

**OCTOBER 22, 2013**  
**PORT ST. JOE, FLORIDA**  
**REGULAR MEETING**

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

Others present were: County Attorney Jeremy Novak, 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, Central Services Director Denise Manuel, Emergency Management Director Marshall Nelson, Grant Writer Towan Kopinsky, Gulf County E.M.S. Director Houston Whitfield, Maintenance Superintendent Steve Mork, Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Joe Danford, Sheriff Mike Harrison, and T.D.C. Executive Director Jennifer Jenkins.

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

Deputy Administrator Lanier opened the meeting with prayer. Chairman Smiley led the Pledge of Allegiance to the Flag.

**CONSENT AGENDA**

Chairman Smiley called for public comment concerning the Consent Agenda. Deputy Administrator Lanier reported that Tom Semmes would like to speak in reference to Right to Speak. Tom Semmes, of Wewahitchka, appeared before the Board to discuss his concerns regarding viewing the proposed ordinance. County Attorney Novak reported that Senate Bill 50 was passed and signed by the Governor during the summer, and the proposed ordinance was presented to the Board over five (5) weeks ago and has been advertised in the local paper. After further discussion, Commissioner Yeager motioned to approve the Consent Agenda with a correction to the Minutes under the topic Inspections-County Jail. Commissioner Bryan requested that Item #9 Pages 136-137 - Policy for Administrator Oversight and Direction be pulled from the Consent Agenda. Commissioner Yeager then amended his motion to include the pulling of Pages 136-137 (Item #9 – Policy for Administrator Oversight and Direction). Commissioner McDaniel seconded the motion, and it passed 4 to 1, with Commissioner McLemore abstaining due to involvement in a Land Use Change within the Agenda. <Form 8B is on file in the Clerk's Office>.

1. Minutes – August 13, 2013 – Regular Meeting

2. Approval of Checks and Warrants for September, 2013 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Agreement – Agency for Health Care Administration (Low Income Pool \* \$417,604.00)  
  
Agreement – Florida Rural Broadband Alliance - Amendment #1 (Wireless Communication Equipment Facilities - Gulf County Administration Tower \* Gulf County Courthouse Tower \* Gulf County Water Tower)
4. Budget Amendment #10 – General Fund (Amend the FY 2012-2013 Budget for the General Fund by reducing Board of County Commissioners Budget and increasing the County Extension Budget by \$3,600.00 to cover additional remodeling expenses), as follows:

**BUDGET AMENDMENT #10**

Amend the FY 2012-2013 Budget for the General Fund by reducing Board of County Commissioners Budget and increasing the County Extension Budget by \$3,600 to cover additional remodeling expenses as discussed and approved at the 10/8/13 Regular BOCC Meeting.

<b>GENERAL FUND</b>				
	<u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended Budget</u>
<b>Board of Co. Comm.:</b>				
21111-40003 Travel: District 3	\$ 4,800.00	\$ 0.00	\$3,600.00	\$ 1,200.00
<b>County Extension:</b>				
63237-46100 Repair Maint:Bldg & Grds	\$10,800.00	\$1,636.00	\$ 0.00	\$12,436.00
63237-46200 Repairs & Maint: Equip	\$ 0.00	\$1,964.00	\$ 0.00	\$ 1,964.00

This Budget Amendment duly approved and adopted by the Gulf County Board of County Commissioners at their regular meeting on the 22<sup>nd</sup> day of October, 2013.

(End)

Budget Amendment #11 – General Fund (Amend the FY 2012-2013 Budget for the General Fund by reducing PSJ Downtown Redevelopment Agency Budget and increasing the Insurance Department Budget by \$10,000.00 to pay the insurance deductible resulting from the James Garth Case), as follows:

**BUDGET AMENDMENT #11**

Amend the FY 2012-2013 Budget for the General Fund by reducing PSJ Downtown Redevelopment Agency Budget and increasing the Insurance Department Budget by \$10,000 to pay the insurance deductible resulting from the James Garth Case. This funding was discussed and approved at the 10/8/13 Regular BOCC Meeting.

