

PORT ST. JOE, FLORIDA

AUGUST 24, 2010

REGULAR MEETING

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

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, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Public Works Director Joe Danford, Sheriff Joe Nugent, Sheriff's Office Major Bobby Plair, T.D.C. Director Tim Kerigan, Amber Davis P.I.O./Government Liaison, and Jack Husband Government Liaison.

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

Clerk Norris opened the meeting with prayer, and Chairman McLemore led the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Commissioner Traylor motioned to approve the Consent Agenda. Commissioner Peters seconded the motion, and it passed 4-0, with Commissioner Yeager abstaining due to a business relationship with Preble-Rish, Inc. as follows:

1. Minutes – August 3, 2010 – Special Budget Meeting
- August 10, 2010 – Regular Meeting
2. Agreement – Governor's Office of Tourism, Trade and Economic Development
(Rural Area of Critical Economic Concern)

Agreement – Whitfield Timber Company (Sale of 200 Acres of Timber)
3. Contract – Emergency Management (Deepwater Horizon Oil Spill E.O.C. Staff
Augmentation Personnel and Branch Four County Representative)

4. Grant Agreement – Emergency Management Preparedness Grant (Contract Number 11-FG-7W-02-33-01 * \$49,530.00)
5. Inventory – Gulf County Emergency Service Unit (Transfer all inventory to the Gulf County Beaches Fire Department)
6. Invoices – City of Port St. Joe – Beacon Hill Phase 3 (Billing #5 * \$11,904.00 * to be paid from Account #33035-81000, contingent upon receipt of funds from D.E.P.)
7. Purchase Request – Gulf County Beaches Fire Department (Replacement Radio's and Pagers not to exceed \$5,000.00)
8. Resolution – Gulf County Comprehensive Emergency Management Plan as follows:

RESOLUTION NO. 2010-18

WHEREAS, Gulf County a political subdivision of the State of Florida, has been directed by the Florida State Division of Emergency Management, to formulate a Comprehensive Emergency Management Plan (CEMP) to be in accordance with Florida Statutes, Chapter 252 and rule 9G-2; and

WHEREAS, Gulf County has complied with the directive; and

WHEREAS, the Board of County Commissioners is in agreement with the contents, of the Gulf County Comprehensive Emergency Management Plan; it is

RESOLVED, that Gulf County does hereby adopt, ratify, and confirm the Gulf County Comprehensive Plan.

RESOLVED, that it be so noted in the minutes of this assembly of the Board of Commissioners, the 24th day of August, A.D., 2010.

IT IS FURTHER RESOLVED, that the Gulf County Comprehensive Emergency Management Plan shall govern emergency operations in Gulf County and all such operations will be accordance with the policies stated therein; and

BE IT FURTHER RESOLVED, that this resolution also be included in the Gulf County Comprehensive Emergency Management Plan.

THIS RESOLUTION ADOPTED this 24th day of August, A.D., 2010.

(End)

9. Tax Roll Recapitulation for 2009
10. Travel – District 5 (Acc Education Program through the Florida Counties Foundation and the University of Florida)

PUBLIC HEARING - P.D.R.B. RECOMMENDATIONS (08/16/10)

The Board then considered the following recommendation from the August 16, 2010 meeting of the Planning & Development Review Board:

SUBDIVISION REPLAT – PAIRADICE INVESTMENTS/PARAPET PROPERTIES

Pursuant to advertisement to hold a public hearing to consider a subdivision re-plat for Planters Cove (Parcel ID #06370-805R, -810R, -835R, S18, T9S, R11W) County Attorney McFarland read the public hearing notice and called for public comment. There being no public comment, Commissioner Peters motioned to approve a re-plat of Lots 1, 2 and 7. Commissioner Yeager seconded the motion, and it passed unanimously.

PUBLIC HEARING – ORDINANCE – SEXUAL OFFENDER/SEXUAL PREDATOR

County Attorney McFarland read the sexual offender and sexual predator ordinance by title and called for public comment. There being no public comment, Commissioner Traylor motioned to adopt the amended sexual offender and sexual predator ordinance. Commissioner Yeager seconded the motion, and it passed unanimously as follows.

