

JUNE 24, 2013

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 Tynalin Smiley, Vice Chairman Ward McDaniel, and Commissioners Carmen L. McLemore, Joanna Bryan, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, Code Enforcement Officer Mike Aiken, E.D.C. Director Barry Sellers, Gulf County Emergency Management Director Marshall Nelson, Maintenance Supervisor Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish/County Engineer Clay Smallwood, III, Public Works Director Joe Danford, and T.D.C. Executive Director Jennifer Jenkins.

Chairman Smiley called the meeting to order at 9:00 a.m., E.T.

Assistant Administrator Hammond opened the meeting with prayer, and Chairman Smiley led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Commissioner McDaniel requested removal of The Ferguson Group, LLC invoice located under Item #5 (Pages 24-31) of the Consent Agenda. After discussion by Chief Administrator Butler, Commissioner Yeager motioned to approve the Consent Agenda after removal of Item #5 (Pages 24-31). Commissioner McLemore seconded the motion, and it passed unanimously, as follows:

1. Minutes - May 14, 2013 – Regular Meeting
- May 28, 2013 – Regular Meeting
2. Appointment – Economic Development Alliance Partners (Jack Husband)
3. Budget Amendment #6 – General Fund (Amend the FY 2012-2013 Budget for the General Fund by reducing Reserves for Infrastructure by \$6,000 and increasing expenditures for \$6,000.00 for the BOCC to fund a Waste Management Recycling Pilot Program)

Budget Amendment #7 - St. Joe Fire Control District (Amend the FY 2012-2013 Budget for St. Joe Fire Control District Fund and General Fund by reducing Highland View Fire Departments budget by \$3,665 and increasing the Fire Coordinator budget by \$3,665 by way of Interfund Transfers)

4. Contract Extension – Disaster Recovery Services (Ashbritt, Inc.)
5. Invoices – ****DELETE**** The Ferguson Group, LLC – Federal Lobbying Services (Invoice #0413569 * \$292.28 * to be paid from Account #21111-31200)
 - UniFirst Corporation (Old Courthouse * Invoice #2710046427 * \$19.06 * Invoice #2710046906 * \$19.06 * Public Works * Invoice #271004-6428 * \$10.00 * Invoice #2710046907 * \$10.00 * Invoice #271004-7374 * \$10.00 * Invoice #2710046432 * \$68.50 * Invoice #271004-6911 * \$68.50 * Invoice #2710047378 * \$68.50 * Invoice #271004-6908 * \$49.11 * Invoice #2710047375 * \$48.80 * Invoice #271004-6909 * \$55.03 * Invoice #2710047376 * \$51.12 * Maintenance * Invoice #2710046910 * \$93.05 * Invoice #2710047377 * \$39.12)

(End)

PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS

After discussion by County Attorney Novak, Planner Richardson stated that the L.D.R. is a mandate from the State under Florida Statute 163.3202. He reported that the L.D.R. is the policies for implementing the County Comprehensive Plan which is the authority over the L.D.R. After discussion by Commissioner Yeager, Planner Richardson discussed the additional RV language and language to govern honey bees. He read Page 14, Section H of the proposed L.D.R. regarding existing subdivisions. Commissioner McLemore discussed his concerns regarding the possibility of re-addressing the language on the RV and honey bees. Chairman Smiley called for public comment. There was no public comment. County Attorney Novak discussed the RV language, stating this would require for RV owners to provide State registration on an annual basis, copy of proof of insurance, and contact information. Commissioner McLemore discussed his concerns regarding houseboats on the river that are not registered. Upon motion by Commissioner McLemore, second by Commissioner McDaniel, and unanimous vote, the Board adopted the amended Land Development Regulations (L.D.R.).

PUBLIC HEARING – LAND DEVELOPMENT REGULATION ORDINANCE

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance amending the L.D.R., County Attorney Novak read the proposed ordinance by title. Upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the Board adopted the following titled ordinance.

ORDINANCE NO. 2013-04

AN ORDINANCE PER THEREQUIREMENTS OF FLORIDA STATUTE 163.3201 TO ADOPT LAND DEVELOPMENT REGULATIONS; AND THE REQUIREMENTS OF FLORIDA STATUTE 163.3202 FOR THE LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WEHREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, Florida Statute 163.3167 requires each County and City to have a Comprehensive Plan; and

WEHREAS, Florida Statute 163.3201 and 163.3202 requires the County and Cities to implement Land Development Regulations that are consistent with the Comprehensive Plan; and

WHEREAS, Gulf County has an existing Land Development Regulations (LDR); and

WHEREAS, Florida Statute 125.66 (2) a specifically provides for the proper publication, notice and announcement of Gulf County's intent and consideration of any and all land use modification and ordinance adoption; and such notice has been properly published for general circulation in the county; and

WHEREAS, F.S. 163.3202 mandates provision for open space, floodplain protection, drainage, and storm water management; and

WHEREAS, Gulf County is an active participant in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS); and

