

**PORT ST. JOE, FLORIDA**

**JULY 27, 2010**

**REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman Carmen L. McLemore, Vice Chairman Warren J. Yeager, Jr., and Commissioners Billy E. Traylor, Bill Williams, and Nathan Peters, Jr.

Others present were: County Attorney Timothy McFarland, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Emergency Management Director Marshall Nelson, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, and Assistant T.D.C. Director Kellee Novak.

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**

Upon motion by Commissioner Yeager, second by Commissioner Williams, and unanimous vote, the Board approved the Consent Agenda, after removal of (item #6, page 57) as follows:

1. Minutes – July 13, 2010 - Regular Meeting
2. Agreement – C.D.B.G.-D.R.I. Activity Delivery Services  
Agreement – C.D.B.G.-D.R.I. Administration Services  
Agreement – Florida Department of Corrections (Amendment #1)  
Agreement – Supervisor of Elections (Certificate Regarding Matching Funds for FY 2010-2011 \* \$243.33)

3. Direct Purchase Requisition – Highland View Fire Department (Couch Ready Mix \* \$12,900.00)  
  
Direct Purchase Requisition – Highland View Fire Department (Key Electric \* \$23,199.85)  
  
Direct Purchase Requisition – Highland View Fire Department (Mize Plumbing Service & Supply \* \$8,234.00)
4. Grant Agreement – Gulf County Public Libraries (State Aid to Libraries)
5. Inventory – Gulf County Tax Collector (Delete #40-90 IBM Typewriter)
6. Invoices – Ashbritt Environmental (Logistics & Planning \* Invoice #0000-0001 \* \$65,766.65 \* to be paid from Account #39125-34000)  
  
\*\*DELETE\*\*- Cathey Construction & Development - Gulf County C.D.C (S.H.I.P. – Retainage \* \$159.85)  
  
- Florida Department of Revenue Reimbursement Invoice  
Unemployment Tax (\$11,191.00 \* to be paid from Account #21111-25000)  
  
- Gulf Coast Children's Advocacy Center (June, 2010 \* \$175.00 \* to be paid from Account #21111-31300)
7. Notices – Unclaimed Moneys held by the Gulf County Clerk of Circuit Court
8. Resolution – C.I.G.P. Joint Participation Agreement (Old Bay City Road from C.R. 387 (Doc Whitfield Road) to South of Ross Stripling Road)

#### **RESOLUTION NO. 2010-15**

**A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A C.I.G.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.**

**WHEREAS**, the County Incentive Grant Program has been created by Section 339.2817, F.S. to provide funds to counties to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway; and

**WHEREAS**, the Florida Department of Transportation (F.D.O.T.) has the authority under Section 334.044, F.S. to enter into an agreement with Gulf County; and

**WHEREAS**, Gulf County has certified to F.D.O.T. that eligibility requirements have been met; and

**WHEREAS**, F.D.O.T. is willing to provide Gulf County with financial assistance through financial project #428035-1-58-01 for the paving of Old Bay City Road from C.R. 387 (Doc Whitfield Road) to South of Ross Stripling Road;

**NOW, THEREFORE, BE IT RESOLVED BY THE GULF COUNTY COASRD OF COUNTY COMMISSIONERS** that the Chairman of the Board be authorized to sign the Joint Participation Agreement (J.P.A.) with F.D.O.T. for the paving of Old Bay City Road from C.R. 387 (Doc Whitfield Road) to South of Ross Stripling Road.

**ADOPTED** this 27<sup>th</sup> day of July, 2010.

(End)

Resolution – C.I.G.P. Joint Participation Agreement (Iola Road from Iola Landing to Porter Landing Road)

**RESOLUTION NO. 2010-16**

**A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A C.I.G.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.**

**WHEREAS**, the County Incentive Grant Program has been created by Section 339.2817, F.S. to provide funds to counties to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System; and

**WHEREAS**, the Florida Department of Transportation (F.D.O.T.) has the authority under Section 334.044, F.S. to enter into an agreement with Gulf County; and

**WHEREAS**, Gulf County has certified to F.D.O.T. that eligibility requirements have been met; and

**WHEREAS**, F.D.O.T. is willing to provide Gulf County with financial assistance through project #425654-1-58-01 for the paving of Iola Road from Iola Landing Road to Porter Landing Road;

**NOW, THEREFORE, BE IT RESOLVED BY THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS** that the Chairman of the Board be authorized to sign the Joint Participation Agreement (J.P.A.) with F.D.O.T. for the paving of Iola Road from Iola Landing Road to Porter Landing Road.

