

**AUGUST 12, 2014**

**PORT ST. JOE, FLORIDA**

**REGULAR MEETING**

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

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris, Clerk Finance Officer Sherry Herring, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, Central Services Director Denise Manuel, Gulf County E.M.S. Director Houston Whitfield, Gulf County Extension Agent Roy Carter, 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, Public Works Director Joe Danford, Sheriff Mike Harrison, and T.D.C. Executive Director Jennifer Jenkins.

Sheriff Harrison called the meeting to order at 8:58 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 Information Packet. There being no public comment, Commissioner Smiley motioned to approve the Consent Agenda and Information Packet. Commissioner Yeager seconded the motion for discussion. County Attorney Novak discussed page 23 (Item #1) from the Consent Agenda regarding the Minutes from July 22, 2014 and requested that the bottom three (3) categories concerning County Litigation be placed under one title. He then discussed page 76 (Item #6) of the Consent Agenda; requesting that the County Travel Modification Policy be amended to include a quarterly requirement to this proposed policy. After the Board having no objection to these request, Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously, as follows:

1. Minutes - July 10, 2014 – Special Meeting
  - July 17, 2014 – Special Meeting
  - July 21, 2014 – Special Meeting
  - July 22, 2014 – Regular Meeting

2. Approval of Checks and Warrants for July, 2014 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Funding Request – Gulf County Tax Collector (Advertising Unsold County Certificates \* \$3,332.60)
4. Grant – FL Department of Health (Application \* EMS Program \* \$895.00)
  - FL Department of Transportation (Amendment \* Time Extension on Construction for Stumphole \* Contract #AQX79)
5. Invoices – Opportunity Florida (2014-15 Membership \* \$1,586.30)
  - UniFirst Corporation (Courthouse \* Invoice #2710075746 \* \$76.75 \* Invoice #2710076255 \* \$76.75 \* Public Works \* Invoice #2710075742 \* \$10.00 \* Invoice #2710076251 \* \$10.00)
6. Policy – County Travel Modifications
7. Request – Beach Blast Triathlon (Temporarily Close U.S. Highway 98 \* September 12, 2014)

(End)

#### **JAG PROGRAM – GULF COUNTY SHERIFF’S OFFICE**

Upon recommendation by Deputy Administrator Lanier, Commissioner Yeager motioned to approve the application of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in the amount of \$33,009.00 (GSO \* \$19,805.40 \* PSJ \* \$13,203.60). Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **TOURIST DEVELOPMENT COUNCIL**

T.D.C. Director Jenkins appeared before the Board to discuss the July, 2014 monthly report. She discussed the Partner Program and the extra penny (one-cent) under the Bed Tax. Upon inquiry by Commissioner Yeager, County Attorney Novak stated that the Board has approved to move forward with the extra penny and two (2) public hearings will need to be held. After discussion, Commissioner Yeager motioned to hold two (2) Public Hearings regarding the proposed 1% addition to the Bed Tax ordinance in August and September. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **DOCK DAMAGE – WHITE CITY BOAT DOCK**

Deputy Administrator Lowery appeared before the Board to report that the County’s insurance company (PGIT) has an exclusion in their policy regarding loss or damage to any structure located in the water. He also reported that Brown and Brown have filed a claim with the barge company that damaged the White City Boat Dock and an insurance

adjuster has been assigned to the claim. After discussion and inquiry by Commissioner Yeager, Deputy Administrator Lowery stated that the highest sealed bid received for the repair of the White City Boat Dock (Bid #1314-26) was around \$65,000.00. After further discussion and inquiry by Commissioner Bryan, Deputy Administrator Lowery stated that it was a commercial vessel owned by Creole Chief, Inc. that struck the boat dock.

#### **AWARD BID #1314-28 – SALE VARIOUS PUBLIC WORKS VEHICLES**

Upon recommendation by Mosquito Control Director Cothran concerning the sale of various Public Works vehicles under Bid #1314-28; Commissioner Yeager motioned to award to Doug Kelly the 1994 Chevrolet C10 Pickup (VIN #1GCDC14Z9RZ113333) for \$251.99, award to Ricky Davis the 1988 Ford F150 (VIN #1FTDF15Y2JNB18687) for \$100.00, the 2000 Chevrolet 4x4 Extend Cab Pickup (VIN #2GCEK19V9Y1126491) for \$250.00, and the 1997 Int. 4700 Flat Bed (VIN #1HTSCABL9VH461464) for \$200.00, to re-advertise to receive sealed bids for the two (2) vehicles that did not receive any bids (1988 GMC Flatbed, VIN #1GDG6D1F2JV533958 and 1999 Ford E350 Van, VIN #1FBSS31SOXHA13075), and to roll-over this money into their FY2014-15 budget for equipment. Commissioner McLemore seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **ANNUAL REPORT – COMMUNITY RATING SYSTEM**

Planner Richardson discussed the annual report regarding the CRS that is in the Information Packet for review; stating this report will be presented for approval at the next Board meeting. He reported that letters will be mailed out to property owners regarding the Waters Act for their information.