**GENERAL FUND**

	<b>Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>PSJ Downtown Redevelopment Agency:</b>				
22652-83000 Other Grants & Aids	\$150,000.00	\$ 0.00	\$10,000.00	\$140,000.00
<b>Insurance Department:</b>				
225513-45000 Insurance	\$314,103.00	\$ 10,000.00	\$ 0.00	\$324,103.00

This Budget Amendment duly approved and adopted by the Gulf County Board of County Commissioners at their regular meeting on the 22<sup>nd</sup> day of October, 2013.

(End)

5. Grant Acceptance – Emergency Food & Shelter Funding Phase 31 (\$4,877.00)
  - State Homeland Security (\$14,200.00)
  
6. Grant Agreement – FL Department of Environmental Protection (St. Joseph Peninsula Beach Restoration Project)
  
7. Inventory – Clerk (Transfer Item #10-365; Asset #3058; HP Design Jet 815 MFP Plat Machine; S/N DK39F1101N; Model #Q1278A from the Clerk to the Planning Department for parts)
  - Tax Collector (Remove Asset #40-8 black shelf \* Asset #40-7 cabinet \* Asset #40-18 black drawer \* Asset #190-8 grey filing cabinet \* Asset #40-3 green desk \* Asset #90-56A green chair \* Asset #L6A brown chair \* Asset #150-5C dark green chair)
  
8. Invoices – MRD Associates, Inc. – St. Joseph Peninsula Post-Construction Shorebird Monitoring Services (Invoice #1637 \* \$2,900.00 \* to be paid from Account #28039-31000)
  - UniFirst Corporation (Old Courthouse \* Invoice #2710054502 \* \$22.11 \* Public Works \* Invoice #2710054998 \* \$11.25 \* Invoice #2710054999 \* \$55.27 \* Invoice #2710055488 \* \$55.27 \* Invoice #2710055000 \* \$63.14 \* Invoice #2710055489 \* \$63.14 \* Courthouse \* Invoice #2710055002 \* \$72.25 \* Maintenance \* Invoice #2710055001 \* \$42.03 \* Invoice #2710055490 \* \$42.03)

9. **\*\*DELETE\*\*** - Policy for Administrator Oversight & Direction
10. Tax Collector - 2013 Tax Roll Extension
11. T.D.C. – 2013-2014 Marketing Funds Allocation  
– Amendment to Sponsorship & Special Funding Reimbursement
12. Travel – 2014 National Hurricane Conference (April 14-17, 2014 \* Orlando, FL)

(End)

### **POLICY – ADMINISTRATOR OVERSIGHT & DIRECTION**

Upon inquiry by Commissioner Bryan, Attorney Novak discussed the intent of the proposed policy which was pulled from the Consent Agenda Item #9 (Pages 136-137). After further discussion, Commissioner Yeager motioned to adopt the proposed policy which was previously pulled from the Consent Agenda (Pages 136-137). Commissioner McDaniel seconded the motion, and it passed unanimously.

### **WEWAHITCHKA MEDICAL CENTER**

Katrina Saunders, of Wewahitchka Medical Center appeared before the Board to give an update regarding the Wewahitchka Medical Clinic. She reported that this clinic is one of Gulf County's Federally Qualified Healthcare Centers providing primary medical care. Ms. Saunders also reported that the Clinic is running at approximately fifty (50) percent capacity and discussed the services they are providing. Commissioner McLemore thanked Ms. Saunders for the report regarding the Clinic's status and services. Commissioner McDaniel reported that these services are not just limited to the Wewahitchka area; stating it is for the entire County and neighboring Bay County.

### **AWARD BID #1213-21 – HOUSING PROJECT / C.D.B.G.**

Jeffery Winter, of Jordan & Associates appeared before the Board to discuss the summary of the C.D.B.G. (Community Development Block Grant); stating that sealed bids (#1213-21) were accepted and opened on October 17, 2013 for thirteen (13) Housing Rehabilitation Projects. He reported the need for the Board to address one (1) of the pre-qualified contractors; stating that their sealed bid was submitted at 12:09 p.m., E.T. which was past the 12:00 p.m., E.T. deadline. Upon recommendation by Mr. Winter, County Attorney Novak discussed the process, and reported that there was one sealed bid filed late. He recommended that the Board decide to accept or deny the late filed sealed bid. Commissioner Yeager motioned to accept the late filed sealed bids from Crest Enterprises. Commissioner McLemore seconded the motion for discussion. After discussion from members of the Board, Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously, as follows:

**Bryan-Co Services, Inc.**

GC-09: Nancy Williams, 1720 CR 381, Wewahitchka - \$98,244.00

**Crest Enterprises & Land Development, Inc.**

GC-05: Jason Earnest, 130 Ridge Road, Wewahitchka - \$38,125.00

GC-11: Sheila Lucas, 195 Scrub Oak Street, Port St. Joe - \$23,100.00

GC-13: Artie Mae Gay, 7276 Dahlia Street, White City - \$15,275.00

**Fla. Homes, Inc. Realty/Construction**

GC-01: Dennis Anderson, 1621 Old Panama Highway, Wewahitchka - \$77,575.00

GC-03: Susan Moore & April Murray, 625 Maddox Street, Port St. Joe - \$84,660.00

GC-04: Ida & Sammy Porter, 1745 Old Panama Highway, Wewahitchka - \$78,725.00

**Gulf 2 Bay Development & Construction, LLC**

GC-02: Charlotte & Walter Seabrooks, 142 Palm Breeze Way, Port St. Joe - \$27,966.83

GC-06: Delores Koven, 279 Roberts Cemetery Road, Wewahitchka - \$34,457.39

GC-10: Joanna & Rodney Levins, 261 Iola Street, Port St. Joe - \$100,320.07

**Raymond Driesbach, LLC**

GC-07: Oletha Bowers, 281 Freeman Rouse Road, Wewahitchka - \$22,377.00

GC-08: Mary Ellen Butler, 221 E. Creekview Drive, Wewahitchka - \$102,654.00

GC-12: Holly Cargill, 284 Stebel Drive, White City - \$90,030.00

**COMMUNITY DEVELOPMENT BLOCK GRANT (C.D.B.G.)**

County Attorney Novak discussed the recommendations by Mr. Winter regarding the Housing Assistance Plan (H.A.P.) Amendments. Mr. Winter recommended approval of the one (1) time waiving of the requirement to award contracts to demolition/new construction projects that exceed \$65,000.00. Commissioner McDaniel motioned to approve this recommendation. Commissioner Yeager seconded the motion for discussion. After discussion, the motion then passed unanimously (3-0), with Commissioner McLemore abstaining due to family relationship with GC-09, and Chairman Smiley abstaining due to family relationship with GC-04. <Form 8B's on file in the Clerk's Office.> Attorney Novak discussed Mr. Winter's previous recommendation to increase the S.H.I.P. contributions from \$125,000.00 to \$350,000.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion for discussion. County Attorney Novak presented the projects that the level would be increased: (1) GC-09 Nancy Williams, (2) GC-01 Dennis Anderson, (3) GC-03 Susan Moore & April Murray, (4) GC-04 Ida & Sammy Porter, (5) GC-12 Holly Cargill, and (6) GC-10 Joanna & Rodney Levins. Deputy Administrator Lowry recommended approval of S.H.I.P. Rehabilitation Assistance of up to \$40,000.00 in conjunction with funding from the C.D.B.G. Program. Upon motion by Commissioner Yeager, second by Commissioner McDaniel, and unanimous (3-0) vote, with Commissioner McLemore and Chairman Smiley abstaining due to family involvement, the Board approved this recommendation. Mr. Winter recommended approval to waive requirements for each contractor to satisfactorily complete one (1) project through the C.D.B.G. Housing Programs before receiving any additional contracts. Commissioner McDaniel motioned

to approve this recommendation. Commissioner Bryan seconded the motion, and it passed 4 to 1, with Chairman Smiley abstaining due to family involvement. County Attorney Novak recommended accepting the first recommendation presented by Mr. Winter accepting the late sealed bid from Crest Enterprises. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously (3-0), with Commissioner McLemore and Chairman Smiley abstaining due to family involvement. Mr. Winter discussed the maximum Relocation Fee and recommended \$1,250.00 for the demolition/new construction and \$750.00 for the Rehabilitation Projects. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion, and it passed unanimously (3-0), with Commissioner McLemore and Chairman Smiley abstaining due to family involvement. Mr. Winter requested approval to allow flexibility to move forward with County Staff should a contractor withdraw their sealed bid and move forward with new contractor and execute contract. Commissioner McDaniel motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously (3-0), with Commissioner McLemore and Chairman Smiley abstaining due to family involvement. <Form 8B on file in Clerk's Office>

#### **PROPOSAL – PREBLE-RISH, INC - STUMPHOLE REVETMENT**

Grant Writer Kopinsky reported the County received a grant from D.O.T. to complete the original permitted footage at the Stumphole, and recommended approval of a proposal from Preble-Rish to do the engineering services. Commissioner McDaniel motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously (4-0), with Commissioner Yeager abstaining due to a business relationship. <Form 8B on file in the Clerk's Office>. Chairman Smiley called for public comment. There was no public comment.

