

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD
IN THE COMMISSION CHAMBERS AT CITY HALL, NOVEMBER 2,
2010 AT 6:00 P.M.**

The following were present: Mayor Magidson, Commissioners Gingell, Johnson, Stephens and Buzzett. City Manager Charlie Weston, Attorney Tom Gibson and City Clerk Jim Anderson were also present.

Consent Agenda:

National Hospice Month Proclamation:

Mayor Magidson read the Proclamation supporting November as National Hospice Month and encouraged community support.

Minutes:

Motion by Commissioner Buzzett, 2nd by Commissioner Stephens, to approve the Minutes for the October 5, 2010 Workshop and the October 19, 2010 Regular Meeting with the following corrections. The vote on Ord. 456 should reflect 4-0, Commissioner Stephens abstained and to correct the Spelling of Nix, Patterson. All in Favor; Motion carried 5-0.

City Attorney, Tom Gibson:

Ordinance 456 Golf Carts:

Ordinance 456 Repealing Section 11 and changing the definition of golf cart in the Golf Cart Ordinance.

Motion by Commissioner Gingell, 2nd by Commissioner Johnson, to have the 2nd reading of Ordinance 456. Motion carried 4-0. Commissioner Stephens Abstained. (Please see attached voter conflict form).

Motion by Commissioner Gingell, 2nd by Commissioner Johnson, to adopt Ordinance 456. Motion carried 4-0. (Please see attached voter conflict form).

Mr. Weston noted one of our topics under new business concerns the allowance of golf carts on the new Pathway for Health and History. He indicated that a letter from Gloria Salinard has been received concerning safety on the path.

Mayor Magidson noted that the issue is if the path should be restricted to pedestrians and bicycles. He has had several citizens contact him about safety on the path and feels that the path should be restricted.

Commissioner Stephens indicated that he feels the path should be restricted as well.

Ms. Salazar indicated that she is concerned about safety. She had a golf cart force her off the path early one morning and wants the path to be a safe haven.

Commissioner Stephens noted that we will have to allow people that live in that area access to their property, but he has had several complaints about golf carts as well.

Phil Earley asked, "Does this include all motorized vehicles?"

Attorney Gibson asked, "Are we going to exempt the part of the path where people live?"

Mayor Magidson responded, "Yes."

Attorney Gibson noted that we will need to amend our Golf Cart Ordinance.

Commissioner Johnson would like to see a separate ordinance.

Motion by Commissioner Johnson, 2nd by Mayor Magidson, (Mayor Magidson passed the chair to Mayor Pro Tem Buzzett) to restrict existing and future multi-use paths to non motorized vehicles except for adjoining property owners along the path. All in Favor; Motion carried 5-0.

Commissioner Gingell noted that only personal vehicles, no commercial should be allowed for the homeowners that live along the path.

Commissioner Johnson indicated that for some of the property owners the path is the only access to their property.

Mike Lacour also noted that at the ball fields between Eighth and Tenth Streets trucks will need to access concession stand. Spectators also like to park behind the STAC House to watch the games.

Commissioner Buzzett feels that we should allow some vehicles during ball season.

Christy McElroy is thrilled that multi paths will be limited to non motorized vehicles.

Commissioner Buzzett would also like to note that he has heard from several golf cart owners that would like to utilize the multi path.

Commissioner Johnson indicated that he also has been contacted by several golf cart owners that would like to use the path, but he is appalled at the haphazard driving of some golf cart owners. If people don't start abiding by the rules, we may have to consider repealing the ordinance. He also noted that the path will be striped.

Carolyn Williams supports pedestrians and bicycles only on the multi paths except for homeowners. As a health benefit its great, as for golf carts, I see kids riding carelessly. She has also seen several head injuries related to golf carts.

Chief Barnes noted that golf carts are a minority with only Forty-Three permitted in the City.

Mr. Weston asked, "Does this apply to golf carts that belong to homeowners along the multi path?"

Mayor Magidson responded, "The intent is for the homeowners to utilize the closest access point."

