

MAY 28, 2013

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 Tynalin Smiley, Vice Chairman Ward McDaniel, and Commissioners Carmen L. McLemore, Joanna Bryan, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Finance Officer Sherry Herring, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinworth, Central Services Director Denise Manuel, Gulf County E.M.S. Director Houston Whitfield, Maintenance Supervisor Steve Mork, Planner David Richardson, Public Works Director Joe Danford, Sheriff Mike Harrison, and T.D.C. Executive Director Jennifer Jenkins.

Sheriff Harrison called the meeting to order at 9:00 a.m., E.T.

Chairman Smiley opened the meeting with prayer, and led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Chairman Smiley called for public comment regarding the Consent Agenda. There being no public comment, Commissioner McLemore motioned to approve the Consent Agenda. Commissioner McDaniel seconded the motion for discussion. After discussion, Commissioner McLemore amended his motion to include changing the code for Item #7 (page 27) of the Consent Agenda to a revenue code. Commissioner McDaniel stated his second stands, and the motion then passed unanimously, as follows:

1. Minutes - April 23, 2013 – Emergency Meeting
- April 29, 2013 – Workshop
2. Bid Award #1213-09 – White City Fire Department Design/Build
3. Budget Amendment #5 – General Fund – County Jail (Reduce Reserves for Infrastructure by \$15,000.00 and increase expenditures for County Jail by \$15,000.00), as follows:

**Budget Amendment #5
GENERAL FUND**

Amend the FY2012-2013 Budget for the General Fund by reducing Reserves for Infrastructure by \$15,000 and increasing expenditures for \$15,000 for the County Jail:

Equipment > \$5,000, as approved by the BOCC on April 9, 2013. This will fund the purchase of a 12 passenger van from the Sheriff's Office with the excess funds available in the Reserve for Infrastructure line item.

	Original Budget	Increase	Decrease	Amended Budget
Reserves:				
99984-95002 Res for Infrastructure	\$297,500.00	\$ 0.00	\$15,000.00	\$ 282,500.00
County Jail:				
S3123-64001 Equipment>\$5,000	\$ 0.00	\$15,000.00	\$ 0.00	\$ 15,000.00

(End)

4. Invoices – UniFirst Corporation – Old Courthouse (Invoice #2710044943 * \$19.06 * Public Works * Invoice #2710045427 * \$10.00 * Invoice #2710044449 * \$10.00 * Invoice #2710044944 * \$10.00 * Invoice #2710044453 * \$68.50 * Invoice #2710044948 * \$68.50 * Invoice #2710045431 * \$68.50 * Invoice #2710044945 * \$53.96 * Invoice #2710044450 * \$53.96 * Invoice #2710044946 * \$91.98 * Invoice #2710044451 * \$56.88 * Invoice #2710044452 * \$43.38 * Invoice #2710044947 * \$43.38)
5. L.D.R. Updating Technical Grant (Deposit \$8,000.00 into the Comprehensive Planning Item #27715-31000 amending to the revenue code 00134-15000)
6. Proclamation – Pledge of Civility Month (May, 2013)
7. T.D.C. – Google Ad Words (Sole Source Media Program) (Not to exceed \$7,000.00 monthly)

(End)

PORT AUTHORITY UPDATE

Leonard Costin, Chairman of the Port St. Joe Port Authority, appeared before the Board to provide an update on the Port of Port St. Joe, and to request a revision on the loan with the County. He reported that the Port is one (1) of fourteen (14) deepwater Ports in the State of Florida which is a very important asset to this community. Mr. Costin stated that the Port is the economic engine of Gulf County and will create, in time, good paying jobs for all employable citizens. He reported that over the last decade there have been a number of efforts to develop the Port, stating it is a very complex undertaking and it requires all stakeholders to participate. Mr. Costin discussed the projects that have been accomplished (1) enhanced National and International Marketing utilizing the Bank of Montreal, (2) retained grant funding from the Florida Department of Revenue to complete the Port Master Plan, (3) signed agreement with Eastern Ship Building and St.

