

DECEMBER 10, 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 Joanna Bryan and Warren J. Yeager, Jr. <Commissioner Carmen L. McLemore was absent>.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Central Services Director Denise Manuel, Gulf County E.M.S. Director Houston Whitfield, Fire Coordinator Brad Price, Mosquito Control Director Mark Cothran, Planner David Richardson, Preble-Rish, Inc./County Engineer Clay Smallwood, III, Public Works Director Joe Danford, Assistant Public Works Director Jake Lewis, 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.

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

APPRECIATION AWARD – PARRISH

Upon request by Chairman Smiley, Malcolm & Diana Parrish appeared before the Board to be presented with a plaque for their volunteer service and support to the Dixie Youth Baseball and the Gene Raffield Football Leagues.

CONSENT AGENDA

Chairman Smiley requested pulling Pages 49-51 (Item #4) from the Consent Agenda. Chairman Smiley called for public comment regarding the Consent Agenda. There being no public comment, Commissioner Bryan requested pulling Pages 70-72 (Item #8) from the Consent Agenda. After discussion, Commissioner McDaniel motioned to approve the Consent Agenda with modifications to Item #8 (Policy-Board Meeting Information Packet). Commissioner Yeager seconded the motion for discussion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously (4-0), as follows:

1. Minutes - September 10, 2013 – Budget Hearing
 - September 13, 2013 – Special Meeting
 - September 24, 2013 – Public Hearing
 - September 24, 2013 – Public Hearing
 - September 24, 2013 – Regular Meeting

2. Approval of Checks and Warrants for November, 2013 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Agreement – Videotaping and Broadcasting Services for Board Meetings (Ken Murphy)
- *DELETE* 4. Appointments – Apalachee Regional Planning Council
5. Bid Award #1314-04 – Active Shooter and Training Exercise (Disasters, Strategies and Ideas Group, LLC * \$34,200.00)
6. Invoices – County Attorney Jeremy Novak – Professional Services (File #2200-004 * July, August, & September, 2013 * \$1,377.00 * File #2200-005 * July, August, & September, 2013 * \$1,771.00)

- UniFirst Corporation (Public Works * Invoice #2710058462 * \$11.25 * Courthouse * Invoice #2710058466 * \$72.25)
7. Meeting Cancellation (December 24, 2013)
8. Policy (Board Meeting Information Packet)
9. S.H.I.P. – Rehabilitation Assistance (Mary Butler * \$40,000.00)

(End)

APPOINTEES – APALACHEE REGIONAL PLANNING COUNCIL

Deputy Administrator Lanier discussed Pages 49-51 (Item #4) that were pulled from the Consent Agenda and requested direction from the Board. After discussion, Commissioner Yeager motioned for Commissioner Bryan, Tony Justice and Michael Hammond to continue to serve on the A.R.P.C. Board for 2014. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously (4-0)

FLORIDA FISH & WILDLIFE – BEARS

Kaitlin O'Connell, of the Florida Fish and Wildlife Commission appeared before the Board to give a power-point presentation regarding the bear situations and solutions. Chairman Smiley called for public comment. There being no public comment, Commissioner Yeager noted the last survey done was in 2002. He stated that a new study needs to be done to give more accurate data on the bear population. After discussion, Chairman Smiley discussed his concerns regarding bears in his neighborhood. After further discussion, Commissioner McDaniel discussed his concerns regarding the bear population.

PUBLIC HEARING – AMENDING COMPREHENSIVE PLAN ORDINANCE

Pursuant to advertisement to hold a Public Hearing to consider adoption of a proposed ordinance amending the Comprehensive Plan of Gulf County, Florida for Small-scale Land Use Map Amendment, County Attorney Novak read the proposed ordinance by title and the whereas clauses. Chairman Smiley called for public comment. There being no public comment, Commissioner Yeager motioned to adopt the following titled Ordinance. Commissioner McDaniel seconded the motion for discussion. After further discussion, Chairman Smiley called for public comment. There being no public comment, the motion then passed 3 to 1, with Commissioner Bryan voting no.

