

**OCTOBER 27, 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, Commissioners Joanna Bryan, Sandy Quinn, Jr., and Jerry W. Barnes.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Director of Finance & Management Rhonda Woodward, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Kari Summers, Building Official George Knight, Central Services Director Lynn Lanier, Emergency Management Director Marshall Nelson, Gulf County E.M.S. Director Houston Whitfield, Fire Coordinator Brad Price, County Planner Brett Lowry, Public Works & Mosquito Control Director Mark Cothran, Assistant Public Works Director Lee Collinsworth, Gulf County RESTORE Act Coordinator Warren Yeager, Jr., Sheriff Mike Harrison, Solid Waste Director Joe Danford, T.D.C. Executive Director Jennifer Jenkins, and Veterans' Service Officer & S.H.I.P. Administrator Joe Paul.

Sheriff Harrison called the meeting to order at 8:59 a.m., E.T.

Chairman McDaniel opened the meeting with prayer, and led the Pledge of Allegiance to the Flag.

**COMMISSION – DISTRICT V**

Chairman McDaniel introduced Jerry Barnes as District V County Commissioner (appointed by the Governor).

**MEETING – U.S. CONGRESSWOMAN GRAHAM**

Chairman McDaniel reported that a representative from U.S. Congresswoman Gwen Graham's office, Alex Quintana will be at the Port St. Joe City Fire Station today at 11:00 a.m. to answer questions. He encouraged the public to attend.

**MEETING – U.S. SENATOR NELSON**

Chairman McDaniel reported that U.S. Senator Bill Nelson will have a representative at the City Fire Station on October 29<sup>th</sup> at 10:00 a.m. He encouraged the public to attend.

**CONSENT AGENDA**

Chairman McDaniel called for public comment regarding the Consent Agenda. There were no public comment. Commissioner Bryan discussed Pages 34-36 (Item #3 \* Approval to Advertise MSTU). Chairman McDaniel stated that Item #3 will be addressed during Board discussion. Commissioner Quinn motioned to approve the Consent Agenda, excluding Pages 34-36 (Item #3 \* Approval to Advertise MSTU). Commissioner

McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously, as follows:

1. Minutes – September 22, 2015 – Regular Meeting
  - September 22, 2015 – Final Budget Hearing
  - September 29, 2015 – Special Meeting
2. Approval of Checks and Warrants for September, 2015 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
- \*\*DELETE\*\*** 3. Advertisement – Proposed MSTU Resolutions for Bond Referendum
4. Agreement – American Fidelity Assurance Company (Section 125 Plan)
  - Disasters, Strategies, & Ideas Group, LLC/DSI Group, LLC (2015 Emergency Management Training \* Bid #1415-32)
  - Mediacom (Data Service \* Sole Source)
  - Medical Examiner Office (Amended Interlocal \* Medical Examiner Services)
  - Roberts & Roberts, Inc. (2015 CR 30A & CR 30B Road Paving Project \* Bid #1415-19)
  - FL D.O.T. (License to Occupy & Use \* Parcel ID #03779-000R)
5. Bid – Award #1415-32 \* 2015 Emergency Management Training (Disasters, Strategies, and Ideas Group, LLC (DSI Group, LLC) \* not to exceed \$16,000.00)
  - Reject #1415-33 \* Gulf County Public Works Inventory
6. Change Order – Outpost Design (#6 \* EDC Website \* Bid #1213-19 \* decreased by \$307.50)
7. Grant – FL D.O.T. (Small County Road Assistance/S.C.R.A.P. \* Atlantic Street)
  - FL D.O.T. (Small County Outreach Program/S.C.O.P. \* County Road 5)
  - FL D.O.T. (County Incentive Grant Program/C.I.G.P. \* Old Bay City Road)
8. Inventory – E9-1-1 Department (Asset Transfer \* #95-18 \* ECS 1000 911 Router)
  - Gulf Co Health Dept. (Asset Purchase \* Mammogram Machine & Equipment \* Serial No. 29406116811 \* Asset Transfer to Sacred Heart Hospital \* Mammogram Machine \* Serial No.2940611-6811)

9. Policy – E.D.C. Amendment to Guidelines, Policy, & Application
10. Price Quote, Order Form & Work Order – Excellence, Inc. (Ambulance \*  
\$139,559.39 \* State contract)
11. Resolution – Joint Participation Agreement with D.O.T. (Placement of Sand on  
SR 30E Cape San Blass Road), as follows:

**RESOLUTION NO. 2015-26A**

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

\*Complete Resolution on file with Clerk\*

(End)

– Unanticipated Revenue (General Fund, EMS Grant Fund, W911 Fund, BP & RESTORE Act Fund, & TDC Fund), as follows:

**RESOLUTION NO. 2015-37**

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida, has unanticipated revenue in the General Fund, E.M.S. Grant Fund, W911 Fund, BP & RESTORE Act Fund, T.D.C. Fund; and

**WHEREAS**, said revenue adjustments are necessary for expenditures incurred in Fiscal Year 2014-15;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

The 2014-15 Fiscal Year Budget is to be amended, as follows:

**GENERAL FUND**

		<u>Original</u>	<u>Increase/</u>	<u>Amended</u>
		<u>Budget</u>	<u>(Decrease)</u>	<u>Budget</u>
<b><u>Revenues:</u></b>				
00131-29001	HMGP Disaster Relief	0.00	28,875.00	28,875.00
00131-39001	Other Physical Envir. Grants	0.00	20,706.00	20,706.00
00131-39001	HCP Other Physical Envir. Grants	0.00	218,054.00	218,054.00
00131-49000	Other Transportation Grant	0.00	191,324.00	191,324.00
00134-49000	Other Transportation Grants	0.00	5,866,210.00	5,866,210.00
00134-49000	SCRAP FDOT-SCRAP Grants	0.00	160,414.00	160,414.00
00141-51000	Tax Collector	200,000.00	6,000.00	206,000.00
00197-98000	Less 5%	(695,577.00)	16,838.00	(678,739.00)

**Expenditures:**

22213-91001	Tax Collector TDC Fee	25,000.00	22,838.00	47,838.00
223525-31000	HMGP Professional Services	0.00	28,875.00	28,875.00
223541-63000	SCRAP Infrastructure	0.00	160,414.00	160,414.00
33537-31000	HCP Professional Services	0.00	218,054.00	218,054.00
33537-52000	Operating Supplies	0.00	20,706.00	20,706.00
40249-31000	Professional Services	0.00	9,625.00	9,625.00
40341-31000	Professional Services	0.00	178,824.00	178,824.00
40341-63000	Infrastructure	0.00	12,500.00	12,500.00
40641-63000	Infrastructure	0.00	3,772,601.00	3,772,601.00
40741-63000	Infrastructure	0.00	2,083,984.00	2,083,984.00

**EMS GRANT FUND**

		<u>Original Budget</u>	<u>Increase/ (Decrease)</u>	<u>Amended Budget</u>
<b>Revenues:</b>				
11134-22000	County EMS Grant Award	0.00	2,465.00	2,465.00
<b>Expenditures:</b>				
M5126-55000	Training & Education	0.00	2,465.00	2,465.00

**W911 FUND**

		<u>Original Budget</u>	<u>Increase/ (Decrease)</u>	<u>Amended Budget</u>
<b>Revenues:</b>				
12534-24000	Rural County Grant-W911	0.00	30,208.00	30,208.00
<b>Expenditures:</b>				
25125-34000	Other Contractual Services	0.00	26,041.00	26,041.00
25125-46200	Repair & Maint:Equip.	0.00	4,167.00	4,167.00

**BP & RESTORE ACT FUND**

		<u>Original Budget</u>	<u>Increase/ (Decrease)</u>	<u>Amended Budget</u>
<b>Revenues:</b>				
119369-369300	Settlements	0.00	751,126.00	751,126.00
<b>Expenditures:</b>				
283513-31000	Professional Services	0.00	740,126.00	740,126.00
283513-40000	Travel & Per Diem	0.00	5,000.00	5,000.00
283513-41000	Communications & Freight Serv.	0.00	1,000.00	1,000.00
283513-52000	Operating Supplies	0.00	5,000.00	5,000.00

**T.D.C. FUND**

		<u>Original Budget</u>	<u>Increase/ (Decrease)</u>	<u>Amended Budget</u>
<b>Revenues:</b>				

600334-39001	Other Physical Envir. Grants	0.00	165,985.00	165,985.00
60034-58000	State Tourism Grant	0.00	5,000.00	5,000.00
600369-369300	Settlements	0.00	261,592.00	261,592.00

**Expenditures:**

27452-31000	Professional Services	12,500.00	49,344.00	61,844.00
27452-47000	Printing & Binding	56,000.00	5,000.00	61,000.00
28039-31000	Professional Services	209,008.00	231,383.00	440,391.00
69984-96000	Cash to be Carried Fwd-TDC	101,755.00	146,850.00	248,605.00

**THIS RESOLUTION ADOPTED** by the Gulf County Board of County Commissioners, this 27<sup>th</sup> day of October, 2015.

(End)

- Supporting Any All Efforts to Amend Current Regulations Set Forth in the FL Administrative Code Enforcing the Restrictions & Overregulation of the use of Purse Seine Net Fishing for Non-food Fish Bait Fishing by the Gulf County Commercial Fishing Industry, as follows:

**RESOLUTION NO. 2015-38**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA, SUPPORTING ANY AND ALL EFFORTS TO AMEND CURRENT REGULATIONS SET FORTH IN THE FLORIDA ADMINISTRATIVE CODE ENFORCING THE RESTRICTIONS AND OVERREGULATION OF THE USE OF PURSE SEINE NET FISHING FOR NON-FOOD FISH BAIT FISHING BY THE GULF COUNTY COMMERCIAL FISHING INDUSTRY.**

\* Complete Resolution on file with Clerk\*

(End)

- Proclamation (November Pancreatic Cancer Awareness Month), as follows:

**RESOLUTION NO. 2015-39**

Declaring the month of November “Pancreatic Cancer Awareness Month” in Gulf County.

