

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

**JANUARY 25, 2011**

### **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, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Public Works Director Joe Danford, Assistant Public Works Director Bobby Knee, Sheriff's Office Major Bobby Plair, Sheriff's Office Captain Ricky Tolbert, and T.D.C. Director Tim Kerigan.

Sheriff's Office Major Plair called the meeting to order at 6:00 p.m., E.T.

Clerk Norris opened the meeting with prayer, and Chairman Yeager led the Pledge of Allegiance to the Flag.

#### **CONSENT AGENDA**

Upon motion by Commissioner McDaniel, second by Commissioner Smiley, and unanimous vote, the Board approved the Consent Agenda as follows:

1. Minutes – November 30, 2010 – Special Meeting  
- December 14, 2010 – Regular Meeting
2. Bid Award #1011-07 - South Gulf County Volunteer Fire Department (1<sup>st</sup> Attack Conversion \$56,235.00 and Ford F450 Chassis \$31,327.00)
3. Inventory – Public Works (Junk #75-20)
4. Invoices - Florida Department of Revenue Reimbursement Invoice  
Unemployment Benefits (Clerk \* \$372.45 \* to be paid from Account #347511-25000 \* Board \* \$17,225.99 \* to be paid from Account #347511-25000)

(End)

**BID AWARD #1011-08 – 2010 COUNTY INCENTIVE GRANTS PROGRAM (C.I.G.P.)  
ROAD PAVING PROJECT**

Grant Writer Kopinsky reported that the County received two C.I.G.P. road paving grants; one for Old Bay City Road and one for Iola Landing Road. Her recommendation was to award bid #1011-08 to GAC Contractors, Inc. (low bidder), contingent upon negotiating with the contractor on bid amount and scope of work, stating that the bid exceeds the grant amounts. Commissioner McLemore motioned to approve her recommendation; awarding to the low bidder, contingent upon negotiations not to exceed the grant amount. Commissioner Williams seconded the motion for discussion. Upon inquiry by Commissioner Williams concerning awarding the bid and not exceeding the grant amounts, County Attorney Novak stated that would be acceptable. Upon inquiry by Commissioner McDaniel, Grant Writer Kopinsky reported that 4 bids were received, with GAC Contractors, Inc. as the low bidder at \$1,717,371.16. Upon inquiry by Commissioner McLemore, Grant Writer Kopinsky reported the amounts of the four bids as (1) GAC Contractors, Inc. \$1,717,371.16, (2) Anderson Columbia \$1,753,004.37 (3) C.W. Roberts \$ 1,820,437.82, and (4) Triangle Construction \$1,951,630.00. Commissioner McLemore stated that there is approximately a \$30,000.00 difference between the first bidder and second bidder. Upon inquiry by Commissioner McDaniel, Chairman Yeager reported that GAC Contractors are the low bidder so there would be no local bidder preference. Grant Writer Kopinsky reported that it is normally a 50/50 grant, but the State waived the match due to Gulf County being a critical area of economic concern. There being no further discussion, the motion then passed unanimously.

**PREBLE-RISH, INC. – BEACHES RESURFACING - ALABAMA AVENUE /  
AMERICUS AVENUE / GEORGIA AVENUE / COURT STREET**

Grant Writer Kopinsky discussed item #5 (page 22) of the Agenda, stating that this is a proposal from Preble-Rish, Inc. to do the construction, engineering and inspection on resurfacing roads at St. Joe Beach. She stated that this is 100% funded (no match) through a S.C.R.A.P. grant. Commissioner Williams requested to table this proposal until the next meeting.

**INVENTORY – PUBLIC WORKS – ADVERTISE TO SALE**

Assistant Public Works Director discussed that the Board approved at a previous meeting to junk some of the old vehicles at Public Works, and requested permission to advertise to sale these vehicles with a minimum bid amount of \$500.00. He stated that there is also an old Gulf County Search & Rescue vehicle that has been previously

junked and requested permission to sale this with a minimum bid amount of \$500.00. Assistant Public Works Director Knee also requested permission to get quotes from junk yards and sell the vehicles to them if no bids are received. Commissioner Smiley motioned to approve this request. Commissioner Williams seconded the motion, and it passed unanimously. Upon inquiry by Assistant Public Works Director Knee concerning putting the funds in the General Fund or in Public Works fund, Commissioner Williams stated they will look at this when the funds are received. Chairman Yeager stated that normal procedure is to place it in the General Fund, but they will work something out. Planner Richardson requested to use the vehicles for JAWS of Life training if no offers/bids were received. Clerk Norris stated that you can give them to other Governmental Agencies.

