

**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, DECEMBER 7,
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:

Mayor Magidson noted that today is Pearl Harbor Day and that we should take a few moments to remember those that lost their lives for our country.

Minutes:

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson, to approve the Minutes for the October 12, 2010 Workshop and the November 16, 2010 Regular Meeting.

City Attorney, Tom Gibson:

Ordinance 457 Re-Zoning of Old Ward Ridge City Hall Property:

Motion by Commissioner Johnson, 2nd by Commissioner Gingell, to have the 2nd reading of Ordinance 457. All in Favor; Motion carried 5-0.

Motion by Commissioner Stephens, 2nd by Commissioner Gingell, to adopt Ordinance 457. All in Favor; Motion carried 5-0.

Commissioner Stephens asked, "Has Don Glenn come back to the City about the lease agreement?"

Mr. Weston responded, "Yes, we have a lease agreement."

Ordinance 460 FLUM Amendment, Old Ward Ridge City Hall Property:

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to adopt Ordinance 460. All in Favor; Motion carried 5-0.

Ordinance 462 Mixed Use Amendment:

Motion by Commissioner Johnson, 2nd by Commissioner Buzzett, to have the 2nd reading of Ordinance 462. Motion carried 4-0. Commissioner Stephens abstained from voting. See attached voting disclosure form.

Commissioner Gingell noted that outside sales on Reid Avenue should not obstruct pedestrian traffic.

Mayor Magidson responded, "At that point it would become a code violation. The items also must be housed inside at night."

Attorney Gibson also noted that the current code prohibits boat dealerships on Hwy 98.

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to adopt Ordinance 462. Motion carried 4-0. Commissioner Stephens abstained from voting. See attached voting disclosure form.

Ordinance 463 Motorized Vehicles on City Paths:

Motion by Commissioner Stephens, 2nd by Commissioner Johnson, to have the 2nd reading of Ordinance 463. All in Favor; Motion carried 5-0.

Motion by Commissioner Stephens, 2nd by Commissioner Johnson, to adopt Ordinance 463. All in Favor; Motion carried 5-0.

Ordinance 464 Amendment to Chapter 6, Alcohol on Public Property:

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to have the 2nd reading of Ordinance 464. Motion carried 4-1. Commissioner Stephens, Nay.

Mayor Magidson noted that the Ordinance has several provisions that must be followed and will only be allowed in designed areas by permit. This is very similar

to what we have done for years. It doesn't open all City Property to alcohol consumption.

Commissioner Johnson noted that it is nothing but the same basic rules we have followed. This will allow it to be a public document without having to go before the City Commission for permission. Liability Insurance will also be required.

Commissioner Stephens indicated that he is totally against the Ordinance. The parks belong to the public.

Commissioner Johnson asked, "How many request have come before the Board for an Alcohol Permit?"

Mr. Weston responded, "Approx. four or five."

Commissioner Johnson asked, "Chief have we had any problems at the permitted events?"

Chief Barnes responded, "No."

Commissioner Johnson noted that we can always change the Ordinance if it becomes a problem.

Chief Barnes recommends adopting the Ordinance so that the City will be in compliance.

Kelly Ford approached the Board about the Ordinance. Mrs. Ford is against the Ordinance. She doesn't take her child to events where alcohol is served. She tries to look out for the children.

John Parker has worked and served at several events. He has yet to see someone drunk and obnoxious. The Chamber of Commerce sells the beverages to raise money for the community.

Mrs. Ford asked, "What will you do if you know someone has been drinking and driving?"

Mayor Magidson responded, "We have State Laws against Drinking and Driving."

Chief Barnes noted that the City Manager will be the person issuing the permits. "In the three years that I have worked with Mr. Weston, he has never allowed a situation that we can't control. We have a zero tolerance for Drinking and Driving and the public will be taken care of."

Christy McElroy asked, "Do you also include a Code of Conduct with the permit?"

Mayor Magidson responded, "We follow the law and leave it up to the Police Department to enforce it."

Commissioner Johnson believes that we have good people in our community. All we are doing is the same thing we have been doing with staff given written procedures.

Mr. Weston noted that he will be very proactive to make sure he knows what will be taking place at permitted events.

Ed Hester is concerned about our youth being exposed to drinking in the parks.

Harry Lee Smith asked, "Will alcohol be allowed at the Scallop Festival?"

Mayor Magidson responded, "If an event sponsor request a permit, it's possible."

Temple Watson is opposed to Ordinance 464. "If I get a permit does it cost more based on the number of people? Would alcohol change the fee amount?"

Commissioner Johnson responded, "The City Manager could require the renter to hire additional law enforcement."

Mayor Magidson noted that an applicant must apply thirty days in advance meet several requirements and is limited to specific designated areas.

Mr. Watson asked, "Is alcohol prohibited in the Little League Parks?"

