

**SEPTEMBER 13, 2011**

**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 Warren J. Yeager, Jr., Vice Chairman Bill Williams, and Commissioners Ward McDaniel, Tan Smiley, and Carmen L. McLemore.

Others present were: Clerk of Court Rebecca L. Norris, Clerk Finance Director Carla Hand, Deputy Clerk Tracy Tharpe, Sheriff Joe Nugent, Sheriff's Major Bobby Plair, County Attorney Jeremy Novak, Chief Administrator Don Butler, Grant Writer Towan Kopinsky, E.M.S. Director Houston Whitfield, Public Works Director Joe Danford, Human Resource/S.H.I.P. Administrator Brett Lowry, Gulf County Health Department Administrator Marsha Player Lindeman, and Preble-Rish, Inc. Engineer Clayton Smallwood, III.

The meeting was called to order at 6:00 p.m., E.T. by Sheriff Joe Nugent.

Clerk Rebecca Norris opened the meeting in prayer, and Chairman Warren J. Yeager, Jr. led the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

Upon motion by Commissioner McDaniel, second by Commissioner McLemore and unanimous vote, the Board approved the following consent agenda items.

1. Minutes – August 23, 2011 – Regular Meeting
2. Approval of Checks and warrants for August, 2011 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Agreement – Park Services (Aaron J. Ethridge)
4. Budget Amendment # 8 (Tax Collector \* \$2130.00) \* Amend the FY2010-2011 General Fund Budget for the Tax Collector Drivers License Position
5. Contract Change Order #2 – Cape San Blas Shared – Use (Bike) Path, Phase III  
\* Bid #1011-16 (Decreased \$1,155.00)
6. Inventory – Planning Department (Junk \* #255-3, #255-5, #255-6  
Computers and Printers)

Beaches Fire Department (Junk \* #150-100 & #150-101 Mobile Radios with Chargers)

Beaches Fire Department (Transfer from Beaches Fire Department to Stonemill Creek Fire Department \* #150-91 Extendo Bed Frame)

Overstreet Volunteer Fire Department (Junk \* #190-14 -4" Shallow Well, #190-29 -6.5 HP 1502 Gallon Poly Tank, #190-33 -Jaguar P700 Portable Radio 800 Mhz, #190-35 -MSA Self-contained Air Packs, #190-36 -Steel Cylinder & Valve Assembly, #190-7 -Air Mask with Case)

7. Invoices – Atkins North America, Inc. (Cape San Blas Bike Path III \* Invoice # 1120451 \* \$23,545.18 \* To be Paid From Account # 40341-31000)
- County Attorney Jeremy Novak (08/15/2011 – 08/31/2011 \* \$5,445.37 \* To be Paid From Account # 21314-31100)
  - C.W. Roberts Contracting, Inc. (Cape San Blas Shared Use Path \* \$98950.18 \* To be Paid From Account #40341-53000)
  - GAC Contractors (Avenue "A" Sewer Project –CDBG/DRI Bid #1011-12) \* Invoice #26212 \$75,446.83\* To be Paid From Account #113535-34000, \*Invoice #26263 \$199,312.60 \*To be Paid From Account #113535-34000 \*Invoice #26274 \$159,335.40 \*To be Paid From Account #40741-63000)
  - Jordan & Associates – CDBG Grant Administration Services (Invoice # 11-K15-A09 \* \$2,250.00 \*\$1,593.00 To be Paid From Account # 113538-31000, \$434.00 To be Paid From Account #113535-31000, \$223.00 To Be Paid From Account #113554-31000)
  - Jordan & Associates – CDBG Grant Activity Delivery Services (Invoice #11-K15-D05 \* \$12,757.02 \* To be Paid From Account #113535-31000)
  - Rumberger Kirk & Caldwell (Invoice #764620 \* \$6,118.00 \* To be Paid From Account #21111-31200)
  - Sniffen & Spellman, P.A. (Statement #7528 \* \$3,600.09 \* To be Paid From Account #21111-31200)

8. Letter of Agreement – Crime Stoppers Trust Fund Grant
9. Purchase – AutoClear - X-Ray Equipment \* \$17,875.00 (Piggy Back Washington County Purchase) and Lock Doc Locksmith – Mag Locks \* \$6,181.96  
  - Amateur Radio Repeater (State Contract or Lowest Price) and Ross Towers \* \$1,000.00 \* Installation of Amateur Radio Repeater
10. Resolution 2011-24 – Joint Resolution of the Coastal Counties of the Northwest Florida Panhandle Region, Relating to the Deepwater Horizon Oil Spill in the Gulf of Mexico; Requesting Support for Certain Federal Legislation; Directing Distribution of the Resolution; Providing for an Effective Date
11. Travel – FAC 2011-12 Policy Committee Conference \* The Shores Resort, Daytona Beach Shores, Florida