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF GULF COUNTY, FLORIDA BY AND THROUGH PROCEDURES REQUIRED FOR SMALL-SCALE LAND USE MAP AMENDMENT PURSUANT TO AUTHORITY UNDER FLORIDA STATUTE 163.3187 AND FLORIDA STATUTE 125; SPECIFICALLY AMENDING PARCEL ID #01045-100R, 1 ACRE OF LAND LYING AND BEING PART OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 9 WEST, GULF COUNTY, FLORIDA FROM CONSERVATION TO RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3187 provides for the authority and procedure for the Board of County Commissioners of Gulf County (BOCC), Florida to amend its land use map parcels under County control and that of its citizens; and

WHEREAS, Gulf County Rod and Gun Club Estates "Estates" was divided by order of the Court in Circuit Court Minutes Book 3, Page 125 with a plat of said Estates recorded on August 21, 1962 in O.R. Book 15, Page 293; and

WHEREAS, the Gulf County Comprehensive Plan was adopted on June 12, 1990 and the Gulf County Land Development Regulations were adopted in January of 1993; and

WHEREAS, the concept of growth management and land use were not fully developed nor understood by multiple property owners affected by such land categorizing and alternatively focused on property taxes rather than development regulations; and

WHEREAS, Gulf County has acknowledged that numerous parcels were likely placed into an unfavorable and undesirable land use category when the Comprehensive Plan was adopted; and

WHEREAS, on January 24, 2012, the BOCC approved to waive the Small Scale Map Amendment application fee for property owners of Conservation lands that qualified for the exemption; and

WHEREAS, Gulf County through a Small Scale Map Amendment with the established fee waiver, has since approved land use change from Conservation to

Residential for Parcel ID #00683-000R through adoption of Ordinance 2012-02 on March 27, 2012; and

WHEREAS, the State owned land along and adjacent to the Estates were designated Conservation land use; and

WHEREAS, the “Estates” were also designated as Conservation land use; and

WHEREAS, Gulf County has acknowledged that parcels with this designated land use category may cause undue financial hardship on said owners and Gulf County is committed to assisting these owners resolve their land use issues; and

WHEREAS, on September 11, 2012 the BOCC voted to approve the Planning Development and Review Board “PDRB” recommendation that stated in part: In consideration of the current development dispute and previous approvals, the P.D.R.B. recommends to the BOCC to direct and private property owner with a verified single “lot of record” parcel with a deeded boundary of ten (10) acres or less before the adoption of 1990 Comprehensive Plan that was designated Conservation to apply for any development grievance on that parcel; and

WHEREAS, The Gulf County P.D.R.B. has held a public hearing on December 9, 2013 wherein it voted to recommend approval of the subject land use change to the Board of County Commissioners to change the land use of said parcel from Conservation to Residential; and

WHEREAS, in accordance with Florida Statutes Section 163.3187(1)(c)(2) and Florida Statute Section 125.66(2)(a), specifically provides for the proper publication, notice and announcement of Gulf County’s intent and consideration of any and all land use modification requested by the parcel owner and ordinance adoption; and such notice has been properly published for general circulation in the County; and

WHEREAS, in accordance with Florida Statute 163.3187(1)(c)(2) and Florida Statute 125, notice was provided to the public of two public hearings to be held on December 9th and December 10, 2013 where after public comment the Board of County Commissioners may consider for adoption the proposed land use changes by ordinance; and

NOW, THEREFORE, BE IT ORDAINED, THAT IN EXERCISE OF ITS AUTHORITY, THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA HEREBY GRANTS THE LAND USE CHANGE, AS FOLLOWS:

Section 1) Changing Parcel ID #01045-100R (Exhibit “A”) from Conservation to Residential.

Section 2) A certified copy of the enacting ordinance shall be on file with the Clerk of Court of Gulf County, Florida.

Section 3) Effective date, this Ordinance shall take effect as provided by Law 31 days from adoption. Passed and duly adopted by the Gulf County Board of County Commissioners for Gulf County, Florida, this December 10, 2013.

Following two properly noticed and conducted hearings; the foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion was seconded by Commissioner McDaniel, and being put to vote, the vote as follows:

Commissioner Yeager	<u>Yes</u>
Commissioner McLemore	<u>Absent</u>
Commissioner Smiley	<u>Yes</u>
Commissioner McDaniel	<u>Yes</u>
Commissioner Bryan	<u>No</u>

DULY PASSED AND ADOPTED THIS 10th day of December, 2013.

(End)

PUBLIC HEARING – P.D.R.B. RECOMMENDATIONS (DECEMBER 9, 2013)

The Board then considered the following recommendation from the December 9, 2013 Planning & Development Review Board Meeting, as follows:

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 screen porch), County Attorney Novak read the Public Notice. Chairman Smiley called for public comment. There being no public comment, Commissioner Yeager motioned to approve this recommendation. Commissioner Bryan seconded the motion, and it passed unanimously (4-0).