#### **MEETING – ECONOMIC DEVELOPMENT**

Grant Coordinator Kopinsky discussed the Economic Development organizational meeting that was held; reporting that meetings will be held on a quarterly basis.

#### **CHANGE ORDER #1 – LAND'S LANDING BOAT RAMP**

Upon recommendation by Grant Coordinator Kopinsky, Commissioner McLemore motioned to approve Change Order #1, increasing by \$16,700.00 and extending the deadline to August 29, 2014 to Palmetto Plantation, LLC for the Land's Landing Boat Ramp Project (Bid #1314-12). Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **KIOSK – LAND'S LANDING BOAT RAMP**

Grant Coordinator Kopinsky discussed placing a kiosk at Land's Landing as part of the grant agreement; stating she will work with T.D.C. Director Jenkins regarding this project. She reported that funds from the grant will be used to purchase the materials for the kiosk.

### **MEETING – REGIONAL TRANSPORTATION PARTNERSHIP**

Grant Coordinator Kopinsky reported that the Bay County R.T.P. meeting will be held in Chipley on August 18<sup>th</sup> at 10:00 a.m., C.T. She encouraged board members to attend this meeting which would allow her to attend a meeting in Marianna with Opportunity Florida on the same day.

### **KIOSK – LAND'S LANDING BOAT RAMP**

Upon inquiry by Commissioner McLemore, Grant Coordinator Kopinsky stated a vote is not need, that the kiosk is part of the grant agreement for Land's Landing Boat Ramp Project.

### **MEETING – ECONOMIC DEVELOPMENT**

Commissioner Bryan requested that Grant Coordinator Kopinsky notify the Board when the Economic Development meetings will be held.

### **APPOINTEE – HABITAT CONSERVATION PLAN STEERING COMMITTEE**

Upon discussion by County Attorney Novak and recommendation by the HCP Technical Consultant, Commissioner Yeager motioned to appoint the panel <list on file in the Clerk's Office> to serve on the HCP Steering Committee. Commissioner McLemore seconded the motion. After discussion, Chairman McDaniel called for public comment. There being no public, the motion then passed unanimously.

### **½ CENT SALES TAX – SACRED HEART HOSPITAL**

County Attorney Novak discussed meeting with Sacred Heart Hospital regarding the ½ Cent Sales Tax recommending that these funds be used to pay back the County for the uninsured/underinsured patients. He discussed the balance owed by Sacred Heart Hospital, in the amount of \$80,000.00. Chairman McDaniel discussed his concerns regarding Sacred Heart Hospital in the use of the County's ambulance services.

### **AGREEMENT – PRIMARY CARE AWARD**

County Attorney Novak discussed receiving notification of a Letter of Agreement regarding a Primary Care Award from (AHCA) Agency for Health Care Agency; stating that it is a matching grant, in the amount of \$262,727.00. He discussed presenting the Letter of Agreement to the Board at the next meeting for a decision. Upon inquiry by Commissioner Yeager, Deputy Administrator Lanier reported that this agreement will generate \$1.26 million to Sacred Heart Hospital. County Attorney Novak reported that there is not enough surplus from the ½ cent sales tax to match this grant agreement and pay back the County for the ambulance runs for Sacred Heart.

### **APPOINTEE – T.D.C. ADVISORY BOARD**

County Attorney Novak reported that four (4) vacancies will soon be available due to the term conditions in the 2011 T.D.C. Ordinance. He stated that applications will be accepted through September 1, 2014. Upon inquiry by Commissioner McLemore, County Attorney Novak stated that a public notice will be posted on the County's website and applications can be picked up at the T.D.C. for those wanting to volunteer on this advisory board. He discussed the policy that allows individuals to serve on multiple advisory

committees and the policy regarding terms of service. Commissioner McLemore discussed his concerns regarding obtaining volunteers to serve on advisory boards. Upon inquiry by Commissioner Bryan, County Attorney Novak stated that half of the board members are bed tax collectors and the others consist of owners of a tourism related business. Upon inquiry by Commissioner Yeager, T.D.C. Director Jenkins reported that three (3) of the vacancies to be filled are for bed tax collectors and one (1) is open to a tourism related business owner. T.D.C. Director Jenkins discussed her concerns regarding the terms of service for the T.D.C. Advisory Board as they serve on subcommittees as well. After discussion, Chairman McDaniel stated that the Board will follow policy and procedure.

