

PORT ST. JOE, FLORIDA

SEPTEMBER 14, 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 Bill Williams, and Nathan Peters, Jr. <Commissioner Billy E. Traylor was absent>

Others present were: County Attorney Timothy McFarland, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, T.D.C. Director Tim Kerigan, and Veterans' Service Officer James Kennedy.

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

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

CONSENT AGENDA

Commissioner Peters motioned to approve the Consent Agenda. Commissioner Williams seconded the motion, and it passed unanimously (4-0) as follows:

1. Minutes – August 24, 2010 – Regular Meeting
- August 25, 2010 – Special Meeting
2. Grant Agreement – F.D.L.E. (2011 Edward Byrne Memorial Justice Assistance Grant * \$57,037.00 * Contract No. 2011-JAGC-GULF-1-B2-012 for Drug Education and Community Safety)
3. Inventory – Gulf County Beaches Volunteer Fire Department (Transfer 2003 Kawasaki Jet Ski Inventory ID #150-87 to the Dalkeith Fire Department)

- Gulf County Detention Facility (Transfer 2003 Crown Victoria VIN 2FAFP71W23X172026, Tag #22-10, Asset #4297 to the Sheriff's Department)
4. Invoices – City of Port St. Joe Fire Truck Payment (Invoice #20101049 * \$15,375.00 * to be paid from Account #32422-81000)
 - City of Wewahitchka Fire Truck Payment (\$185.92 * to be paid from Account #33122-81000)
 - County Attorney Timothy J. McFarland (August, 2010 * \$8,021.50 * to be paid from Account #21314-31100)
 - Gulf Coast Children's Advocacy Center (March, 2010 * \$175.00 * to be paid from Account #21111-31300)
 - Gulf Coast Children's Advocacy Center (August, 2010 * \$175.00 * to be paid from Account #21111-31300)
 - Harrison Rivard (Lobbying Services * Invoice #12033 * \$18,333.00 * to be paid from Account #21111-31300)
 - Rumberger, Kirk & Caldwell – General Employment Matters (File #G214-107990 * Invoice #752316 * \$104.32 * to be paid from Account #21111-31200)
 5. Letters of Support – Gulf County Mosquito Control (Senate Bill 3735 and Companion Bill in the House H.R.6087)
 6. Purchase Request – Gulf County Emergency Management (Two Light Towers with D.O.T. package from Marketing Concepts Pro Construction Equipment Sales * \$17,230.00 * to be paid from Grant Match Funds)

(End)

OLD BAY CITY ROAD / IOLA ROAD

Grant Writer Kopinsky requested permission to advertise to receive sealed bids for Old Bay City Road and Iola Road, contingent upon the engineers preparing the design/build

for the roads. Commissioner Peters motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

GRANT WRITER - TRAVEL

Grant Writer Kopinsky reported that she will be traveling to Orlando on Wednesday, September 15th with Opportunity Florida to meet concerning the R.A.C.E.C. Broadband grant. <Grant Writer Kopinsky then left the meeting>

EDWARD BYRNE MEMORIAL ASSISTANCE GRANT ACCEPTANCE

Sheriff Nugent requested permission for Chairman McLemore to sign the Edward Byrne Memorial Assistance acceptance grant (item 2 of Consent Agenda).

BID #0910-19 – RFP E.M.S.

Chief Administrator Butler recommended the Board reject RFP #0910-19 for the operation of the ambulance service, and the County continues to run the service. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

PROPOSED RESOLUTION – WILD ANIMALS

Chief Administrator Butler discussed a proposed resolution pertaining to class I and II wild animals, and supporting Levy County. Jay Smith appeared before the Board and reported that he holds a class II PPL license, stating that it is regulated by F.W.C., and requested for the Board to review the proposed resolution and contact F.W.C. Commissioner Williams discussed that this was a very heated issue in Levy County, and he is concerned about emergency situations. After further discussion by members of the Board, Commissioner Williams motioned to table the proposed resolution and allow Jay Smith to meet with F.W.C. Commissioner Peters seconded the motion, and it passed unanimously (4-0).

PROPOSED AMENDMENT – MEMORANDUM OF AGREEMENT / TROY DEAL PARK

Chief Administrator Butler recommended approval of a proposed amendment to the M.O.A., stating that this is the area obtained from D.E.P. North of the Stumphole for a parking area, and this would extend an additional 90 days. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

APALACHICOLA / CHATTAHOOCHEE / FLINT RIVERS

David McClain appeared before the Board and discussed the issues with the A.C.F., stating that there are six counties bordering the river, and there is a particular status

under eastern water law regarding the river. He reported that they formed a group called the ACF Stakeholders, stating that the purpose of this group is to seek equitable waters of the basin. Mr. McClain discussed that the group can no longer function as coordinator without the support of the Counties, stating that they are requesting \$5,000.00 from each of the six counties along the basin. Commissioner Williams requested to address this in the final budget hearing on Monday, September 20th. Chairman McLemore stated that they will address this at the final budget hearing on Monday, stating that someone is doing a good job with the water control.