City Manager, Charlie Weston:

Headworks and Sprayfield Project:

Mr. Weston noted that the bids will be released on November 16, 2010. We are looking at construction beginning in March or April and taking approx. eighteen months for completion.

Commissioner Buzzett asked, "Have we determined if part of the money can be used for demolition of the old headworks?"

Mr. Weston responded, "I will check to find out if the money can be used for demolition."

Junior Service League request to use the City Commons:

Mr. Weston indicated that he has received a request from the Jr. Service League to use the City Commons for a Chili Cook-off on December 4, 2010 from 2-5 P.M. utilizing the same equipment as the Farmers Market.

Commissioner Gingell noted that in the past, the Farmers Market would stay open later the day of the Christmas Parade. "Will the Jr. Service League allow the Farmers Market to stay open later?"

Jessica Patterson from the Jr. Service League responded, "Yes, the more the merrier."

Mayor Magidson noted that the event will require joint coordination.

Commissioner Buzzett indicated that this is why the City requires permitting.

Mr. Weston noted that this is the first time that City Commons has been utilized for an event other than the Farmers Market.

CVS Development Order Request:

Mr. Weston informed the Board that the Planning and Development Review Board met earlier today and voted 4-0 to recommend approval of a Development Order for CVS/Joe Company.

Robert Carroll, from McNeil Carroll Engineering, noted that they have in hand their D.O.T. Permits, the utilities have been reviewed, and they will have an enclosed compactor and sixty parking spots. The building will be all brick with a tower to fit into the City's architectural design. The contractors are ready to begin construction.

Motion by Stephens, 2nd by Commissioner Johnson, to approve the development order for CVS/ Joe Company. All in Favor; Motion carried 5-0.

CIP Plan:

Mr. Weston reminded the Board that the PDRB and City Commission will have the CIP Plan update on their agendas.

Mr. Anderson indicated that copies of the proposed CIP Plan and (2) Small Scale Amendment proposals are available on a table down front for review.

Mixed Use Hwy 98 Discussion:

Phil Earley noted that he had an opportunity to meet with the Mr. Weston and Attorney Gibson. He has contacted Bill Koran about using the old Dive Shop at the corner of Highway 98 and Third Street to sell items such as lawn mowers and golf carts outside with the City's approval. The items would be outside during the day and locked up at night. He would like to be in operation January 1, 2011.

Commissioner Buzzett asked, "Will you be hiring new employees?"

Mr. Earley responded, "Yes."

Mayor Magidson asked, "What is our current status on this type of business?"

Attorney Gibson stated, "The City has a provision that you can't sell items that are not housed in a building. The question is what is your vision of Highway 98? The code is 1960's language. If he moves the items back inside at night, is this something the Commission wants? In his present location, he couldn't have that type of business in Mixed Use. If it's your position to allow it, we can fix it."

Mayor Magidson noted that we could limit the hours of business.

Commissioner Buzzett responded, "As long as it under a roof."

Commissioner Gingell really doesn't want to see the truck selling mattress's on Highway 98. It needs to look like a permanent structure.

Mr. Earley noted that he would have limited signage.

Mayor Magidson doesn't want to see a bazaar along the Highway 98 corridor. He does think it's workable and would like Attorney Gibson to draft an Ordinance.

Attorney Gibson thinks that timing is not a problem. The issue will be if Mr. Earley doesn't have space to store all the equipment inside would he be allowed to keep it under the overhang of the building.

Commissioner Gingell noted that a lot of work has been done to line up all the driveways on Highway 98 and hopes that Mr. Earley would work with Matt Fleck at the PSJRA.

Mr. Earley wouldn't want anyone to back out on Highway 98.

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson, for Attorney Gibson to draft an Ordinance allowing outside sales that are stored away each night in the Mixed Use District. Motion carried 4-0. Commissioner Stephens abstained from voting (See attached voter conflict form).

Mr. Weston noted that Renee Carroll is looking at possibly opening a Flee Market. Mrs. Carroll would like to have the market once a month. He sees this as a win-win for the City. They could possibly be held at Sand Hills Pond.

Mayor Magidson indicated that the park could have many uses. He feels that it's a matter of applying for the permit and paying the fee.

