

**MARCH 13, 2012**

**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 William C. Williams, III, Vice Chairman Tan Smiley, and Commissioners Carmen L. McLemore, Ward McDaniel, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Chamber of Commerce/E.D.C. Director Barry Sellers, Emergency Management Director Marshall Nelson, Emergency Medical Services Director Houston Whitfield, Gulf County Extension Agent Roy Lee Carter, Grant Writer Towan Kopinsky, I.T. Director Dennis Barfield, Planner David Richardson, Preble-Rish Engineer Clay Smallwood, III, Public Works Director Joe Danford, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, Interim T.D.C. Director Gail Alsobrook, and Assistant T.D.C. Director Kellee Novak.

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

Rev. James Wiley opened the meeting with prayer, and Chairman Williams led the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

Upon motion by Commissioner McDaniel, second by Commissioner Smiley, and unanimous vote, the Board approved the Consent Agenda after removal of item #5 (page 37), and Chairman Williams requested that Form 8B Memorandum of Voting Conflict be added and approved with the minutes as follows:

1. Minutes – February 14, 2012 - Regular Meeting
2. Approval of Checks and warrants for February, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Fee Waiver – Honeyville Community Center (Florida Bass Federation)

4. Inventory – Gulf County Health Department (Junk \* #130464 \* Optiplex GX620, S/N 3Q9MC91 \* #130467 \* Optiplex GX620, S/N 9M1CP91 \* #130479 \* Optiplex GX620, S/N 5QQY1B1 \* #130510 \* Optiplex GX620, S/N 7GDM9B1 \* #130529 \* Optiplex GX620, S/N CTG7QC1 \* #130530 \* Optiplex GX620, S/N 5VL6QC1 \* #130531 \* Optiplex GX620, S/N 5TL6QC1 \* #130549 \* Optiplex GX620, S/N 5W52HD1 \* Monitor E173FM CN-OU4931-466334B9-27LS \* Monitor E173FM CN-OU4931-466334CQ-1G1M \* Monitor E173FM CN-OD5428-72B72-55G-4P6S \* Monitor E173FP CN-OMC040-64180-62N-3PWL \* Monitor 1707FP CN-OFK945-71618-76N-BHVP \* #130468 \* Optiplex GX620, S/N BM1CP91 \* #130481 \* Optiplex GX620, S/N 209H2B1 \* #130484 \* Optiplex GX 620, S/N CZ8H2B1 \* #130485 Optiplex GX620, S/N FZ8H2B1 \* 1702FP, CN-08G152-47606-32R-A6XU \* 1702FP, MX-08G152-47605-331-DEL2 \* 1702FP, MX-08G152-47605-331-DFHF \* 1702FP, MX-08G152-47605-331-DEJJ \* 1702FP, MX-08G152-47605-331-DEKU \* 1702FP, MX-08G152-47605-331-DFL7 \* E196FP, CN-OWH139-72872-731-23AH \* E176FP, CN-ODC323-71618-687-BFL3\* #130-109a and b \* Exam Bed \* #130-114 \* NEC Phone \* #130-121 \* Exam Bed \* #130-122 \* Exam Bed \* #130-128 \* Audiometer \* #130-129 \* Audiometer \* #130-206 \* Dent Xray \* #130-217 \* HP Laser Jet 6 Printer \* #130-218 \* HP Laser Jet 6 Printer \* #130-219 \* HP Laser Jet 4000N Printer \* #130-220 \* AGFA Digital Camera \* #130-224 \* NEC Phone System \* #130-236 \* Olympus Camera \* #130-238 \* Olympus Camera \* #130-239 \* Panasonic VHS Camera \* #130-421 \* Markman II X-ray \* #130-298 \* X-ray Unit \* #130-313 \* HP 4550 DN Printer \* #130-315 \* HP 4550DN Printer \* #130-326, #130-327, #130-328, #130-329, #130-336, #130-337, #130-339, #130-341, #130-342, #130-343, #130-375, #130-377, #130-378 \* Dell Computers \* #130-367 \* TRIAD Light \* #130-369 \* Copier \* #130-370 \* Sharp Copier \* #130-372 \* Color Injet Printer \* #130-379, #130-380, #130-381, #130-383, #130-384, #130-386, #130-387, #130-388, #130-389, #130-393, #130-395, #130-396,

Inventory Cont.

