

Public

March 20, 2012

**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 March 20, 2012**

Call to Order

Consent Agenda

Minutes

- **January 31, 2012 Special Meeting Minutes** **Pages 1-4**
- **January 31, 2012 Workshop Meeting Minutes** **Pages 5**
- **February 21, 2012 Regular Meeting Minutes** **Pages 6-19**
- **March 6, 2012 Regular Meeting** **Pages 20-26**
- **March 13, 2012 Workshop Meeting** **Pages 27-28**

City Attorney

- **Gulf Pines Hospital Appraisal**

City Manager Report

Old Business:

- **City Clerk Vacancy- Update**
- **Channel Markers**

New Business:

- **Garrison/Madison Multi-Path Change Order #2 (3 & 4 Handouts)** **Pages 29-30**
- **Fireworks- Discussion**
- **Road Bond Money** **Page 31**
- **STAC House Renovation** **Page 32**
- **Waste Pro, Pick-up days- Update**
- **Port Authority Building Request**
- **Fair Point Communications Contract** **Page 33**

Public Works

- **Update**

Surface Water Plant

- **Water Plant Deficiencies- Update**

Waste Water Plant

- **Plant Permit Revision** **Pages 34-35**

City Engineer

- **Headworks and Sprayfield Project- Update**
- **Water Distribution System Phase I, Change Order #1** **Page 36**

Code Enforcement

- Update

Police Department

- Update

Grants

- Update

PSJRA

- Update

Interim City Clerk

Citizens to be Heard

Discussion Items by Commissioners

Motion to Adjourn

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD
IN THE COMMISSION CHAMBERS AT CITY HALL, JANUARY 31,
2012 AT 6:00 P.M.**

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

Garrison/Madison Multi-Path Change Order:

Mr. Weston noted that at our last meeting we talked about a possible Change Order to correct a problem with unstable soil. The Change Order amount is \$10,152.56.

Mayor Magidson asked, "Are we still within the project budget?"

Mr. Weston responded, "Yes, we still have approx. \$61K left in the project budget."

Commissioner Buzzett asked, "Is removal of three feet of soil enough?"

Clay Smallwood, III, responded, "Three to five feet is typical."

Commissioner Gingell asked, "Anyway to know of this type of problem ahead of time?"

Mr. Smallwood responded, "We could have guessed, but this particular area is under the road."

Hambrick Water & Sewer Fee Agreement:

Attorney Gibson noted that James P. Hambrick is trying to save on water and sewer fees at 218 Long Avenue to include an additional building. As long as Mr. Hambrick considers it as one parcel, the Land Development Regulations will allow it.

Mayor Magidson indicated that Mr. Hambrick currently has two parcels consisting of two lots.

Commissioner Gingell asked, "How will this be flagged in case the lots are converted back to two parcels?"

Attorney Gibson responded, "It will be recorded at the Court House."

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to approve the Water-Sewer Fee Agreement for James P. Hambrick. Motion carried 4-0. Mayor Magidson abstained due to James P. Hambrick being a client of his Law Firm. (See attached voting conflict Form).

The Special Meeting was adjourned at 6:10 P.M.

Approved this _____ day of _____ 2012.

Mayor Magidson

Jim Anderson, City Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME Magidson, Jr. -Melvin- C	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission
MAILING ADDRESS 218 Gautier Memorial Lane	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Port St. Joe	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Gulf	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe
DATE ON WHICH VOTE OCCURRED January 31, 2012	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.

IF 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, Mel C. Magidson Jr., hereby disclose that on January 31, 20 12:

(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, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of James Hambrick, 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:

James Hambrick is a client of my law firm.

1/31/2012
Date Filed

Mel Magidson Jr.
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.

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, JANUARY 31, 2012 AT 6:15 P.M.

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

City Manager Search:

Mr. Weston noted that the Commission was presented with six candidates for consideration. The purpose tonight is to try and narrow the search down to three. An outlined sheet for each Commissioner to consider has been presented.

Mark Gibson has withdrawn his name for consideration because he is concerned about being able to sell his home.

The consensus after discussion was to narrow the search down to two candidates and interview Ted Lackey and Jim Anderson for the City Manager Position.

The interviews will be scheduled for Monday February 6, 2012.

The Workshop Meeting was adjourned at 6:33 P.M.

Approved this _____ day of _____ 2012.

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, FEBRUARY 21,
2012 AT 6:00 P.M.**

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

Consent Agenda:

Mayor Magidson congratulated James Hamilton on his retirement and presented him with a certificate for his twelve years of service to the City.