Joe Company, (4) St. Joe Company has a letter of Intent with Green Circle Bio-Energy to utilize the Port, (5) recently obtained a grant for the environmental and engineering study of the channel for dredging, which requires a \$250,000.00 match, and (6) increased interest from several major potential customers who are close to coming and doing business in Port St. Joe. He also discussed the Note with the County, in the amount of \$199,000.00, stating there is a payment of \$10,000.00 due and the Port is in no position to repay at this time. Mr. Costin requested that the Board assist in extending the payments and the term on the Note. He reported that Capital City Bank has a mortgage on 67 acres of property that runs from the Industrial Road to the Canal. Mr. Costin requested that the Board approve the \$199,000.00 Note, which is due in 2021, be changed to allow the Port Authority to make a balloon payment with interest at the end of this period. Commissioner McLemore discussed his concerns regarding the Port and assisting other companies within the County with these funds. Commissioner McDaniel discussed the status of the Port and that the Board has worked with the Port. Upon inquiry by Commissioner McDaniel, Mr. Costin reported that the Port Authority owns the old Arizona Chemical site. Upon inquiry by Commissioner McDaniel, Mr. Costin reported that to his knowledge the Arizona Chemical property is clear of taxes, liens and judgments. Upon inquiry by Commissioner McDaniel, Mr. Costin stated that he would need to present the proposal of mortgaging the Arizona Chemical site to the County before the Port Authority Board. After further discussion regarding the Arizona Chemical site, Commissioner Bryan discussed her concerns regarding the \$199,000.00 loan that was issued to the Port Authority and the ability to pay back the loan when the County is the second lien holder. After discussion, Mr. Costin reported that there is a Lis Pendens on the Port property, but the Arizona Chemical property is clear. He also reported that the Port will be holding a meeting next week, and that he will bring the Board's proposal to the Port Authority for review. Commissioner Yeager stated that he is confident that there will be something on the Port site that will create jobs for this County and he is in support of moving forward. After further discussion, the Board thanked Mr. Costin for appearing before the Board to discuss the updates of the Port.

PUBLIC HEARING – P.D.R.B. RECOMMENDATIONS (MAY 20, 2013)

The Board then considered the following P.D.R.B. recommendations from the May 20, 2013 Planning & Development Review Board meeting, as follows:

VARIANCE APPLICATION – TERRY COLWELL, ET AL

Pursuant to advertisement to hold a Public Hearing to consider a variance for Terry Colwell et al, (Parcel #03806-019R * S31, T6S, R11W) Gulf County, Florida for a road setback encroachment due to the CCCL resulting in a 10.71' setback, County Attorney Novak read the Public Hearing Notice. Upon motion by Commissioner McDaniel, second by Commissioner Bryan, and unanimous vote, the Board approved this variance application for Terry Colwell, et al.

VARIANCE APPLICATION – TRENT & MARLINE VAN DYKE

Pursuant to advertisement to hold a Public Hearing to consider a variance for Trent and Marline Van Dyke, (Parcel #03903-000R * S5, T7S, R11W) Gulf County, Florida for an encroachment road setback and Southern property setback, County Attorney Novak

read the Public Hearing Notice. Upon motion by Commissioner McDaniel, second by Commissioner Bryan, and unanimous vote, the Board approved this variance application for Trent and Marline Van Dyke.

SMALL-SCALE MAP AMENDMENT – WANDA BROWN DAVIS

Pursuant to advertisement to hold a public hearing to consider a small scale map amendment for Wanda Brown Davis, (Parcel ID #02949-000R, * 1.22 acres in S11, T7S, R10W), County Attorney Novak read the Public Hearing Notice. Upon motion by Commissioner McDaniel, second by Commissioner Bryan, and unanimous vote, the Board approved this small-scale map amendment for Wanda Brown Davis.

PROPOSED ORDINANCE – LAND USE AMENDMENT

County Attorney Novak reported that the third land use amendment will be advertised for Public Hearing and will be presented to the Board for an ordinance adoption in June.

DENTAL INSURANCE

Deputy Administrator Lanier reported that County employees with dental coverage will be receiving a new dental insurance card due to a change in the collections process.

CANCELLATION BID #1213-02 – PARK CLEANUP

Deputy Administrator Lanier discussed a cancellation/resignation letter submitted from Kendra McDaniel regarding the park cleanup service (Bid #1213-02). She reported that during the original bid process, five sealed bids were received and there were two low bidders with the same bid amount. Commissioner McLemore motioned to award Bid #1213-02 for the park clean up service to the next low bidder. Commissioner Yeager seconded the motion, and it passed unanimously. Commissioner Yeager discussed the resignation letter received from the current contractor which discusses the ongoing problem with household garbage being placed in park dumpsters. County Attorney Novak discussed that in the current contract there is a sixty day termination clause on behalf of the County and the Contractor. After discussion by County Attorney Novak, Deputy Administrator Lanier discussed contacting the next low bidder to see if they would accept the bid. Commissioner Yeager discussed the possibility of working with the workcrews to clean the parks during the weekend until a new contractor can be hired. Commissioner McLemore discussed his concerns regarding inmates being at the parks during the weekends.

