

APRIL 28, 2015

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, Sandy Quinn, Jr., and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Building Inspector George Knight, Emergency Management Director Marshall Nelson, Gulf County E.M.S. Director Houston Whitfield, Fire Coordinator Brad Price, Deputy Grant Coordinator Kari Summers, Mosquito Control Director Mark Cothran, County Planner Brett Lowry, Public Works Director Joe Danford, and Sheriff Mike Harrison.

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 or Information Packet. There being no public comment, Commissioner McLemore motioned to accept the Consent and Information Packet. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motioned passed unanimously, as follows:

1. Minutes – March 10, 2015 – Regular Meeting
2. Agreement – FL Department of Environmental Protection (Amendment #1 * St. Joseph Peninsula Beach Restoration Project * #13GU2)
3. Appointment – Career Source Gulf Coast (L. Christy McElroy * Board Member & Nominating Organization for Appointments)

– County Administrator (Brett Lowry * Gulf County Floodplain Administrator)

4. Inventory – Detention & Corrections (Junk #75-107 * Snapper Mower * Serial Number 21414219 * #75-158 * Ice Machine Replaced * Serial Number CME509AE * #75-116 * Snapper Mower * Serial Number 31262419 * #75-131 * Scag Mower * Serial Number 9010025 * #75-133 * Mower * Serial Number 41131834 * #75-134 * Snapper Mower * Serial Number 50125720 * #75-175 * Trimstar Mower * Serial Number 09090237)

– Public Works (Junk & Request to Sell #100-430 * 1993 Ford F150 * Vin #1FTDF15Y6PNB16742 * #100-433 * 1994 Ford F150 * Vin #2FTEF15Y3RCA78335 * #100-484 * 1994 Ford F150 * Vin #1FTEF14YORNA70589 * #75-59 * 1999 Ford E350 * Vin #1FBSS31S1XHA13702 * 100-378 * 1988 GMC Flatbed * Vin #1GDG6D1F2JV533958 * 75-62 * 1998 Ford F350 * Vin #1FBSS31S8XHA13079 * #75-61 * 1999 Ford E350 * Vin #1FBSS31SOXHA13075 * #1-130-152 * 1993 Ford Van * Vin #1FMEE11YZPHA69801 * #1-100-547 * 1988 GMC Boom * Vin #1GDE6D1B2JV506151 * #100-403 * 1991 Molden Asphalt Spreader Serial Number 4-12-81-166 * 6½x16 Dual Axle * 8x20 3 Axle with Ramps * 6½ x16 Dual Axle * 5x8 Single Axle * 5x10 Single Axle * 4x8 Single Axle)

– State Attorney (Surplus #23007 * Optiplex 760 Computer * Serial Number 7BHV5J1 * #23008 * Latitude E5500 Computer * Serial Number JZDNXG1 * 23009 * Latitude E5500 Computer * Serial Number 10FNXG1)

5. Request for Funds – Gulf County Sheriff's Office (November, 2014 & April, 2015 Beach Patrol * \$3,703.14)

(End)

MEETING – U.S. CONGRESSWOMAN GRAHAM

Alex Quintana, representing U.S. Congresswoman Gwen Graham, appeared before the Board to report that the Congresswoman's office hours will be held after today's Commission meeting at the Port St. Joe Fire Station. He encouraged the public to attend.

ADVERTISE FOR BIDS – REPAIR RADIO TOWERS

Chief Administrator Butler discussed the issues regarding the County Radio System; reporting that First Communications climbed the Port St. Joe radio tower and provided an estimated cost for repairs that is above the bid limit. He suggested that the Board advertise to receive sealed bids for the amount of work based on the quote from First Communications. Upon inquiry by Chairman McDaniel, Chief Administrator Butler reported that the cost to climb the St. Joe Tower has already been paid; stating that it will cost approximately \$3,700.00 to climb the Wewahitchka radio tower. Upon recommendation by Chief Administrator Butler, Commissioner Yeager motioned to

advertise to receive sealed bids for the repair of the radio towers. Commissioner Bryan seconded the motion. After discussion, Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

AGREEMENT – NCSPLUS / E.M.S. BILLING COLLECTION SERVICES

Chief Administrator Butler reported that NCSPlus is the County's secondary debt collector for E.M.S. Billing and recommended the Board renew the agreement. Commissioner McLemore motioned to renew the Professional Services Agreement with NCSPlus, Inc. Commissioner Yeager seconded the motion for discussion. After discussion, Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

SPECIAL MEETING – SUPPLEMENTAL BUDGET HEARING

Following discussion by Chief Administrator Butler, the Board agreed to hold a Public Hearing regarding proposed amendments to the 2014-2015 fiscal year budget on May 5, 2015 at 5:01 p.m., E.T. in the Commission meeting room.

