



MINUTES  
BAY COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING

APRIL 15, 2008  
9:00 A.M. – COMMISSION MEETING ROOM, PANAMA CITY HALL

I. Chairman Jerry Girvin called the meeting to order at 9:00 A.M.

The Deputy Clerk called the roll and all members of the Board were present.

The Invocation was given by Commissioner Mike Thomas.

The Pledge of Allegiance was led by Captain Sudonia Wonnum, United States Air Force, Tyndall Air Force Base.

II. Addition of Emergency Items/Deletions

Commissioner Thomas requested to add to the agenda a Parks and Recreation Advisory Committee recommendation (*see item IX.A.1.*).

Commissioner Dozier requested to pull for discussion Consent agenda item VI.A.2., Property Appraiser Lease for Lynn Haven Office (*see item IX.B.1.*).

III. Approval of Minutes – There were no minutes presented for approval.

IV. Presentations

1. Earth Day Proclamation

Chairman Girvin read and presented to Mr. Jim Barkuloo of the Bay Environmental Study Team (BEST) a proclamation in honor of Earth Day and proclaimed Saturday, April 26, 2008, as Earth Day in Bay County.

Mr. Barkuloo noted that Earth Day would be celebrated at Oaks by the Bay Park in St. Andrews on April 26<sup>th</sup>.

V. Public Participation (Limited to items on BCC agenda, remarks limited to three (3) minutes)

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Doug Jorgensen, 250 Eagle Drive, spoke regarding item VI.C.1., Set Public Hearing for Hurt Street Participating Paving Project, and on the condition of the roadway and paving its entire length.

There were no further comments from the public.

VI. Consent Agenda

County Manager Edwin Smith presented the Consent Agenda.

A. Budget Office

1. Council on Aging Community Service Block Grant

Recommendation: 1) Board adopt resolution of support for the grant modification agreement on behalf of the Bay County Council on Aging Inc., 2) and authorize the Chairman to sign the 2007-08 Community Service Block Grant (CSBG) modification agreement and the Sub recipient agreement between Bay County & Bay County Council on Aging. **(RESOLUTION NO. 2866)**

2. Property Appraiser Lease for Lynn Haven Office

Recommendation: Board approve and authorize the Chairman to sign the lease agreement between Steven Pizza and Bay County for property leased by the County and used as a satellite office for the Property Appraiser.

*Item removed from the Consent agenda for discussion (see item IX.B.1.).*

B. Purchasing Division

1. Authorize Williams Bayou Pumping Station Professional Services Agreement Negotiations

Recommendation: Board authorize staff to begin negotiations with Jordan, Jones & Goulding/Preble Rish to provide professional services to design, permit and provide construction inspection of an addition to the William's Bayou Pumping Station.

C. Public Works Department

1. Set Public Hearing for Hurt Street Participating Paving Project

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Recommendation: Board schedule and advertise a public hearing for the Hurt Street Participating Paving Project on May 27, 2008 at 9:00 AM.

2. Set Public Hearing for Avenue B Right-of-Way Abandonment Request

Recommendation: Board: 1) Schedule and advertise a public hearing to consider the abandonment of a platted right-of-way known as Avenue "B" for May 27, 2008; and 2) Approve the waiver of the application fee.

3. Florida Department of Transportation Local Agency Program Agreement for Transmitter Road and Game Farm Road Intersection Improvement Project Design

Recommendation: Board: 1) Approve the Local Agency Program Agreement with the Florida Department of Transportation for of the Transmitter Road and Game Farm Road Intersection Improvement Project; and, 2) Authorize the Chairman to sign the agreement resolution. (**RESOLUTION NO. 2867**)

D. Utility Services Department

1. Purchase of End Dump Trailers

Recommendation: Board approve and authorize the purchase of four (4) end dump-trailers for \$166,396 from General Truck Equipment & Trailer Sales, Inc.

E. Clerk of Circuit Court - Finance

1. Inventory Deletions Report.

Recommend: Board authorize removal of items from inventory.

2. Tax Certificate Refunds and/or Cancellations.

Recommend: Board approve the refund totaling \$2,319.24.

3. Revenue and Expenditures Report.

Recommend: Board acknowledge receipt of the Revenue and Expenditures Report.

**Commissioner Mike Thomas made a motion to approve the Consent Agenda. Commissioner George Gainer seconded the motion. The roll was called and the motion carried 5-0.**

VII. Regular Agenda

A. County Attorney's Office

1. Interim Medical Examiner Contract

Recommendation: Board authorize the Chairman to negotiate and execute a contract with Dr. Michael D. Hunter, M.D., P.A., as Interim Medical Examiner, for a period of 15 months beginning July 1, 2008.

