

**PORT ST. JOE, FLORIDA**

**JULY 14, 2009**

**REGULAR MEETING**

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

Others present were: County Attorney Timothy McFarland, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Grant Writer Towan Kopinsky, Human Resource Director Denise Manuel, Assistant Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Gerald Shearer, Road Department Superintendent Bobby Knee, Sheriff Joe Nugent and Veterans' Service Officer James Kennedy.

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

Planner Richardson opened the meeting with prayer, and Roger Hall of Sacred Heart led the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

Commissioner McLemore motioned to approve the following Consent Agenda items. Commissioner Yeager seconded the motion, based on removal of item #12 (pages 47-73). This being agreeable, the motion did then pass unanimously.

1. Minutes June 22, 2009 Regular Meeting
2. Contract Change Order #1 Stumphole Rock Enhancement (Reduce Armor Stone purchase \$54,796.30 Decrease)
3. Funding Request District 1 (Wewahitchka Project Graduation \$500.00) Funding Request District 4 (Port St. Joe Lady Tiger Sharks Girls Basketball and Track Team \$100.00) Funding Request District 4 (District 4 Workcrew Lunch \$100.00)
4. Grant Agreement Emergency Management Performance Grant Modification (Agreement #09-BG-03-02-33-01-143)
5. Grant Application FL Dept. of Law Enforcement (2009 Edward Byrne Memorial Justice Assistance Grant)

6. Impact Fee Committee Recommendation
7. Inventory Howard Creek Fire Department (Junk #135-2 1978 Modular Ambulance Box, Junk #135-3 1981 Ford Truck ID #1FDJ37Z0BNA33297, Junk #135-19 1981 Ford Van ID #TJS34L7BHA42335, Junk #135-29 1987 Bass Tracker Pontoon Boat ID #BUJ64550H687)
8. Invoices Agency for Healthcare Administration - Medicaid (3<sup>rd</sup> & 4<sup>th</sup> Quarter, 2009 \* \$228,617.00 \* to be paid from Account #51161-81000)
  - Ausley & McMullen, P.A. Gulf Pines Hospital Bankruptcy (Invoice #76865 \* \$216.10 \* to be paid from Account #21111-31200)
  - County Attorney Timothy McFarland (June 2009 \* \$9,766.00 \* to be paid from Account #21314-31100)
  - Harrison Rivard & Bennett Lobbying Services (Invoice #11238 \* \$18,333.00 \* to be paid from Account #21111-31300)
  - MRD Associates, Inc. (St Joseph Peninsula Beach Restoration Project \* Invoice #1285 \* \$86,480.00 \* to be paid from Account #28039-31000)
  - MRD Associates, Inc. (St Joseph Peninsula Post-Construction Shorebird Monitoring Services \* Invoice #1294 \* \$2,250.00 \* to be paid from Account #28039-31000)
  - Rumberger, Kirk & Caldwell - General Employment Matters (File #G214-107990 \* Invoice #738231 \* \$100.00 \* to be paid from Account #21111-31200)
  - St. Joseph Bay Humane Society Animal Control Services (June 2009 \* \$2,045.00 \* to be paid from Account #43262-82000)
9. Purchase Request Emergency Management (Plotter \$25,949.00 \* to be paid from E.M.P.G. Grant #09-BG-20-02-33-01-191)
10. Records Disposition Board of County Commissioners Documents
11. Road Signs St. Joseph Historical Society, Inc (Cape San Blas Lighthouse and Gift Shop)
12. **\*\*DELETE\*\*** S.H.I.P. Local Housing Assistance Plan  
S.H.I.P. - Subordination Agreement (Mark & Amanda Cothran/Tyndall Federal)
13. Tax Roll Recapitulation for 2008

(End)

**PUBLIC HEARING SMALL COUNTY SURTAX ORDINANCE**

Pursuant to advertisement to hold a public hearing to consider adoption of a proposed ordinance imposing a discretionary one cent Small County Surtax, County Attorney McFarland read the proposed ordinance by title and called for public comment. Commissioner Yeager motioned to adopt the following titled ordinance. Commissioner Traylor seconded the motion. Chairman Peters called for public comment. Barbara Radcliff appeared before the Board and discussed that the low income and fixed income people are going to suffer the most if this is passed. Commissioner Yeager discussed that the sales tax is currently 7% and it will stay at the current rate, stating that the County has to continue to look for alternative sources of revenue to keep the burden off the Ad Valorem tax payers. Commissioner Yeager then amended the motion to reflect that the revenue generated from this ordinance be applied to the landfill costs and fees. Commissioner Traylor stated that his second stands. After discussion by members of the Board, Patricia Hardman appeared before the Board and stated that she supports the County's effort to diversify. Tom Graney appeared before the Board and discussed that sales tax is the easiest tax to collect, stating that this sales tax will be paid by everyone. After further discussion by members of the Board, the motion then passed unanimously.

