

SEPTEMBER 9, 2014
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 Ward McDaniel, Vice Chairman Carmen L. McLemore, Commissioners Joanna Bryan, Tynalin Smiley, 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 Collinsworth, Building Inspector George Knight, Central Services Director Denise Manuel, Gulf County E.M.S. Director Houston Whitfield, Deputy Grant Coordinator Kari Summers, Maintenance Superintendent Steve Mork, Mosquito Control Director Mark Cothran, County Planner David Richardson, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, Sheriff Mike Harrison, and T.D.C. Executive Director Jennifer Jenkins.

Sheriff Harrison called the meeting to order at 8:57 a.m, E.T.

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

CONSENT AGENDA / INFORMATION PACKET

Chairman McDaniel called for public comment regarding the Consent Agenda or the Information Packet. County Attorney Novak requested that Change Order #1 with Outpost Design (Item #4/pages 20 and 21) be pulled from the Consent Agenda. Upon inquiry by Commissioner Bryan, Chief Administrator Butler discussed Item #3 (pages 18 and 19) from the Consent Agenda regarding awarding Bid #1314-24 for the Pay and Classification study. Following discussion, Commissioner Bryan motioned to approve the Consent Agenda with the removal of pages 20 & 21 (Item #4) and tabling of pages 18 & 19 (Item #3). Commissioner Yeager seconded the motion. Chairman called for public comment. There being no public comment, the motion then passed unanimously, as follows:

1. Minutes – August 12, 2014 – Regular Meeting
2. Approval of Checks and Warrants for August, 2014 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
- **TABLED**** 3. Bid Award – Pay & Classification Study * Bid #1314-24 (Evergreen Solutions, LLC * Option #2 * \$22,000.00 with reductions)

4. ****DELETE**** Change Order – T.D.C. Website * Bid #1213-19 (#1 * Outpost Design * Increase of \$95,000.00)

 - Change Order – T.D.C. Website * Bid 1213-19 (#2 * Outpost Design * Increase of \$24,000.00)
5. Contract Approval – Mosquito Control (State Contract Pricing * Transition ULV Material)
6. Invoices – The Ferguson Group, LLC – Federal Lobbyist (Invoice #0614535 * \$23.55 * Invoice #0714547 * \$100.59)

 - MRD Associates, Inc. – St. Joseph Peninsula Post Construction Physical Monitoring Services (Invoice #1683 * \$40,177.55)

 - Unifirst (Public Works * Invoice #2710078847 * \$44.30 * Invoice #2710078325 * \$44.30)
7. Memorandum of Understanding – Transfer of Ownership (2014 FX Yamaha Cruiser Jet Ski * Vin #US-YAMA274-2K314 * South Gulf Fire Department)
8. Proclamation – National Suicide Prevention Month (September, 2014)
(End)

GULF COUNTY LIBRARIES

Cathey Colbert, of the Gulf County Libraries appeared before the Board to discuss the services provided by the St. Joe and Wewahitchka Libraries. She requested that the Board remember the libraries during budget time. Dana Boyer, of the Gulf County Libraries appeared before the Board to discuss her concerns regarding the Gulf County Libraries. Chairman McDaniel stated to hold the time clock to allow Mrs. Boyer additional time to speak. Mrs. Boyer discussed the public use of the computers within the libraries. After discussion, Commissioner Yeager reported that there is a budget hearing scheduled for tomorrow and would look at the budget to see if funds were available.

