

SEPTEMBER 23, 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, and Commissioners Joanna Bryan, Tynalin Smiley, and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, Central Services Director Denise Manuel, Emergency Management Director Marshall Nelson, Gulf County E.M.S. Director Houston Whitfield, Fire Coordinator Brad Price, Grant Coordinator Towan Kopinsky, Deputy Grant Coordinator Kari Summers, Maintenance Superintendent Steve Mork, Mosquito Control Director Mark Cothran, County Planner David Richardson, Preble-Rish, Inc./County Engineer Clay Smallwood, III, Sheriff Mike Harrison, and Veterans' Service Officer 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.

CONSENT AGENDA / INFORMATION PACKETS

Chairman McDaniel called for public comment regarding the Consent Agenda and/or the Information Packet. There being no public comment, Deputy Administrator Lowry requested to pull Page 14-15 (Item #2, Section 125 Flexible Benefit Plan) and replace with corrected pages. Commissioner Yeager motioned to approve the Consent Agenda including the requested corrected pages. Commissioner Smiley seconded the motion. After discussion regarding Pages 99-102 (Item #8, Policy on Advisory Board Application and Appointment) and disposal of inventory, the motion passed unanimously, as follows:

1. Minutes – August 26, 2014 – Regular Meeting
2. Agreement – Section 125 Flexible Benefit Plan (October 1, 2014 - September 30, 2015)
3. Bid – South Gulf Fire Department (Bid #1314-27 * Sale Aluminum Boat, Boat Motor, & Trailer * No Bids Received - Request to Close Bid)

4. Billing Schedule – Gulf County T.D.C. (Multiple Media Outlets * Sole-Source Media Costs for FY 2014-15 * Not to Exceed \$420,000.00)
 - Gulf County T.D.C. (No Luggage * Media and Production Costs for FY 2014-15 * Not to Exceed \$209,250.00)

5. Contract – Florida Department of Health in Gulf County (FY 2014-15 Core Contract and Fee Schedule)

6. Inventory – Emergency Management (Junk * #90-258 * Mobile Vehicle Transceiver * #90-275 * Dell Precision T7400 * #90-276 * Dell Precision T7400 * #90-277 * Dell Precision T7400 * #90-278 * Dell Optiplex 360 Mini Tower * #90-280 * Dell Precision T5500 * #90-325 * Vertex Mobile Radio)
 - Emergency Management (Transfer to T.D.C. * #90-294 * Winch and Winch Guard)
 - E-911 (Junk * #95-25 * Mini Server * #95-39 * Active Voice Recorder 16 Channel * #95-40 * Active Voice Recorder 5 Channel * #95-41 * Dispatch Recorder Computer)
 - Human Resources/Risk Management (Junk * #325-03 * 2005 Dell Laptop Computer * Serial Number 6DD3WB1 * #325-01 * 2001 Sauder Office Desk)
 - Maintenance (Junk * #25-178 * 7.5 HP Air Compressor * Serial Number 500 * #25-157 * Grasshopper Mower * Serial Number 500433 * #25-197 * Snapper Mower * Serial Number 2000567016)
 - Mosquito Control (Junk * #72-02 * Datamaster GPS System Computers and Printers * #72-03 * Datamaster GPS System Computers and Printers * #72-04 * Datamaster GPS Computers and Printers * Transfer to T.D.C. * 2006 Ford F-150 * Vin #1FTRX14W36NB32866 * Junk * #72-05 * Grizzly Standard Control Box * Serial Number 101427 * #72-06 * Grizzly Standard Control Box * Serial Number 101523 * #72-16 * Datamaster II Platinum Bundle * #72-17 * Grizzly Smartflow ULV Machine * #72-20 * Grizzly Console Used * #72-23 * Clarke Grizzly Base Unit * Serial Number 12788 P/N * #72-24 * Visionman CAD Workstation * #72-26 * Toshiba P60558950 Computer)
 - Public Works (Junk * #100-536 * Scag Mower * Serial Number 8100138 * #100-429 * R-12 Recovery Unit)

- Public Works (Junk * #70-638 * 18 HP Briggs * #70-697 * Cannon Camera * Serial Number 166051 * #70-701 * Cannon Camera * Serial Number 1660517344 * #70-745 * Toshiba AV680 * Serial Number 12788 * #70-534 * Ford Tractor * Serial Number 355497M * #70-562 * New Holland * Serial Number 130225B #70-532 * Pipe Threader * Serial Number 53852B97)

