

PORT ST. JOE, FLORIDA

NOVEMBER 13, 2007

REGULAR MEETING

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

Others present were: County Attorney Timothy McFarland, Deputy Clerk Kari Summers, Deputy Administrator Lynn Lanier, E.D.C. Director Alan McNair, Emergency Management Director Marshall Nelson, G.I.S. Director Scott Warner, Human Resources Director Denise Manuel, Planner David Richardson, Road Department Superintendent Bobby Knee, Assistant Road Department Superintendent Chris Wood, Solid Waste Director Joe Danford, Sheriff Joe Nugent and Sheriff's Office Sergeant Chris Buchanan.

Sheriff Nugent called the meeting to order at 6:02 p.m., E.T.

Vice Chairman Barnes opened the meeting with prayer, and Chairman Williams led the Pledge of Allegiance to the Flag.

APALACHICOLA RIVERKEEPER

Chairman Williams introduced David McLain and Dan Tonsmeire, of Apalachicola Riverkeeper. David McLain appeared before the Board to discuss that Atlanta is trying to reduce the amount of water released down the Apalachicola River. He presented a proposed resolution for adoption by the Board to submit to the Governor regarding Florida's need for this water, and discussed that research is being done to determine the exact amount of water needed for the Apalachicola River and Apalachicola Bay to survive. After further discussion, Mr. McLain stated that a Florida Stakeholders Meeting will be held prior to the Governor's meeting with Alabama and Georgia on December 12th, and he requested the Board's assistance in supporting this effort and appointing a Gulf County representative to serve on the committee. Upon motion by Commissioner McLemore, second by Commissioner Peters, and unanimous vote, the Board adopted the following resolution and County Attorney McFarland read it by title.

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS

NO. 2007-50

**Allocation of the Waters of the Apalachicola-Chattahoochee-Flint (ACF)
River Basin**

WHEREAS, a critical component of Florida's demands for an equitable share of the surface waters of the ACF Basin will always be a scientifically--verifiable statement of Florida's water requirements;

WHEREAS, the Florida Statute 373.042 has been used by Florida Water Management Districts to prioritize, establish indicators and conduct a detailed scientific assessment to establish a flow regime necessary to protect the water quality, biodiversity, and productivity of Florida watercourses;

WHEREAS, the NFWMD has elected to "reserve" the waters of the Apalachicola River (Florida Administrative Code 40A-2.223) by prohibiting new withdrawals within Florida (emphasis added);

WHEREAS, upstream diversions of the surface water flows of the Apalachicola-Chattahoochee-Flint (ACF) basin continue to increase in order to support metropolitan Atlanta's growth;

WHEREAS, notwithstanding the fact that drought is a natural event, the duration and severity of the present drought's impact are directly and substantially influenced by what MAN does or fails to do;

WHEREAS, riparian Counties bordering on the Apalachicola River and Bay are entitled to an equitable distribution of those waters in accordance with Eastern Water Law;

WHEREAS, much of the litigation in the federal courts has been limited to endangered species (certain mussels and the Gulf sturgeon) under the Federal Endangered Species Act, which allows for a continuing mischaracterization of the dispute as between "the 5 million people of Atlanta and a few critters of Florida";

WHEREAS, the waters of the Apalachicola are an irreplaceable Florida natural resource and a critical component of this County's cultural and economic backbone;

THEREFORE, BE IT RESOLVED

1. That this Commission appoint 2 knowledgeable representatives, as Florida Stakeholders, to communicate the concerns of this County, as identified in the resolution above, directly to Governor Crist;
2. That this Commission urgently requests a briefing on the findings of the State's scientific assessment of the freshwater needs of the Apalachicola River and Bay including key indicators (such as oyster mortality rate, prolonged high salinity in the Bay, loss of floodplain habitat and other resource habitat indicators) by which the health, water quality, and productivity of the Apalachicola River and Bay are to be measured and protected; and
3. That these appointed representatives be required to report periodically on the actions of the State of Florida in prosecution of the County's interests in negotiation, mediation and/or on-going litigation for an equitable share of the surface waters of the ACF.

APPROVED this 13th day of November, 2007.

