

PORT ST. JOE, FLORIDA

JUNE 10, 2008

REGULAR MEETING

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

Others present were: County Attorney Tim McFarland, Clerk of Circuit Court Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kayla Duke, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Human Resource Director Denise Manuel, Grant Writer Towan Kopinsky, Planner David Richardson, Building Official Lee Collinsworth, Mosquito Control Director Mark Cothran, Solid Waste Director Joe Danford, Public Works Director Gerald Shearer, Building Inspector George Knight, Maintenance Superintendent Steve Mork, Tax Collector Shirley Jenkins, Property Appraiser Kesley Colbert, County Judge Fred Witten, S.H.I.P. Administrator Ricky Farmer, Veterans Service Officer James Kennedy, Major Bobby Plair, and Sheriff Joe Nugent.

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

Commissioner Barnes opened the meeting with prayer, and Commissioner Peters led the Pledge of Allegiance to the Flag.

CONENT AGENDA

Commissioner Williams motioned to approve the following Consent Agenda items. Commissioner McLemore seconded the motion and it passed unanimously.

1. Minutes - May 13, 2008 - Regular Meeting
Minutes - May 15, 2008 - Special Meeting
Minutes - May 15, 2008 - Workshop Meeting
Minutes - May 19, 2008 - Workshop Meeting
2. BCC Correspondence - Chairman Billy E. Traylor to Florida Public Service Commission (St. Joe Natural Gas Company Increase)
- Commissioner Nathan Peters, Jr. to the Board of County Commissioners (Request for Workcrew Luncheon)
3. Bid Advertisements - Request for proposals for entity to post Legal advertisements for the Board
- Sale of a 1997 GMC Truck for Overstreet

Volunteer Fire Department

4. Coastal Habitat Conservation Plan - June 10, 2008
5. Invoice - Ausley & McMullen, P.A. - Gulf Pines Hospital Bankruptcy (\$400.00 to be paid from Account #21111-31200)

Bailey and Sons Diversified, Inc. - Americus Avenue Ditch Project Bid #0708-01 (\$22,377.68 to be paid from Account #41441-63000)

- County Attorney Timothy McFarland (May, 2008 * \$9,890.00 to be paid from Account #21314-31100)

- Preble-Rish, Inc. - Jasmine Heights Plat Review (Invoice #76575 * \$473.75 * to be paid from Account #34515-52000)

- Preble-Rish, Inc. - Stumphole Project (Invoice #65710 * \$10,580.00 * to be paid from Account #40249-31000)

- Rumberger, Kirk, & Caldwell (Invoice #724185 * \$4,269.03 * to be paid from Account #21111-31200)
6. Resolution 2008- 05
- Certifying that the Big Bend Regional Health Information Organization is consistent with local plans and regulations and comprehensive plan
7. S.H.I.P. - Rehabilitation Assistance (Felisha Quinn - \$18,000.00 / Jimmie & Elaine Rogers - \$5,500.00 / Jimmy Terry - \$5,500.00)

(End of Consent Agenda)

SEA TURTLE LIGHTING GRANT

Grant Writer Towan Kopinsky informed the Board that they re-applied for a grant to fund the Sea Turtle Lighting project, and they received additional funding.

CDC/S.H.I.P. CONTRACT/AFFORDABLE HOUSING COMMITTEE

Grant Writer Kopinsky informed the Board that she attended a meeting with CDC and State Florida Housing regarding the S.H.I.P. program and discussed the need to adopt the new 3-year plan by the end of the year. Ms. Kopinsky stated that the CDC will comprise the 11 member Affordable Housing Advisory Committee for the Board's approval by the next regular meeting. She further stated that the advisory committee must be approved by the Board.

Resolution, and if they have any recommendations for the committee, they should submit them. Chairman Traylor stated that the Board will review and address this issue at the next regular meeting.

UNIFORM CONTRACT RENEWAL

Deputy Administrator Lynn Lanier informed the Board that the uniform contract would automatically renew this year unless the Board notified the company by July 1 of its intent to terminate. Chief Administrator Butler stated that the County could save approximately \$10,000.00 if they did not require uniforms, but it would look unprofessional and the County could not tell the employees what to wear. Lanier stated they are looking at a 6% rate increase with the current company. Commissioner Williams motioned to terminate the contract and advertise for bids for a new uniform contract. Commissioner McLemore seconded the motion and it passed unanimously.