**ORDINANCE NO. 2009-07**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA RELATED TO IMPOSING A DISCRETIONARY ONE CENT SMALL COUNTY SURTAX; PROVIDING FOR REPEAL OF PROVISIONS OF GULF COUNTY ORDINANCE 2005-14 WHICH PREVIOUSLY IMPOSED A DISCRETIONARY ONE-HALF CENT SMALL COUNTY SURTAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE AND DIRECTING THE DEPARTMENT OF REVENUE TO DISTRIBUTE SAID TAX; PROVIDING FOR THE USE OF SAID TAX; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gulf County, Florida has a population of \$50,000 or less on April 1, 1992; and

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (the "Board") may levy a discretionary one cent sales tax, commonly known as the Small County Surtax, in Gulf County, Florida, pursuant to Florida Statutes Section 212.055(3)(2008) by an extraordinary vote of its members; and

**WHEREAS**, it is the intent of the Board that said one cent sales surtax would be imposed on that portion of all sales occurring within the county as authorized by Section 212.054, Florida Statutes (2008).

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR GULF COUNTY, FLORIDA, that:**

1. IMPOSITION OF SURTAX. There shall be imposed a one percent sales surtax on that portion of all sales occurring within Gulf County, Florida, not in excess of \$5,000.00. The tax shall be levied, administered, and collected in accordance with Section 212.054 and Section 212.055(3), Florida Statutes, (2008).
2. NOTICE TO THE DEPARTMENT OF REVENUE. The Clerk of the Court shall notify the Department of Revenue of the enactment hereof as provided by law.
3. DISTRIBUTION. Pursuant to Section 212.054(4), the Department of Revenue is instructed to distribute the proceeds of the surtax levied hereunder to the County and the municipalities within the County in which the surtax was collected according to the Interlocal Agreements adopted between the County and cities of said County, City of Port St. Joe and City of Wewahitchka and to be provided to the Department a minimum of sixty (60) days prior to the effective date of the Ordinance and proposed change of distribution method. In the event that the County and the Cities are unable agree upon a method of distribution of the proceeds, and no Interlocal Agreement is presented to the Department of Revenue prior to October 31, 2009, then and in that event the Department of Revenue is instructed to distribute the proceeds of such tax according to the formula provided in F.S. 218.62 (2008) and as amended.
4. USE OF PROCEEDS. One half of said tax proceeds and any interest accrued thereto shall be expended for the purpose of paying the cost of operations of healthcare services for the counties uninsured, under insured and indigent populations. One half of said tax proceeds and any interest accrued thereto shall be expended for the purpose of providing partial funding for the operational expenses all of Gulf County infrastructure, as defined in F.S. 212.055, and as amended, as well as for all public purposes currently permitted by the laws of the State of Florida, specifically but not limited to provision of Emergency Medical Services, County Detention Facility Operations, Comprehensive Plan Compliance, Mosquito Control, County Parks and Recreation, County equipment and materials.
5. Any and all portions of Ordinance 2005-14 in conflict herewith including the imposition of the discretionary one-half cent sales tax imposed by such Ordinance are hereby repealed as it is the intent of Gulf County, Florida to impose a total of one cent small county surtax pursuant to the provisions of F.S. 212.055 (2008) and this Ordinance.
6. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2010.

Duly passed and adopted in regular session of the Board of County Commissioners of Gulf County, Florida this 14<sup>th</sup> day of July, 2009, by a fourth-fifths or greater vote of the membership of the Board.

(End)

## **COMMUNITY DEVELOPMENT COUNCIL LOCAL HOUSING ASSISTANCE PROGRAM**

Quen Lamb, Executive Director Gulf County C.D.C., appeared before the Board and introduced Erika White, as the new S.H.I.P. Program Manager. He discussed that the S.H.I.P. Program is dead, stating that all funds were taken away by the State. Erika White, S.H.I.P. Program Manager appeared before the Board and discussed the Local Housing Assistance Program (L.H.A.P.), which is a Florida Home Buyers Opportunity Program, stating that the Federal Government is giving a \$8,000.00 tax credit loan to any first time home buyer which qualifies to be paid back within 18 months or when they file their tax refund. Quen Lamb discussed that there will not be any rehabilitation assistance through the L.H.A.P., stating that once the \$8,000.00 is paid back they can apply those funds for rehabilitation assistance.

