

PORT ST. JOE, FLORIDA

JANUARY 11, 2011

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 Ward McDaniel, Bill Williams 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, Chamber of Commerce Director Sandra Chafin, Emergency Management Director Marshall Nelson, E-9-1-1 Coordinator Ben Guthrie, Gulf County E.M.S. Director Houston Whitfield, Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Joe Danford, Assistant Public Works Director Bobby Knee, Sheriff Joe Nugent, and Sheriff's Office Major Bobby Plair.

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.

2010 CHAIRMAN

Chairman McLemore passed the Chair to the new Chairman for 2011. Chairman Yeager presented a plaque to Commissioner McLemore for the 2010 Chairmanship.

CONSENT AGENDA

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

1. Approval of Checks and warrants for December, 2010 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
2. Bid Advertisement – Public Works (Sale of 1977 Ford LT-9000 Lowboy Truck
* #70-529 * VIN #U90FVZ09328)

3. Easement – Grain Bin Road (Drainage Ditch)

Easement – Progress Energy (280 Cape San Blas Road)

4. Inventory – Clerk (Junk * #10-295 * Canon NP6030 Copier)

- Public Works (Junk * #70-529, #25-188, #25-119, #25-125, #25-141, #25-169, #25-174, #25-171, #25-128, #25-185, #28-1, #70-617, #70-676, #70-503, #70-541, #70-632, #70-451, #70-571, #70-572, #70-678, #70-487, #70-299, #70-315, #70-316, #70-726, #72-8, #72-9, #75-100, #75-101, #75-105, #75-108, #75-140, #75-57, #75-85, #100-476, #100-475, #100-491, #100-506 #100-552 * Surplused * #72-12, #72-1 * Traded * #100-517 * Sold with Road Department * #100-562, #100-574, #100-450, #100-439, #100-448, #100-449, #100-567, #100-388, #100-421, #100-482)

5. Invoices – County Attorney – Novak Law Group (Invoice * November, 2010 * \$1,007.15 * to be paid from Account #21314-31100 * December, 2010 * \$7,499.95 * to be paid from Account #21314-31100)

- Gulf County Sheriff's Office (K-9 Training * Jerome Williams * \$385.00)

- Gulf County Sheriff's Office (K-9 Training * Joel Oquendo * \$300.00)

- Gulf County Sheriff's Office (600 Child Identification Kits * \$782.00)

- Harrison Rivard – Lobbying Services (Invoice #12086 * \$18,333.00 * to be paid from Account #21111-31300)

- Progress Energy (New service at 280 Cape San Blas Road * WR3502198 * \$1,077.71)

6. Road Closure - (Temporary) – U.S. Highway 98 in the vicinity of Veterans' Memorial Park for the Beach Blast Sprint and Olympic Distance Triathlon and Duathlon (April 23, 2011)

(End)

BID AWARD #1011-06 - PRINTING OF THE GULF COUNTY VISITOR GUIDE

Deputy Administrator Lanier reported that T.D.C. Director Kerigan was unable to attend the meeting tonight because he is stuck in Atlanta due to the weather. Deputy Administrator Lanier discussed the recommendation from the T.D.C. Board for Bid #1011-06 (for the printing of the Gulf County Visitor Guide), stating that their recommendation is Interstate Printing and Graphics, Inc, in the amount of \$24,773.00. Chairman Yeager discussed that there were local bidders, but not within the 7% local bidder policy. Commissioner Williams discussed that we need to try and help the local businesses. Upon inquiry by Commissioner Williams, County Attorney Novak reported that he attended the T.D.C. Board meeting last week, stating it was outside the scope, outside the local bidder preference and highly recommended by the Marketing Consultant for Interstate Printing and Graphics, Inc., due to the quality and pricing. Commissioner Williams motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

9-1-1 EQUIPMENT CONTRACT

County Attorney Novak requested approval and permission for the Chairman to sign a proposed 9-1-1 equipment contract, contingent upon County Attorney review. Commissioner McLemore motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