**WHEREAS**, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease;

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States and is projected to become the second by 2020;

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent;

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years;

**WHEREAS**, approximately 2,980 deaths will occur in Florida in 2015;

**WHEREAS**, pancreatic cancer is the 7<sup>th</sup> most common cause of cancer-related death in men and women across the world;

**WHEREAS**, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

**WHEREAS**, the good health and well-being of the residents of Gulf County are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

**BE IT THEREFORE RESOLVED** that the County Commissioners of Gulf County designate the month of November 2015 as “Pancreatic Cancer Awareness Month” in Gulf County.

(End)

– Joint Participation Agreement with FL D.O.T. (S.C.R.A.P. Grant \* Resurfacing of Atlantic Street), as follows:

#### **RESOLUTION NO. 2015-40**

**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.**

\* Complete Resolution on file with Clerk\*

(End)

– Joint Participation Agreement with FL D.O.T. (S.C.O.P. Grant \* Widen & Resurfacing of County Road 5), as follows:

#### **RESOLUTION NO. 2015-41**

**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.**

\* Complete Resolution on file with Clerk\*

(End)

– Joint Participation Agreement with FL D.O.T. (C.I.G.P. Grant \* Resurfacing of Old Bay City Road), as follows:

**RESOLUTION NO. 2015-42**

**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.**

\* Complete Resolution on file with Clerk\*

(End)

– License Agreement with FL D.O.T. (Construct or Improve State Road 30/U.S. 98), as follows:

**RESOLUTION NO. 2015-43**

**ON MOTION** of Commissioner Quinn, seconded by Commissioner McLemore, the following Resolution was adopted:

**WHEREAS**, the State of Florida Department of Transportation proposes to construct or improve State Road No. 30 (US 98), Financial Project 4335691, in Gulf County, Florida; and

**WHEREAS**, it is necessary that certain lands now owned by Gulf County be used temporarily by the State of Florida for the use and benefit of the State of Florida Department of Transportation; and

**WHEREAS**, said use is in best interest of the County; and

**WHEREAS**, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida a license agreement, or agreements, in favor of the State of Florida, for the purpose of highway improvements, and said request having been duly considered.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gulf County, that the application of the State of Florida Department of Transportation for a license agreement or agreements are for transportation purposes which are in the public or community interest and for public welfare; that a license agreement or agreements, in favor of the State of Florida, in Gulf County, should be drawn and executed by this Board of County Commissioners. Consideration shall be \$0.00.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 1074 Highway 90, Chipley, Florida 32428.

**STATE OF FLORIDA  
COUNTY OF GULF**

**I HEREBY CERTIFY** that the foregoing is a true copy of a Resolution adopt by the Board of County Commissioners of Gulf County, Florida at a meeting held on the 27<sup>th</sup> day of October, 2015.

(End)

12. Request for Funds – Gulf County Sheriff’s Office (Beach Patrol Funds \* August, 2015 \* \$4,252.29)

13. S.H.I.P. – Rehabilitation Project for Lester Hand (Award Low Quote \* Raymond A. Driesbach, LLC \* \$10,595.00)

(End)

**RESOLUTION – D.O.T. SIDEWALK PROJECT**

Chief Administrator Butler discussed meeting with D.O.T. regarding the D.O.T. Sidewalk Project; stating that the County Attorney has drafted a resolution that will resolve and provide a solution regarding this project. County Attorney Novak then read the proposed resolution by title. After discussion, Commissioner McLemore motioned to accept the proposal. Commissioner Barnes seconded the motion. After discussion by members of the Board, Chairman McDaniel called for public comment. Jennifer Corbin, of Beacon Hill appeared before the Board to state that she is excited about this project; discussing her concerns that the project will stop at Abalone Street. Randy Pridgeon, of Beacon Hill appeared before the Board to thank the Board for doing this; stating that they “got it right”. After discussion, County Attorney Novak read a portion of the policy regarding Board meetings. Noel Guardi, of Beacon Hill appeared before the Board to discuss the sidewalk project; stating that leaving that section out undermines the purposed of this project. He objected to Beacon Hill being made a second class beach and objected to the lack of due process here as a citizen. After discussion by members of the Board, the motion passed 4 to 1, with Commissioner Bryan voting no, as follows:

**RESOLUTION NO. 2015-44**

**A RESOLUTION OF THE GULF COUNTY BOARD OF COUNTY COMMISSIONER REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S ACKNOWLEDGEMENT, COOPERATION, AND ASSISTANCE TO GULF COUNTY IN ITS REQUESTED MODIFICATION OF ST. JOE BEACH HIGHWAY 98 SIDEWALK PROJECT; REQUESTING FLORIDA DEPARTMENT OF TRANSPORTATION TO APPROVE, ACCEPT, AND SUPPORT THESE MODIFICATIONS; AND ACCEPTING RESPONSIBILITY FOR SAME TO MAKE NECESSARY AMENDMENTS TO THE GRANT AWARD AND PROJECT PLANNING.**

\* Complete Resolution on file with Clerk\*

**FUNDING – POLLING EQUIPMENT**

County Attorney Novak discussed a memorandum that is in the Information Packet on Pages 22 and 23 regarding funding for Gulf County polling equipment. He requested direction from the Board as to how they would like to pay for these polling machines. Gene McCroan, from the Supervisor of Elections Office appeared before the Board to discuss the opportunity to upgrade the polling equipment and use the Help America Vote Act Funds (HAVA) to reimburse the County over a period of five (5) years. He requested that the County reach into Reserve to fund this upgrade, in the amount of \$118,172.00; reporting that the State will reimburse the County at \$23,634.40 per year over the next five (5) years beginning with this fiscal year, once the paperwork is signed. Upon inquiry by Commissioner McLemore, County Attorney Novak stated that the reimbursement monies is guaranteed this upcoming fiscal year and will be paid each year as long as it is approved in the State's budget. After discussion, Chairman McDaniel inquired if the County has money available for this project. Chief Administrator Butler discussed using funds from Reserves for Contingency or Reserves for Infrastructure. Board members discussed obtaining a low interested loan. Commissioner McLemore inquired as to Chief Administrator Butler's recommendation. Chief Administrator Butler recommended to use Reserves for Contingency or Reserves for Infrastructure to fund this project. Commissioner McLemore stated that he is not in favor of using funds from Reserves for this project; recommending that Supervisor of Elections apply for a low interested loan. Discussion followed. Commissioner Quinn motioned to proceed with the State plan, and to pay for the polling equipment to be reimbursed by the State. Commissioner Barnes seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner McLemore voting no.

**CONTRACT – WASTE PRO**

County Attorney Novak presented a timeline and discussed the default of Waste Pro and the history of the contract. Upon inquiry by Commissioner Bryan, County Attorney Novak reported that Waste Pro hopes to have the construction of the transfer facility and punch list for final approval by December 17<sup>th</sup>. He stated that the paving of the road (leading to the transfer facility) will not be constructed until after Five Points Landfill closure is complete (due to dump trucks using this road to haul in dirt). Commissioner Bryan discussed her concerns on waiting to construct the road; stating the road should be built to withstand trucks being driven across it. Upon inquiry by Commissioner Bryan, County

Attorney Novak stated that according to his letter dated January 14<sup>th</sup> Waste Pro is in breach of the contract. Commissioner Bryan inquired whether Waste Pro is in continued breach of the contract. County Attorney Novak reported that Waste Pro has been in breach of the contract since January 1, 2015 and this matter has been addressed by the attorney for Waste Pro; stating the County has provided authorization to move forward to address the breaches and it is being remedied on a daily basis. Upon inquiry by Commissioner Bryan regarding declaring Waste Pro in default, County Attorney Novak stated that Waste Pro is meeting the terms of the contract under the breach of liquidated damages. He then directed the Board to Section 11 and 7 of the contract regarding liquidated damages. Discussion followed. Commissioner Bryan discussed issues within District III regarding trash pickup. County Attorney Novak discussed provisions in the contract that address the issues Commissioner Bryan mentioned. Discussion followed.

#### **LIMITED MAINTENANCE AGREEMENTS – FIVE ACRE FARMS**

Public Works and Mosquito Control Director Cothran appeared before the Board to request authorization to allow Chief Administrator Butler to sign four (4) Limited Maintenance Agreements for property located at 5 (five) Acre Farms (Deborah Moon, David Childress, Jr., Hugh Reynolds, Jr. and Umaporn S. Lankford). Commissioner McLemore motioned to approve this request. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

#### **LIMITED MAINTENANCE AGREEMENT – GULFAIRE ASSOCIATION**

Commissioner Bryan discussed the need to obtain a Limited Maintenance Agreement with the Gulfaire Association in order to cross the Association's property to reach the drainage ditch. Commissioner Bryan then motioned to authorize Chief Administrator Butler to sign a Limited Maintenance Agreement with Gulfaire Association. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