Minutes:

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to approve the Minutes from the January 12th, February 6th, February 9th Workshops and the February 9, 2012, Special Meeting.

Regular Agenda:

City Attorney:

**Ord. 477, Gulf Pines Hospital Comprehensive Plan and Future Land Use Map
Amendment:**

Motion by Commissioner Kennedy, 2nd by Commissioner Gingell, to have the 1st reading of Ord. 477. All in Favor; Motion carried 5-0.

Attorney Gibson noted that the Planning and Development Review Board has reviewed Ord. 477 and gave a recommendation to the City Commission for approval. Base on this recommendation, the Commission can adopt Ord. 477 tonight.

Motion by Commissioner Buzzett, 2nd by Commissioner Kennedy, to adopt Ord. 477. All in Favor; Motion carried 5-0.

Ord. 478 Repealing of the Town Center PUD:

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to have the 2nd reading of Ord. 478. All in Favor; Motion carried 5-0.

A workshop was scheduled for Monday February 27, 2012, at 5:00 for public input on the proposed ordinance.

Port Authority Request:

Tommy Pitts of the Port Authority noted that they plan to add property to the Port Master Plan based on the acquisition of former Arizona Chemical Property and the Joe Company Property. The Port Authority has also requested that Jetty Park be included. We have the possibility of small cruise vessels docking at Jetty Park and may need to expend funds for improvements. By including Jetty Park in the Port Planning Area, it would allow for possible grants. This would not change how the City utilizes the property. No vessel will dock at Jetty Park without City approval.

Attorney Gibson noted that he will be unable represent the City or the Port Authority in this matter.

City Manager, Charlie Weston:

Centennial Building Acoustics:

Mr. Weston recommends signing a contract with Eric Davidson for \$3,000 to put a plan together. We will use \$2,000 out of Parks and Recreation and \$1,000 out of the Building Department.

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to enter into a \$3,000 contract with Eric Davidson. All in Favor; Motion carried 5-0.

Frank Pate Park Boat Ramp:

Mr. Weston noted that the City needs to mark the boat channel at Frank Pate Park. We need to get the Coast Guard to provide us with the specifications for the channel.

Garrison/Madison Multi-Path Update:

Mr. Weston noted that the project is on schedule to be completed next month.

CDBG Grant Application, Water Distribution System:

Mr. Weston noted that Jordan and Associates are working with our engineers to put the application together.

Cell Tower Upgrade Request Update:

Mr. Anderson indicated that he has contacted Mr. Duke with Utility Services. Mr. Duke will be in town in the next few weeks to review the tower.

City Audit:

Ben Vance who performed the City's independent audit gave a presentation to the City. He appreciates the professionalism of City staff, there were no findings due to accountability and feels bringing in an outside CPA, Roberson & Associates, has helped tremendously. The City has gone from a very troubled system to one that is consistent. He did note that the City needs to adopt procedures for each job description.

Mayor Magidson noted that this may be the first time in the history of the City there have not been any audit findings.

Mr. Weston is proud of the City staff and the progress that has been made.

Press Release:

Mayor Magidson indicated that the Joe Co. has signed a lease agreement for 20 acres with Eastern Ship Building today.

City Manager Contract:

Mayor Magidson noted that, based on our negotiations with Mr. Anderson at the February 9, 2012, Workshop, we need to vote on his contract.

Motion by Commissioner Buzzett, 2nd by Commissioner Patterson, to approve the City Managers contract for Jim Anderson as presented. All in Favor; Motion carried 5-0.

City Clerk Vacancy:

Mr. Weston recommends that the Commission appoint Charlotte Pierce as Interim City Clerk on March 1, 2012. He also recommends advertising the Clerk Position and closing it on March 15, 2012.

Motion by Commissioner Kennedy, 2nd by Commissioner Gingell, to appoint Charlotte Pierce as the Interim City Clerk on March 1, 2012, and advertise for a City Clerk. All in Favor; Motion carried 5-0.

Joint City/County Workshop:

Mr. Weston will work with Don Butler, County Administrator, on potential dates. All in Favor; Motion carried 5-0.

Public Works:

Road Striping:

Mr. Grantland provided the Commission with a Road Striping Plan for consideration.

Commissioner Buzzett asked, "What is the estimated cost to stripe the roads?"

Mr. Grantland responded, "Approx. \$8K-\$9K, I will get some quotes."

Commissioner Gingell asked, "Since the County collects gas tax, would this be part of that?"