SECOND PUBLIC HEARING – FIVE CENT GAS TAX ORDINANCE

Chairman McDaniel reported that the revenues from this proposed ordinance would be distributed to the City of Wewahitchka at 13%, and the City of Port St. Joe at 21%, based on population. Chairman McDaniel called for public comment. Pursuant to advertisement to hold a public hearing to consider adoption of a five cent gas tax ordinance, County Attorney Novak inquired as to waive the reading of the proposed ordinance by title. The Board had no objection. Tom Semmes, of Wewahitchka appeared before the Board to discuss his concerns regarding the adoption of this proposed ordinance and the hardship on low income residents, if it passes. Pat Hardman, of Port St. Joe appeared before the Board to state that she supports this proposed ordinance because the ad valorem

taxpayers with fixed incomes are absorbing the cost and with this proposed ordinance it would be spread out. Barbara Radcliff, of Port St. Joe appeared before the Board to discuss her concerns regarding raising the gas tax and raising the millage rate. Commissioner McLemore discussed his concerns regarding the proposed ordinance and the hardship on low income and small business owners. Commissioner Yeager discussed alternative sources of revenue and reducing the millage rate. After discussion, Commissioner Bryan motioned to not continue with the five cent gas tax ordinance. Commissioner McLemore seconded the motion for discussion. After discussion, Chairman McDaniel called for public comment. There being no further public comment, the motion passed 3 to 2 with Commissioner Smiley and Yeager opposing to the motion.

SECOND PUBLIC HEARING – 1% TOURIST DEVELOPMENT TAX ORDINANCE

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance regarding a 1% tourist development tax, County Attorney Novak discussed waiving the reading of the proposed titled ordinance. The Board had no objection. After discussion by County Attorney Novak, Chairman McDaniel called for public comment. There being no public comment, Commissioner Yeager motioned to adopt the following proposed ordinance. Commissioner McLemore seconded the motion. Chairman McDaniel again called for public comment. There being no further public comment, the motion then passed unanimously.

ORDINANCE 2014-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA PURSUANT TO FLORIDA STATUTE 125.0104 FOR THE IMPOSITION AND LEVY OF AN ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX (THE 5TH CENT), IN THE EXISTING GULF COUNTY TOURIST DEVELOPMENT TAX DISTRICT IN GULF COUNTY FLORIDA; PROVIDING FOR THE COLLECTION AND DESIGNATION OF THE ADDITIONAL TAX; SPECIFYING THE USE OF THE PROCEEDS OF THE ADDITIONAL TAX; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION AND THAT THE EFFECTIVE DATE OF THE LEVY AND IMPOSITION MADE EFFECTIVE DATE OF THE LEVY AND IMPOSITION MADE HEREBY, AND THE COMMENCEMENT OF COLLECTION OF THE ADDITIONAL TAX HEREUNDER, SHALL BE JANUARY 1ST, 2015.

WHEREAS, Section 125.0104, Florida Statutes, provides for the levy of up to a six percent (6%) Tourist Development Tax by counties meeting the statutory requirements for such levies; and

WHEREAS, a two percent (2%) Tourist Development Tax was imposed within Gulf County by Gulf County Ordinance 1998-14 approved on October 13, 1998, with collection

commencing January 1, 1999, for the purpose of promoting and advertising tourism and maintaining Gulf County; and

WHEREAS, upon the recommendation of the Gulf County Tourist Development Council, (the "T.D.C"), an additional one percent (1%) Tourist Development Tax was imposed within the Gulf County by Ordinance 2001-16, with collection commencing February 1, 2002, for expenditures set forth by the Gulf County Tourist Development Plan previously adopted by the T.D.C and Gulf County Board of County Commissioners, with any expenditure on the additional one percent (1%) Tourist Development Tax limited to only those expenditures approved by Florida Statute 125.0104(5); and

WHEREAS, upon the recommendation of the Gulf County Tourist Development Council an additional one percent (1%) Tourist Development Tax (the 4th cent) was imposed by Gulf County Ordinance 2006-20 with collection commencing January 1, 2007, for expenditures set forth by the Gulf County Tourist Development Plan previously adopted by the T.D.C and Gulf County Board of County Commissioners, with any expenditure on the additional one percent (1%) Tourist Development Tax limited to only those expenditures approved by Florida Statute; and

