

FEBRUARY 26, 2013
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 Tynalin Smiley, Vice Chairman Ward McDaniel, and Commissioners Carmen L. McLemore, Joanna Bryan, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, E.D.C. Director Barry Sellers, Gulf County Emergency Management Director Marshall Nelson, E9-1-1 Coordinator Ben Guthrie, Gulf County E.M.S. Director Houston Whitfield, Gulf County Extension Agent Roy Lee Carter, Maintenance Supervisor Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, Sheriff Mike Harrison, and T.D.C. Director Jennifer Jenkins.

Sheriff Harrison called the meeting to order at 9:00 a.m., E.T.

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

CONSENT AGENDA

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

1. Budget Amendment – Public Works (Transfer \$179,149.71 from the Reserve for Infrastructure to Public Works Consolidation Fund * to cover past and future expenditures for the new Public Works Building construction)

Budget Amendment – General Fund (Reducing Reserves for Contingencies and Increasing expenditures for \$70,000.00 for County Development * Reducing Risk Management/HR Wellness and increasing expenditures for \$2,500.00 for BOCC Wellness) as follows:

**Budget Amendment #3
GENERAL FUND**

Amend the FY2012-2013 budget for the General Fund by reducing Reserves for Contingencies and increasing expenditures for \$70,000 for County Development, as approved by the BOCC on February 12, 2013. Additionally this Amendment will separate out the original \$20,000 from Aid to EDC/Chamber to \$10,000 EDC and \$10,000 Chamber as originally approved by the BOCC at the Budget Hearing on September 10, 2012 for the 2012-2013 Budget. As noted in the minutes of that hearing, \$46,400 was placed in Reserves for Contingencies for the purpose of Chamber/EDC.

	Original Budget	Increase	Decrease	Amended Budget
Reserves:				
99984-95000 For Contingencies	\$1,056,719.00	\$ 0.00	\$ 70,000.00	\$986,719.00
County Development:				
27152-82000 Aid to EDC	\$ 20,000.00	\$60,000.00	\$ 0.00	\$ 80,000.00
27152-82001 Aid to Chamber	\$ 0.00	\$10,000.00	\$ 0.00	\$ 10,000.00

Amend the FY2012-2013 budget for the General Fund by reducing Risk Management/HR Wellness and increasing expenditures for \$2,500 for BOCC Wellness as approved by the BOCC on January 8, 2013. This is for the contract with One Way Fitness Center to cover the BOCC's portion of the negotiated \$25.00 per employee contract price (BOCC responsibility is \$12.50 per employee).

	Original Budget	Increase	Decrease	Amended Budget
Risk Management/HR:				
22513-49002 Wellness	\$ 3,425.00	\$ 0.00	\$ 2,500.00	\$ 925.00
BOCC:				
21111-49002 Wellness	\$ 0.00	\$2,500.00	\$ 0.00	\$2,500.00

(End)

2. Invoices – UniFirst Corporation – Public Works (Invoice #2710035915 * \$10.00 * Invoice #2710037427 * \$10.00 * Invoice #2710037934 * \$10.00 * Invoice #2710038444 * \$10.00 * Invoice #2710038930 * \$10.00 * to be paid from Account #28151912-52000 * Invoice #2710037426 * \$19.06 * Invoice #2710037431 * \$68.50 * Invoice #2710037933 * \$19.64 * Invoice #2710038448 * \$68.50 * Invoice #2710038934 * \$68.50 * Invoice #2710036925 * \$19.06 * to be paid from Account #281712-52000 * Invoice #2710037938 * \$69.53 * to be paid from Account #28151911-52000 * Invoice #2710038445 * \$54.76 * Invoice #2710038931 * \$54.76 * Invoice #2710038446 * \$55.38 * Invoice #2710038932 * \$55.38 * Invoice #2710038447 * \$43.38 * Invoice #2710038933 * \$43.38)

3. Travel – Commissioner Warren J. Yeager, Jr., (FAC Leadership and Governance Workshop * February 7th Lake County * March 14th Palm Beach County * April 4th Leon County Legislative Day * May 2nd Orange County * June 6th Pinellas County)

(End)

CAPE SAN BLAS LIGHTHOUSE – UTILITIES

Deputy Administrator Lanier called for Mr. Jay Rish to appear to speak on Cape San Blas Lighthouse utilities. Mr. Rish was not present. No discussion followed.