#### **PUBLIC HEARING – PUBLIC SPEAKING ORDINANCE**

County Attorney Novak discussed Senate Bill 50 and read the proposed ordinance by title. Commissioner Bryan discussed her concerns with the language used and suggested to change the word "insulting" to "abusive". After discussion, Commissioner Bryan motioned to remove the word "insulting" from the proposed ordinance. Commissioner Yeager seconded the motion, and it passed 4 to 1, with Commissioner McLemore voting no. Commissioner Bryan then motioned to include the word "abusive" in the language. Commissioner Yeager seconded the motion, and it passed 4 to 1, with Commissioner McLemore voting no. Commissioner Bryan then motioned to include the general public in the list of whom the language is directed at. Commissioner Yeager seconded the motion, and it passed 3 to 2, with Commissioner McLemore and Chairman Smiley voting no. Chairman Smiley called for public comment. There was no public comment. Commissioner Yeager motioned to adopt the proposed ordinance with the amendments. Commissioner Bryan seconded the motion, and it passed unanimously.

**ORDINANCE 2013-07**

**AN ORDINANCE OF GULF COUNTY, FLORIDA, ENTITLED PUBLIC PARTICIPATION AT BOARD MEETING; PROVIDING FOR REPEALER, SEVERABILITY, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida recently adopted Senate Bill 50, now codified as Chapter 2013-227, Laws of Florida; and

**WHEREAS**, Senate Bill 50 sets forth certain requirements for participation by the public as meetings of the Board of County Commissioners as well as other boards created by the Board of County Commissioners; and

**WHEREAS**, as a result of Senate Bill 50, now codified as Chapter 2013-227, Laws of Florida and enacted by Legislature of the State of Florida under Section 286.0114, have directed this commission to provide a member of the public reasonable opportunity to be heard by a board or commission in specified matters and issues as defined by the statute; and

**WHEREAS**, as a result of this enactment by Legislature of the State of Florida under Florida Statute Section 286.0114, this Board of County Commissioners has deemed it appropriate and necessary to memorialize past adopted policies pertaining to public participation at Board meetings; and

**WHEREAS**, pursuant to Florida Statute 125.01 the County shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

**WHEREAS**, pursuant to Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Gulf County, Florida, that:

**SECTION 1. Public participation at board meetings.**

In order to provide the general public an opportunity to address the Board of County Commissioners, and in compliance with Florida Law, members of the public shall be given a reasonable opportunity to address the Board of County Commissioners on any concern under the jurisdiction of the Board and on any proposition prior to the Board taking official action on such proposition. To ensure a full and fair opportunity for all citizens to be heard, the following rules shall apply to all legislative, quasi-legislative and quasi-judicial matters, unless formal quasi-judicial procedures are instituted:

a. Public comment on any concern under the jurisdiction of the Board or any on proposition to be considered by the Board shall be heard following the Commissioners and Staff have completed their discussion and comments on the issue and prior to the Board taking any action on the concern or matter. Public comment shall also be heard on any proposition which the Board is to take action which was either not on the agenda or distributed to the public prior to the commencement of the meeting. This public comment shall be limited to the proposition under consideration and shall be heard prior to the Board taking any action on the proposition. Public comment shall be directed to the Chairperson presiding over the meeting and not to the staff, audience or individual commissioners. Prior to addressing the Board, each person shall fill out a speaker's form provided at the door stating the speaker's name and address when applicable and prior notice afforded. All comments must be made from the podium after stating one's name and address.

b. Individual members of the public addressing the Board shall be allotted three (3) minutes to make their statement, presentation or present their request. Persons documented to be speaking on behalf of an organization shall be allotted five (5) minutes. Only one (1) individual per organization shall be permitted to speak on behalf of the organization. If the subject matter requires investigation by County Staff, the Chairperson shall refer the matter to the County Administrator for further review and future comment and recommendations.