County Attorney Terrell Arline presented the item before the Board and stated that the request was to contract with the selected Interim Medical Examiner, Dr. Michael Hunter, prior to his appointment by the Governor and confirmation by the State Attorney. County Attorney Arline expressed appreciation for the First District for their assistance during the period Bay County was without a Medical Examiner, and advised that the proposed contract would show a savings over the current contracted operations.

The Board members and the County Attorney discussed Dr. Hunter's interim status, his start date of July 1, 2008, the 4.7% contract increase over the prior Medical Examiner, and the savings over the current contracted operations.

**Commissioner Mike Nelson made a motion to authorize negotiation and execution of the Interim Medical Examiner Contract. Commissioner George Gainer seconded the motion. The roll was called and the motion carried 5-0.**

In response to Chairman Girvin's inquiry, County Attorney Arline advised that 50-70 cases remained unclosed by the previous Medical Examiner, and Bay County was negotiating with the First District on a case-by-case basis to close the files.

B. Code Enforcement Division

County Attorney Terrell Arline administered the oath to Code Enforcement Manager Scott Hair.

1 Nuisance Abatement on Property Located at 325 George Wallace Boulevard

Recommendation: Board direct staff to remove trash, garbage, appliances, and junk vehicle from property located at

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325 George Wallace Blvd., Panama City Beach, Florida, and impose a lien on the property for the cost of cleaning. Property Owner: LA Investment Properties LLC

Code Enforcement Manager Scott Hair presented the item before the Board and requested authorization for nuisance abatement.

Chairman Girvin opened the meeting for the property owner or representative to speak to the issue, and no one appeared before the Board.

**Commissioner Mike Thomas made a motion to abate the nuisance on the property located at 325 George Wallace Boulevard. Commissioner Mike Nelson seconded the motion. The roll was called and the motion carried 5-0.**

2. Nuisance Abatement on Property Located at 6526 Keiber Circle

Recommendation: Board direct staff to remove trash, litter, debris, a large cable reel, and junk vehicles, and impose a lien on the property for the costs of cleaning. Property Owner: Wiley H. & Catherine Fletcher

Code Enforcement Manager Scott Hair presented the item before the Board and requested authorization for nuisance abatement.

Chairman Girvin opened the meeting for the property owner or representative to speak to the issue, and no one appeared before the Board.

**Commissioner Mike Nelson made a motion to abate the nuisance on the property located at 6526 Keiber Circle. Commissioner William Dozier seconded the motion. The roll was called and the motion carried 5-0.**

3. Nuisance Abatement on Property Located at 13738 Vagabond Avenue

Recommendation: Board direct staff to remove trash, debris, including weight bench, coolers, lawn mowers, bicycle, and furniture, and impose a lien on the property for the costs of cleaning. Property Owner: Michael David & Bama Griffin

Code Enforcement Manager Scott Hair presented the item before the Board and requested authorization for nuisance abatement.

Chairman Girvin opened the meeting for the property owner or representative to speak to the issue, and no one appeared before the Board.

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**Commissioner William Dozier made a motion to abate the nuisance on the property located at 13738 Vagabond Avenue. Commissioner Mike Thomas seconded the motion. The roll was called and the motion carried 5-0.**

VIII. Public Hearings (Remarks limited to five (5) minutes)

1. Amend Ordinance 07-02 to Allow for Operation of Golf Carts on Additional Roadways

Recommendation: Board conduct a public hearing and consider amendments to Ordinance 07-02 regarding the operation of golf carts on certain public roadways.

County Attorney Terrell Arline presented the item and stated that the Board had directed staff to review the addition of certain roadways (Toledo Place, Malaga Place, Wisteria Lane, and Kelly Street) to the original ordinance. He recommended a discussion take place regarding the addition of Wisteria Lane, which was a numbered County road and not authorized for golf carts, or to modify the ordinance regarding County number roads. He also advised on modifications to the proposed ordinance as a result of a review of the legislative requirements, which resulted in the deletion of the requirement for a valid driver's license and an age limit, to reflect the Attorney General's decision.

Discussion took place regarding removing Wisteria Lane from the proposed ordinance, retaining the requirement for a valid driver's license, the statutory allowance for operators over the age of 14, issues with golf carts on public highways, the requirements for operation on roadways, and other golf cart communities in Bay County.

