

JULY 10, 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, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, E.D.C. Director Barry Sellers, Fire Coordinator Brad Price, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Gulf County Extension Agent Roy Lee Carter, Mosquito Control Director Mark Cothran, Gulf County Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, Public Works Director Joe Danford, Sheriff's Office Major Bobby Plair, Sheriff's Office Deputy Chris Dixon, and T.D.C. Director Jennifer Jenkins.

Sheriff's Office Major Plair called the meeting to order at 6:00 p.m., E.T.

Assistant Administrator Hammond opened the meeting in prayer, and Chairman Williams led the pledge of allegiance.

CONSENT AGENDA

Upon motion by Commissioner McDaniel, second by Commissioner McLemore and unanimous vote, the Board approved the Consent Agenda as follows, after removal of Item #9 (page 28):

1. Approval of Checks and warrants for June, 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
2. Agreement – FL Department of Revenue (Communications Services Tax)
Agreement – MRD Associates, Inc. (St. Joseph Peninsula Post-Construction Physical Monitoring)
3. Culvert Placement - Bass Street
4. Grant Agreement – FL Department of State (State Aid to Libraries Grant)
5. Invoices – Coastal Parasail – Beach Raking (Invoice #12003 * \$2,500.00 * to be paid from Account #27452-46100)

- Environmental Products of Florida – Tub Grinder (Invoice #V027646
* \$6,202.76 * to be paid from Account #28151912-46200)
 - Ken Murphy - Videotaping & Airing of Board Meetings (June, 2012
* \$1,350.00 * to be paid from Account #27452-34000)
 - Life Management Center of Northwest Florida, Inc. – Mental
Health Services (\$6,932.00 * to be paid from Account
#51363-82001)
6. Letter of Support – Department of Health and Human Services (Community Transformation Grants – Small Communities)
 7. Memorandum of Understanding and Pledge Arrangements (Sacred Heart Health System)
 8. Pledge Arrangements – St. Joe Community Foundation (Sacred Heart Health System)
 9. ****DELETE**** Road Closure - (Temporary) – U.S. Highway 98 in the vicinity of Veterans' Memorial Park for the Beach Blast Sprint and Olympic Distance Triathlon and Duathlon (September 8, 2012)
 10. Tax Roll Recapitulation for 2011
 11. Training – Emergency Management (Public Information Officer * Starke, FL)

(End)

PUBLIC HEARING – ORDINANCE #2012-05 – NUISANCE

County Attorney Novak read the proposed ordinance by title which amends the nuisance ordinance #99-06 providing additional language and further definition of nuisance. Susan Watson, Northwest Regional Director of the American Civil Liberties Union appeared before the Board to discuss the nuisance ordinance, stating these ordinances can have devastating effects on those individuals in most need of police services, stating they oppose the amendment to ordinance #99-06 and further recommend the amendment to the definition of the nuisance. Commissioner McDaniel motioned to allow Ms. Watson additional time to speak. Commissioner Yeager seconded the motion, and it passed unanimously. Ms. Watson recommended the Board amend the definition of the word nuisance. Chairman Williams called for public comment. There was no other public comment. County Attorney Novak requested that Ms. Watson submit her letter for the record, stating in conjunction with the other ordinance, the amendment for the definition of nuisance is expanding upon that, and recommended adoption of the proposed ordinance. Commissioner Yeager motioned to

adopt the proposed ordinance. Commissioner Smiley seconded the motion, and it passed unanimously as follows:

ORDINANCE NO. #2012- 05

AN ORDINANCE OF THE COUNTY OF GULF, IN THE STATE OF FLORIDA AMENDING “NUISANCE” ORDINANCE 99-06, PROVIDING ADDITIONAL LANGUAGE AND FURTHER DEFINITION OF NUISANCE AS ANY ACTIVITY CONDUCTED ON A PROPERTY WITHIN THE COUNTY REQUIRING THE PRESENCE OF LAW ENFORCEMENT OFFICERS ON FIVE OR MORE OCCASIONS OF ANY THIRTY DAY PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the County; and

WHEREAS, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of Gulf County, and

WHEREAS, the Commissioners desire to amend, delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing ordinance with regard to the definition of “nuisance”, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Land Development Regulations and Ordinance 99-06 and their definition of “Nuisance” is appropriately expanded to include additional clarification and detail to insure and maintain the quality of life for all citizens of the County; and

BE IT ENACTED by the Commission of the County of Gulf, in the State of Florida:

Section 1. Amended Definition of “Nuisance” Section 2(G) of “Definitions” for Gulf County Ordinance 99-06 is hereby amended to add sub-paragraphs (a) and (b) as additions to the definition of Nuisance which will read as follows:

- a. Property or activity conducted on property within the County, whether owned, leased or used by a person or organization whether for profit or not for profit that requires the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

- b. Owners of property or lessees, users, or occupants of property that permit the existence of any illegal activities on such property that are prohibited by the laws of the State of Florida or the ordinances of the County requiring the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

Section 2. Repealer

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 3. Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, even if such severability would result in additional restriction and or oversight of said homeless shelter, whether by subjecting the proposed facility to additional regulation under this ordinance's permitting requirements, or otherwise.

