

MAY 26, 2015

PORT ST. JOE, FLORIDA

REGULAR MEETING

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

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Building Official Lee Collinsworth, Building Inspector George Knight, E9-1-1 Coordinator Ben Guthrie, Gulf County E.M.S. Director Houston Whitfield, Deputy Grant Coordinator Kari Summers, Mosquito Control Director Mark Cothran, County Planner Brett Lowry, Public Works Director Joe Danford, Sheriff Mike Harrison, T.D.C. Executive Director Jennifer Jenkins, and T.D.C. Deputy Director Town Kopinsky.

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

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

CONSENT AGENDA / INFORMATION PACKET

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

1. Minutes – April 14, 2015 – Regular Meeting
2. Award Bid – Bid #1415-16 * Purchase & Removal of Metal at Five Points Landfill (Cuumba Enterprises * \$88.00/gross ton)
 - Bid #1415-18 * Various Vehicles & Equipment from Public Works (1999 Ford E350 * Vin #1FBSS31S1XHA13702 * Cuumba Enterprises * \$450.01 * 1988 GMC Flatbed * VIN #1GDG6D1F2JV533958 * Cuumba Enterprises * \$525.15 * 1998 Ford F350 * VIN #1FBSS31S8XHA13079 * Cuumba Enterprises * \$450.01 * 1999 Ford E350 * VIN #1FBSS31S0XHA13075 * Cuumba Enterprises * \$450.01 * 1993 Ford Van * VIN #1FMEE11YZPHA69801 * Cuumba

Enterprises * \$450.01 * 1988 GMC Boom * VIN #1GDE6D1B2JV506151 * Cuumba Enterprises * \$525.15 * 1991 Molden Asphalt Spreader * Cuumba Enterprises * \$298.15 * 6½x16 Dual Axle Utility Trailer * Cuumba Enterprises * \$98.17 * 6½x16 Dual Axle Utility Trailer * Cuumba Enterprises * \$98.17 * 5x8 Single Axle Utility Trailer * Cuumba Enterprises * \$110.10 * 4x8 Single Axle Utility Trailer * Cuumba Enterprises * \$75.00 * 1993 Ford F150 * VIN #1FTDF15Y6PNB16742 * Ricky Davis * \$505.00 * 1994 Ford F150 * VIN #1FTEF14Y0RNA70589 * Ricky Davis * \$475.00 * 5X10 Single Axle Utility Trailer * Joe Danford * \$215.99 * 8x20 3 Axle w/ramps Utility Trailer * Hughie Palmer * \$250.00

3. Fee Waiver – Honeyville Community Center (Wewahitchka Dixie Youth Baseball * May 19, 2015)
4. Inventory – Public Defender (Junk * Asset #PD01387 * Dell Optiplex GX520 * Serial #GRJJZ71 * Asset #PD01453 * Dell Optiplex 760 * Serial #9MKPVK1)
 - Veterans' Services (Junk * Asset #240-28 * Dell Optiplex GX520 * Serial #49QWWB1)
5. Policy – Bid Award & Local Bidder Preference Policy Amendment
 - S.H.I.P. Subordination Policy

(End)

AWARD BID #1415-17 – ENGINEERING SERVICES FOR 2015 ROAD PAVING PROJECTS

Upon recommendation by Chief Administrator Butler, Commissioner McLemore motioned to allow Chief Administrator Butler negotiate a rate with Preble-Rish, Inc. (only bidder) regarding Bid #1415-17 for engineering services for 2015 Small County Road Paving Projects. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 3 to 1, with Commissioner Bryan voting no and Commissioner Yeager abstaining due to employment with the firm <FORM 8B on file with Clerk>.

POLICY – EMAIL RETENTION

Chief Administrator Butler recommended board policy on email retention. After discussion by Chief Administrator Butler, Commissioner Bryan discussed going to the Cloud, emails, IT having access to the emails, and monitoring by Administration. She suggested that emails go to the Cloud. Commissioner Bryan then motioned to stay with Microsoft 360, store emails in the Cloud, and for IT to look into a method to retain emails to the Cloud that cannot be deleted by Staff. Commissioner Quinn seconded the motion for discussion. After discussion, Chief Administrator Butler recommended to adopt a policy regarding email retention, mirror copy of emails to go to Administration, and still go to the Cloud.