Chairman Girvin opened the public hearing.

Robert Newsome, 303 Malaga place, spoke on Malaga Place's exclusion from the original ordinance, his mother's use and need for her golf cart in the community, and he requested approval of the proposed ordinance.

Douglas McGill, 124 Malaga Place, stated that he was a golf cart owner and that his parents and in-laws used a golf cart for transportation to the beaches, and he requested approval of the proposed ordinance.  
There were no further comments from the public.

**Commissioner Mike Thomas made a motion to amend Ordinance 07-02 to add Toledo Place, Malaga Place, and Kelly Street; to exclude Wisteria Lane; and, to the retain the driver's license operating requirement. Commissioner Mike Nelson seconded the motion. The roll was called and the motion carried 3-2, with Commissioner Gainer and Commissioner Dozier dissenting.**

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**(ORDINANCE NO. 08-21)**

2. Small Scale Amendment PZ 07-172, West Side of Highway 77 near 2321 Intersection

Recommendation: Board conduct a public hearing to consider a proposed Small-Scale Amendment to the Bay County Comprehensive Plan, Future Land Use Map, Application No. PZ 07-172, located on the west side of Highway 77 near the intersection of County Road 2321, South port area.

PZ 07-172: Request by Animaljack, Maxwell Richardson (Owner)/Ron Thomasson, Accrue PLUS, Inc. (Applicant) to change the land use designation of 3.34 total acres located on the west side of Highway 77 near the intersection of C.R. 2321 from Residential to General Commercial.

Planning and Zoning Manager Martin Jacobson presented the item before the Board and stated that the four (4) parcels were located in the Southport area, at the north end of Herndon Lane. The property owner also owned abutting property that fronted Highway 77, which would be used as ingress/egress. The applicant was proposing a zone change associated with the land use designation which would limit future use and focus on water related uses, associated retail, and mixed professional offices. Planning and Zoning Manager Jacobson advised that the one adjacent property owner had no objections to the proposed land use change, and the Planning Commission had recommended approved of the request.

Chairman Girvin opened the public hearing.

Fredrick Weckherlin, 330 N. East Avenue, represented Linda Shomin of 2010 Fulton Street, and spoke in opposition to the proposed land use and zoning change.

Ron Thomasson, Accrue PLUS, applicant, spoke on his client's interest in Commercial C-3A land use and zoning for a planned boat storage facility and landing area. He stated that the northern residential property owner had no objection to the proposed changes.

Chairman Girvin confirmed with Mr. Thomasson that access was planned from Highway 77, and in response to Commissioner Dozier's inquiry, Mr. Thomasson advised that he was unsure of the height limits, but that his client had not been asked to reduce height beyond the established 100 feet.

Ricky Richardson, property owner, stated that he had not received any complaints from other neighbors and property owners.

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There were no further comments from the public.

**Commissioner Mike Thomas made a motion to adopt an ordinance approving PZ 07-172. Commissioner Mike Nelson seconded the motion. The roll was called and the motion carried 5-0. (ORDINANCE NO. 08-22)**

3. Zone Change PZ 07-173, West Side of Highway 77 near 2321 Intersection

Recommendation: Board conduct a quasi-judicial public hearing pursuant to Section 307 of the Land Development Regulations and take action on a proposed zone change, Application No. PZ 07-173, located on the west side of Highway 77 near the intersection of County Road 2321, Southport area.

PZ 07-173: Request by Animaljack, Maxwell Richardson (Owner)/Ron Thomasson, Accrue PLUS, Inc. (Applicant) to change the zoning of 3.34 total acres located on the west side of Highway 77 near the intersection of C.R. 2321 from R-2 Duplex Dwellings and Manufactures Housing to C-3A General Commercial Low zone.

County Attorney Terrell Arline administered the oath to those wishing to speak before on the matter and the Board members provided their ex-parte communications.

Planning and Zoning Manager Martin Jacobson presented the item before the Board and stated that, since the Planning Commission had considered the application, discussions had taken place with the owner and a request was subsequently submitted for a conditional zone change, specifying and limiting the types of uses to marina, dry boat storage, neighborhood retail uses, professional offices, personal services, restaurants and all residential uses. Density would remain at five (5) units per acre. The Planning Commission and staff recommended approval.

Chairman Girvin opened the public hearing.

Ron Thomasson, Accrue PLUS, stated that he did not have any additional information but was available to answer any questions.

There were no further comments from the public.