(End of Resolution)

Chairman Williams stated that he will serve on this committee and he discussed also appointing Jim Townsend or Sharon Gaskin. Commissioner Traylor stated that Commissioner McLemore knows the River better than anyone. Upon motion by Commissioner Traylor, second by Commissioner Barnes, and unanimous vote, the Board appointed Commissioner McLemore and Chairman Williams to serve as Gulf County's representatives. Dan Tonsmeire thanked the Board for their support in this effort.

CONSENT AGENDA

Upon motion by Commissioner Peters, second by Commissioner Barnes, and unanimous vote, the Board adopted the following Consent Agenda items, after removal of Item #8 (Page 56).

1. Minutes - October 18, 2007 - Emergency Meeting
- October 23, 2007 - Regular Meeting
- October 29, 2007 - Special Meeting
2. Bid Advertisements - Completion of the Interior of the Mosquito Control Building / Financing for Completion of the Interior of the Mosquito Control Building / Waste Tire Processing Contractor)
3. Engagement Letter - The Arbitrage Group - Rebate Report for the M.S.T.U. Bonds (\$1,750.00)
4. Expenditures - Washington Museum (Commissioner Peters to oversee Expenditure of Funds Donated for Museum)
5. Grant Award - Sheriff's Office (Edward Byrne Memorial Justice / J.A.G. Grant * \$2,932.00)
6. Inventory - County Judge (Junk Items #20-104, #20-105, #20-106, #20-115, #20-116, #20-107 & #140-45)
- Emergency Management (Junk Items #90-204, #90-225, #90-30, #90-123 & #90-211)
7. Invoice - Agency for Health Care Administration - Medicaid (August, 2007 * \$2,255.00 / September, 2007 * \$21,519.00 * to be paid from Account #52264-34100)

- Bay Medical Center - H.C.R.A. (#0721900805 * \$1,130.43 / #0724800140 * \$120.40 * to be paid from Account #51462-31500)

- County Attorney Timothy McFarland (October, 2007 * \$9,651.00 * to be paid from Account #21314-31100)
- Florida Department of Revenue - Unemployment Compensation (Larry Davis * \$275.00 / Christopher Shearer * \$357.65 * to be paid from Account #21111-25000)
- Preble-Rish, Inc. - Honeyville Community Center (#65395 * \$4,311.64 * to be paid from Account #31325-62000)
- Preble-Rish, Inc. - Five Points Landfill Permit Renewal (#75861 * \$270.00 * to be paid from Account #42634-34000)
- Small County Coalition - Annual Dues (2007-08 * \$3,497.90 * to be paid from Account #21111-54200)
- St. Joseph Bay Humane Society - Animal Control Services (\$1,813.00, \$70.00, \$220.00 & \$150.00 * to be paid from Account #43262-82000)
- Windolf Construction - Gulf County Welcome Center (Bid #0607-16 * #2 * \$111,852.45 * to be paid from Account #27452-81001)

****DELETE**** 8. Resolution - Approving execution of loan documents with Branch Banking & Trust Company - Governmental Finance for the Wheeled Landfill Compactor * Bid #0607-38 * \$493,954.00)

9. S.H.I.P. - Purchase Assistance (Haley Skiles - \$17,000.00 / Pamela Madrid - \$17,000.00)

S.H.I.P. - Rehabilitation Assistance (Catherine Kennedy - \$5,500.00 / Margie Henderson - \$5,500.00 / Charles & Sheila Fisher - \$18,000.00 / Early & Patricia Lewis - \$18,000.00 / Willie Bell Sylvester - \$5,500.00)

(End of Consent Agenda)

PUBLIC HEARING - ORDINANCE D.C.A. STIPULATED AGREEMENT

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance amending the Comprehensive Plan according to the requirements of the Stipulated Settlement Agreement with the Florida Department of Community Affairs (DOAH Case No. 06-2778GM), County Attorney McFarland read the proposed ordinance by title. There being no public comment, and upon motion by Commissioner McLemore, second by Commissioner Traylor,

and unanimous vote, the Board adopted the following-titled ordinance.