#130-416, #130-417, #130-419, #130-420, #130-422,  
#130-423, #130-424, #130-425, #130-427, #130-429,  
#130-461, #130-464 \* Dell Computers \*#130-449\*,  
#130-451, #130-475, #130-476 \* Dell Computers – no hard  
drive \* #130-403 \* HP Printer 2300DN \* Toshiba Laptop –  
no hard drive \* HP Laser Jet 2200d \* HP Desk Jet 1220C  
\* HP Desk Jet 1120 \* Zebra P2101 \* HP Desk Jet 930c  
\* HP Desk Jet 930c \* HP Scan Jet 5590 x4 \* #130-489  
\* Dell \* Power Vault 132T \* APC Smart-UPS 700XL \* APC  
Battery Pack \* Dell Monitor MX-0419TG-47801-25D-C335  
\* Dell Monitor CN-04P121-47804-2A1-COAD \* Dell Monitor  
MY-08G157-47603-321-B1JD \* Dell Monitor MX-0419TG-  
47801-25D-C2ZH \* Dell Monitor MX0419TG-47801-25D  
-C2Z4 \* Dell Monitor MX-0418TG-47801- 25D-C2ZL \* Dell  
Monitor MX-075UXR-47741-172-114G \* Dell Monitor  
CN-095WUP-46633-378-20NS \* Dell Monitor CN-04P121  
-47804-34T-C0A1 \* Dell Monitor MX-0419TG-47801-25D-  
C2ZK \* Dell Monitor CN-04P121-47804-34T-C0A9 \* Dell  
Monitor CN-04P121-47804-34J-C21Q \* Dell Monitor  
CN-04P121-47804-34I-C3MQ \* Dell Monitor CN-04P121  
-47804-34T-C0A5 \* Dell Monitor CN-04P121-47804-34T  
-C0AF \* Dell Monitor CN-04P121-47804-34T-C3MN \* Dell  
Monitor CN-04P121-47804-34J-C21G \* Dell Monitor CN  
-04P121-47804-34J-C21C \* Dell Monitor CN-04P121-47804  
-34T-C09V \* Dell Monitor MX-0419TG-47801-25D-C33E  
\* Dell Monitor CN-04P121-47804-34T-C0A3 \* Dell Monitor  
CN-04P121-47804-34T-C0AD \* Dell Monitor CN-04P121  
-47804-34J-C21L \* Dell Monitor CN-04D025-47606-295  
-DOYF \* Dell Monitor MY-08G157-47603-320-BBN5  
\* Dell Monitor MY-08G157-47603-32N-B41Z \* Dell Monitor  
MY-08G157-47603-329-BSJA \* Dell Monitor MY-08G157  
-47603-329-BSHG \* Dell Monitor 8500551 \* Selina  
Mammogram Machine)

5. Invoices – County Attorney Jeremy Novak – Professional Services  
(2/1/12-2/29/12 \* \$7,415.30 \* to be paid from Account  
#21314-31100)

- Current Solutions of the Gulf Coast – Solar Lighting (Invoice #2792 \* \$13,125.00 \* to be paid from Account #33537-34000)
  - \*\*DELETE\*\* - C.W. Roberts Contracting, Inc. – Cape San Blas Bike Path Phase IV (Application #1 \* \$73,358.81 \* to be paid from Account #40341-53000)
  - Gulf County Sheriff (Butler \* Missing & Abducted Children Training)
  - Gulf County Sheriff (Nugent \* Criminal Intelligence for Police Executives Training)
  - Roberson & Associates, P.A. – Auditing Services (Invoice #PSJ9463 \* \$30,000.00 \* to be paid from Account #346513-32000)
  - St. Joseph Bay Humane Society – Animal Control (February, 2012 \* \$2,981.00 \* to be paid from Account #43262-82000)
6. Invoice Ratification – C.W. Roberts Contracting, Inc. – Cape San Blas Bike Path Phase 3 (Application #8 \* \$118,974.59 \* to be paid from Account #40341-53000)
  7. Letter Request – Department of Transportation (State Road 71)