ORDINANCE NO. 2010-02

AN ORDINANCE OF GULF COUNTY, FLORIDA, (“COUNTY”) RELATED TO SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; REPEALING GULF COUNTY ORDINANCE NO. 2006-19, PROVIDING FOR PENALTIES; PROVIDING FOR EXCEPTION, PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL POREDTORS, PROVIDING FOR PENALTIES, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA:

WHEREAS, the County is deeply concerned about the numerous occurrences in the state and elsewhere involving convicted sexual offenders who have been released from custody repeating the unlawful acts for which they had originally been convicted; and

WHEREAS, the County finds that from available evidence the recidivism rate for release sex offenders is alarmingly high, especially for those who commit their crimes on children; and

WHEREAS, the County is becoming an increasingly attractive place of residence of families with small children; and

WHEREAS, the County desires to establish a policy which provides the maximum protection for the lives of persons in the county; and

WHEREAS, Florida Statute Section 775-215 and 947.1405, provides for a residence prohibition from specified locations for certain sexual offenders and sexual predators; and

WHEREAS, Section 125.01 Florida Statutes gives the County the authority to protect the health, safety and welfare of its residence;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE GULF COUNTY COARD OF COUNTY COMMISSIONERS, as follows:

1. Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators and present an extreme threat to the public safety. Sexual offenders are likely to use physical violence to repeat their offenses, and most sexual offenders commit many offenses, and have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes typically. This makes the cost of sexual offender victimization to the society at large, extremely exorbitant.
2. It is the intent of this Ordinance to promote, protect and improve the health, safety and welfare of the County's citizens by creating areas around locations where children regularly congregate in concentrated numbers and where certain sexual offenders and sexual predators are prohibited from establishing a temporary or a permanent residence.

3. The following words, terms and phrases when used in this Ordinance shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

“Permanent Residence” means a place where the person abides, lodges, or resides for fourteen or more consecutive days.

“Temporary Residence” means a place where the person abides, lodges, or resides for a period of fourteen or more days in the aggregate during any calendar year and which is not the person’s permanent residence, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive, or non-consecutive days in any month and which is not the person’s permanent resident.

4. It is unlawful for any person who has been convicted of a violation of Florida Statute Section 794.011, 800.04, 827.071, 827.135(5) or 847.0145, Florida Statutes, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen years of age to establish a permanent residence or temporary residence within one thousand (1,000) feet of any school, daycare center, park, playground, public library, public ball field, or any other place where children regularly congregate.
5. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer line of a school, designated public bus stop, daycare center, park, playground, public library, public ball field, or any other place where children regularly congregate.
6. A person who violates this Ordinance shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding sixty (60) days, or by both, such fine and imprisonment.
7. A person residing within one thousand (1,000) feet of any school, designated daycare center, park, playground, public library, public ball field, or any other place where children regularly congregate does not commit a violation of this Section if any of the following apply:
 - A. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Statute 775.21, 943.0435, or 944.607 prior to the effective date of this Ordinance.

- B. The person was a minor when he/she committed the offense and was not convicted as an adult.
 - C. The person is a minor.
 - D. The school, designated daycare center, or public library or public ball field within one thousand (1,000) feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Statute.
8. It is unlawful to let or rent any place, structure or part thereof, trailer or any other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Ordinance, if such place, structure or part thereof, trailer or other conveyance is located within one thousand (1,000) feet of any school, designated daycare center, park, playground, public library, public ball field, or any other place where children regularly congregate.
9. A property owner's failure to comply with the provisions of this Section shall constitute a violation of this Ordinance, and shall subject the property owner to the Ordinance penalty provisions as provided in this Ordinance, including the provisions that allow the County to seek relief as otherwise provided by law.
10. All ordinances or parts of ordinances in conflict herewith are repealed to the extent to the extent of such conflict.
11. If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.
12. Ordinance No. 2006-19 is hereby repealed.
13. This Ordinance shall take effect upon its passage according to law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the County Commission on this 24th day of August, 2010.