CONTRACT – SACRED HEART

Gulf County E.M.S. Director Whitfield appeared before the Board to request Board approval to enter into a contract with Sacred Heart Hospital regarding patient transports from Sacred Heart to another hospital. He reported that 166 calls were received in a six month period, billed approximately \$192,800.00, and collected approximately \$80,700.00. Gulf County E.M.S. Director Whitfield reported that the charge per run for this type of transport will be approximately \$300.00 to \$400.00 which will be billed once a month to Sacred Heart Hospital. Upon discussion, Commissioner Yeager motioned to proceed with a contract with Sacred Heart Hospital. Commissioner Bryan seconded the motion, and it passed unanimously.

CONTRACT – MEXICO BEACH

Upon inquiry by Commissioner McDaniel, Gulf County E.M.S. Director Whitfield discussed the calls to Mexico Beach. Commissioner McDaniel discussed the contract between the County and the City of Mexico Beach regarding E.M.S. transport.

CONTRACT – E.M.S. COLLECTIONS

Upon inquiry by Commissioner Bryan, County Attorney Novak reported that the collection agency has provided a preliminary formal contract and that he is in the final stages of responding to the proposed contract.

BURNING – GULF COUNTY

Planner Richardson reported that the County is very dry and encouraged residents to be extremely careful burning.

INTERLOCAL AGREEMENT – CITY OF PORT ST. JOE

County Attorney Novak discussed a letter from the City of Port St. Joe regarding the Interlocal Agreement, stating that there has been discussion about relocation of some of the agencies located in the Welcome Center. He reported that at the first Board meeting in April, he was instructed to submit a letter to the City of Port St. Joe requesting that the City separate the two issues (relocation and interlocal). County Attorney Novak discussed a proposed response to the City of Port St. Joe, a summary of the 15 points of the Interlocal Agreement, and the proposed amended interlocal agreement from the City of Port St. Joe. He then discussed Item #1 (City to provide sewer service to White City and Highland View), Commissioner Yeager discussed removing Item #1 because this project is complete. Commissioner Bryan discussed addressing the fire tax issue and discussed her concerns regarding the removal of items within the Interlocal Agreement. Chief Administrator Butler reported that Item #1 has been completed, and everything needs to be left in the Interlocal Agreement. Commissioner McDaniel discussed Item #15 of the agreement (City to assume all County water systems; City and County rates shall remain the same). County Attorney Novak read paragraph #1 from the amended interlocal agreement from the City of Port St. Joe. Commissioner Bryan reported that she is uncomfortable with that provision in the amended interlocal agreement, stating that you do not amend an agreement stating the entire thing is void. Commissioner Yeager discussed holding a workshop with the City of Port St. Joe to discuss the proposed amended interlocal agreement. After discussion, Chief Administrator Butler recommended Item #2 (City shall not change elements of existing DRI Development Order) remain in the agreement, Item #3 (future annexed areas will remain County land classification) to be removed from agreement, Item #4 (City and County shall plan future annexations through workshops) to remain in annexed land, Item #5 (City shall extend sewer trunk line to Gulf/Bay County line) to be removed from agreement, Item #6 (City to furnish water service to Overstreet area) has been completed, Item #7 (City and County to match Sports Complex \$600,000 contributions) City and County have agreed not to make contributions, Item #8 (City shall pay St. Joe Fire Control District one half mill levy until City builds Windmark fire station) recommended to remove from agreement, Item #9 (City shall pledge its ½ cent Small County Sales Tax to Sacred Heart) recommended not to place in any other agreements,