(End)

### **RIPARIAN COUNTIES**

Upon request by Chairman Williams, Homer Hirt appeared before the Board. Chairman Williams thanked Mr. Hirt for his hard work on the Riparian Counties for the Apalachicola, Chattahoochee, and Flint Rivers (ACF), stating that Commissioner McDaniel is now a sitting board member for the County. For public information, Mr. Hirt announced there is a meeting coming up for the Riparian Counties.

### **EIGHT COUNTY TOURISM ORGANIZATION**

Mr. Homer Hirt discussed rural tourism on the river, stating this started with the State of Alabama and Georgia, and is called River Way South. He reported this was formed by a group of people that wanted to look at what we had on the three river system that would

appeal to people. Mr. Hirt reported they have formed a separate but similar group which is called River Way South Apalachicola Choctawhatchee, stating they took the six counties that are riparian counties and formed a group. He discussed the program, and reported he is appearing before Opportunity Florida this week to discuss this issue. Upon inquiry by Commissioner McLemore, Mr. Hirt reported he is representing eight (8) counties, and last year five (5) counties gave the \$5,000.00 from their T.D.C.'s; six (6) counties had T.D.C.'s. Commissioner Yeager motioned to allow additional time for Mr. Hirt to speak. Commissioner McDaniel seconded the motion, and it passed unanimously. Mr. Hirt continued, stating that Gulf County did not contribute last year. Upon inquiry by Commissioner McLemore, Chairman Williams suggested the funding come from the T.D.C. Commissioner Yeager stated that he supports this effort one-hundred percent (100%). Commissioner McLemore motioned to fund the Eight County Tourism Organization through the T.D.C., contingent upon Attorney and T.D.C. review. Commissioner Smiley seconded the motion, and it passed unanimously.

#### **DAY OF DECLARATION**

James Wiley, of Oak Grove Assembly of God Church appeared before the Board and presented an event which will take place in Port St. Joe on December 3, 2012, stating this is the anniversary date of the Constitution Convention, which is the birth place of the State of Florida. He reported he is also representing the Ministerial Association; noting they have an endorsement from the City of Port St. Joe and they are going to present a proclamation in support of this event. Pastor Wiley stated the event on December 3, 2012 will be a celebration rally to reaffirm our statement of faith in God as the foundation of our State and Nation. Mr. Wiley requested moral and verbal support from the Board of County Commissioners for this special event. Commissioner Yeager discussed that he is in full support of this event. Mr. Wiley showed a one-minute video for the Day of Declaration. Upon inquiry by Chairman Williams, Mr. Wiley reported there will be a proclamation from the City of Port St. Joe. Commissioner Yeager requested the Board draft a resolution to consider and adopt at the next Board meeting. Chairman Williams suggested for Mr. Wiley to work with Commissioner Yeager concerning this issue. Commissioner Yeager motioned to draft a resolution of support for adopt at the next Board meeting. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **INVOICE - C.W. ROBERTS CONTRACTING, INC. – CAPE BIKE PATH PHASE IV**

Grant Writer Kopinsky discussed Item #5 (page 37) which was pulled from the Consent Agenda, stating the invoice amount was incorrect and requested modification of application #1, in the amount of \$73,754.10. Commissioner Yeager motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

**INVOICE – JBS ENGINEERING – CEI SERVICES CAPE BIKE PATH PHASE IV**

Grant Writer Kopinsky discussed invoice #412681-01 from JBS Engineering for the CEI Services for Cape Bike Path Phase IV, and requested approval in the amount of \$9,736.01. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

**BUDGET MODIFICATION – FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY - D.R.I. GRANT**

Grant Writer Kopinsky requested approval of a budget modification to D.E.O. and permission for the Chairman to execute the document. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