After further discussion, <Commissioner McLemore left the meeting at 9:31 a.m., E.T.> Commissioner Quinn withdrew his second. The motion then died for a lack of a second. <Commissioner McLemore returned to the meeting at 9:33 a.m., E.T.> Commissioner McLemore motioned to accept Chief Administrator Butler's recommendation. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no.

CLOSURE – FIVE POINTS LANDFILL

Upon inquiry by Chairman McDaniel regarding the Landfill, Public Works Director Danford stated that it is the same as it was last week.

PACES FOUNDATION – GATEWAY MANOR PROJECT

Commissioner Quinn requested that County Attorney provide an update at the next regular meeting regarding the PACES Foundation (Gateway Manor Project). County Attorney Novak reporting that the LHAP (Local Housing Assistance Plan) Agreement was submitted to the Florida Housing Coalition in order to restructure money to continue to make the pledge to the PACES Foundation; stating he will provide an update at the next regular meeting.

DOGS AT THE PARK – BEACON HILL VETERANS' PARK

Commissioner Quinn discussed a previous vote by the Board to allow dogs within the baseball field at Beacon Hill Veterans' Memorial Park during the off-season; requesting that the "No Dogs Allowed" signs be removed being that softball and baseball season is over. Discussion followed.

DEMOLITION STRUCTURE – PORT ST. JOE

Upon inquiry by Chairman McDaniel, Commissioner Quinn reported that there was another structure that the City of Port St. Joe is requesting assistance from the County to demolish. County Attorney Novak noted the address to be: 521 9th Street, Port St. Joe. Commissioner Quinn motioned to add 521 9th Street, Port St. Joe to the list of demolition structures. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. (Mayor-Elect) Bo Patterson, of Port St. Joe appeared before the Board to report that the project consists of five (5) houses (structures). County Attorney Novak stated that four (4) structures have already been previously approved by the Board. There being no further comment, the motion passed unanimously.

MEETING NOTICE – GULF COUNTY E.D.C.

Commissioner Bryan discussed her concerns regarding scheduling an E.D.C. workshop for Tuesday to address business incentives; stating she felt this was not adequate notice given the holiday and it conflicted with today's Board meeting. She noted that the public cannot be in two (2) places at once and consideration should be given when scheduling meetings.

MANDATORY GARBAGE PICKUP

Commissioner Bryan discussed her concerns regarding yard debris and furniture being placed on the side of the road; stating that many items are being placed on vacant lots. She reported that the County needs to have mandatory garbage pickup. Commissioner Bryan motioned to allow Staff to bring back to the Board what the next step is to take to institute mandatory garbage pickup. Commissioner Yeager seconded the motion. After discussion, Chairman McDaniel called for public comment. Jim Lunsford, of Gulf Aire appeared before the Board to discuss dumping on other people's property; stating that the Sheriff needs to start fining people that are dumping the trash. Sheriff Harrison reported that his office has not received any calls regarding illegal dumping. After discussion, Tommy Knox, of Howard Creek appeared before the Board to discuss his concerns regarding low income residents that cannot afford additional expenses. Commissioner Bryan stated that there would be a program in place for the elderly and those on a fixed income. Chairman McDaniel called for public comment. There being no further public comment, the motion passed 4 to 1, with Commissioner McLemore voting no.

VOTE RESULTS – MSTU

Commissioner Yeager reported that the MSTU failed regarding beach renourishment; stating that he will continue will work to find the money for this project. He then read the voting results.

BEACH DRIVING PERMITS

Chairman McDaniel reported that he has received phone calls regarding the beach driving permit; stating that the residents need to know what is required to obtain a beach driving permit. Following comments by Clerk Norris noting that the Ordinance addresses what is needed, Chairman McDaniel agreed that it is in the ordinance, but people need to know what they need to bring to the Gulf County Tax Collector's Office. After discussion, County Attorney Novak reported that a resident needs to bring their valid driver's license, proof of insurance, and the vehicle registration.

