

PORT ST. JOE, FLORIDA

APRIL 26, 2011

REGULAR MEETING

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

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Emergency Management Director Marshall Nelson, G.I.S. Coordinator Scott Warner, Gulf County E.M.S. Director Houston Whitfield, Planner David Richardson, Public Works Director Bobby Knee, Sheriff Joe Nugent, Sheriff's Office Investigator Shane Lee, T.D.C. Director Tim Kerigan, and County Engineer/Preble-Rish, Inc. Clay Smallwood, III.

Sheriff Nugent called the meeting to order at 6:00 p.m., E.T.

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

CONSENT AGENDA

Upon motion by Commissioner McDaniel, second by Commissioner McLemore, and unanimous vote, the Board approved the Consent Agenda as follows:

1. Bid Award #1011-19 (Sale of Kawasaki Mule * Ted Whitfield (highest bidder) * \$795.00)
2. Fee Waiver – Tipping Fees (Department of Corrections * \$134.10)
3. Inventory – Clerk of Court (Junked * #10-353 * Canon NP 6230 Copier)
 - Public Works (Junked * #70-689 * Toshiba Laptop SN #E15AV101)
 - T.D.C. (Junked * #230-7 * Sony Computer Monitor)

4. Invoices – County Attorney Jeremy Novak (April 1-17, 2011 * \$5,545.00 * to be paid from Account #21314-31100)

- FL Department of Revenue – Unemployment Tax (Clerk * \$1,666.99 * to be paid from Account #347511-25000 * Board * \$11,772.79 * to be paid from Account #347511-25000)

- Rumberger, Kirk & Caldwell – General Employment Matters (Invoice #759758 * \$383.20 * to be paid from Account #21111-31200)

(End)

PUBLIC HEARING – COMPREHENSIVE PLAN

Planner Richardson reported that this will be the last public hearing before the transmittal of the amendments to the Comprehensive Plan, stating that State Statute requires the County to call for public comment. He reported that the P.D.R.B. recommended transmittal of the amendments of the Comprehensive Plan, stating that once this is adopted the County will have to adhere to it. Planner Richardson reported that the purpose of the amendment is to clean-up the text and some statutory changes. Upon inquiry by Chairman Yeager, Planner Richardson reported that it will be transmitted within 14 days. Chairman Yeager called for public comment. There was no public comment. Commissioner Williams motioned to approve this recommendation for transmittal. Commissioner McDaniel seconded the motion, and it passed unanimously.

PUBLIC HEARING – RECREATIONAL VEHICLE MORATORIUM

Planner Richardson discussed the proposed recommendations from the P.D.R.B. concerning the R.V. Moratorium. Chairman Yeager stated that he is still receiving calls daily concerning the R.V. Moratorium. Commissioner Williams thanked Deputy Administrator Lanier for placing the P.D.R.B. recommendations concerning the R.V. Moratorium on the County website, stating that this Board needs to use common sense and not over regulate. Chairman Yeager stated that the main issues are public safety and having more than one unit per parcel.

Chairman Yeager called for public comment.

Julian Rabon of 7593 Americus Avenue Port St. Joe, appeared before the Board and stated that the County is discussing having only one R.V. per lot, and currently there are four R.V.'s on one lot; stating that this helps with the economy because these people are spending a lot of money in Gulf County. Mr. Rabon stated that he is not clear on

what the problem is with having more than one R.V. on a lot. Chairman Yeager stated that it is a safety issue, as well as a number of other issues. Chief Administrator Butler reported that there is nothing in the Land Development Regulations (L.D.R.) that addresses an R.V., but it does address dwelling units, stating that the limit is one per lot. Commissioner Williams discussed that this is a violation of the L.D.R. and bed tax. Further discussion followed.

Ron Scheffer of 7609 Shoreline Drive Port St. Joe appeared before the Board and discussed that he operates his business approximately two miles from a home, stating that there is no penalty for violating and the Board needs to address the issue of requiring Business Occupational License for this County.

Frank Pate appeared before the Board and stated that R.V.'s have a place but not on the Highway 98 tourist corridor, stating that this is hurting the tax base for the County by allowing R.V.'s on the tourist corridor.

Commissioner Williams stated that there has been discussion about the tourist corridor which directly affects his district and Chairman Yeager's district, stating that the interior area versus the tourist corridor needs to be looked at.

Upon inquiry by Chairman Yeager concerning the neighboring Counties, County Attorney Novak reported that there are restrictions in our neighboring Counties.