**ADOPTED** this 27<sup>th</sup> day of July, 2010.

(End)

#### **SACRED HEART HOSPITAL**

Roger Hall, of Sacred Heart Hospital appeared before the Board and reported that the new hospital has been in operation for 5 months, and they are looking into handling the County's E.M.S. system, stating that the County should be very proud of their Emergency Medical Services group. He reported that Sacred Heart is committed to working with the County whether they operate the ambulance service or not, stating that it is a great asset. Mr. Hall reported on the dialysis center and the medical office building; stating that the medical building is under construction and should be ready by November or December, 2010, and the dialysis center should be operational sometime in March, 2011. Commissioner Peters thanked Mr. Hall for the report on the dialysis center.

#### **DEEPWATER HORIZON OIL SPILL – PROTECTIVE ACTION PLAN**

Emergency Management Director Nelson gave an update on the Deepwater Horizon oil spill, stating that the well has been capped off, and the tropical depression over the past weekend has pushed the oil Westward. He reported that he has prepared a Protective Action Plan for the next 30 days, and recommended approval from the Board for this plan. Commissioner Peters motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously (3-0), with Chairman McLemore and Commissioner Traylor abstaining due to a business relationship with S.W.S. Emergency Management Director Nelson recommended that the Emergency

Operations Center return to normal operating hours. Commissioner Peters motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **P.D.R.B. APPOINTMENT – BLAYLOCK**

Planner Richardson reported that Dewey Blaylock is eligible for his second term on the P.D.R.B., and requested the Board to re-appoint Mr. Blaylock or appoint someone to replace him. Commissioner Williams discussed that he would meet with Mr. Blaylock concerning the P.D.R.B., and requested the Chairman to schedule a Special Meeting on Tuesday, August 3, 2010 at 4:55 p.m., E.T. The Board had no objection.

#### **SHERIFF'S OFFICE – HEALTH INSURANCE**

Sheriff Nugent appeared before the Board and reported that the Sheriff's Office employees met last week with the Hunt Insurance Group, and requested approval to come off the County health insurance plan and obtain coverage through Hunt Insurance Group, contingent upon meeting the required number of employees (will know by 8/6/10). Sheriff Nugent reported that all County employees are eligible (at the Board's discretion) to get on this plan if they wish. Commissioner Yeager motioned to approve this request. Commissioner Williams seconded the motion, and it passed unanimously.

#### **SEXUAL OFFENDER ORDINANCE**

Sheriff Nugent reported that he has received calls concerning the sexual offender registration program for the County. County Attorney McFarland requested permission to advertise to amend the sexual offender ordinance for the County. Commissioner Peters motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

#### **SPECIAL BUDGET WORKSHOP**

On behalf of Clerk Norris, Deputy Administrator Lanier discussed that the Clerk has to provide the numbers to the Property Appraiser no later than 5:00 p.m., E.T. on Wednesday, August 4, 2010, and recommended that the Board hold a Special Budget Meeting prior to this date. Chairman McLemore recommended holding the Special Budget Meeting on Tuesday, August 3, 2010 at 5:00 p.m., E.T. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

#### **C.D.B.G. 2008 D.R.I. PROJECTS**

Grant Writer Kopinsky requested permission for the Chairman to sign the contract agreement for the C.D.B.G. 2008 D.R.I. projects with Preble-Rish, Inc. Commissioner Peters motioned to approve this recommendation. Commissioner Traylor seconded the

motion, and it passed unanimously (4-0), with Commissioner Yeager abstaining due to a business relationship with Preble-Rish, Inc.

### **DEEPWATER HORIZON OIL SPILL REIMBURSEMENT**

Chief Administrator Butler reported that the State Department of Emergency Management has agreed to pay, and has supposedly transferred funds today to the County to pay for 3 positions, and the Coast Guard has agreed to pay for 1 position to deal with the Deepwater Horizon oil spill. He reported that the Board previously directed him to send back the one which is going to be paid by the Coast Guard, stating that he will be sending that information tomorrow. Mr. Butler discussed the other three (3) positions, stating that one (1) will probably be handled by your Attorneys from Montgomery, and that he will send the names in these positions to the Department of Emergency Management tomorrow for their approval. Chairman McLemore reported that the Board had already given Chief Administrator Butler and Emergency Management Nelson authority to work through that; stating that whatever they decide, the Board's good with. Chief Administrator Butler stated that they are currently in a time crunch; with Mr. Nelson just receiving notification today at 5:36 p.m. that it had been approved, and Commissioner Williams having received an email showing approval. Mr. Butler again stated that the money has been transferred to us and we (the County) will be cutting the checks for these people. He further stated, as a point of record, that this is not the normal process for hiring someone, but felt that we had the right people in the job, and they (3 positions) are being paid from funds provided by the State and (1 position directly) by the Coast Guard. Chairman McLemore directed Chief Administrator Butler to move forward.