**CHANGE ORDER – BRYAN-CO SERVICES – D.R.I. AFFORDABLE RENTAL HOUSING – BID #1011-23**

Grant Writer Kopinsky requested approval of a change order for the affordable rental housing D.R.I., in the amount of \$48,648.60, to allow additional funds to be expended prior to the grant deadline. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

**ADVERTISE FOR BIDS – STUMPHOLE REVETMENT (D.R.I. AND D.R.E.F.)**

Grant Writer Kopinsky requested permission to advertise to receive sealed bids for the Stumphole Revetment D.R.I. and D.R.E.F. project. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

**TRAVEL – COMMISSIONERS – OPPORTUNITY FLORIDA RURAL SUMMIT**

Grant Writer Kopinsky requested approval for Commissioners to travel to the Opportunity Florida Rural Summit, March 14-16, 2012 in Havana, Florida. Commissioner Yeager motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously. Chairman Williams reported that Commissioner Yeager has been appointed to work with D.E.O. to create a system of communication with the six pillars of economic development.

**FLORIDA FISH & WILDLIFE – LANDS LANDING**

Grant Writer Kopinsky reported she submitted another email to Florida Fish & Wildlife concerning Lands Landing boat ramp grant.

### **PUBLIC WORKS EQUIPMENT**

Public Works Director Danford appeared before the Board and requested permission to sell three (3) dump trucks (inventory #100-586, #100-580, #70-738), and one (1) 1991 D4 Dozier (inventory #100-409), and to use the funds to purchase equipment for Public Works. He reported they have two (2) old fire trucks that have been previously junked (1973 Ford Fire Truck #100-587) to sell for metal, and to also use those funds for equipment purchase. Upon inquiry by Chairman Williams concerning selling the dump trucks, Public Works Director Danford stated this could impede operations in the future, but they have to have another motor grader; stating the front-end on the one they have is shot. Chairman Williams expressed his concern of what the impact of selling this equipment would do to their field work. Commissioner McLemore praised Mr. Danford and his staff for looking at this; stating these are hard times and Mr. Danford is just trying to survive. Commissioner Yeager commended Mr. Danford and inquired as to whether there was a buy-back option from the original vendor. Mr. Danford stated he would like to put it out there to see who gives the best offer. Commissioner McDaniel stated the County does not need six (6) trucks with only three (3) drivers. Commissioner McDaniel asked if he had any ballpark figures and Mr. Danford stated they are looking at approximately \$65,000.00 per truck, and will be pursuing getting it off State contract. Upon inquiry by Chairman Williams, Public Works Director Danford reported it will be approximately \$150,000.00 for a new grader. Public Works Director Danford requested permission to junk one (1) sway car. Commissioner McLemore motioned to approve these request as presented by Public Works Director Danford. Commissioner Yeager seconded the motion, and it passed unanimously.

### **BRITISH PETROLEUM – DEEPWATER HORIZON OIL SPILL**

County Attorney Novak gave an update on the B.P. claim, stating Beasley Allen Law Firm is scheduled to be here on March 27, 2012 for a closed attorney-client session at 5:00 p.m., E.T.

### **LAWSUIT – JOHNSON VS. RISH**

County Attorney Novak reported that a Dismissal with Prejudice has been filed in the Circuit Court Johnson vs. Rish case.

### **STATE HOUSING INITIATIVE PROGRAM**

County Attorney Novak gave an update on S.H.I.P., stating the Board previously approved the contract for the Technical Advisor (Michael Chaney) to work with Gulf County. Mr. Novak reported that he, Chief Administrator Butler, and Deputy Administrator Lowry met with Mr. Chaney via telephone conference and set up a strategy on how to resolve the White City property. He requested permission to approve the strategy, memorialize it in the minutes, and move forward. County Attorney Novak

explained they propose to merge the two (2) parcels, begin with an advertisement for construction of a home on the property, seek out qualified S.H.I.P. applicants and through a hybrid of a deferred payment program and grant; provide that home to a qualified S.H.I.P. applicant. County Attorney Novak noted that S.H.I.P. funds will be used to construct the home on the merged parcel upon approval by the Commission of the S.H.I.P. strategy. Commissioner Yeager motioned to approve this strategy. Commissioner Smiley seconded the motion, and it passed unanimously.