Jay Paneer appeared before the Board and reported that he lives in an R.V. fulltime, stating that he and his wife came to this area in March to stay two weeks and have fallen in love with this place, and he is now looking for land to purchase in the St. Joe Beach area. He reported that there is more than just a problem with R.V.'s in the St. Joe Beach area, stating that if this is regulated more than it needs to be, people like himself will go over to Mexico Beach. Mr. Paneer stated that some of the structures in St. Joe Beach need to be torn down, and this needs to be addressed as well as the issue with the R.V.'s.

Skip Griffes appeared before the Board and stated that he has one major issue and that is with the tourist corridor, because one block off Highway 98 needs to be addressed as well, and requested that this not be limited to just the tourist corridor. He reported that there does not need to be an R.V. park on every block.

Patricia Hardman appeared before the Board and reported that the Planning and Review Board had done an excellent job on taking the different areas and trying to address the problems for these areas, stating that R.V.'s have a place but not in the

middle of an established subdivision, and other Counties have regulations to prevent this. She suggested the Board follow what the P.D.R.B. drafted because it is fair for everyone, stating that this is a safety issue, and the property owners need help protecting their property values, their safety, and R.V.'s need to be in an R.V. park.

Jennifer Corbin appeared before the Board and stated that she is not on the Gulf, but has multiple vacant lots around her home, stating that they do not want an R.V. parked on a vacant lot next to her home. She reported that an R.V. park has been permitted for up to 14 R.V.'s near her home, stating that the buffering around commercial property should be enhanced.

Upon inquiry by Julian Rabon concerning the definition of the tourist corridor, Chairman Yeager reported that the tourist corridor goes from Highway 98 through to C.R. 30A and C.R. 30E and all the way to Indian Pass. County Attorney Novak reported that they are using the Waste Management contract to define the tourist corridor.

Bob Sutton appeared before the Board and reported that he owns an R.V. park in Wewahitchka, stating that he went to a lot of expense, time and trouble to create a legitimate R.V. park, and he feels that he is being undermined by people being allowed to have more than one R.V. per lot. He stated that he supports the one R.V. per lot, and would like to see that incorporated County wide.

Chairman Yeager stated that this is an issue and instructed the Clerk to schedule a Workshop for Monday, May 9, 2011 at 6:00 p.m., E.T. Clerk Norris inquired if this meeting needs to be a Workshop or Special Meeting. Chairman Yeager stated that this needs to be a Special Meeting.

PROCLAMATION – MENTAL HEALTH MONTH

Tricia Pearce of Life Management Center of Northwest Florida appeared before the Board and requested that the Board adopt a Proclamation declaring May, 2011 as Mental Health Month in Gulf County. Commissioner McDaniel motioned to approve this request. Commissioner Smiley seconded the motion, and it passed unanimously.

COUNTY WEBSITE – BUDGET

Deputy Administrator Lanier reported that at the last Board meeting it was brought to the attention of the Board that the current year budget was not on the County website, stating that it was in fact right there; below the previous year budget on the front page of the website. She reported that she has updated the website up to the current audit report.

MASS CASUALTY EXERCISE

Emergency Management Director Nelson thanked the Board and everyone for their participation on the mass casualty exercise.

SAULS CREEK ROAD – F.E.M.A.

Public Works Director Knee gave an update on the Sauls Creek Road, stating that Garlick Environmental will inspect the road tomorrow, and if approved will be open to the public on Wednesday, April 27th. He thanked the local contractors (GAC, C. Miles Construction, CVS Contractor, Transfield, and USA Ready Mix) for the cement to repair the road. Public Works Director Knee thanked the crew from Public Works who have been working on this project. Chairman Yeager requested for Public Works Director Knee to provide the list of contractors and he will send a letter of thanks. Chairman Yeager reported that F.E.M.A. is going to reimburse the County for this project. Upon inquiry by Commissioner McDaniel, Public Works Director Knee reported that they had to purchase the finish coat of rocks from Marianna, stating that the State did not help on this project.

BOCC AUDIO/VIDEO EQUIPMENT

Planner Richardson reported that he spent most of the day working on the Board's audio and video system that is used to record the Board meetings, stating that it is on its last leg. Chairman Yeager reported that there was a problem with the audio from the last Board meeting, stating that this equipment will eventually have to be replaced.