7. Invoices – MRD Associates, Inc. – St. Joseph Peninsula Shorebird Monitoring Services (Invoice #1679 * \$2,900.00)

- MRD Associates, Inc. – St. Joseph Peninsula Southern Beach Feasibility Investigation (Invoice #1680 * \$16,380.18)

- Novak Law Group, PLLC – Professional Services (Invoice 2200-005 * \$2,380.00)

8. Policy – Advisory Board Application and Appointment

9. Request for Funds – Gulf County Sheriff’s Office (September, 2014 Beach Patrol * \$8,163.96)

- Gulf County Sheriff’s Office (D.A.R.E. Books * \$278.30)

(End)

REPORT – WEWAHITCHKA MEDICAL CENTER

Katrina Saunders, of the Wewahitchka Medical Center appeared before the Board to present their quarterly report. She discussed the Tools to Quit Smoking Program that is available to the community. Mrs. Saunders reported that November 15th starts the open enrollment for the Affordable Care Act, and workers will be available to help the community register. She noted that flu season is coming up and encouraged the public to inquire about getting a flu shot.

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

The Board then considered the following recommendations from the September 15, 2014 Planning & Development Review Board meeting, as follows:

VARIANCE APPLICATION – RONALD M. JENNE, TRUSTEE

Pursuant to advertisement to hold a Public Hearing to consider a variance for Ronald M. Jenne, Trustee, (Parcel #06365-001R) for a 10’ Road Setback from Gulf Side White Sands Drive, County Attorney Novak read the Public Notice and reported that the P.D.R.B. voted 4-0 to recommend this variance request. Commissioner Yeager motioned to approve the variance request for Ronald M. Jenne, Trustee. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

VARIANCE APPLICATION – CHARLES & MARY DINATALE

Pursuant to advertisement to hold a Public Hearing to consider a variance for Charles and Mary Dinatale, (Parcel #06287-125R) for a 6' Setback for new stairs located in Jubilation Subdivision, County Attorney Novak read the Public Notice and reported that the P.D.R.B. voted 4-0 to recommend this variance request. Commissioner Smiley motioned to approve the variance request for Charles and Mary Dinatale. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

VARIANCE APPLICATION – SEAWATERS, LLC

Pursuant to advertisement to hold a Public Hearing to consider a variance for Seawaters, LLC, (Parcel #06345-820R) for a 6' Boardwalk within the beach access easement on Secluded Dunes Drive, County Attorney Novak read the Public Notice and reported that the P.D.R.B. voted 4-0 to recommend this variance request. Upon inquiry by Commissioner Yeager, Planner Richardson reported that there were no comments from the landowners of Secluded Dunes. Commissioner Yeager motioned to approve the variance request for Seawaters, LLC. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

VARIANCE APPLICATION – BRIAN REILLY

County Attorney Novak reported that the P.D.R.B. tabled the variance request from Brian Reilly, (Parcel #06364-004R) for a 10' Road Setback to meet D.E.P. requirements.

COUNTY DEVELOPMENT REGULATIONS & POLICIES/RV ORDINANCE

County Attorney Novak reported that the P.D.R.B. took public comments regarding the RV Ordinance and no action was taken at this time. Upon inquiry by Commissioner Yeager, Planner Richardson discussed the P.D.R.B. presenting a proposed RV ordinance to the Board for consideration in the future.

MEETING – SUPPLEMENTAL BUDGET HEARING

Upon discussion by Clerk Norris, the Board had no objection to allow Clerk Norris to work with the County in scheduling the supplemental budget hearing.

INSURANCE RENEWALS

Upon discussion by Deputy Administrator Lowry, Commissioner McLemore motioned to approve the insurance renewals for Property, Inland Marine, Crime, General Liability, Automobile, and Public Officials Liability combined coverages, in the amount of a \$3,186.00 increase with no changes in coverage; Worker's Compensation Insurance, in the amount of \$178,218.00, and additional coverage under the Florida Sheriff's Self Insurance Program, in the amount of \$2,996.16. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Yeager abstaining due to serving on a board (Preferred Court Insurance Trust) that was awarded the bid <FORM 8B on File in the Clerk's Office>.