#### **LOAN – THE PORT AUTHORITY**

County Attorney Novak discussed meeting with The Port Authority's attorney to finalize the conditions of the loan agreement between The Port Authority and the County. He also discussed providing The Port Authority with a new mortgage and promissory note, in the amount of \$319,000.00 (an additional \$60,000.00 for the next two (2) years at a rate of 3%) with a collateral of the old Arizona Chemical site. After discussion by County Attorney Novak, Commissioner Yeager motioned to allow the Chairman to sign the loan documents and proceed with the budget amendments. Commissioner Smiley seconded the motion. After discussion, Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **BUILDING OFFICIAL – KNIGHT**

Chief Administrator Butler discussed a vacancy in Public Works next year due to a retirement; reporting that Building Official Collinsworth will be transferring to Public Works. Upon recommendation by Chief Administrator Butler, Commissioner McLemore motioned to submit a letter to the State (Department of Business Professional Regulation) designating George Knight as the County's Building Official. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously. Chief Administrator Butler discussed the transition of Building Official Collinsworth to Public Works.

#### **PARKING – TROY DEAL PROPERTY**

Upon discussion and recommendation by Chief Administrator Butler, Commissioner Yeager motioned to allow the Chairman to sign an amended sublease with D.E.P. regarding the Troy Deal property (an additional 1.25 acres for parking), contingent upon County Attorney's review. Commissioner Smiley seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

#### **GULF COAST PARKWAY**

Commissioner Yeager discussed pages 10 and 11 from the Information Packet regarding the Gulf Coast Parkway; stating it is going in the right direction.

### **SPEED SIGNS – C30A**

Commissioner Yeager discussed meeting with F.D.O.T. regarding the speed signs on C30A.

### **CITY COMMISSIONER – ROBERTS**

Commissioner Yeager recognized Benny Roberts in the audience and thanked him for his years of service as a Commissioner to the City of Port St. Joe.

### **MEETING – RESTORE ACT**

Commissioner Yeager reported that in the last Restore Act meeting it was discussed that the monies are days away now.

### **CONSULTANT – CONSORTIUM**

Commissioner Yeager reported that the Consortium Committee is getting close to hiring a consultant to write the State expenditure plan. He also reported that they will help the smaller Counties regarding the requirements in moving forward.

### **DAMAGE – HIGHLAND VIEW BOAT RAMP**

Commissioner Bryan discussed some vandalism that took place at the Highland View Boat Ramp; thanking County employees and T.D.C. Director Jenkins in resolving this matter.

### **SUMMER PROGRAM – WASHINGTON CENTER**

Commissioner Smiley thanked Ms. Kim Bodine and the Workforce Board for the summer program that was held at Washington Recreational Center. He reported that 180 children signed up for this program.

### **YARD DEBRIS – ST. JOE COMPANY**

Commissioner Smiley requested the Board allow him to submit a letter to the St. Joe Company regarding land on Avenue F and Avenue G that needs the grass cut. Upon inquiry by Chairman McDaniel, Commissioner Smiley stated that the property is inside the city limits of Port St. Joe. Upon inquiry by members of the Board, Chief Administrator Butler stated that the property is along the railroad track, approximately two (2) to four (4) acres of land. After discussion by members of the Board, no action was taken.

### **VARIOUS PROJECTS – DISTRICT IV**

Upon inquiry by Commissioner Smiley, Preble-Rish, Inc./County Engineer Smallwood, III appeared before the Board to provide an update on various projects that are being completed in District IV.

### **LAND'S LANDING BOAT RAMP PROJECT**

Upon inquiry by Commissioner McLemore, Preble-Rish, Inc./County Engineer Smallwood, III reported that the number three (3) piling will be straightened and cut off at 26'.

### **GRANT – PETER'S PARK**

Upon inquiry by Commissioner Smiley, Preble-Rish, Inc./County Engineer Smallwood, III reported that the City of Port St. Joe was awarded a \$50,000.00 F.R.D.A.P. Grant for Peter's Park.

### **SIDEWALK PROJECT – DAVID LANGSTON DRIVE**

Commissioner Smiley discussed his concerns regarding the Sidewalk Project to be constructed in 2018 on David Langston Drive. After discussion, Commissioner McLemore motioned to submit a letter to F.D.O.T. requesting that the Sidewalk Project on David Langston Drive be moved up from 2018 due to safety concerns. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion then passed unanimously.

### **AFFORDABLE HOUSING – PACE FOUNDATION**

Upon discussion by Commissioner Smiley, Mark Dumas and Ron Thomas, of the PACE Foundation appeared before the Board to discuss the approval of the \$5.5 million dollar grant from the State to build fifty (50) townhome units. He stated that the rent will range from \$450.00 to \$650.00 for two (2), three (3), and four (4) bedroom units; reporting that applicants that earn under \$30,000.00 annually would qualify. Mr. Dumas discussed the County being one (1) year away from open doors. Upon inquiry by Commissioner McLemore, Mr. Dumas discussed the process for using local contractors for this project. Mr. Thomas discussed his concerns regarding the need for funding for rural areas regarding affordable housing. Commissioner Smiley reported that a Town Hall Meeting will be held at the fire station on August 22, 2014 to discuss the PACE Foundation.