#### **ANNUAL REPORT – S.H.I.P. CLOSE-OUT**

Upon discussion by S.H.I.P. Administrator Paul, Commissioner McLemore motioned to approve the Annual FY 2013-14 Close-out Report for S.H.I.P. Commissioner Barnes seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

#### **CHANGE ORDER #2 – S.H.I.P. PROJECT / DANIELS**

After discussion by S.H.I.P. Administrator Paul, Commissioner Barnes motioned to approve Change Order #2 (with Raymond Driesbach, LLC \* Bid #1415-29), in the amount of \$1,347.87 for Olivia Daniels. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **AWARD BID #1516-02 – S.H.I.P. PROJECT / TAUNTON**

Upon recommendation by S.H.I.P. Administrator Paul, Commissioner Quinn motioned to award bid (#1516-02) to Crest Enterprises (low bidder) for the S.H.I.P. project for Pete Taunton. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **FORGIVENESS REQUEST – S.H.I.P. PROJECT / COLVIN**

S.H.I.P. Administrator Paul discussed processing a S.H.I.P. project for Christine Colvin to repair her roof; reporting that Ms. Colvin already has an outstanding S.H.I.P. loan that will be satisfied in June, 2017. He requested that the Board forgive the S.H.I.P. loan that was recorded in June, 2007 under the hardship program so that she would be eligible to receive additional S.H.I.P. funds for the repair of her roof. After discussion, Commissioner McLemore motioned to forgive the S.H.I.P. loan issued to Christine Colvin on June 7, 2007 under the hardship program. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **PURCHASE AMBULANCE – GULF COUNTY E.M.S.**

E.M.S. Director Whitfield appeared before the Board to thank the Board for the purchase of a new ambulance (2014 model); reporting that it should arrive in two (2) to three (3) weeks.

### **MONTHLY REPORT – GULF COUNTY E.M.S.**

E.M.S. Director Whitfield appeared before the Board to discuss the September, 2015 collection report.

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

E.M.S. Director Whitfield stated that they have negotiated with E.M.S. Consultants for E.M.S. Billing Services (Bid #1415-11); reporting that the rate has been reduced to 4.5%. He requested that the Board “piggy-back” on the contract that the County had with E.M.S. Consultants in 2008 for the 4.5% fee for E.M.S. Billing Services. Commissioner McLemore motioned to approve this request. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **GULF COUNTY BEACHES – RED TIDE**

T.D.C. Executive Director Jenkins appeared before the Board to address the matter of Red Tide this season; providing an update to the Board. She reported that fifteen (15) tons of fish was cleared off the beaches. Commissioner Bryan thanked all involved in cleaning the beaches.

### **D.E.P. N.R.D.A. PROJECT – SEAGRASS BED RECOVERY**

T.D.C. Executive Director Jenkins reported that the first week of October, D.E.P. installed a buoy system in the Bay. Upon inquiry by Commissioner McLemore, T.D.C. Executive Director Jenkins stated that she would provide him with the language that is on the buoys.

### **ANNUAL MEETING – T.D.C.**

T.D.C. Executive Director Jenkins reported that the T.D.C. Annual Meeting will be held on November 3, 2015 from 5:00 p.m. to 7:00 p.m. at the Capital City Bank Building and welcomed the public to attend.

### **GULF COUNTY BEACHES – RED TIDE**

Chairman McDaniel thanked the T.D.C. Staff, FL Department of Health, and County Staff for their efforts regarding the Red Tide. T.D.C. Executive Director Jenkins stated that the County did go through the proper procedures in cleaning up the beaches.

### **WAIVER REQUEST – HONEYVILLE COMMUNITY CENTER**

Central Services Director Lanier reported that the Wewahitchka Elementary School Gator Football League is requesting a waiver of the fees for the use of the Honeyville Community Center to hold their annual banquet on November 10, 2015. Commissioner McLemore motioned to approve this request. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **AMENDMENT #4 / HABITAT CONSERVATION PLAN**

After discussion by Central Services Director Lanier, Commissioner McLemore motioned to approve Amendment #4 with (FWC) Fish and Wildlife Commission regarding the Habitat Conservation Plan (HCP), which extends the grant agreement until June 30, 2016. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **APPOINTMENT – CHEMICAL ADDICTIONS RECOVERY EFFORT**

Commissioner Quinn reported that he received a letter from the Chemical Addictions Recovery Effort (C.A.R.E.) requesting that a Commissioner be appointed to serve on their board. Chairman McDaniel called for a volunteer to serve on the Chemical Addictions Recovery Effort board. Commissioner Quinn stated that he would volunteer. The Board had no objection.

