$35,000.00 has been declined, and he recommends that the Board give him permission to negotiate a settlement between \$50,000.00 and \$75,000.00. Commissioner Traylor motioned for County Attorney McFarland to proceed

with negotiating a settlement starting at \$50,000.00 and not to exceed \$75,000.00. Commissioner Yeager seconded the motion, and it passed unanimously.

**DIXIE YOUTH BASEBALL DONATION**

Upon motion by Commissioner Yeager, second by Commissioner Williams, and unanimous vote, the Board approved to pay \$100.00 for each team from District 2, 3, 4 and 5 for the Port St. Joe Dixie Youth AA Allstar Baseball Team and the Port St. Joe Dixie Youth Major's 12U Baseball Team.

**2010 CENSUS**

Tina Joshua, Partnership Specialist for the Census Bureau, appeared before the Board and discussed the 2010 census, stating that Gulf County only had 48% response rate from the 2000 census, which is a very low rate. She discussed that the awareness needs to be spread about the census and how important it is for the County. Ms. Joshua requested support by appointing a liaison to serve on a committee to help get the campaign going, stating that the person needs to be familiar with the community and know how to talk with people.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:28 p.m., E.T.

**NATHAN PETERS, JR.  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**