

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

NOVEMBER 2, 2009
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of October 19, 2009 (Regular Meeting)
Approval of Minutes of October 19, 2009 (Special CRA Meeting)

**PROCLAMATION: DECLARING NOVEMBER 2009 VETERANS AND
EMERALD COAST HONOR FLIGHT MONTH**

4. Ordinance No. 18-09: Amending 19-301 of the City's Code of Ordinances Relative to Delinquency of Utility Payments

5. **ACTION AGENDA ITEMS:**

- A. Discussion and Action Regarding Proclamation Declaring November 2009 as Veterans and Emerald Coast Honor Flight Month
(COVERED AT BEGINNING OF MEETING)
- B. Discussion and Action Regarding Budgeting and Organizational Analysis "white Paper" South Santa Rosa Utility System
- C. Discussion and Action Regarding SSRUS Board Recommendation: Purchase and Electrical Installation of Blower and Variable Frequency Drives in an amount not to Exceed \$149,000
- D. Discussion and Action Regarding Fiscal Year 2009 Year End Reconciliation for Wholesale Water Purchase
- E. Discussion and Action Regarding Ordinance No. 18-09, amending 19-301 of the City's Code of Ordinances Relative to Delinquency of Utility Payments
(COVERED UNDER ORDINANCE SECTION ABOVE.)
- F. Discussion and Action Regarding Special Event Application from Gulf Breeze Chamber of Commerce Holiday Parade

- G. Discussion and Action Regarding Proposed Resolution for TPO Regarding Fairpoint and Shoreline Federal Classification
- H. Discussion and Action Regarding Declaring Police Cruiser as Surplus Equipment
- I. Discussion and Action Regarding Scheduling Code Violation Hearing - Sunil and Lisa Gupta, 115 Shoreline Drive
- J. Discussion and Action Regarding Flood Plan Management Status Report
- K. Discussion and Action Regarding Creation of Fund 301 in the City's Internal Accounting System
- L. Information Items
- 6. New Business:
- 7. Open Forum
- 8. Adjournment

If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair.

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA**

The 1,138th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Monday, October 19, 2009, at 6:30 p.m.

Upon call of the roll the following Councilmen were present: Dana Morris, J. B. Schluter, Richard Fulford, Joseph Henderson and Mayor Zimmern.

APPROVAL OF MINUTES:

Councilman Schluter moved for approval of the minutes for the regular meeting held on Monday, October 5, 2009. Councilman Henderson seconded. The vote for approval was 5 - 0.

Councilman Henderson moved for approval of the minute for the special meeting held on Monday, October 5, 2009. Councilman Morris seconded. The vote for approval was 5 - 0.

**PUBLIC HEARING: RESOLUTION NO. 31-09, INCREASING WATER AND SEWER
RATES FOR UTILITY CUSTOMERS IN THE SOUTH SANTA
ROSA UTILITY SYSTEM**

The City Manager explained why the rate increase was necessary for the South Santa Rosa Utility System customers and explained the difference between the City and South Santa Rosa Utility systems. He also explained the advantages of the joint services between the City and SSRUS customers, such as the City provides equipment, office staff, managers, engineers, and lift stations.

The Mayor opened the Public Hearing by asking that each speaker give their name, address and whether they are in favor or against the rate increase. The following individuals spoke against the increase: Rich Davis, 1128 Park Lane; Don Sherner, 1719 Lighthouse Point; Don Richards, 1129 Park Lane; Pete Simmons, 1241 Ganges Trail; Larry Sessions, 1138 Park Lane; John Damiani, 1342 El Sereno Place; Darlene Goderski, 1431 Tiger Lake Drive; Mitch Provosty, 953 Aquamarine Drive; Mike Robertson, 1468 Whisper Bay Boulevard, and Mr. Bill McCortney, 1236 Ganges Trail. Robert Turpin, 2 Madrid, asked the mechanism used to determine the rate increase and Dick Synder, Chairman of the South Santa Rosa Utility System Board spoke to the audience regarding the decisions made by the Board and invited the attendees to come to the Board meetings. There was no further discussion and the Mayor closed the Public Hearing.