### **PILOT PROGRAM – INDIAN LAGOON**

Commissioner McLemore stated that the owner of Thirteen (13) Mile Seafood, Tommy Ward is working with the State on a pilot program on harvesting oysters. He requested that the Board consider allowing Mr. Ward to lease one (1) acre of Indian Lagoon for this pilot program.

### **CHAIRMAN / VICE CHAIRMAN**

Commissioner McLemore motioned to leave the chairmanship as it is (Ward McDaniel as Chairman and Carmen McLemore serve as Vice Chairman) for the upcoming year. Commissioner Barnes seconded the motion. Commissioner Bryan stated that this is her fourth year serving as a Commissioner and would like the opportunity to serve as Chairman. County Attorney Novak requested that the motion be amended to state that the Board is suspending the current County Policy that states when to appoint the Chairmanship each year. Commissioner McLemore amended his motion as requested by

County Attorney Novak. The motion passed 4 to 1, with Commissioner Bryan voting no. Upon inquiry by Commissioner Bryan regarding public comment, Chairman McDaniel stated that this is internal; the public does not chose the Board members.

### **CODE ENFORCEMENT – ALABAMA AVENUE**

Commissioner Bryan discussed a mobile home located at 7724 Alabama Avenue that burned; reporting that this code violation went before the Special Magistrate. She requested the County take action to remove the mobile home and lien the property. County Attorney Novak discussed the Order signed by Special Magistrate Grover; stating that if the time for compliance has expired then the County can move forward without any Board action. Commissioner Bryan reported that the compliance date is beyond expired. County Attorney Novak stated that he will work with Code Enforcement Officer Aiken. Upon inquiry by Commissioner Bryan, County Attorney Novak stated that no motion is needed being that it has been issued by the Special Magistrate in the Order.

### **ADVERTISE – MSTU PROPOSED RESOLUTION**

Commissioner Bryan inquired about the hearing date listed in the Notice to advertise MSTU proposed resolutions (pulled from Consent Pages 34-36); stating that in the Notice, it states that a Public Hearing will be held on a December 8<sup>th</sup> during a regular Commission meeting, noting regular meetings are scheduled for the fourth Tuesday of the month. She asked if this was a mistake or whether this date needed to be clarified. County Attorney Novak discussed it being a special meeting instead of a regular meeting; stating that he would correct the Notice to state special meeting verses a regular meeting. After discussion, Chief Administrator Butler discussed the Thanksgiving Holiday week; reporting that the F.A.C. meeting will be held the week before Thanksgiving. He then recommended that the Board schedule the regular meeting for December 8<sup>th</sup> to handle business for the end of November. Upon inquiry by Commissioner Bryan, Chairman McDaniel stated that the Board would cancel the November 24<sup>th</sup> regular meeting and hold the regular meeting on December 8<sup>th</sup>. County Attorney Novak stated that language would remain the same in the advertisement. After discussion regarding the set December 8<sup>th</sup> meeting date, Commissioner Bryan discussed the change in the ballot process; stating that the MSTU will not be placed on the Presidential Ballot, but will be on a separate mail-out ballot in April. County Attorney Novak reported that in order to place the MSTU on the Presidential Ballot it would cost the taxpayer three (3) times as much verses placing it on a mail-out ballot thirty (30) days out from the Presidential Election. Commissioner Bryan discussed her concerns regarding the change in the ballot process and inquired how this item ended up in the Consent for approval. County Attorney Novak stated that nothing has been set, all that Staff is looking for is approval to advertise for four (4) weeks the proposed language, which is required by Statute. After discussion, Chairman McDaniel reported that the earliest the Supervisor of Elections can cast the vote would be from April to May, 2016, stating that for a monetary figure it has to be done in a mail-out ballot. After discussion by Commissioner Bryan, Pat Hardman, Coastal Community Association President appeared before the Board to request that the Board set a time and place to have the public review this proposed referendum. She stated that the only difference is that the proposed referendum will be placed on a mail-out ballot instead of the primary election. After discussion by Ms. Hardman, County Attorney Novak stated there needs to

be two (2) votes: 1<sup>st</sup> vote) permission to advertise for four (4) consecutive weeks as required by Statute; 2<sup>nd</sup> vote) in December, after hearing from the public, create the date and ballot language. He reported that without the Board approval to advertise, there cannot be a Public Hearing in December. After further discussion, Commissioner Bryan motioned to approve for advertisement for four (4) weeks. Commissioner Quinn seconded the motion. Commissioner McLemore discussed his concerns regarding this issue; stating that he does not support this. Chairman McDaniel called for public comment. There being no public comment, the motion passed 3 to 2, with Commissioners McLemore and Bryan voting no.