AGREEMENT – MEDICAL EXAMINER SERVICES

Following discussion by Deputy Grant Coordinator Summers, Commissioner McLemore motioned to approve the Amended Interlocal Agreement for medical examiner services with Dr. Michael D. Hunter, contingent upon County Attorney review. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

REJECT BID #1314-25 – AMBULANCE SERVICES

Upon recommendation by Chief Administrator Butler, Commissioner Yeager motioned to reject the sealed bids (one bidder, Lifeguard Ambulance Service) for Bid #1314-25 for Ambulance Services. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

AGREEMENT – SPRUCE AVENUE

Chief Administrator Butler discussed concerns from a property owner that resides on Spruce Avenue regarding road maintenance and drainage. After discussion, Commissioner McLemore motioned to extend the Limited Maintenance Agreement on Spruce Avenue (between the County and Sharon Suber). After further discussion, Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

APPOINTEE – T.D.C. ADVISORY BOARD

Chief Administrator Butler discussed a memorandum from T.D.C. Director Jenkins regarding the T.D.C. Advisory Board appointments and he recommended that the Board appoint Charlene Burke, Bill Kennedy, Jeri Ashcraft, and Justin Gerlach to serve on the T.D.C. Advisory Board. After discussion, Commissioner McLemore motioned to approve this recommendation. Commissioner Yeager seconded the motion for discussion. Discussion followed.

The meeting did then recess at 9:52 a.m., E.T.

The meeting did then reconvene at 9:58 a.m., E.T.

After discussion by members of the Board, Chairman McDaniel called for public comment. Julia Cunningham, of Cape San Blas appeared before the Board to discuss her concerns regarding the need to appoint a member to the T.D.C. Advisory Board that resides at the Cape. Commissioner Yeager motioned to allow Julia Cunningham additional time to speak. Commissioner Smiley seconded the motion. After further discussion by Ms. Cunningham and inquiry by Commissioner McLemore, County Attorney Novak discussed the terms of service on the advisory board. Commissioner Yeager withdrew his second. Commissioner McLemore withdrew his motion. Commissioner McLemore then motioned to table the T.D.C. Advisory Board appointments for further review and to extend the current three (3) board members for one month. Commissioner Yeager seconded the

motion. After discussion, Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

LEAVE NO TRACE – CAPE SAN BLAS

Commissioner Yeager discussed his concerns regarding “Leave No Trace” on the beach. Commissioner Yeager then motioned to begin the process of a “Leave No Trace” Program. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

APPOINTEE – FAC & GULF CONSORTIUM

Following discussion by Commissioner Yeager, Commissioner Smiley motioned to allow Commissioner Yeager to serve on the FAC (Florida Association of Counties) Board of Directors as 2nd Vice President, and the Gulf Consortium. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously.

GRANT FUNDING – COUNTY ROADS

Commissioner Yeager discussed various F.D.O.T. grants that fund County roads, and inquired whether the nine (9) million dollars in S.C.R.A.P. and S.C.O.P. was included in the FY2014-15 budget. Clerk Finance Officer Herring reported that grant funds are treated as unanticipated revenue and are added to the budget following notification of actual award.

BIDS SPECIFICATIONS – RESTORE ACT CONSULTANT

After discussion by County Attorney Novak and Commissioner Yeager, Commissioner Yeager motioned to allow the County Attorney to work up an R.F.Q. specifications for a restore act consultant. After discussion, Commissioner McLemore seconded the motion for discussion. After further discussion, Chairman McDaniel called for public comment. Patricia Hardman, of the Restore Act Committee appeared before the Board to discuss her concerns regarding the need of an expert for this project. There being no further public comment, the motion then passed unanimously.

MEETING – GULF COUNTY DELEGATION

Chief Administrator Butler reported that a Delegation Meeting will be held in the Board Room on Monday (September 29, 2014) at 5:00 p.m., E.T. with Representative Halsey Beshears and Senator Bill Montford; stating that this would be the County’s first opportunity to discuss creating legislation for the Spring regarding counting the inmate census as part of the County’s population for districting.

MEETING – NATURE CONSERVANCY

Chief Administrator Butler reported that the Nature Conservancy will be meeting in the Board Room on October 8, 2014 from 9:00 a.m. to 3:00 p.m., E.T. to discuss the designation of pot #2 money (BP Restore Act Funds).

MEETING – H.C.P.

Chief Administrator Butler reported that tomorrow (September 24, 2014) there will be an H.C.P. (Habitat Conservation Plan) meeting to be held in the E.O.C. Building.

MEETING – D.E.P.

Commissioner Bryan reported that a meeting was held last week with D.E.P. to discuss the Highland View Boat Ramp Project, the Veterans' Memorial Park at Beacon Hill, and the Pier at Windmark Beach; stating that all three (3) projects are moving forward.

