

JULY 22, 2014

PORT ST. JOE, FLORIDA

REGULAR MEETING

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

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, Code Enforcement Officer Mike Aiken, Emergency Management Director Marshall Nelson, Grant Coordinator Towan Kopinsky, Deputy Grant Coordinator Kari Summers, Maintenance Superintendent Steve Mork, Mosquito Control Director Mark Cothran, 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 9:01 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 Information Packet and Consent Agenda. There was no public comment. Commissioner Bryan discussed page 78 (Item #7) of the Consent Agenda regarding a proposed budget amendment resolution from E.D.A. After further discussion, Commissioner Bryan motioned to pull page 78 (Item #7) from the Consent Agenda. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously. Commissioner Yeager motioned to approve the Consent Agenda and Information Packet. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously, as follows:

1. Minutes – July 8, 2014 – Regular Meeting
2. Budget Amendment #4 – General Fund (Reducing the County Development Budget by \$18,000.00 and Increasing the Economic Development Budget by \$18,000.00), as follows:

BUDGET AMENDMENT #4

Amend the FY2013-2014 Budget for the General Fund by reducing the County Development Budget and increasing the Economic Development Budget to shift funding from the contracted E.D.C. to the County E.D.C. as discussed at the 3/25/14 and 4/22/2014 BOCC meetings. The initial 2014 allocation of \$20,000 to Gulf County Economic Development Alliance, Inc. has been returned along with an additional \$46,759.94 from prior year funding. \$2,000 of the funds returned were refunded to a private investor as approved by the BOCC on 5/13/2014.

		General Fund			Amended
		<u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Budget</u>
County Development:					
27152-82000	Aid to EDA	\$20,000.00	\$ 0.00	\$18,000.00	\$ 2,000.00
 Economic Development:					
275552-40000	Travel and Per Diem	\$ 0.00	\$11,000.00	\$ 0.00	\$11,000.00
275552-41000	Communications	\$ 0.00	\$ 2,000.00	\$ 0.00	\$ 2,000.00
275552-42000	Postage	\$ 0.00	\$ 1,000.00	\$ 0.00	\$ 1,000.00
275552-52000	Operating Expenses	\$ 0.00	\$ 2,000.00	\$ 0.00	\$ 2,000.00
275552-55000	Training & Education	\$ 0.00	\$ 2,000.00	\$ 0.00	\$ 2,000.00

This Budget Amendment duly approved and adopted by the Gulf County Board of County Commissioners at their regular meeting on the 24th day of July, 2014.

(End)

3. Grant – FL Department of Environmental Protection (Small County Solid Waste Management Grant Application)
 - FL Department of Transportation (Small County Road Assistance Agreement * CR 30A from Franklin County Line to East of Money Bayou)
 - FL Department of Transportation (Small County Outreach Program Agreement * CR 30B from CR 30A to Indian Pass Boat Ramp)
 - FL Department of Transportation (Small County Outreach Program Agreement * Jarrott Daniels Road from CR 386 to SR 22)
 - FL Department of Transportation (County Incentive Grant Program Agreement * Old Bay City Road from South of Ross Stripling Road to Crossover Road, Phase II)

4. Insurance – Insurance Committee Recommendations (Health Insurance * PRM * Dental Insurance * FL Combined Life * Life Insurance (Bid #1314-21) * Standard * Voluntary Vision Insurance * Humana * Voluntary Work Site Benefits * American Fidelity Assurance Company)
 - Insurance Committee Recommendations (HSA Recommendation Run-out Administrative Fees)

5. Inventory – Clerk of Court (Junk * #10-370 * TRI-C Systems * Serial Number 072500442101086 * #10-386 * IBM Server with IBM Think Vision Monitor * Serial Number KP-XT553 & 2317453 * #10-357 * OKI Microline 395 * Serial Number 204A6035849 * #10-308 * Best Power Fortress * LI675VBWM01713 * #10-362 * Samsung SRV-960A Security System with VCR with Tatung Monitor * Serial Number 61VW2003672GVI & 020835885)

6. Invoices – UniFirst Corporation (Courthouse * Invoice #2710075241 * \$77.83 * Invoice #2710074751 * \$76.75 * Invoice #2710074256 * \$76.75 * Public Works * Invoice #2710075237 * \$10.17 * Invoice #2710075237 * \$10.17 * Invoice #2710074747 * \$10.00 * Invoice #2710074252 * \$10.00)

7. Resolution – ****DELETE**** Budget Amendment (Unanticipated Revenue in the General Fund from Economic Development Alliance, Inc.)
 - S.C.R.A.P. Grant Agreement (F.D.O.T. * CR 30A from East of Money Bayou to the Franklin County Line), as follows:

RESOLUTION NO. 2014-12

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A S.C.R.A.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Small County Road Assistance Program has been created by Section 339.2816, Florida Statutes, to assist small county governments in resurfacing of county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority, under Section 334.044, Florida Statutes, to enter into this Agreement; and

WHEREAS, Gulf County has certified to the F.D.O.T. that it has met the eligibility requirements of said Section 339.2816, Florida Statutes; and

WHEREAS, F.D.O.T. shall reimburse Gulf County for direct costs under Financial Management Number 431225-1-58-01 for costs directly related to resurfacing of C.R. 30-A from East of Money Bayou to the Franklin County line.

ADOPTED this 22nd day of July, 2014.

(End)

- S.C.O.P. Grant Agreement (F.D.O.T. * CR 30B from CR 30A to Indian Pass Boat Ramp), as follows:

RESOLUTION NO. 2014-13

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A S.C.O.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Small County Outreach Program has been created by Section 339.2818, Florida Statutes, to assist small county governments in resurfacing or reconstruction of county roads or in construction of capacity or safety improvements on county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority under Section 224.044, Florida Statutes, to enter into an Agreement with Gulf County; and

WHEREAS, Gulf County has certified to F.D.O.T. that eligibility requirements have been met of said Section 339.2818, Florida Statutes; and

WHEREAS, F.D.O.T. is willing to provide Gulf County with financial assistance under Financial Management Number 433353-1-58-01 for costs directly related to **widening and resurfacing C.R. 30-B (Indian Pass) from C.R. 30-A to Indian Pass Boat Ramp**, hereinafter referred to as the **"PROJECT"**;

NOW, THEREFORE, BE IT RESOLVED by the Gulf County Board of County Commissioners that the Chairman of the Board is authorized to sign the Joint Participation Agreement (J.P.A.) with F.D.O.T. for the widening and resurfacing C.R. 30-B (Indian Pass) from C.R. 30-A to Indian Pass Boat Ramp.

ADOPTED this 22nd day of July, 2014.

(End)

- S.C.O.P. Grant Agreement (F.D.O.T. * Jarrott Daniels Road from CR 386 to SR 22), as follows:

RESOLUTION NO. 2014-14

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A S.C.O.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Small County Outreach Program has been created by Section 339.2818, Florida Statutes, to assist small county governments in resurfacing or reconstruction of county roads or in construction of capacity or safety improvements on county roads; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority under Section 224.044, Florida Statutes, to enter into an Agreement with Gulf County; and

WHEREAS, Gulf County has certified to F.D.O.T. that eligibility requirements have been met of said Section 339.2818, Florida Statutes; and

WHEREAS, F.D.O.T. is willing to provide Gulf County with financial assistance under Financial Management Number 431389-1-58-01 for costs directly related to paving of **Jarrott Daniels Road from C.R. 386 to S.R. 22**, hereinafter referred to as the "**PROJECT**";

NOW, THEREFORE, BE IT RESOLVED by the Gulf County Board of County Commissioners that the Chairman of the Board is authorized to sign the Joint Participation Agreement (J.P.A.) with F.D.O.T. for the paving of Jarrott Daniels Road from C.R. 386 to S.R. 22.

ADOPTED this 22nd day of July, 2014.

(End)

- C.I.G.P. Grant Agreement (F.D.O.T. * Old Bay City Road from South of Ross Stripling Road to Crossover Road, Phase II), as follows:

RESOLUTION NO. 2014-15

A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A C.I.G.P. JOINT PARTICIPATION AGREEMENT (J.P.A.) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

WHEREAS, the County Incentive Grant Program has been created by Section 339.2817, F.S. to provide funds to Counties to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System; and

WHEREAS, the Florida Department of Transportation (F.D.O.T.) has the authority under Section 334.044, F.S. to enter into an agreement with Gulf County; and

WHEREAS, Gulf County has certified to F.D.O.T. that eligibility requirements have been met; and

WHEREAS, F.D.O.T. is willing to provide Gulf County with financial assistance through financial project #428035-2-58-01 for the **resurfacing of Old Bay City Road from South of Ross Stripling Road to Crossover Road Phase II**;

NOW, THEREFORE, BE IT RESOLVED BY THE GULF COUNTY BOARD OF COMMISSIONERS that the Chairman of the Board be authorized to sign the Joint Participation Agreement (J.P.A.) with F.D.O.T. for the **resurfacing of Old Bay City Road from South of Ross Stripling Road to Crossover Road Phase II**.