The Mayor opened the floor for discussion by the City Council. After Council spoke, Resolution No. 31-09 was read by title only by the City Clerk. Councilman Henderson moved for approval of the Resolution. Councilman Fulford seconded. The vote for approval was 5 - 0. A five minutes recess was called for the ones in the audience who wanted to leave.

The Mayor reconvened the Regular City Council meeting at 7:35 p.m.

ORDINANCE NO. 17-09: AMENDING SECTION 3-9 OF THE CITY'S CODE OF ORDINANCES REGARDING DISTANCE REQUIREMENTS FOR SALE OF ALCOHOLIC BEVERAGES - SECOND READING AND PUBLIC HEARING

The Ordinance was read by title only by the City Clerk. The Mayor reviewed the purpose of the ordinance and opened the floor for public comments. Mr. Nicholas Wheatley, 33 Gulf Breeze Parkway, spoke regarding the ordinance. There were no other comments and the public hearing was closed.

Councilman Henderson moved for approval of the Ordinance. Councilman Morris seconded. The vote for approval was 5 - 0.

ORDINANCE NO. 18-09: AMENDING SECTION 19.301 OF THE MUNICIPAL CODE RELATIVE TO PAYMENT AND MANDATORY CUTOFF FOR DELINQUENCY, UTILITY PAYMENTS FIRST READING

The Ordinance was read by title only by the City Clerk. The Mayor reviewed the purpose of the Ordinance. Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 5 - 0.

RESOLUTION NO. 29-09: APPROVING A PLAN FOR GULF BREEZE TOURIST DEVELOPMENT EXPENDITURES FOR FISCAL YEAR 2010

Councilman Schluter moved for approval of the Resolution. Councilman Henderson seconded. The vote for approval was 5 - 0.

ACTION AGENDA ITEMS:

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING DEVELOPMENT REVIEW BOARD CASE (HITPAS - NAVY COVE BOULEVARD)**

Reference: Development Review Board Minutes dated October 14, 2009

RECOMMENDATION:

That the City Council accept the project as presented.

Councilman Schluter moved for approval of the project. Councilman Morris seconded. The vote for approval was 5 - 0.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING PUBLIC HEARING, OCTOBER 19, 2009, SANTA ROSA UTILITY SYSTEM RATE INCREASE**

COVERED UNDER PUBLIC HEARING SECTION ABOVE

- C. SUBJECT: DISCUSSION AND ACTION REGARDING NIGHTINGALE MANOR COMMON AREA**

Reference: Community Services Director memo dated October 2, 2009

RECOMMENDATION:

That the City Council direct staff and City Manager to work out the best way to transfer ownership of the common area to the residents, prepare the necessary paperwork to facilitate this matter and present the method to Council for further discussion and action.

Councilman Henderson moved for approval. Councilman Schluter seconded. The vote for approval was 5 - 0.

- D. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 17-09, AMENDING SECTION 3-9 OF THE CITY'S CODE OF ORDINANCES REGARDING DISTANCE REQUIREMENTS FOR SALE OF ALCOHOLIC BEVERAGES - SECOND READING AND PUBLIC HEARING**

COVERED UNDER ORDINANCE SECTION ABOVE

- E. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 18-09, AMENDING SECTION 19-301, OF THE MUNICIPAL CODE RELATIVE TO PAYMENT AND MANDATORY CUTOFF FOR DELINQUENCY, UTILITY PAYMENTS - FIRST READING**

COVERED UNDER ORDINANCE SECTION ABOVE

CONSENT AGENDA ITEMS:

RECOMMENDATION:

**That the City Council approve the following Consent Agenda Items:
F, G, I, K, L, and M:**

**F. SUBJECT: DISCUSSION AND ACTION REGARDING PROPERTY
APPRAISER'S INVOICE FOR PICTOMETRY**

Reference: Assistant Public Service Director memo dated October 2, 2009

RECOMMENDATION:

That the City Council approve the annual payment of \$25,000 to the Santa Rosa County Property Appraiser for the pictometry license and flight fee. This item was budgeted in 2009 in Fund 401(Water and Sewer) as an operational cost.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING INCREASES IN
CONTRACTOR MAINTENANCE FEES - HIGHWAY 98
MEDIANS**