Section 4. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion was seconded by Commissioner Smiley and, being put to vote, the vote as follows:

Commissioner Williams Yes

Commissioner Yeager Yes

Commissioner McLemore Yes

Commissioner Smiley Yes

Commissioner McDaniel Yes

DULY PASSED AND ADOPTED THIS 10th day of July, 2012.

(End)

PUBLIC HEARING – ORDINANCE #2012-06 – HOMELESS SHELTER

County Attorney Novak read the proposed ordinance by title which regulates and controls the application, review, and permitting processes, as well as the regulation and annual evaluation of any and all homeless shelters. Christy McElroy appeared before the Board and thanked all those involved in the process of the research and development of the proposed homeless shelter ordinance. Chairman Williams called for public comment. There was no other public comment. Chairman Williams thanked County staff for their hard work in obtaining the proposed homeless shelter ordinance. Commissioner Smiley recommended adoption of the proposed homeless shelter ordinance. Commissioner Yeager seconded the motion, and it passed unanimously as follows:

ORDINANCE #2012-06

AN ORDINANCE OF THE COUNTY OF GULF, IN THE STATE OF FLORIDA TO REGULATE AND CONTROL THE APPLICATION, REVIEW, PERMITTING PROCESSES AS WELL AS THE REGULATION AND ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS; PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR ENFORCEMENT; ADOPTING A HEARING PROCEDURE, PROVIDING FINES AND PENALTIES FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the County; and

WHEREAS, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of Gulf County, and

WHEREAS, the Commissioners desire to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the Commissioners find and determine that the County has adopted Land Development Regulations in order to implement its Comprehensive Plan (last reviewed and revised 11/2010), and to comply with the requirements of the laws of State of Florida, including the regulation of land use within Gulf County for the purpose of establishing homeless shelters in conjunction with the development of land; and

WHEREAS, in order to carry out the purposes of the Florida Statutes and the purposes of the County’s Land Development Regulations, the Commissioners find and determine that the County’s Land Development Regulations should regulate homeless

shelters, including by designating restricted or prohibited uses, as well as the proper procedures for application, review, permitting, location and financial support for such homeless shelters; and

WHEREAS, the Commissioners find and determine that the Gulf County Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

WHEREAS, the Commissioners have determined following public hearings, careful evaluation of both the research and experience of neighboring communities and their approach and process for enabling those in need of such homeless shelter, that such services should be provided with the conditions for suitability and the facility is not contrary nor inconsistent with one or more of the purposes of the Land Development Regulations, and by prescribing the proper process, application, review, evaluation, permitting, location and funding of such facility; and

WHEREAS, the Commissioners have determined the need to address the County's Land Development Regulations relative to homeless shelters, and wishes to ensure that the County's Land Development Regulations as they relate to a homeless shelter are in compliance with all constitutional and other legal requirements; and

WHEREAS, the Commissioners find and determine that the Land Use Element of the Gulf County Comprehensive Plan notes the County goals to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of Gulf County is ensured; and

WHEREAS, the predominant concern in establishing homeless shelter regulations for the development and use of land is with any adverse secondary effects, and not with the intent nor mission of such a homeless shelter; and

WHEREAS, the Commissioners wish to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such facilities in a Florida community can create atypical and extraordinary obligations and additional burdens on the demand for county services and support; and

WHEREAS, the Commissioners recent findings and public hearings in conjunction with the examination of the community issue by staff of both established regional and national studies as well as the review of expert testimony regarding the issue of homelessness in surrounding communities that the operation of a homeless shelter has consistently resulted in significant increased police activities, increased activity of emergency management personnel, staff and resources and ultimately a demand on the social services and structure of those municipalities and communities directly providing and supporting the users of a homeless shelter; and

WHEREAS, the purpose of this ordinance is to authorize the operation of shelters for homeless persons within Gulf County under circumstances which assure the public protection while also securing and enhancing the health, safety and welfare of all county residents and facility participants consistent with the Land Development Regulations; and

WHEREAS, the Commissioners strive to balance the Land Development Regulations mandate to maintain and improve the quality of life for all citizens while also providing an outlet and ability to offer adequate support services for shelter occupants with proper regulation and oversight; and