(End)

LEASE AGREEMENT – TOURIST DEVELOPMENT COUNCIL / CITY OF PORT ST. JOE

County attorney McFarland recommended approval of a lease agreement between the T.D.C. and the City of Port St. Joe to hold some music festivals funded by the monies received from British Petroleum (B.P.). Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion. Upon inquiry by Commissioner Yeager, County Attorney McFarland reported that this lease is for the rental of the grounds. T.D.C. Director Kerigan appeared before the Board and reported that the event will be held at Sand Hill Palm Pond, stating that this is a new facility and the City of Port St. Joe requires a rental fee for the facility. Upon inquiry by Commissioner Yeager, T.D.C. Director Kerigan reported that the first event is going to be held on Sunday, September 5, 2010, featuring the Bo Spring Band, DejaBlue Grass Band, Lavee Band from California, King Cotton from Tallahassee, and Billy Dean, and on Saturday, September 25, 2010 will be Southern Satisfaction from Tallahassee, Dana and Charlie Black, Swingin Medallions, The Subdudes, and Hedi Newfield. There being no further discussion, the motion passed unanimously.

SUPPLEMENTAL AGENDA

Commissioner Williams motioned to approve the Supplemental Agenda. Commissioner Traylor seconded the motion, and it passed unanimously (4-0), with Commissioner Yeager abstaining due to a business relationship with Preble-Rish, Inc.

SHERIFF'S DEPARTMENT – OPERATION MEDICINE CABINET – BUY RITE DRUGS

Sheriff Nugent appeared before the Board and reported that the Sheriff's Department will be at Buy Rite Drugs in Port St. Joe on Friday, August 27th from 5:00 p.m. to 7:00 p.m., E.T. and on Saturday, August 28th from 9:00 a.m. to 11:00 a.m., E.T., stating that they will be collecting and properly disposing of old medications at the Bay County incinerator.

AWARD - WEWAHITCHKA SEARCH & RESCUE

Upon inquiry by Chairman McLemore, Sheriff Nugent reported that the Wewahitchka Search & Rescue is going to receive an award in Tallahassee on September 13, 2010, from the Governor for their outstanding service and dedication. He discussed that they are called to assist throughout Northwest Florida, stating that they are a great representation for Gulf County.

COMMUNITY RATING SYSTEM (C.R.S.) RECERTIFICATION

Planner Richardson requested permission for the Chairman to sign the C.R.S. Recertification. Commissioner Yeager motioned to approve this request. Commissioner Peters seconded the motion, and it passed unanimously.

ENTERPRISE ZONE MAP

Chief Administrator Butler reported that the Enterprise Zone map has been approved by the State with an effective date of September 1, 2010 through December 31, 2015.

LETTER OF AGREEMENT – STATE OF FLORIDA

Chief Administrator Butler requested the Chairman sign the Letter of Agreement between Gulf County and the State of Florida where the County remits \$21,020.00 to the State in order to receive a greater Low Income Pool (L.I.P.) payment. Chairman Yeager motioned to approve this request. Commissioner Peters seconded the motion, and it passed unanimously.

GULF COUNTY E.M.S. – PURCHASE REQUEST – COTS

On behalf of Gulf County E.M.S., Chief Administrator Butler recommended to purchase three (3) cots from the proceeds of the B.P. agreement, stating that the total cost is approximately \$30,000.00 (sole source due to brackets) and to purchase the same name cot as the existing cots to utilize the same brackets. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously.

GULF COUNTY C.D.C – WILLIAMSBURG SUBDIVISION

On behalf of Gulf County C.D.C., Chief Administrator Butler recommended that the two lots purchased with S.H.I.P. funds in the Williamsburg Subdivision be donated to C.D.C. for affordable housing, stating that this relieves the burden of the Board possibly having to repay the State for the purchase with S.H.I.P. funds. Commissioner Traylor motioned to approve this recommendation. Commissioner Peters seconded the motion, and it passed unanimously.