RESTORE ACT

John Comer of Port St. Joe appeared before the Board to discuss his concerns regarding the Restore Act. He presented a handout to the Board for review regarding the Florida Constitution.

P.D.R.B. RECOMMENDATIONS (FEBRUARY 18, 2013)

The Board then considered the following recommendations from the February 18, 2013 meeting of the Planning & Development Review Board:

VARIANCE APPLICATION – ELLIS C. SMITH

County Attorney Novak reported that the P.D.R.B. recommended tabling the variance application for Ellis C. Smith (Parcel ID #03806-085R * S31 T6S R11W). No action was taken by the Board.

VARIANCE APPLICATION – SPIRIT OF HOLINESS CHURCH

Pursuant to advertisement to hold a public hearing to consider a variance application for Spirit of Holiness Church (Parcel ID #02892-000R * S11, T7S, R10W), County Attorney Novak read the public hearing notice to approve an 8' encroachment into the road setback. Upon discussion by Commissioner McLemore, Joe Glass appeared before the Board to present photos for review and stated that they are requesting a 20' extension from the existing church wall toward the highway. He reported that the wall is 57' from the center line of the highway and this would leave 37' from the center line of the highway to the front of the new porch. He stated that they are also requesting approval to build a covered parking place on the right side of the church (West side), and an approach on the left side of the church so they can unload the senior citizens. Commissioner McLemore motioned to approve this request. Commissioner McDaniel seconded the motion for discussion. Upon inquiry by Commissioner Bryan, Commissioner McLemore stated that the motion is to approve to build 37' from the center line of the highway. Planner Richardson discussed the P.D.R.B. concerns regarding the variance and the overhead lines, stating that normally the Board maintains at least 10' from the right-of-way line. After further discussion, Commissioner Bryan discussed her concerns regarding the overhead power lines in the front of the church. After discussion, Jack Husband, of Southeastern Consulting Engineers appeared before the Board to report that there are no power lines on the North side of

the church and that Mr. Glass is requesting an additional 4' from what was originally proposed. After discussion by County Attorney Novak, Commissioner McLemore amended his motion not to exceed 13'. Commissioner McDaniel stated his second stands, and the motion then passed unanimously.

VARIANCE APPLICATION – MARS REAL ESTATE VENTURES, LLC

Pursuant to advertisement to hold a public hearing to consider a variance application for Mars Real Estate Ventures, LLC (Parcel ID #06345-810R * S25, T8S, R12W), County Attorney Novak read the public hearing notice to approve a 10' encroachment into the road setback to meet the D.E.P. Coastal Construction Line permitting requirements. Commissioner McLemore motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

VARIANCE APPLICATION – RUBY G. GRIFFIN

Pursuant to advertisement to hold a public hearing to consider a variance application for Ruby G. Griffin (Parcel ID #03806-005R * S31, T6S, R11W), County Attorney Novak read the public hearing notice to approve to use 7½ ' next to Light Keepers Drive for an encroachment into the road setback. Commissioner Yeager motioned to approve this recommendation. Commissioner Bryan seconded the motion, and it passed unanimously.

