

PORT ST. JOE, FLORIDA

SEPTEMBER 29, 2009

SPECIAL MEETING

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

Others present were: County Attorney Timothy McFarland, 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, Planner David Richardson, Sheriff Joseph Nugent, and Veterans' Service Officer James Kennedy.

Chairman Peters called the meeting to order at 5:03 p.m., E.T.

Chairman Peters read the plaque from the podium, stating that we will be respectful of one another, even when we disagree, we will direct all comments to the issue, and we will avoid personal attacks.

RESOLUTION #2009-58 / INSURANCE

County Attorney McFarland reported on a letter and proposed resolution concerning the termination of the Public Risk Management of Florida insurance, effective at the end of the policy year, which ends on May 31, 2011. Commissioner Williams motioned to adopt the proposed resolution and submit the letter to terminate the coverage. Commissioner Yeager seconded the motion, and it passed unanimously.

RESOLUTION NO. 2009-58

WHEREAS, Gulf County, Florida is a duly organized political subdivision of the State of Florida; and

WHEREAS, Gulf County, Florida has entered into an Intergovernmental Cooperative Agreement with Public Risk Management of Florida for the provision of insurance coverage; and

WHEREAS, Gulf County is like most local governments in the State of Florida and has a fiscal year which begins October 1 of each year; and

WHEREAS, Public Risk Management has a contractual requirement which provides that Gulf County must give one year's notice of the intent to terminate the agreement prior to the policy year end; and

WHEREAS, the policy year end as dictated in the agreement is April 1st of each year and the contract is one which contemplates automatic renewal each year for a one year term unless and until timely terminated by the Board of County Commissioners; and

WHEREAS, such a scenario would avoid the competitive bidding process and thereby deprive the citizens of Gulf County the ability to ensure that the county insurance is procured in the most cost effective manner; and

WHEREAS, the Gulf County Board of County Commissioners desires to provide quality insurance at the most competitive rate available,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Gulf County Board of County Commissioners hereby directs that the Administration shall provide Notice of Intent to withdraw from the pool and terminate coverage through the Public Risk Management of Florida Intergovernmental Cooperative Agreement effective March 31, 2011.

PASSED AND ADOPTED THIS 29TH day of September, 2009.

(End)

COUNTY/CITY ISSUES

Upon request by Chairman Peters, City Mayor Magidson appeared before the Board and reported that the City of Port St. Joe has a contract with L & R Contractors for the Beaches sewer project, stating that they are due a payment in the amount of \$289,983.60 by September 30, 2009. He reported that if the payment is not made the contractor is going to stop the job, and that this will hurt the City, County, contractor and subcontractors. City Mayor Magidson provided written responses to the County allegations or concerns.

City Mayor Magidson reported that Mrs. Allison, 6673 Georgia Avenue St. Joe Beach, purchased her property six weeks after the deadline to sign up for sewer, stating that she was not a property owner during the eligibility period. He reported that she has paid \$1,895.00 (grinder) and \$2,670.00 (tap fee) for a total of \$4,565.00 to the City of Port St. Joe, stating that the remaining amount due is to the electrical and plumbing contractors, in the amount of \$4,700.00.

City Mayor Magidson reported on the Beacon Hill sewer project, stating that approximately \$277,000.00 has been spent on engineering to get it ready, should they get stimulus funds. He reported that neither the City nor the County has been able to procure construction funds for Beacon Hill. City Mayor Magidson reported that the City has complied with the County request, and that the Churches and Volunteer Fire Departments in White City and Highland View were hooked up for the \$500.00 fee, stating that this was a misunderstanding.

Commissioner Williams reported that he wants a plan for the Beacon Hill sewer, stating that this has not been received.

Commissioner Williams reported that the issue with Mrs. Allison is that it cost \$10,000.00 for sewer hook-up. City Mayor Magidson reported that the City did not make these rules, and that they charged the actual cost of the grinder pumps. Commissioner Williams

reported that there needs to be a rate study for the \$2,670.00 tap fees. City Mayor Magidson reported that this was established through an ordinance adopted by the City.

Commissioner Williams reported on allegation #2, stating that the City is not compliant with D.E.P. regulations discharging treated waste water into the Inter-Coastal waterway. City Mayor Magidson reported that the City has had an excellent track record in passing toxicity tests since September, 2007.

Commissioner Williams reported that there were major problems with the churches, fire departments, commercial property and the V.F.W. in Highland View. City Mayor Magidson reported that there was never an agreement to hook up the V.F.W. for the \$500.00 tap fee.

Commissioner Yeager reported that this project has to move forward, stating that there needs to be a rate study on the \$2,670.00 tap fee. County Attorney McFarland read the Interlocal Agreement, stating that the City shall extend the appropriate size sewer trunk line to the Gulf/Bay County line to accommodate maximum subdivisions within 36 months from November 30, 2005, stating that this expired in 2008.

OAK GROVE WATER & SEWER SYSTEM

Commissioner Yeager requested that the County Attorney draft an agreement to transfer the Oak Grove Water & Sewer system to the City of Port St. Joe, and bring back to the Board for approval.

BEACHES/BEACON HILL SEWER

Commissioner Traylor reported on the issue with the V.F.W., stating that they are a 501 (c) 3, and they are men and women who have served our country.

Commissioner Traylor reported that Hammonds Store in White City paid the \$500.00 hook up fee, and was later told they could not be hooked up as a commercial business for this amount. Assistant Administrator Hammond reported that anyone who had a septic tank and water meter was to be hooked up on the sewer for \$500.00 in the agreement, stating that the City of Port St. Joe later informed Hammonds Store that they could not hook up to the sewer system for \$500.00. He reported that the contractor was informed not to hook up the sewer, but they hooked it up anyway. He (Michael Hammond) reported that he had to stop the contractor from taking out the septic tank, and now he has been notified by the Health Department that he cannot hook back up to the septic tank. City Mayor Magidson reported that he disagreed, stating that the contract was between existing households, not a business.

Commissioner Traylor reported that there needs to be considerations made for the V.F.W., stating that they should not have to pay \$10,000.00 for sewer hookup. City Mayor Magidson reported that they do not qualify for a residential grinder because they serve food, have four bathrooms, and have a bar and a kitchen. Commissioner Traylor reported that he will give a contribution, in the amount of \$50.00 for the V.F.W., stating that there needs to be some accountability.

Chairman Peters passed the Chair to Vice Chairman McLemore and motioned to pay the invoice to the City, in the amount of \$289,983.60. Commissioner Yeager seconded the

motion for discussion. Commissioner Yeager requested for the City of Port St. Joe to have a rate study on the tap fee amount of \$2,670.00. After further discussion by members of the Board, the motion failed 3 to 2, with Commissioner Williams, Commissioner Traylor and Chairman McLemore voting no. Chairman McLemore returned the Chair to Commissioner Peters. Commissioner Williams motioned for the City of Port St. Joe to meet with D.E.P. and resolve with an accountability of all the different projects and where the money is to be spent, and if they choose to not meet or to litigate based on the decisions of the Board today, then start the process of de-annexation. Commissioner McLemore seconded the motion, and it passed 4 to 1, with Chairman Peters voting no.

There being no further discussion, and upon motion by Commissioner Traylor, the meeting did then adjourn at 6:30 p.m., E.T.

NATHAN PETERS, JR.
CHAIRMAN

ATTEST:

REBECCA L. NORRIS
CLERK

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