### **R.V.'S AND PARK HOMES – P.D.R.B.**

Planner Richardson discussed a memorandum presented to the Board requesting permission for the P.D.R.B. to review the R.V.'s and park homes located in the County for the Land Development Regulations (L.D.R.). Chairman Yeager requested for the P.D.R.B. to bring a recommendation back before the Board. Commissioner Williams requested for the P.D.R.B. to reach out to the Realtors Association and different public components for review on this issue.

### **BEASLEY ALLEN LAW FIRM – DEEPWATER HORIZON OIL SPILL LITIGATION - TRAVEL**

County Attorney Novak reported that the Beasley Allen Law Firm was here last week, stating that they have provided an update on Gulf County as well as the other Counties, and they are providing himself and the County Liaison Commissioner Williams with the updates. He reported that the Firm will be back in February to provide an update to the Board. County Attorney Novak stated that the Seven Counties Oil Response Task Force will be meeting in Okaloosa County on February 4<sup>th</sup>, stating that Beasley Allen Law Firm requested that he, Chief Administrator Butler and Commissioner Williams attend this meeting. Chairman Yeager reported that he received letters from claimants requesting a letter from the County to help the process of their claims. Chairman Yeager requested for County Attorney Novak to contact Beasley Allen Law Firm to provide this letter. Commissioner Williams moved for approval for he, County Attorney Novak, and Chief Administrator Butler to travel to Okaloosa County on February 4<sup>th</sup> to attend the Seven Counties Oil Response Task Force meeting. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **COUNTY WIDE VOTING**

County Attorney Novak reported that he explored the issue of County Wide Voting with firms that handle this in the Northern Florida District of Federal Court and the cost to this

County on behalf of the Commissioners. He reported that there would need to be a Motion to Vacate or to Modify the Consent Decree which has been in place in this County for over twenty years, stating that these Firms are well versed in the Northern District of Florida. County Attorney Novak reported that they have had these Firms address in writing to he and Chief Administrator Butler the projected timing and cost, stating that the actual Motion to be filed on behalf of Gulf County will be filed after there is initial expert analysis data collected. He reported that this data collected would include previous elections over the last twenty years, interviews with current and past County Commissioners and other elected officials, and other County officials in compiling that data. County Attorney Novak reported that following that data analysis there would be a motion filed with the Federal Court, followed by a Bench Trial scheduled by the Judge, and that it would probably be filed eight to ten months after that initial three to four month period of data collection, stating that, at the very least it will be a twelve month process. He reported that the variables that will be difficult for this Commission and these Attorneys, and will be based on the level of opposition to it. He reported that models have been provided in other Counties in Florida that have explored this issue in the past, stating that with no opposition; a motion was filed and it went before the Court; taking about 8-10 months. County Attorney Novak stated that the attorneys who had no opposition gave a more accurate projection of the fee structure and timing. County Attorney Novak reported that based on the expert analysis, the cost will be between \$20,000.00 to \$25,000.00 from the Attorney's and their Firms, stating that is when they hire that expert to go out and get the data. He stated that if it is unopposed, the average cost will be between \$50,000.00 and \$60,000.00 for the Attorney's fees to file that motion, seek a modification, or to vacate that consent decree for District wide voting. He reported that if there is opposition then it goes up in terms of the level and scale, stating that the level of opposition is anticipated at the \$175,000.00 window for Attorney fees. Far extreme, well organized and well funded opposition to this can be as much as \$250,000.00; pushing out the time line and when the County can get a response from a Judge, Novak explained. County Attorney Novak reported that he can go into much greater detail and answer questions, but the contacts have been made and we have the information, stating that he will be happy to speak and meet with each Commissioner individually to discuss particular questions in regards to the process. Commissioner Williams stated that Commissioner Smiley articulated his argument quite well, stating that he is certainly sensitive to the cost variables that are there. Commissioner Williams stated that having discussed it pretty much at length, having talked about the upfront cost versus the historical direction, and the mandate of our folks, he felt the County had no choice but to move forward. He further stated that he felt it was incumbent upon this Board to work with the community and move forward with the Federal review as the first step; having the Judge look and see if the same variables exist as they did twenty plus years ago. Commissioner Williams stated that his