CDC/AFFORDABLE HOUSING COMMITTEE

Administrator Butler stated that the Affordable Housing Committee is the Board's committee, and CDC has come up with some recommendations for it, but it is ultimately the Board's decision. Butler stated that he will have a Resolution ready for the next meeting.

VMS GRASS CUTTING CONTRACT

Administrator Butler discussed that the grass cutting contract is costing the County a considerable amount more than they receive from VMS. Commissioner McLemore motioned to not renew the VMS contract. Commissioner Williams seconded the motion and it passed unanimously.

C.D.C.

Administrator Butler informed the Board that he has spoken with CDC and he recommends that the Board continue the contract with them. Attorney McFarland suggested that the Board amend the termination clause. Commissioner Williams motioned to continue the contract they have with C.D.C., after amending the termination clause. Commissioner McLemore seconded the motion and it passed unanimously.

AMERICUS AVENUE DITCH PROJECT/BID #0708-01

Administrator Butler discussed the Americus Avenue Ditch pipe installation project, stating that it ends at Court St., but there is a concrete head wall that they will have to break through, causing additional expenses. Butler stated that, with the Board's permission, the money will be taken from the Secondary Road and Bridge funds. Commissioner Williams motioned to approve the work. Commissioner McLemore seconded the motion and it passed unanimously.

COURTHOUSE AIR CONDITIONING

Administrator Butler requested the Board ratify an emergency purchase made to replace three compressors on the old chiller system at the Courthouse. He stated that this is a temporary fix and the expense will be less than \$12,500.00 (to be paid from grant funds), and will provide air conditioning until the new permanent units arrive. Butler further informed the Board that the units are already on their way, and Garry Gaddis will be doing the installation. Commissioner Williams motioned to ratify the emergency purchase. Commissioner Barnes seconded the motion and it passed unanimously. Administrator Butler stated that he had spoken with the

mechanical engineers (Peaden) today, and the specifications for the Courthouse renovation duct work is near completion.

REGULAR MEETING RESCHEDULED

Chairman Traylor stated that, due to the Board attending a conference, the next regular meeting of June 24, 2008, at 6:00 p.m. needs to be changed to June 23, 2008, at 9:00 a.m. Commissioner McLemore motioned to do so. Commissioner Williams seconded the motion and it passed unanimously.

COURTHOUSE AIR CONDITIONING

Upon Administrator Butler's request, Commissioner McLemore motioned to allow emergency quotes to be taken for the permanent A.C. units and be opened at the next regular meeting. Commissioner Williams seconded the motion and it passed unanimously. Butler stated that it will be paid for from grant funds.

COURTHOUSE REPAIRS

Upon inquiry by Chairman Traylor, Maintenance Supervisor Steve Mork reported that work had begun on the repairs and renovation of the Courthouse. Administrator Butler expressed the need to designate 3-4 people on the job at all times, in order to finish in 6 months, otherwise it could take years. Chairman Traylor agreed, stating that the Board made this a priority, and only an emergency situation should pull them off the job. Commissioner McLemore recognized and thanked Constitutional Officers, Judge Fred Witten, Tax Collector Shirley Jenkins, and Property Appraiser Kesley Colbert for attending the meeting. Judge Witten thanked the Board for the work being done, but expressed the need for consistency to get the job completed in a timely matter, not only for the employees, but for the public as well. Upon Commissioner Williams' inquiry, concerning what was needed to expedite the process, Maintenance Supervisor Mork stated that they need to keep the maintenance staff continually working on the job until it is finished. Williams discussed having one person available as a floater for other County needs as they arise. Clerk of Court Norris expressed her gratitude to the Board and Staff for their commitment to get the job done, and for the progress already taking place. Property Appraiser Colbert stated that he too is grateful that the Board is handling this issue.

S.H.I.P./ REHABILITATION ASSISTANCE

Administrator Butler presented a request for rehabilitation assistance for Nancy Hill, in the amount of \$5,500.00. Commissioner Peter motioned to approve the request. Commissioner Barnes seconded the motion and it passed unanimously.