SECOND PUBLIC HEARING – ANIMAL CONTROL ORDINANCE

County Attorney Novak discussed the summary of the comments from the First Public Hearing regarding the proposed Animal Control Ordinance which was held on February 12, 2013. Pursuant to advertisement to hold a public hearing to consider adoption of a proposed animal control ordinance, County Attorney Novak reported that this is the Second Public Hearing regarding the proposed animal control ordinance. Commissioner McLemore discussed his concerns regarding the permitting fees. Chairman Smiley called for public comment. Upon inquiry by Commissioner McDaniel, Sandy Christy of the St. Joseph Bay Humane Society appeared before the Board to report that the St. Joseph Bay Humane Society does not receive any funds from the fees collected under this ordinance. She discussed the permitting fee that is required for over seven animals which is in excess of four months of age. Ms. Christy also discussed some of the concerns regarding feral animals, and recommended the Board change the language regarding this section. She then discussed Animal Control Officer Roland Jones' concerns regarding the rabies section of the proposed ordinance. After discussion by Ms. Christy, Commissioner McDaniel discussed his concerns regarding the enforcement of the proposed ordinance. County Attorney Novak reported that the issue with enforcement has been discussed during the sub-committee's meetings. Chairman Smiley called for additional public comment. Nancy Laced of Port St. Joe appeared before the Board to request that the Board adopt the new language set forth today. She discussed her concerns regarding the feral animals section of the proposed ordinance and cruelty to animals. Commissioner McDaniel discussed his concerns regarding cruelty to animals. Gary Gibbs of Mexico Beach appeared before the Board on behalf of Carolyn and Leon Lee to discuss their concerns regarding the kennel permitting fee. Commissioner Yeager recommended that the Animal Control Committee

address these issues and bring a recommendation back to the Board. County Attorney Novak stated that these issues will be presented to the sub-committee for review and a final hearing will be scheduled once changes have been made.

TRAVEL – COMMISSIONERS

Clerk Norris stated that at the last Board meeting Commissioner Bryan requested some travel information for the previous two years, and reported that the Finance Department is currently working on this request.

TOURIST DEVELOPMENT COUNCIL – SPECIAL FUNDING PROGRAM

T.D.C. Executive Director Jenkins appeared before the Board to report that on Monday, March 4th will start the Sponsorship and Special Funding Program for 2013-14, stating the packet will be posted on www.visitgulf.com. She stated that an open workshop will be held on Friday, March 8th at the T.D.C. office.

TOURIST DEVELOPMENT COUNCIL – SEARCH ENGINE MARKETING

T.D.C. Executive Director Jenkins reported at the November 13, 2012 Regular Board Meeting the Board approved how to complete spending the funds from B.P., stating one was for search engine marketing, in the amount of \$15,000.00, and this will be complete in house (sole source through Google) and recommended permission to continue on search engine marketing from April through September (in budget) with a cost not to exceed \$3,500.00 per month. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

TOURIST DEVELOPMENT COUNCIL – NAVIGATE MEDIA PROGRAM

T.D.C. Executive Director Jenkins appeared before the Board to report that the Navigate Media Program has been pushed back to mid February due to inclement weather and that the program will continue through mid April.

AWARD BID #1213-08 – F.E.M.A. PIPE

Upon recommendation by Public Works Director Danford, Commissioner Yeager motioned to award Bid #1213-08 for F.E.M.A. pipe to H.D. Supply Waterworks (only bidder), in the amount of \$15,726.80, to be paid from Secondary Road & Bridge Funds. Commissioner McLemore seconded the motion, and it passed unanimously.

NORTH FLORIDA FLOOD/LOCAL STATE OF EMERGENCY

Emergency Management Director Nelson stated that the County received a lot of rain over the past several weeks, and the flood plains and rivers are already saturated. He reported that Wewahitchka had over 11” of rain since last Friday, stating that the Apalachicola River at Blountstown is expected to reach 25’ and the Chipola River is expected to reach 28’. Emergency Management Director Nelson discussed the need to start preparation, stating that sandbags will be located at the Howard Creek Fire Department, Dalkeith Fire Department, and the City of Wewahitchka Public Works. Upon recommendation by Emergency Management Director Nelson, Commissioner Yeager motioned to declare a Local State of Emergency. Commissioner McDaniel

seconded the motion, and it passed unanimously. He reported that the E.O.C. will be activated to a Level II with operations from 7:00 a.m. to 7:00 p.m. He discussed the emergency notification program and encouraged residents to register online under the E.O.C. website. Upon request by Commissioner McDaniel, Emergency Management Nelson stated that residents can contact the E.O.C. at 850-229-9110 or 850-229-9111.