ORDINANCE NO. 2007-16

AN ORDINANCE AMENDING THE LAND USE ELEMENT, THE CUMBIE AND WETAPPO AMENDMENTS OF THE GULF COUNTY COMPREHENSIVE PLAN PER THE REQUIREMENTS OF THE STIPULATED SETTLEMENT AGREEMENT WITH DCA, et al v. GULF COUNTY (DOAH CASE NO. 06-2778GM) BY ADOPTING THE REMEDIAL LANGUAGE (EXHIBIT B) AND THE AMENDED FUTURE LAND USE MAP (FLUM) TO BRING THE GULF COUNTY COMPREHENSIVE PLAN INTO COMPLIANCE PURSUANT TO SECTION 163, PART II, FLORIDA STATUTES.

(Complete Ordinance on file in the Clerk's Office)

RESOLUTION / FINANCING WHEELED LANDFILL COMPACTOR

County Attorney McFarland presented a resolution regarding financing of the Wheeled Landfill Compactor (Bid #0607-38 * \$493,954.00 * 5 Years). Upon motion by Commissioner Traylor, second by Commissioner McLemore, and unanimous vote, the Board adopted the following resolution.

**RESOLUTION APPROVING FINANCING TERMS
NO. 2007-48**

WHEREAS: Gulf County ("County") has previously determined to purchase a Wheeled Landfill Compactor, and the Finance Officer has now presented a proposal for the financing of this project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated October 31, 2007. The amount financed shall not exceed \$493,954.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.63%, and the financing term shall not exceed 5 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

APPROVED this 13th day of November, 2007.

(End of Resolution)

GULF COAST PARKWAY MEETING

Deputy Administrator Lanier reported that there was an error regarding the Gulf Coast Parkway Scoping meeting, and stated that the meeting will be held tomorrow (November 14th) at the Springfield Community Center, 3728 East 3rd Street, in Springfield at 11:00 a.m., E.T. Chairman Williams stated that the correct information will be on the news tonight, and Deputy Administrator Lanier stated that it is also on the County website.

INVOICE HONEYVILLE COMMUNITY CENTER SEPTIC SYSTEM

Deputy Administrator Lanier presented invoice #1 from Bailey & Son's Diversified, Inc., in the amount of \$27,900.00, for work completed on the Septic System for Honeyville Community Center (Bid #0607-40, to be paid from Account #31325-62000). Upon motion by Commissioner McLemore, second by Commissioner Traylor, and unanimous vote, the Board

approved payment of this invoice.

INVOICE COUNTY AUDIT (2005-06)

Deputy Administrator Lanier discussed a memorandum from Chief Administrator Butler recommending final payment to Thomas, Howell & Ferguson/Keith L. Jones for audit services for 2005-06, in the amount of \$7,268.60 (to be paid from Account #21111-32000). Upon motion by Commissioner McLemore, second by Commissioner Barnes, and unanimous vote, the Board approved payment of this invoice.

AWARD BID #0708-03 / WEEKEND PARK CLEANUP

Deputy Administrator presented a memorandum from Chief Administrator Butler recommending that the Board award Bid #0708-03 for weekend park cleanup to low bidder Ray & Sue Dickens, in the amount of \$282.58 per week. Upon inquiry, Deputy Administrator Lanier reported that Mr. Dickens agreed to conform to the individual wishes of the Board members as to the time requirements for cleaning each park. Upon motion by Commissioner McLemore, second by Commissioner Traylor, and unanimous vote, the Board approved this recommendation.

ORDINANCE - SEXUAL OFFENDERS

Sheriff Nugent discussed that the County's Sexual Offender Ordinance has conflicts with the new State ordinance, and requested permission for Sergeant Chris Buchanan to meet with County Attorney McFarland regarding these issues so the ordinance can be amended. He also requested permission to work with G.I.S. to develop a map that shows all bus stops, nursery schools, playgrounds, etc. Upon inquiry, Sheriff Nugent stated that the information has been received from the School Board, Cities, etc. and just needs to be reflected on a map. Upon motion by Commissioner McLemore, second by Commissioner Barnes, and unanimous vote, the Board approved these requests.

POWER BILL - SHERIFF'S SUBSTATION

Sheriff Nugent discussed the bill from Gulf Coast Electric Cooperative for electricity for the Sheriff's sub-station, stating that it still has not been paid. Commissioner Traylor discussed paying the bill with additional funds left from the 2006-07 budget (if any funds are available). After further discussion that the bill will increase now that the Probation Office is there, Sheriff Nugent stated that the Board may break even with the \$600.00 per month rent they are receiving from Probation Services. Upon motion by Commissioner McLemore, second by Commissioner Traylor, and unanimous vote, the Board agreed to transfer the power bill from the Sheriff to the Board.