(end)

**REJECT AND RE-ADVERTISE BID #1011-31 C.E.I. PHASE IV CAPE SAN BLAS BIKE PATH L.A.P. GRANT**

Grant Writer Kopinsky reported only 2 proposals were received for C.E.I. Phase IV on the Cape San Blas Bike Path and recommended the Board reject bid #1011-31 and re-advertise. Commissioner McLemore moved to accept Grant Writer Kopinsky's recommendation. Commissioner Smiley seconded the motion. Chairman Yeager asked whether F.D.O.T. would allow an award if the same two (2) submitted proposal after it was re-bid. Grant Writer Kopinsky replied she believed so; stating this is a Federal Highway Administration rule. The motion then passed unanimously.

**PUBLIC WORKS/CASH CARRY FORWARD TO FY2011-12 BUDGET**

Public Works Director Joe Danford asked permission to carry forward unspent 2010-11 funds in the amount of \$30,000 to purchase corrections (inmate work crew) equipment in fiscal year 2011-12. Upon inquiry by Commissioner Williams, Clerk Norris reported the Board can approve their request but it would have to be passed by resolution at the final budget hearing on September 26, 2011. Commissioner Williams motioned to approve this request. Commissioner Smiley seconded the motion and it passed 5-0.

**SIGN ORDINANCE**

County Attorney Novak gave an update on the progress of the sign ordinance committee, stating they met last Wednesday, drafted additional language and will report back following their next meeting on September 28, 2011 at 8:30 a.m. E.T. County Attorney Novak stated he hoped the final revisions would be made at that time and can then be presented to the Board review followed by public hearings prior to adoption.

### **SACRED HEART HEALTH SYSTEMS/HALF-CENT SALES TAX**

County Attorney Novak recognized Roger Hall from Sacred Heart Hospital seated in the audience. Mr. Novak discussed the ongoing work by County and Clerk staff in regard to the A.H.C.A. pledge for 2012. Mr. Novak mentioned the half-cent sales tax currently being generated, the Interlocal Agreement with Sacred Heart and the twenty year (20) commitment made to them, and County participation in additional grant programs with the State and A.H.C.A. enabling the County and S.H.H.S. to get a \$1.1 million dollar additional grant. County Attorney Novak stated the County has been invited to participate in an upcoming grant again for the coming year but upon review with the Clerk's Office Finance Director Carla Hand, the County does not have the financial ability to provide the grant match.

### **SACRED HEART HEALTH SYSTEMS/AMENDMENT TO INTERLOCAL AGREEMENT**

County Attorney Novak reported Sacred Heart Health Systems have amended their interlocal agreement with the County, having agreed to freeze our commitment on the County for next five (5) years with what is currently being generated from the half-cent sales tax. Mr. Novak stated the County has paid more than the original interlocal agreement pledge called for over the past three (3) years. County Attorney Novak presented the Board with a revised amendment (Attachment B) for review and consideration, noting the twenty (20) year commitment to S.H.H.S., and the fact the County has exceeded each year their initial commitment. Mr. Novak asked the Commissioners to consider adoption and approval to amend the interlocal pledge for the next five (5) years, capping the County commitment at \$462,086. Commissioner Williams moved to accept County Attorney Novak's recommendation. Commissioner McDaniel seconded the motion and it passed 5-0.

### **AGENCY FOR HEALTH CARE ADMINISTRATION (A.H.C.A.)/LOW INCOME POOL/LETTER OF AGREEMENT**

County Attorney Novak noted two (2) meetings ago A.H.C.A. and Bill Perry had provided the County with an amended Letter of Agreement, taking the County down to \$462,086, as requested. Mr. Novak reported the original L.I.P. request was almost twice that this year but after having explained to A.H.C.A. of the County's inability to meet their request, they have gone back and amended their request to mirror that of Sacred Heart Hospital in the amount of \$462,086. At County Attorney Novak's recommendation, Commissioner Williams motioned to approve the Letter of Agreement to A.H.C.A. in the amount of \$462,086. Commissioner Smiley seconded the motion and it passed 5-0.

