

**December 20, 2011**

**Observation Tower and Parking Workshop  
5:00 p.m.**

**Regular Public Meeting  
6:00 p.m.**

**Commission Chamber  
City Hall  
Port St. Joe, Florida**



## **City of Port St. Joe**

Mel Magidson, Mayor-Commissioner  
Bill Kennedy, Commissioner, Group I  
Bo Patterson, Commissioner, Group II  
Lorinda Gingell, Commissioner, Group III  
Rex Buzzett, Commissioner, Group IV

[All persons are invited to attend these meetings. Any person who decides to appeal any decision made by the Commission with respect to any matter considered at said meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Board of City Commission of the City of Port St. Joe, Florida will not provide a verbatim record of this meeting.]

# **BOARD OF CITY COMMISSION**

**Regular Public Meeting  
6:00 p.m.  
City Hall  
Commission Chamber  
Tuesday December 20, 2011**

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**Call to Order**

**Consent Agenda**

**Minutes**

- November 15, 2011 Regular Meeting Minutes Pages 1-12
- December 6, 2011 Workshop Minutes Pages 13-16
- December 6, 2011 Regular Meeting Minutes Pages 17-27

**City Attorney**

- Fire Arms Ordinance 474 Page 28
  - 2<sup>nd</sup> Reading and Consideration of Adoption
- PDRB Membership Ordinance 476 Page 29
  - 1<sup>st</sup> Reading
- Road abandonment Request- Susan Wright Page 30

**City Manager Report**

**Old Business:**

- Centennial Building Acoustics
- Gulf Citizens for Clean Renewable Energy, Inc- Request to rescind the Rentech Development Order Page 31
- Parking Ordinance

**New Business:**

- CIP Plan Update
- Fl. League of Cities, return on premium- Tom Conley

**Public Works**

- Update

**Surface Water Plant**

- Update

**Waste Water Plant**

- Update

**City Engineer**

- Headworks and Sprayfield Project- Update
- Water Distribution System Upgrades- Bid Recommendation Page 32
- Field of Dreams Road- Change Order

**Code Enforcement**

- Update

**Police Department**

- Update

**Grants**

- Update

**Page 33**

**PSJRA**

- Update

**City Clerk**

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**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 15,  
2011 AT 6:00 P.M.**

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

**Consent Agenda:**

**Minutes:**

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Gingell, to approve the Minutes for the October 18, 2011 Workshop and the November 1, 2011 Regular meeting with the corrections. All in Favor; Motion carried 5-0.

Mr. Dave Dorris approached the Board and requested that the attached document be added to the record. Please see Ex. (A).

**Regular Agenda:**

**City Attorney:**

**Gulf Pines Hospital Grant Application:**

Attorney Gibson indicated that in order to apply for the grant the City will need to take title to property. The City would then have to work with the Gulf County School Board, Gulf County and the IRS in reference to back taxes. Demolition of the building will also have to be addressed so there are some risks. Sooner or later the IRS could also auction off the property or apply for a tax deed. The City is not liable for the past due taxes and there are several possibilities to make this work. We would also have no immediate out of pocket cost and the property could be re-zoned.

Mayor Magidson asked, "When is the grant award period?"

Mrs. Pierce responded, "March or April 2012."

Commissioner Kennedy asked, "What are we using as the basis for receiving the grant? Is it competitive?"

Commissioner Gingell responded, "Asbestos and yes, it is competitive."

Commissioner Patterson asked, "What kind of liability do we have if we take title to the property?"

Mr. Weston responded, "Probably only a maintenance issue."

Commissioner Buzzett, asked "The City will not take money out of its pocket to sit on the property until we find the money?"

Attorney Gibson responded, "Yes."

Mayor Magidson noted that the School Superintendent and County Commission Chairman are both willing to work with the City to defer any outstanding tax burdens until money is received from the sale of the property.

Mrs. Ann White asked, "If a zoning change is done, could someone build multi-family units?"

Commissioner Gingell noted that the property is currently zoned public but would like to see the property zoned for single family homes.

Commissioner Patterson indicated that the City could be looking at a loss in the end.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Kennedy, to take title of the Gulf Pines Property which would allow the City to move forward on the grant proposal for the removal of asbestos. Motion carried 4-1. Commissioner Patterson, Nay.

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Kennedy, to direct City Legal Staff to start the re-zoning process of the Gulf Pines Hospital Property from Public to R-1. All in Favor; Motion carried 5-0.

**City Manager, Charlie Weston:**

Mr. Weston stated that the Gulf Coast Hope Center has applied for a Business License and Matt Scoggins has asked to address the City Commission with a business plan.

Commissioner Buzzett would like to hear Mr. Scoggins' plan.

Commissioner Gingell would like to see Mr. Scoggins' name on the Business License Application.

Mr. Gibson noted that, from a legal stand point, Mr. Scoggins name not being on the application is not a problem.

Commissioner Kennedy has indicated that he doesn't know of anything in the business plan that will change his mind.

Commissioner Patterson thought that we couldn't allow the Gulf Coast Hope Center in the Port St. Joe Redevelopment Area.