BRITISH PETROLEUM CLAIM – DEEPWATER HORIZON OIL SPILL

County Attorney Novak reported that David Burn and Brantley Frye from Beasley Allen Law Firm, and Ed Sauls and Ashley Taylor from Jackson Thornton Law Firm are here to give an update on the B.P. claims filed. David Burn of Beasley Allen Law Firm appeared before the Board and gave an update on the status of the Counties Deepwater Horizon Oil Spill claim, and thanked Carla Hand, Lynn Lanier, Don Butler, Marshall Nelson and Jeremy Novak for all their help in this process. He reported that they submitted the year end lost revenue claim in late March, stating that the final administrative, operational and infrastructure usage claims should be submitted within the next 10 days, and this will cover the time period from May, 2010 through the end of March, 2011. Mr. Burn reported that they are working on the Counties lost revenue claim package for the 1st quarter of this year, stating that they are waiting on a few more reports.

COUNTY WIDE VOTING

County Attorney Novak gave an update on the County wide voting, reporting that the County has not filed anything in the Federal District Court, stating that June, 2011 is the target date, and Sniffen & Spellman, P.A. are still collecting data.

PORT AUTHORITY LOAN

County Attorney Novak gave an update on the Port Authority loan, stating that the loan documents have been provided to the Port Authority this week for review.

COMMUNITY DEVELOPMENT COUNCIL

County Attorney Novak reported that he and Chief Administrator Butler met with the Executive Director and Board Members of the C.D.C., stating that C.D.C. is going to transition the oversight of the S.H.I.P. Program back into the hands of the County. He reported that Florida Housing Coalition and Florida Housing Finance Corporation has been contacted, stating that they will approve or disapprove of an extension. County Attorney Novak reported that the County is in the 2nd extension, stating that it will expire on June 30, 2011.

RESOLUTION #2011-09 – DEEPWATER HORIZON OIL SPILL

Chief Administrator Butler discussed a proposed resolution concerning the eight Counties that were affected by the Deepwater Horizon Oil Spill and recommended the Board adopt the proposed resolution, contingent upon County Attorney review, with corrections. Commissioner Williams motioned to adopt the proposed resolution. Commissioner Smiley seconded the motion, and it passed unanimously.

RESOLUTION NO. 2011-09

A JOINT RESOLUTION OF THE COASTAL COUNTIES OF THE NORTHWEST FLORIDA PANHANDLE REGION, RELATING TO THE DEEPWATER HORIZON OIL SPILL IN THE GULF OF MEXICO.

WHEREAS, on April 20, 2010, the Deepwater Horizon well off the coast of Louisiana exploded, rupturing the collection system on the Gulf floor which began spewing barrels of raw crude into the Gulf of Mexico; and

WHEREAS, federal, state and local governments banded together to control and contain this spill but were unable to do so until after the well was finally capped on July 15, 2010; and

WHEREAS, the uncontained well spewed approximate 4.9 million barrels (205.8 million gallons) of oil into the Gulf of Mexico which impacted the entire Gulf of Mexico and caused damages in all states bordering the Gulf, including Alabama, Florida, Mississippi, Louisiana and Texas; and

WHEREAS, this is the largest accidental marine oil spill in history; and

WHEREAS, the spill caused both environmental and economic damages; and

WHEREAS, individuals, businesses and governmental entities suffered effects from both the environmental and economic damage; and

WHEREAS, the Federal Government has a system to collect penalties from responsible parties through the Clean Water Act; and

WHEREAS, those monies can be reallocated by an Act of Congress to mitigate and assist with recovery from both the environmental and economic damages which were sustained by jurisdictions along the Gulf of Mexico; and

WHEREAS, the eight most impacted counties in the State of Florida came together in November, 2010, and have joined each other in solidarity to express the concerns for their impacted region and citizens; and

WHEREAS, the Coalition of Counties in Northwest Florida has offered resolutions to both State and Federal governments to present a coordinated plan for this region and its citizens; and

WHEREAS, many pieces of Federal legislation have been put forward with many good ideas, but none effectively addressing the whole; and

WHEREAS, the plan put forward by the Coalition of Counties provides a holistic, unified approach to address the use of funds.