### **HOUSE BILL 5301 – MEDICAID**

County Attorney Novak reported that H.B. 5301 (Medicaid bill) passed and is now going for the Governor's review. He discussed the bill relative to how it will affect the County's Revenue Sharing, the appeal process, and how it takes the fiduciary review responsibility away from the County. Chairman Williams noted unfunded mandates the State requires, stating the Agency for Health Care Administration (A.H.C.A.) is giving the State a bill which is not correct, the way the law is set, because it has to be billed back to the place of residency of the Medicaid client. He reported they worked diligently to kill this bill; noting the Senate passed it 22 to 17. Chairman Williams noted Gulf County's price tag is approximately \$145,000.00; stating there is a 41% error rate with their billings. Chairman Williams stated there is an appeal to the Governor to veto House Bill 5301.

### **GULF COUNTY HEALTH DEPARTMENT UPDATE**

Gulf County Health Department Administrator Marsha Lindeman appeared before the Board and discussed the D.O.H. reorganization, stating HB 5311 passed last year which gave the directive to the D.O.H. to reorganize and down size; focusing on core health. She stated they spent a better part of the year doing that and submitted the plan in the fall, which was approved. Ms. Lindeman reported that she has been elected to the Executive Board of the Florida Association of County Health Officers and gave a brief outline of what their mission is. Chairman Williams thanked Ms. Lindeman for her great job of running the Gulf County Health Department.

### **GULF COUNTY HEALTH DEPARTMENT – COMMUNITY HEALTH SERVICES MANAGER**

Gulf County Health Department Administrator Marsha Lindeman introduced Sarah Hines (replacing Clarissa Herndon, who moved to Jacksonville) as the new Community Health Services Manager, and the Public Information Officer for the Health Department.

### **WILLIAMS VS. SCOTT RULING/FLORIDA RETIREMENT SYSTEM**

County Attorney Novak reported that Judge Fulford in Leon County made her decision last week in the case of Williams v. Scott, finding the State was unconstitutionally taking

of State employees of the 3% (retirement); finding it an unconstitutional impairment of the plaintiff's contract with the State of Florida, and unconstitutional taking of private property without full compensation. He stated they anticipate an appeal to the First District. Chairman Williams stated this will not affect our current year budget because of the appellate process, noting this needs to be brought to the attention of the budget committee and requested Assistant Administrator Hammond keep a watch on this process. Assistant Administrator Hammond noted the budget committee discussed this matter at their first meeting. He brought to the Board's attention that there may be even greater concern due to these changes and cuts the (State) made to balance their budget which will result in being under funded.

#### **TOURIST DEVELOPMENT COUNCIL – MARKETING/NEW MEMBER TRAINING/APPOINTMENT**

County Attorney Novak reported on the time lines for T.D.C. and updated the Board on the status of the Marketing R.F.P. advertisement, and the new member training; stating there is still one vacancy on the T.D.C. Board. Commissioner McDaniel motioned to appoint David Warriner to the T.D.C. Board. Commissioner Yeager seconded the motion, and it passed 4 to 1, with Commissioner McLemore opposing.

#### **PLANNING DEVELOPMENT REVIEW BOARD**

County Attorney Novak reported the P.D.R.B. has a meeting notice scheduled for April 16<sup>th</sup>, and requested Planner Richardson to provide the members with the Sunshine Law training.