Chief Administrator Butler discussed item #12 (pages #47-73), which were pulled from the Consent Agenda, stating that there is nothing in writing regarding the L.H.A.P. He discussed that pages #47-73 pertains to the S.H.I.P. Program Agreement, and that the proposed resolution on page #71 states that the County would be paying 20% and it should only be 10%. Commissioner Traylor motioned to table the L.H.A.P. Agreement until the next Board Meeting. Commissioner Williams seconded the motion, and it passed unanimously.

## **SACRED HEART HOSPITAL**

Dr. Henry Roberts of Sacred Heart Hospital appeared before the board and give an update on the Hospital site, stating that it is near 80% completion, and that they are moving toward a March 2010 opening date. He discussed that this will change the way healthcare is delivered to the citizens of Gulf County and the surrounding areas. Roger Hall, President of Destin and Port St. Joe Sacred Heart Operations appeared before the Board and discussed that the new Hospital will employ 95 people, with a payroll for the first year of \$5,000,000.00. He thanked the Board for the opportunity to open the Hospital facility in this community.

## **APALACHICOLA REGIONAL PLANNING COUNCIL**

Bruce Ballister, of A.R.P.C. appeared before the Board and discussed that they are trying to raise \$600,000.00 for Northwest Florida Child Development's new facility across from the new Sacred Heart Hospital. He discussed that the property will be annexed into the City and will be run as a C.D.B.G. through the City. Mr. Ballister discussed that to make the C.D.B.G. application through the City; they will need a memorandum of agreement with the County and City, allowing the City to place utility lines in the County jurisdiction. He also discussed that the School Board has indicated that the current Northwest Florida Child Development Facility is being considered for sale due to the high dollar value of the property. Upon inquiry by Commissioner Traylor, Mr. Ballister reported that they have several million committed subject to funding for utilities. County Attorney McFarland discussed that there are two things in the agreement (1) by this agreement the County can say that the City can traverse the County's right-of-way, and (2) the County is agreeing to

the annexation the City is proposing. Commissioner Yeager motioned to approve the memorandum of agreement with the City of Port St. Joe. Commissioner Traylor seconded the motion, and it passed unanimously.

### **TAX COLLECTOR QUARTERLY REPORT**

Inell Stutzman from the Tax Collector's Office appeared before the Board and reported on the status of property tax collections. She discussed that they have remitted to the County in the general fund \$7,950,319.38, and \$3,758,676.40 in the fine and forfeiture fund. Ms. Stutzman reported that they had 1,023 tax certificates which did not sell, and 561 which individuals purchased. She reported that after making contacts with buyers from previous years, they were able to reduce the number of County held tax certificates to 324, with most of those remaining being properties in bankruptcy or valued at less than \$100.00. Ms. Stutzman reported that since the tax sales they have remitted \$395,996.29 from the additional tax certificates. The Board thanked Ms. Stutzman for all her hard work in selling the tax certificates.

### **ECONOMIC DEVELOPMENT COUNCIL QUARTERLY REPORT**

Edward Nelson, Director of E.D.C. appeared before the Board and gave a presentation on the efforts of the E.D.C. for the County, stating that they have had four new possibilities of businesses for the County. He discussed the income for the FY 2008-09 Budget is \$109,700.00, stating that \$73,770.00 is from the County, \$24,000.00 is from the City of Port St. Joe, and \$12,000.00 is from the City of Wewahitchka. Mr. Nelson reported the total private income was \$58,000.00 for a total income of \$167,700.00. He discussed that E.D.C. will submit the strategy and incentive recommendations to the Board by the end of the month. Mr. Nelson discussed the project updates, stating that the Biomass Gas & Electric project is on schedule and they have been working on a plant production facility and greenhouse facility which would generate approximately 130-150 new jobs. He reported that they are looking at a youth program which would bring education and agriculture as an alternative for the youth's growth.

Alma Paredes, Assistant Executive Director, Enterprise Zone appeared before the Board and reported the incentives award since October 1, 2008 July 14, 2009 as follows: (1) building materials sales tax refund \$141,569.60, (2) business equipment sales tax refund \$5,670.70, for a total of \$147,240.30. She reported that 23 full-time jobs have been created in the Enterprise Zone.