c. Persons speaking during public hearings and workshops of the Board shall be limited to the time period set aside for public comment. The time limits set forth in "b" above shall be observed during public hearings and workshops.

d. The requirements set forth in subsections "a" and "b" above do not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare or safety if compliance with the requirements would cause an unreasonable delay in the ability of the Board or Commission to act;
2. An official act involving no more than a ministerial act, including but not limited to approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from Section 286.011, Florida Statutes, or;
4. A meeting during which the Board of County Commissioners is acting in a formal quasi-judicial capacity. The rights of persons to be heard during a formal quasi-judicial hearing shall be as provided by applicable law.

- e. Individuals who violate the rules of public participation shall be requested to leave the podium and return to their seat. The use of abusive, vulgar or profane language directed at the board, any member thereof or at members of the audience or staff, member of the general public or private citizen shall not be tolerated. Any such conduct may result at the request of the Chairman in Law Enforcement Officers being summoned to remove such individuals from the meeting.

## **SECTION 2. - Repealer.**

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

## **SECTION 3. – 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 4. – 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 pursuant to Section 4.

## **SECTION 5. – Effective Date.**

This Ordinance shall be effective as provided by Law.

**ADOPTED** this 22<sup>nd</sup> day of October, 2013.

(End)

## **P.D.R.B. RECOMMENDATIONS (OCTOBER 21, 2013)**

The Board then considered the following recommendations from the October 21, 2013 Planning & Development Review Board meeting, as follows:

### **VARIANCE APPLICATION – THOMAS & PAULA BUSH**

Pursuant to advertisement to hold a Public Hearing to consider a variance for Thomas & Paula Bush, (Parcel #03410-000R \* S31, T5S, R11W) Gulf County, Florida for a Road Setback Encroachment to accommodate building on a sub-standard lot, County Attorney Novak noted the P.D.R.B. tabled the variance until a later date.

### **PRELIMINARY PLAT APPLICATION – TYLER W. SMITH**

Pursuant to advertisement to hold a Public Hearing to consider a Preliminary Plat Application for a minor subdivision for Tyler W. Smith (Parcel ID#06268-025R & #06268-022R \* located in S7, T9S, R11W, Gulf County, Florida – a six (6) unit development with no road infrastructure), County Attorney Novak read the Public Notice. Chairman Smiley called for public comment. There was no public comment. Chief Administrator Butler discussed his concerns regarding the private road and discussed reviewing the Ordinance to levitate this issue in the future. Jack Husband appeared before the Board to discuss changes to the plat application. Commissioner Yeager motioned to approve the Preliminary Plat Application. Commissioner McDaniel seconded the motion, and it passed unanimously.

### **VARIANCE APPLICATION – JOHN TRAUTWEIN**

Pursuant to advertisement to hold a Public Hearing to consider a variance application for John Trautwein (Parcel ID #04038-050R \* located in S5, T7S, R11W, Gulf County, Florida – encroachment into road setback), County Attorney Novak read the Public Notice and discussed the outcome from the P.D.R.B. meeting. Diane Zimmerman appeared before the Board to state that this variance was applied for based on information from John Trautwein that was obtained from Planning & Zoning. She reported that the lot in question is at: 6677 Alabama Avenue. Upon inquiry by Commissioner McDaniel, Ms. Zimmerman stated that she works for Sil's Home Center. After further discussion by Ms. Zimmerman, County Attorney Novak discussed two (2) encroachments, and one (1) property owner's objection. After discussion, Commissioner Bryan motioned to deny the variance application. Commissioner McLemore seconded the motion, and it passed unanimously.

### **VARIANCE APPLICATION – DOUGLAS & BARBARA COOKSEY**

Pursuant to advertisement to hold a Public Hearing to consider a variance application for Douglas & Barbara Cooksey (Parcel ID #03898-002R \* located in S5, T7S, R11W, Gulf County, Florida – road setback encroachment to add a screen porch), County Attorney Novak stated the P.D.R.B. voted to deny this variance, and recommended the Board table the matter. Commissioner McLemore motioned to table this variance application. Commissioner Bryan seconded the motion, and it passed unanimously.

### **MEETING – ENTERPRISE ZONE**

Chief Administrator Butler reported that the E.Z.D.A. will meet Thursday, October 24, 2013 at 12:00 p.m., E.T. in the Board Room.