#### **BID #1112-09 – VIDEOTAPING & AIRING COMMISSION MEETINGS**

Chief Administrator Butler reported there was one bid received for Bid #1112-09 from Ken Murphy and recommended to schedule a workshop to discuss the needs for this bid. Discussion ensued concerning the needs of the County to air these meetings. Commissioner Yeager agreed with Chief Administrator Butler and suggested they hold a workshop. Chairman Williams agreed but voiced concerns that an RFP was sent out, a bid was received based on the terms and specifications of that RFP and for it to be modified could potentially be unfair to other potential bidders. County Attorney Novak discussed that he spoke with Chief Administrator Butler concerning this bid and there were possible technical flaws with this bid, and recommended to follow the direction of Chief Administrator Butler. Discussion followed. Commissioner Yeager motioned to workshop this with the bidder to see if the bid meets the specifications. Commissioner Smiley seconded the motion. Commissioner McDaniel stated there are a lot of gray areas in this. Commissioner Smiley agreed. County Attorney Novak requested that he and Chief Administrator Butler have the ability to meet with the bidder, review the bid to the specifications, and bring a recommendation back to the Board. Commissioner

Yeager modified his motion to allow County Attorney Novak and Chief Administrator Butler to meet with the bidder to make sure the bidder understood the RFP, and bring a recommendation back to this Board. Commissioner Smiley seconded the motion, and it passed 3 to 2, with Chairman Williams and Commissioner McDaniel voting no.

### **AGREEMENT - COUNTY ATTORNEY – PROFESSIONAL SERVICES**

Chief Administrator Butler recommended approval of the Professional Services Agreement for County Attorney Novak and allow himself and Chairman Williams to execute the agreement. Commissioner McDaniel motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously.

### **GULF COUNTY SHERIFF'S OFFICE FISHING TOURNAMENT**

Sheriff Nugent reported on the upcoming Sheriff's Department fishing tournament, stating they have opened the tournament for pre-registration as of today; noting it will have a \$10,000.00 prize. Sheriff Nugent stated there is a 200 boat limit, with a registration fee of \$175.00 per boat, and registration forms can be found on his website at [www.gcsotournament.com](http://www.gcsotournament.com), or stop by the Sheriff's Department for the form. He reported the money was from T.D.C. last year, reporting they raised enough to fund the tournament for this year. Commissioner Yeager commended the Sheriff on the success of this tournament, noting the T.D.C. design should be to fund the function the first year to get them started; stating this is the way it should work.

### **GULF COUNTY SHERIFF'S OFFICE – SCHOLARSHIP**

Sheriff Nugent reported they will be funding two \$500.00 scholarships; one senior in Port St. Joe, and one senior in Wewahitchka from the proceeds of the fishing tournament, stating the application deadline is May 15<sup>th</sup>.

### **SEARCH AND RESCUE/4-H RODEO/T.D.C. FUNDING**

Sheriff Nugent reported that the Gulf County Search and Rescue and the 4H Club are tentatively looking at scheduling a rodeo for late September or October and are looking to request money from the T.D.C. He requested direction on their funding request. Chairman Williams commended everyone's efforts in Eco-Tourism.

### **GULF COUNTY SHERIFF'S OFFICE FISHING TOURNAMENT**

Upon inquiry by Commissioner Smiley, Sheriff Nugent reported the gate at the White City Park will be opened for the tournament, and they will notify the residents located along the road.

### **RFP #1112-12 – T.D.C. MARKETING & ADVERTISING CONSULTING SERVICES**

County Attorney Novak discussed RFP #1112-12 for T.D.C. Marketing & Advertising Consulting Services, stating there have been amendments to the RFP, and requested to extend the RFP for one week until Friday, March 23, 2012. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **AUBURN UNIVERSITY COLLEGE STUDENTS**

Commissioner Smiley thanked the Auburn University college students for all their hard work in District 4 during their spring break. He also thanked WastePro for reaching out to help in this community effort by feeding approximately two hundred seventy-four (274) students from Auburn.