### **EMAIL – COUNTY BUSINESS**

Commissioner Bryan discussed her concerns regarding the way the County is doing business. She then read an email for the record, as follows: “It’s okay going around in circles so I can remember if I shared this with the board or not, met with Don and Jeremy yesterday reference the MSTU. With the three votes we have, Ward is going to put it on the Consent Agenda that means unless Bryant or Carmen pull it, it doesn’t go up for discussion it is just passed. I wouldn’t put it pass Bryan but we will see as a backup the Supervisor of Elections will be there to explain why it can’t be on the primary ballot and that he has money in his budget for the mail-out ballot. In case one of them do pull it, Jeremy will explain the process and has the referendum ready and the dates for public notification in place. If pulled, then Jerry will make the motion, Sandy will second then Ward will vote with them. The public hearing will be held at a special BOCC meeting December 8<sup>th</sup> and the mail-out ballot will be April 12<sup>th</sup>. That means the first assessment of taxes won’t be until 2018. Hopefully I have met with everyone that is needed to make this happen. I could use a backup in the audience in case it is pulled.” Commissioner Bryan discussed her concerns regarding this email and inquired if they all met together or how this was all put together. After inquiry by Chairman McDaniel on whether the email is signed, Commissioner Bryan stated that it is not signed, emails are not signed, that it is an email from Dr. Hardman to ten (10) people in the community. After discussion by Commissioner Bryan, Commissioner Quinn stated that he is offended; reporting that he has a full-time job and doesn’t have time to meet with Commissioners individually. He also stated that he is not in violation of the Florida Sunshine Law; reporting that he works through Chief Administrator Butler and County Attorney Novak. Discussion followed by members of the Board. Chairman McDaniel called Dr. Hardman to appear. Pat Hardman appeared before the Board to state that she has not broken the Law nor has the Board. She reported that this email was a private email sent to the Board of the Coastal Community Association. After discussion, Commissioner Barnes stated that he has not met with the first Commissioner; reporting that he meets with the County Attorney and Mr. Butler, and that he has met with Ms. Hardman. He repeated that he has not, nor will not, meet with any Commissioner. Commissioner Bryan stated that her question was for the Chairman, as to how this came about; noting that she didn’t say that they did meet. Chairman McDaniel stated that he does not meet outside of the Sunshine; that he has met with Dr. Hardman and staff.

### **PROPERTY DONATION – STONE MILL CREEK FIRE STATION**

Chairman McDaniel reported that Charles Pitts has agreed to donate approximately 1½ (one and half) acres of property in Stone Mill Creek to relocate the Stone Mill Creek Fire Station. He reported that this relocation of the Fire Station will not take place in the next few years; stating that the property must be used as a fire station. Chairman McDaniel requested Board approval for the County Attorney, Chief Administrator, and Mr. Husband to work with the Pitts Family in proceeding to obtain the documents needed. County Attorney Novak stated that the Pitts will be making the donation; reporting that the survey will be a County obligation. Commissioner Quinn motioned to proceed. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **SPEED LIMIT CHANGE – C30E**

Commissioner Barnes reported that the speed limit on C30E will change, effective October 28<sup>th</sup>; stating that the limit will be reduced from 45mph to 35mph.

### **RED TIDE – CAPE SAN BLAS**

Commissioner Barnes reported that he went all the way to the State Park looking for the effects of the Red Tide.

### **ROAD PAVING – C30B**

Commissioner Barnes discussed the paving road project on C30B; stating that the road will not be widened, but there will be a walking path. Chief Administrator Butler discussed the project; reporting that the project consists of adding a five (5) foot shoulder on each side of the road and changing all the cross drains.

### **PUBLIC HEARING – LAND USE MAP AMENDMENT ORDINANCE**

Pursuant to advertise to hold a public hearing to consider a proposed ordinance for a land use map amendment, County Attorney Novak read the proposed ordinance by title. Chairman McDaniel called for public comment. There being no public comment, Commissioner Barnes motioned to adopt the Land Use Map Amendment Ordinance. Commissioner Bryan seconded the motion. The motion passed 4 to 0, with Commissioner McLemore abstaining due to being the applicant <FORM 8B on file with the Clerk>, as follows:

### **ORDINANCE NO. 2015-09**

**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 #01045-050R, 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.**

\* Complete Ordinance on file with Clerk \*

(End)

