

MARCH 25, 2014

PORT ST. JOE, FLORIDA

REGULAR MEETING

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman Ward McDaniel, Vice Chairman Carmen L. McLemore, and Commissioners Joanna Bryan, Tynalin Smiley, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, 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, Central Services Director Denise Manuel, Code Enforcement Officer Mike Aiken, Gulf County E.M.S. Director Houston Whitfield, E9-1-1 Coordinator Ben Guthrie, Fire Coordinator Brad Price, Grant Writer Towan Kopinsky, Maintenance Superintendent Steve Mork, Mosquito Control Director Mark Cothran, Preble-Rish/County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Sheriff Mike Harrison, Tax Collector Employee Christina Strader, T.D.C. Executive Director Jennifer Jenkins, and Veterans' Service Officer Joe Paul.

Sheriff Harrison called the meeting to order at 9:00 a.m., E.T.

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

CONSENT AGENDA / INFORMATION PACKET

Chairman McDaniel called for public comment regarding the Consent Agenda and the Information Packet. There being no public comment, Commissioner Yeager motioned to approve the Consent Agenda and the Information Packet. Commissioner Smiley seconded the motion, and it passed unanimously, as follows:

1. Grant Application – State 911 Board (E9-1-1 Annual System Maintenance * \$24,796.67)
2. Invoices - UniFirst Corporation (Courthouse * Invoice #2710065823 * \$72.25 * Invoice #2710066340 * \$72.25 * Maintenance * Invoice #27100-64810 * \$42.03 * Invoice #2710065317 * \$42.03 * Invoice #2710065822 * \$42.03 * Invoice #2710066339 * \$42.03 * Public Works * Invoice #2710065819 * \$11.25 * Invoice #2710066336 * \$11.25 * Invoice #2710064808 * \$51.04 * Invoice #2710065315 * \$51.04 * Invoice #2710065820 * \$51.04 * Invoice #2710066337 * \$51.18 * Invoice #2710064809 * \$63.14 * Invoice #2710065316 *

\$63.14 * Invoice #2710065821 * \$63.14 * Invoice #2710066338 *
\$63.14)

3. Refund Request – Tax Collector (Parcel #03514-000R * Tax Years 2010 & 2011 *
\$361.90 * Parcel #05680-007R * Tax Year 2012 * 326.45)

(End)

VETERANS' SERVICE PROCLAMATION / PURPLE HEART COUNTY

Veterans' Service Officer Paul appeared before the Board to present a proposed proclamation designating Gulf County as a Purple Heart County. He then read the proposed proclamation and recognized Veteran and former V.S.O. James Kennedy. After discussion, Commissioner Yeager motioned to adopt the Proclamation as read. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

P.D.R.B. RECOMMENDATIONS (MARCH 17, 2014)

The Board considered the following P.D.R.B. recommendations from the March 17, 2014 Planning & Development Review Board meeting, as follows:

VARIANCE APPLICATION – CAROLINE A. RANKIN

Pursuant to advertisement to hold a Public Hearing to consider a variance for Caroline A. Rankin, (Parcel #06351-005R) Gulf County, Florida for a 10' road setback variance not to be closer than 10' to front/R.O.W. line; County Attorney Novak discussed the recommended variance. Commissioner Yeager motioned to approve this recommendation. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

VARIANCE – ELLIS C. SMITH

Pursuant to advertisement to hold a Public Hearing to consider a variance for Ellis C. Smith, (Parcel #03806-080R) Gulf County, Florida for a building setback located next to Veterans' Park at Beacon Hill, County Attorney Novak stated that due to voting conflicts, the P.D.R.B. was not able to meet a quorum and opted not to table the variance, but default to the Board for their consideration with no P.D.R.B. recommendation. Jack Husband, of Southeastern Consulting Engineers, Inc. appeared before the Board to present a handout and discuss this variance on behalf of his client. Commissioner Bryan discussed her concerns regarding this variance request, stating the County does have access to the beach and that the County does not need Mr. Smith's property for beach access. She then discussed a previous minor re-plat that was created in 2012 regarding this property; reporting that a corrective re-plat was filed in 2013, and then another minor re-plat was created. After further discussion, Commissioner Bryan motioned to deny the variance and requested that County Attorney Novak review the 2013 variance. Following additional discussion, Commissioner Bryan amended her motion to table the variance request, request that Planner Richardson address this matter before the Board at the next meeting, and to have this topic on the Agenda for

full review. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously. County Attorney Novak reported that there will not be another Notice for this variance request since it will be placed on the next Agenda for review.