Attorney Gibson noted that he doesn't have a problem with it.

Planning and Development Review Board:

Mr. Weston indicated that the PDRB will meet on November 16, 2010 at 5:00 to review the Capital Improvement Plan update and two Small Scale Plan Amendments.

Attorney Gibson noted that the CIP Plan will be need to be adopted before December 1, 2010. The two Small Scale Plan Amendments to consider are: A request from Fairpoint Communications to change the parcel located behind their main office from High Density Residential to Commercial 2 and the City has applied for a zoning change of the old Ward Ridge City Hall Building from Public to Commercial.

Renaming of Sand Hill Pond and New Road:

Mr. Weston indicated that since the Park and Road are complete, now would be a good time to rename each of them.

Commissioner Buzzett has some names mentioned to him and feels Zola Maddox Drive seem appropriate for the new road.

Mayor Magidson noted that not only did the Maddox family settle on the property, but the road also connects to Capt. Fred Place named after the family as well. Mrs. Zola Maddox was instrumental for pioneering adult education in Gulf County.

Commissioner Gingell suggested the road be named Zola Way and the park named Maddox Park.

Jessica Patterson feels that it's cumbersome to use a first and last name for a street. She wonders if a shorter name can be used.

Commissioner Buzzett is worried that if we don't use a full name we may lose sight of history.

Attorney Gibson has talked to several people about naming the park after Billy J. Rish. He served as attorney for the City approx. forty years and was instrumental in securing the property.

Commissioner Johnson noted that this is not something we have to decide tonight.

Mayor Magidson indicated that the Tourist Development Council is working on a new guide, so we need to decide on a name in a timely manner.

Commissioner Johnson doesn't want the Board to jump into a decision.

Mayor Magidson asked the Star Newspaper to run an ad requesting suggestions.

Commissioner Stephens agrees that both are great recommendations, but we already have a Rish Park at Cape San Blas.

Public Works, John Grantland:

Mr. Weston indicated that we have a concerted effort by the City Engineers, Water Plant and Public Works to flush the Water Distribution System.

Mr. Grantland noted that flushing has been completed in zones one thru four and information has been obtained that pertains to the whole city. Discoloration has been noticed in a column of water that never moves from the main line to our fire hydrants. It is believed that flushing may be creating a vacuum that is introducing the discolored water into the water system.

Mr. Kennedy indicated that flushing is a new requirement from DEP and there is not a textbook to follow. It only takes about three weeks for the rusty water to reappear. One hundred and seventeen fire hydrants have been flushed to date in a very short period of time. It's very possible that we could have all the fire hydrants flushed by the end of next week. Once completed, we will start a new unilateral flush of the entire system. It's encouraging to hear the trend is the water quality seems to be a lot better.

Mr. Weston noted that it will more than likely take a combination of chemistry, line replacement and flushing to correct the problem.

Surface Water Plant, Glenn Davis:

Mr. Davis and his staff are continuing to flush the Water Distribution System and are currently working on in house jar testing.

City Engineer, Bill Kennedy:

Pathway for Health and History Change Order #3:

Mr. Kennedy informed the Board that the change order will be for two cross connections on the path that will include bridges. The first will be on Twentieth Street to Garrison Avenue and the second will be on Twenty-Second Street to Marvin Avenue. Approx. \$27,000 will be left in Grant Funding after the change order.

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson, to approve Change Order #3 on the Pathway for Health and History. All in Favor; Motion carried 5-0.

Code Enforcement, Richie Burkett:

Mr. Weston noted that the City is making a few dollars on lien searches and summary of code violations. Corresponding sheets were provided to the Board for Review.

Police Department, Chief Barnes:

Chief Barnes indicated that from time to time Public Works and the Police Department will need to utilize the Pathway for Health and History.

Grants, Charlotte Pierce:

Mrs. Pierce gave a summary of grant activities for the last two weeks to the Board for review and noting that over \$14M in grant funding has been received since starting the grants program.

Frank Pate Park:

Mr. Lacour noted that the FDAP Committee met today in reference to the \$135,000 grant for Frank Pate Park. \$22,000 has already been spent on the parking lot. We have two elements to complete. The first is the playground of which we have \$68K and to remodel the restroom, we have \$29K.