WHEREAS, the Commissioners find and determine that the various steps proposed are a major deterrent to a decline in public safety and health, and further note the importance of an interest in maintaining a strong position on public safety and health and strong internal community support and therefore seek to provide the ability to provide homeless individuals shelter in an orderly, structured and responsible community based approach that recognizes the need for both the homeless assistance while maintaining Gulf County's public safety and health standards; and

WHEREAS, the Commissioners find and determine that the Gulf County Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid any blight and deterioration that cause depreciation of property values and to that end the Commissioners have sought to ensure adequate protection for residents within the County in which a shelter is specifically located; and

WHEREAS, the Commissioners find and determine that tourism is a significant and important economic activity within the community and that a homeless shelter land use is incompatible with the tourist related land use and economic activities, and

WHEREAS, the Commissioners find and determine that the following ordinance is consistent with all applicable policies of the County, including its Comprehensive Plan and Land Development Regulations, and is not in conflict with the public interest, and will not result in incompatible land uses; and

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

Section 1. Definitions

- A. "Homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes (please note Section 9 "Exception" for disaster response and relief below).
- B. "Person" means an individual (eighteen (18) years or older), a business entity or organization, or a governmental entity.

- C. "Participant" means an individual that has qualified for admission into the shelter for temporary relief and assistance with basic necessities of life such as food and clothing. A participant under the definition and terms of this ordinance however does not provide residency nor "intent to reside" status to an individual participating. Participant is an individual that receives the benefit of the shelter services however, may not claim residency of the shelter as a home, domicile, residence or "intent to reside".
- D. "Tourist Corridor" means those corridors defined as the portions of highways, roadways and public right of ways known, mapped and designated in Gulf County and the areas defined below surrounding these portions of US 98 and SR 30A and CR 30A and SR 30E and SR 386 and SR 71 within a one mile radius of these Tourist Corridors.
- "Northwest Tourist Corridor" US Hwy 98 for land areas within a one mile radius, bounded from CR 386 (border between Gulf and Bay Counties) heading South to terminus at the intersection of US 98 and Westview Boulevard, and any and all unincorporated areas between these two above segments along US Hwy 98 adjacent to Phase I of Windmark Subdivision and through Highland View; and
 - "Southern Tourist Corridor" recommencing for all land areas within a one mile radius of SR 30A and CR 30A; heading South along SR 30A from the intersection with US 98 to the terminus of SR 30A at the Gulf and Franklin County border; and also continuing from the intersection of SR 30A with SR 30E, and continuing West/Northwest along SR 30E to the SR 30E terminus at T.S. Stone State Park.
 - "Central Tourist Corridors" any and all land areas within a one mile radius of CR 71 commencing at the intersection with US Hwy 98 in the City of Port St. Joe and heading North to the Gulf County boundary line as well as CR 386 commencing at the intersection with US Hwy 98 at the Gulf and Bay County boundary line and to its terminus at its intersection with CR 71 in the City of Wewahitchka.

Section 2. Permit required

No person may establish or operate a homeless shelter in Gulf County without a permit.

Section 3. Application

A person who wishes to establish and operate a homeless shelter shall file an application for a permit with the Gulf County Building and Planning Departments and a copy simultaneously submitted to the Gulf County Administrator's office. The application shall specify the shelter's proposed location and the number of anticipated participants, and any other information considered necessary by the County to process the application. The application should include a statement by the applicant addressing each element of the burden of proof required for the issuance of a permit as described in Section 4 below. When filing the application, the applicant shall pay the processing fee established by the County Commission through this ordinance of Two Thousand Five Hundred Dollars (\$2,500.00) to offset the extraordinary county staff time for review and preparation of this unique and specific permit approval process.

Section 4. Burden of proof

An applicant for a permit under this chapter has the burden of demonstrating each of the following elements:

- A. The proposed facility is appropriate for the shelter under consideration;
- B. The proposed location for the shelter is appropriate, given proximity, for example, to schools, churches etc.;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing; inclusive with this provision shall be the facilities required compliance with any and all State and local regulations for food preparation, distribution and delivery to its participants (analogous to state public school requirements and/or state correctional facilities food requirements);
- D. The shelter's participants will receive any necessary medical treatment as provided by the facility's trained and licensed staff, and have adequate access to social services and other support services such as counseling for employment and permanent housing opportunities;
- E. The shelter will provide transportation for shelter participants as may be needed to implement the shelter's program, particularly to any off-site location where services are provided;
- F. The shelter will provide adequate on-site supervision and security; inclusive with this supervision shall be all participants provided a temporary participant card qualifying and identifying their participation in the facility's services during their stay;
- G. The shelter's operating rules provide for immediate termination of participant's services and provide an immediate plan for transportation out of the County of any participant who engages in criminal activity;
- H. The shelter will provide adequate coordination with the law enforcement department for the provision of screening and security functions;
- I. The shelter will provide a community liaison to ensure sufficient avenues of communication with the neighborhood and effective response to complaints from citizens;
- J. Adequate law enforcement services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the County's building and zoning ordinances; inclusive with this compliance shall be the County's ability for random unscheduled inspections for continued compliance and safety precautions;
- L. The applicant and its staff possess the requisite experience to properly manage the shelter; inclusive of the necessary and required medical staff to handle needs of participants
- M. The facility and its professionals submit sufficient plans demonstrating structured discharge planning (reference to "*Local Implementation of 10 year plans to end homelessness*", See 7/11/05 NAEH Conference Report) including the rehabilitation; training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;