Mayor Magidson responded, "Yes."

Mr. Watson asked, "Can an individual take a cooler of beverages into the George Core Park?"

Mayor Magidson responded, "They must be a permitted user."

Glenn Davis feels that community sponsored events should be alcohol free and he knows of several churches willing to give donations to keep it that way.

Mayor Magidson responded, "We must make decisions that are good for the community. He doesn't know of any events in the last three years that have changed the fabric of our community."

Commissioner Stephens read a letter from First Baptist Church Pastor Jeff Pinder opposing Ordinance 464.

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson, to adopt Ordinance 464. Motion carried 4-1. Commissioner Stephens, Nay.

Ordinance 465 Repeal of Chapter 10, Pool Halls and Jukeboxes:

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to have the 1st reading of Ordinance 465. All in Favor; Motion carried 5-0.

Resolution 2010-014: Rural Business Enterprise Grant Application

Motion by Commissioner Gingell, 2nd by Commissioner Johnson, to adopt Resolution 2010-014. All in Favor; Motion carried 5-0.

Resolution 2010-015: Let's Move Campaign

Commissioner Buzzett suggested that when we have a ribbon cutting ceremony at the Port St. Joe Pathway for Health & History Multi-Use Path that the Commission walk the length of the path.

Commissioner Gingell noted that some aspects of the campaign are invasive and she will not vote in favor of this resolution. The restrictions on products at Farmers Markets are very prohibitive.

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to adopt Resolution 2010-015. Motion failed 5-0; All Nays.

McDaniel Lawsuit Update:

Attorney Gibson noted that the case involves the Police Department. Tim Warner, who is representing the City, would like to hold an Executive Session. The meeting will open as a public meeting and then be closed to the public to discuss the case. The meeting is scheduled for January 20, 2011 at 1:00 P.M.

City Manager, Charlie Weston:**Langston Drive:**

Mr. Weston advised the Board that the City is required by DEP to notice the project in the local news paper and receive comments for twenty-one days. The notice will run in the Star Paper on December 9, 2010.

EDC Support of Renewable Energy Center:

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to endorse the renewable Energy Center. All in Favor; Motion carried 5-0.

Muni Code:

Jim Anderson presented the Board with a quote from Muni Code to update its Code of Ordinances in the amount of \$8,965.56.

Commissioner Johnson asked, "Did we budget for an update to the Code of Ordinances?"

Mr. Anderson responded, "No."

Attorney Gibson noted that the City has removed the link on its website to the Code of Ordinances because they are not current.

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to table the Code of Ordinances Update with Municipal Code Services. All in Favor; Motion carried 5-0.

Audit Update:

Mr. Weston indicated that the City Audit being performed by Carr, Riggs & Ingram is going well and should be complete the 1st of February.

Proposed Workshops:

Mr. Weston proposed that we hold workshops to review overnight parking, water quality and grinder pumps after the first of the year.

Commissioner Buzzett would like to include a discussion on a Service Ready Fee during the grinder pump workshop.

Commissioner Johnson would like to discuss all the topics in one Workshop.

Frank Pate Park Playground Equipment Bid Award:

Mr. Weston noted that three bids were received late and will not be considered.

Commissioner Johnson asked, "Is this project grant funded?"

Mr. Kennedy responded, "Yes, 100% with funding of \$68,000 for Playground Equipment. The FRDAP Committee recommends awarding the bid to Playmore in the amount of \$61,100.84.

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to award the Playground Equipment Bid to Playmore in the amount of \$61,100.84. All in Favor; Motion carried 5-0.

Frank Pate Park Restroom Bid:

Mr. Weston indicated that Glen Combs Construction has submitted the low bid for the project at \$24,262.

Mr. Kennedy noted that the current restrooms will be totally remodeled. The FRDAP Committee recommends awarding the bid to Glen Combs Construction in the amount of \$23,062.

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson to award the Frank Pate Park Restroom Bid to Glen Combs Construction in the amount of \$23,062. All in Favor; Motion carried 5-0.

Mr. Kennedy noted that the project should take thirty to forty-five days to complete.

Cape Sewer Phase III Bid:

Mr. Kennedy noted that approx. fourteen or fifteen driveways will be affected by the project and \$9,000 can be saved by bores and patching with asphalt. The final contract price will be \$302,500 with a contingency fund of \$11,000.

Commissioner Stephens asked, "Have all the details for the project been covered?"

Mr. Kennedy responded, "A lot of time has been put into this project." We will also have extra signage notifying the homeowners and I've already talked with the contractor."

Commissioner Johnson asked, "Do you have any experience with Gulf Coast Utility Contractors?"

Mr. Kennedy responded, "Yes, they installed the lift station at 16th Street and also did work at Sand Hills Pond."