CAPE SAN BLAS/BEAR PROBLEM

Administrator Butler informed the Board that Stephanie Summit, with Fish and Wildlife was supposed to be at the meeting to discuss the issue of bears that have been wondering into residential areas on the cape, and overturning trash cans. Butler stated that the Sheriff's office has been in contact with Fish and Wildlife, but was told that there is not a lot they can do. Commissioner Barnes stated that he has been told by Fish and Wildlife that garbage cans need to be removed from the edge of the road, and the public needs to be educated, but the problem is that a lot of people rent homes in that area for a couple of days, so it is hard to keep them informed concerning bear safety. Cape resident, Pat Hardman, appeared before the Board and stated that the bear is very large - estimated to be between 300 and 400 pounds,

and it is not safe for the public. Sheriff Joe Nugent stated that Fish and Wildlife will not relocate the bear, and the public has been getting too close to it. Cape resident, Rex Anderson, stated that he is concerned because people have been trying to get close to it to take photographs, etc. Chairman Traylor stated that they will continue this discussion when the Fish and Wildlife representative arrives.

WATER SYSTEM BOND REPAYMENTS

Administrator Butler informed that Board that they have almost completed the agreement between the County and the City of Port St. Joe that will transfer the water system to the City. Butler stated that the original agreement was to pay towards the debt, and the City of Port St. Joe would pay the remainder of the debt. Butler stated that they need a formal action from the Board to take the money that is left in the Board's accounts to pay toward the Beaches and White City water system. Commissioner Williams stated that he would like to table this issue later in the meeting.

SUBSTANCE ABUSE MEETING

Sheriff Joe Nugent informed the Board that he attended a meeting with the Gulf County Coalition of Substance Abuse at the Gulf Franklin Center, and stated that there will be another meeting on July 8, 2008 at 6:00 and the public is welcomed to attend. Sheriff Nugent stated that Highland View Neighborhood Watch will meet next Tuesday night at 7:00. Sheriff Nugent informed the Board that Gulf Coast Co-op had a class on power line safety, and will hold a second class on June 26, at noon.

MOSQUITO CONTROL

Solid Waste Director Joe Danford informed that Board that at the previous meeting Commissioner McLemore was under the impression that there was a 12 day gap, in which no spraying was done in his district. Danford distributed a calendar to the Board showing that there was no 12 day gap.

DEBRIS MANAGEMENT PLAN

Danford stated that they are working on a debris management plan and needs direction from the Board concerning requirements that FEMA is making. Danford stated that he will have to hire someone to monitor the debris contractor, and the work that he completes, and inquired about a monitor contract. Commissioner Barnes motioned to approve a second contract. Commissioner Williams seconded the motion, and inquired what the estimated cost would be. Danford stated that it would probably be 25% of the contract. The motion then passed unanimously.

MOSQUITO CONTROL

Mosquito Control Director Mark Cothran discussed a previous meeting, in which he was requested to consider utilizing Department Supervisors to assist in certain mosquito control duties, such as counting traps and surveillance. Cothran informed the Board that he has trained these Department Heads, but will not direct them to work as they are non-bargaining unit employees and a grievance could be filed against him. Chairman Traylor inquired how this could be a violation. Cothran stated that putting a department head in the position of a bargaining unit employee is a violation. Commissioner Williams stated that he has been concerned that they might be approaching a union violation, and if they want the liberty to direct

supervisors to different job functions, the Board needs to include that in the next union contract. Commissioner McLemore stated that the mosquito control program has not been working for him, but since the previous meeting, in which they discussed mosquito control, things have been 100% better. McLemore stated that mosquito control needs to utilize their \$400,000.00 budget and ensure that the districts get the amount of spray they need. Commissioner Williams stated that things were handled inappropriately at the previous meeting and the Board should not address employee issues in a public format. Williams discussed that Cothran has built the mosquito control program based upon statute and scientific input, and the issue Commissioner McLemore has is public perception of the mosquito control schedule of spraying, however it is more important that they are actually taking the most effective measures for mosquito control. Commissioner McLemore stated that he has been working on this issue for two months, and he felt he had no other option. Commissioner Williams stated that he understands, but false statistics were distributed at the previous meeting, and berating an employee in a public format should be a last resort. Cothran discussed that they have not changed anything in mosquito control since the previous meeting, and if more spraying has been done in Commissioner McLemore's district, it is as a result of more mosquitoes in the traps, because they base the program on surveillance. Cothran stated that if they looked at last April's statistics, they would see that the districts were sprayed considerably less because there were not as many mosquitoes in the trap, and they have to have scientific justification to spray. Commissioner Barnes stated that following the previous meeting he spoke with Cothran and he explained the charts to him. Commissioner McLemore stated that he used Cothran's charts to determine the 12 day gap in his district. Cothran discussed that the charts did not indicate a gap, and stated that they strive very hard at mosquito control to do their jobs.