- N. The facility and its professionals submit self sufficient plans demonstrating structured emergency evacuation (inclement weather, natural disaster, emergency) planning and including Section 8 “Revocation” below providing for a documented plans for relocation in lieu of permit revocation
- O. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance.
- P. The permittee must identify the agent of record for purposes of contact, communication and individual enforcement.
- Q. The permit shall comply with all State and Federal guidelines in addition the foregoing permitting review and conditions; and subject to Gulf County revocation power under Section 8 below for any and all violations issued by State and or Federal guidelines and agencies.

Section 5. Public hearing – Decision – Term

Upon receipt of a complete application, the Gulf County Planning Department shall set the matter for a public hearings, evaluation and consideration before the Gulf County Planning and Development Review Board. The County Clerk shall give notice of the hearing by (1) publishing a notice of time and place of hearing once in a newspaper of general circulation at least 10 days before the hearing, and (2) posting the notice of public hearing on the County Courthouse. The County Clerk may give notice in such other manner considered appropriate under the circumstances (i.e. posted on Gulf County website, www.gulfcounty-fl.gov). The Gulf County Commission thereafter shall conduct the public hearings and may approve the application if the applicant demonstrates that each element of the burden of proof described in Section 4 is met. If it approves the application, the Commission may specify the term of the permit. The term of the permit may not exceed 12 months.

Section 6. Permit fee

If the Gulf County Commission approves the application, it shall as a part of the approval process fix the amount of the permit fee. The permit fee is in addition to the processing fee referred to in Section 3 as well as the standard building, planning and county administrative permitting fees.

Once an application is approved by the Gulf County Commission, the applicant shall pay the permit fee fixed by the Commission. The permit fee shall be based upon the County’s anticipated increased costs in providing police, emergency medical, administrative fees for County, additional code enforcement and oversight, additional health department inspections and oversight and all other related support services for a projected annual term as a result of the shelter’s operation. The annual renewable permit fee shall be established by vote of the Gulf County Commission following the research, review and final recommendation of County staff.

Upon the County establishing the permit fee for the operation of the facility, the Administration shall place a fifteen (15%) percent “risk factor valuation” deposit which shall be held in escrow by the county on an annual basis. If revocation clause is triggered under Section 8 and the permittee fails to secure reinstatement of the permit

for the facility within twenty (20) days thereafter the risk factor deposit is immediately forfeited to the County for the administrative costs and expenses incurred with the proper oversight of the shut down and transition of the facility closing.

Section 7. Location

No homeless shelter may be located within any Tourist Corridor within Gulf County as defined by Section 1(D) above.

Section 8. Revocation

The Gulf County Commission may revoke a permit at any time issued under this Section if it determines that the shelter is not operating in accordance with the terms of the permit. Before it considers revocation of the permit, the Gulf County Commission shall first conduct a noticed public hearing giving the permittee an opportunity to respond to grounds in support of revocation.

Notice of the revocation hearing shall be mailed postage prepaid by certified (return receipt requested) mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing.

If necessary and upon revocation of permit, the shelter administration shall be responsible for the immediate transportation within twenty four (24) hours for the relocation of any and all participants to another qualified facility identified by the shelter administration at the time of its permit application process.

Section 9. Exception

This Ordinance does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the Gulf County Commission. A temporary emergency homeless shelter may operate for a maximum of 45 days. The County Administrator may extend that period for additional periods of 45 days, upon approval of the Gulf County Commission.

Section 10. Violation – Penalty

Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials and Gulf County Sheriff's department and in accordance with Florida Statute 125.69:

- A. Violation of any provision of this ordinance shall be subject to the following penalties:
 - (i) First violation: \$500.00 fine; \$100.00 per day thereafter
 - (ii) Second violation: \$1,000.00; \$500.00 per day thereafter
 - (iii) Third violation: Fine not to exceed \$5,000.00 and/or imprisonment in the County jail not to exceed sixty (60) days.

- B. Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance, code enforcement officials may provide violators with no more than one (1) written warning.
- C. The County shall also have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance in addition to the violations set forth above, including but not limited to injunctive relief to rejoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of the specific corrective actions.