FINAL PUBLIC HEARING – AMENDED LEAVE NO TRACE ORDINANCE

Pursuant to advertise to consider adoption of an amended Leave No Trace ordinance, County Attorney Novak read the proposed ordinance by title. Commissioner Yeager motioned to leave the ordinance in place and do away with issuing of tags. Commissioner Quinn seconded the motion for discussion. After discussion by members of the Board, Pat Hardman of the Coastal Community Association appeared before the Board to discuss her concerns regarding the tags and getting the items off the beach. Commissioner Yeager withdrew his motion and Commissioner Quinn then withdrew his second. After discussion, Chairman McDaniel called for public comment. County Attorney Novak requested a recess.

The meeting recessed at 10:16 a.m., E.T.

The meeting reconvened at 10:33 a.m., E.T.

Commissioner Yeager motioned to leave the ordinance in place and to do away with the issuance of tags. Commissioner Bryan seconded the motion for discussion. After discussion, Commissioner Yeager added to his motion to give T.D.C. the authority to remove the property from the beach. County Attorney Novak stated that with the removal of the tag system there will be no need for the tow of the dune language. Commissioner Bryan discussed her concerns regarding ownership and deed of access. After discussion, Chairman McDaniel called for public comment. Noel Guardi, of Beacon Hill appeared before the Board to present a written statement <copy on file in the Clerk's Office> and inquired whether Section 5 (five) of the proposed ordinance will be deleted. Chairman McDaniel stated that they are doing away with the tags. County Attorney Novak discussed the proposed statement that would read if the motion passes regarding the removal of tags. Chairman McDaniel called for public comment. There being no further public comment, the motion then passed unanimously. Chairman McDaniel opened the floor to public comment on the second public hearing to consider adoption of the amended Leave No Trace ordinance. County Attorney Novak discussed taking actions of Staff's recommendation to narrow the scope. Upon Staff recommendation, Commissioner Yeager motioned to mirror other County fine violations: \$100.00 for the first (1st) violation; \$200.00 for second (2nd) violation; and with a third (3rd) violation, the fine be up to \$500.00. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. After discussion by County Attorney Novak, Commissioner Yeager motioned to add a "whereas" clause that reads: "Whereas, on May 4th and May 18th Public Notice were advertised for amendments to Ordinance 2015-02 and offered the public the opportunity to participate in two (2) public hearings before the Board of County Commissioners on May 12th at 9:00 a.m. and second public hearing on May 26th for the adoption the amended ordinance". Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. County Attorney Novak stated that due to the vote today to remove the tags, the issue with #4 (from the public notice) is now gone. After discussion by County Attorney Novak regarding #3 (from the public notice) being the Implementation Schedule and Administration's Authority, Commissioner Yeager motioned to authorize Gulf County Personnel (BOCC, BOCC Designee, Administration, or Law Enforcement Officer) to remove unattended personal property that is in violation of said ordinance from the beach. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. After discussion by County Attorney Novak, Commissioner Yeager motioned to strike through Gulf County T.D.C. from issuing beach driving permits. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. County Attorney Novak discussed adding language to Section 19 that would add additional administrative authority "all items collected for being in violation of this Ordinance shall be immediately taken to the Gulf County Public Facility thereafter properly dispose of by an authorized County Staff or donated per the direction and authorization of BOCC or County Administrator." Commissioner Yeager motioned to approve the additional language. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. After discussion, Chairman