BRIDGE REPAIR – LAKE GROVE ROAD BRIDGE

Chief Administrator Butler reported that F.D.O.T. found a deficiency with the Lake Grove Road Bridge and the engineers have submitted an estimated cost for the design work, in the amount of \$16,000.00. After discussion, Commissioner McLemore motioned to move forward with it. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 3 to 1, with Commissioner Bryan voting no and Commissioner Yeager abstaining due to having a working relationship with Preble-Rish, Inc. <Form 8B on file in the Clerk's Office.>

DONATE PROPERTY – WELLS FARGO

County Attorney Novak reported that the Wells Fargo property donation (5719 Highway 71) is now complete and thanked Wells Fargo for the land donation to the County. He stated that Wells Fargo will pay for the recording fees and once the Deed is received, it will be recorded in the Official Records of the Clerk of Court.

LEASE – INDUSTRIAL PARK

County Attorney Novak reported that Florida Veterans notified the County that they will not be leasing the Industrial Park due to there not being enough available square footage.

MSTU BALLOT – SUPERVISOR OF ELECTIONS

County Attorney Novak stated that the deadline for the MSTU ballot is May 18, 2015.

RESTORE ACT - SCOPE OF SERVICE / DEWBERRY

County Attorney Novak discussed the packet received from the Dewberry presentation presented at the last Board meeting and the Scope of Work. After further discussion by County Attorney Novak, Commissioner Yeager motioned to approve the Scope of Services by Dewberry (Restore Act * Bid #1415-01). Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

ADVERTISE FOR BIDS – ROAD BOND WORK

Following discussion by Assistant Administrator Hammond, Commissioner McLemore motioned to advertise to receive sealed bids for the road bond work (Gas Tax Road Bond, Series 2015). Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

LEAVE NO TRACE ORDINANCE

Assistant Administrator Hammond stated that Staff is making recommendation to: (1) modify Revenue that is generated from the sale of tags to stay in the T.D.C. Budget; (2) remove tagging and unattended personal property from the beach north of the City of Port St. Joe to Mexico Beach; (3) advertise update of fines and fees; (4) provide a start date. He reported that T.D.C. will administer this program, not the Building Department. After discussion, Commissioner McLemore motioned to go with Staff's recommendation. County Attorney Novak discussed the policy that was adopted by the Board at the last meeting regarding the fee structure, and who will administer the tags. He stated that Administration is recommending: (1) to amend the policy adopted to allow T.D.C. issue the tags this year; and (2) the amount of tags issued and the fees <copy not provided to the Clerk for the record>. Commissioner McLemore motioned to go with Staff recommendation and hold a Public Hearing. After inquiry, Commissioner McLemore amended his motion to change the policy. Commissioner Yeager seconded the motion for discussion. Assistant Administrator Hammond reported that the change in the policy is changing the limit of commercial tags from ten (10) to unlimited at \$10.00 each, changing the Building Department that is administering the program to T.D.C., the fee structure; which will have to be amended by ordinance, and the revenue from the sale of the tags would go to T.D.C. Commissioner McLemore included in his motion. Commissioner Yeager stated his second stands. Sheriff Harrison appeared before the Board to discuss his concerns regarding the enforcement of this Ordinance and budget cut-backs. He requested that the fines and fees be placed in the Beach Patrol Budget to cover costs. After further discussion, Chairman McDaniel called for public comment. Pat Hardman, of the Coastal Community Association appeared before the Board to discuss her concerns regarding the original adopted Ordinance and asked the Board to give it a chance to work before changing it. After discussion, Commissioner Yeager withdrew his second. Discussion followed. Commissioner McLemore stated he was not going to pull his motion that he is supportive of Staff's recommendation. Commissioner Yeager seconded the motion for discussion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no. Commissioner McLemore motioned to advertise to hold two (2) public hearings in May as staff recommended to amend the Leave No Trace Ordinance, to be implemented June 1, 2015. Commissioner Yeager seconded the motion for discussion. After discussion, Chairman McDaniel called for public comment. Noel Guardi, of Port St. Joe appeared before the Board to discuss his concerns regarding items left on the beach; stating that he has submitted comments and photos to the County Attorney, T.D.C., and Commissioner Bryan <copies of referenced comments and photos not provided to the Clerk for the record>. Commissioner Yeager motioned to allow Mr. Guardi additional time to speak. Commissioner Bryan seconded the motion. Chairman McDaniel directed the Clerk to add three (3) minutes to the time clock. Mr. Guardi discussed Bay County's

ordinance; stating it is doing fine. Commissioner Bryan discussed email and enforcement. After further discussion, Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no.

TABLE BID #1415-15 – PURCHASE OF PAVING AND LANDFILL COVER CLAY

Upon request by Public Works Director Danford, Commissioner Yeager motioned to table Bid #1415-15 for the purchase of paving and landfill 'cover' clay. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

AWARD BID #1415-14 – CONSIGNMENT/DIRECT PURCHASE LANDFILL COMPACTOR

Following discussion by Public Works Director Danford, Commissioner Yeager motioned to award Bid #1415-14 for the consignment or direct purchase of the Landfill Compactor to Gibbs and Sons Machinery, Inc., in the amount of \$451,500.00. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Public Works Director Danford requested that the excess monies from the sale of the Landfill Compactor go to Public Works Equipment. Commissioner McLemore motioned to approve this request. After further discussion, Commissioner McLemore withdrew his motion.

MONTHLY REPORT – GULF COUNTY E.M.S.