BEASLEY ALLEN LAW FIRM – BRITISH PETROLEUM CLAIM – DEEPWATER HORIZON OIL SPILL

County Attorney Novak reported that David Burn, of Beasley Allen Law Firm is here today working with County Staff concerning the B.P. claim for the Deepwater Horizon Oil Spill, and recommended for the Board to appoint a Liaison to work with Beasley Allen, and the County Attorney, to keep the Board informed on the litigation. Commissioner McDaniel motioned to appoint Commissioner Williams as the liaison for the County. Commissioner Smiley seconded the motion, and it passed unanimously. David Burn, of Beasley Allen Law Firm appeared before the Board and reported that they have had a very productive day and fourth quarter of 2010. He recognized Ed Sauls, of Jackson Thornton Firm, Ashley Taylor, CPA of Jackson Thornton Firm, Margaret Enfinger, of Beasley Allen Law Firm. Mr. Burn stated that they have also hired Professor Charles Snath from the University of Central Florida to take the historical data

and come up with forward projections. Mr. Burn thanked Clerk Finance Officer Hand and Deputy Administrator Lanier for their assistance. Mr. Burn reported that Gulf County has not filed any type law suit for the Deepwater Horizon Oil Spill, stating that would be at a later date, if needed. County Attorney Novak reported that all the County Staff has been very helpful in this process and thanked everyone for their hard work.

SIGN ORDINANCE

Chief Administrator Butler discussed the County sign ordinance that has had a moratorium on it for the past few years; stating that John Reeves has requested a waiver of the moratorium to be able to keep his sign on a trailer located on Highway 71 in Wewahitchka until he receives a permit from D.O.T. Chief Administrator Butler recommended approval of the waiver for John Reeves. Commissioner McDaniel motioned to proceed with the waiver. Commissioner Smiley seconded the motion, and it passed unanimously. Chairman Yeager requested for Commissioner Smiley to work with County Staff on revising the sign ordinance.

BID AWARD #1011-05 - STUMPHOLE REVETMENT PROJECTS – PHASE II AND PHASE III

Chief Administrator Butler stated that he and Bill Kennedy, of Preble-Rish, Inc. met with IC Contractors (low bidder) on the Stumphole Revetment project, and there were three parts to this project; mobilization Phase II and Phase III, (Phase II being paid by C.D.B.G. funds, and Phase III being paid by H.M.G.P. funds), stating that of all three phases IC Contractors were the low bidders. Chief Administrator Butler recommended issuing a Notice to Proceed; stating that the mobilization phase is \$39,876.00, Phase II is \$3,787.97 per lineal foot (\$1,045,291.70), and the Phase III (H.M.G.P. portion) is \$857,133.60. Commissioner McLemore motioned to approve this recommendation. Commissioner Williams seconded the motion for discussion. Upon inquiry by Commissioner McDaniel, Chief Administrator Butler stated that there will be a change order to decrease the amount to equal the amount of money available for this project. Chairman Yeager stated that this project is funded by three different grants, and that D.O.T. has provided funds. The motion then passed unanimously.

S.C.R.A.P. FUNDING – RESURFACING - ST. JOE BEACH AREA

Chief Administrator Butler reported that the County received S.C.R.A.P. funding due to changes in the Legislature rules last year for the resurfacing of Americus Avenue, Alabama Avenue, Georgia Avenue and Court Street, and recommended the Chairman sign and execute the four agreements. Commissioner Williams motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously. Chairman Yeager stated that S.C.R.A.P. funds are State D.O.T. funds,

stating that they awarded \$3.2 million to the District 3 Region, and Gulf County received \$1.2 million of this funding.

S.C.R.A.P. FUNDING – RESOLUTIONS

Chief Administrator Butler discussed the proposed Resolution for the resurfacing of Americus Avenue, Alabama Avenue, Georgia Avenue, and Court Street and recommended approval. County Attorney Novak read the proposed resolutions by title for the resurfacing of Americus Avenue, Alabama Avenue, Georgia Avenue, and Court Street. Commissioner Williams motioned to adopt the proposed resolutions for the resurfacing of Americus Avenue, Alabama Avenue, Georgia Avenue, and Court Street. Commissioner McLemore seconded the motion, and it passed unanimously.

RESOLUTION NO. 2011-01

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

WHEREAS, the Small County Road Assistance Program has been created by Section 339.2816, Florida Statutes, to assist small county governments in resurfacing of county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, to enter into this Agreement; and

WHEREAS, Gulf County has certified to the F.D.O.T. that it has met the eligibility requirements of said Section 339.2816, Florida Statutes; and

WHEREAS, F.D.O.T. shall reimburse Gulf County for direct costs under Financial Management Number 429967-3-58-01 for costs directly related to resurfacing of Alabama Avenue from Nautilus Drive to Georgia Avenue.