### **LOW INCOME POOL/LETTER OF AGREEMENT/AMENDED**

County Attorney Novak noted the Board had agreed last month to a Disproportionate Share Hospital (DSH) program with the A.H.C.A. for an original amount of \$28,402; stating A.H.C.A. went back, made adjustments, and amended their request to \$16,307. At County Attorney Novak's recommendation, Commissioner McDaniel motioned to approve and execute the new agreement between Gulf County (St. Joseph Care of

Florida) and the State of Florida Agency for Health Care Administration in the amount of \$16,307. Commissioner Smiley seconded the motion and it passed 5-0.

### **PAYMENT IN LIEU OF TAXES (PILT)/SACRED HEART HOSPITAL SYSTEMS AGREEMENT**

County Attorney Novak reported Commissioner Williams has been working with Sacred Heart Hospital, the Health Trust Board, and County staff to find a way to participate without having the actual tax generation to contribute. He reported Escambia County and S.H.H.S. have entered into a Payment in Lieu of Taxes (PILT) agreement; stating Sacred Heart has two (2) properties in Gulf County which are tax exempt, and proposed a similar agreement between Gulf County and Sacred Heart. He stated the Property Appraiser would assess the property, applying the millage rates, to come up with the tax exposure amount to be applied by Sacred Heart to qualify and participate in this grant program for the coming year. Commissioner Williams commended County Attorney Novak in working on three (3) moving parts, acknowledging this as a very complicated process. Commissioner Williams discussed Escambia's agreement, how this triggers a status to fall into the Low Income Pool (L.I.P.), and Sacred Heart's understanding that Gulf County is bringing less than one-half million dollars (to the table). Commissioner Williams stated he is comfortable with this agreement, having put this before the Florida Association of Counties' legal team, and other County legal teams. He noted this was done in good faith and measure on Sacred Heart's part. Upon recommendation by County Attorney Novak, Commissioner McLemore motioned to approve the PILT program and agreement, subject to attorney review, giving Sacred Heart Hospital's attorneys a chance to review it; understanding if there is a material change to the agreement, it will come back before the Board at their September 27<sup>th</sup> meeting for consideration. Commissioner seconded the motion and it passed 5-0.

### **SACRED HEART HEALTH SYSTEMS**

Roger Hall appeared before the Board and thanked the County for the difference they have made. He discussed an article in the paper where they are looking at a working relationship with Bay and asked the Board to speak to Bay County Commissioners and let them know they are a good health care partner. Mr. Hall noted this agreement will provide approximately \$1.1 million dollars to help bring primary care, stating they do have some physicians interested but the difference the County made is noticed across the panhandle. Mr. Hall thanked the community and the Commissioners for what they have done, stating they are making a difference. He reported the hospital this year will provide \$5.4 million dollars in payroll and \$5.1 million dollars in uncompensated care.

### **BRITISH PETROLEUM-DEEP WATER HORIZON OIL SPILL**

County Attorney Novak recognized Rick Stratton of the Beasley Allen Law Firm in the audience. He noted Mr. Stratton is working with the BP oil spill various claims and damage assessments. Mr. Novak informed the Board he met with Mr. Stratton this afternoon to review the status of the claims; reporting Mr. Stratton is scheduled to meet with the Property Appraiser with regards to ad valorem claims and our assessment of damages. County Attorney Novak further stated Mr. Stratton is involved in the NRDA project, having provided his firm with submissions to the State of Florida for various

projects for the first round of NRDA funding. He reported on initial responses from Beasley Allen in regard to the first two (2) minor claims, stating he will meet with each Commissioner on an individual basis to review those numbers. County Attorney Novak thanked Mr. Stratton for coming down to meet with him today, reporting he will remain after the meeting should any Commissioner or the public have questions of him regarding the status of the County's BP claims.

### **LIBRARY BOARD APPOINTMENT**

Chief Administrator Butler informed the Board of a request from the Library Board to appoint a replacement for Nolan Treglown on the Library Board. Commissioner Williams motioned to appoint Mary Gibson to serve on the Library Board. Commissioner McDaniel seconded the motion and it passed 5-0.

### **8 COUNTY COALITION JOINT RESOLUTION (#2011-24)/BRITISH PETROLEUM DEEP WATER HORIZON OIL SPILL**

For the Board's information, Chief Administrator Butler noted the Board approved in the consent agenda tonight a joint resolution of the eight (8) county coalition, pointing out he and Commissioner Williams made a trip to Pensacola last week, stating they have no idea how much money will be coming in but highlighted Gulf County will receive a percentage, which is a substantial amount of money.