Section 11. Repealer

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 12. Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, even if such severability would result in additional restriction and or oversight of said homeless shelter, whether by subjecting the proposed facility to additional regulation under this ordinance's permitting requirements, or otherwise.

Section 13. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Smiley, who moved its adoption. The motion was seconded by Commissioner Yeager and, being put to vote, the vote as follows:

Commissioner Williams Yes

Commissioner Yeager Yes

Commissioner McLemore Yes

Commissioner Smiley Yes

Commissioner McDaniel Yes

DULY PASSED AND ADOPTED THIS 10th day of July, 2012.

(End)

E.M.S. APPRECIATION DINNER

Gulf County E.M.S. Director Whitfield appeared and discussed the E.M.S. appreciation dinner held in May during E.M.S. week and recommended approval of an invoice to Rich's IGA, in the amount of \$15.02, and J.R.'s Rib Shack, in the amount of \$624.25. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously.

E.M.S. – MEXICO BEACH AMBULANCE SERVICES

Gulf County E.M.S. Director Whitfield gave an update on the ambulance services provided to Mexico Beach, stating Bay Medical Center will give the final word within the next week, and it looks like they will negotiate with the County.

MOSQUITO CONTROL

Mosquito Control Director Cothran appeared before the Board and noted the mosquito population increase throughout the County. Mr. Cothran informed the Board that he is over and above what he budgeted, noting it may level out in months to come if he is able to cut back. He stated the Federal Government has approved public assistance for twenty Counties in Florida, and Gulf is one of the Counties. He stated that if they do aerial spraying, it will be in the densely populated areas.

APALACHEE REGIONAL PLANNING COUNCIL – 5 YEAR F.D.O.T. WORK PROGRAM

Upon request by Planner Richardson, Keith McCarron of Apalachee Regional Planning Council appeared before the Board and gave an update on the F.D.O.T. five (5) year work program. Upon inquiry by Assistant Administrator Hammond concerning the widening of the bridge on Highway 22, Mr. McCarron stated they are aware of the issues with the bridge and he will continue to bring updates to the staff.

COUNTY ROAD 386

Grant Writer Kopinsky appeared before the Board and discussed the issues with County Road 386, stating the cost of the thermoplastics is extremely high, and reported that she spoke with Mr. McCarron concerning painting C.R. 386. She reported she applied for a S.C.R.A.P. grant to widen and resurface the road, stating if they could get paint striping now that would be better than what they are looking at.

C.D.B.G. DISASTER RECOVERY FUNDS – STUMPHOLE PHASE IV & V - CHANGE ORDERS

Grant Writer Kopinsky recommended approval of change order #1 with North Florida Construction for the C.D.B.G.-D.R.I. Stumphole Phase IV project; a decrease in the amount of \$50,100.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously. Grant Writer Kopinsky recommended approval of change order #1 with North Florida Construction for the C.D.B.G.-D.R.E.F. Stumphole Phase V, for an increase in the amount of \$50,100.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

LANDS LANDING GRANT

Grant Writer Kopinsky reported we should have the contract for the Lands Landing Boat Ramp any day, stating we are in the new application phase at this time and can apply for another grant; noting the deadline is July 20, 2012. Commissioner Yeager discussed the need to apply for another grant. Commissioner McLemore discussed the Willis Landing Boat Ramp, but noted the County has not received a 25 year lease, and requested for Chief Administrator Butler to pursue with obtaining the 25 year lease with the St. Joe Company. Commissioner McLemore motioned to Chief Administrator Butler to pursue with the 25 year lease for the Willis Land Boat Ramp with St. Joe Company. Commissioner Smiley seconded the motion, and it passed unanimously. Chief Administrator Butler reported that it is their plan to incorporate in with the Odena Land Boat Ramp. Commissioner McLemore motioned to apply for a grant for repairs to the Sauls Creek Boat Ramp. Commissioner Smiley seconded the motion, and it passed unanimously. County Attorney Novak stated he will contact St. Joe Company concerning a contract on the Willis Landing Boat Ramp. Commissioner McLemore motioned to apply for a grant for the Willis Landing Boat Ramp if the contract is received from St. Joe Company before the grant deadline. Commissioner Smiley seconded the motion, and it passed unanimously.