WHEREAS, on August 5, 2014, the Gulf County Tourist Development Council recommended that the Board of County Commissioners levy the 5th cent (1%) Tourist Development Tax for a period of five (5) years for the express purpose of supporting Gulf County parks and recreation within Gulf County, Florida through marketing, promotions, and advertising of Gulf County tourism in new, developing, and existing markets; and

WHEREAS, Section 125.0104(3) (n), Florida Statutes, authorizes the imposition of an additional one percent (1%) Tourist Development Tax (the 5th cent) by majority vote plus one of the Board of County Commissioners to be used for the promotion and advertisement of tourism in Gulf County; and

WHEREAS, the Board of County Commission accepted the unanimous recommendation of the T.D.C at its August 12, 2014 regular public meeting called for the advertisement and notice of a public hearing for consideration of an authorizing ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gulf County, Florida:

Section 1. Imposition of Additional One Percent (1%) Tourist Development Tax. Pursuant to Section 125.0104(3)(n), Florida Statutes, there is hereby levied imposed and set an additional Tourist Development Tax (the "Additional Tax") of one percent (1%) of each dollar and major fraction of each dollar of the total consideration charged every person for the lease or rental of living quarters or accommodations as authorized by Section 125.0104 Florida Statutes which includes lease or rental in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, tourist, or trailer camp, or condominium for a term of six (6) months or less. When receipt of consideration

is by way of property other than money, the tax is to be levied and imposed on the fair market value of such non-monetary consideration. Accordingly, the Tourist Development Tax rate established by Ordinance 1998-14 (first 2 cents), as amended by Ordinance 2001-16 (3rd cent) and Ordinance 2006-20 (4th cent) and Section 1 of Ordinance 2014-04 (5th cent for 5 years) is hereby set by Ordinance of this Board.

Section 2. Collection of Additional Tax. The Additional Tax shall be collected for the period of January 1, 2015 through December 31, 2019 by the Clerk of the Circuit Court, without priority or distinction but on a pari passu basis with the other four percent (4%) Tourist Development Tax collected. One-fifth (1/5) of the total Tax collected pursuant to Ordinance 1998-14, as amended by Ordinance 2001-16 and 2006-20, and this Ordinance, is hereby designated as the proceeds of the Additional Tax imposed by this Ordinance.

Section 3. Use of Proceeds of Additional Tax. The proceeds of the Additional Tax imposed by this Ordinance shall be used exclusively to promote and/or advertise tourism in the State of Florida and/or nationally and/or internationally through its parks and recreation for the benefit of Gulf County, Florida; however, if tax revenues are expended for an activity, service, venue or event, that activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue or event to tourists.

Section 4. Severability. It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 5. Inclusion in the Codification. It is the intention of the Board of County Commissioners of Gulf County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Law and Ordinances of Gulf County, Florida that the sections of this ordinance may be renumbered or relettered to accomplish such intention and future codification, and that the word "ordinance" may be changed to section, "article", or other appropriate designation.

Section 6. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 7. Modification. It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board, filed by the Clerk to the Board, and submitted to the Secretary of State in compliance with F.S. 125.66.

Section 8. Effective Date. This ordinance for the Additional Tax shall take effect in accordance with Section 125.66(2), Florida Statutes; more specifically, this ordinance

shall take effect immediately upon passage and the effective date of the levy and imposition made hereby, and the commencement of collection of Additional Tax hereunder, shall be January 1, 2015 through December 31, 2019.

Section 9. Filing with Department of State. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes; more specifically, this ordinance shall take effect immediately upon passage and the effective date of the levy and imposition made hereby, and the commencement of collection of Additional Tax hereunder, shall be January 1, 2015.

ADOPTED this 9th day of September, 2014.
(End)

CONTRACT – UNIFIRST

Following discussion by Deputy Administrator Lanier, Commissioner motioned to approve a two (2) year contract with UniFirst. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no further comment, the motion then passed unanimously.