SHERIFF SPECIAL AUDIT

Sheriff Nugent reported that Carr, Riggs & Ingram have completed the special audit they performed, and the Sheriff's Office had a shortfall of \$66,000.00, and they had a few housekeeping changes to incorporate.

INVOICE ROAD BOND PAVING PROJECT

Road Department Superintendent Knee presented G.A.C. invoice #5253 for work completed on the Road Bond Paving Project, in the amount of \$120,189.86 (Bid #0607-11, to be paid from Account #41441-63000). Upon motion by Commissioner Traylor, second by Commissioner McLemore, and unanimous vote, the Board approved payment of this invoice.

AMERICUS AVENUE DITCH PROJECT

Road Department Superintendent Knee discussed the Americus Avenue Ditch project, and the work to be provided by the Road Department. He stated that the amount of Change Order #7 is \$406,057.00, stating that this will leave \$5,800.00 in Road Bond Priority Funds. He then requested that District 3 set aside funds to offset the costs that will be incurred by the Road Department. Chairman Williams stated that the Road Department uses fuel for their work every day that is not charged to individual districts. Commissioner Traylor requested that Chairman Williams meet with Road Department Superintendent Knee to resolve this matter.

LANDFILL / PROPERTY ACQUISITION

Upon inquiry by Commissioner Traylor, Solid Waste Director Danford reported that no progress has been made on acquiring land for a new landfill. He stated that the money needed for the survey and site testing was not funded. Upon inquiry, Solid Waste Director Danford discussed that when he developed total costs of solid waste for purposes of the M.S.B.U., he took the costs for the new landfill into consideration. Commissioner Traylor stated that if the Board does not adopt the M.S.B.U., there are no funds for a new landfill. Planner Richardson stated that once the current landfill is full, there would be no more single-family homes, subdivisions, etc. (construction would stop).

SMALL COUNTY TECHNICAL GRANT

Planner Richardson reported that D.C.A. has notified him of the availability of Small County Technical Grant funds to assist with fulfillment of S.B. 360 requirements (could be used for Economic Development), and he requested permission to apply. Upon motion by Commissioner Traylor, second by Commissioner McLemore, and unanimous vote, the Board approved this request.

DEAD LAKES PARK

Commissioner Traylor reported that National Geographic had an article on the Dead Lakes Park.

LANDFILL TIPPING FEES

Upon inquiry by Commissioner Peters, Solid Waste Director Danford stated that the tipping fees would not be modified until decisions are reached by the Board (who pays, how much, etc.). After discussion by members of the Board, Solid Waste Director Danford stated that the

figures developed for the M.S.B.U. is for operation of the landfill (in addition to the tipping fees). Commissioner Peters stated that the Board should proceed with amending the tipping fee policy. Upon inquiry, County Attorney McFarland stated that the public hearing on the M.S.T.U. will be on December 11th, but the Board can take action on the tipping fee issue at any time.

STUMPHOLE PROJECT / FUNDING

Commissioner Barnes stated that the County does not want to lose the funding for the Stumphole Revetment Project, and he presented the Joint Participation Agreement with D.O.T. for approval. Upon motion by Commissioner Traylor, second by Commissioner Barnes, and unanimous vote, the Board approved the following resolution authorizing Chairman Williams to execute this agreement, upon review by County Attorney McFarland.

RESOLUTION NO. 2007-49

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Transportation Regional Incentive Program has been created by Section 339.2819, Florida Statutes, to provide funds to improve regionally significant transportation facilities in "regional transportation areas" pursuant to Section 339.155(5), Florida Statutes; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, 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 of said Section 339.2819, Florida Statutes; and

WHEREAS, F.D.O.T. is willing to provide Gulf County with financial assistance under Financial Project Number 422457-1 for costs directly related to the Construction Phase for the Stumphole Revetment, hereinafter referred to as the "PROJECT";

NOW, THEREFORE, BE IT RESOLVED by the Gulf County Board of County Commissioners that the Chairman of the Board is authorized to sign the Agreement with F.D.O.T. for the Stumphole Revetment Project.