### **APPEAL – MCALPIN**

Upon request by Commissioner Smiley, Attorney Patrick Floyd appeared before the Board, presented documentation and stated he is here today to quote the Gulf County Commission rules, which they wrote. He discussed the appeal process in section 2.06.08A of the Land Development Regulations (LDR), stating an appeal stays all proceedings in furtherance of the action appealed from. He reported there was an appeal to the P.D.R.B. which invoked this section, filed on February 7, 2012 with the Building Department appealing a building permit that was issued January 26, 2012. Attorney Floyd noted one exception to the stay and quoted from the LDR as follows, "Unless the Official from whom the appeal is taken certifies to the P.D.R.B. after Notice of Appeal is filed with him that by reason of facts stated in a Certificate of Stay would in his opinion cause immediate peril to life and property". Attorney Floyd stated, that is what is required, that's the only exception, and the stay stays everything until it is determined. Attorney Floyd informed the Board that a Certificate of Stay was never filed by the Building Department or the County Administrator. Commissioner Smiley motioned to allow additional time to speak. Chairman Williams stated this has gone through the appellate process with the P.D.R.B. and has not come back before this Board. The motioned failed for lack of second.

### **ORDINANCE – BEACH DRIVING**

Commissioner Yeager discussed page #1 of the Information Packet, stating it is a letter pertaining to beach driving permits, and requested permission to work with County Attorney Novak to clear up the language in the ordinance #98-14, and referenced the ambiguity concerning the sixty-five (65) and older. Commissioner Yeager motioned to proceed with County Attorney Novak to clear up the language in the beach driving ordinance. Commissioner McLemore seconded the motion, and it passed unanimously.

### **POLICY-COUNTY ATTORNEY**

Commissioner Yeager discussed County Attorney Novak's time, stating everything does not need to be put on him, and suggested everything go through Chief Administrator Butler before going to the County Attorney. He recommended adopting Board policy for the public to go through Chief Administrator Butler before going to the County Attorney. Chief Administrator Butler agreed and discussed further. Commissioner Yeager motioned to adopt a policy for everyone (the public) to go through the County Administrator before contacting the County Attorney. Chairman Williams stated that county staff should go through the same process and asked Commissioner Yeager to include that in his motion. At Chairman Williams' request, Commissioner Yeager agreed to add that to his motion, when applicable. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **C.O.B.R.A.**

Commissioner Yeager discussed the bill that Congressman Southerland filed for the County to remove C.O.B.R.A. from the Indian Pass and Cape San Blas areas, stating they had good meetings with F.E.M.A. and U.S. Fish and Wildlife. Commissioner Yeager stated C.O.B.R.A. was put on these areas in error and it was easy to explain to these agencies. Commissioner Yeager stated we should thank Congressman Southerland for his efforts on getting this legislation through for Gulf County. Chairman Williams thanked Commissioner Yeager for his efforts on this issue. Commissioner Yeager also thanked our Lobbyist Amanda Wood of The Ferguson Group for their work and assistance on this matter.

### **NATIONAL ASSOCIATION OF COUNTIES ANNUAL CONFERENCE**

Commissioner McDaniel discussed their trip to Washington (NACo Conference) and how that benefits the County. He thanked Commissioner Yeager and Chairman Williams for their leadership.

### **DISTRICT 4 – AUBURN UNIVERSITY COLLEGE STUDENTS**

Commissioner McDaniel discussed that he visited North Port St. Joe where the Auburn students have been working; stating this is amazing and they should be commended for their hard work.

### **RESTORE ACT/DEEPWATER HORIZON OIL SPILL**

Chairman Williams discussed the Restore Act, stating it is a major piece of legislation. He stated British Petroleum (B.P.) will be fined billions of dollars in the process with eighty percent (80%) coming back to the affected counties. Chairman Williams thanked many for their efforts to move this forward, specifically Senator Bill Nelson and

Representative Steve Southerland. Chairman Williams noted there is one more stop for this bill.

### **FLORIDA ASSOCIATION OF COUNTIES**

Chairman Williams encouraged everyone to go to the F.A.C. website to review the House Bills and Senate Bills passed by the Florida Legislature.