INVOICE – KERIGAN MARKETING ASSOCIATES

Interim T.D.C. Director Kopinsky requested approval of invoice #5952 from Kerigan Marketing Associates, in the amount of \$892.00 (advertising expenses for the band for the Forgotten Coast Wounded Warriors Week-End last year), stating there is backup documentation that they have not be able to regenerate from a year ago for this invoice. County Attorney Novak discussed and recommended to pay what they have documentation for and not pay for what there is no documentation for. Commissioner Yeager motioned to pay what they have documentation for. Commissioner McDaniel seconded the motion for discussion. Discussion ensued concerning ongoing and pending invoices with KMA. Chairman Williams stated KMA does not represent the County, or the T.D.C. Chairman Williams stated it is Kerigan Marketing's responsibility to produce the information needed, if they can't then we are not to pay it. Chairman Williams stated that we are done with Kerigan Marketing Associates and there is not to be any more new projects without going through the bid process. The motion then passed unanimously.

TOURIST DEVELOPMENT COUNCIL

T.D.C. Director Jenkins appeared before the Board and reported that May 2012 bed tax collections had close to a 21% increase. She stated that they had their first partner workshop at the Welcome Center in regards to the Sponsorship and Special Funding Program. Ms. Jenkins noted the T.D.C. and Chamber of Commerce worked together and filmed five (5) segments for WEAR T.V. promoting Gulf County Tourism, stating this is one of the programs purchased through Kerigan Marketing Associates. Ms. Jenkins informed the Board that they did a three (3) minute segment on Beach T.V., purchased through Kerigan Marketing Associates. Finally T.D.C. Director Jenkins reported that an Associates Press Reporter will be here on Thursday to do a feature article on Gulf

County and the Scallop season. Chairman Williams recommended appointing T.D.C. Director Jenkins, E.D.C. Director Sellers, Chairman Williams, and Chief Administrator Butler to work on the framing of the Restore Act funding. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

UNEMPLOYMENT COMPENSATION – JAIL

Jail Administrator Hammond reported that Deputy Administrator Lowry and County Attorney Novak won the unemployment compensation appeal against a previous jail employee.

JAIL – COMPUTER SYSTEM

Jail Administrator Hammond reported on July 3rd they had problems with their computers at the Jail, stating that Dennis Barfield, Jr. and Dennis Barfield, Sr. came out on the night of July 3rd and the weekend to fix the problems.

WINDMARK BEACH

County Attorney Novak discussed the signs at Windmark Beach Phase I signage issue, stating he contacted the St. Joe Company representative Mr. Caldwell, and they have come up with a proposed resolution for an additional twenty four (24) 20' parking spaces. County Attorney Novak noted they have 120 of the 300 pledged parking spaces. Chairman Williams stated he has a few legalities he would like for the Attorney review dealing with the roads and parks relative to St. Joe Shores. County Attorney Novak stated for the record that these pledged parking spaces are not permanent spots but would be transitioned into the future 180. Chairman Williams noted he is not comfortable with that and discussed further. County Attorney Novak discussed further.

ANIMAL CONTROL ORDINANCE

County Attorney Novak reported that the Sub-Committee is working on the animal control ordinance, stating they will be scheduling another meeting for the end of the month and will bring a proposed ordinance before the Board next month.

COUNTYWIDE VOTING AND RE-DISTRICTING ISSUES

County Attorney Novak reported the Board previously instructed Michael Spellman of Sniffen & Spellman Law Firm to work on the countywide and re-districting issues, and requested a Special Meeting be scheduled for Monday, July 30th at 9:00 a.m., E.T. for Mr. Spellman to make his presentation. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

FIVE POINT LANDFILL

County Attorney Novak discussed delinquencies on invoices from the landfill provided to him by Public Works Director Danford, stating there needs to be a collection process in place for these delinquent accounts and requested permission to institute a collection practice and, if necessary, file a complaint and seeking a judgment. Mr. Novak noted they have all been noticed verbally but he would need Board authorization to proceed

with a collection practice and issue a Collection Notice (Fair Debt Collection Practice). Commissioner McDaniel motioned to approve, as recommended by County Attorney Novak. Commissioner Yeager seconded the motion, and it passed unanimously.

RESOLUTION #2012-08 – EROSION CONTROL PROJECT

County Attorney Novak read a proposed resolution by title and recommended adoption as follows:

A resolution of the Board of County Commissioners, Gulf County, Florida, authorizing the County to proceed with this submittal of an application for State funds under provisions of Chapter 161.091, Florida Statutes, to the Florida Department of Environmental Protection, Beach and Coastal Ecosystem Management, for the Florida beach erosion program budget for fiscal year 2012-2013, for the restored and subsequent renourishment of the St. Joseph Peninsula beaches.

Upon inquiry by County Attorney Novak, Deputy Administrator Lanier confirmed this to be a renewal for re-nourishment program for MRD Associates, Inc. for the coming year; noting the agreement is on page 12 (St. Joseph Peninsula Post-Construction Physical Monitoring) of the consent agenda that was approved tonight. Commissioner Yeager motioned to adopt the proposed resolution. Commissioner McDaniel seconded for discussion. Following discussion, the motion passed unanimously. Commissioner Yeager motioned for Chief Administrator Butler to contact MRD Associates, Inc. (Coastal Engineers) to look into the feasibility of using an inland sand source for the re-nourishment program. Commissioner Smiley seconded the motion, and it passed unanimously.