Mayor Magidson indicated that he doesn't know of any prohibition. The property is zoned industrial.

Mr. Weston provided the Commission with a letter from the PSJRA. The question is whether the Gulf Coast Hope Center is in line with the City Comprehensive Plan.

Mayor Magidson noted that we must look at zoning. Has the applicant complied with all regulations? He feels that the same thing applies here as we did with the Bio Mass Development Order. We should be consistent. He suggested tabling the item.

Motion by commissioner Gingell, 2<sup>nd</sup> by Commissioner Patterson, to table the issuance of a Business License for the Gulf Coast Hope Center. All in Favor; Motion carried 5-0.

**Planning and Development Review Board Membership:**

Mr. Weston indicated that three members have terms that will expire on November 21, 2011. In discussion with Ms. Alsobrook, who submitted her name for the Planning & Development Review Board, we feel that the Technical Advisory Board maybe a better fit for her.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Kennedy, for Jim Garth to replace whoever has the most absences during the past year out of the current members who's terms are up. That includes Jay Rish, Mitch Burke & Rawlis Leslie. See attached Ex. (A). All in Favor; Motion carried 5-0.

**Community Appreciation Day:**

Commissioner Kennedy is excited about the event. We have a lot of volunteers and space is still available for booths. The event is scheduled for 9:00 A.M. – 2:00 P.M. November 19, 2011.

Mr. Weston would like to thank Tim Croft at the Star for advertising the event.

**ADA Compliance – City Hall, Centennial Bldg, & Fire Station:**

Mr. Weston indicated that grant funds are available for ADA compliance at all three locations. The plans for the Centennial Bldg. and the Fire station look good, but we have some concerns about City Hall. He recommends bidding out the Centennial Building and Fire Station.

**Buck Griffin Lake- Stocking of Fish:**

Mr. Weston doesn't have an update at this time, but we are still pursuing our options.

**Centennial Bldg. & Sports Complex Grants:**

Mr. Weston noted that we are looking for a training system to locate available grant dollars. He has asked Mrs. Pierce to pull a list of possible grants together and then we plan to meet with the County.

Commissioner Gingell asked that we look for Boat Ramp Grants as well.

Commissioner Buzzett noted that the Centennial Bldg. is probably as close to a Civic Center, but the acoustics are bad. He would like to go out for bids to see what the cost would be. With all the events that the Tourist Development Council sponsors at this location, we may be able to use some BP Funding.

Commissioner Kennedy indicated that a plan for the Centennial Bldg. was completed six or seven years ago that could help with the bid process.

Mrs. Pierce noted that she believes Ralph Roberson chaired the committee that reviewed the Centennial Bldg. plan and he may have some of the documents.

Commissioner Buzzett and Mr. Weston will look for the plans.

#### **Parking Ordinance:**

Mr. Weston indicated that the City is in receipt of a letter from the PSJRA and a business owner asking the City to address overnight parking in public parking lots.

Mayor Magidson is glad Melissa Ferrell wrote the letter, he feels that the boat in the parking lot on Williams Avenue needs to be moved.

Jeff Anderson, the owner of the boat, was in attendance at the meeting and will move the boat.

Attorney Gibson asked, "What about the boat beside the Motorcycle Shop? Do you want to address these types of issues as well?"

Mr. Weston would like to address this type of issue as well.

#### **Noise Ordinance:**

Mr. Weston noted that we have an Ordinance to address loud music, but we had an issue with a furniture making business in a Residential District. We will be bringing some options for the Commission to consider.

Commissioner Patterson asked, "Don't we already have a Noise Ordinance?"

Chief Barnes responded, "We have a Fl. State Statute in reference to disturbing the peace."

### **Public Works:**

#### **Flushing Program:**

Mr. Grantland indicated that the Flushing Program is on schedule. We have completed Oak Grove and Highland View should be complete on November 17<sup>th</sup> or 18<sup>th</sup>. Flushing will begin in White City on November 28<sup>th</sup>. The work is going well with no surprises.

#### **Meter Installation:**

Mr. Grantland noted that the new meters are installed and Scott McCrary will be in the first of next week to update the meters in Munis. He also indicated that the project is \$26K under budget.

### **Surface Water Plant:**

Mr. Weston met with Larry McClamma acting Supervisor at the Surface Water Plant. The City will be working under his license at the Waste Water Treatment Plant and there are no issues with the Department of Environmental Protection on this.

### **Waste Water Plant:**

Mr. Weston noted that Lynn Todd will be the acting Waste Water Treatment Plant Supervisor until new supervisor is hired. We are fine with the organization at this time.

Commissioner Buzzett asked, "What type of license does Lynn Todd have?"

Mr. Weston responded, "Water, the City has a new high tech plant and we are trying to build a team for both water and wastewater."

Commissioner Gingell asked, "Are we using the Workforce Board?"

Mr. Weston responded, "We are in close coordination with the Workforce Board."

**City Engineer:**

**Headworks and Sprayfield Project:**

Clay Smallwood, III, indicated that the Headworks and Sprayfield project is on schedule to be completed by June 2012. The bore under the Gulf County Canal should begin in a few days.

Commissioner Gingell noted that we talked about a Field Trip to review the project.