### **SALINAS PARK/D.E.P.**

Upon inquiry by Chairman McLemore concerning Salinas Park, Chief Administrator Butler reported that he was in a meeting with D.E.P. and the Corp of Engineers concerning the newly constructed pier at Salinas Park, stating that there are a couple of things that D.E.P. has an issue with (damage to the saw grass and the wetlands beneath). He reported that they have transmitted a letter to the County stating that there would be a fine around \$5,000.00 for the pier work. They have also cited the County for sand that got beyond the wetland delineated line, stating that the approximate total damages (pier & other) is \$10,000.00. Chief Administrator Butler reported that Garlick Environmental is going to meet with D.E.P. to try and resolve this issue. Upon inquiry by Chairman McLemore, County Attorney McFarland reported that the Contractor and the County are responsible, stating that there are some contractual obligations with the contractor. He reported that Garlick Environmental needs to deal with D.E.P. and see if they can negotiate some other result other than a fine. County Attorney McFarland

reported that D.E.P. wants to fine everyone involved in this project. Commissioner Peters discussed that the contractor is aware of this issue.

### **SAULS CREEK ROAD**

Upon inquiry by Chairman McLemore, Chief Administrator Butler reported that Dan Garlick has reviewed the first 4 to 5 miles of the Sauls Creek Road, stating that there would be no problem for the County to maintain the roadway. Mr. Butler stated that if the County goes to the washout area it will be a different issue because there will be some permitting involved to repair it. Bill Kennedy, of Preble-Rish, Inc. appeared before the Board and reported that the rule is very clear, and suggested County Attorney McFarland review this; stating that this is an exemption. He reported that the storm water engineer at D.E.P. agrees that 100% of this is an exemption, stating that it is the dredge and fill permitting person in Panama City saying that when culverts are involved it is non-exemption. Chairman McLemore discussed the possibility of hauling broken concrete and making this area a low water crossing. Bill Kennedy stated that a low water crossing is the better option but this was not conveyed to him earlier, and he cannot say tonight that this option would be exempt from permitting. Assistant Administrator Hammond reported that he met with D.E.P., and they reported that if the County could not prove that these pipes were permitted in the early 70's they would have to be permitted. Emergency Management Director Nelson reported that they have a funding worksheet through F.E.M.A. for funding this project, and as a part of that they added mitigation for low water crossings. Mr. Nelson stated that the scope of work will have to be followed on that project worksheet to include the mitigation of the low water crossing. After further discussion by members of the Board, Chairman McLemore requested for Bill Kennedy of Preble-Rish, Inc. to work with Emergency Management Director Nelson on this project.

### **HIGHLAND VIEW BEACH**

Chairman McLemore discussed the Highland View Beach area, stating that Barbara Ells has contacted the State concerning this area, (bird sanctuary & turtle nesting) and the kids cannot go to the beach area to play and swim. He discussed sending a letter to Representative Patronis requesting this area of the beach be opened. Commissioner Williams motioned to send a letter to D.E.P. concerning this issue. Commissioner Yeager seconded the motion, and it passed unanimously.

### **CANVASSING BOARD APPOINTMENT**

Chairman McLemore recommended appointing Commissioner Yeager to the Canvassing Board. Commissioner Traylor motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

### **2010-2011 BUDGET**

Commissioner Yeager reported that he, Chief Administrator Butler, and Assistant Administrator Hammond have been working on the 2010-2011 budgets, stating that the Budget Committee will be meeting on Wednesday, July 28<sup>th</sup> at 1:00 p.m., E.T., and they will try to bring back a budget so that we can hopefully reduce the millage at next Tuesday's meeting. He requested that Chief Administrator Butler review the funding for the fire departments, considering a zero-based budgeting.

### **2010 NACO CONFERENCE**

Commissioner Williams reported that he, Chief Administrator Butler, and Commissioner Peters attended the NACo Conference, stating that there is a State based task force which has been assigned. He reported that there has been a 5 State panel assigned to deal with Washington, D.C. and the Administration people. Commissioner Williams reported that he will attend a conference in Pensacola tomorrow with the Governor's task force, stating that Chief Administrator Butler and Commissioner Peters also need to attend this meeting. He reported that he will keep the Board notified on these issues.