### **RECORDS DISPOSITION - CLERK**

Clerk Norris requested approval to dispose of County records that have met the State's records retention requirements (list on file in Clerk's Office). Commissioner Traylor motioned to approve this request. Commissioner Yeager seconded the motion and it passed unanimously.

### **2009 VALUE ADJUSTMENT BOARD (V.A.B.)**

Upon request by Clerk Norris, Chairman Peters appointed Commissioner Traylor and Commissioner Yeager to serve on the 2009 Value Adjustment Board, stating that he will

appoint the citizen representative at the next Board meeting.

**HONEYVILLE PARK FENCING PROJECT/BID# 0809-19/CHANGE ORDER**

Grant Writer Towan Kopinsky presented Change Order No. 1 to the Board, for the fencing at the Honeyville Park, increasing the project in the amount of \$2,320.00. Commissioner Yeager motioned to approve this Change Order. Commissioner McLemore seconded the motion and it passed unanimously.

**RESOLUTION OPPORTUNITY FLORIDA**

Grant Writer Kopinsky discussed that she attended the Opportunity Florida Meeting last week, and they are applying for a broad band grant on behalf of the eight county (R.A.C.E.C.) areas. She discussed that the resolution states that the County will not enter an application process with any other agency. Commissioner Williams motioned to adopt the Resolution. Commissioner Yeager seconded the motion, and it passed unanimously.

RESOLUTION NO. 2009-20

**WHEREAS**, Opportunity Florida, is the designated representing organization of the Northwest Florida Rural Area of Critical Economic Concern (RACEC) which includes the counties of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty and Washington; and

**WHEREAS**, communities and areas of the Northwest Florida Rural Area of Critical Economic Concern meet the definition of unserved and underserved in the Notice of Funding Availability, release July 1, 2009 by the Department of Commerce, National Telecommunications and Information Administration (NTIA), Broadband Technology Opportunities Program (BTOP); and

**WHEREAS**, Opportunity Florida has been recognized by the Florida Department of Management Services, Enterprise Florida and the Governor's Office of Tourism, Trade and Economic Development as the appropriate regional entity to coordinate the application process for these federal stimulus dollars; and

**WHEREAS**, it is stated in the published Notice of Funds Available that the participation of any entity or geographic area in more than one application could cause the disqualification of said application, that Gulf County will not participate in any other NTIA/BTOP grant application;

**NOW, THEREFORE, BE IT RESOLVED** by the Gulf County Board of County Commissioners to participate solely with Opportunity Florida on this application.

**THIS RESOLUTION ADOPTED** this 14<sup>th</sup> day of July, 2009.

(End)

### **OPPORTUNITY FLORIDA FEES/APPOINTMENT**

Grant Writer Kopinsky discussed that the Opportunity Florida Board agreed to waive the dues for the County members for 2009-2010, in lieu of the grants, stating that if the grants are approved they will need permission to put the infrastructure on the right-of-way for matching funding. Commissioner Williams motioned to appoint Commissioner Yeager to the Opportunity Florida Board. Commissioner Traylor seconded the motion, and it passed unanimously.

### **GULF FORESTRY CAMP**

Deputy Administrator Lanier discussed that Gulf Forestry Camp has requested a letter of no objection from the County to be submitted to Department of Management Services to use the State's tower for commercial use. She discussed that when Gulf Forestry Camp site was deeded to the State of Florida the deed contained a non-commercial use clause, stating that the State, through the Department of Management Services, has entered into a long term agreement with M/A-Com. Commissioner McLemore motioned for the Chairman to submit a letter of no objection to the State. Commissioner Traylor seconded the motion, and it passed unanimously.

### **BEACH GROOMING AGREEMENT COASTAL PARASAIL/BID #0809-16**

Deputy Administrator Lanier discussed a beach grooming agreement with Coastal Parasail, and requested permission for the Chairman to sign. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

### **2010 CENSUS**

Deputy Administrator Lanier discussed that the 2010 Census Bureau is requesting the County appoint a liaison to work with the Census Committee. County Attorney McFarland discussed that if this is a County Committee the Sunshine Laws apply. The Board took no action.

### **HEALTH INSURANCE COMMITTEE**

Chief Administrator Butler discussed that the Health Insurance Committee met and discussed options and recommended that the Board accept the Hybrid Plan, stating that this would cap out individual coverage in the amount of \$500.00, and dependent coverage at \$750.00 per month. Commissioner McLemore motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously.