Item #10 (City shall provide \$350,000 for the Honeyville Community Center) to be removed from agreement, Item #11 (City shall match the County with maximum of \$20,000 annual contributions for Chamber and E.D.C.) remove from agreement, Item #12 (City shall waive water and sewer tap and impact fees for future affordable housing areas until after first sales transaction on each unit) remain in agreement, Item #13 (City to provide water rescue services for Windmark coastal areas) recommended to be removed, Item #14 (County roads newly annexed shall remain County roads unless relinquished) recommended to remove, and Item #15 (City to assume all County water systems/City and County rates shall remain the same) recommended to remain in agreement. Upon inquiry by Commissioner McLemore, Chief Administrator Butler reported that Item #14 is a legal issue. County Attorney Novak discussed the fire tax and the issue of the City of Port St. Joe taking over Oak Grove as a primary fire and emergency response in the unincorporated areas of Oak Grove, adjacent to the City. He discussed the Welcome Center in how the County inherited that facility and the money that was allocated and spent through the T.D.C. to relocate, refurbish, and bring the building to the current site. Commissioner Yeager discussed providing a letter to the City of Port St. Joe or holding a workshop to discuss this matter further. County Attorney Novak reported that the relocation of Downtown Redevelopment Agency is a time issue and suggested to separate the two issues. Commissioner Yeager motioned to proceed with a workshop with the City of Port St. Joe and include the issue with the redevelopment agency due to the time issue. Commissioner Bryan seconded the motion, and it passed unanimously.

HABITAT CONSERVATION PLAN (H.C.P.)

County Attorney Novak discussed the Habitat Conservation Plan contract for funding of the H.C.P., and read the letter from the Florida Fish & Wildlife Conservation Commission regarding funding and grant match. He stated that the contract received has specific obligations for the County, in the amount of \$75,000 and \$90,000, and the County could not make this commitment due to unavailable funds. Commissioner Yeager reported that F.W.C. has committed to the County that there will not be a dollar amount but will be services provided as the match for the County. He reported that a grant has been approved and the County needs to proceed with their assurance that it will not cost the tax payers any money. Commissioner Yeager motioned to proceed with a Countywide Habitat Conservation Plan in the amount of \$450,000.00 in-kind match. Commissioner McDaniel seconded the motion, and it passed unanimously.

LOAN AGREEMENT – PORT AUTHORITY

County Attorney Novak discussed the loan agreement with the Port Authority and the Raffield freezer money, stating there was a loan agreement in place with the Port Authority that is still binding for business development and job growth which is in the current loan agreement with the Port Authority. He reported that the process with Capital City Bank has been postponed for another sixty days, stating that the loan agreement has already been addressed in the last two years and it can be addressed again. Commissioner Yeager requested for County Attorney Novak to attend the next Port Authority meeting. The Board had no objections.

RECYCLE PROGRAM – WASTE MANAGEMENT

Chief Administrator Butler discussed the recycle efforts, stating that \$3,000.00 has been placed in the tentative budget for FY 2013-2014 for a recycle program. Commissioner Yeager requested that the Board proceed with the recycle program to provide an opportunity for the citizens to recycle. Commissioner Bryan stated that she has not received any information regarding the \$6,000.00 pilot program, but is in support of a recycle program. Lynn Yort, of Waste Management appeared before the Board to discuss providing a convenience recycle center for dual stream recycling. She reported that the \$6,000.00 will pay for the rental, the pull, and disposal of the recyclables to Panama City. Upon inquiry by Commissioner Bryan, Ms. Yort reported that this program will be through the summer season for three to four months. Upon inquiry by Commissioner Bryan, Ms. Yort reported that the \$6,000.00 will cover one location for four months. Upon inquiry by Commissioner McLemore, Commissioner Yeager proposed that the \$6,000.00 for this project come from Reserves. Commissioner McDaniel discussed his concerns regarding the pilot project for the County. Discussion followed. Upon inquiry by Commissioner Bryan, Ms. Yort stated that Waste Management will be able to tell the County the number of tons of waste that were diverted from the main waste stream. Upon inquiry by Commissioner McLemore, Ms. Yort stated the original plan is to have the bin located at Salinas Park, and if that does not work due to people contaminating the deposits, then the bins would need to be located at a place with better lighting and staffing (fire station). Pat Hardman, of Coastal Community Association appeared before the Board to request that the Board consider this pilot program and discussed her concerns regarding recycling. Upon inquiry by Commissioner Bryan, Commissioner Yeager noted that there has been discussion with some of the rental units in providing a recycling program to the renters. Commissioner Yeager motioned to proceed with the recycle pilot program and pay the \$6,000.00 from Reserves. Commissioner McDaniel seconded, and it passed 4 to 1, with Commissioner McLemore voting no.