### **2010-2011 BUDGET**

Commissioner Traylor discussed that people need to get prepared, because there is going to be some severe cuts in the budget, and that this is worldwide, stating that it is not acceptable to increase the millage rate.

### **NORTH GARRISON AVENUE – ROAD MAINTENANCE**

Commissioner Peters discussed that there needs to be some shoulder work on North Garrison Avenue from the Health Department to the intersection. Commissioner Yeager reported that he spoke with Public Works Director Danford concerning this issue.

### **CLERK – UNCLAIMED MONIES**

Upon inquiry by Commissioner Peters concerning item #7, page 62 of the Consent Agenda, Deputy Administrator Lanier reported that these are unclaimed monies for fines and overpayments to individuals, stating that any unclaimed monies have to be given back to the State. County Attorney McFarland reported that there is a State website for all unclaimed monies including interest.

### **C.S.S. DEPLOYED LOGISTICS**

Charlie Martin of C.S.S. Deployed Logistics appeared before the Board and reported that they are an emergency management company, and extended their services to the County. Chairman McLemore suggested that he coordinate with Emergency Management Director Nelson.

## **EMERGENCY PLAN – OIL SPILLS**

Upon inquiry by Commissioner Peters, Emergency Management Director Nelson reported that Emergency Management takes an all hazards approach, (whether it is hurricanes, tornadoes, or oil spills) stating that plans are general hazard plan for disasters. He reported that the Area Contingency Plan is in place and the County Emergency Management will notify the State Emergency Management; who then notifies D.E.P., and D.E.P. notifies the Coast Guard, if it is in a waterway.

Chairman McLemore called for public comment.

## **BOARD AGENDA / MEETINGS**

Raymond Wood appeared before the Board and discussed people placed on the Agenda for the Board Meetings, stating he was placed on the Agenda for April 13, 2010, and Chairman McLemore called other people before him to speak. Chairman McLemore reported that he does not recall, stating that he is in charge of the meeting, and he does not believe he violated the law. Mr. Wood discussed that the Board has a policy for time limits on speaking at a meeting, stating that you have six minutes if on the agenda, and three minutes if not on the agenda. Chairman McLemore instructed Mr. Wood that he can call the Clerk's Office to be placed on the agenda, stating that he would be allowed six minutes to speak. Mr. Wood reported that he was on the agenda in April and Chairman McLemore called the public ahead of him to speak and he felt that was wrong. Mr. Wood reported that on March 21, 2007 he was illegally arrested at the Gulf County Courthouse, and ordered to be taken to jail by Sheriff Nugent, stating that the Board held an emergency meeting on March 21, 2007 to obtain an injunction against him. County Attorney McFarland discussed that there was a criminal case involved that had a restriction on it that met the needs of the County at that time, stating that there was a decision made not to move forward with getting a permanent restraining order. Upon inquiry by Mr. Wood, County Attorney McFarland reported that he talked to the Commissioners individually concerning this issue. Mr. Wood stated that he felt the Attorney should have reported back to the Board and not to individual Commissioners. Upon motion by Commissioner Peters, second by Commissioner Williams, and a 3-2 vote (Chairman McLemore and Commissioner Traylor objecting) the Board extended Mr. Woods time by 1 minute. Mr. Wood inquired to the response from the Judge concerning the restraining order. County Attorney McFarland reported that he explained the process of the restraining order. Mr. Wood again inquired about the legality of the Attorney reporting to the Commissioners individually. Chairman McLemore responded that he is not an attorney and cannot answer that question.

### **GULF COUNTY EMPLOYMENT**

Daniel Griffin appeared before the Board and inquired about caring concerns for Gulf County residents and what is being done about employment. Chairman McLemore reported that the County is doing everything they can to bring employment into this County, stating that they hired a specialist to work with E.D.C. on this issue. Mr. Griffin discussed that it is very hard for people to stay in this County due to no employment. Commissioner Williams motioned to extend his time an additional 3 minutes. Commissioner Peters seconded the motion, and it passed unanimously. Commissioner Traylor discussed that the laws are very strict in the State of Florida for new businesses. After further discussion by members of the Board, Commissioner Williams requested that Mr. Griffin contact Chief Administrator Butler to get information concerning assistance.

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

**CARMEN L. MCLEMORE  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**