goal is to work with Commissioner Smiley, work with the community, his district, Commissioner Smiley's district and all districts because this is a County issue, and let it be basically as they say, "its day in Court" without opposition so there is no adverse taxpayer dollars, then make a decision based on what the Court finds. Commissioner Smiley stated that he understands everything Commissioner Williams said, but gathers that he wants to go out and spend money, and he feels that with past layoffs and tremendous cuts made by the Board, this is not something that the Board really has to work on right now. He stated that to tell employees that have dedicated their lives to the County for fifteen, twenty or twenty-five years that you are about to go out and take a chance on spending money that might not make it all the way through is a slap in the face to those who were laid off from work. Commissioner Smiley stated he does not understand why we are so into spending this money that we do not have. Commissioner Smiley stated that he checked the budget and the money is not there; not unless you are planning on raising property taxes. Commissioner Smiley informed the Board that he plans to stand up against it and advised them not to even look at the \$25,000 or \$60,000; it will be anywhere from \$175,000 to \$250,000. Commissioner Smiley stated that the County does not have the money and requested the Board to set it to the side until they get the money and then they can discuss it later. Commissioner Smiley stated that the County cannot spend money that it does not have; it's that simple. Chairman Yeager requested for County Attorney Novak to meet with each Commissioner individually and talk this out and come back at the next Board meeting and they will decide how to proceed, whether it is to (1) commit the dollars we have to find them somewhere or, (2) budget the money for next year, and how to proceed from there. Upon inquiry by Commissioner Smiley, Chief Administrator Butler stated that (1) no money was budgeted for this project, and (2) there are only two budgets (line items) to take this from; one being reserve for contingencies and the other being cash to be carried forward. Mr. Butler stated that the Board does not have an emergency fund, so there is only the reserves (for contingencies), and the other fund (line item) is cash to be carried forward, which is not intended to be spent this year and recommended the Board budget the money in the upcoming budget session.

#### **ANIMAL CONTROL – RAYMOND WOOD**

County Attorney Novak reported that he met with Raymond Wood, stating that Mr. Wood has provided him with some information, and this has been discussed with Commissioner Williams. He reported that the County is in the process of some policy and Board reviews, and that he is waiting on information from Mr. Wood.

#### **DITCH LANDING ROAD**

Chief Administrator Butler reported that the gates and signs are still up on Ditch Landing Road. County Attorney Novak reported that he spoke with David Harrelson of St. Joe

Timberland Company since the last meeting, stating that the Board authorized the repair and continual maintenance of the Ditch Landing Road and repairs to the bridge. He reported that Mr. Harrelson has over 130 pages of easements that were recorded with several of the parcels that lead down to the creek, stating that one of those parcels they are still reviewing from a conveyance to St. Joe Company to Wimico Timber, and before any action is taken by St. Joe they want to make sure they are proper and measured in their steps. County Attorney Novak stated that before anything is removed from that road or moved to another parcel, they want to make sure the proper easements are in place. Chief Administrator Butler reported that their intent was not to take the gates down until instructed by the County Attorney.

### **ECONOMIC DEVELOPMENT**

Chief Administrator Butler discussed that he was instructed by the Board at a previous meeting to meet with the D.R.A., the E.D.C., the T.D.C., the Chamber, and The Port Authority to try and work out how to save some money and to facilitate communications between all the Agencies; stating that everyone agreed to the need for additional communication. He discussed the Agencies desire to set up some organization, and some form of consolidation of the Chamber and E.D.C. Chairman Yeager scheduled a special meeting for Wednesday, February 2, 2011, at 5:00 p.m., E.T. to discuss Economic Development.

### **COUNTY/CITY JOINT MEETING**

Chief Administrator Butler reported that the City of Port St. Joe has requested for the Board to consider the County/City joint meeting to be held on Thursday, February 17, 2011 at 10:00 a.m., E.T. in the E.O.C. Building. Commissioner Williams motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously. Commissioner Williams discussed a joint resolution between the County and City concerning Legislative issues that they are working on together. Chairman Yeager directed Chief Administrator Butler to meet with City Manager Weston to come up with an agenda.