McDaniel called for public comment. Jill Paton, of Port St. Joe appeared before the Board to discuss her concerns regarding communication, and the possibility of excluding St. Joe Beach from the proposed amended ordinance. Chairman McDaniel called for public comment. Linda Behage, of Cape San Blas appeared before the Board to discuss her concerns regarding enforcement and using volunteers to assist in picking up the unattended personal property. Noel Guardi, of Port St. Joe appeared before the Board to present an amendment relating to enforcement under Section 15; he then read the proposed text to the Board for consideration <copy on file in the Clerk's Office>. Commissioner Bryan requested that County Attorney Novak have the proposed language to review for consideration. After discussion, Commissioner Bryan motioned to allow addition time for Mr. Guardi to speak. Commissioner Yeager seconded the motion. Chairman McDaniel directed the Clerk to add three (3) minutes to the clock. Mr. Guardi discussed his concerns regarding educating the public on this Ordinance. T.D.C. Director Jenkins appeared before the Board to report that each local vacation rental company was hand delivered cards and magnets to educate the renters, in addition to placing information on the website www.visitgulf.com/leavenotrace. She discussed her concerns regarding a renter check-off as reading the ordinance being that a lot of the rental companies are virtual. After discussion <Commissioner Quinn left the meeting at 11:12 a.m., E.T.>, Ron Shaeffer, of Cape San Blas appeared before the Board to inquire as to when abandoned personal property left behind becomes his property. County Attorney Novak stated that the Ordinance reads for the public to take their belongings home at an hour after sunset or the County has lawful possession to remove said property from the beach. After discussion, <Commissioner Quinn returned to the meeting at 11:15 a.m., E.T.> Heather Pennington, of Cape San Blas appeared before the Board to state that she has renters on both sides of her home; reporting that there were five (5) tents, three (3) of which are full of chairs, and a kayak that is being left out on the beach every night. Penny Easton, of Cape San Blas appeared before the Board to thank them for removing the tag system and discussed using volunteers to help assist in removing items off of the beach. Chairman McDaniel called for public comment. There being no further public comment, Chairman McDaniel closed the second Public Hearing. Upon inquiry by Commissioner Yeager, he then motioned to close the Second Public Hearing. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no. Commissioner Yeager stated that the public can still use the beach at night.

ORDINANCE NO. 2015-07

AMENDING ORDINANCE (2015-02) OF GULF COUNTY, FLORIDA (AS AMENDED 5/26/15 PROHIBITING AND REGULATING OBSTRUCTIONS AND PERSONAL PROPERTY ABANDONED ON THE PUBLIC BEACHES OF GULF COUNTY, FLORIDA AND TO BE COMMONLY REFERRED TO AS "GULF COUNTY LEAVE NO TRACE ORDINANCE"; REQUIRING THE POSTING OF PROPER NOTICE/SIGNAGE AT BEACH ACCESS POINTS AND IN DAILY, WEEKLY AND MONTHLY RENTAL UNITS, IN GULF COUNTY, FLORIDA; FOR SAID POLICIES TO AMEND,

BE CODIFIED AND BECOME PART OF THE GULF COUNTY LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

Complete Ordinance on File with Clerk

FIVE YEAR WORK PROGRAM – FLORIDA D.O.T.

Apalachee Regional Planning Council Senior Planner Keith McCarron appeared before the Board to present and discuss the proposed F.D.O.T. five year work plan <copy provided to Clerk for the record>. Upon inquiry by Chairman McDaniel, Mr. McCarron stated he would look into adding a bike path to the widening project on County Road 382 and report back to Staff. After further discussion, the Board thanked Mr. McCarron for appearing and providing an update to the work project.

S.H.I.P. PROGRAM PARTICIPATION

Cora Curtis, of Port St. Joe appeared before the Board to request forgiveness of the S.H.I.P. loan by participate Gillie L McNair (deceased). She then read a written statement <stating that she will provide a copy to the Clerk by the end of business day for the record>. Commissioner Yeager motioned to allow additional time for Mrs. Curtis to speak. Chairman McDaniel stated to allow additional time to speak (no specific time was given). Mr. Curtis finished reading her written statement. After discussion, County Attorney Novak discussed the S.H.I.P. applicant is deceased and cannot be subordinate; reporting that a policy was adopted today in the Consent. Commissioner Quinn discussed his concerns and stated that he will abstain due to family involvement. After further discussion, Commissioner Yeager motioned to allow Staff to bring a policy back before the Board for consideration. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 0, with Commissioner Quinn abstaining due to family involvement <FORM 8B on file with Clerk>.