Mr. Smallwood indicated that there are three areas that can be visited and reviewed.

Attorney Gibson asked that Commissioners meet one on one with staff so we don't have to advertise it as a meeting.

**Madison/Garrison Multi-Use Path:**

Commissioner Patterson asked, "What is the status of the path?"

Mr. Smallwood noted that work will begin soon because the contract started yesterday.

**Water Distribution Upgrades:**

Mr. Weston indicated that Phase I of the upgrades is set to begin in the spring. We hope to submit for Phase II next year.

Commissioner Patterson asked, "Does Phase I take care of the worst pipe?"

Mr. Smallwood indicated that it's the starting point for removal of the largest metal pipe and improving the ability for Unilateral Flushing.

**Code Enforcement:**

Mr. Weston noted that Mr. Burkett is now working three days a week instead of two.

**Police Department:**

Commissioner Buzzett indicated that DOT is not in favor of reconfiguring First Street and Highway 98 for a turn lane.

Commissioner Kennedy noted that the merge lane between Monument Ave and Highway 98 also needs to be addressed.

**Grants:**

Mrs. Pierce provided the Board with an update of grant activity for the past two weeks. She also noted that the City is set-up with the Workforce Board to receive notice of applications for job vacancies.

**PSJRA:**

**Rish Parking Lot:**

Ms. Alsobrook requested a workshop to discuss the public purpose, ADA Compliance & Public Safety of the Observation Tower. The workshop was set for December 6, 2011 at 5:00. P.M.

**Provisional PSJRA Board Members:**

Ms. Alsobrook noted that the PSJRA Board is requesting that Bo Springs and Aaron Farnsley be approved as Provisional Board Members for four year terms.

Attorney Gibson asked, "Does Mr. Springs live or operate a business within the PSJRA boundaries?"

Ms. Alsobrook indicated that the statute requires that you live or operate a business within the City Limits.

Motion by Commissioner Kennedy, 2<sup>nd</sup> by Commissioner Gingell, to approve Bo Springs and Aaron Farnsley as Provisional Board Members for the PSJRA. All in Favor; Motion carried 5-0.

Ms. Alsobrook will bring back one of the two names for approval if a new Active Board Member is needed.

Ms. Alsobrook also noted that an RFP will be sent out for landscaping at the Rish Parking Lot.

**Citizens to be Heard:**

Mrs. Dorris thanked the City for its updated website that enables citizens to review documents.

**Commissioner Comments:**

Commissioner Kennedy also thanked the City Staff for the website upgrades. He would like to add Youth Sports to the site.

Commissioner Kennedy asked, "Is it illegal to discharge a firearm within the City Limits?"

Attorney Gibson noted that if your community has gun related laws that are different from the state, Commissioners can be penalized.

Chief Barnes indicated that the City will follow State Statues.

Chief Barnes also noted that the City needs to look at a Livestock Ordinance in reference to horses on the multi-use path.

Mayor Magidson indicated that the path was not designed for horseback riding.

Commissioner Gingell would like to send the nice map created for the Community Day event to the Visitors Center.

Mayor Magidson will present the map to the TDC for production.

Commissioner Kennedy indicated that Jack Kerigan produced the map at no cost to the City.

Mayor Magidson noted that we had a joint City/County meeting last spring and we committed to having another meeting. He would like to send a letter asking for dates to have a meeting. We should meet at least twice a year.

**City Manager Retirement:**

Mr. Weston addressed the Commission with the following: "I will have served as the City Manager for a period of 4 years when my contract expires in mid Jan 2012. It has been an honor and a privilege to serve the great people of Port St. Joe and I would like to thank everyone who has participated in their government and served their community. Over the past four years I have dedicated myself to the betterment of Port St. Joe and I am extremely proud of what City government has been able to accomplish. Although serving the City has been professionally rewarding it has taken a toll on my family. Betty Ray and I have a total of five grown children and eight grand children living in North Carolina, Georgia, Colorado and Arizona. I realize my time with my grand kids is slipping away and I need to devote more time to being a grandfather and less time as a City Manager. For this reason I will not be requesting an extension to my contract and will retire from City service as of January 15, 2012. I will be glad to assist in a transition plan if the Commission so desires."

Mayor Magidson indicated that we need to advertise for Mr. Weston's City Manager Position thru the League of Cities and the Workforce Board. It would be unfair to bring someone in at the last minute. We need to make plans for an orderly transition. Mr. Weston came on board with the City shortly after I did. The past five years have been some of the most active in City History. We all appreciate what you have done for this City.

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Kennedy, to adjourn at 7:36 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Mayor Magidson

\_\_\_\_\_  
Jim Anderson, City Clerk

Ex. (A)

**Subject:** Minutes of Oct. 18, 2011 City Commissioners Meeting  
**From:** Dave Dorris (davedorris@yahoo.com)  
**To:** cweston@psj.fl.gov;  
**Date:** Sunday, November 13, 2011 1:33 PM

Mr Weston:

First of all, thank you for including the approved minutes of the Oct. 18, 2011 City Commissioners meeting on the city website. However, there is some confusion as to the following segments (attached, with a box surrounding the segment) of these minutes:

In the **MINUTES** segment, Commissioner Gingell says "to make sure all the fields of Invasive Grasses have been removed and are monitored periodically". This comment was added and approved to the minutes of the October 4, 2011 Regular Meeting. (We think this is the way it should be).