WORKSHOP – CONSTITUTION MUSEUM MANAGEMENT PLAN

Deputy Administrator Lanier reported that D.E.P. will hold a workshop at the E.O.C. Building on April 10, 2014 at 7:00 p.m., E.T. to discuss the proposed management plan for the Constitution Museum and requested that members of the Board and public interested in this subject to attend.

CONTRACT – JAIL MEDICAL DIRECTOR

Jail Administrator Hammond requested to defer the subject of Jail Medical Director Contract to later in the meeting during the County Attorney's discussion.

MEXICO BEACH ARTIFICIAL REEF ASSOCIATION

County Attorney Novak discussed a request made by the Mexico Beach Artificial Reef Association to use the Beach Hill Park Facility (Veteran's Memorial Park), and requested permission for Chairman McDaniel to sign an application for the fish tournament event, subject to insurance requirements. Commissioner Bryan motioned to approve this request. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

CONTRACT – JAIL MEDICAL DIRECTOR

County Attorney Novak reported that Sacred Heart Hospital has requested to remove Dr. Pablo's name from the Contract and replace it with Dr. Rick Bruner. Commissioner Yeager motioned to approve this request. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

COUNTY HELD TAX CERTIFICATES

County Attorney Novak reported that in the past the County has not had properties that exceeded the statutory amount of \$5,000.00 on the assessment roll, stating that Clerk Norris has provided some that are on the rolls that exceed this amount and under F.S. 197.502, Section 3, it deems the County shall apply for the Tax Deed under those County-Held Tax Certificates, and requested direction from the Board. Commissioner Yeager motioned to proceed to apply for these Tax Deeds under the statutory requirements. Commissioner McLemore seconded the motion. Clerk Norris reported there are seventeen (17) County-Held Tax Certificates and three (3) meet the "must" apply requirement. Clerk Norris recognized Tax Collector employee Christina Strader in the audience, should the Board had any questions of the Tax Collector's office. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

HEARING – CODE ENFORCEMENT VIOLATION

County Attorney Novak discussed the Code Enforcement Hearing that was held regarding 355 North Diana Street, Wewahitchka, reporting that Magistrate Grover signed an Order giving the property owner three (3) weeks to come into compliance, and otherwise issuing the County the ability to clean and lien the property.

HEALTH CARE TRUST EXECUTIVE COMMITTEE

County Attorney Novak discussed placing the quarterly Surtax Report received from the Health Care Trust Executive Committee in the Information Packet for public review. Chairman McDaniel had no objection.

ORDINANCES – BEACH / FILMING / COUNTY ADMINISTRATOR

County Attorney Novak reported that the proposed beach ordinance, proposed filming ordinance, and the proposed county administrator ordinance will be advertised and scheduled for public hearings during the April Board meetings.

RESOLUTION – CINNAMON HILL ABANDONMENT

Upon discussion, County Attorney Novak read the proposed Cinnamon Hill abandonment resolution. Chairman McDaniel called for public comment. There being no public comment, Commissioner Yeager motioned to adopt this resolution. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

RESOLUTION NO. 2014-05

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSION WHEREBY GRANTING THE PETITION OF THE CINNAMON HILL PROPERTY OWNERS ASSOCIATION, INC. FOR THE ABANDONMENT OF SAID ROADWAYS AND RIGHT OF WAYS; AND DIRECTING COUNTY DEPARTMENTS FOR ASSISTANCE IN ABANDONMENT AND IMPLEMENTATION, AS FOLLOWS:

WHEREAS, the Gulf County Board of County Commissioners (Board) received a petition of the Cinnamon Hill Property Owners' Association, Inc. ("Association") comprising of owners of Lots 2-16 of Block 19, Lots 1-20 of Block 27, and 7-20 of Block 28 as found on the plat of Beacon Hill, seeking the abandonment of roadways and right of ways as follows:

1. Triton Street (Sixth Street by plat) has been improved up to the intersection with Faulk Place. The Petitioner proposes abandonment and improvement continuing Triton Street to access the most northern lot/parcel at the edge of the plat. The proposed improvement would intersect with the unopened right of way of Phillips Drive.
2. Starfish Avenue stopping short of the platted but unopened Intersection with the section of Nutmeg Street (Fifth Street

by plat) that is unimproved.