**QUASI-JUDICIAL HEARING – REVIEW & CONSIDERATION OF P.D.R.B. RECOMMENDATION**

**VARIANCE REQUEST – ELLIS CAUDLE SMITH, JR. / BEACON HILL**

After discussion by County Attorney Novak regarding the Quasi-Judicial Hearing proceedings, Planner Lowry discussed the variance request for Ellis Caudle Smith, Jr. (Parcel ID #03806-082R); stating that this is a roadside setback variance request located on the Gulfside of Highway 98 in Beacon Hill. He reported that the P.D.R.B. is recommending to the Board, by a 3-0 vote, to permit up to a 10 (ten) foot setback on Highway 98. County Attorney Novak inquired if there were any objection to waiving the Quasi-Judicial Hearing regarding Mr. Smith, Jr's variance request. Chairman McDaniel called for any objection. There were no objections. Jack Husband, of Southeastern Consultant Engineers appeared before the Board to discuss the variance request for Mr. Smith; stating that the land use designation is zoned mixed commercial/residential. He reported that this is a typical variance request due to the D.E.P. setback line that was used during the permitting process. After discussion by Mr. Husband, Commissioner Bryan inquired if this variance setback request is only for Lot 2A. Mr. Husband affirmed that to be correct. Commissioner McLemore motioned to move forward. Commissioner Bryan seconded. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. County Attorney Novak stated that if there is no objection, the Board can waive the readings of the form that is required to grant variances in Gulf County. Commissioner McLemore motioned to waive the reading of the form and allow the Chairman to sign this form. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

**BALLOT – MSTU REFERENDUM**

Gene McCroan, from the Supervisor of Elections office appeared before the Board to report that the proposed MSTU referendum could not be placed on the Presidential Ballot due to this ballot being for democrats and republicans; stating there would be no way to get a ballot out to voters for those registered as no party affiliation. He also stated that the S.O.E. could run concurrent elections, but the polling equipment would have to be coded for the North and South ends of the County for early voting, which would cost almost triple. Mr. McCroan reported that the only way to get around early voting is to do a mail-out ballot; reporting that the mail-out ballot is scheduled for April 12, 2016.

**UNION IMPASSE – SHOP COORDINATOR**

Allen Steadham, I.U.O.E. Business Manager appeared before the Board. Chief Administrator Butler stated that Mr. Steadham is here today regarding a Union impasse issue regarding the position of Shop Coordinator. He reported that there was an impasse on this issue last year and the Board agreed to go with the Shop Coordinator position. After discussion by Chief Administrator Butler regarding the duties of this position, Mr. Steadham reported that it was voted to not ratify the contract again; stating that the Union

will skip the Special Master. Chief Administrator Butler discussed the need for the Shop Coordinator position; recommending that the Board allow this position to stay in place. After discussion, Commissioner McLemore motioned to move forward. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

### **OIL & GAS FRACTURING**

Amy Datz, of Environmental Caucus of Florida appeared before the Board to present a packet that contains information regarding oil and gas fracturing. She discussed her concerns regarding fracking. Ms. Datz reported that Sally Jewell, Secretary of the U.S. Department of Interior wants to frack on all public lands, which includes Apalachicola, Osceola, Ocala, and the Everglades. She discussed Senate Bill 318; stating that the Environmental Caucus of Florida would like to see this Bill defeated and a ban on fracking. Ms. Datz discussed resolutions that have been adopted by various Counties banning fracking. She requested that the Board consider passing a resolution; stating that she would like to submit postcards to the Board from citizens regarding this issue.

### **HEALTHY FOOD ACCESS**

Chairman McDaniel called for Gabe Landry to speak on healthy food access. He was not present.

### **REPORT – RESTORE ACT**

RESTORE Act Coordinator Yeager appeared before the Board to provide an update regarding the project list for Pot 1 (one). Upon inquiry by Commissioner Bryan, RESTORE Act Coordinator Yeager stated that the Parks and Piers Project does include walkovers and repairs. Upon inquiry by Commissioner Bryan, RESTORE Act Coordinator Yeager stated that the City of Port St. Joe is going to ask for funding through the Legislator to complete the sewer system for Beacon Hill; reporting that it may or may not fund the whole project and if not, the County will want to kick in a little money to finish this project.

### **BEACH SIDEWALK**

Ben Pridgeon, of Beacon Hill appeared before the Board to discuss his concerns regarding the D.O.T. Beach Sidewalk Project and the issue of parking once this project is complete. After discussion by Commissioner Bryan, Randy Pridgeon, of Beacon Hill appeared before the Board to discuss the D.O.T. Beach Sidewalk Project. He also discussed obtaining grants to fix the light beacon and create a bike trail in the area.

### **VISIT GULF COUNTY**

Randy Pridgeon, of Beacon Hill thanked T.D.C. Executive Director Jenkins for the advertisement of Gulf County; stating that a lot of people call and want to visit Gulf County because of the advertisements.

### **FRACKING RESOLUTION**

Herb Shelton, of Tallahassee appeared before the Board to discuss his concerns regarding fracking. Barbara and Dave Dorris, of Cape San Blas appeared before the Board to discuss their concerns regarding fracking and the affects.

**APPOINTMENT – T.D.C.**

Chief Administrator Butler reported that there is a vacant seat on the T.D.C. Board and recommended that anyone interested should submit an application.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Quinn, and unanimous vote, the meeting did then adjourn at 11:54 a.m., E.T.

**WARD MCDANIEL  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK OF COURT**