UNION CONTRACT

Chairman Traylor inquired of Butler if it was time to negotiate the union contract. Butler confirmed that it was, and Chairman Traylor stated that they need to have the liberty to re-direct supervisors to perform other job duties, if needed. Commissioner Williams expressed the need to re-align resources and change some of the agreements they have with the union. Williams stated that the County is facing budget cuts and might need to move employees around at times. Commissioner Peters stated that Cothran did the right thing by not directing the supervisors to work and risking the possibility of a union grievance filed against him.

APALACHICOLA-CHATTAHOOCHEE-FLINT(ACF) RIVER BASIN

Commissioner Williams discussed an issue with the current recommended plan, which will significantly restrict water flow. Williams reported that Congressman Boyd sent a letter requesting the Governor file an injunction against the Corps of Engineers. Pursuant to the ACF's request, Commissioner Williams motioned for the Board to send a letter to the Governor as well, pending on Attorney McFarland's review, to request an injunction against the Corps of Engineers. Commissioner McLemore seconded the motion and it passed unanimously.

HIGHLAND VIEW SEWER

Commissioner Williams addressed the Highland View Sewer System issue, reviewing the decision that was made to hold the \$2 million dollars, until the City was willing to negotiate. Commissioner Williams stated that he held a Town Hall meeting and it is critical for the Board

to understand that they need to have solidarity on this issue. Dennis Sculley of Highland View approached the Board and stated that Commissioner Williams has fought for them, but the City continues to change the deadlines and they need the Board's help. Williams stated that the City has changed from a \$500.00 hook up fee, to a \$7,000.00 fee. Chairman Traylor stated that they will call a meeting with the City to deal with this issue.

WIND ZONE/BUILDING REQUIREMENTS

Commissioner McLemore informed the Board that he has spoken with Lee and Don and would like to address the issue of State law that forces residents to build their houses according to the 140 mph wind zone requirement, stating that people should have the choice to build their houses with 2x4's or 2x6's. Commissioner McLemore stated that the current line that marks the 140mph wind zone is incorrect and should be changed to relieve the home builder's expense. Commissioner Peter stated that he disagrees, and stated that the current requirements are in the best interest of the public. Chairman Traylor stated that at 26 miles inland, you should not be under the same restrictions as people who live on the coast. Administrator Butler discussed that the law requires that you have a physical feature that runs through the entire County, marking a division of the wind zone and stated that the only place this could be done is on Highway 22, and would require Wewahitchka to be split into two wind zones. Building Official Lee Collinsworth stated that changing the wind zones would not be cost effective, and would actually end up losing money and building a weaker home.

FOUR DAY WORK WEEK

Commissioner McLemore stated he would like to see County employees go to a four day work week. Chairman Traylor agreed, and scheduled a special meeting on Monday, June 16 at 4:00 p.m. to discuss this. Chairman Traylor stated that this can take effect as soon as July 1, 2008. Administrator Butler inquired if they were intending to include the Courthouse in this. Clerk Norris stated that if they intend to close the Courthouse, it will have to be approved with the Judiciary. Attorney McFarland confirmed this, and stated that it will be difficult to close the Courthouse because of filing deadlines, and the Court system.

NEW VEHICLES

Commissioner McLemore stated that he would like for the Board to begin the process of downsizing the current County trucks to smaller vehicles in order to reduce gas expenditures. Commissioner Williams agreed and stated there needs to be a strategy for transition. McLemore stated that gas prices will continue to escalate, and they need to be resolved in the upcoming budget sessions to replace them.