ADOPTED this 22nd day of July, 2014.

(End)

8. Request for Funds – Gulf County Sheriff’s Office (July, 2014 Beach Patrol *
\$6,963.54)

(End)

PUBLIC HEARING – P.D.R.B. RECOMMENDATIONS

County Attorney Novak requested to speak on the Public Hearing regarding the P.D.R.B. recommendations later on in the meeting. The Board had no objection.

SECOND PUBLIC HEARING – AMENDING ORDINANCE 1997-02

Pursuant to advertisement to hold a Second Public Hearing to consider adoption of a proposed ordinance amending Ordinance 1997-02, County Attorney Novak read the proposed ordinance by title. Chairman McDaniel called for public comment. There being no public comment, Commissioner Yeager motioned to adopt the following ordinance. Commissioner Bryan seconded the motion, and it passed unanimously.

ORDINANCE NO. 2014-03

AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY AMENDING GULF COUNTY ORDINANCE NO. 1997-02 TITLED IN PART “ALLOWING FOR VEHICULAR TRAFFIC ON CERTAIN COASTAL BEACHES WITHIN GULF COUNTY, FLORIDA”; SPECIFICALLY AMENDING THE ORDINANCE PROVISION “PROVIDING FOR A PERMIT FEE” AND “FINES”; PROVIDING FOR REPEALER, SEVERABILITY, 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 “Commissioners”), found and determined at its regular meeting of June 10, 2014 that Gulf County (hereinafter “County”) shall amend its beach driving permit fees and fines; and

WHEREAS, the Commissioners duly authorized, motioned, and properly voted to this meeting to eliminate the weekly driving privileges and permit that was instituted in 2013 and to increase the fines for violating the terms of this ordinance, and for each amendment to be implemented by the County staff and constitutional officers; 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

WHEREAS, pursuant to Florida Constitution Article VIII Section 1(f) the County shall have such power of self-government as is provided by general or special law and this Commission may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law; and

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

Section 1. Ordinance Amendment.

Gulf County Ordinance No. 97-02:

Section 3. shall be amended to strike the following language regarding weekly permits:

a. Beach driving permits shall be issued by the Tax Collector of Gulf County, Florida, at the Gulf County Courthouse and the Tourism Development Council (TDC) Offices located at the Gulf County Welcome Center both located in Port St. Joe, Florida during regular business hours and where TDC staff develops and receives prior Board approval for additional locations for sale and issuance of permits.

b. Beach driving permits shall be issued for a period of one (1) year and shall thereafter expire unless expressly provided otherwise herein.

c. The beach driving permit fees shall be structured as follows:

i. Annual Beach Driving Permits – Gulf County Resident and or Property Owner - \$30.00

ii. Annual Beach Driving Permits – Non County Resident – \$200.00

~~*iii. Seven (7) day permit – Non County Resident – \$50.00*~~

iv. Senior Citizens (65 or older)/ Disabled Citizens that are either documented Gulf County Taxpayer or Gulf County Resident special exemption and one time administrative fee of \$3.00

Sections 7 (a), (b) and (e) shall be amended as follows:

Violation of this Ordinance shall be punishable as follows:

a. Driving on the beach without first having obtained a valid permit shall result in a fine of \$500.00 for a first time offense. For a second offense, the fine shall be \$750.00.

***Upon issuance of a citation, the violator may purchase a beach driving permit through Gulf County Tax Collectors Office within seven (7) calendar days of receipt the violation and thereafter upon proof of identification and proof of purchase of annual permit to the Clerk of Court may elect to enter*

*a guilty plea to the citation and simultaneously request the reduction of the penalty to a total of \$100 in addition to the annual permit fee paid.***

b. Racing vehicles on the beach or pulling skiers from any moving vehicle on land shall result in a \$500.00 fine.

e. Any other violations of this Ordinance shall result in a \$250 fine for the first offense and \$400 fine for a subsequent offense.

Section 2. Repealer.

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

Section 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with any conflicting state general or special law controlling the Gulf County Beach Driving Permit Fees, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part.

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 6.

Section 5. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Effective Date.

This ordinance shall have an effective date of July 22nd, 2014.

Following a properly noticed and conducted public hearing and thereafter continuation for a second public hearing; the foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion

was seconded by Commissioner Bryan and, being put to vote, the vote as follows:

Commissioner Yeager	Yes	Commissioner Smiley	Yes
Commissioner McDaniel	Yes	Commissioner Bryan	Yes
Commissioner McLemore	Yes		

DULY PASSED AND ADOPTED THIS 22nd day of July, 2014.