### **AWARD BID #1213-20 – VIDEO RECORDING OF BOARD MEETINGS**

Chief Administrator Butler discussed Bid #1213-20 for the Video Recording of Board Meetings with Nichols Broadcasting being the low bidder. Upon recommendation by Chief Administrator Butler, Commissioner Bryan motioned to award Bid #1213-20 for the Video Recording of Board Meetings to Ken Murphy, in the amount of \$16,200.00. Commissioner Yeager seconded the motion for discussion. Chairman Smiley called for public comment. Leonard Burrows appeared before the Board to discuss his concerns

with the Board staying with the low bidders. After discussion, the motion then passed unanimously.

#### **WEWAHITCHKA WARRIOR FOOTBALL – HONEYVILLE COMMUNITY CENTER**

Deputy Administrator Lanier discussed a letter submitted to the Board from the Wewahitchka Warrior Football League requesting use of the Honeyville Community Center on November 22, 2013 for their annual Banquet and to have the rental fee waived. Commissioner McLemore motioned to approve this request. Commissioner Yeager seconded the motion for discussion. After discussion, the motion then passed unanimously.

#### **MEETING – SUPPLEMENTAL BUDGET HEARING**

Upon discussion by Deputy Administrator Lanier, the Board agreed to schedule a Supplemental Budget Hearing on November 18, 2013 at 5:01 p.m., E.T.

#### **RESIGNATION – ANIMAL CONTROL OFFICER JONES**

Deputy Administrator Lowry discussed a Letter of Resignation that was submitted by Roland Jones. Commissioner McLemore motioned to accept the Letter of Resignation from Roland Jones (entering into the D.R.O.P., effective end date is October 31, 2018). Commissioner Yeager seconded the motion, and it passed unanimously.

#### **S.H.I.P. REHABILITATION ASSISTANCE – NUNNERY**

Upon discussion by Deputy Administrator Lowry, Commissioner McLemore motioned to approve S.H.I.P. Rehabilitation Assistance for Benjamin and Hazel Nunnery, in the amount of \$40,000.00. Commissioner McDaniel seconded the motion, and it passed unanimously.

#### **MEETING – PLANNING DEVELOPMENT REVIEW BOARD**

Planner Richardson reported that the P.D.R.B. will hold a special meeting on November 11, 2013 to discuss a land use issue, and inquired if the Board will hold the regular Board meeting on November 12, 2013. Commissioner Yeager stated that the meeting set for the 12<sup>th</sup> has not been cancelled.

#### **APPOINTEE – PLANNING DEVELOPMENT REVIEW BOARD**

Planner Richardson reported that James Christie is resigning from the P.D.R.B. He discussed the need to appoint a new member to this board. Commissioner McLemore thanked Mr. Christie for his service on the P.D.R.B.

#### **LEASE AGREEMENT – NORTH FLORIDA CHILD DEVELOPMENT**

County Attorney Novak discussed the proposed lease agreement with North Florida Child Development regarding the Old Gulf County Courthouse Building located in Wewahitchka. Upon request by County Attorney Novak, Commissioner McLemore motioned to execute this Lease Agreement with the North Florida Child Development. Commissioner Yeager seconded the motion for discussion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **BEACH DRIVING ORDINANCE**

County Attorney Novak discussed the proposed beach driving ordinance; stating that the Final Hearing for adoption of this proposed ordinance will be held on November 12, 2013. He reported that the proposed beach driving ordinance is available for review in the Clerk's Office.

### **BEACH DRIVING PERMIT FEE**

County Attorney Novak discussed meeting with Chief Administrator Butler, Sheriff Harrison, and a few of the Constitutional Officers regarding the new Beach Driving Fee. After further discussion from the Board, County Attorney Novak discussed proposed weekend passes for nonresidents. Commissioner Yeager motioned to allow T.D.C. to purchase revised beach driving permit stickers. Commissioner McLemore seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **INTERLOCAL AGREEMENT – BAY MEDICAL CENTER**

Upon recommendation by County Attorney Novak, Commissioner Yeager motioned to approve an Interlocal Agreement with Bay County Commission to provide emergency medical services to Mexico Beach. Commissioner McLemore seconded the motion for discussion. After discussion by members of the Board, Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **RESTORE ACT – REQUEST FOR QUALIFICATIONS**