RESOLUTION NO. 2012-08

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, GULF COUNTY, FLORIDA, AUTHORIZING THE COUNTY TO PROCEED WITH THIS SUBMITTAL OF AN APPLICATION FOR STATE FUNDS UNDER PROVISIONS OF CHAPTER 161.091, FLORIDA STATUTES, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BEACH AND COASTAL ECOSYSTEM MANAGEMENT, FOR THE FLORIDA BEACH EROSION CONTROL PROGRAM BUDGET FOR FISCAL YEAR 2012-2013, FOR THE RESTORED AND SUBSEQUENT RENOURISHMENT OF THE ST. JOSEPH PENINSULA BEACHES.

WHEREAS, the St. Joseph Peninsula beaches experience one of the highest eroding shorelines in the State of Florida, provided diminished storm protection to upland property and structures, and reduced recreation area and critical sea turtle habitat, impacting the tourism based economy; and

WHEREAS, St. Joseph Peninsula is recognized by the Department of Environmental Protection as having a critically eroding shoreline (s); and

WHEREAS, the 7.5 mile St. Joseph Peninsula Beach Restoration Project was completed in January 2009 at a construction cost of approximately \$21.8 million; and

WHEREAS, the Gulf County Board of County Commissioners has identified beach preservation and beach re-nourishment as a priority to the County to maintain the St. Joseph Peninsula beaches which is critical to the economic and environmental health of the area; and

WHEREAS, the Gulf County Board of County Commissioners has developed a Long Range Beach Management and Erosion Control Plan for the St. Joseph Peninsula beaches to address the issues of beach preservation and beach re-nourishment, and will serve as the Local Sponsor; and

WHEREAS, the Gulf County Board of County Commissioners is aware that there is a local funding share to implement a shore protection for projects authorized by Section 161.101, Florida Statutes; and

WHEREAS, the Gulf County Board of County Commissioners supports the Department's beach and coastal management program.

NOW, THEREFORE, BE IT RESOLVED by Gulf County Board of County Commissioners that the Board hereby supports the restored and subsequent re-nourishment of the St. Joseph Peninsula beaches. Where these funds will be used for the implementation of the Beach Management Program including; Physical and Environmental Post-Construction Monitoring; the Feasibility to reduce the erosion rate along the southern portion of the St. Joseph Peninsula beaches; the design of the FEMA Recovery Project; and, reimbursement of previous State shortfalls to Gulf County. The Board is willing to serve as Local Sponsor and has the ability to provide the necessary local funding to implement the shore protection project.

This resolution adopted by the Gulf County Board of County Commissioners this 10th day of July, 2012.

(End)

CATHEY CONSTRUCTION & DEVELOPMENT – PUBLIC WORKS BUILDING – CHANGE ORDERS

County Attorney Novak discussed that he, Chief Administrator Butler, Building Official Collinsworth, Public Works Director Danford, Clerk Norris, and Clerk Finance Officer Hand met with the contractor Cathey Construction & Development concerning the completion change order for the Howard Creek Phase of the project under the contract, the relocation of the materials for the current Public Works Building site, and the new proposed project location in Port St. Joe, stating that they reviewed the change orders submitted by Cathey Construction & Development, and recommended approval of a change order for the water proofing for the Howard Creek site, in the amount of

\$845.00. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously. County Attorney Novak discussed they requested a breakdown for the Howard Creek phase so the books could be closed out, and recommended to release the final retainage (10%) on this project on Phase I. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously. County Attorney Novak reported the last thing requested of the contractor was to determine with regards to relocation, the materials that were brought down to the site, and the final contract price, through an amendment and change order, to complete the project in Port St. Joe, stating they have a change order from Cathey Construction & Development but recommended this be tabled for two weeks until all the final figures have been worked out.

HABITAT CONSERVATION PLAN (H.C.P.)

Chief Administrator Butler discussed the Habitat Conservation Plan proposed contract, stating that he, County Attorney Novak, and Commissioner Yeager met with Florida Fish & Wildlife, and they have agreed the County does not have to pay a local match on this project. Chief Administrator Butler recommended approval for the Chairman to sign and execute the contract between the Board and Florida Fish & Wildlife Conservation Commission, contingent upon County Attorney review. Commissioner Yeager motioned to approve this recommendation. Commissioner Smiley seconded the motion, and it passed unanimously.