Reference: Parks and Recreation Director memo dated September 29, 2009

RECOMMENDATION:

That City Council direct staff to provide Diversified Services of Pensacola, LLC and Kelly Landscaping, Inc., the required 30 day notification of contract termination. Further, that Council authorize a one year contract with Hepworth Lawn Care for the sum of \$50,000 for the maintenance and management of the medians and rights-of-way within Highway 98 and nine (9) flower beds within the City. Said contract to be subject to annual extension or renewal at the City's sole discretion.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING CHRISTMAS
DECORATIONS**

COVERED UNDER MINUTES FOR SPECIAL CRA MEETING

I. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION 29-09 FOR FY 2010

Reference: Assistant City Manager memo dated October 9, 2009

RECOMMENDATION:

That the City Council amend the Resolution by deleting \$2,000 from the annual soccer tournament, add the \$2,000 to Miscellaneous to increase that total to \$24,000 and adopt Resolution No. 29-09 approving the FY 2010 Tourist Development Council budget.

J. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION NO. 30-09 FOR FY 2010 CRA BUDGET

COVERED UNDER MINUTES FOR SPECIAL CRA MEETING

K. SUBJECT: DISCUSSION AND ACTION REGARDING LIFE'S A BREEZE WEEKEND

Reference: City Manager memo dated October 9, 2009

RECOMMENDATION:

That the City Council approve the Life's a Breeze special event in Shoreline Park on November 13-15, 2009.

L. SUBJECT: DISCUSSION AND ACTION REGARDING REPLACEMENT OF FORD 150 ENGINE

Reference: Deputy Police Chief memo dated October 9, 2009

RECOMMENDATION:

That the City Council authorize World Ford to replace the engine in the City's F-150 Aggressive Driving Enforcement vehicle at a cost of \$6,747.

M. SUBJECT: DISCUSSION AND ACTION REGARDING CITY COUNCIL MEETING TIMES

Reference: City Manager memo dated October 9, 2009

RECOMMENDATION:

That the City Council keep the current meeting time for City Council meeting of 6:30 p.m.

Councilman Schluter moved for approval of the following Consent Agenda Items: F, G, I, K, L, and M. Councilman Morris seconded. The vote for approval was 5 - 0.

N. INFORMATION ITEMS

ADJOURNMENT:

Mayor Zimmern moved for adjournments at 7:55 p.m.

CITY CLERK

MAYOR

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS
FOR THE COMMUNITY REDEVELOPMENT AGENCY**

A meeting of the Board of Directors for the Community Redevelopment Agency, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall on Monday, October 19, 2009, at 7:47p.m.. Upon call of the roll for the Community Redevelopment Agency meeting the following Board members were present: Councilmen Dana Morris, J. B., Schluter, Richard Fulford, Joseph Henderson, and Mayor Beverly Zimmern.

The purpose of the meeting was for the Board of Directors for the Community Redevelopment Agency to consider the following items:

A. SUBJECT: DISCUSSION AND ACTION REGARDING ADOPTION OF RESOLUTION NO. 30-09 FOR FY 2010 CRA BUDGET

Reference: Assistant City Manager memo dated October 9, 2009

RECOMMENDATION:

That the City Council meet as the CRA Board of Directors on October 19, 2009 and adopt Resolution 30-09 approving the FY 2010 Community Redevelopment Agency budget.

Councilman Schluter moved for approval of the 2010 CRA Budget. Councilman Henderson seconded. The vote for approval was 5 - 0.

B. SUBJECT: DISCUSSION AND ACTION REGARDING CHRISTMAS DECORATIONS

Reference: Parks and Recreation Director memo dated October 8, 2009

RECOMMENDATION:

That the City Council authorize the use of CRA funds, in the amount of \$18,494.27 annually to enter into an agreement with Property Innovations, Inc., for installation and maintenance of outdoor holiday lighting within the medians of Highway 98.

Councilman Schluter moved for approval. Councilman Morris seconded. The vote for approval was 5 - 0.

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 6:50 p.m.