### **IOLA ROAD TEMPORARY CLOSURE**

Chief Administrator Butler reported the Contractor is having somewhat of a problem on the unpaved portion on the weekends and night with people using it for a "bog-in" and asked for the Board to consider closing the unpaved portion of road at night and on weekends until the contractor is done. Chairman Yeager stated he is in favor of closing this on the weekends. Commissioner McLemore stated he could not support the closure and noted G.A.C. needs to make arrangements to get the project completed. Chairman Yeager stated a lot of people take over and tear the road up. Commissioner McLemore stated there are a lot of people who pay a lot of money for those hunting leases along that road and G.A.C. needs to come up with a way to fix it. Upon inquiry by Chairman Yeager, Chief Administrator Butler reported it is estimated to take another 2-3 weeks to complete the project. Commissioner McDaniel stated his greatest concern is the money we may have to use to go back in to re-grade and re-do. Commissioner McDaniel motioned to close the unpaved portions of Iola Road at nights and on weekends. The motioned died for a lack of a second. Upon inquiry by Chairman Yeager, Grant Writer Kopinsky reported there is no money left for repairs, noting the project had to be cut back to match the amount of money available in the grant. Commissioner McLemore suggested getting the Sheriff's Department and the Florida Wildlife Commission involved to help with it. Chairman Yeager directed Chief Administrator Budget to talk to G.A.C. Mr. Butler and Commissioner McDaniel both reported that the Calhoun County end is closed due to work being done there which may help alleviate some of the problem.

## **STATE HOUSING INITIATIVE PROGRAM ANNUAL REPORTS**

Chief Administrator Butler recommended the Board recognize and approve the annual S.H.I.P. reports for State fiscal years 2008-09, 2009-10, and 2010-11, contingent upon Attorney clearance, and send to Tallahassee. Commissioner Williams so moved. Commissioner McLemore seconded the motion. Chairman Yeager recognized Grant Writer Towan Kopinsky and S.H.I.P. Administrator Brett Lowry for their work in completing these reports. The motion then passed 5-0.

## **UNION CONTRACT**

Chief Administrator Butler reported there was no change in the Union Contract during negotiations this year other than the Union wanted to hold open the wages, stating there was no pay increase for County employees this year, but had there been a pay increase for non-bargaining County employees, the Union wanted a pay increase also. Mr. Butler stated this would not be an issue this year but in years two (2) and three (3) the only part of this contract that will be left open, if you approve it, will be wages to consider. Commissioner McDaniel motioned to accept the Union Contract as stated by Chief Administrator Butler. Commissioner McLemore seconded the motion and it passed 5-0.

## **AWARD BID #1011-28 FIRE PUMP AND PUMP PANEL/BEACHES FIRE DEPARTMENT**

Chief Administrator Butler reported five (5) bids were received and recommended the Board award bid #1011-28 to the low bidder, First In Services, LLC, in the amount of \$9,844.84. Commissioner Williams motioned to award as recommended by Mr. Butler. Commissioner Smiley seconded the motion and it passed 5-0.

## **SHERIFF'S 2<sup>ND</sup> ANNUAL BASS FISHING TOURNAMENT**

Sheriff Joe Nugent appeared before the Board and reminded everyone of the upcoming fishing tournament at White City Park on October 15<sup>th</sup> and 16<sup>th</sup>. Sheriff Nugent stated they have incorporated the Wounded Warrior Program as part of it, and will be accepting items during the tournament or at the Sheriff's Department to prepare care packages to ship overseas. He reported the weigh in times will start at 3:00 p.m., and the R.O.T.C. from St. Joe will be cooking on Saturday, and the football team from Wewahitchka will be cooking on Sunday. Sheriff Nugent noted there would be a food drive there as well.

## **SHERIFF'S ANNUAL HAUNTED HOUSE IN WEWAHITCHKA**

Sheriff Nugent reported, on October 22<sup>nd</sup> and 23<sup>rd</sup> they will be holding their annual haunted house event in Wewahitchka at the Comforter Funeral Home for the purpose of assisting with the food closets in Wewahitchka. He stated they will be asking for a donation of a food item as an entry fee.