In the **COMMISSIONER COMMENTS** segment, Commissioner Gingell says "to make sure the fields of Invasive Grasses are contained". This was approved at the Nov. 1, 2001 City Commissioners Meeting.

There is a lot of difference between "removed" and "contained".

We are asking for the minutes of the Oct. 18, 2001 City Commisssioners meeting to read the same as the minutes of the Oct. 4, 2001 City Commissioners meeting in regards to the Invasive Grasses issue.

In another matter, going back to the minutes of the Oct. 4, 2001 City Commissioners Regular meeting, **I (William Dorris)** was given credit for items my wife, **Barbara Rutherford-Dorris** made. None of my items were mentioned in the minutes, and my wife's name was not even mentioned, even though they were her comments.

It would be very appreciated if this correction could be reflected in the next minutes of the City Commissioners meeting on Nov. 15, 2011.

We are so glad to see the new city website because it affords us the ability to see the minutes of each meeting, in order to have any needed corrections made before the next meeting.

Thank you for your attention to the above mentioned items.  
Dave Dorris

**MINUTES OF THE WORKSHOP MEETING OF THE BOARD OF CITY  
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD  
IN THE COMMISSION CHAMBERS AT CITY HALL, DECEMBER 6,  
2011 AT 5:00 P.M.**

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

**Proposed Observation Tower to be located at the Billy Joe Rish Parking Lot:**

Ms. Gail Alsobrook, Director of the Port St. Joe Redevelopment Agency gave a presentation to the City Commission. The goal of the tower is to attract new visitors and provide a spectacular view. The design will be coordinated with the City entrance signs and kiosks with a budget of \$103,618. The true cost of the project can't be determined until the project is bid.

ADA Compliance will need to be addressed. Equal access can't be given to the top level, but we have the option to utilize cameras with monitors on the ground.

Insurance coverage would need to be under the City policy. The current proposed height is 45' and would be used for signage as well.

The two options for stairs are as follows: Spiral, which would be aluminum and could cause an increase in accidents. The second option is switch back stairs which would be made of wood, less expensive and safer.

Commissioner Gingell noted that one of the initial intents of the tower was to have a central location for signs.

Commissioner Buzzett feels that the tower is too large for the lot. We should complete the parking lot and shelf the tower. A kiosk on the corner would be a better benefit.

Mr. Weston noted that the Buffer Preserve has a 50' tower. It's impressive, but it's big. It could be great along the bay, but he is not sure about the location. He recommends that each commissioner view the Buffer Preserve Tower.

Commissioner Buzzett indicated that maintenance cost could be high and he's not sure who will pay for it.

Patrick Jones the PSJRA Board Chairman noted that the idea is to create an eye grabber as someone drives along Highway 98. The tower is not meant to blend in.

Commissioner Buzzett would like to shrink the tower. He would like to have the look of an observation tower but not functional.

Mayor Magidson suggested considering the idea of moving the tower closer to the bay.

Commissioner Gingell feels that moving the location would defeat the purpose.

Willie Ramsey, a PSJRA Board Member, indicated that during the design phase, we asked ourselves "What can do on this site to draw people to Port St Joe?" We wanted kids to tell their parents that they want to climb the tower. To some extent, if the tower is not tall, it's not going to provide the desired effect. Yes, there is some liability.

Commissioner Kennedy noted that looking at the drawing a structure will not be allowed in the slope of the storm water pond. He likes the concept, but the tower is big and is concerned about public safety.

Mayor Magidson asked, "Is there a way to lock the tower in the plans?"

Ms. Alsobrook responded, "Locks would need to be discussed."

Mr. Jones envisions that an operation plan would be needed. Items such as posting the rules and automatic timers could limit the risk. The tower needs to be functional to get people talking about it.

Commissioner Buzzett recommends downsizing the tower.

Mr. Jones noted that certainly we have all heard about competing markets. We don't have one thing to bring folks in to Port St. Joe.

Commissioner Gingell would like to see a revised drawing with the Daily Dock & Dive Building to reference the height of the proposed tower.

Attorney Gibson asked, "Why did the size of the storm water pond grow?"

Clay Smallwood, III, indicated that once designed, it required a storm water pond of this size.

Ms. Alsobrook noted that we are on a grant deadline and need some guidance on the tower height.

Mr. Jones suggested visiting the observation level of the Daly's Dock & Dive building.

Mayor Magidson would like to visit the Buffer Preserve Tower. We have a lot of unknowns with public safety being the big one.

Ms. Alsobrook asked, "Can we schedule another workshop in the near future? I think we have a consensus to have a structure similar to this.

Mayor Magidson thinks that Ms. Alsobrook is on the right path with the tower.

Commissioner Kennedy suggested a spread sheet for the tower with the sway back stairs.

A workshop is scheduled for December 20, 2011 at 5:00 P.M.