County Attorney Novak presented an update to the Board regarding the Restore Act. After discussion, Patricia Hardman, of the Restore Act Committee, appeared before the Board to discuss the monies from the U.S. Treasury and the submitted applications. After further discussion, County Attorney Novak requested permission to submit a letter to General Counsel for the Gulf Consortium and the U.S. Treasury. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously. County Attorney Novak then requested permission to start the R.F.Q. process. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **HABITAT CONSERVATION PLAN – TECHNICAL ADVISORY COMMITTEE**

County Attorney Novak discussed the meeting notice for the Habitat Conservation Plan (H.C.P.) and requested permission to form a Technical Advisory Committee. Commissioner Yeager motioned to approve this request. Commissioner Bryan seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **HEARING – PORT AUTHORITY**

County Attorney Novak reported that a new hearing date has been set for The Port Authority Summary Judgment, which will be held on January 23, 2014.

### **LIMITED MAINTENANCE AGREEMENT – LIGHTKEEPERS DRIVE**

County Attorney Novak discussed a proposed limited maintenance agreement for Lightkeepers Drive and requested permission from the Board to allow the Chairman to execute this agreement. Commissioner Bryan motioned to approve this request. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **POLICY – S.H.I.P. APPLICANTS**

County Attorney Novak reported that there are a lot of S.H.I.P. participants that are over the ten (10) year requirement under the S.H.I.P. Policy. He requested permission from the Board to review stressed properties along with Chief Administrator Butler and Deputy Administrator Lowry, and to release these applications from said lien. After discussion by Deputy Administrator Lowry, Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **CLOSED SESSION MEETING – LITIGATION**

County Attorney Novak requested permission to schedule a closed session meeting with the Board, notified Staff, and a Court Reporter to discuss Litigation and Litigation Expenditures. Commissioner Yeager motioned to approve this request. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **EMERGENCY MEETING – T.S. KAREN**

County Attorney Novak discussed the Emergency Meeting held on October 3, 2013 regarding Tropical Storm Karen and requested for that meeting to be adjourned (was left in recess). Commissioner Yeager motioned to adjourn the Emergency Meeting from October 3, 2013 as of today at 11:27 a.m., E.T. Commissioner McLemore seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **BUDGET AMENDMENT – MOSQUITO CONTROL**

Mosquito Control Director Cothran appeared before the Board to request approval of a Mosquito Control Budget Amendment (local and State). Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously.

### **COUNTY JAIL**

Commissioner Bryan discussed her concerns regarding a statement that was read by Warden Hammond at the last Board meeting regarding the County Jail.

**ROAD REPAIRS – IOLA ROAD**

Commissioner Yeager discussed calls received regarding the condition of Iola Road, and discussed the possibility of obtaining a grant for this project. Discussion followed. Chairman Smiley called for public comment.

**COUNTY DITCHES – OVERSTREET**

Leonard Burrows, of Overstreet appeared before the Board to discuss his concerns regarding the ditches in the Overstreet area. Commissioner Bryan stated that she was out of town when she was contacted by Mr. Burrows. She reported that she asked Assistant Public Works Director Lewis to contact Mr. Burrows regarding this issue, which he did. After discussion, Commissioner McLemore motioned to allow Mr. Burrows additional time to speak. Commissioner Yeager seconded the motion, and it passed unanimously. After discussion by Mr. Burrows, Commissioner Bryan reported that staff is doing a great job and there are water issues all over the County due to recent heavy rain falls. Chairman Smiley requested for Chief Administrator Butler to check into this matter further and report back to the Board for review. Commissioner McDaniel discussed his concerns regarding the water issues within the County. After discussion, Commissioner Yeager discussed performing an elevation study. After further discussion, Chairman Smiley stated that this matter will be reviewed.

**WATER ISSUES – GULF COUNTY**

James Christy, of Port St. Joe appeared before the Board to discuss his concerns regarding the water issues throughout the County.

**COUNTY BUDGET**

James Christy, of Port St. Joe appeared before the Board to discuss his concerns regarding the budget. He suggested that the Board conduct a monthly review of the allocations of the actual expenditures and variances from the Budget.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Yeager, and unanimous vote, the meeting did then adjourn at 11:57 a.m., E.T.

**TYNALIN SMILEY  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**