**Commissioner Mike Thomas made a motion to adopt an ordinance approving PZ 07-173. Commissioner Mike Nelson seconded the motion. The roll was called and the motion carried 5-0. (ORDINANCE NO. 08-23)**



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IX. Additions/Discussion Agenda Items (*see item II.*)

A. Commissioner Mike Thomas

1. Parks and Recreation Advisory Committee Request

Commissioner Thomas stated that he had recently attended a meeting of the Parks and Recreation Advisory Committee and relayed a request for assistance in funding the construction of a Miracle League ball field at Frank Brown Park in the amount of \$50,000 through parks and recreation impact fees.

**Commissioner Mike Thomas made a motion to provide funding to the Frank Brown Park Miracle League ball field in the amount of \$50,000 from parks and recreation impact fees. Commissioner Mike Thomas seconded the motion.**

Following comments by the Board members, **the roll was called and the motion carried 5-0.**

B. Commissioner William Dozier

1. Property Appraiser Lease for Lynn Haven Office

Recommendation: Board approve and authorize the Chairman to sign the lease agreement between Steven Pizza and Bay County for property leased by the County and used as a satellite office for the Property Appraiser.

Commissioner Dozier spoke on the proposed lease renewal and questioned the need for services in satellite offices, given the current economic circumstances, and the need to closely review expenditures.

The Board members discussed the savings to citizens in mileage expenses, and the services provided by satellite offices.

Property Appraiser Zane Spitzer spoke before the Board and advised that the satellite office consisted of four (4) persons and cost approximately \$700 per month. He spoke on the crowded conditions at the Mulberry Avenue location and the service provided to Lynn Haven and northern Bay County residents, and explained that the office provided full service to the citizens.

The Board members and the Property Appraiser discussed the unexpected scrutiny of that satellite office and the scrutinizing of all expenditures, the economical service provided to the community, the lease renewal/termination date, the planned scrutiny of other expenditures, the right and obligation of Commissioners to discuss any agenda item, and limiting the proposed 5% lease

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increase to 3%.

**Commissioner Mike Thomas made a motion to direct staff to negotiate the Property Appraiser Lynn Haven Office lease with a 3% increase and authorize the Chairman to sign the lease. Commissioner George Gainer seconded the motion. The roll was called and the motion carried 5-0.**

- X. Public Participation (Open to any issue, remarks limited to three (3) minutes)

There were no comments from the public.

- XI. Chairman's Report and Commissioners Comments

A. Commissioner Mike Thomas

1. Ad Valorem Property Tax Reform.

Commissioner Thomas noted that the recent act before the legislature had failed at committee, and he suggested again sending correspondence regarding accurate appraisals, 3% increases plus new growth, with reappraisals when property is sold or the property use changes.

**Commissioner Thomas made a motion to again send correspondence to the legislative delegation regarding ad valorem tax reform. Commissioner Mike Nelson seconded the motion. The roll was called and the motion carried 5-0.**

2. Bay County Health Department Permitting

Commissioner Thomas spoke regarding the environmental health process for septic tank permits and requested that staff meet with representatives of the Health Department to review streamlining the permitting process.

B. Commissioner George Gainer

1. Bay County Public Library (Marina location)

Commissioner Gainer spoke on reviewing County needs prior to vacating the Marina Library location.

Chairman Girvin requested that Commissioner Gainer continue to work on the issue.

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C. Chairman Jerry Girvin

1. Department of Juvenile Justice/Boot Camp Facility

Chairman Girvin Boot advised that a meeting had been scheduled with the Department of Juvenile Justice and Bay County's legislative delegation for further discussion on the Boot Camp Facility.

XII. Recess to Executive Session (10:20 A.M.)

XIII. Executive Session

A. County Attorney's Office

1. Panama City Tipping Fees, Case No. 07-3206-CA

Recommendation: Board consider a request by the County Attorney for an executive session to discuss an offer to settle the Bay County v. Panama City, (Case Number 07-3206-CA) regarding tipping fees. In attendance for the executive session will be the Board of County Commissioners, the County Manager, County Attorney Terrell Arline, Tom Cloud, Esq., who is primary counsel of record and a certified court reporter.

XIV. Reconvene 10:40

County Attorney Arline reported that the Board had considered the City of Panama City's settlement proposal of March 28, 2008, and had determined that acceptance of the offer was not in the best interest of Bay County. Staff was directed to notify the City Attorney of the rejection of the settlement offer, and to notify the City Mayor that Bay County remained opened to further negotiation, which should be directed through Commissioner Gainer. .

XV. Adjournment (10:41 A.M.)