THEREFORE, the eight impacted counties in the State of Florida hereby offer this resolution to Legislation that they believe will be effective in recovery from the economic and environmental injuries sustained by the Deepwater Horizon spill. The individual counties hereby agree that Congress should look to support these points as legislation is crafted and past. The agreed upon principals of that legislation are as follows:

1. **RECITALS.** The recitals above are hereby incorporated in this resolution.
2. **ENDORSEMENTS.** The coalition of Florida counties hereby supports the following:

- A. The Federal legislation should support the Mabus Report and allocate Eighty-Percent (80%) of all Clean Water Act fines related to the Deepwater Horizon spill to restoration of the Gulf of Mexico and the Gulf Coast.
- B. That the Gulf Coast Restoration legislation clearly designate that funds are provided for projects that impact and improve economic diversification restoration, environmental restoration and human health as directed by the Mabus Report.
- C. That Gulf Coast Restoration language legislation provides the money to the states and local jurisdictions with local jurisdictions defined as county/parish and municipal governments.
- D. States will work with local governments to identify projects which will address economic, environmental and health projects for those specific local jurisdictions.
- E. Collectively we endorse a policy which puts clear rules on the funding which says that it explicitly only be used for projects that improve economic, environmental or health concerns in the specific communities. No funds outside of the allowable administrative allowances can be spent on governmental operations. Additionally, the rules should limit administration expense only to the jurisdiction which performs the project, and the administrative costs should be capped in legislation.
- F. That within each state jurisdiction up to 50-percent of the money can be spent on any of the three impacts addressed in the Mabus Report, economic, environmental and human health.
- G. We endorse a policy that equitably distributes monies to states, counties and municipalities for projects across the entire Gulf Coast. We believe in an apolitical formula for distribution would be based one-third (33.3%) on each jurisdiction that has Gulf-front exposure, one-third (33.3%) based on Gulf-front coastline for that jurisdiction, measured as the linear miles along the Gulf with inlets included in the linear distance, and one-third (33.3%) based on the population of that jurisdiction with Gulf-front exposure. This formula would ensure that everyone obtained some funding and those communities with the largest shoreline or the most individual citizens would also receive additional monies to take care of those responsibilities.

- H. We also believe that while the fund is for the entire Gulf Coast, it is intended that those with the most immediate needs for recovery that have received injury from the cause event should receive the majority of the funding. We advocate the position for those states whereby the entire coast was not impacted by the Deepwater Horizon spill that the split funding be 75% for those areas impacted and 25% for those areas that were not impacted by the Deepwater Horizon spill.
3. **RESOLVED.** The approved counties below that these points should be included in any legislation that addresses the Clean Water Act fine monies related to the Deepwater Horizon spill.
4. **EFFECTIVE DATE.** This Resolution shall be effective upon execution by the last enacting county. The last enacting county is responsible for distribution of an original copy of this resolution back to each enacting county. Additionally, the Clerk of the Court of the last enacting county is hereby directed to provide a certified copy of this resolution to:

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Senator Bill Nelson
U.S. Senate
716 Hart Senate Office Building
Washington, DC 20510

The Honorable Senator Marco Rubio
U.S. Senate
B40A Dirksen Senate Office Building
Washington, DC 20510

The Honorable Congressman Jeff Miller
U.S. House of Representatives
2416 Rayburn House Office Building
Washington, DC 20515

The Honorable Congressman Steve Southerland
U.S. House of Representatives
1229 Longworth House Office Building
Washington, DC 20515

The Honorable Rick Scott
Governor, State of Florida
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

The Honorable Lisa Perez-Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA, AS FOLLOWS:

ADOPTED this 26th day of April, 2011.

(End)

DITCH LANDING ROAD

Upon inquiry by Commissioner McLemore, County Attorney Novak reported that he reached out to the Manager of the property (Mr. Newsome), stating that they have been in written communication with each other, and Mr. Newsome responded to his inquiry on the formal request for cooperation, stating that he is out of the country until the end of the month. County Attorney Novak stated that the County needs to give Mr. Newsome time to respond before any action is taken.

BYRD PARKER DRIVE

Commissioner McLemore reported that there will be a meeting on Thursday, April 28, 2011 at 8:15 a.m. with U.S. Representative Steve Southerland concerning the Byrd Parker Drive at the site.

COUNTY WEBSITE

Commissioner Williams thanked Deputy Administrator Lanier for placing the proposed legislative regulations on the County website.

FLORIDA ASSOCIATION OF COUNTIES

Commissioner Williams encouraged the public to visit the F.A.C. website and review the pending House and Senate Bills.