### **S.H.I.P. FUNDS**

Chief Administrator Butler discussed the S.H.I.P. funds, stating since 1992 the County has loaned out S.H.I.P. money, and a lot of times there is a S.H.I.P. second mortgage on a piece of land. He reported that the owner could probably short sale or get rid of the land, short of foreclosure, stating that the County may be able to recapture some of this money, and requested for County Attorney Novak to review and bring back to the Board. The Board had no objections.

### **CONSOLIDATION SITE BUILDING**

Chief Administrator Butler discussed that the Board has discontinued work from the consolidation site on the Howard Creek Road, stating that the building (direct purchase) cost approximately \$64,000.00, and the Board needs to decide whether they want to erect the building here in Port St. Joe, sale it, or store it. He reported that it would cost approximately \$134,000.00 to erect the building on the current Public Works site, and requested direction from the Board on this project. Chairman Yeager stated that the building needs to be erected to protect the integrity of the building, reporting that the money is already budgeted for the erection of this building. Commissioner McLemore stated that the building needs to be stored and the County does not need to spend the money at this time. Commissioner Williams discussed the need to look at the options to sale or store this building at this time. Upon inquiry by Commissioner McDaniel, Assistant Public Works Director Knee stated that there are some old tin sheds used to park trucks under that could be used to store the building, but the trucks would be out in the weather, stating that some of the trucks are mosquito control trucks with sprayers which have to be under a shed. Upon inquiry by Commissioner McDaniel concerning proper storage of the building, Assistant Public Works Director Knee stated that it could be placed on wooden pallets to keep it off the ground, and then cover it with tarps. Commissioner McLemore stated that the County has a 10,000 square foot building at the Industrial Park, and suggested looking into using this space for storage. After further discussion by members of the Board, Chairman Yeager requested for Commissioner Williams, Chief Administrator Butler, and Assistant Public Works Director Knee to review this issue and bring a recommendation back to the Board within 30 days. Clerk Norris reported that several months ago the County considered using the Industrial Park site as the County Public Works department, and it was determined that the County could not use this site for government purpose without paying back the E.D.A. loan. She stated that storage may not be a problem, but to place the Public Works site there would be a problem.

### **HOWARD CREEK SITE – RIFLE RANGE**

Commissioner McLemore requested for the Board to review and consider the former Howard Creek consolidation site as a new rifle range site. Chairman Yeager discussed that he met with members from the rifle range club in moving forward on this project.

### **V.F.W. SIGN**

Commissioner Williams reported that the V.F.W. and Gainous Small Engine Repair have been asked to remove their signs from the right-of-way by D.O.T., and requested Chairman Yeager submit a letter to D.O.T. concerning this issue. Commissioner Williams moved for the Chairman to submit a letter to D.O.T. concerning this issue. Commissioner Smiley seconded the motion, and it passed unanimously.

### **TRAVEL – DISTRICT 3**

Commissioner Williams discussed that he previously requested permission to travel to Orlando on January 21<sup>st</sup> for a Legislative Meeting, stating that this was for a Joint Officers Meeting through the Executive Committee for the Florida School Board Association, Executive Committee for the Florida League of Cities and Executive Committee for the Florida Association of Counties. Commissioner Williams presented the Legislative changes and an Economic Budget Overview for the record and public review, if needed.

### **DEEPWATER HORIZON OIL SPILL**

Commissioner Williams discussed that the County is trying to assess their environmental impact, stating that our engagement with Beasley Allen Law Firm and working with the State is very critical. He reported that the data should be presented to the Board within a few weeks. Chairman Yeager reported that he received a call from Walton County, stating that they have discovered oil 2 to 3 feet under the sand.

### **TELEVISED BOARD MEETINGS**

Commissioner McDaniel discussed that he has received several calls concerning recent televised Board meetings, stating that the audio and video is really bad. Chairman Yeager stated that everyone needs to speak into the microphones when speaking. Assistant Public Works Director Knee reported that the City of Wewahitchka has a 2 hour time limit on their machine regardless to the length of the Board meeting. County Attorney Novak reported that T.D.C. had a meeting with some of the providers, and will bring a recommendation back before the Board.

### **SAULS CREEK ROAD**

Upon inquiry by Commissioner McDaniel, Chief Administrator Butler reported that per Dan Garlick of Garlick Environmental, the permit application has been re-submitted.