#### **Parking Ordinance:**

Mr. Weston noted that staff has been working on a Parking Ordinance as requested. Things that need to be considered are commercial vehicles, employee parking, RV's, etc.

Mayor Magidson feels that we need an Ordinance. Some commercial vehicles have been in our parking lots for weeks.

Attorney Gibson indicated that fixing the overnight commercial parking is easy, but is that all that the Commission wants to do?

Commissioner Buzzett noted that when we get all of our downtown built out, then we should look at a Parking Ordinance. Personally, he doesn't think we have a huge problem. The biggest problem is employees parking on Reid Avenue.

Commissioner Gingell disagrees.

Mr. Weston requested that specifics for the proposed parking Ordinance be sent to him.

The workshop was adjourned at 5:55 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Mayor Magidson

\_\_\_\_\_  
Jim Anderson, City Clerk

**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 6,  
2011 AT 6:00 P.M.**

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

**Consent Agenda:**

**Minutes:**

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Paterson, to approve the Minutes for the November 15, 2011, Public Hearing. All in Favor; Motion carried 5-0.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Kennedy, to table the November 15, 2011 Regular Meeting Minutes. All in Favor; Motion carried 5-0.

**Regular Agenda:**

**City Attorney:**

**Ordinance 474, Repeal of local Fire Arms Ordinance:**

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Kennedy, to have the first reading of Ordinance 474. All in Favor; Motion carried 5-0.

**City Manager, Charlie Weston:**

**Gulf Coast Hope Center:**

Revered Joe Atkinson noted that he will be the director and was asked to reconsider the location that they were in on Reid Avenue and to obtain a Business License, which is the application that was submitted to the City about a month

ago. Is it a normal process for a Business License Application to go before the City Commission? Is every religious agency/non profit agency required to obtain a business license and is this the typical process? I'm trying to understand the process.

Mayor Magidson responded all Non Profit and For Profit organizations are asked to fill out an application. Now whether it comes before the City Commission depends if there is opposition to that application.

Matt Scoggins indicated that food and shelter is needed to create a mission. This location has no beds or soup kitchen. The location will be used for counseling sessions and sharing the Gospel. We are not trying to duplicate the services in Bay County. We are trying to empower people, not attract people.

Reverend Atkinson noted that he is asking for a license office to have a ministry office.

Mayor Magidson indicated 772 Hwy 98 Suite C will be a relatively small office between two commercial establishments. He assumes the other businesses will not tolerate loitering. He believes with a clear understanding of the business, he doesn't have a problem with the proposal.

Mr. Scoggins noted that he simply wants to better people, to be an asset to the community. He doesn't think the people coming in will be noticed anymore than people going in the Piggly Wiggly.

Commissioner Gingell has had more citizens come to see her on this issue, more than any other issue. If this was Matt Scoggin's ministry, people would understand that, but this comes in under the Panama City Rescue Mission. There is not a week goes by that we don't see some negative report on T.V. or read about it in the newspaper. The quote from the mission was "If you don't want us here, we want be here." The perception I'm getting from my constituents is you want a toe hold in Gulf County and they don't want that to happen.

Reverend Atkinson responded, "I invite anyone to come down and visit. People have a perception of what they see on T.V."

Commissioner Gingell noted that is not what happens within the walls. It's the impact on the community around the mission.

Mayor Magidson indicated that it was his understanding that no one would be sleeping or fed at this location.

Mr. Scoggins responded, "No one will be fed or sleep at this location."

Billy Fox noted that this is a legal procedure. "Do you have legal precedence that says anyone coming for a Business License must come to the City Commission to get permission? So for you to have said you haven't seen that happen, you have to tell me why."

Commissioner Gingell indicated that the other businesses have been in accordance with our Comprehensive Plan.

Reverend Fox asked, "How are we not?"

Mayor Magidson noted that it's a zoning issue. The PSJRA has submitted a letter based on the fact that this is part of our tourist corridor and the perception of what will be created by the mission as it has been in Panama City and therefore harm businesses along that corridor.

Mr. Fox indicated that he needs to know the facts that need to be addressed properly not in a public form. "I don't see us getting equal treatment. Is there a legal precedence?"

Mayor Magidson responded, "In my humble opinion, no."

Mr. Fox asked, "Why are we being singled out? Give us the same opportunity."

Mr. Scoggins read an Insert from the United States Constitution and noted that he feels that he is not getting equal treatment. He has noted that he has talked with several State Agencies and the State says that he doesn't need a license.

Commissioner Gingell noted that this a City License and I'm repeating what I've heard from the community.

Mayor Magidson noted that Mr. Scoggins was asked to come and present a plan to the City Commission. I'm personally convinced of the plan and if it gets to the point that other problems occur, we will deal with it. I personally don't feel we have a reason to deny this license.

Commissioner Buzzett asked, "Will you agree not to provide food and shelter in that building?"

Reverend Atkins responded, "We will not provide food and shelter in that location."

Mrs. Dianna Burkett noted that a lot of what they are offering is already here. I would like to meet with them. I'm just saying there is no need to duplicate serves.

Reverend Atkinson indicated that the last thing they want to do is bring a problem to this City.