Gulf County E.M.S. Director Whitfield appeared before the Board to present the April, 2015 monthly Run Report <copy provided to the Clerk for the record>.

INSURANCE CLAIM – AMBULANCE

Gulf County E.M.S. Director Whitfield reported that Five Star Collision cannot handle the work regarding the repairs to the wrecked ambulance. He also reported that the insurance adjuster had the ambulance towed to Precision Collision in Lynn Haven; stating that the total cost for repairs will be \$10,009.60 <copy of estimate provided to the Clerk for the record>. Upon inquiry by Commissioner Yeager, County Attorney Novak noted that the amount is under the bid threshold. Upon inquiry by Chairman McDaniel, Gulf County E.M.S. Director Whitfield stated that the vehicle that struck the ambulance was insured and the County's insurance will pursue reimbursement from the vehicle owner. Commissioner McLemore moved the approval of Precision Collision to repair the ambulance, in the amount of \$10,009.60. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

TABLE BID #1415-11 – E.M.S. BILLING SERVICES

Upon request by Gulf County E.M.S. Director Whitfield, Commissioner Yeager motioned to table Bid #1415-11 for the E.M.S. Billing Services. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

COUNTY REDISTRICTING

Attorney Michael Spellman, of Sniffen & Spellman, P.A. appeared before the Board to discuss the redistricting efforts and the 25% over deviation within District IV. He also discussed counting of the inmate population from the 2010 census regarding redistricting. Attorney Spellman reported that American Civil Liberties Union (ACLU) filed a Federal lawsuit in Jefferson County challenging their redistricting efforts following the 2010 Census. He recommended the Board proceed very cautiously; stating that the standard deviation in the District needs to be adjusted. Attorney Spellman reported that he does not have a time-table as to when the Federal Judge will rule on this complaint (Jefferson County). He stated that the County should look at the numbers and not place this on an expedited plan, but monitor the Jefferson County case for now.

The meeting did then recess at 10:40 a.m., E.T.

The meeting did then reconvene at 10:56 a.m., E.T.

RESTORE ACT

Following discussion by County Attorney Novak and recommendation by Gulf County Restore Consultant Dewberry, Commissioner Yeager motioned to allow the Chairman to sign those documents (authorizing the Chairman to execute the necessary grant and Restore application documents to be submitted to the U.S. Treasury for implementation and funding under the M.Y.I.P. (Multi Year Implementation Plan) guidelines). Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

MEMORANDUM OF UNDERSTANDING – E.M.S. SERVICE MEXICO BEACH

After discussion by County Attorney Novak, Gulf County E.M.S. Director Whitfield appeared before the Board to discuss the MOU (memorandum of understanding); stating this agreement will give Mexico Beach guidelines of services before the Gulf County E.M.S. arrive on site <copy was not provided to the Clerk for the record>. Commissioner Yeager motioned to approve the Memorandum of Understanding with Mexico Beach regarding BLS (basic life support) service. Commissioner Quinn seconded the motion. County Attorney Novak stated that the motion needs to include authorization for Chief Administrator Butler or Gulf County E.M.S. Director Whitfield to sign the MOU. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

FLORIDA TRANSPORTATION PLAN UPDATE

Ray Kirkland, of F.D.O.T. appeared before the Board to provide an overview of the Florida Transportation Plan update <copy provided to the Clerk for the record>; stating that The Port is on the SIS (Strategic Intermodal System). He reported that F.D.O.T. is looking at holding a workshop the last week of July, 2015 in Bay County; stating that the Board will receive a notice regarding this workshop. After discussion, Chairman McDaniel called for public comment. There was no public comment. Commissioner Yeager stated that the SIS (Strategic Intermodal System) Program is important to The Port of Port St. Joe.

LEAVE NO TRACE ORDINANCE

Upon inquiry by Commissioner Yeager, County Attorney Novak stated the Board directs him as to the scope amending the proposed ordinance; discussing direction as to address specific issues or proposed language. Commissioner Yeager motioned to limit the scope to fee structure and those items mentioned today. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no.

GULF COUNTY REPRESENTATIVE – FLORIDA D.O.T.

Upon inquiry by Assistant Administrator Hammond, Ray Kirkland, of F.D.O.T. reported that Virgie Bowen, Alicia Briniger, and I (Ray Kirkland) will be the liaisons for Gulf County.

POLICY – LOCAL BIDDER PREFERENCE

Chairman McDaniel discussed his concerns regarding the Local Bidder Preference Policy. Commissioner Yeager stated that the intent of this policy was to support local contractors and local business; reporting that the 7% maybe too much. He reported that Bay County passed a 5% preference policy that gives the local bidder the opportunity to match the lowest bid; noting if the local bidder can match the lowest bid it, does not cost the taxpayer. After discussion by members of the Board, Commissioner Yeager motioned to amend the policy that, within 5%, the local bidder has the option to agree with the lower bid. County Attorney Novak discussed obtaining direction from the Board to draft a proposed amended local bidder preference policy to present at the next regular meeting. The Board had no objection. Commissioner Yeager withdrew his motion and directed staff to present a proposed amended local bidder preference for Board consideration.