WHEREAS, the NFIP and CRS require a participating community to adopt an ordinance that is consistent with their model flood prevention ordinance; and

WHEREAS, said ordinance is necessary for a community to be NFIP and CRS compliance and is required to be updated with every map revision or within an established time frame; and

WHEREAS, Gulf County has adopted a Flood Prevention Ordinance and has chosen to incorporate the ordinance in whole into the LDR to maintain NFIP/CRS compliance, avoid duplication and improve flood protection awareness; and

WHEREAS, F.S. 163.3202 mandates provision for regulating signs; and

WEHREAS, the regulation of signs has the potential for legal issues and as a sensitive issue for both those in favor and those against signage, Gulf County has adopted a Sign Ordinance and has chosen to incorporate the ordinance in whole into the LDR to avoid duplication and reduce conflicts; and

WHEREAS, Gulf County has additional adopted or planned ordinances that are related to the location or intended activity on a property and those ordinances are incorporated into the LDR or will be incorporated into the LDR upon the ordinance adoption; and

WHEREAS, all changes between the existing LDR and the revised LDR have been submitted for review in strikethrough and underline format; and

WHEREAS, apiculture is an important agricultural activity in Gulf County which can and has posed a risk to the public when apiculture activities are too close to residential prompting the County to govern the location of apiculture activities; and

WHEREAS, on April 4 and April 11, 2013 a Public Notice was advertised in The Star offering the public an opportunity to participate at two scoping meetings held on Wednesday, April 10, 2013 at 5:00 pm and on Monday, April 15, 2013 at 8:45am; and

WEHREAS, on June 6 and June 13, 2013 a Public Notice was advertised in The Star offering the public an opportunity to participate at the Planning and Development Review Board (PDRB) on June 17, 2013 at 8:45 am Public Hearing for the proposed adoption of the LDR revisions; and

WHEREAS, the on June 6 and June 13, 2013 a Public Notice was advertised in The Star offering the public an opportunity to participate at the Board of County Commissioners (BOCC) Public Hearing on June 25, 2013 at 9:00 am for the adoption of the proposed LDR revisions; and

WHEREAS, the Tuesday, June 25, 2013 meeting was cancelled for the BOCC to travel to the FAC Conference and the BOCC meeting was rescheduled for Monday, June 24, 2013 with public notice posted at the Courthouse and Administration Building; and

WHEREAS, the BOCC received the recommendation of the PDRB to adopt the revised LDR; and

WHEREAS, the BOCC after public comment proceeded to adopt the revised LDR by the following vote: Commissioner McLemore voted Yes; Commissioner McDaniel voted Yes; Commissioner Bryan voted Yes; Commissioner Smiley voted Yes; Commissioner Yeager voted Yes.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA TO ADOPT THE REVISED LAND DEVELOPMENT REGULATIONS (LDR) AS PRESENTED IN EXHIBIT A:

If any part of this Ordinance is held to be unconstitutionally void or invalid, the validity of the remaining part of the Ordinance shall not be affected thereby.

(End)

TOURIST DEVELOPMENT COUNCIL

T.D.C. Executive Director Jenkins appeared before the Board to report that a producer was in town last week putting together the sizzle strip about the South Gulf County Fire Department. She also reported that a new company called Tupelo Bin Gator Safaris has requested permission to perform a sizzle strip about gator hunting in Gulf County. After discussion, County Attorney Novak discussed the approval of the sizzle reel involving the South Gulf County Fire Department, stating that he worked with the producer and T.D.C. Executive Director Jenkins on this contract. He reported that within the contract the sizzle reel is subject to County Attorney review and that some of the provisions for South Gulf Fire Department have been signed. Commissioner Yeager motioned to allow a contract with Tupelo Bin Gator Safari. Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner McLemore abstaining <Form 8B on file in the Clerk's Office>.

GRANT – SMALL COUNTY SOLID WASTE MANAGEMENT

Upon discussion by Public Works Director Danford, Commissioner Yeager motioned to allow Chairman Smiley to sign and execute the FY 2014 Small County Solid Waste Management Grant Application. Commissioner McDaniel seconded the motion, and it passed unanimously.

RECYCLE PROGRAM

Public Works Director Danford reported that nine or ten bales of cardboard and approximately twenty bales of plastic has been collected under the recycling program thus far. He stated that he is now reviewing the best price for selling these items and will bring a recommendation to the Board for review. Public Works Director Danford reported that a lot of the recyclables that are brought in are mixed and staff is sifting through the debris. He stated that he would like to offer a discount to people that pre-sort their recyclables. Upon inquiry by Commissioner McDaniel, Public Works Director Danford reported that the company purchasing the recyclables will pick up the debris on site.

FLOOD INSURANCE

Planner Richardson stated that the Flood Plain Insurance is coming and wanted the public to be aware of this change.

CONTRACT – ASHBRIIT ENVIRONMENTAL

County Attorney Novak discussed Item #4 (Pages 22-23) of the Consent Agenda, stating it has the ability to renew and that he will review the original contract to see if it can be extended further than one year. Emergency Management Director Nelson reported that F.E.M.A. has started a new pilot program and discussed extending the contract until the end of the year and then advertise for an R.F.P.