Steve Sheridan noted that according to the State of Florida, we have zero homeless people in Gulf County. This begs the question of why they want to come to Port St. Joe. I've got to believe they want to get a foot hold in Port St. Joe. This will burden government and deteriorate our neighborhoods. Mr. Sheridan noted that the City has a Nuisance Ordinance and the damage this could do to its citizens. He also indicated that Daytona Beach & Orlando have created ordinances preventing these types of organizations.

Christy McElroy noted that historically we have discussed this issue and the citizens have spoken. Mr. Fox stated that if we didn't need his services, he would leave. The Mayor of Panama City has also discussed the desire to move the Rescue Mission to revitalize downtown Panama City and to move the Court House across from the current Rescue Mission location. We need to look at our resources and the problem this will cause. Ms. McElroy gave each Commissioner literature on the Rescue Mission.

Mayor Magidson indicated that we can't assume that we are to be dealing with all of these issues. I don't think we have the right to deny it and we are leaving ourselves open to liability.

Commissioner Buzzett noted that one of the problems is the owner on the application is the Panama City Rescue Mission.

Amber Davis indicated that these concerns are not fear, but what the Rescue Mission has presented to the Board. Their long term goal is to open a Rescue Mission based on the information they have provided. As far as she is concerned, she believes the citizens don't trust the Panama City Rescue Mission.

Ann White noted that she doesn't trust them. What will keep them from moving to another location and feeding people?

Mayor Magidson indicated that we are not going to vote on this. If there are problems in the future, we will deal with it.

Commissioner Kennedy doesn't know Billy Fox or Joe Atkinson, but he does know Matt Scoggins and believes what he says.

#### **Planning and Development Review Board Membership:**

Commissioner Buzzett indicated that he made a motion at the November 15, 2011, meeting on how to select a new member. The motion was based on the number of absences within the past year. We have three good volunteers whose terms are up and would like to consider an ordinance to add two more members which would bring the total number of members from seven to nine. He would also like the three members whose term is up to serve another term.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Buzzett, to resend his motion made at the November 15, 2011, Commission meeting to replace the member who has the most absences within the past year whose term is up with Jim Garth. All in Favor; Motion carried 5-0.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Buzzett, to change the PDRB Regulations from a seven member board to allow up to a nine member

board and reappoint the three current members whose term is up for a new three year term. All in Favor; Motion carried 5-0.

**Noise Ordinance:**

Mr. Weston is working with the Police Department and legal staff to handle noise issues thru the Police Department and Code Enforcement.

**Buck Griffin Lake- Stocking of Fish:**

Mr. Weston has talked with the Game & Fish Commission and they will stock the lake in the spring with catfish.

**Centennial Building Acoustics:**

Commissioner Buzzett indicated that no materials referencing the study done several years back has been located. He would like for the City to consider going out for bid.

**Landscaping Bid:**

Mr. Weston noted that the staff recommendation is to award the contract Gulf Coast Property Services.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Gingell, to award Bid #2011-10 for Landscaping and Grounds Maintenance to Gulf Coast Property Services, LLC in the amount of 52,000 per year. All in Favor; Motion carried 5-0.

**Request for Permission to Bid Fire Department Equipment:**

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Patterson, to go out for bid six Air Packs. All in Favor; Motion carried 5-0.

Commissioner Gingell asked, "Are the Air Packs in need of repair?"

Mr. Weston responded, "The Air Packs are past their useful life and we need to upgrade them. We are also looking at trade in value on the old equipment."

**Public Works:****Flushing Program:**

Mr. Grantland noted that flushing at White City is complete and the beaches/Overstreet flushing will begin on January 2, 2012.

**Meter Installation:**

Mr. Grantland indicated that the new meter installations at the beach were complete last month under budget.

**Surface Water Plant:**

Larry McClamma noted that Florida Rural Water will be conducting classes this week in town. We also have an employee traveling to Pensacola to sit for his Class B Waste Water License. The goal is have all operators licensed.

**Waste Water Plant:**

Lynn Todd asked, "What is the status of the Chipola River Pumps?"

Mr. Weston indicated that he would like to meet with Ms. Todd and Mr. McClamma to discuss our options.

Ms. Todd asked, "What is the status of the permit modification for the Waste Water Treatment Plant?"

Mr. Weston responded, "Philip Jones is working on the reclassification of the Plant from Class 3B to Class 3C. A reclassification will reduce the staffing requirement from sixteen hours a day to eight hours a day."

Ms. Todd also noted that the Head Works Project has come to a standstill; the contractor is having problems with ground water.

Mr. Grantland indicated that the bore under the Gulf County Canal to connect the Sprayfield should be complete tomorrow.

Ms. Todd also noted that the City has three wells that we need to apply for permits to abandon.

Commissioner Kennedy indicated that we are probably looking at a few thousand dollars to abandon the three wells.

Ms. Todd also noted that the existing water tower maintenance contracts will be sent to the City for review.

**City Engineer:**

**Headworks and Sprayfield Project:**

Clay Smallwood, III, noted that the contractor has been battling ground water at the new headworks site, but as of today they seem to be getting the upper hand on the problem.