TOURIST DEVELOPMENT COUNCIL – MONTHLY REPORT

T.D.C. Executive Director Jenkins appeared before the Board to present the November, 2013 T.D.C. Status Report. After discussion by T.D.C. Executive Director Jenkins, County Attorney Novak discussed working with businesses regarding submission of their Bed Tax Reports.

ADVERTISE FOR BIDS – 2014 BEACH CLEANING

Upon discussion by T.D.C. Executive Director Jenkins, Commissioner Yeager motioned to advertise to receive sealed bids for R.F.P.'s for the 2014 Beach Cleaning. Commissioner Bryan seconded the motion, and it passed unanimously (4-0).

CONSENT AGENDA & INFORMATION PACKETS

Clerk Norris reported that the Clerk's Office will discontinue maintaining a mail-out list (email contact list) for the Agenda and Information Packets, effective January 1, 2014. She noted these packets are available for public viewing on the County's website.

AWARD BID #1314-03 – STUMPHOLE REVETMENT

Deputy Administrator Lanier discussed Bid #1314-03 for the Stumphole Revetment, stating that the Engineers' recommendation is to award Bid #1314-03 to the low bidder, Pac Comm, Inc., in the amount of \$1,313,510.00. Commissioner Yeager motioned to approve this recommendation. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously (4-0).

POLICY – COUNTY RETIREES

Deputy Administrator Lanier recommended adoption of a policy or some type of procedure for retiree dinners for FY 2013-2014. Commissioner Yeager discussed making the retiree dinner a standard practice. After discussion by County Attorney Novak, Commissioner Yeager motioned to approve retiree dinners, not to exceed \$300.00 per retiree. Commissioner McDaniel seconded the motion. Chairman Smiley called for public comment. There being no public comment, the motion then passed unanimously (4-0).

AWARD BID #1314-06 – S.H.I.P. REHABILITATION / NUNNERY

Upon recommendation by Deputy Administrator Lowry, Commissioner Yeager motioned to award Bid #1314-06 for S.H.I.P. Rehabilitation for the Nunnery Project to Raymond Driesbach (low bidder), in the amount of \$31,635.00. Commissioner Bryan seconded the motion, and it passed unanimously (4-0).

AWARD BID #1314-07 – S.H.I.P. REHABILITATION / COLVIN

Upon recommendation by Deputy Administrator Lowry, Commissioner McDaniel motioned to award Bid #1314-07 for S.H.I.P. Rehabilitation for the Colvin Project to Crest Enterprises (low bidder), in the amount of \$21,395.00. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

INVOICE – PREFERRED GOVERNMENT INSURANCE TRUST

Upon discussion by Deputy Administrator Lowry, Commissioner McDaniel motioned to pay Invoice #41371 from P.G.I.T., in the amount of \$3,537.00 for the annual Workers Compensation Audit. Commissioner Bryan seconded the motion, and it passed 3 to 1, with Commissioner Yeager abstaining due to serving on the P.G.I.T. Board. <Form 8B on file in Clerk's Office>

S.H.I.P. FILES

Upon inquiry by Commissioner Yeager, Deputy Administrator Lowry discussed working with County Attorney Novak on a policy or blanket docket to cover cleaning up the old S.H.I.P. files. County Attorney Novak discussed a policy or blanket docket.

PUBLIC WORKS – CHRISTMAS DINNER

Public Works Director Danford requested permission from the Board to feed the Public Works Employees for Christmas. The Board had no objections.

BIGGER WATERS – FLOOD INSURANCE

Planner Richardson discussed Bigger Waters (flood insurance) increases, stating that Congress is working hard in getting this delayed. Commissioner Yeager discussed his concerns regarding the flood insurance increases; stating that Florida is a donor State.

LIFE INSURANCE – LEGACY TRUST PROGRAM

County Attorney Novak discussed the Legacy Trust Program (Life Insurance) which was approved at the last Board meeting, reporting that he met with the City Attorneys for Wewahitchka and Port St. Joe regarding this program, and that they are waiting on a response from the Insurance Commission regarding the regulations.

SIGN REMOVAL – BEACON HILL

County Attorney Novak thanked County Staff, the public, and Duke Energy for getting the sign removed at the Beacon Hill Park. Commissioner Bryan also thanked staff for getting the sign removed. Commissioner McDaniel discussed his concerns regarding the removal of the sign at Beacon Hill Park.