Commissioner Buzzett asked, "Are we adding or replacing playground equipment?"

Mr. Lacour responded, "Replacing."

Mr. Buzzett noted that we need to keep in mind that the parking lot may be expanded in the future.

Mr. Lacour indicated that we are looking to move the playground closer to the water and would like to get the bathroom fixed first.

PSJRA, Matt Flack:

Highway 98 Paving Project:

Mr. Fleck noted that he and Mr. Weston have met with DOT on the project. DOT has agreed to add merge signs where Monument Avenue meets Highway 98. The Second and Third Street Joints at the crosswalks will not be repaired. DOT has indicated repairing them would cause additional damage to the road. DOT did agree that a left hand lane is need to turn into the First Baptist Church Parking Lot, but will need to get an exception due to the lane size. Striping will be added before the Overpass and the speed limit will be dropped from 45 to 35 before the Overpass. In addition, the old signage will be addressed as maintenance after completion of the project.

Chief Barnes noted that the turn arrow at the Intersection of Highways 71 and 98 needs to be reviewed.

Mr. Fleck will look into our options for the arrow sign.

Highway 98 Parking Lot:

Mr. Fleck indicated that the Engineering is complete and he is ready to submit the project to USDA for Grant Funding. He is requesting the City to draft a resolution and authorize the Mayor to sign it.

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to draft a resolution requesting funding from USDA and authorizing the Mayor to sign it. All in Favor; Motion carried 5-0.

Citizens to be heard:

No one spoke.

Commissioner Comments:

Chief Barnes noted that the Police Department has placed surveillance cameras on the new multi path.

Commissioner Gingell noted that the complaints she has received concerning golf carts, no one could see a permit sticker. She asked, "Where do you get the permits?"

Chief Barnes responded, "The permits are issued at City Hall and inspected by the Police Department at a cost of \$35." Before we implemented the new guidelines approx. thirty five permits were issued without inspections.

Commissioner Stephens asked, "Do we have a sewer maintenance fee on the outlying areas?"

Mr. Weston responded, "We have no maintenance fee on the sewer grinder pumps. I think we need to look at it, but this would be a charge over and beyond our new rate structure."

Commissioner Stephens noted that the people in the outlying areas should be paying for this, not the people in the City.

Commissioner Johnson noted that Oak Grove is the only service area that he was aware of that had a maintenance fee and it has since been removed.

Mayor Magdison asked, "Was the maintenance fee part of the rate study?"

Mr. Weston responded, "No."

Commissioner noted that the grinder pumps are on private property.

Mr. Weston indicated that if staff going out and finds a blatant misuse of the grinder pump, the City will charge the customer.

Commissioner Buzzett asked to put maintenance fees on the December agenda.

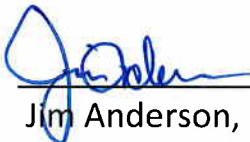
Mr. Weston agrees the City needs a maintenance fee.

Mr. Grantland noted that we have four service areas with different grinder pump agreements and feels they need to be reviewed before we make a decision.

Commissioner Stephens wants something to be done about grinder pump maintenance.

Motion by Commissioner Stephens, 2nd by Commissioner Buzzett to adjourn at 7:47 P.M.

Approved this 16th day of November 2010.



Jim Anderson, City Clerk


Mayor Magdison

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME Stephens, Charles H. Sr.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS 301 15th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Port St. Joe	COUNTY Gulf	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED October 5, 2010		NAME OF POLITICAL SUBDIVISION: City of Port St. Joe	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

A copy of the form must be provided immediately to the other members of the agency.

The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Charles H. Stephens Sr., hereby disclose that on November 2, 20 10

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, St. Joe Rental, Owner Phil Early;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The City Commission voted to direct the City Attorney to amend the Mixed Use District to allow outside sales of golf carts and other merchandise. I'm currently employed at St. Joe Rental, who currently sales golf carts.

Date Filed _____

Charles H. Stephens Sr. Comm A
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.