PUBLIC RECORDS REQUEST

Upon inquiry by Chairman McDaniel, Clerk Finance Officer Herring stated that the Clerk's Office is following the existing policy and Florida Statute as it pertains to the collection of fees; reporting that you may have people that don't accept the final product that could cause an issue with payment.

FINAL PUBLIC HEARING – AMENDED RECREATIONAL VEHICLES ORDINANCE

Pursuant to advertise to hold a public hearing to consider a proposed amended recreational vehicle ordinance, County Attorney Novak read the proposed ordinance by title. He presented and discussed a packet to the Board for review <copy was not provided to the Clerk for the record>. After discussion, Chairman McDaniel called for public comment. Commissioner McLemore motioned to adopt the amended proposed ordinance with the map that omits St. Joe Beach, north of town down, to Highland View. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. Following discussion by County Attorney Novak, Commissioner McLemore motioned to adopt the map that was presented to the Board, excluding whatever the outline is. Commissioner Yeager seconded the motion. County Attorney Novak discussed the amended map; stating that it mirrors the State's D.E.P. Coastal Construction Line (CCL). Chairman McDaniel called for public comment. Linda Sertich, of Port St. Joe appeared before the Board to discuss her concerns regarding the difficulty in finding information when the Board is going to pass something; stating that it is not on the

Agenda. She stated that she has been reading the Sunshine Law and the State Statutes. Upon inquiry by Commissioner Yeager, Ms. Sertich stated that if she wanted the minutes from the last meeting; they are not available. County Attorney Novak reported that the minutes in the Agenda Packet today were adopted in the Consent Agenda as completed by the Clerk's Office; noting they have to be ratified and adopted by the Board then they become public record. After discussion by Commissioner Bryan, Chairman McDaniel directed the Clerk to hold Ms. Sertich time. After discussion by Commissioner McLemore, County Attorney Novak reported that the County goes above and beyond the statutory requirements and it is in the Notice where Administration has asked for additional postings; the Notice is advertised in the paper; and it is placed in the Agenda as well. After discussion, Ms. Sertich discussed her concerns regarding the annual permit; stating there should not be a fee attached to the annual permit. County Attorney Novak stated the fee was to cover the cost of the paper, sticker, and the cost of filling it out; reporting there is no revenue generated. Ed Mashburn, of Alabama appeared before the Board to read a statement regarding purchasing property in Gulf County and placing an RV on said property <provided written statement to the Clerk for the record>; discussing his concerns regarding the Recreational Vehicle Ordinance. Commissioner Yeager motioned to allow additional time for Mr. Mashburn to speak. Commissioner Bryan seconded the motion. Chairman McDaniel directed the Clerk to add three (3) minutes to the time clock. Mr. Mashburn discussed his concerns regarding the "Grandfather" clause and presented a Florida Sportsman magazine to the Board that has an article that he wrote regarding Gulf County <copy not provided to the Clerk for the record>. Chairman McDaniel called for public comment. Dawn Newberry, of Cape San Blas appeared before the Board to request that the Board leave the Ordinance as it is and don't change the line. Doug Smith, of Beacon Hill appeared before the Board to discuss his concerns regarding the RV (recreational vehicle) Ordinance and his property rights. Jay Rish, of Port St. Joe appeared before the Board to state that property values are going up, not down, and discussed his concerns regarding the proposed amended recreational vehicle ordinance. Pat Hardman, of Port St. Joe appeared before the Board to discuss her concerns regarding property values and requested that the Board leave the present RV Ordinance in place and not change the lines. Upon discussion by County Attorney Novak and recommendation by Staff that the word "criminal" be removed to just read "civil penalties". After discussion by the Board, Chairman McDaniel called for public comment. There being no further comment, the motion then passed 4 to 1, with Commissioner Bryan voting no. County Attorney Novak discussed page 3 regarding the Coastal Construction Line (within the proposed RV ordinance) to amend the language consistent with the map and read the Florida's D.E.P. definition of a CCL. Commissioner McLemore motioned to include the language and definition into the proposed amended Recreational Vehicle ordinance. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Commissioner Bryan motioned to remove the reference to criminal penalties from Section 7D. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Commissioner McLemore motioned for Section 4 (four) and Section 8 (eight) be amended to state the effective date of June 1, 2015. After discussion by County Attorney Novak, Commissioner McLemore amended his motion to an effective date of July 1, 2015.

Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. Noel Guardi, of Port St. Joe appeared before the Board to inquire about the hardship exemptions in Section 6 (six). County Attorney Novak read Section 6 (six) aloud for the public; stating it would be 'and', not 'or'. After discussion regarding adding the word 'and' and numbering, the motion passed unanimously. Upon discussion by County Attorney Novak, Commissioner Bryan motioned to add the language under Subsection 5 (five) under C regarding commercial use of Recreational Vehicles in the restricted corridor. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Upon inquiry by Doug Smith, Commissioner Bryan stated that the Board just passed a motion regarding the 'grandfathered in' issue; noting that if you own your lot and RV, you cannot rent it out; it is for your use. County Attorney Novak stated that the grandfather clause is for your personal use of recreational vehicles. Commissioner Quinn motioned to amend the grandfather clause allowing the owner to leave the property to an immediate family member, son or daughter; so that immediate family, son or daughter, can enjoy that property same way as the owner did. After discussion by members for the Board, Commissioner McLemore seconded the motion. County Attorney Novak reported that the grandfather language includes the wife/spouse. After discussion, Chairman McDaniel called for public comment. Doug Smith, of Beacon Hill appeared before the Board to discuss his concerns regarding recreational vehicles in Gulf County. June Mashburn, of Alabama appeared before the Board to discuss her concerns regarding the grandfather clause; stating that they would like to give their property to their son to enjoy. Upon inquiry by County Attorney Novak, Commissioner Quinn requested that the grandfather continue on down the immediate family line. Further discussion followed, Noel Guardi, of Port St. Joe appeared before the Board to discuss his concerns with public safety issue if the Board agrees to amend the grandfather clause. The motion then passed 4 to 1, with Commissioner Bryan voting no. Upon inquiry by Commissioner Yeager, Chairman McDaniel stated that the Public Hearing is closed.

ORDINANCE 2015-06

AMENDING ORDINANCE (2015-03) OF GULF COUNTY IN THE STATE OF FLORIDA (AS AMENDED 428115) FOR CREATING POLICIES REGULATING RECREATIONAL VEHICLES (RV)'S AND THEIR LOCATION, PLACEMENT, RV'S PER PARCEL, USE AND STORAGE OF RV'S WITHIN BOTH UNINCORPORATED GULF COUNTY AND WITHIN THE COASTAL CORRIDOR; FOR SAID POLICIES TO AMEND, BE CODIFIED AND BECOME PART OF THE GULF COUNTY LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County Florida (hereinafter Commission) find and determine that Gulf County has adopted through action of the Commissioners, Land Development Regulations in order to implement its

Comprehensive Plan, to comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 of Florida Statutes, providing for the comprehensive plan and implementation through enactment of certain ordinances; and

WHEREAS, the Commission having received many verbal and written public recommendations from its citizens at public hearings over a four year period culminating in four separate public hearings to address the use and restrictions of RV's throughout the County in order to protect the health and welfare of its residents, the natural coastal beauty of Gulf County and the quality of life for all citizens within the County; and

WHEREAS, the Commission has sought the recommendations of its Gulf County Planning and Development Review Board (P.D.R.B) following multiple public hearings held by the P.D.R.B regarding the regulations of RV's within the County; and

WHEREAS, the Commission has received the recommendations of the P.D.R.B, County professional planner and county building officials and conducted its own public hearings on the issue to establish the community's public health concerns and comments in formulating an Ordinance that achieves the goals of the County Comprehensive Plan while balancing the property rights of its citizens and visitors; and

WHEREAS, the Commission has sought to implement the tools of smart growth management and its Florida best practices for County land regulations in establishing a proactive planning approach while maintaining the principles of Florida Statute 70.001, "Bert J. Harris, Jr., Private Property Rights Protection Act"; and

WHEREAS, the Commission seeks to reaffirm the County scope of development to one (1) dwelling unit for site built and mobile homes to be consistently applied and extended to also include the use and density of RV's within Gulf County; and

WHEREAS, a Coastal Corridor exists within the County of Gulf along its shores of the Gulf of Mexico consistent with the defined Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) in Gulf County including highways, roads, and rights of ways, including US 98, SR 30A and 30E; and

WHEREAS, the Coastal Corridor of Gulf County is at the core of the "Forgotten Coast" of the State of Florida, identified by pristine beaches, fertile fishing areas, critical environmental habitats and state restricted lands and parks, and with areas of Gulf County's coastline being nationally recognized as the "#1 Beach in America" and some of the "most beautiful beaches in the United States"; and

WHEREAS, in recognition of Gulf County's mapped Coastal Construction Line areas as defined by Florida Department of Environmental Protection and its impact upon the Coastal Corridor the Commission seeks to reduce a significant threat and public safety concern through the smart growth management and use of RV's along of these

coastal areas; and

WHEREAS, the DEP's control line was created as a component of the Florida Beach and Shore Preservation Act pursuant Florida Statute Chapter 161, Parts I and II; and

WHEREAS, the Coastal Construction Control Line Program is an essential element of Florida's coastal management program as it provides protection for Florida's beaches and dunes while assuring reasonable use of private property; and

WHEREAS, recognizing the value of the state's beaches, the Florida legislature initiated the Coastal Construction Control Line Program to protect the coastal system from improperly sited and designed structures which can destabilize or destroy the beach and dune system. Once destabilized, the valuable natural resources are lost, as are its important values for recreation, upland property protection and environmental habitat; and

WHEREAS, adoption of a coastal construction control line established an area of jurisdiction in which special siting and design criteria are applied for construction and related activities. These standards were more stringent than those already applied in the rest of the coastal building zone because of the greater forces expected to occur in these areas, and

WHEREAS, in further recognition of the public and staff comments regarding the State of Florida and thereby Gulf County's Building Codes concerning the areas most vulnerable to hurricanes as those being along the Gulf of Mexico coasts and the elevated basic wind speeds for various risk categories in coastal construction and design; and