COMMUNITY RATING SYSTEM

Planner Richardson discussed Pages 62-65 of the Information Packet (Community Rating System Certification), stating this is good for five years and it maintains the County's eight rating.

ADVERTISE FOR BIDS – INMATE COMMISSARY AND PHONE SERVICE

Jail Administrator Hammond requested approval to advertise to receive sealed RFQs for the inmate commissary and the inmate phone service. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

ADVERTISE FOR PUBLIC HEARING – HOMESTEAD EXEMPTION ORDINANCE

County Attorney Novak discussed a proposed ordinance regarding the additional homestead exemption which passed on Amendment 11 during the November, 2012 General Election, and requested approval to advertise for a public hearing. County Attorney Novak read the proposed ordinance by title. Commissioner Yeager motioned to approve the advertisement process regarding the proposed homestead exemption ordinance. Commissioner Bryan seconded the motion, and it passed unanimously.

LEASE AGREEMENT – INDUSTRIAL PARK

County Attorney Novak reported the Industrial Park Lease was provided to the proposed tenant, and the Right of First Refusal will be offered to the commercial tenant after the expiration of their tenancy on the property.

LEASE AGREEMENT – WILLIS LANDING

County Attorney Novak discussed speaking with St. Joe Company to obtain an executed addendum to add Willis Landing to the Odena Boat Ramp Lease Agreement for the purpose to exercise and explore grant funding. He reported St. Joe Company has agreed to the addendum, stating if the Board signs the addendum this year both sites will sunset in twenty-five years. <Clerk Norris left the meeting at 10:05 a.m.>

MEDICAL EXAMINER – APPOINTEE

Chief Administrator Butler discussed Pages 4-5 of the Information Packet and recommended that the Board re-appoint the current medical examiner. Commissioner Yeager motioned to approve this recommendation with the caveat to discuss the budget. Commissioner McLemore seconded the motion, and it passed unanimously. Upon inquiry by Commissioner McDaniel, Chief Administrator reported that the current budget is approximately \$46,000.

RESTORE ACT COMMITTEE – RESIGNATION

Chief Administrator Butler discussed his concerns regarding some staff members, Commissioners, and citizens serving on various committees. After further discussion by Chief Administrator Butler, Commissioner Yeager discussed his concerns regarding having an elected official at every Restore Act Committee meeting, and recommended to allow staff from each entity to attend. Commissioner Yeager then stepped down from the Restore Act Committee in order to allow staff to oversee the County's interest. Commissioner Yeager motioned to resign from service on the Restore Act Committee and appoint Chief Administrator Butler to Chair this committee. Commissioner McDaniel seconded the motion, and it passed unanimously. Chief Administrator Butler reported that there is one vacancy on the Restore Act Committee and applications are available on the County's website.

SHERIFF'S OFFICE – FLOOD ISSUES

Sheriff Harrison discussed the preparations ahead due to the flood, stating his office will be working closely with County personnel.

ECONOMIC DEVELOPMENT COUNCIL

Commissioner Bryan discussed the vote at the previous meeting regarding E.D.C., and requested that Guerry Magidson appear before the Board to give an update. Guerry Magidson appeared before the Board to give an update on the E.D.C., stating he has talked to a lot of people about serving on the Gulf County Economic Development Alliance, Inc. Board. He reported they have filed with the State of Florida, Gulf County Economic Development Alliance, Inc. as the operating entity. Mr. Magidson also reported that Jerry Gaskin, Steve Newman, Loretta Costin, and Anna Duren have agreed to serve on the G.C.E.D.A. Commissioner Bryan stated Mr. Magidson has done a great job moving quickly and taking action on what the Board requested. She then requested for County Attorney Novak to work with Mr. Magidson to draft an agreement. Upon inquiry by Commissioner McDaniel, Mr. Magidson reported that he selected the members to serve on the G.C.E.D.A., and the Board has not met to elect officers at this time. After discussion, Commissioner Bryan stated the Board approved for Mr. Magidson to form this Board at the last Board meeting. Further discussion followed by members of the Board. Upon inquiry by Commissioner McDaniel, Mr. Magidson reported that E.D.C. is under the Chamber of Commerce and the Chamber has a contract with E.D.C. Director Sellers. Upon inquiry by Commissioner McDaniel, Mr. Magidson stated a new contract is in the process of being written with the new organization (G.C.E.D.A.). E.D.C. Director Sellers appeared before the Board to discuss working with the Gulf County Economic Development Alliance, Inc. and the proposed contract. Mike Hobson, of P.M.C.S. and Polar Matic appeared before the Board to discuss moving his company to Gulf County (2 ½) two and a half years ago, with (12) twelve employees and a payroll of approximately \$400,000.00. He stated he was brought to Gulf County by the E.D.C. (Ed Nelson), and E.D.C. Director Sellers has been helping him to expand his business. Discussion followed by members of the Board.