CITY CLERK

MAYOR



City of Gulf Breeze

PROCLAMATION

WHEREAS, Emerald Coast Honor Flight is a non-profit organization honoring Americas veterans for all their sacrifices. Honor Flight transports our heroes and Guardians from Escambia, Santa Rosa, Okaloosa, Walton, Washington and Homes counties to Washington, DC to reflect at their memorial; and,

WHEREAS, top priority is given to the senior veterans – WWII survivors who may be terminally ill. Based on recent statistics, we are losing WWII veterans at the rate of 1200 per day; and,

WHEREAS, Honor Flight will continue do whatever it takes to fulfill the dreams of our veterans and, very importantly, our senior heroes travel absolutely free; and,

WHEREAS, ECHF has flown more than 500 WWII veterans to Washington D.C. to reflect at their memorial. The inaugural flight was April 16, 2008, from Escambia County, Pensacola, Florida and then again on October 15, 2008. The inaugural flight from Okaloosa County, Valparaiso, Florida was on April 1, 2009 and another flight from Escambia, Pensacola, Florida on April 29, 2009 and again on October 21, 2009; and

WHEREAS, OVER \$400,000 has been raised by the generosity of individuals and businesses in Northwest Florida to support Emerald Coast Honor Flight organization; and

WHEREAS, there are more veterans living in Northwest Florida than any other part of the United States; and

WHEREAS, we have more than 400 application still on file from WWII veterans who want to visit their memorial in Washington D.C.; and

WHEREAS, we are making a commitment we will keep the Emerald Coast Honor Flight program flying until all of the WWII veterans in our district have visited their memorial.

NOW, THEREFORE, BE IT PROCLAIMED I, Beverly H. Zimmern, Mayor of The City of Gulf Breeze, joins with the Emerald Coast Honor Flight in declaring

November 2009 Veterans and Emerald Coast Honor Flight Month

In Santa Rosa County, Florida to create awareness and raise funds to continue supporting this united effort in Florida's First Congressional District for Our greatest generation to "KEEP EM FLYING".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Gulf Breeze, Santa Rosa County, Florida, to be affixed this 2nd day of November, 2009.

Marita Rhodes, City Clerk

Beverly H. Zimmern, Mayor

ORDINANCE NO. 18-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTIONS 19.301 PAYMENT AND MANDATORY CUTOFF FOR DELINQUENCY, OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City maintains and operates water, sewer, solid waste, stormwater and natural gas utilities; and,

WHEREAS, These utility fees are billed to customers on a monthly basis; and,

WHEREAS, The City desires to move to four billing cycles per month as a method of cost savings; and,

WHEREAS, The City desires to meet the needs of its Citizens by allowing two additional days for receipt of payments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, as follows:

SECTION 1: Section 19.301, Payment and Mandatory Cutoff for Delinquency, is hereby amended as follows:

Bills for all utility services shall be submitted and paid monthly. If any monthly utility bill shall remain unpaid on or after ~~12~~ 14 days from the date of submission of the bill for such services, a penalty of ten percent of the total of the utility bill shall be imposed and added to the bill. If the bill shall continue and remain unpaid for a period of 30 days from the date of submission of such bill, the customer's deposit shall be applied against the unpaid utility bills, and the utilities shall be disconnected from the utility system. Services shall not be restored until all past utility bills are fully paid, together with any reconnection charge and proper deposit as required to secure payment for services and in accordance with state law. If any of the final due dates fall on a weekend or a legal holiday, the required payment shall be made no later than at the close of business on the next business day immediately following the weekend or legal holiday.

SECTION 2: SEVERABILITY

It is not the intent of this Ordinance to supersede or conflict with any law, rule, or regulation that has been reserved to or is preempted by laws, rules, and regulations of the State of Florida. If any section, sentence, clause, phrase, or word of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. Further, in the event that any section, sentence, clause, or phrase of this Ordinance is held to be invalid or

unconstitutional by any court of competent jurisdiction, then it is hereby declared to be the intent of the Gulf Breeze City Council that this Ordinance be construed to the fullest extent possible in a manner that is valid and constitutional and excepting only such portions of this Ordinance that are necessary in order for the remaining portions hereof to be valid and lawful.

SECTION 3: CONFLICT

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms herein.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective upon its adoption by the City Council of the City of Gulf Breeze.