WHEREAS, the Commission wishes to recognize and regulate the use, placement and amount of RV's per parcel throughout the County and specifically within the Coastal Corridor in compliance and acknowledgment that large portions of the corridor are within or impacted by the Coastal High Hazard Areas as defined within Gulf County's state mandated Comprehensive Plan; and

WHEREAS, the Commission has received comment and public input from commercial RV park operators within the County seeking the proper enforcement and protection of their business enterprise and past compliance with the State of Florida and Department of Health guidelines for multiple and concentrated RV use and occupancy on a select land area within Gulf County; and

WHEREAS, the Commission wishes to regulate certain types of use and placement of recreational vehicles on individual lots along the Coastal Corridor and such prohibition will not only protect the public health and welfare, through the protection from overuse and uncontrolled sprawl and possible blight by noncompliant RV's, the aquifer, limited natural resources and the raw coastal environment; and

WHEREAS, the uncontrolled placement and use of recreational vehicles throughout the County and within the Coastal Corridor has and will continue to have effects on the County as a whole which affects the general health, natural beauty, public safety, smart growth and the joint welfare and wellbeing of the residents; and

WHEREAS, on January 5, 2015 and January 19, 2015 a Public Notice was advertised in The News Herald offering the public an opportunity to participate at two public hearings before the Board of County Commissioners (BOCC) on January 13, 2015 at 9:00 am and a second public hearing on January 27, 2015 at 5:01 p.m. for the adoption of the original Gulf County Ordinance 2015-03; and

WHEREAS, on April 1st, 2015 and April 15th, 2015 a second Public Notice was advertised for amendment to Gulf County Ordinance 2015-03 in The News Herald offering the public an opportunity to p-participate at two public hearings before the Board of County Commissioners on April 14, 2015 at 9:00 a.m. and a second public hearing on April 28, 2015 at 9:00 a.m. for the adoption of an amended ordinance; and

WHEREAS, the Commission hereinafter shall commonly refer to this Ordinance as the "Gulf County RV Ordinance" and its adoption and thereafter amendments shall be considered further for incorporation and consistency with the Gulf County Land Development Regulations; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gulf County, in the State of Florida as follows:

Section 1 - Short Title.

This Ordinance shall hereafter be known and referred to as the "Gulf County RV Ordinance".

Section 2 - Authority.

This ordinance and amendment are adopted by the Gulf County Commission in accordance with and under the authoritative powers permitted by home rule, the County's police powers to protect the public health, safety and welfare, and under the powers pursuant to the authority granted under Florida Statute 125 for the implementation and enforcement of standards, rules and regulations set forth herein.

Section 3 - Purpose.

The purpose of this Ordinance is to prohibit the uncontrolled use and placement of recreational vehicles throughout Gulf County and within the area comprising the Hurricane Prone Region and Wind-Borne Debris Region of Gulf County referred hereinafter as "Coastal Construction Corridor" or "Corridor", including all as defined below.

Section 4 - Definitions.

The Gulf County Land Development regulations relating to definitions is hereby amended to include the following:

Accessory Structure – A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Building – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animals, process, equipment, goods or materials of any kind or nature. All buildings are structures.

Coastal Construction Corridor and/or Coastal Corridor - Gulf County - As structured and defined by the 2010 Florida Department of Environmental Protection (DEP) Coastal Construction Control Line (CCCL) in conjunction and consideration of the Florida Building Code and high risk areas are combined to create the Gulf County Coastal Construction Corridor for purposes of this RV ordinance and defined as: the areas most vulnerable along the Gulf of Mexico coastline tracking the same lines of the DEP's CCCL and where the basic wind speed for Risk Category II buildings is greatest (greater than 130 mph (48 mis). Fla. Building Code 1609.2. Further, those areas within this hurricane-prone region located south of the Intracoastal water system that are within 1 mile (1.61 km) of the Florida DEP Coastal Construction Control Line shall also be defined as the Gulf County Coastal Construction Corridor and commonly referred to and referenced for purposes of this ordinance as the "Restrictive RV Zone(s)".) (See attached map for defined Gulf County Restrictive RV Zone)

Dwelling – A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit – One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single family maintaining a household, and located on a single lot or platted parcel of land.

Gulf County Restrictive RV Zone – see definition of *Coastal Construction Corridor* above.

Lot – A designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the Gulf County HRS Public Health Unit, or as otherwise allowed by law, to be used, developed or built upon as a unit and has been assigned the proper parcel identification number by the Gulf County Property Assessor's office. Use of "lot" throughout the ordinance language is hereby interchangeable and synonymous with

"parcel" identically defined below.

Manufactured structures – A building/structure transportable in one or more sections designed to be used either with a self-contained foundation or a permanent foundation, when set up with or without utilities. The term shall also include storage buildings, park trailers, travel trailers, and similar transportable structures such as mobile homes and recreational vehicles placed on a lot or parcel of land.

Parcel- A designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the Gulf County HRS Public Health Unit, or as otherwise allowed by law, to be used, developed or built upon as a unit and has been assigned the proper parcel identification number by the Gulf County Property Assessor's office. Use of "parcel" throughout the ordinance language is hereby interchangeable and synonymous with "lot" identically defined above.