### **FLORIDA ASSOCIATION OF COUNTIES – SCHOLARSHIP**

Chairman Williams discussed as the incoming President of the Florida Association of Counties he has the privilege of selecting a county employee from the home County of the new President to award a scholarship through the Florida Association of Counties. Chairman Williams requested permission for Emergency Management Director Nelson to travel to accept this scholarship which will be named in memory of his son Bryce Nelson. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **APPOINTMENT - STATE 9-1-1 BOARD**

Chairman Williams reported that E9-1-1 Coordinator Ben Guthrie has been appointed to the State 9-1-1 Board and congratulated him on this appointment.

### **GULF COUNTY PARKS**

Chairman Williams complemented Building Official Collinsworth and Commissioner McLemore for the work on the park identifications, stating they have performed an inventory of all parks so park management can be prioritized.

### **DISTRICT 3 – RE-ELECTION**

Chairman Williams announced he will seek re-election for Commissioner of District 3, thanking everyone for the opportunity to serve.

### **AUBURN UNIVERSITY COLLEGE STUDENTS**

Commissioner Smiley reported there will be a block party for the Auburn students on Wednesday, March 14<sup>th</sup> from 4:00 p.m. to 6:00 p.m., E.T. at the Washington High Gym and invited everyone to attend. Chairman Williams stated Dianna Sealy Burkett has done a phenomenal job with this program.

### **RE-DISTRICTING**

Commissioner McDaniel discussed re-districting and motioned to direct Supervisor of Elections Linda Griffin to revise the lines for District 2 and District 3 immediately. Commissioner Yeager seconded the motion, and it passed unanimously. Chairman Williams stated there may need to be a town hall meeting to inform the public.

Commissioner Yeager stated a letter needs to be sent to the Judge on the Consent Order concerning our district lines. Commissioner Yeager motioned to proceed with a letter to the Judge. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **CINNAMON HILL**

Clayton Studstill, Attorney at Law and Environmental Consultant appeared before the Board and discussed an item that was previously presented to the P.D.R.B. which was related to a tract of land (large parcel) located in the Beacon Hill area known as Cinnamon Hill (34 lots) owned by 22 individuals. He noted that he holds Powers of Attorney for all of those individuals. He reported they asked for the P.D.R.B. to approve, and recommend to the Board for approval the signing of an application, joining with those landowners, apply to the D.E.P. and Water Management District, to fill those parcels and open the right-of-ways so the area could be developed. Chief Administrator Butler reported that Mr. Studstill is asking the Board to jointly apply, with the landowners, for a permit to perform work. He stated his concern is the land will be sold and the County will be responsible for the storm water system on the roadway. Mr. Butler recommended the County abandon the roadway. Discussion followed about the roadways, abandonment, and storm water issues. Mr. Studstill reported there will be no financial penalty for the County in going forward, but a benefit in the future. Upon inquiry by Chairman Williams, County Attorney Novak warned of going down that path without first having something formalized to hold harmless and release the county of any obligations. Attorney Studstill stated it is conceptual permitting they are seeking and the hold harmless and indemnification are not a problem. Commissioner Yeager recommended Chairman Williams, Chief Administrator Butler and Attorney Clayton Studstill work together to bring something back to the Board for consideration.

### **BEACH BLAST TRIATHLON**

Olga Cemore appeared before the Board and discussed she is having a problem with permitting for the Beach Blast Triathlon which is scheduled for April, stating she is having a problem with the Sheriff's Department in signing the permit. Chairman Williams stated this is a good event for Gulf County. Sheriff Nugent reported for this to be a safe event there will need to be eight officers on the highway working during the event, and she doesn't want to pay for it. Chairman Williams suggested for Commissioner Yeager, Ms. Cemore and Sheriff Nugent to work together and solve this issue.

### **ST. PADDY'S DAY ON THE BAY EVENT**

Interim T.D.C. Director Alsobrook appeared before the Board and invited everyone to attend the all day St. Paddy's Day event starting at 8:00 a.m., E.T. on Saturday, March 17, 2012.

There being no further business, and upon motion by Commissioner Yeager, the meeting did then adjourn at 7:52 p.m., E.T.

**WILLIAM C. WILLIAMS, III**  
**CHAIRMAN**

**ATTEST:**  
**REBECCA L. NORRIS**  
**CLERK**