## **TRAVEL REQUEST-FAC 2011-12 POLICY COMMITTEE CONFERENCE**

Commissioner Williams requested Board approval to travel to Volusia County to attend the Florida Association of Counties 2011-12 Policy Committee Conference. Chairman Yeager stated this was approved already (Consent Agenda).

### **POJO LIVE MUSIC FESTIVAL**

Commissioner Williams reminded everyone of the POJO Live Music Festival going on this upcoming weekend at Beacon Hill/Veterans' Memorial Park on September 16-17, 2011; encouraging everyone to come on out. Commissioner Williams personally thanked Commissioner McDaniel for allowing picnic tables from Dead Lakes Park to be moved to Beacon Hill for the event.

### **SUPERVISOR OF ELECTIONS REQUEST TO CARRY FORWARD CASH**

Chairman Yeager referenced a request in the Information Packet from Supervisor of Elections Linda Griffin to carry forward unspent 2010-11 funds to her 2011-12 budget to help cover cost of the extra election (Presidential Preference Primary) tentatively scheduled for January 2012, stating it should be no more than a couple of thousand dollars and will have to be passed by resolution at the final budget hearing on September 26, 2011. Commissioner McLemore stated he would rather wait until an exact number could be provided. Clerk Finance Officer Carla Hand affirmed she would find out and have the amount available at the budget hearing on Monday. The Board took no action.

### **CAPITAL AREA COMMUNITY ACTION AGENCY PROGRAM UPDATE**

Dorothy Inman Johnson appeared before the Board and gave a project update. She reported they have opened an office Monday through Friday full-time office in Port St. Joe, servicing the entire County. Ms. Johnson reported the National Poverty Rate of 15.1% is at an all time high, with Gulf County's rate being at 17.5%. She reported C.A.C.A.A. is charged with providing crisis and family self sufficiency services for low income residents at or above no more than two hundred percent (200%) of the federal poverty guideline (the anti-poverty program for this county and seven (7) others). She let the Board know with all the budget cutting in Washington, D.C., two (2) of the programs low income people depend on the most are the L.I.H.E.A.P. (Low Income Home Energy Assistance Program) that pays utility bills for elderly, disabled, and low income residents, and the C.S.B.G. (Community Services Block Grant), are being recommended for a fifty percent (50%) cut. Ms. Johnson reported the Weatherization stimulus dollars received between 2009 and through the end of February 2012 for this county will be \$1.5 million dollars; having weatherized one hundred thirty-three (133) units so far, serving six hundred twenty-eight (628) residents, employing three (3) contractors, and two (2) subcontractors. Ms. Johnson asked the Board to agree to and approve a resolution supporting reconsideration of the fifty percent (50%) cuts in the L.I.H.E.A.P. and C.S.B.G. programs. Commissioner McLemore asked to speak with Ms. Johnson following the meeting. Commissioner Williams mentioned complaints he received concerning contract utilization with the weatherization stimulus money. Commissioner Williams asked, first, how many full-time equivalent (F.T.E.'s) were involved in the \$1.5 million awarded to Gulf County through the three (3) contractors and two (2) subcontractors, and second, why some contractor's go through all the credentialing and cannot get any of the work. Ms. Johnson stated the Federal and State governments hold them to certain regulations, requiring theses projects be bid out, and held pre-bid meetings for interested contractors; stating if contractors meet the

specifications of the bid, they are not denied participation. Commissioner Williams requested Ms. Johnson, or her office, give him a call with particular contractors that are telling him they have gone through the credentialing but have not given the opportunity for the work. Ms. Johnson stated complaints should be sent to her and she will investigate it. Upon inquiry by Chairman Yeager, Ms. Johnson stated the money will be spent by the February 2012 deadline. Commissioner McDaniel thanked her for the update. Commissioner Williams stated he would take this information to the Florida Association of Counties next week and will report back to her.

Chairman Yeager called for Tommy Montford, and Mark Knapke who were scheduled on the agenda to speak. Neither was in attendance.

Chairman Yeager called for public comment. There was none.

### **REDISTRICTING**

County Attorney Novak gave an update on redistricting, reporting the redistricting map last approved by the Board will be advertized in the paper, together with a detailed description of what is changing, and hold a public hearing on September 27, 2011. He reported this information will be posted on the County website. He noted a resolution will be presented for adoption at the public hearing; then will be presented to Supervisor of Elections, Linda Griffin. Chairman Yeager reported he had talked to the School Board about standardizing the district lines.

There be no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 6:49 p.m., E.T.

**WARREN J. YEAGER, JR.  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**