COUNTY PROBATION

County Attorney Novak reported that on June 12, 2013 he issued a termination letter notifying the vendor of the October 1, 2013 end date regarding the County Probation Services, and following that date the vendor has notified the County that August 10, 2013 would be their last day; exercising the sixty (60) day termination without cause. County Attorney Novak requested authority to amend the original notice with cause which is a fifteen (15) day termination of the services so it can be an immediate transition over to the County (beginning the 1st of the month). Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion for discussion. After discussion, the motion then passed unanimously.

SUPREME COURT – VOTING RIGHT ACTS

County Attorney Novak reported that the Supreme Court will be deciding this week on the Voting Rights Act. He stated that the decision by the Supreme Court will be on Section 5, reporting that Shelby County and Alabama is challenging Section 5 of the Voting Rights Act. County Attorney Novak requested direction from the Board concerning Michael Spellman and the summary provided, stating that you can only change the redistricting in odd years. Commissioner Yeager discussed the public's support in County-wide voting and stated that it is important for Sniffen & Spellman to bring a current summary for the Board to review. County Attorney Novak stated that he will have Sniffen & Spellman, P.A. report to the Board in July.

ROAD REPAIR – SPRUCE STREET

Commissioner Bryan reported that the residents of Creekwood Subdivision are having problems with potholes on Spruce Street. After discussion, Commissioner Bryan motioned to approve a limited maintenance agreement for Spruce Street. Commissioner McDaniel seconded the motion, and it passed unanimously.

AGENDA POLICY

Commissioner Bryan discussed the proposed agenda policy that was placed in last meeting's Information Packet, stating that this proposed policy is important as a communication tool in communicating to the public as to what will be discussed in the Board meetings. She also stated that this is a communication tool for staff and the Commissioners. Commissioner Bryan reported that the proposed form has a section for the requested motion and this would assist the Clerk with the minutes. Commissioner Bryan requested that the Board allow the proposed agenda policy to be used on a trial basis and consider adoption after the trial run. Commissioner McLemore stated that he does not have a problem with the current operation of the Agenda. Upon inquiry by Commissioner McDaniel, Commissioner Bryan reported that County Attorney Novak

drafted the proposed policy except for the form, stating that the form was copied from another County. County Attorney Novak discussed the drafting of the proposed policy. After discussion by Commissioner Bryan, Commissioner McDaniel discussed his concerns regarding the proposed agenda policy. After discussion, Deputy Administrator Lanier discussed attending presentations from software companies that the Clerk currently uses to record Board meetings regarding paperless agendas and a contract is currently being reviewed. After discussion, Commissioner Bryan motioned for staff to use the proposed policy form on a trial basis. Chairman Smiley called for a second. There being no second, the motion failed. Commissioner Bryan stated that this Board does not implement what is being taught in the F.A.C. classes.

RENTING – TOURIST DEVELOPMENT BUILDING

Upon inquiry by Commissioner McLemore, T.D.C. Executive Director Jenkins appeared before the Board to report that Gail Alsobrook requested using the T.D.C. Building for a Republican Party meeting. Gail Alsobrook appeared before the Board to state that it was not a Republican Party meeting; it was a concealed carry gun class. After discussion, Commissioner Yeager stated that the County cannot authorize use of a County building for any organization to hold a class. Upon inquiry by Commissioner Bryan, County Attorney Novak discussed the policy regarding the renting of said building. After further discussion, Gail Alsobrook appeared before the Board to discuss the issue regarding using space to hold the class.

OFFICE SPACE – DOWNTOWN REDEVELOPMENT AGENCY

Gail Alsobrook, Executive Director of the Port St. Joe Downtown Redevelopment Agency appeared before the Board to report that the City of Port St. Joe approved the moving of the Redevelopment Agency office to the new building. She thanked T.D.C. staff for their patience and consideration during the Downtown Redevelopment move and stated she enjoyed sharing office space with them.

KIOSK – SALINAS PARK

Commissioner Yeager discussed the new kiosk which was built at Salinas Park, and requested that Maintenance Supervisor Mork meet with T.D.C. Executive Director Jenkins regarding placing additional kiosks within the County.

MAINTENANCE REPAIRS – PETERS PARK

Chairman Smiley thanked the Maintenance staff for the repairs to the restroom at Peters Park, stating that this is a City park but the County helps maintain it.

HONEYVILLE COMMUNITY CENTER COMPLEX

Chairman Smiley discussed the District Softball Tournament that was held at Honeyville Community Center Softball Complex, stating there needs to be two (2) more fields built in order to host State tournaments at this complex. Commissioner Yeager discussed the tournament that was held at the Honeyville Community Center Softball Complex. Commissioner McLemore discussed his concerns regarding the need for two (2) additional softball fields at this complex.

Chairman Smiley called for public comment. There was no public comment.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 10:08 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**