3. All of Tulip Avenue stopping at the adjacent property titled under Richard Arnold.
4. All unnamed alleyways of 15' +/- between the three blocks listed above.

WHEREAS, the Board has received the legal descriptions setting forth the specific descriptions of the abandonments and are attached to this resolution for clarity and defined metes and bounds (See legal descriptions attached); and

WHEREAS, Gulf County Board of County Commissioners has properly noticed and conducted a Public Hearing on March 11th, 2014 for this petition for abandonment pursuant to Florida Statute 197.3632; and

WHEREAS, Gulf County Board of County Commissioners following a Public Hearing and Board discussion voted to approve and grant the petition for abandonment; and

NOW, THEREFORE, BE IT RESOLVED, by the Gulf County Board of County Commissioners in Gulf County, Florida, in regular session this 25th day of March, 2014, as follows:

1. The Gulf County Board of County Commissioners hereby abandons the stated roadway and right of ways as defined herein following proper notice, public hearing and authorizing vote of the Board of County Commissioners; and
2. Be it further resolved the Board has accepted this petition for abandonment based in part on the noticed Public Hearing, Board comment, and discussion and the detailed conditions and affirmative representations of the Association and its legal representative presented in its written submissions to the Official County Record and its testimony that include but shall not be limited to the proper permitting, road improvements to County and State specifications, storm water management, and exclusive maintenance obligations in perpetuity to maintain those required standards; and
3. Be it further resolved the Board directs its County Staff to provide said Resolution to the petitioner for its final implementation and fulfillment of the stated conditions and obligations of the Association.

DULY adopted this 25TH day of March, 2014.

(End)

ECONOMIC DEVELOPMENT

County Attorney Novak discussed meeting with the E.D.C. Board on February 25th and March 18th and it was voted unanimously that the County take back the duties of E.D.C., and to transfer the funds to the Clerk of Court. He reported there was discussion on proposed models in terms of the makeup of the Advisory Board. Upon recommendation by County Attorney, Commissioner Yeager motioned to approve taking the designation back under the County. Commissioner McLemore seconded the motion for discussion. Chairman McDaniel called for public comment. There was no public comment. After discussion by members of the Board, the motion then passed 4 to 1, with Commissioner Bryan voting no. Upon recommendation by County Attorney Novak, Commissioner Yeager motioned to approve the transferring of funds and Accounting to the Clerk of Court, approximately \$68,000.00. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously. County Attorney Novak requested authorization from the Board to contact E.D.A. to relieve them from the contract. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously. County Attorney Novak requested direction from the Board regarding the makeup/term of the new E.D.C. Advisory Board. Commissioner McLemore stated there is no need to return back to the Board for approval regarding the model, reporting the County Attorney and staff can oversee this issue. County Attorney Novak addressed the need to know how many members to appoint, and whether the Board would like a recommendation be made for approval. Following discussion by members of the Board; County Attorney stated that a recommendation regarding the appointment to the E.D.A. will be presented to the Board for review.

R.F.P. #1314-15 – SOLID WASTE SERVICES

Chief Administrator Butler reported that the R.F.P. 1314-15 for solid waste garbage services specifications are posted on the County Website. He also reported that a Pre-bid Conference will be held on April 3, 2014.

COMMITTEE – BEACH ORDINANCE

Commissioner Yeager discussed organizing a committee to work on the proposed beach ordinance, which will include: himself, County Attorney Novak, T.D.C. Executive Director Jenkins, Pat Hardman, and Commissioner Bryan. The Board had no objection.

TRAVEL – COASTAL BARRIER RESOURCES ACT

Commissioner Yeager reported that a hearing regarding the C.B.R.A. matter has been scheduled for April 8, 2014 at 2:00 p.m.; stating that he will be testifying before Congress to try to get this designation removed. He also reported that he, County Attorney Novak, and Chief Administrator Butler will be traveling to Washington, DC for this hearing.