PASSED ON FIRST READING ON THE 19th DAY OF Oct., 2009.

PUBLISHED ON THE 22nd DAY OF Oct., 2009.

PASSED AND ADOPTED ON THE SECOND READING ON THE _____
DAY OF _____, 2009.

CITY OF GULF BREEZE, FLORIDA

BEVERLY H. ZIMMERN, MAYOR

ATTEST:

MARITA RHODES, CITY CLERK

**D. SUBJECT: DISCUSSION AND ACTION REGARDING FISCAL YEAR 2009
YEAR END RECONCILIATION FOR WHOLESALE WATER
PURCHASE**

Reference: Public Services Director memo dated October 22, 2009

RECOMMENDATION:

That the City Council approve the transfer of \$71,183.81 from Fund 401 (City) to Fund 403 (SSRUS) as fiscal year 2009 year end adjustment for the purchase of water from FRUS.

**E. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO.18-09
AMENDING 19-301 OF THE CITY'S CODE OF ORDINANCES
RELATIVE TO DELINQUENCY OF UTILITY PAYMENT**

Reference: City Manager memo dated October 20, 2009

RECOMMENDATION:

That the City Council hold a Public Hearing and approve Ordinance No. 18-09 on Second and Final Reading.

**F. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT
APPLICATION FROM GULF BREEZE CHAMBER OF
COMMERCE - HOLIDAY PARADE**

Reference: Police Deputy Chief memo dated October 21, 2009

RECOMMENDATION:

That the City Council approve the Special Event request from the Gulf Breeze Chamber of Commerce to conduct their annual Holiday Parade on Saturday, December 12, 2009, 10:00 a.m.

Councilmen Present: Dana Morris, Richard Fulford, Joseph Henderson and Mayor Zimmern
Councilman Absent: J. B. Schluter,

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING PROCLAMATION DECLARING NOVEMBER 2009 AS VETERANS AND EMERALD COAST HONOR FLIGHT MONTH**

Reference: Proclamation for Veterans and Emerald Coast Honor Flight Month

RECOMMENDATION:

That the City Council present a proclamation proclaiming November 2009 as Veterans and Emerald Coast Honor Flight Month.

- B. SUBJECT: DISCUSSION AND ACTION REGARDING BUDGETING AND ORGANIZATIONAL ANALYSIS "WHITE PAPER" SOUTH SANTA ROSA UTILITY SYSTEM**

Reference: City Manager memo dated October 22, 2009

RECOMMENDATION:

That the staff be directed to involve and include the SSRUS Board in the development of a "white paper" on the operation, management and cost allocation structure of the utility for presentation by the Board to the City Council.

- C. SUBJECT: DISCUSSION AND ACTION REGARDING SSRUS BOARD RECOMMENDATION: PURCHASE AND ELECTRICAL INSTALLATION OF BLOWER AND VARIABLE FREQUENCY DRIVES IN AN AMOUNT NOT TO EXCEED \$149,000**

Reference: Assistant Public Services Director memo dated October 15, 2009

RECOMMENDATION:

That the City Council approve the use of Moody Electric as contractor for the blower electrical installation and the purchase of VFD's directly by the City, for a total amount not to exceed \$149,000.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING PROPOSED
RESOLUTION FOR TPO REGARDING FAIRPOINT AND
SHORELINE FEDERAL CLASSIFICATION**

Reference: Finance Director memo dated October 21, 2009

RECOMMENDATION:

That the City Council direct staff to prepare a Resolution for the Northwest Florida Transportation Planning Organization regarding the consistent functional classification of Fairpoint and Shoreline Drives in the City of Gulf Breeze.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING DECLARING POLICE
CRUISER AS SURPLUS EQUIPMENT**

Reference: Police Chief memo dated October 12, 2009

RECOMMENDATION:

That the City Council declare the wrecked police cruiser 033, a 2003 Ford Crown Victoria VIN 2FAFP71W13X154696 as surplus equipment and authorize transfer of ownership of the vehicle to Bayside Towing.