SPECIAL MEETING – M.S.T.U. / M.S.B.U.

Chief Administrator Butler discussed the possibility of adopting an M.S.T.U. or M.S.B.U. for road paving, garbage, beach nourishment, and storm water, stating if the Board desires to proceed; a proposed resolution will need to be adopted before January 1, 2014. Commissioner McDaniel discussed preparing a draft for the Special Meeting that will be held on December 17, 2013. Upon inquiry by Commissioner Bryan, County Attorney Novak stated there is sufficient time to notice the public regarding this topic. Upon inquiry by Commissioner Yeager, Chief Administrator Butler stated the Special Meeting will begin at 9:30 am, E.T. (after the Public Hearing set for 9:00 am, E.T.)

PUBLIC HEARING – E.Z.D.A.

Chief Administrator Butler reported there will be a Public Hearing on December 17, 2013 at 9:00 a.m., E.T. to discuss adding three (3) square miles to the Enterprise Zone; stating this change has to be submitted no later than December 18th.

C.B.R.A. MAPS

Upon inquiry by Commissioner Yeager, Chief Administrator Butler reported that G.I.S. Coordinator Warner is working on the C.B.R.A. maps.

GRANT APPLICATION – PORT AUTHORITY

Chief Administrator Butler discussed receiving a request from a Port Commissioner for assistance in a grant application and administration. Commissioner Yeager discussed allowing Chief Administrator Butler to attend The Port's meeting that will be held tomorrow in order to obtain a description of what they are requesting from the County. Commissioner Bryan discussed the need of the request to be in writing by The Port

Authority Board. The Board had no objection in Chief Administrator Butler attending The Port Authority meeting.

AFFORDABLE HEALTHCARE ACT

Planner Richardson discussed the Affordable Healthcare Act and the serious impact it could have on the County; stating it is possible that the volunteer fire fighters may be considered as employees under this new Act.

AMERICUS AVENUE DITCH

Upon inquiry by Commissioner Bryan, Chief Administrator Butler discussed meeting with Ralph Rish (Preble-Rish, Inc.) regarding the Americus Avenue Ditch, stating that they are working on an engineering plan of action and will report back to the Board.

NATIONAL RESOURCE DAMAGE ASSESSMENT PROJECTS

Commissioner Bryan discussed the N.R.D.A. Projects; reporting that three (3) projects have been approved for Gulf County: (1) Highland View Boat Ramp, (2) Windmark Pier, and (3) Beacon Hill Park. Commissioner Yeager discussed attended this meeting and commended D.E.P. and Grant Writer Kopinsky regarding this project. Commissioner Bryan reported that the City of Port St. Joe will also receive funds for the City Pier Project. Commissioner Yeager noted that these funds are not coming from the Restore Act.

LIMITED MAINTENANCE AGREEMENT – BUILDING DONATION

Commissioner Yeager discussed a request from Nick Vaco, of the South Gulf Fire Department to move a 8x10 portable building that was donated to the Humane Society. He reported that the building is located on private property on Juniper Avenue. Chief Administrator Butler discussed the need of a Release of Liability for this project. Upon discussion by County Attorney Novak, Commissioner Yeager motioned to approve a Limited Maintenance Agreement. Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

PARKING AREA – OLD HEALTH DEPARTMENT BUILDING

Commissioner McDaniel discussed his concerns regarding the parking at the Old Health Department Building where the Gulf County Tax Collector's and Gulf County Clerk's Annex Offices are now located. He reported that the City water line needs to be relocated so that a handicapped parking space, and additional parking spots can be added. Commissioner McDaniel stated that he will get with County Staff and the City of Wewahitchka after the holidays to discuss this issue further.

Chairman Smiley called for public comment.

BUDGET – DALKEITH FIRE DEPARTMENT

Dalkeith Fire Department Fire Chief Bill Davis appeared before the Board to inquire about the deadline for the Cash Carry Forward, stating that the Dalkeith Fire Department has approximately \$9,000.00 left over in their Budget. Clerk Norris discussed reviewing this matter further.

There being no further business, and upon motion by Commissioner Yeager, second by Commissioner Bryan, and unanimous (4-0) vote, the meeting did then adjourn at 10:35 a.m., E.T.

**TYNALIN SMILEY
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**