ADOPTED this 11th day of January, 2011.

(End)

RESOLUTION NO. 2011-02

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

WHEREAS, the Small County Road Assistance Program has been created by Section 339.2816, Florida Statutes, to assist small county governments in resurfacing of county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, to enter into this Agreement; and

WHEREAS, Gulf County has certified to the F.D.O.T. that it has met the eligibility requirements of said Section 339.2816, Florida Statutes; and

WHEREAS, F.D.O.T. shall reimburse Gulf County for direct costs under Financial Management Number 429967-2-58-01 for costs directly related to resurfacing of Americus Avenue from Seashore Drive to Oak Street.

ADOPTED this 11th day of January, 2011.

(End)

RESOLUTION NO. 2011-03

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

WHEREAS, the Small County Road Assistance Program has been created by Section 339.2816, Florida Statutes, to assist small county governments in resurfacing of county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, to enter into this Agreement; and

WHEREAS, Gulf County has certified to the F.D.O.T. that it has met the eligibility requirements of said Section 339.2816, Florida Statutes; and

WHEREAS, F.D.O.T. shall reimburse Gulf County for direct costs under Financial Management Number 429967-4-58-01 for costs directly related to resurfacing of Court Street from S.R. 30 (U.S. 98) to Americus Avenue.

ADOPTED this 11th day of January, 2011.

(End)

RESOLUTION NO. 2011-04

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

WHEREAS, the Small County Road Assistance Program has been created by Section 339.2816, Florida Statutes, to assist small county governments in resurfacing of county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, to enter into this Agreement; and

WHEREAS, Gulf County has certified to the F.D.O.T. that it has met the eligibility requirements of said Section 339.2816, Florida Statutes; and

WHEREAS, F.D.O.T. shall reimburse Gulf County for direct costs under Financial Management Number 429967-1-58-01 for costs directly related to resurfacing of Georgia Avenue from Ponce de Leon Street to Alabama Avenue.

ADOPTED this 11th day of January, 2011.

(End)

BID AWARD #1011-04 - CAPE SAN BLAS BIKE PATH - CONSTRUCTION/ENGINEERING/INSPECTION

Chief Administrator Butler discussed the proposals received for the Cape San Blas Bike Path, stating that the County Engineers designed this project and they cannot inspect

their own work, stating that we received four proposals and they were ranked by himself, Grant Writer Towan Kopinsky, and Deputy Administrator Lanier. He reported that the number one ranking is Post, Buckley, Schuh & Jernigan, Inc., and requested permission to negotiate a price with them and bring back an amount at the next meeting. Commissioner McDaniel motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

CONSOLIDATION SITE

Chief Administrator Butler reported that he, Building Official Collinsworth, and Brian Cathey, of Cathey Construction and Development met concerning the consolidation site at Howard Creek, and recommended a final pay request from Cathey Construction and Development on this project as a buy-out for Cathey Construction and Development to leave this site; stating that at some point the Board will have to decide if you want to erect the building somewhere else or do nothing. Upon inquiry by Commissioner McLemore, Building Official Collinsworth reported that the current total amount due on this project is \$63,881.00, and recommended to get with the Clerk and make sure this is the final payment amount before payment is made. Commissioner Williams motioned to approve this recommendation, and to pay from the infrastructure funds. Commissioner Smiley seconded the motion for discussion. Upon inquiry by Commissioner McDaniel, Building Official Collinsworth reported that the only payments that have been made were for the design of the building and some miscellaneous materials and that the \$63,881.94 is to settle-up on this project. Brian Cathey, of Cathey Construction and Development appeared before the Board and discussed that the pay request which Chief Administrator Butler has is billing for the work that has been done through today. He reported that this project started in 2009, and the building sat on the loading docks until the point that the Company the building was purchased from said "we are sending this building somewhere and you have to deal with it"; stating that they took delivery of the building, and have been dealing with this issue for months. Mr. Cathey stated that this is not about settling; that they have only billed for the work that has been performed at this site. Commissioner Williams thanked Mr. Cathey for working with the County on this issue, stating that this has been a very challenging issue for this Board, and this was an executed document that Mr. Cathey could have held this County responsible for. Mr. Cathey stated that this will be payment in full for everything done at that site. Upon inquiry by Commissioner McDaniel, Chief Administrator Butler reported that if the County furnishes the lowboy, then Cathey Construction will furnish the equipment to move the building, stating that it will cost approximately \$5,000.00. Commissioner McLemore thanked Mr. Cathey for everything he has done for this County. Mr. Cathey reported that there have been a couple of change orders, stating that they were billed at cost to the County. The motion then passed unanimously. Chief Administrator Butler discussed that the County made a direct purchase for the building, and that it will be