**I. SUBJECT: DISCUSSION AND ACTION REGARDING SCHEDULING CODE
VIOLATION HEARING - SUNIL AND LISA GUPTA, 115
SHORELINE DRIVE**

Reference: Community Services Director memo dated October 20, 2009

RECOMMENDATION:

That the City Council schedule a hearing on December 7, 2009 for the purpose of hearing the Gupta's appeal of the Notice of Violation that was issued for a fence that extends past the front of their residence in violation of Section 21-72 of the City Code of Ordinances. (Council would like to revisit the fence ordinance regarding permitting fences in front of homes under certain conditions.)

**J. SUBJECT: DISCUSSION AND ACTION REGARDING FLOOD PLAN
MANAGEMENT STATUS REPORT**

Reference: Community Services Director memo dated October 19, 2009

RECOMMENDATION:

**That the City Council accept this annual status report on the City's Flood
Plan Management.**

**K. SUBJECT: DISCUSSION AND ACTION REGARDING CREATION OF
FUND 301 IN THE CITY'S INTERNAL ACCOUNTING SYSTEM**

Reference: City Manager memo dated October 23, 2009

RECOMMENDATION:

**That the City Council approve creation of Fund 301 in the City's internal
accounting system.**

L. INFORMATION ITEMS

recommend that Fairpoint and Shoreline best conform to the standards of “urban collectors”; and,

WHEREAS the Mayor and City Council of the City of Gulf Breeze determined that the best interests of the residents are served by efficient administration, consistent performance and timely response to disasters with regard to debris removal; and, have resolved that it is not in the best interest of its residents or public safety to have residential roads subject to multiple standards and agencies for recovery aid when time is of the essence; and, have requested that Fairpoint and Shoreline be classified so as to be not eligible for FHWA emergency aid; and, in no past disasters have Fairpoint and Shoreline been beneficiaries of aid from FDOT or FHWA;

NOW THEREFORE after due consideration by the members of the Northwest Florida Transportation Planning Organization, it is hereby

RESOLVED: that the Northwest Florida Transportation Planning Organization recommend a finding of “local streets” for classification of Shoreline and Fairpoint, and requests FDOT to request such classification to be approved and adopted by FHWA.

**RESOLUTION OF THE
NORTHWEST FLORIDA TRANSPORTATION PLANNING
ORGANIZATION
REGARDING THE FUNCTIONAL CLASSIFICATION OF THE
STREETS OF FAIRPOINT AND SHORLINE IN THE CITY OF GULF
BREEZE, FLORIDA**

October xx, 2009

WHEREAS assignment of certain Federal Highway Administration (FHWA) functional classifications to roads determines eligibility for FHWA emergency disaster assistance aid for first pass debris removal; and, when such roads are eligible for FHWA aid they are ineligible for Federal Emergency Management Agency (FEMA) disaster assistance for first pass debris removal whether or not FHWA aid was successfully received; and,

WHEREAS the approved scope of work for debris removal is not consistent between the FHWA and FEMA aid programs, nor are monitoring standards, nor are contracting and documentation requirements, nor are the implementing state agencies; and, the lack of conformity of emergency disaster assistance reimbursement administration processes between FHWA and FEMA is such that the Florida Department of Transportation (FDOT) recommends separate contracts for debris collection, monitoring and separate administration; and,

WHEREAS the FDOT has established procedures requiring explicit disclosure of the impact of such federal aid impacts under Topic 525-020-311-a section 2.2.2.2 (effective May 15, 2003) ; the minutes of the September 2005 meeting of the TPO are not explicit as to whether the distinctions impacting federal emergency aid above were made plain when the map of functional classifications were presented for approval; and,

WHEREAS FHWA procedures for functional classification of a road requires the assent and cooperation of local officials; and, that under such procedures the area TPO or MPO is deemed to be the de facto local official for each member county and municipality whose roads may be impacted; and,

WHEREAS on March 11, 2009 the Northwest Florida Transportation Planning Organization (TPO) requested that FDOT, as primary operating agency of FHWA in the State of Florida, review and reconsider the classification of Shoreline Drive and Fairpoint Drive in the City of Gulf Breeze, Florida; and, the FDOT completed its requested review and corrected previous inventory deficiencies and presented its findings to the City of Gulf Breeze and the TPO; and, FDOT's application of FHWA determination standards has resulted in the conclusion on July 7, 2009 to