HONEYVILLE COMMUNITY CENTER FEE WAIVER–FL BASS ASSOCIATION

Commissioner McLemore reported that the Florida Bass Association will be in Gulf County on March 22, 2013, and they are requesting a fee waiver for the use of the Honeyville Community Center. T.D.C. Executive Director Jenkins reported that T.D.C. will contact this entity regarding the Special Funding Program. Commissioner McLemore motioned to waive the fee for the use of the Honeyville Community Center and allow T.D.C. to contact the Florida Bass Association regarding the Special Funding Program. Commissioner McDaniel seconded the motion, and it passed unanimously.

ECONOMIC DEVELOPMENT COUNCIL

Upon discussion by County Attorney Novak, Commissioner Bryan motioned to allow County Attorney Novak to work with Guerry Magidson and the G.C.E.D.A. regarding the agreement as the County's Economic Development Agent. Commissioner McDaniel seconded the motion, and it passed unanimously.

PURCHASE OPTION – INDUSTRIAL PARK

County Attorney Novak discussed recommendations regarding the incentive to lease/purchase the Industrial Park, stating the recommendation is 10% of the final net lease payment over the five years. Commissioner Bryan motioned to offer this recommendation to the commercial tenant. Commissioner Yeager seconded the motion for discussion. Commissioner McLemore stated for the record that he is not in favor of selling the Industrial Park. After further discussion, the motion then passed unanimously.

BUDGET COMMITTEE – APPOINTEE

Upon discussion by Commissioner Yeager, Commissioner McLemore motioned to appoint Commissioner McDaniel to serve on the Budget Committee. Commissioner Yeager seconded the motion, and it passed unanimously.

RECYCLE PROGRAM

Commissioner Yeager reported he was contacted by residents regarding the need for a recycle program, stating that Waste Management has submitted some proposals regarding this issue. He requested approval from the Board to forward this information to Chief Administrator Butler for further review and allow Waste Management to come before the Board to make a presentation. The Board has no objection.

TRI-COUNTY AGRICULTURE COMPLEX

County Extension Agent Director Carter and Tri-County Agriculture Committee Member Charlie Norton appeared before the Board to request help with the Tri-County Agriculture Complex located in Calhoun County. He requested for the Board to allow the County to send two dump trucks for two days to help assist Calhoun County and Liberty County in hauling dirt to the complex. After discussion by Chief Administrator Butler, Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

COUNTY EXTENSION AGENT OFFICE – CONFERENCE ROOM

Commissioner McDaniel reported the Gulf County Extension Office hosted 15 Counties last week, and discussed the need for completing the conference room. Commissioner McDaniel motioned to complete the renovations to the Gulf County Extension Agent Conference Room, in the amount of \$5,800.00. Commissioner McLemore seconded the motion. Upon inquiry by Finance Officer Herring, Chief Administrator Butler recommended that the funds be paid from the Infrastructure Fund by Budget Amendment. Commissioner McDaniel then amended his motion to include the renovations, in the amount of \$5,800.00 to be paid from the Infrastructure Fund. The motion then passed unanimously. Chairman Smiley discussed his concerns regarding the Maintenance Department Staffing and the various projects in progress.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 10:59 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**