moved to the current Public Works Building for storage, but at some point in time the Board will have to decide what to do. Chairman Yeager stated that he will work with Chief Administrator Butler to come up with scenarios of what to do with the building. Clerk Norris informed the Board that the previous motion was not amended to include the cost to move the building to the Public Works site. Commissioner McLemore motioned to pay Cathey Construction \$5,000.00 for the building to be moved from the consolidation site at Howard Creek to the current Public Works site. Commissioner Smiley seconded the motion, and it passed unanimously.

GRANT ACCEPTANCE

Sheriff Nugent requested for Chairman Yeager to sign a grant acceptance for D.A.R.E. supplies as previously approved.

INTERNET SAFETY CLASSES

Sheriff Nugent reported that the Sheriff's Department will be holding internet safety classes for parents and grandparents on Thursday, January 20th, at Port St. Joe Elementary, starting at 6:30 p.m., E.T., and on Thursday, January 27th, at the Wewahitchka Courthouse starting at 6:30 p.m., C.T.

DITCH LANDING ROAD

Commissioner McLemore stated that the Ditch Landing Road has been closed by a hunting party, and should not have been closed, stating that he would like to have the posted signs and gates removed from the road. County Attorney Novak stated that he met with David Harrelson, of the St Joe Company concerning this issue, stating that there was an agreement signed in 2009 between the County and St. Joe Company on the Ditch Landing Road. He reported that there have been some issues with getting the grader past a particular bridge down to the Ditch Landing Road, stating that the bridge has been inspected, and proposed cost projections has been done to repair it. County Attorney Novak stated that the St. Joe Company is willing to honor the agreement so long as the County is prepared to continue that agreement and maintain it. Commissioner McLemore stated that there needs to be some bridge repair. Public Works Director Knee stated that he inspected the bridge and it will cost a couple hundred dollars to repair. Commissioner McLemore motioned to repair the bridge, remove the posted signs and gates from the Ditch Landing Road. Commissioner Smiley seconded the motion for discussion. Upon inquiry by Chairman Yeager, Commissioner McLemore stated that the County maintains the road and landing. After further discussion, the motion then passed unanimously.

HIGHLAND VIEW FIRE DEPARTMENT

Commissioner Williams motioned to dedicate the new Highland View Fire Department in honor of the late Willard Richards. Commissioner McLemore seconded the motion, and it passed unanimously.

INDUSTRIAL PARK SITE

Commissioner Williams discussed that he received a request from the Sheriff's Department to utilize the Industrial Park site at Dalkeith for K-9 training, and motioned to allow them to use this facility. Chief Administrator Butler reported that E.D.C. has been in contact with approximately three different firms who are interested in using the building. Commissioner McLemore seconded the motion, and it passed unanimously.

LEGISLATIVE PRIORITIES

Commissioner Williams reported that he has the Legislative Priorities from the Florida Association of Counties, stating that he will present this to the Clerk for public record and for public inspection upon request.

COUNTY/CITY JOINT MEETING

Commissioner Williams discussed the status of the County/City joint meeting, stating that Mayor Magidson reported in the earlier meeting that they are working on some dates to hold this meeting. Upon inquiry by Commissioner Williams in regards to A.R.P.C. facilitating, the joint meeting, Chairman Yeager discussed that he and Chief Administrator Butler met with City Manager Charlie Weston concerning this joint meeting, and they would like to hold the joint meeting first and set some priorities, and then schedule a meeting with A.R.P.C. to facilitate.

BEACON HILL SEWER TRUNK LINE

Chief Administrator Butler recommended the City and County both ask for the same pot of money to continue the sewer on Beacon Hill; asking the Board to vote tonight and ask the City to go ahead and do the same. Based on Chief Administrator Butler's recommendation, Commissioner Williams so moved. Commissioner McLemore seconded the motion and it passed unanimously.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DISBURSEMENTS

Commissioner Williams reported that Emergency Management Director Nelson met with N.O.A.A. and other State Agencies concerning disbursements and tactical findings, stating that there are some available websites, and this information will be provided to the Clerk for public record.