THIS RESOLUTION ADOPTED this 13th day of November, 2007.

(End of Resolution)

VETERANS' MEMORIAL

Chairman Williams reported that a dedication was held for Veterans' Memorial Park in

Beacon Hill on November 11th, stating that the speaker was from Tyndall Air Force Base. He stated that the American Legion Writers were also in attendance, and they are working on getting displays for the Park.

ECONOMIC SUMMIT

Chairman Williams reported on a summit to be held on December 5th from 5:00 until 7:00 p.m., E.T. in the Board Room to discuss the economic crisis in Gulf County. He requested permission from the Board to invite Rick Marcum, of Opportunity Florida, to get involved in this effort with E.D.C.

SHERIFF'S OFFICE

Chairman Williams discussed the financial issues of the Sheriff, and requested that the Board consider funding assistance for the Sheriff's Dispatch in the Alternative Revenue Sources for Fire Services and E.M.S. The Board agreed for Chairman Williams to meet with Sheriff Nugent, E.M.S. Director McGuffin and the Fire Chiefs to discuss this issue.

WATER BILLS

Patrick McFarland appeared before the Board to discuss problems with increases in water bills in Port St. Joe and the County for water and sewer services. Upon motion by Commissioner Traylor, second by Commissioner Peters, and unanimous vote, the Board extended the speaking time for Mr. McFarland by 3 minutes. He requested that the Board assist in having the water bills/connections reduced. He presented a graph showing the increase over the last several years, and the increases that the City are proposing. Upon motion by Commissioner Barnes, second by Commissioner Peters, and unanimous vote, the Board extended the speaking time for Mr. McFarland by 3 minutes. He discussed that many families are low income and fixed income, and the increases can cause them to have to choose between water and food. He further discussed the economy in down in Gulf County, which is causing hardships on families that were not previously having financial difficulties. Upon motion by Commissioner Barnes, second by Commissioner Peters, and unanimous vote, the Board extended the speaking time for Mr. McFarland by 3 minutes. After further discussion by Mr. McFarland regarding the proposed increases over the next several years, Chairman Williams discussed that it is important for the Board to hold workshops to look at this issue. Chairman Williams stated that they can look at other Counties in the State to compare their rates, and the Board agreed for Chairman Williams to begin working with the City on this issue.

APALACHICOLA RIVER

Upon motion by Commissioner McLemore, second by Commissioner Peters, and unanimous vote, the Board extended the speaking time for Patrick McFarland by 3 minutes. Mr. McFarland discussed issues in the past regarding water from Atlanta for the Apalachicola River. He thanked the Board for joining in this effort, and he told Mr. McLemore that he would be glad to assist that committee in any way possible.

SLUDGE COMMITTEE

Elinor Cunningham, of the Sludge Oversight Committee, appeared before the Board to report that water samples were taken today at Wetappo Creek (above and below the sludge dumping site) for testing. She stated that next week they will test samples from further down the river. Commissioner McLemore thanked the Committee for the work they are doing. Upon inquiry by Commissioner Peters, Solid Waste Director Danford reported that all of the results should be received in 3-4 weeks. Mrs. Cunningham inquired as to whether the Committee should be working on a Sludge Ordinance. Chairman Williams stated that the Board would like for the Committee to look at the proposed ordinance for possible modifications based on what D.E.P. regulates and issues that the Cities had with that ordinance. County Attorney McFarland stated that the Committee should meet with the Cities to work out the portions of the ordinance that they oppose. Members of the Board discussed that if the Committee cannot make progress in the negotiations with the Cities regarding the ordinance, they should bring this matter back to the Board.

INVOICE BAY CARES

Clarissa Herndon, of the Gulf County Health Department, appeared before the Board to present a letter from Health Department Administrator Kent regarding an invoice from Bay Cares, with a balance due of \$1,409.00, for 2007-08. Upon inquiry by County Attorney McFarland, Ms. Herndon discussed the services provided by Bay Cares. She stated that the invoice was submitted (in the amount of \$2,850.00), but only \$1,441.00 was paid. She discussed that this outstanding amount could be paid from the County's H.C.R.A. funds (which have a balance of \$7,528.98). The Board agreed to look into this matter.

There being no further business and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:02 p.m., E.T.

**BILL WILLIAMS
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**