INSURANCE COMMITTEE

Chief Administrator Butler reported that the health insurance will increase by 29% over the current year, noting they are looking at several options; the feasibility impact of breaking off the Constitutional Officers into small groups, self-insurance plans, H.S.A. versus traditional plans, low cost 50/50 plans, county contribution strategies, and pricing concessions from the two (2) bidders. He reported the Committee will have a recommendation at the next Board meeting.

T.D.C. ASSISTANT DIRECTOR

Chief Administrator Butler reported T.D.C. Director Jenkins has established a job description for the Assistant T.D.C. Director position, stating it has been presented to Kim Bodine of Gulf Coast Workforce Board Center to search for an Assistant T.D.C. Director, hopefully being posted tomorrow. He noted they will continue to take applications until a good applicant is found (open ended).

BID AWARD #1112-22 – MINITOR V PAGERS

Fire Coordinator Price recommended awarding Bid #1112-22 for the Minitor V Pagers to Precision Communications (sole source), for 80 pagers, in the amount of \$30,000.00, to be paid from Impact Fees (\$11,000.00), grant funds (\$11,000.00), and the remaining \$6,000.00 from the Fire Departments; noting they have it in their budgets. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously.

ROAD CLOSURE – BEACH BLAST TRIATHLON

Commissioner McDaniel discussed Item #9 (page 28) which was pulled from the Consent Agenda, and inquired to Sheriff's Office Major Plair concerning the conflict from the Beach Blast Triathlon held in April. Sheriff's Office Major Plair reported that the issues have not been settled, and recommended to wait for the Sheriff to handle this issue. Chairman Williams suggested to keep this pulled from the Consent Agenda and refer to T.D.C. Director Jenkins to work with the Sheriff's Department and bring recommendation to the next Board meeting.

RESTORE ACT

Chairman Williams gave an update on the Restore Act, stating that it has been passed into law. He noted this is an enormous piece of legislation that is great for the State of Florida.

WINDMARK BEACH – WALK OVERS

Chairman Williams requested Building Official Collinsworth and T.D.C. to look at the walk overs at Windmark Beach and report back to the Board.

DEPARTMENT OF HEALTH REVIEW COMMITTEE

Chairman Williams reported the Board asked him to serve as Chairman of the Department of Health Review Committee, stating that Dr. Tom Curry and Roger Hall will serve on the committee, and he will confirm with Willie Ramsey concerning his service. Upon inquiry by Commissioner McDaniel concerning Healthcare Reform, Chairman Williams reported that Healthcare Reform was passed.

BOARD MEETINGS

Deputy Administrator Lanier reported that the Board meetings are now being live streamed from the County website www.gulfcounty.gov, under latest news, for anyone that cannot attend and participate.

PUBLIC COMMENT

Chairman Williams called for public comment.

BEACH CLEANING

John Comer appeared before the Board and stated that the beaches are not being cleaned or groomed and it will drive the tourist away from the beaches. Commissioner McLemore discussed that it was just reported that the bed tax collections was up 22% so it has not affected the beaches.

RESTORE ACT

John Comer discussed that it is highly unlikely that anybody will ever see a dime from the Restore Act, stating that there are things in the way for the Restore Act and suggested the Board read the Constitution.

BEACH CLEANING

Commissioner Yeager reported that the contractor (Coastal Parasail) has been called many times and they have responded, stating the County is doing everything they can for the tourist to enjoy themselves while at our beaches. Chairman Williams reported there is a problem and he will get with T.D.C. Director Jenkins. County Attorney Novak reported on a staff meeting tomorrow; noting this is a topic of discussion.

GULF COUNTY EXTENSION AGENT

Gulf County Extension Agent Carter appeared before the Board and gave an update on the Extension Program, stating they had twelve (12) children involved in the horse program and took eighty (80) children from Gulf County to Camp Timpoochee in Niceville, and they have one of the strongest 4-H camps in North Florida. He reported they are sending seven (7) children to the State horse show this week that qualified in April at the district horse show. Mr. Carter commended Melanie Taylor and Louise Jones for their work with these programs. Mr. Carter updated the Board on the Garden program and thanked them for their support. Commissioner McDaniel thanked Mr. Carter for all he does for the youth in Gulf County.

GULF COUNTY EXTENSION AGENT OFFICE

Gulf County Extension Agent Carter reported the roof in his office is leaking and creating mold in the building, stating they are running humidifiers to pull out the moisture. Chief Administrator Butler reported that water is pouring in the building around all the windows, stating that they are taking the windows and fixing the leaks.

MARTIN LUTHER KING BOULEVARD

Commissioner Smiley thanked Gail Alsobrook of the Downtown Redevelopment Agency for the improvements to be made on Martin Luther King Boulevard through a grant she applied for.

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

**WILLIAM C. WILLIAMS, III
CHAIRMAN**

**ATTEST:
REBECCA L. NORRIS
CLERK**