TRAVEL – COMMISSIONER DISTRICT 3

Commissioner Williams requested permission to travel to Orlando on January 21, 2011, to attend an Executive Committee Meeting for the Legislative Conference. Commissioner Williams motioned to approve this request. Commissioner McDaniel seconded the motion for discussion. Commissioner McLemore discussed Commissioner Williams' travel for last year, stating that we have Representatives and Legislators to represent this County, and the tax payers are not suppose to pay for all this travel. Commissioner Williams discussed that we have to be involved at the State and Legislative level to keep from falling behind. Upon inquiry by Commissioner McDaniel, Chief Administrator Butler reported that Gulf County has received a lot of funds because of Chairman Yeager and Commissioner Williams sitting in the District 3 D.O.T. Office in Chipley. The motion then passed 4 to 1, with Commissioner McLemore voting no.

COUNTY WIDE VOTING

Commissioner Smiley discussed that all he is hearing is we need to cut and not having the money to do this or that. Commissioner Smiley discussed that at a previous November 23, 2010 meeting Commissioner Williams motioned to check into the County Wide voting issue. Commissioner Smiley stated that the County has cut back on its citizens; there are things (jobs) that need to be done in each district that we don't have the money to do and this County does not have the funds for a bunch of lawyers to fight this issue; and I will fight you on this, he stated. Commissioner Williams reported that he can repeatedly show the ineffectiveness and waste caused by the independent ideologies of single-member districts, stating that this would make this Board work as one unit; reiterating that this County has repeatedly voted for County Wide voting. Commissioner Smiley discussed the possibility of putting this issue back on the ballot. After further discussion by members of the Board, County Attorney Novak reported that he has spoken to two different firms regarding this issue, and he is waiting on proposals from the firms to bring a report back to this Board.

PUBLIC WORKS

Commissioner McDaniel discussed the Public Works site located behind the Courthouse, stating that there is no security for this facility, and this needs to be secured. Chairman Yeager discussed that the fence has already been purchased for this facility. Commissioner McDaniel motioned to put the fence back up (6 foot) at the Public Works facility (10 acres) with three strands of barb wire around the top. Commissioner McLemore seconded the motion, and it passed unanimously.

SAULS CREEK ROAD

Upon inquiry by Commissioner McDaniel, Chief Administrator Butler reported that Dan Garlick, of Garlick Environmental reapplied for the D.E.P. permit on January 6, 2011, stating that he spoke with the Northwest Florida Water Management District, who also stated that a permit from the Corp of Engineers is required. He reported that N.W.F.W.M.D. previously notified Garlick Environmental that there would have to be granite rock used on this road, and they have now backed off the idea of granite rock, stating they might issue the previous requested permit using the existing material.

BOARD POLICIES

Chairman Yeager reported that he is going to be working on Handbook of Board policies. He stated that there are several items he wants to clean up, and will be requesting the other Commissioners at the next meeting to assist in this process.

HEALTHCARE / INSURANCE

Chairman Yeager requested for Commissioner Williams to work on the healthcare and insurance issues, stating that he will be more specific at the next meeting.

RIFLE RANGE

Chairman Yeager reported that the current rifle range has grown to over 500 hundred members, stating that they have leased the land from the St. Joe Company on a yearly basis, and they have lost some of their land due to the St. Joe Company selling to D.O.T. Commissioner Yeager stated that he is looking for additional property, and will be working with the St. Joe Company on this issue.

ANIMAL CONTROL

Raymond Wood appeared before the Board and stated that he was bit by a dog on November 20, 2010, and discussed the details involving this incident. Mr. Wood requested Commissioner Williams to check into this issue. Chairman Yeager requested Commissioner Williams to work with County Attorney Novak on the Animal Control Policies and Procedures. County Attorney Novak requested to speak with Mr. Wood after the meeting.

There being no further business, and upon motion by Commissioner Williams, the meeting did then adjourn at 7:18 p.m., E.T.

WARREN J. YEAGER, JR.
CHAIRMAN

ATTEST:
REBECCA L. NORRIS
CLERK