(End)

PUBLIC HEARING – P.D.R.B. RECOMMENDATIONS

The Board then considered the following recommendations from the July 21, 2014 meeting of the Planning & Development Review Board:

DEVELOPMENT ISSUE – GIBSON & HOSEY

Pursuant to advertisement to hold a public hearing to consider a development issue with the RV LDR Regulations for Gibson and Hosey (Parcel ID #04064-002R), Building Inspector Knight reported that the P.D.R.B. recommendation is to deny this request. After discussion, Commissioner Bryan motioned to deny the request to allow two (2) RVs on one parcel. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

VARIANCE – HTS PROPERTIES LLC

Pursuant to advertisement to hold a public hearing to consider a road setback variance for HTS Properties, LLC (Parcel ID #03979-005R), Building Inspector Knight reported that the P.D.R.B. recommendation is to accept this request. After discussion, Commissioner Bryan motioned to approve this variance request. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

COUNTY DEVELOPMENT REGULATIONS AND POLICIES

Building Inspector Knight stated that County Development Regulations and Policies was tabled at the P.D.R.B. meeting due to Planner Richardson's absence.

FIVE YEAR WORK PROGRAM – DEPARTMENT OF TRANSPORTATION

Keith McCarron, of A.R.P.C. appeared before the Board to discuss the adopted Five (5) Year Work Program through the Florida Department of Transportation. He discussed the Gulf to Bay Project. Mr. McCarron reported that there is a grant application deadline of August 1, 2014. After discussion, Commissioner Yeager discussed his concerns regarding conducting road projects during the summer tourist season. After further discussion, Grant Coordinator Kopinsky stated that four (4) grant applications were approved in today's Consent Agenda. Upon request by Chairman McDaniel, Grant Coordinator Kopinsky read the four (4) grant application road projects for the public.

HAUNTED TRAIL – 2015 WHS PROJECT GRADUATION FUNDRAISER

Following discussion by Deputy Administrator Lanier, Commissioner McLemore motioned to allow Wewahitchka High School Class of 2015 to use the Dead Lakes State Park on October 31, 2014 and November 1, 2014 for a Haunted Trail to raise funds for Project Graduation.

VARIOUS PROJECTS – DISTRICT IV

Upon request by Commissioner Smiley, Preble-Rish, Inc./County Engineer Smallwood, III appeared before the Board to give an update on the waterline, sidewalk, and stormwater projects taking place within District IV.

BOAT RAMP – CITY OF PORT ST. JOE

Commissioner McLemore thanked the three (3) City Commissioners that helped resolve the boat ramp issue at the City Pier.

SIGNAGE ON THE BEACHES – DISTRICT III

Commissioner McLemore discussed his concerns regarding beach access signs that have been placed on the beaches in District III. County Attorney Novak discussed the language that was placed on these signs; stating that Yon's Addition has a different dedication than Cape San Blas. T.D.C. Director Jenkins appeared before the Board to discuss that the intent of the signs is to help inform the tourists of the rules and regulations while on the beaches. Upon inquiry by Commissioner McLemore, County Attorney Novak discussed property owners that are on St. Joe Beach that have title dedication.

WEATHER – MOTOR GRADER

Upon discussion by Chairman McDaniel, Assistant Public Works Director Jake Lewis reported that the motor graders went out this morning to work on the roads.

LAWSUIT

Jim Garth, of Port St. Joe appeared before the Board to inquire why the County filed a protective order with the Court to prevent the Board from answering questions about the lawsuit that was filed by Bo Williams. County Attorney Novak stated that he would not like to discuss the County's legal strategy in an open public meeting. After discussion, Commissioner Bryan discussed striving to get to the correct answer; stating that she is willing to discuss her work as a County Commissioner. Christy McElroy, of Port St. Joe appeared before the Board to inquire if PAC Chairman Jim Garth would like to apologize to her and the County for filing a lawsuit. Commissioner Bryan stated that this case was not resolved on its merits, but on a technicality. Ms. McElroy stated that comment is not true, saying the case was dropped. County Attorney Novak stated that he would never restrict the Board from saying what they wanted to say in public. He discussed providing the Board counsel.

BOAT RAMP – CITY OF PORT ST. JOE

Pat Hardman, of Port St. Joe appeared before the Board to thank Commissioner McLemore for working with the City of Port St. Joe on getting the boat ramp fees removed at the City Pier for all Gulf County residents. Commissioner McLemore thanked the three (3) City Commissioners that worked on getting is matter resolved.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 10:07 a.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**