### **ENTERPRISE ZONE DEVELOPMENT AGENCY**

Chief Administrator Butler discussed that there will be a E.Z.D.A. Quarterly Meeting on Thursday, July 16, 2009, at 12:00 p.m. in the Board Room.

### **COASTAL COMMUNITY ASSOCIATION**

Commissioner Yeager discussed that he met with the Coastal Community Association to discuss issues on the beaches with horses, stating that he spoke with Sheriff Nugent and he will make contact with the horse owners to correct the problem.

### **CENTER FOR AUTISM - BAYOU BASH FISH TOURNAMENT**

Upon motion by Commissioner Yeager, second by Commissioner McLemore, and

unanimous vote, the Board approved to pay \$250.00 from District 5 and \$100.00 from District 1, 2, 3, for the Center for Autism, Bayou Bash Fish Tournament.

### **ROAD BOND - HONEYVILLE PARK - PARKING LOT**

Upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the Board approved for the balance of District 1 Road Bond funds to be used for paving at the Honeyville Park parking lot, in the amount of approximately \$7,500.00.

### **APALACHICOLA/CHATTACHOOEE/FLINT RIVER**

Commissioner Williams discussed that he and Commissioner McLemore represent the issues of the A.C.F., stating that this is the six Counties on the Apalachicola, Chattahooee and Flint River. Commissioner Williams motioned to pay \$250.00, contingent upon Chief Administrator Butler finding the available funds, so that the County can join with Alabama and Georgia for a stronger voice. Commissioner Traylor seconded the motion, and it passed unanimously.

### **LIGHTING ORDINANCE**

Commissioner Williams discussed that there are issues on the beaches concerning residents and lighting problems. County Attorney McFarland discussed that the County ordinance is for turtles on the beach. Commissioner Williams requested Code Enforcement review and give a recommendation to the Board.

### **WHITE CITY PARK**

Commissioner Williams discussed the boat ramp at White City Park, stating that Fish & Wildlife will be at the White City Boat Ramp to see the completion of the project.

### **SOUTH GULF COUNTY FIRE DEPARTMENT**

Commissioner Traylor discussed an article in the paper regarding South Gulf County Fire Department raising money for the new Sacred Heart Hospital, and commended the Fire Department for all their hard work.

### **FLORIDA ASSOCIATION OF COUNTIES**

Commissioner Traylor reported that Commissioner Williams is currently serving as the 2<sup>nd</sup> Vice President, and in two years will be President of the Florida Association of Counties, stating that Commissioner Yeager has also been appointed to the Board of Directors.

### **ROAD DEPARTMENT BUDGET**

Commissioner Traylor discussed that he reviewed the Road Department Budget from 2003 to the current and they spending \$87,000.00 less than 2003.

### **PORT ST. JOE PORT AUTHORITY**

Chairman Peters reported that Governor Charlie Crist reappointed Patrick Jones to the Port St. Joe Port Authority, and appointed Eugene Raffield to replace David Langston who served on the Port St. Joe Port Authority.

**BUDGET MEETING**

Chairman Peters discussed that he has scheduled a Special Meeting to discuss the Budget on Tuesday, July 21, 2009, at 6:00 p.m., E.T. in the Board Room to set the tentative millage rate for the County.

**COUNTY/CITY COMMISSIONERS MEETING**

Chairman Peters discussed that he has scheduled a Workshop on Wednesday, July 22, 2009 at 6:00 p.m., E.T., at the T.D.C. Building for the County and City of Port St. Joe Commissioners to discuss County and City issues.

**BIOMASS PLANT WORKSHOP**

Chairman Peters discussed that he has scheduled a Workshop on Wednesday, August 12, 2009 at 6:00 p.m., E.T., in the Board Room for the County and City residents to share their issues on the new Biomass Plant.

**HEALTH CARE COMMITTEE**

Chairman Peters thanked Commissioner Traylor for all the hard work he has done on the Health Care Committee.

**ADVERTISING WORKSHOPS**

Chief Administrator Butler discussed that the Workshops with the County and City regarding the Biomass Plant will be advertised. Chairman Peters discussed that Charlie Weston will notify him of an additional meeting date.

**IMPACT FEE COMMITTEE**

Patricia Hardman appeared before the Board and discussed that the Impact Fee Committee has finished all of the funding, stating that these funds were obligated for Parks and Recreation, and commended the Board for funding 12 projects in the Community.

There being no further business, and upon motion by Commissioner Yeager, the meeting did then adjourn at 7:45 p.m., E.T.

**NATHAN PETERS, JR.  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**