BOATING / WAKE / HIGHLAND VIEW CANAL

Danny Raffield, of Simons Bayou appeared before the Board to discuss his concerns regarding congestion of the Highland View Boat Ramp. Commissioner Yeager motioned to allow Mr. Raffield additional time to speak. Commissioner Bryan seconded the motion. Mr. Raffield discussed the wake issue and requested that the Board make the public aware by installing signage. Commissioner Yeager discussed setting a wake zone speed and FWC (Florida Wildlife Commission) to enforce. After discussion, County Attorney Novak discussed working with the State regarding signage. After further discussion, Commissioner Bryan motioned to allow Staff to work on getting signage, and working with FWC regarding enforcement. After discussion, Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

SEA SHORE ROAD EXPANSION

Jim Lunsford, of Gulf Aire appeared before the Board to present a Petition and photos <copy was not presented to the Clerk for the record> regarding the pathway access to Sea Shore Drive. He discussed his concerns regarding this expansion and the photos presented. After discussion, Mosquito Control Director Cothran stated that the access path will be six (6) foot wide, no big trees will be removed, and should only take one (1) day to create the path. After further discussion, Commissioner McLemore motioned to open the path to allow small vehicles. Commissioner Yeager seconded the motion for discussion <Commissioner McLemore left the meeting at 12:17 p.m., E.T.>. After discussion, <Commissioner McLemore returned to the meeting at 12:18 p.m., E.T.> Chairman McDaniel called for public comment. There being no public comment, Commissioner Yeager withdrew his second. After discussion, Commissioner McLemore amended his motion to open the pathway until the sidewalk is built (D.O.T. sidewalk project), then the path will close back. Discussion followed. The motion failed for a lack of a second.

CONTRIBUTION FOR THE POOL

Dan Van Tesse, of Friends of St. Joseph Bay Golf Club (501C3 organization) appeared before the Board to discuss the pool at the Golf Club; reporting that if repairs are not made, the pool will not be able to open next year. He stated that they can obtain a matching grant and requested that each Commissioner donate \$1,000.00 to cover the match. Mr. Van Tesse also stated that funds will be raised for the remainder. County Attorney Novak noted public dollars is for public use; reporting that there is a charge to access the pool so it is not a public pool. After discussion, County Attorney Novak stated he will look into this matter further.

MEETING NOTICE – GULF COUNTY E.D.C.

E.D.C. Chairman McElroy appeared before the Board to state that she did not send out any communication regarding today's E.D.C. workshop. She reported that because the Restore Group was scheduled to meet today at 11:30 a.m. and Dewberry was going to be present at this meeting; the E.D.C. team decided to schedule a meeting before the Restore meeting and that she alone with twenty-seven (27) others received notice of this workshop. Commissioner Bryan reported that a public notice was sent out and indicated that Christy McElroy, Chairman was listed on the bottom of the Notice. E.D.C. Chairman McElroy stated she received notice from Staff via email regarding the workshop; knowing nothing of a public notice with her name on it. Commissioner Bryan discussed her concerns regarding the conflict in scheduling meetings.

MONTHLY REPORT – GULF COUNTY E.D.C.

Commissioner Yeager motioned to allow McElroy additional time to speak. E.D.C. Chairman McElroy presented a monthly report regarding E.D.C. <copy provided to the Clerk for the record>.

DISTRESSED PEOPLE

Tommy Knox, of Howard Creek appeared before the Board to discuss his concerns regarding how a lady is being treated by a business that she is working for in Howard Creek; whom she is also renting from. Upon inquiry by Chairman McDaniel regarding the nature of his business before the Board, Mr. Knox stated the issue has to do with health and safety. Commissioner Yeager motioned to allow Mr. Knox time to finish. Mr. Knox reported that the landlord/business owner locked the meter box and discussed his concerns regarding raw sewage running in the backyard. After discussion, Mr. Knox requested that the Board help get the power turned back on until this matter can be resolved in Court. Chairman McDaniel discussed the issue regarding the sewage; stating he can help by contacting the Health Department.

S.H.I.P. PROGRAM PARTICIPATION

Thomas Curtis, of Port St Joe appeared before the Board to thank the Board and Staff for their help with the issue of Gillie L McNair's S.H.I.P. loan forgiveness.

NEW YEAR'S CELEBRATION – JAW DROP

Joseph Bowens, of Georgia appeared before the Board to discuss his concerns regarding holidays; stating there is nothing to do in Port St. Joe and suggested that the County create a New Year's Celebration and use a "jaw drop". Chairman McDaniel thanks Mr. Bowens for bringing this to their attention and discussed Mr. Bowens speaking with T.D.C. or the Chamber regarding this idea.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Quinn, and unanimous vote, the meeting did then adjourn at 12:56 p.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**