RESOLUTION – RAFFIELD FISHERIES FREEZER

County Attorney McFarland discussed a proposed resolution with Raffield Fisheries to pay off their obligations to the County, in the amount of approximately \$315,000.00, stating that approximately \$200,000.00 will stay in the County creating a loan fund for small business loans, and the remainder will be transmitted to ARPC. Commissioner Yeager motioned to adopt the proposed resolution. Commissioner Peters seconded the motion for discussion, stating that this loan was made before he was in office, and he is glad it is being paid off before he leaves office. The motion then passed unanimously (4-0) as follows:

RESOLUTION #2010-25

WHEREAS, the BOARD of COUNTY COMMISSIONERS of GULF COUNTY, FLORIDA and RAFFIELD FISHERIES, INC., a Florida Corporation, entered into a lease with option to purchase dated February 25, 1994 concerning those certain premises known as “the freezer” located at Raffield Fisheries, Highland View, Gulf County, Florida and described therein; and

WHEREAS, the Board of County Commissioner of Gulf County, Florida entered into a Trust Agreement dated February 25, 1994 concerning those certain properties described in such Trust Agreement in satisfaction of a debt owed BCGC evidenced by a promissory note dated June 10, 1985 which was assigned in part on November 12, 1985 to the Apalachee Regional Planning Council, (ARPC); and

WHEREAS, it is the intention of the parties pursuant to this Resolution to facilitate the conclusion of the lease with option to purchase existing between the parties and that certain Trust Agreement for the benefit of the ARPC and to satisfy any and all other obligations one to the other existing as a result of the premises known as “the freezer” at Raffield Fisheries, Highland View, Gulf County, Florida.

WHEREAS, the Board of County Commissioners of Gulf County, Florida is trustee for the beneficial interest of the ARPC's to the extent of \$365,000.00 on the property conveyed to Gulf County, Florida pursuant to that certain Trust Agreement dated February 25, 1994; and

WHEREAS, Raffield Fishery has paid to the ARPC the principal sum of \$247,434.57 to date in satisfaction of the ARPC beneficial interest claim with the remaining sum due to the ARPC of \$115,859.43 for full satisfaction of the ARPC beneficial interest claim memorialized in that certain Trust Agreement dated February 25, 1994; and

WHEREAS, pursuant to the lease with option to purchase existing between Raffield Fisheries, Inc. and the Gulf County Board of County Commissioners dated February 25, 1994, Raffield Fisheries, Inc., has indicated its desire to exercise the option to purchase the premises known as "the freezer" pursuant to paragraph 22 of said lease with option to purchase; and

WHEREAS, there remains due and owing to Gulf County, Florida pursuant to that certain lease option to purchase the principal sum of \$315,000.00; and

WHEREAS, Raffield Fisheries, Inc., has made the payment of real estate taxes associated with the freezer premises over the years as well as certain substantial improvements to the premises and has contributed to the fund presently held by the ARPC for the creation of a revolving loan program to be used exclusively in Gulf County, Florida.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Gulf County, Florida as follows:

1. Raffield Fisheries, Inc., shall pay to Gulf County, Florida the sum of \$115,859.43 within ten days of the date of this Resolution whereupon Gulf County will transmit that exact amount of funds to the ARPC in satisfaction of their beneficial interest in the freezer property pursuant to the Trust Agreement dated February 25, 1994; and
2. Additionally, in recognition of the substantial sums contributed by Raffield Fisheries, Inc., to the Gulf County Economic Development revolving loan fund, Raffield Fisheries, Inc., shall pay to Gulf County, Florida the further sum of \$199,140.57 as full and final satisfaction of the Lessee's purchase option obligations pursuant to that lease with option to purchase dated

February 25, 1994 and existing between Gulf County, Florida and Raffield Fisheries, inc., within ten days of the date of this Resolution. Gulf County, Florida shall, within ten days of the payment of such sum, provide to Raffield Fisheries, Inc., a Warranty Deed transferring Gulf County's interest in the freezer at Raffield Fisheries, highland view, Gulf County, Florida as more particularly described on Exhibit A of the lease with option to purchase existing between the parties.

3. Thereupon, all existing obligations between the Gulf County Board of County Commissioners and Raffield Fisheries, Inc., surrounding the freezer at Raffield Fisheries shall be deemed satisfied.
4. Gulf County, Florida shall use the monies received from Raffield Fisheries, Inc., pursuant to the purchase option payment for the exclusive purposes of creating a loan fund within Gulf County, Florida to be used for economic development purposes within Gulf County, Florida.

RESOLVED THIS 14th day of September, 2010.

(End)

RESOLUTION – THE PORT AUTHORITY

Chief Administrator discussed a proposed resolution supporting The Port Authority and the Gulf County Canal. Commissioner Peters motioned to adopt the proposed resolution. Commissioner Yeager seconded the motion, and it passed unanimously (4-0) as follows:

RESOLUTION #2010-26

WHEREAS, the Port St. Joe Port Authority has acquired through purchase and lease the real estate necessary for construction of a viable Port; and

WHEREAS, the Port St. Joe Port Authority has made significant progress in its efforts to acquire permits for the deepwater port development; and

WHEREAS, the Port St. Joe Port Authority is in need of sites for the placement of dredge material; and

WHEREAS, Gulf County is located in a Rural Area of Critical Economic Concern and is in great need of renewed economic activity that creates jobs for its citizens; and

WHEREAS, an operating port creates an economic development engine which can provide for stability in the economy, well paying jobs, and other economic benefits which will be felt throughout the county and region; and

WHEREAS, the Board of County Commissioners of Gulf County, Florida is the Local Sponsor of the Gulf County Canal.