DEAD LAKES PARK – CAMPGROUND HOSTESS

Commissioner McDaniel reported that he located a person of interest to serve as the Host person for the Dead Lakes Park, stating that this park has been unsupervised since the State turned it back over to the County, and the County needs to put supervision over this area. Commissioner McDaniel requested permission to work with Diane Cummings Nevell on a trial basis. County Attorney Novak reported that the title would be a Campground Hostess with responsibilities and duties, stating that there will be no compensation; this is a volunteer role for the first six months. Commissioner McDaniel motioned to retain Diane Cummings Nevell as a temporary Campground Hostess for Dead Lakes Park, and not to exceed six months. Commissioner Williams seconded the motion, and it passed unanimously.

BUDGET

Commissioner McDaniel discussed that 42% has been spent from the current budget in the first six months, and requested for everyone to monitor their spending.

DEBRIS REMOVAL

Commissioner McDaniel reported that he has been doing a study on the debris, and this is a problem in this County, stating that it needs to be picked up. He reported that his Workcrew compiled some data concerning debris removal, stating that one vehicle is averaging close to 500 miles for a four day work week in travel removing limbs and debris. Commissioner McDaniel recommended implementing a program that the County previously had in place, by placing one limb truck back in service for one day per week for the entire County. Discussion followed. Chairman Yeager requested for debris removal be added to the Special Meeting scheduled for Monday, May 9th.

SOUTH GULF COUNTY FIRE DEPARTMENT – INVENTORY

Chairman Yeager reported that the Board previously approved to accept a brush truck from the South Gulf County Fire Department, stating that it was paid for from their funds. Commissioner McLemore motioned to accept the brush truck from South Gulf County Fire Department. Commissioner McDaniel seconded the motion, and it passed unanimously.

HOWARD CREEK FIRE DEPARTMENT – 1994 KME PUMPER

Billy Moore appeared before the Board and requested permission to (1) transfer the 1994 KME Pumper title to the County, (2) use the 1973 Mack Pumper to build a grill,

and (3) requested permission to obtain parts from an old fire truck located near the County shop.

Upon inquiry by Commissioner McLemore, County Attorney Novak reported that he was in the Tax Collector's Office with Mr. Moore, stating that Mr. Moore has requested permission to transfer a 1993 KME Pumper and the title reads a 1994 KME Pumper. County Attorney Novak reported that Mr. Moore has listed a non-profit organization on the request and this has not been set up at this time.

(1) County Attorney Novak recommended for Mr. Moore to amend the letter requesting to transfer the 1994 KME Pumper. Commissioner McLemore motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

(2) County Attorney Novak reported that item #2 (1973 Mack Pumper) cannot be approved until this organization has been set up. Commissioner McDaniel motioned to table. Commissioner McLemore seconded the motion, and it passed unanimously.

(3) Clerk Norris reported that item #2 (1973 Mack Pumper) was junked and Mr. Moore is requesting to transfer this to the Howard Creek Fire Department, Inc. (non-profit organization) to build a portable BBQ grill. Commissioner McLemore motioned to table. Commissioner Smiley seconded the motion, and it passed unanimously.

DEAD LAKES PARK – CAMPGROUND HOSTESS

Diane Cummings Nevell appeared before the Board and thanked the Board for allowing her to manage the Dead Lakes Park.

BALL OF ENDURANCE – BUSINESS

Jesse Everett appeared before the Board and discussed that she has incorporated a business called Ball of Endurance, stating that this is a human hamster ball she would like to run on the beach. Upon inquiry by Commissioner Williams, Ms. Everett reported that there are lines tethered to the balls to the beach. Upon inquiry by Commissioner Williams concerning liabilities, County Attorney Novak reported that she would like to quarantine a portion of the beach. Commissioner Williams stated that this is State waters and could not be allowed by the Board. Chairman Yeager informed Ms. Everett that she would need to present this business to the State. County Attorney Novak reported that he would review and meet with Ms. Everett on this issue.

BURNED HOME – WHITE CITY

James Raker appeared before the Board and thanked them for cleaning up the burned home in White City.

WHITE CITY PARK

James Raker discussed some issues at the White City Park, stating that the kids are destroying the picnic tables and the inside of the building is in a mess. Commissioner Williams reported that he will send a crew out to check this issue.

COURTHOUSE SECURITY

Chairman Yeager reported that he and Chief Administrator Butler met with the Judges concerning the Courthouse security, and they are trying to find the funding in the Courthouse facilities fund.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 8:08 p.m., E.T.

**WARREN J. YEAGER, JR.
CHAIRMAN**

**ATTEST:
REBECCA L. NORRIS
CLERK**