CAPE SAN BLAS/BEAR PROBLEM

Program Coordinator for the Bear Management Program for the Florida Wildlife Commission Stephanie Summit, appeared before the Board to discuss the bear problem at Cape San Blas. Ms. Summit stated that she understands the problem at the Cape and believes they can provide some assistance. Chairman Traylor stated that they are concerned about the bears turning over garbage bins, and being too close to residential areas. Commissioner Barnes asked Cape Resident, Rex Anderson to come forward. Ms. Summit stated that garbage is the number one attractant across the State for bears, and as long as that is there, wildlife will be attracted. Mr. Anderson stated that people are getting too close to the bear. Ms. Summit informed the Board that they are working very hard to encourage counties state-wide to require

wildlife resistant canisters for garbage. Commissioner McLemore inquired if they could relocate the bear. Ms. Summit stated that they do not relocate bears until a preventative effort has been made on the resident's part. Ms. Summit stated that if they can secure the garbage in the area, then the bear will move on. Sheriff Joe Nugent stated that there is nowhere for the bear to move on, and the bear might be killed if they don't do something. Commissioner Barnes explained that he can't continually educate the new people that come in to rent the homes every week and stated that humans are more important than bears. Ms. Summit discussed improvements in communities that are using wildlife resistant canisters and stated that waste management needs to be involved. Commissioner Barnes stated something has to be done before someone gets hurt. Ms. Summit discussed that people like to see wildlife, and it could be used as a marketing tool. Based on Chairman Traylor's inquiry, Ms. Summit stated that there were no documented bear attacks in Florida. Commissioner Williams stated that what Ms. Summit is describing is a long term environmental plan, and this issue needs to be handled immediately, and the bear could be killed if they don't relocate it. Ms. Summit inquired if the waste management for Cape San Blas is through individual contracts. Chairman Traylor stated that he understands the procedures she must use, and recommended that she continue this discussion with Sheriff Nugent and Commissioner Barnes after the meeting.

ST. JOE NATURAL GAS/FRANCHISE FEES

Chairman Traylor informed the Board of the need to establish a franchise contract with St. Joe Natural Gas for putting gas lines in a Right of Way. Chairman Traylor stated that St. Joe Natural Gas has been installing lines wherever they want, without consulting with the Building Department, or presenting any information on where the lines are being placed. Attorney McFarland informed the Board that he is working on an ordinance regarding citing lines on the Right of Way. Attorney McFarland further discussed the possibility of charging a franchise fee to entities that use their Right of Way, stating that it will have to be implemented by ordinance. Commissioner Peters stated that if they charge a franchise fee, the companies will increase the rates for the public. Chairman Traylor stated that the Board needs to consider this during the budget session.

SCOUT MASTER

Scout Master of Troop 47 Ben Welch appeared before the Board to request funds to provide gas money to drive to summer camp. The Board took no action. Chairman Traylor stated that he will help privately with that.

LIBERTY STREET/CHANGE ORDER/ROAD BOND PROJECT

Commissioner Peters inquired of Michael Hammond on the progress of Liberty and Apollo Streets. Hammond reported that G.A.C. had given them a price of just under \$23,000.00, and he expects to present the change order at the next regular meeting.

WATER SYSTEM BOND REPAYMENTS

County Attorney McFarland informed the Board that the Clerk needs Board approval to transfer to the Paying Agents, money from the Bonds Sinking and Reserve Funds, to pay off the existing debt obligation. Clerk Norris clarified that the payment will not be paid to the City of Port St. Joe. Commissioner Peters motioned to approve this transfer. Chairman Traylor passed the Chair to Commissioner Barnes and seconded the motion. The motion then passed

4-1, with Commissioner Williams opposing.

WIND ZONE/BUILDING REQUIREMENTS

Tim Stein approached the Board to discuss the wind zone issue. Mr. Stein stated that he was present at the first meeting in which the wind code zone was made County wide. Mr. Stein stated that, at that time, the State required the line to be one mile inland and they proposed the Intercoastal Waterway but it was rejected. Mr. Stein stated that the Board or the Building Department should go to the State and get a variance so they do not have to use physical landmarks. Building Official Lee Collinsworth discussed that the code book requires that they use physical landmarks, and it would not be cost efficient to change. Mr. Stein stated that the type of doors and building materials one must purchase is a sufficient increase in building cost. <Commissioner Barnes motioned to allow Mr. Stein to continue speaking. Commissioner Williams seconded the motion and it passed unanimously.> Commissioner McLemore stated that he feels the Board should look further into this matter.

WASHINGTON HIGH MUSEUM

Champ Traylor, of Gulf County Utility and Equipment Company, appeared before the Board to present a check, in the amount of \$250.00, for the Washington High Museum.

There being no further business and upon motion by Commissioner McLemore, the meeting did then adjourn at 10:35 a.m. E.T.

**BILLY E. TRAYLOR
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**