INVOICES – UNIFIRST

Upon request by Deputy Administrator Lanier, Commissioner McLemore motioned to approve all of the UniFirst invoices prior to the issuance of the new contract, using the old uniform prices, for any existing invoices. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

TOURIST DEVELOPMENT COUNCIL

T.D.C. Director Jenkins appeared before the Board to present the August, 2014 monthly report.

T.D.C. FALL MEDIA MISSION

Upon request by T.D.C. Director Jenkins, Commissioner Yeager motioned to approve the Fall Media Mission; not to exceed \$7,500.00. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no further comment, the motion passed unanimously.

AWARD BID #1314-29 – 2015 VISITOR GUIDE

Upon recommendation by the T.D.C., Commissioner Yeager motioned to award Bid #1314-29 for the printing of the 2015 Visitor Guide to Solo Printing, in the amount of \$55,927.89. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

BUOY – ST. JOSEPH BAY

Upon inquiry by Commissioner Yeager, T.D.C. Director Jenkins discussed placing the buoy project on the October agenda for the council meeting. She discussed the project as the buoys being able to rise and fall with the tide and placing signage to inform boaters. After discussion by Commissioner Yeager, Commissioner McLemore discussed his concerns regarding placing information on the buoys. T.D.C. Director Jenkins stated that recommendations regarding this project would be presented to the Board before any action is taken.

INSURANCE CLAIM – BROWN/S.H.I.P.

Deputy Administrator Lowry appeared before the Board to discuss the S.H.I.P. Project with Ruby Brown; reporting that a claim has been filed with her homeowner's insurance and the insurance check is made out to Mrs. Brown and the Board, in the amount of \$4,100.93. Upon request by Deputy Administrator Lowry and discussion by members of the Board, Commissioner Yeager motioned to allow the Chairman to endorse the insurance check. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

CONTRACT – MOSQUITO CONTROL

Following discussion by Mosquito Control Director Cothran, Commissioner Bryan motioned to allow the Chairman to sign the annual mosquito control contract and budget with the Florida Department of Agriculture. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

MEETING – HEALTH TRUST BOARD

County Attorney Novak discussed the meeting held by the Health Trust Board regarding the Board's request with assistance on the ½ Cent Sales Tax Surplus. He reported that another meeting has been scheduled for today at noon to continue discussions. County Attorney Novak discussed the surplus totals; stating they will be presented to the Health Trust Board at today's meeting.

LETTER – LOW INCOME POOL GRANT

County Attorney Novak reported that a letter was submitted to ACHA regarding the Low Income Pool (LIP) Grant; notifying them that no funds are available for the match grant requirement.

CHANGE ORDER #1 – T.D.C. WEBSITE

County Attorney Novak discussed the language on Change Order #1 with Outpost Design regarding the T.D.C. Website and requested approval to change the dollar amount to \$95,000.00 to accurately reflect the amount to be paid for this year. Commissioner Yeager motioned to approve Change Order #1 with Outpost Design for the T.D.C. Website with the changes requested by the County Attorney. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

APPOINTMENTS – T.D.C. BOARD

County Attorney Novak discussed the T.D.C. Board appointments that will be rolling over at the end of this month; reporting that there will be four (4) seats becoming available. He also discussed the Term Policy that was adopted by the Board. After further discussion, County Attorney Novak requested clarification and direction from the Board. Upon inquiry by Chairman McDaniel, T.D.C. Director Jenkins reported that applications have been submitted to serve on the T.D.C. board. After discussion by members of the Board, Tony Whitfield, a member of the T.D.C. appeared before the Board to discuss the term limit policy and his concerns regarding the members of the T.D.C. He requested that the Board override the two (2) term limit at this time to allow the four (4) members to be in the pool of applicants for consideration of serving on the T.D.C. Board. After further discussion, Commissioner McLemore motioned to stay with the current policy and for T.D.C. Director Jenkins to provide a list of applications for Board approval. Commissioner Bryan seconded the motion. After discussion by Commissioner Yeager, Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. County Attorney Novak reported that a recommendation for appointments to serve on the T.D.C. board will be presented to the Board at the next meeting.