NOW, THEREFORE, BE IT RESOLVED by the Gulf County Board of County Commissioners, as follows:

1. The County Commission is in complete support of the Port St. Joe Port Authority as a future driver of the local economy and completely supports the actions and efforts of the Port Authority as they move forward in the process of making the Port of Port St. Joe a viable, operational Florida seaport.
2. The County Commission supports the placement of dredge materials by the Port into the Gulf County Canal dredge disposal easement and hereby requests that the Corps of Engineers approve such placement.
3. That a copy of this Resolution be provided to all State and Federal agencies with dredging regulatory responsibilities.

THIS RESOLUTION ADOPTED this 14th day of September, 2010.

(End)

BEACHES FIRE DEPARTMENT – PURCHASE REQUEST

On behalf of the Beaches Fire Department, Planner Richardson requested permission to purchase training materials, stating that it will exceed the bid limit, it is a sole source item, and it is budgeted. Commissioner Williams motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

PUBLIC WORKS BUILDING – DIRECT PURCHASE

Deputy Administrator Lanier discussed a request from Cathey Construction for permission to revise a direct purchase order from Couch Ready Mix for concrete for the Public Works Building, in the amount of \$17,370.00, contingent upon approval by the Building Department. Commissioner Peters motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

SAULS CREEK ROAD

Commissioner Peters discussed that the County has previously discussed giving the Sauls Creek Road to the State, stating that the County does not want to lose this road for public access. He stated that if the State is going to restrict the road to the public, then we do not want to give the road to the State.

LOCAL STATE OF EMERGENCY – DEEPWATER HORIZON OIL SPILL

Upon inquiry by Commissioner Yeager, Emergency Management Director Nelson reported that it is not necessary to continue the Local State of Emergency for the Deepwater Horizon Oil Spill.

LOCAL STATE OF EMERGENCY – SUNRISE/SUNSET

Chief Administrator Butler discussed that the Board declared a Local State of Emergency for the Gulf front at Sunrise/Sunset at the Special Meeting on Wednesday, September 8th. Commissioner Williams motioned to give Vice Chairman Yeager the authority to sign the weekly Local State of Emergency for Sunrise/Sunset as needed. Commissioner Peters seconded the motion, and it passed unanimously (4-0).

ENTERPRISE ZONE

Commissioner Yeager requested for Chief Administrator Butler to schedule a meeting with the State concerning the issues with the new Enterprise Zone boundaries. The Board had no objection.

BASS TOURNAMENT – WHITE CITY

Commissioner Williams discussed the bass tournament held at the White City Park, and commended Ira Forehand, Public Works, Jerry Kelly and T.D.C.

HIGHLAND VIEW PARK REPAIRS

Commissioner Williams requested permission to do some repairs at the Highland View Park; not to exceed \$500.00, to be paid from the Park Maintenance budget. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

TOWN HALL MEETING – BEACHES FIRE DEPARTMENT

Commissioner Williams reported that he will hold a Town Hall Meeting at the Beaches Fire Department on Monday, September 20th at 6:00 p.m., E.T. to discuss issues in this district.

TRAVEL

Commissioner Williams requested permission to travel to Ft. Walton for the Economic Summit Meeting on Wednesday, September 15th, and to the Governors' Task Force

Meeting on Thursday, September 16th. Commissioner Yeager seconded the motion for discussion. Upon inquiry by Commissioner Peters, Commissioner Williams stated that they have requested for the County Administrator's to attend the Economic Summit Meeting. Chairman McLemore discussed that he reviewed the out of County travel for the past eight months, and that he and Commissioner Traylor used zero dollars for out of County travel, Commissioner Williams used \$10,704.28, Commissioner Peters used \$8,214.70, and Commissioner Yeager used \$5,552.62. Commissioner Williams stated that the County previously voted for him to travel for the Association of Counties, and the Governors' Task Force Meeting; stating that he is the League Task Force Representative and the First Vice President of all sixty seven Counties. After further discussion by members of the Board, the motion then passed unanimously (4-0).

T.D.C. BOARD APPOINTMENT

Commissioner Peters motioned for Commissioner Yeager to replace him on the T.D.C. Board effective the first meeting in December. Commissioner Williams seconded the motion, and it passed unanimously (4-0).

Chairman McLemore called for public comment, and there was no public comment.

There being no further business, and upon motion by Commissioner Yeager, the meeting did then adjourn at 6:39 p.m., E.T.

**CARMEN L. MCLEMORE
CHAIRMAN**

**ATTEST:
REBECCA L. NORRIS
CLERK**