HONEYVILLE COMMUNITY CENTER – GULF COUNTY EXTENSION AGENT

Chief Administrator Butler reported that he received a letter from the Gulf County Extension Service requesting to utilize the Honeyville Community Center at no charge for three (1) hour sessions per week, starting August 30th until further notice, stating that this would be a joint venture between the County Extension Service and Gulf Coast Electric Coop. Upon inquiry by Commissioner Williams, Chief Administrator Butler reported that this would be for Zumba classes. Chairman McLemore discussed that he does not like the wording indefinite, the use on Friday nights, and the rent free; stating

that he cannot support this request. After further discussion by members of the Board, Commissioner Traylor motioned to table this request. Commissioner Yeager seconded the motion for discussion. Commissioner Williams discussed that the County is not in the Zumba business and this is not a valid use of the building. After further discussion by members of the Board, the motion then passed unanimously.

SALINAS PARK PIER

Chief Administrator Butler reported that he met with Dan Garlick, the County Environmental Consultant, yesterday concerning Salinas Park Pier, Byrd Parker Drive, Highland View Beach, and Americus Avenue Ditch, stating that the deadline for settling with D.E.P. is August 31, 2010, and recommended the Board allow he and County Attorney McFarland to settle either monetarily, through mitigation, or both by the deadline. Commissioner Yeager motioned to approve this recommendation. Commissioner Peters seconded the motion for discussion. Commissioner Williams discussed that the contractor needs to be held responsible for their actions on this project. Commissioner Yeager amended the motion to allow Chief Administrator Butler and County Attorney McFarland to negotiate with the contractor for a split in the requirements of D.E.P. After further discussion, the motion then passed unanimously.

DEEPWATER HORIZON OIL SPILL

Chief Administrator Butler recommended the presence of B.P. in Gulf County due to the Deepwater Horizon oil spill, and to submit a letter to B.P. for adequate cleaning on the beaches. Commissioner Peters reported that he has received calls concerning the tar balls which are washing ashore on the beaches, and we need people available to clean up the beaches. Commissioner Peters motioned to approve this recommendation. Commissioner Yeager seconded the motion for discussion. Commissioner Traylor reported that B.P. is proposing to leave a small skeleton crew in this area, and this will not be adequate; stating that there were previously over 800 hundred people daily, with 350 per day walking the beaches watching for tar balls. Chairman McLemore suggested sending a letter to the Governor and President concerning this issue. There being no further discussion, the motion then passed unanimously. Amber Davis appeared before the Board and presented a handout, stating page ten shows the weight of the product by day, and page nine shows both the debris and products being tar balls in terms of amount and impact. She reported that it has been confirmed on the materials found at Cape San Blas and the Salinas Park area towards Indian Pass, stating that they have not received confirmation on products from the Windmark Beach and St. Joe Beach areas.

INVOICE - PREBLE-RISH, INC – DEEPWATER HORIZON OIL SPILL

Chief Administrator Butler recommended approval of invoice #65534 from Preble-Rish, Inc., in the amount of \$9,440.00 for the project representative Jack Husband at the B.P. staging area, stating that this is reimbursable by the Coast Guard. Commissioner Williams motioned to approve this recommendation. Commissioner Peters seconded the motion, and it passed unanimously (4-0), with Commissioner Yeager abstaining due to a business relationship with Preble-Rish, Inc.

INVOICE - ST. JOE BEACH SEWER PROJECT

Chief Administrator Butler reported that the City of Port St. Joe is requesting final payment on the St. Joe Beach sewer project and recommended to allow payment after the planned survey has been completed with positive results and after two more weeks of proper documented good gas. Commissioner Traylor motioned to approve this recommendation contingent upon approval by Chief Administrator Butler. Commissioner Williams seconded the motion, and it passed unanimously.