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to award the Cape Sewer Phase III bid to Gulf Coast Utility Contractors in the amount of \$302,500. All in Favor; Motion carried 5-0.

Attorney Gibson noted that since the City will utilize a generator from another location that we may want to consider the value of the generator as a split between the Barrier Dunes and Sea Cliffs Homeowners Association as reimbursement to the City.

Public Works, John Grantland:

Flushing Program:

Mr. Grantland indicated that water quality is the highest priority. Public Works is taking over the responsibility of calls and complaints and he will be responding personally. He has seen a dramatic drop in the number of complaints in recent weeks.

Mayor Magidson asked, "What have you learned about the water distribution system recently?"

Mr. Grantland responded, "Due to the distance between some of the Fire Hydrants and the service lines, water can become stagnant. Locations like this will need to be evaluated."

Surface Water Plant, Glenn Davis:

The new quarterly numbers for TTHM's look good at 35.95 with the running average at 74.94. Based on the new numbers, no public notice will be required for this quarter.

The North West Florida Water Management District has issued the City an extension on the re-use feasibility study until 2012 with 100% re-use required by 2015. Mr. Davis noted that the proposed sprayfield will utilize everything we have.

Commissioner Gingell asked, "Has anyone been found to assist your staff with clerical work?"

Mr. Davis responded, "Not at this time. We are continuing to jar test and a chemist will be here on Friday to help with no cost to the City. He also believes that we should start seeing a reduction in chemical cost in the near future."

City Engineer, Bill Kennedy:

Pathway for Health and History:

Mr. Kennedy advised the Board of Change Order Request #4. The change order will include items such as a split rail fence at the elementary school, additional sod, lighting, grading and (3) Kiosks.

Commissioner Stephens asked, "Will change order #4 be grant funded?"

Mr. Kennedy responded, "Yes."

Mr. Weston noted the project should be substantially completed by the end of the year.

Commissioner Buzzett asked, "Is landscaping at the elementary school included in the project?"

Mr. Kennedy responded, "Yes, it was included in Change Order #3."

Motion by Commissioner Johnson, 2nd by Commissioner Gingell, to approve change order #4. All in favor: Motion carried 5-0.

Code Enforcement, Richie Burkett:

Mr. Weston noted that Mr. Burkett has been issued a trailer to remove large trash piles that are under code enforcement action for non compliance or the owner can't be located.

A summary of recent code enforcement action was also provided to the Board by Mr. Burkett for review.

Police Department, Chief Barnes:

Chief provided a copy of a crime stopper flyer looking for Robert Kennedy Williams Jr. He also noted that Sheriff Nugent has asked his staff to help cover the County while they have their Christmas Party.

Grants, Charlotte Pierce:

Mrs. Pierce gave a summary of grant activities for the last two weeks to the Board for review.

North West Florida League of Cities:

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to approve paying \$100 for NWFLOC annual dues. All in Favor; Motion carried 5-0.

PSJRA, Matt Flack:

Highway 98 & Fourth Street Parking Lot:

Mr. Fleck thanked the City for support of a grant application to USDA for funding of the Rish Parking Lot project.

Mr. Fleck is also working with City staff on concepts for entry way signage and with the Chamber on event signage.

Commissioner Johnson asked, "When can the braces come off the new palm trees on Hwy 98?"

Mr. Fleck responded, "Yes we are clear to move the braces."

Citizens to be heard:

No one spoke.

Commissioner Comments:

Commissioner Gingell asked Mr. Weston to look into the sewer backup for the customers along Reid Avenue due to the possibility of some restaurants not having a grease pit.

Mr. Weston will write a letter to the businesses that could be in violation.

Commissioner Gingell indicated that state law requires all restaurants to have a grease pit and we need to find the cause for the sewer back-up.

Commissioner Gingell also noted that public works did an awesome job with Christmas on the Coast Saturday; it was a very classy event.

Commissioner Stephens asked, "Is it possible to put a dumpster at Public Works for the public to utilize free of charge?"

Commissioner Johnson asked, "Who will pay for the dumpster?"

Commissioner Stephens responded, "Maybe EWS will give us a good deal on the dumpster."

Mayor Magidson indicated that Mr. Weston will need to review the request with EWS to determine our options.

Mr. Weston noted that trash is a hard code to break. We have looked at several options recently.

Motion by Commissioner Johnson, 2nd by Commissioner Johnson, to adjourn at 8:07 P.M.

Approved this 21st day of December 2010.



Jim Anderson, City Clerk


Mayor Magidson

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 December 7, 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 December 7, 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 amend the Land Development Regulations in the Mixed Use District to allow for outside sales. I'm currently employed at St. Joe Rental, who currently sales golf carts and would like to have outside sales in the Mixed Use District.

12-16-10
Date Filed

Charles H. Stephens
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.