AGREEMENT – MEDICAL SERVICES

Following discussion by County Attorney Novak, Commissioner Yeager motioned to allow the Chairman to sign the Professional Medical Services Agreement with Sacred Heart for the Gulf County Detention Facility (County Jail). Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

SURPLUS – ½ CENT SALES TAX

Upon inquiry by Commissioner Yeager, Finance Officer Herring reported that the surplus from the ½ cent Sales Tax has already been placed in the Budget as Cash Carry Forward. Upon inquiry by Commissioner Yeager, County Attorney Novak stated that the request to the Health Trust Board was for \$70,000.00.

MEETINGS – SEPTEMBER

Chief Administrator Butler reported that a Gulf Consortium meeting will be held on September 17, 2014, which is the same day as the Watershed meeting in Bay County, and the D.E.P. meeting regarding the Highland View Boat Ramp and Pier. He discussed his concerns regarding making sure all meetings are covered in attendance. Commissioner Yeager requested that the Restore Act Committee be called for a meeting in the next few weeks. He discussed the need to hire extra help and use planning funds that was approved by the U.S. Treasury. Chief Administrator Butler reported that the self-evaluation has to be submitted by the 15th.

GULF RIFLE CLUB/THIRTY ACRES – HOWARD CREEK

Chief Administrator Butler discussed the thirty (30) acre site at Howard Creek that has been mortgaged to the Gulf County Rifle Club; reporting that he attended a meeting that was held at the Corps of Engineer Building in Bay County to discuss the sand left on site

and the impact that was made by the County when the Stormwater pond was built. He stated that the Corps of Engineers is looking at a Tolling Agreement that the County can enter into with the gun club regarding the five (5) acres that were impacted. After discussion, Commissioner Yeager motioned to allow Chief Administrator Butler to meet with the gun club and bring a recommendation back to the Board for review. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. Dan Garlick, of Garlick Associates appeared before the Board to discuss the proposed tolling agreement. Upon inquiry by Commissioner Bryan, Mr. Garlick stated that the Gulf County Rifle Club cannot move forward because a Corps permit was not applied for. Commissioner Bryan discussed her concerns regarding the County obtaining a Water Management Permit, but not a Corps Permit. Chairman McDaniel called for public comment. There being no public comment, and after further discussion by members of the Board, the motion then passed unanimously.

FUNDRAISER – THURSBAY

Commissioner Smiley reported that a fundraiser will be held at the Centennial Building on September 20th for former City Commissioner William Thursbay.

AFFORDABLE HOUSING – GULF COUNTY

Commissioner Smiley discussed affordable housing coming to Gulf County.

2015 SPRING BICYCLE TOUR

Ken Foster, of Bike Florida appeared before the Board to discuss the upcoming 2015 Spring Bicycle Tour that will take place in Gulf County. He reported that there will be 650 bicycle riders attending this event. Commissioner McLemore discussed working with this tour in 2012 and will be supporting the 2015 tour. Commissioner Yeager discussed the new bike path that was built on C30.

MEETING – BEACH RESTORATION

Patricia Hardman, of Port St. Joe appeared before the Board to report that U.S. Representative Steve Southerland and MRD Associates engineer Michael Dombrowski will be attending a meeting at the St. Joe Golf Club on October 6th at 5:00 p.m., E.T. to discuss beach restoration at the Cape and invited the public to attend. After discussion, Chairman McDaniel discussed his concerns regarding the Cape and encouraged the public to attend this meeting.

MEETING – GULF COUNTY LEGISLATIVE DELEGATION

Chairman McDaniel reported that a Gulf County Legislative Delegation meeting will be held on September 29th at 5:00 p.m., E.T. in the Board Meeting Room with Representative Halsey Beshears and Senator Bill Montford. He encourage the public to attend.

There being no further discussion, and upon motion by Commissioner McLemore, second by Commissioner Bryan, and unanimous vote, the meeting did then adjourn at 10:51 a.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**