PUBLIC HEARING – F.R.D.A.P. GRANT

Grant Writer Kopinsky requested permission to schedule a public hearing on Tuesday, September 14, 2010, at 5:45 p.m., E.T. for the F.R.D.A.P. grant. Commissioner Yeager motioned to approve this request. Commissioner Peters seconded the motion, and it passed unanimously.

APALACHEE REGIONAL PLANNING COUNSEL – F.D.O.T. WORK PLAN

Keith McCarron, of Apalachicola Regional Planning Counsel appeared before the Board and gave an update on the F.D.O.T. five (5) year work plan program.

PROCLAMATION – SUICIDE PREVENTION WEEK

Tricia Pearce, of Life Management Center of Northwest Florida appeared before the Board and requested the Board to adopt the proposed proclamation declaring September 5-11, 2010 as Suicide Prevention Week for Gulf County. Commissioner Traylor motioned to adopt the proposed proclamation. Commissioner Yeager seconded the motion, and it passed unanimously.

LOCAL TELEVISION STATION

Commissioner Yeager discussed an issue with the local television station (St. Joe News Network) and Mediacom, and motioned for County Attorney McFarland to review. Commissioner Williams seconded the motion, and it passed unanimously.

BRITISH PETROLEUM – DECONTAMINATION SITE

Commissioner Williams discussed the British Petroleum decontamination site and the need to sustain jobs for this County.

SAULS CREEK ROAD

Commissioner Peters discussed that he has been getting calls concerning the repairs needed to the Sauls Creek Road, stating that he needs something done with this road. Chairman McLemore discussed that he has been trying to get this road reopened, and also the engineers have been working on this issue, stating that the Engineers say we do not need a permit, but D.E.P. says we need a permit. Commissioner Yeager reported that the State would like to take the road and fix, and requested for County Staff to contact the State concerning this road. Chairman McLemore stated that if the State takes this road it needs to be kept open for the public. Commissioner Yeager motioned to contact the State concerning the Sauls Creek Road (if they want the road), contingent that they keep the road open to the public. Commissioner Peters seconded the motion, and it passed unanimously.

DISTRICT II

Commissioner Traylor reported that everything is good in District II, stating that he feels good about today.

HONEYVILLE COMMUNITY CENTER BALL PARKS – LIGHTING

Chairman McLemore stated that he needs \$50,000.00 from the timber sales funds to complete the lighting at the Honeyville Community Center ball parks. Commissioner Peters motioned to set aside \$50,000.00 from the timber sale funds to complete the lighting at the Honeyville ball park. Commissioner Peters discussed that there is a lot of participation at the Honeyville Park. Commissioner Williams discussed that there is a lot of activity at the Honeyville Park, but he has playground equipment in the parks in his district that are beyond repair, stating that they need to review the distribution of the funds. Commissioner Yeager suggested getting a cost estimate for this project. Commissioner Williams called for clarification of the motion, and Commissioner Traylor stated to Mr. Peters, “your motion is to set aside \$50,000.00 for lighting at this particular field and lighting only”. Commissioner Peters stated yes. Commissioner Traylor seconded the motion, and it passed 3 to 2, with Commissioner Yeager and Commissioner Williams voting no.

OUT OF COUNTY TRAVEL

Chairman McLemore stated that the budget and legislation issues are over and recommended returning to the Board’s policy, effective immediately, that all out-of-county travel must be approved by the Board. Commissioner Yeager motioned to

approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

TRAVEL - GOVERNORS TASK FORCE / FLORIDA ASSOCIATION OF COUNTIES

Commissioner Williams motioned for Board approval allowing him to travel to the Governor's Task Force meeting in Destin on Wednesday, and to the Florida Association of Counties meeting in Broward County on Thursday. Commissioner Yeager seconded the motion, and it passed 4 to 1, with Chairman McLemore voting no.

There being no further business, and upon motion by Commissioner Traylor, the meeting did then adjourn at 6:55 p.m., E.T.

**CARMEN L. MCLEMORE
CHAIRMAN**

**ATTEST:
REBECCA L. NORRIS
CLERK**