Non-dwelling Unit/Structure – Any structure or building not designed or intended to be used as a dwelling unit including pre-built sheds, pole barns, free-standing canopies, etc.

Recreational Vehicle or "R.V." – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailer and self-propelled homes. For purposes of this ordinance, an RV is not considered a Risk Category II building or structure "single family dwelling" under the Florida Building Code. RV's in Gulf County shall be defined herein as a Risk Category I structure and nature of the occupancy. Fla. Building Code 1604.5

RV Park: A development that is designed to accommodate RV's on dedicated sites either through short or long term rental not to exceed 180 consecutive days.

RV Subdivision: A development that contains platted lots designed to accommodate RV's either through lease or individual ownership of a platted lot.

RV and Mobile Home Parks/Subdivisions are strictly regulated and controlled by Florida Statutes and Florida Department of Health and must meet all proper regulations as well as remain in compliance with these County regulations.

Structure – A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of the land or water. Not all structures are buildings.

Section 5 – Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Land Development

Regulations; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the LDR is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

Section 6 - RV Regulations

A) RV Regulations within the unincorporated areas of Gulf County:

RV's located within the unincorporated areas of the County outside the Coastal Construction Corridor (Unrestricted RV Zones) shall be permitted throughout the County in accordance with the terms set forth by the Gulf County current (6/24/13) LDR's Section 3.02.04 and summarized as follows:

- 1) One (1) RV per lot/parcel.
- 2) Lot/parcel coverage by RV and accessories is not to exceed 30% impervious area.
- 3) Lot/parcel with RV must allow for two (2) parking spaces per lot. Parking on any right of way is strictly prohibited for consideration in RV requirements.
- 4) All RV's must meet standard building setbacks.
- 5) All RV's must comply with all existing Gulf County LDR and Comprehensive Plan guidelines and requirements.

B) RV's Regulations specifically within the defined Coastal Construction Corridors:

RV's permitted within the defined Coastal Construction Corridors (Restrictive RV Zones) shall be bound to all regulations stated above and comply with the following additional restrictions:

- 1) Recorded property owners and their direct and documented lineal descendent of parcel or lot within the Coastal Construction Corridor prior to January 28, 2015 shall be grandfathered to continue their use of property for personal Recreational Vehicles with the following conditions met:
 - Annual permitting of the RV with Gulf County in accordance with the permitting guidelines defined herein
 - Continue to meet all requirements under Section 6(A) and current Gulf County LDR guidelines
 - Mandatory evacuation of all RV's within this Restrictive RV Zone within 48 hours of Gulf County Declaration of Local State of Emergency for either wind, storm or flood events.

2) Grandfathered "use" protection: individual title to the parcel prior to the prohibited use restriction shall terminate for the defined existing owners upon any one of the following:

- Sale or any transfer of ownership from current individual named title owner(s) (joint tenancy as well as one or both named spouses shall be considered permissible individual ownership; transfer through estate to direct child of permitted user; permitting to a corporate entity or trust shall be strictly prohibited); or
- Owner's death shall extinguish the grandfather provision for the parcel (pre-existing lawful spouses excluded) without direct inheritance and registration by qualified child(ren) of decedent; or
- Owner's failure to comply with mandatory removal of RV from Corridor within 48 hours of declaration of Local State of Emergency by Gulf County due to a wind, storm or flood threat. Owner shall be permitted to complete the calendar year under which they received the annual RV permit and thereafter prohibited through proper restriction and regulation defined by this Ordinance
- Grandfather provision shall be applied and available exclusively to direct lineal descendents of the named title owners of parcel prior to original adoption date of (January 28, 2015) and exempted RV permit recipients with proper review and documentation that name of parcel passed through parental estate directly to lineal descendent(s) (exclusively son or daughter).

Exceptional circumstances:

3) Recreational Permits for Corridor Use:

Gulf County shall issue up to two (2) recreational fourteen (14) day permits to a parcel or lot owner within the Coastal Construction Corridor (acquired after enactment of this ordinance) on an annual basis following the proper application, proof of ownership and receipt of permit to be prominently displayed on the RV during its occupancy within the Corridor. This provision shall not apply to those RV's lawfully visiting Gulf County's RV commercial parks within the Coastal Construction Corridor.

4) RV's located on a lot/parcel within the Corridor that are being stored and not occupied and that are located on the same lot/parcel as the occupied principal dwelling unit are permitted under these exceptions year round with proper and continual compliance of County registration, permitting, mandatory evacuations and Section 6(A) guidelines above.

5) The following additional exceptional RV uses shall apply for residential RV use within the Coastal Construction Corridor through application to the Gulf County Planning Department for extended occupancy and final approval of the County Commission following consideration of the Planning Development and Review Board ("PDRB"):

Construction Periods - The use and occupancy of an RV within the Coastal Construction Corridor during construction or repair of a primary dwelling unit and/or business shall be afforded consideration by the PDRB and approval of the Commission

for up to 180 consecutive days and renewable upon re-application thereafter.