TRANSFER STATION

Upon inquiry by Commissioner Bryan, Chief Administrator Butler discussed the recommendation made by Public Works Director Danford regarding the proposed transfer station, stating that a decision needs to be made by the Board. Commissioner Bryan motioned to give direction to Public Works Director Danford to move forward with looking at the transfer station. Commissioner Yeager seconded the motion for discussion. Public Works Director Danford reported that Five Points Landfill is going to run out of life, stating that he will be educating staff to move towards the transfer station so they will be certified to operate the transfer station. Upon inquiry by Commissioner McDaniel, Public Works Director Danford reported that the County has been monitoring Buckhorn Landfill for twenty years. After further discussion, the motion then passed unanimously.

MANDATORY GARBAGE

Commissioner Bryan discussed the issue regarding mandatory garbage pick-up and requested that staff obtain information in putting mandatory garbage pick-up into place and report back to the Board for review.

ABSTAIN – CONSENT AGENDA

Commissioner Yeager discussed Item #2 (Page 6) of the Consent Agenda, stating he needs to abstain due to a business relationship with Preble-Rish. County Attorney Novak stated that Commissioner Yeager needs to note for the record that he rescinds his approval on the vote for the Consent Agenda. Commissioner Yeager motioned to rescind his approval on the vote for the Consent Agenda. Commissioner McLemore seconded the motion, and it passed unanimously (Form 8B on file in the Clerk's Office).

CONSORTIUM MEETING

Commissioner Yeager discussed the Consortium meeting that was held regarding the BP oil spill. He stated that the funds are available under the Trust Fund, but they are waiting on regulations from the U.S. Treasury on how these funds can be expended. After discussion by Commissioner Yeager, Chief Administrator Butler discussed publicly advertising a Multi-County Workshop with Wakulla, Franklin and Gulf Counties at the E.O.C. Building to discuss funding projects.

INTERSECTION – COUNTY ROAD 386

Commissioner McDaniel discussed meeting with F.D.O.T. regarding the intersection at County Road 386 and State Highway 71, stating that F.D.O.T. has agreed to help with the State side of this intersection by provided a new stop sign with a solar light system.

MEMORIAL DAY WEEKEND

Commissioner McDaniel discussed the turnout for the Memorial Day weekend, stating that all the advertising seems to be paying off.

WATER SYSTEM – CITY OF PORT ST. JOE

Chairman Smiley discussed being contacted by constituents regarding City water bills being higher than their light bill. He discussed his concerns regarding the City of Port St. Joe raising the water rates. He discussed consolidating the City of Port St. Joe Police Department with the County Sheriff's Department to save money. He also discussed city residents contacting their City Commissioner to discuss the water rates. Upon inquiry by Chairman Smiley, Commissioner McDaniel reported that the tap fee for water in the City of Wewahitchka is approximately \$120.00. Chairman Smiley reported that the tap fee in the City of Port St. Joe is \$5,000.00. After discussion by Chairman Smiley, Commissioner McDaniel stated that combining law enforcement has nothing to do with water and City rates. He reported that the City of Port St. Joe operates under a charter form of government and the charter would have to be modified. Chairman Smiley discussed his concerns regarding salaries that are being paid within City Hall and the City Police Department.

AWARD BID #1213-11 – INMATE TELEPHONE SERVICE

Upon recommendation by Jail Administrator Hammond, Commissioner Yeager motioned to award Bid #1213-11 for the Inmate Telephone Service to Amtel and to negotiate a new contract. Commissioner McLemore seconded the motion, and it passed unanimously.

Chairman Smiley called for public comment. There was no public comment.

ECONOMIC DEVELOPMENT COUNCIL

E.D.C. Director Sellers appeared before the Board to give an update on Project Fast Pace. He reported that the company is a M3 Corporation which handles government contracting with various entities. E.D.C. Director Sellers reported that Project Fast Pace would like to lease property in Gulf County with a long term range of building, including looking at the Arizona Chemical site. He gave an update on Project Talk, stating that this company is looking to do customer service calls for a large national electronics manufacturer. E.D.C. Director Sellers reported that the company has narrowed the site location to three with Wewahitchka being one of the proposed locations. He also reported that he will be traveling to Atlanta to discuss what Gulf County has to offer businesses. E.D.C. Director Sellers discussed the need of a broadband tower for Project Fast Pace. Commissioner Yeager stated that a determination has been made to provide a site in the Beacon Hill area.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 11:30 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**