DISTRICT III

Commissioner Bryan discussed her concerns regarding her duties as a Commissioner for District III.

CODE ENFORCEMENT – RV ORDINANCE

Thomas Bush, of Overstreet appeared before the Board to discuss his concerns regarding the RV Ordinance; reporting that he was cited for having three (3) RV's on one lot. He stated that he now has two (2) RV's which are registered, taxed, tagged, and titled with the DMV and the State of Florida. Mr. Bush discussed his concerns regarding the ordinance and its effect on County residents. Upon motion by Commissioner Smiley, second by Commissioner Bryan, the Board moved to allow Mr. Bush additional time to speak. Mr. Bush requested the Board to consider allowing two (2) RV's on a lot and resend the LDR. After discussion by Mr. Bush, County Attorney Novak discussed the LDR that defines one (1) RV per parcel and single dwelling language; reporting that the P.D.R.B. is discussing this topic. He stated that the County does not have an ordinance regarding this matter currently; reporting that the code enforcement officer is working under the County's LDR.

CODE ENFORCEMENT – RV PARKS

Bob Sutton, of Wewahitchka appeared before the Board to discuss his concerns regarding illegal RV Parks within the County. He reported that he filed a complaint regarding an illegal RV Park and seven (7) months later the RV's are still on the property. Mr. Sutton also reported that a property owner has been cited twice and is still in violation. He requested the Board adopt penalties for those that violate the code; stating this would assist the County Code Enforcement Officer.

BUDGET – COUNTYWIDE VOTING/CONSENT DECREE

Tom Semmes, of Wewahitchka appeared before the Board to discuss the Board's decision to use the County's GIS and County Attorney in lieu of hiring outside consultants regarding countywide voting. He inquired whether this project cost would be a part of the County Attorney's current salary or would be in addition to his salary, and whether it would require external expertise to finish the project. Chairman McDaniel noted Sniffin and Spellman's recommendation to not to proceed with the countywide voting until the two (2) matters are cleared up. After discussion by Chairman McDaniel, Mr. Semmes asked how County Attorney Novak's legal cost will be handled regarding this matter. Upon inquiry by Commissioner McLemore, County Attorney Novak noted Attorney Spellman working with the County before opening his own practice, the redrawing of the district

lines in 2011, and the recommendations from Sniffin and Spellman. He reported that the two (2) matters to be addressed before moving forward with countywide voting is, to redistrict in 2015, and the inclusion of the prison population as determined by the 2010 Federal decennial census. After further discussion and inquiry by Mr. Semmes, Commissioner Bryan motioned to allow Mr. Semmes additional time to speak. Commissioner Yeager seconded the motion. Upon inquiry by Mr. Semmes and Commissioner Bryan, County Attorney Novak stated he is working on redistricting at the direction of the Board and will provide findings to Attorney Spellman. After discussion and inquiry by Commissioner Bryan, County Attorney Novak reported that he does not have a contract with the County going into 2015; noting this project will be negotiated. He stated that under his current contract, this project is out of the scope. Upon inquiry by Commissioner Bryan, County Attorney Novak reported that Attorney Spellman recommends the Board seek a third-party, estimating that \$30,000.00 was for a GIS and \$10,000.00 for Sniffin and Spellman. Tom Graney, of Port St. Joe appeared before the Board to discuss the Consent Decree from the Federal Judge and the estimated cost to have the decree lifted. Upon motion by Commissioner Yeager, second by Commissioner Bryan, the Board allowed Mr. Graney additional time to speak. Mr. Graney discussed spending the \$40,000.00 to have the Consent Decree lifted and get the County back under the Florida Constitution. After discussion by Mr. Graney, County Attorney Novak discussed his concerns regarding the many layers involved in this project and Attorney Spellman's recommendation for the County to be in compliance with State Law before going to Federal Court. Commissioner Smiley discussed his concerns regarding countywide voting. Tom Graney, of Port St. Joe again appeared before the Board to discuss his concerns and the need to remove the Federal Decree. Further discussion followed regarding this topic.

COMMUNICATIONS – DISTRICT III

Thomas Bush, of Overstreet appeared before the Board to report that Commissioner Bryan, if unable to answer the phone, does return Mr. Bush's phone calls, and thanked her for that. He discussed his concerns regarding the importance of communication.

There being no further business, and upon motion by Commissioner McLemore, second by Commissioner Smiley, and unanimous vote, the meeting did then adjourn at 11:14 a.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**