**Water Distribution Upgrades:**

Mr. Small indicated that the bids will be in within the next thirty days.

Commissioner Kennedy asked, "Will the project begin within thirty days of receiving the bids?"

Mr. Weston responded, "We are looking at mid January."

**Code Enforcement:**

Mr. Weston noted that the City will be working with County to remove several structures that are a public safety issue on January 13, 2012.

**Police Department:**

**Hwy 71 Landscaping Safety Issue:**

Chief Barnes indicated that he and Mr. Weston have addressed the issue and the line of site issue has been fixed.

Mr. Weston noted that the plants causing the line of site problem will be relocated.

### **Grants:**

Mrs. Piece provided the board with a report of grant activity for the past two weeks. She also indicated that she met with Gail Alsobrook and the two of them are looking for new grant opportunities for the City.

### **PSJRA:**

#### **Bid Recommendation for Rish Parking Lot:**

Ms. Alsobrook noted that the PSJRA recommends awarding the bid to the low bidder, Gulf Coast Utility Contractors.

Motion by Commissioner Kennedy, 2<sup>nd</sup> by Commissioner Gingell, to award the bid to Gulf Coast Utility Services in the amount of \$111,806.35. Motion carried 3-2. Commissioner Buzzett and Patterson Nay.

### **Citizens to be Heard:**

Dave Dorris would like to bring to the Commissions attention that state Air Permit for the Bio Mass Plant allows for the use of Arundo Donax & crops like this. Photos taken on Thanksgiving Day show that some of the experimental Arundo Donax field still exists on Stone Mill Creek Road.

Mr. Weston noted that a letter has been sent today to the County Extension Office and to the County Administrator stating our concerns.

Mr. Dorris asked, "What about a copy to the State of Florida?"

Mr. Weston noted that nothing has been sent to the state. If the County thinks we should do something, he will be glad to do it.

Mayor Magidson indicated that this is a Gulf County issue. He encouraged Mr. Dorris to take the issue to the County Commission.

Commissioner Gingell asked, "Is there just one strip left of the Arundo Donax Field?"

Mr. Dorris responded, "Yes."

Erica Brockner noted that she read that Rentec is pulling out, and needs to understand if this mean they no longer have plans to come here and if that is the case will the City be rescinding the Development Order?

Mayor Magidson responded, "I don't know and no. Rentec has a valid Development Order for a certain period of time, thirty-six months. Rentec announced that they will not be building the plant at this time because they are a publically traded company."

Commissioner Gingell noted that at the October meeting, Rentec was hopeful of finding funding.

**Commissioner Comments:**

Commissioner Kennedy noted that the drive way of Robert Branch on Marvin Avenue needs to be addressed. The two previous paving contractors didn't put enough turn-out on his driveway and his car bottoms out.

Mr. Grantland will review Mr. Branch's driveway.

Commissioner Kennedy also noted that he has spoken with Cliff Wilson from DEP. He noted that DEP has a new policy and wants to be more proactive on future projects and is willing to meet with staff at any time.

Commissioner Patterson asked, "Why did we spend forty-five minutes on the Gulf Coast Hope Center when we didn't vote on anything?"

Mayor Magidson responded, "Because I believe the people that were here had the right to discuss it and I don't think we had the right to stop debate."

Commissioner Gingell noted that we have piles of trash in some of our alleys. She would like to provide new customers with a welcome packet that outlines the rules for trash. Commissioner Gingell would also like to consider a higher deposit for renters.

Mayor Magidson indicated that the landlord is responsible for their property. The landlord needs to impose a higher deposit to cover such fees as trash removal.

Mr. Weston noted that the City website would be a good location to list our trash regulations.

Mayor Magidson indicated that it's time to replace the calendar of events that we have on our Kiosks around town.

Mr. Weston will work on gathering a list of events for the calendar.

Commissioner Kennedy asked, "Are going to have a Community Appreciation Day next year?"

The consensus of the Board is to continue having a Community Appreciation Day.

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Patterson, to adjourn at 7:59 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Mayor Magidson

\_\_\_\_\_  
Jim Anderson, City Clerk

ORDINANCE NO. 474

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA  
REPEALING SECTION 42-4 OF THE CITY OF PORT ST. JOE  
CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE  
DATE.

BE IT ENACTED by the people of the City of Port St. Joe, Florida:

1. Section 42-4 of the City of Port St. Joe Code of  
Ordinances is hereby repealed.

2. EFFECTIVE DATE: This ordinance shall become effective upon adoption as  
provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe,  
Florida this \_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF PORT ST. JOE

By: \_\_\_\_\_  
MEL C. MAGIDSON, JR.  
MAYOR-COMMISSIONER

ATTEST:

\_\_\_\_\_  
JAMES A. ANDERSON  
CITY CLERK-AUDITOR

The following commissioners voted yea:

The following commissioners voted nay:

ORDINANCE NO. : 476

**AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA  
AMENDING THE LAND DEVELOPMENT REGULATIONS;  
ESTABLISHING MEMBERSHIP FOR THE PLANNING AND  
DEVELOPMENT REVIEW BOARD; PROVIDING FOR REPEAL OF  
ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT  
HEREWITH; PROVIDING FOR SEVERABILITY, AND PROVIDING  
FOR AN EFFECTIVE DATE.**

BE IT ENACTED by the people of the City of Port St. Joe, Florida:

1. Section 2.11 paragraph a. which states that the Planning and Development Review Board shall be appointed by the City Commissioners of the City and shall consist of not less than five (5) nor more than seven (7) members, is hereby amended to state that the Planning and Development Review Board shall be appointed by the Board of City Commissioners of the City and shall consist of not less than five (5) nor more than nine (9) members.

2. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

4. EFFECTIVE DATE: This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this \_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF PORT ST. JOE

By: \_\_\_\_\_  
MEL C. MAGIDSON, JR.  
MAYOR-COMMISSIONER

ATTEST:

\_\_\_\_\_  
JAMES A. ANDERSON  
CITY CLERK-AUDITOR

The following commissioners voted yea:  
The following commissioners voted nay:

Susan M. Wright  
601 Woodward Avenue  
Port Saint Joe, Florida 32456

and

Bobbie Jene Griffith  
Guardianship for Grady O'Brian (deceased)  
6206 Boatrace Road  
Panama City, Florida 32404

October 2, 2011

Charlie Weston  
City Manager  
City of Port Saint Joe  
PO Box 278  
Port Saint Joe, FL 32457

**RE: City Roadway Located Between 601 Woodward Ave. and 513 Woodward Ave.**

Dear Charlie:

We are writing you to request that the City abandon the vacant road located between 601 Woodward Ave. and 513 Woodward Ave. We would, in turn, grant a 10 foot easement back to the City through the middle of road in case the City ever needs access from Woodward Ave. to the City Bike Path.

We have attached copies of the survey for 601 Woodward Ave. and the documentation available from County records for 513 Woodward Ave. The property line for the road extends to the houses in both cases so the road prevents the homeowners' from making improvements to the areas just outside their homes. In addition, the homeowners' have jointly been maintaining the land between their homes extending to the Bike Path.

We respectfully request that you consider our proposal. If you need any additional information, please do not hesitate to contact us.

Sincerely,

Susan M. Wright,  
Homeowner, 601 Woodward Ave.

Billy Jean Griffith  
Guardian for Homeowner, 513 Woodward Ave.

Gulf Citizens for Clean Renewable Energy, Inc.  
PO Box 354  
Wewahitchka, FL 32465  
Phone: 800-729-1363  
email: nogulfincinerator@gmail.com

December 7, 2011

By Email and Certified Mail

Mayor Mel Magidson  
Attorney Thomas Gibson  
City of Port St. Joe  
P.O.Box 278  
Port St. Joe, FL 32457

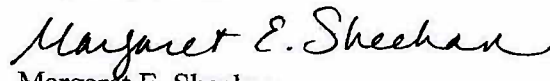
Re: Rentech/Northwest Florida Renewable Energy Center, LLC-Biomass Project

Dear Mayor Magidson and Attorney Gibson,

We are writing to request that the City Commission rescind its approval of the development order issued for the above-referenced 65MW biomass combustion power plant. The Commission approved the development order at its meeting on October 4, 2011. Last week, the Star newspaper reported that the developer has withdrawn the project. However, there has been no substantiation from Rentech that the project is cancelled. If the project has in fact been withdrawn, then the development order is not needed and the City should provide the community with assurance that the project will not be going forward as presently approved.

We request that this item be placed on the agenda for the City Commission meeting of December 20, 2011.

Very truly yours,

  
Margaret E. Sheehan

Cc: Rentech, LLC via email  
City Commissioners via email  
County Commissioners via email

12-15-11

**CITY OF PORT ST. JOE  
PHASE I WATER SYSTEM IMPROVEMENTS  
PROJECT #019.184**

**BID TABULATION FOR BIDS RECEIVED  
AT THE CITY OF PORT ST. JOE  
ON DECEMBER 15, 2011 AT 3:00 P.M. E.T.**

BIDDER	TOTAL BASE BID
1. Gulf Coast Utility Contractors	
2. Royal American Construction	\$ 2,556,517. <sup>00</sup>
3. GAC Contractors, Inc.	\$ 3,285,861. <sup>18</sup>
4. Marshall Brothers Industrial	\$ 2,798,000. <sup>70</sup>
5. I-C Contractors, Inc.	\$ 2,487,824. <sup>67</sup>
6. North Florida Construction	
7. Cathey Construction Company	
8. L & R Contracting, Inc.	\$ 2,641,340. <sup>00</sup>

# Memorandum

**To:** Charlie Weston, City Manager *ca*  
**CC:** Mayor Magidson & Commissioners  
**From:** Charlotte Pierce, Grant Writer – Coordinator *CP*  
**Date:** December 16, 2011  
**RE:** Grant Status

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The following changes have occurred in our grants since the December 6, 2011 meeting:

## **Florida Department of Transportation**

An EFT in the amount of \$28,528.41 has been received for the Madison Street and Garrison Avenue Multi-use path.

## **Department of Environmental Protection**

EFT Funds in the amount of \$571,801.00 have been received on the Headworks and Sprayfields project.