### **BEACH RESTORATION PROJECT**

Upon inquiry by Commissioner McDaniel concerning the beach restoration project, Chairman Yeager stated that there have been issues with permitting and objections from F.W.C., but they have requested a meeting with FEMA on the appeal process and moving this forward.

### **TRAVEL – DISTRICT 2**

Commissioner McDaniel reported that he is going to travel around to different camp site areas (at no cost to the County taxpayers) and work on getting Dead Lakes Park on the plus side, and bring the data back to the Board. Commissioner McDaniel stated that the

County needs to get out of the camp site business, reporting that for every \$2 spent at Dead Lakes Park, the County is only getting \$1 of revenue. Commissioner Williams requested Commissioner McDaniel draft a letter with the specifics, and this can be mailed out to all 67 Counties to see what they are doing.

### **CODE ENFORCEMENT**

Commissioner McDaniel reported that he has been working with the Code Enforcement Officer throughout District 2; finding that there is an issue with abandoned automobiles and junked vehicles, stating that there are people that will remove these vehicles and pay the owner/resident. He suggested to for Code Enforcement to provide a list to the residents for getting help to remove the junked or abandoned vehicles.

### **ALLEYWAY & ROAD ABANDONMENT**

Chairman Yeager discussed the request for abandonment of alleyways or specific areas, and requested permission to establish a policy to forward these request to County Staff to review. Commissioner McLemore requested to be notified of requests in District 1. Chief Administrator Butler discussed State guidelines and having County Staff or Public Works determine the need for the land, and the advertisement and public hearing requirements.

### **MUNIS SYSTEM – WORK ORDER SYSTEM**

Commissioner Williams discussed limitations of MUNIS with the work order system, and requested permission to work with County Staff concerning IT capabilities and bring a recommendation back to the Board. The Board had no objection.

### **SECURITY**

Chairman Yeager reported that he is working with the Sheriff's Department on security issues that have been addressed.

### **BID #1011-10 – UNIFIED VOICE AND DATA COMMUNICATIONS SYSTEM**

Deputy Administrator Lanier discussed the bid for the unified voice and data communications system, stating that the pre-bid conference was held on January 24, with six vendors in attendance. She requested permission to extend the bid and broaden the specifications. Commissioner McDaniel motioned to approve this request. Commissioner Williams seconded the motion, and it passed unanimously.

### **DEAD LAKES PARK**

Chief Administrator Butler reported that he spoke with Kenny Strange concerning the work at Dead Lakes Park, stating that based on Board policy, and the Board having previously approved \$5,000.00 for this project; recommended to pay this amount.

Chairman Yeager stated that the Board has already agreed to the \$5,000.00. Commissioner Williams discussed that they can review, stating that Commissioner McDaniel is working on this issue and for he and Building Official Collinsworth to bring a recommendation back to the Board. The Board had no objection.

### **COUNTY WIDE VOTING**

Barbara Radcliff appeared before the Board and discussed that she has watched this Board for over five years, and until the last few meetings it was the same, stating that she has seen the 3/2 vote and money spent in the tax payers opinion, inappropriately. She stated that she is one of the "special interest" as a citizen of Gulf County, stating that she wants to see this Board represent the County as a whole. Ms. Radcliff stated that the five Commissioners control how much money comes out of our citizens pockets, but we only get to vote for 20%, and every citizen of this County should have the right to vote for every Commissioner, stating that way everyone thinks about the entire County. She stated that Commissioner Smiley can control some of the expense by not opposing this issue.

### **COUNTY/CITY JOINT MEETING**

Upon inquiry by Barbara Radcliff concerning the time of the County/City joint meeting, Chief Administrator Butler reported that the meeting was scheduled by he and City Manager Charlie Weston at the direction of the Board. Ms. Radcliff stated that it makes it difficult for the working citizens to attend a mid day meeting, and inquired if the meeting could be changed to the afternoon. Commissioner Williams motioned to give Ms. Radcliff an additional three minutes to speak. Commissioner Smiley seconded the motion, and it passed unanimously. Upon inquiry by Chairman Yeager, Chief Administrator Butler reported that the meeting will be recorded.

There being no further business, and upon motion by Commissioner Williams, the meeting did then adjourn at 7:25 p.m., E.T.

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

**ATTEST:  
REBECCA L. NORRIS  
CLERK**