### **BEACH SIGNS – ST. JOE BEACH**

Joan Lovelace, of St. Joe Beach appeared before the Board to discuss her concerns regarding posted beach signs on the sand dunes in Yon's Addition and requested that the County remove said signs. She reported that these signs interfere with the property owner's easement rights, they are not needed, and were installed in violation of Florida Statute 161.28. Commissioner Smiley motioned to allow additional time for Mrs. Lovelace to speak. Commissioner Bryan seconded the motion. Chairman McDaniel requested that the Clerk stop the clock. After further discussion by Mrs. Lovelace, she then requested that the Board make a motion to remove the newly installed beach signs from St. Joe Beach. Upon inquiry by Commissioner McLemore, Mrs. Lovelace reported that there are approximately six (6) to eight (8) signs. Upon inquiry by Commissioner McLemore, Mrs. Lovelace stated that there is a trail that leads to the beach at every primary location. Upon inquiry by Commissioner Smiley, Chief Administrator Butler discussed the effort by the County to consolidate a group of signs into one signage; stating that he has not received any complaints regarding the posting of the beach signs. Commissioner Bryan discussed complaints that she has received regarding dogs and the storing of beach furniture in the sand dunes. Commissioner Yeager discussed his concerns regarding the beach signs at Cape San Blas and St. Joe Beach. Upon inquiry by Commissioner Smiley, County Attorney Novak discussed meeting with Mrs. Lovelace regarding Florida Statute and the sixty (60) year old easement rights. He reported that under Florida Statute 161, the County did hold public meetings regarding beach matters. After discussion by County

Attorney, Commissioner Yeager recommended that the language be changed on the beach signs at Yon's Addition through negotiations with the property owners. Commissioner Smiley motioned to remove the newly installed beach signs at St. Joe Beach. Chairman McDaniel asked Commissioner Smiley to hold his motion. Commissioner Smiley agreed. Chairman McDaniel then called for public comment. Benny Roberts, former resident of St. Joe Beach appeared before the Board to discuss his concerns regarding the newly installed beach signs at St. Joe Beach. Commissioner Yeager motioned to allow Mr. Roberts additional time to speak. Commissioner Smiley seconded the motion. Mr. Roberts discussed his concerns regarding there being no beach signs on WindMark Beach. Joe Mizereck, of St. Joe Beach appeared before the Board to discuss working the matter out and in the meantime remove the beach signs at Yon's Addition. After further discussion, County Attorney requested direction from the Board to resolve the matter of the location of the beach signs and the number of signs. After discussion, Commissioner Yeager recommended that Mrs. Lovelace meet with T.D.C. Chuck Messer appeared before the Board to discuss his concerns regarding attending the T.D.C. meetings, but not being allowed to speak. County Attorney Novak stated that public discussion is open at the T.D.C. meetings. After discussion, Skip Griffies, of St. Joe Beach appeared before the Board to discuss his concerns regarding the pathway to the beach and placing the beach signs closer to the parking area; requesting the Board protect the property owner's rights. Chairman McDaniel called for public comment. There being no further public comment, Commissioner Smiley motioned to remove the recently installed beach signs (from Pines Street to Court Street) and to negotiate with the property owners of Yon's Addition at St. Joe Beach. Commissioner Bryan seconded the motion. After discussion, the motion passed unanimously. Commissioner Smiley thanked T.D.C. Director Jenkins for a wonderful job that she does for the County.

#### **PROPOSED ORDINANCE – ADDITIONAL FIVE CENT GAS TAX**

Tom Semmes, of Wewahitchka appeared before the Board to discuss his concerns regarding the proposed additional five (5) cent gas tax ordinance and requested that the Board review this proposed ordinance. Commissioner Yeager stated that there will be two (2) public hearings to discuss the proposed ordinance.

#### **LAWSUIT – MCELROY AND GULF COUNTY**

Christy McElroy, of Port St. Joe appeared before the Board to present a certified copy of the Order dismissing the lawsuit against her and the County that was filed by the PAC Group for the record; stating that it was not dismissed by a technicality.

#### **CHRISTIAN COMMUNITY DEVELOPMENT FUND**

Diane Burkett, of Port St. Joe appeared before the Board to present a brochure and discuss the Christian Community Development Fund Program. Commissioner McLemore thanked Ms. Burkett for this foundation and stated that he would like to meet to discuss this program further.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 11:33 p.m., E.T.

**WARD MCDANIEL  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS  
CLERK**