Emergency Periods - The use and occupancy of RV's as a dwelling unit during disaster recovery (fire, weather event, etc.) and family medical emergencies (ie. visiting Gulf County and residing in RV while family member is in care of area hospital) shall be afforded consideration by the PDRB and approval of the Commission for up to 180 consecutive days and renewable upon re-application thereafter.

Hardship Exemptions - The owner of both the same lot/parcel and RV within the defined Coastal Corridor may upon application, seek a hardship exemption other than that defined under 5(i) and (ii) above and specifically Section 6B(1) Coastal Corridors restrictions for the permitted use and occupancy with the Restricted RV Zone for no greater a period of 180 consecutive days after review by the PDRB and final approval of the Commission upon findings that:

- The named applicant is the same of both the parcel/lot and the proposed occupied RV; and
- A substantial hardship is demonstrated; and
- The exemption will be consistent with the intent and purpose of the Gulf County LDR and Comprehensive Plan guidelines and requirements as well as the clauses and findings stated above seeking to balance and preserve public safety, property rights and coastal property protection; and
- The application of Section 6B(1) Coastal Construction Corridor restrictions on the established lot/parcel and RV owner would be significantly outweighed by the demonstrated hardship and deleterious impacts to the applicant; and
- Upon an applicant demonstrating to the County that a hardship is created by the requirements to comply with the ordinance and that relatively little impact will occur from the exemption, then they may be permitted upon proper application, notice, hearing and consideration of the PDRB and final approval of the County Commission to maintain continuous and uninterrupted ownership, use and occupancy for up to 180 consecutive days; and
- The hardship exemption shall cease and terminate immediately upon the sooner of either the removal of the hardship or the expiration of the days granted by the County Commission

C) Miscellaneous provisions

- 1) All RV's within Gulf County Coastal Construction Corridor shall be registered annually and receive a permit from the County for display. The issued permit shall be prominently displayed by the RV owner and clearly visible to County officials.
- 2) RV registration, application and permit fees shall be adopted annually upon recommendation and consult by the Commission with the following: County Administrative Staff, Planning and Building Department staff and County Code Enforcement officials.
- 3) Annual County registration and filing of all RV's shall include disclosure of consistency in ownership status for continued grandfather exemption.
- 4) Any and all rentals of commercial RV locations within the County shall be subject to

Bed Tax Regulations under Florida Statute 125.0104 and Gulf County Ordinance 2012-03 if applicable to short term stay.

- 5) Personal use shall be strictly enforced within the restricted RV zone and commercial rental of parcel/lots for RV rental use is prohibited and deemed to violate the provisions and intent of this ordinance. The RV zone exemptions and grandfathered use is for documented and registered exclusive personal RV use on the owner's parcel/lot.

Section 7 - Enforcement

- A) Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials through its established Special Magistrate hearing procedure and in accordance with Florida Statute 125.69:
- B) Violation of any provision of this ordinance shall be subject to the following penalties in addition to the loss of existing grandfather exemptions under 6B(2):
First violation: \$50.00 fine; \$50.00 per day thereafter
Second violation: \$100.00; \$50.00 per day thereafter
Third violation: Fine not to exceed \$500.00 pursuant to Florida Statute 162.22.
- C) Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance (implementation period not to exceed July 1, 2015), code enforcement officials may provide violators with no more than one (1) written warning.
- D) The County shall reserve its rights to such civil remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

Section 8 - Effective Date

This Ordinance shall take effect upon final adoption and publication in accordance with the law following the proper and compliant public hearings and notice and implementation no later than July 1, 2015.

Section 9 - Severability

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 10 - Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 11 - Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk to the Board.

Adopted as amended on this 28th day of April, 2015.

(End)

TRAFFIC – RECREATIONAL VEHICLES

Dave Tompkins, of Indian Pass appeared before the Board to discuss his concerns about getting recreational vehicles out of the community during a storm. <Commissioner McLemore left the meeting at 12:23 p.m., E.T.> County Attorney Novak reported that the recreational vehicles will be required to be road ready and insured.

MONTHLY REPORT – E.D.C.

E.D.C. Chairman Christy McElroy appeared before the Board to provide a monthly report regarding E.D.C; requesting that the Board consider placing County property on the E.D.C. website. She reported that the E.D.C. Board approved a mission statement and it will be presented to the Commission for consideration. E.D.C. Chairman McElroy stated that Dewberry will be attending the next E.D.C. meeting and encouraged the Commission to attend. Upon inquiry by Chairman McDaniel, E.D.C. Chairman McElroy reported that the next E.D.C. meeting will be held on May 20, 2015.

MANDATORY GARBAGE PICKUP - COUNTYWIDE

Commissioner Yeager discussed looking at countywide mandatory garbage pickup and consider moving forward.

RECREATIONAL VEHICLE ORDINANCE

Upon inquiry by Doug Smith, Chairman McDaniel stated that if the recreational vehicle owner is not able to move there RV during a storm that it can be moved to a storage lot.

There being no further business, and upon motion by Commissioner Yeager, second by Commissioner Quinn, and unanimous 4-0 vote, the meeting did then adjourn at 12:28 p.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CHAIRMAN**