COUNTY JAIL – FEMALE INMATES

Commissioner Smiley discussed his concerns regarding female inmates that are being transported back to Liberty County once released from Court. Commissioner Yeager

requested Chairman McDaniel and Jail Warden/Assistant Administrator Hammond work on a solution to bring back to the Board for review.

ST. JOSEPH SHORES

Commissioner Bryan discussed receiving several calls regarding the rain from residents at St. Joseph Shores. Chief Administrator Butler discussed the issues at 244 Watermark Way, St. Joseph Shores (Betty Price), and provided a power point presentation. Commissioner Bryan discussed her concerns with residential flooding all over District III, and within the County. After discussion by Commissioner Bryan, County Attorney Novak discussed speaking with Mrs. Price, or any of the other homeowners, if the Board directs him to do so. After discussion by Chairman McDaniel, Commissioner McLemore discussed the possibility of placing a pump to temporarily stop the house from flooding, for her (Ms. Price) and any others that have this issue. Chairman McDaniel reported there is County property (ROW) located right behind Ms. Price's home. After discussion by Commissioner Yeager, Commissioner Bryan stated she agrees with Commissioner McLemore in placing a pump in an emergency situation, but it needs to be removed once the emergency is over and then it will be the homeowner's responsibility to fix the issue. Gail Alsobrook, of St. Joseph Shores appeared before the Board to discuss her concerns regarding this subdivision and the mosquitoes. Stan Price, on behalf of his mother, Mrs. Price, appeared before the Board and discussed living at St. Joseph Shores for 25 years and the flooding problems. Commissioner Bryan discussed the water table due to the rainfall.

GRAVEL PURCHASE – DEAD LAKES PARK

Chairman McDaniel requested permission to purchase five (5) to seven (7) loads of dolomite gravel for Dead Lakes Park to be paid from the Dead Lakes Park Budget. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

SUNSET BAY SUBDIVISION

Realtor Kathe Jones of Beach Realty appeared before the Board to discuss Sunset Bay Subdivision in Highland View, reporting the property owners are requesting permission to amend the Covenant and Restrictions to delete the single family residential use and allow for R.V.'s. She reported the County is one of the property owners within this subdivision. County Attorney Novak discussed page 74 (Covenant and Restrictions for Sunset Bay Subdivision) in the Consent Agenda, stating that Realtor Jones is referring to Section 3 & 7, and the Highland View Fire Station is located in this area. Commissioner Bryan motioned to accept this request and to provide amended documents to Mrs. Jones. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There was being public comment, the motion then passed 4 to 1, with Commissioner Yeager abstaining due to personal and business relationships with some of the property owners <Form 8B on file in Clerk's Office>.

R.F.P. #1314-08 – HABITAT CONSERVATION PLAN

County Attorney Novak discussed the process for R.F.P. #1314-08 for the Habitat Conservation Plan. After discussion, Commissioner Bryan motioned to proceed with the original process and review the top three vendors. Following additional discussion, County Attorney Novak discussed following the recommendation of the Technical Advisory Committee. After discussion by Deputy Administrator Lanier, Chairman McDaniel called for a second. The motion failed for a lack of a second. Martin Gawronski and Bryan Phillips of Ecological Resource Consultants appeared before the Board to give a power point presentation on the H.C.P. (#1314-08). Keith Johnson and Craig Martin of Wetland Associates appeared before the Board to give a power point presentation regarding Bid #1314-08 on the H.C.P. County Attorney Novak discussed the recommendations of the Technical Advisory Committee as: (1) provide the Board all the evaluation scoring and the R.F.Q. to have all the work product, (2) invite the other two vendors to make presentations before the Board in addition to the first three, and (3) submit to the Board that they have found all five vendors technically qualified under the Technical Advisory Committee charge. Commissioner Bryan reported that one Commissioner is abstaining and one Commissioner has only seen two of the five presentations, and inquired if this will count in the voting. Commissioner McLemore reported that he reviewed the first three presentations. After discussion, Commissioner McLemore motioned to follow the recommendation of the Technical Advisory Committee. Commissioner Bryan seconded the motion, and it passed 4 to 1, with Commissioner Yeager abstaining due to a business relationship with some of the Engineers <Form 8B on file in Clerk's Office>.

There being no further business, and upon motion by Commissioner Smiley, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 11:19 a.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**