

October 3, 2017
Regular Meeting
6:00 P.M.
2775 Garrison Avenue
Port St. Joe, Florida



City of Port St. Joe

Bo Patterson, Mayor-Commissioner
William Thursbay, Commissioner, Group I
David Ashbrook, Commissioner, Group II
Brett Lowry, 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.

2775 Garrison Avenue

Tuesday October 3, 2017

Call to Order

Consent Agenda

Minutes

- Regular Commission Meeting 9/19/17
- Special Meeting 9/26/17

Pages 1-3

Pages 4-5

PSJRA

- Update

City Attorney

- Ordinance 543 Medical Marijuana
 - 2nd Reading and Consideration of Adoption
- City of Port St. Joe v/s Mike- Update

Pages 6-9

Old Business

- Speed Bumps on 6th and 7th Street- Comm. Thursbay

New Business

- Shawn Farnsley- Boy Scouts
- Marina Pennington Contract- Planning Consultant
- Keith Nichols Contract- Commission Meeting Video's
- Commission Bldg. Signage
- Clifford Sims Park
- TDC Membership- Comm. Ashbrook
- NWFLOC Meeting- Comm. Ashbrook

Page 10

Page 11

Page 12

Public Works

- Update

Surface Water Plant

- Update

Waste Water Plant

- Update

Finance Director

- Update

City Engineer

- Projects Update
 - Frank Pate Park Boat Ramp Improvements
 - Long Avenue Water/Sewer/Road Paving

- Jones Homestead Sewer

Code Enforcement

- Update

Page 13

Police Department

- Update

City Clerk

- Update

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 AT
2775 GARRISON AVENUE, September 19, 2017, AT 6:00 P.M.**

The following were present: Mayor Patterson, Commissioners Buzzett, Lowry, and Thursbay. City Manager Jim Anderson, City Clerk Charlotte Pierce, and Attorney Clinton McCahill were also present. Commissioner Ashbrook joined the meeting at 6:10 P.M.

CONSENT AGENDA

Minutes

A Motion was made by Commissioner Thursbay, second by Commissioner Buzzett, to approve the Minutes of the Regular Commission Meeting of September 5, 2017; the Emergency Meeting of September 7, 2017, and the Special Meeting of September 14, 2017. All in favor; Motion carried 4-0.

PORT ST. JOE REDEVELOPMENT AGENCY (PSJRA) There was nothing new to report.

CITY ATTORNEY

Ordinance 543 Medical Marijuana – First Reading and Request to Advertise

Mayor Patterson asked if anyone from the Public wished to speak on this and there was no response.

A Motion was made by Commissioner Lowry, second by Commissioner Buzzett, for Attorney McCahill to read Ordinance 543 by Title only. All in favor; Motion carried 4-0.

Attorney McCahill read Ordinance 543 by Title only.

Commissioner Ashbrook joined the meeting at 6:10 P.M.

Attorney McCahill updated the Commission on 1303 McClellan Avenue and asked that he be allowed to negotiate a resolution to the \$3,268.18 Code Enforcement fines accruing daily that have been levied against the property. There are also Tax Liens on the property in excess of \$4,000 and the property is scheduled to for auction shortly.

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to allow Mr. McCahill and Mr. Anderson to come up with a resolution so that it will not have to come back to the Board. All in favor; Motion carried 5-0.

CITY MANAGER'S REPORT – Jim Anderson

Old Business

City Non-Departmental Contribution Fund – Mr. Anderson shared that the fund currently has a balance of \$147.00 and asked for direction on how to disburse it. A Motion was made by Commissioner Ashbrook, second by Commissioner Thursbay, to disburse the amount evenly between the following entities: Life Management, Gulf County Humane Society, Gulf County Senior Citizens Association, Gulf County ARC Travel Assistance, Early Learning Coalition, Gulf County Public Library, and the Gulf County Chamber of Commerce.

New Business

Speed Bumps on Sixth and Seventh Streets – Commissioner Thursbay: After a series of Motions with the second to the Motion withdrawn, the issue will be researched with Public Works and brought back to the Commission.

Delineators at Highway 98 and Third Street – Mayor Patterson: A Motion was made by Commissioner Thursbay, second by Commissioner Buzzett, to remove the delineators at the Intersection of Third Street and Highway 98. All in favor; Motion carried 5-0. 1

Mayor Patterson stated that the Entertainment District Item had been pulled from the Agenda and because of the number of people attending the meeting, asked if anyone wished to speak on the issue.

Mayor Patterson stated he was not in favor of the Entertainment District as it was presented to him. Commissioner Thursbay stated he felt like Mayor Patterson, and Commissioner Lowry stated he was not for it and would like to hear from everyone.

Reverend James Wiley, Pastor of Oak Grove Church and President of the Ministerial Association, spoke and said that he was encouraged by the statements Commissioners had made stating they were not in favor of the Entertainment District. He also shared that the Ministerial Association would be opposed to an Open Container Zone.

Mary Lou Cumbie spoke and assured the Commission of the prayers of her church. She noted the Commission has a huge responsibility, they are responsible for the trust of the community, and their job is difficult. Mrs. Cumbie thanked the Commission for their service, and noted people were praying for the Commission to have the wisdom to lead the community in a way that God would be proud of.

City Charter Revision Discussion – Commissioner Thursbay asked that Commissioners review their City Charter book, note things they think need to be changed, and plan to put it on the ballot at the next City Election. He would like to have an outside source review the Commissioner's suggestions when they are through with their review.

Donation Request – Port St. Joe High School Varsity Cheerleaders: A Motion was made by Commissioner Thursbay, second by Commissioner Lowry, to contribute \$100 from BP Funds. Voting in favor of the Motion were Mayor Patterson, Commissioners Thursbay, and Lowry. Voting against were Commissioners Ashbrook and Buzzett as they felt this is opening a big "can of worms" for untold organizations to request contributions. Motion carried 3-2.

PDRB Membership Terms –The terms of Chairman Jay Rish and members Rawlis Leslie and Minnie Likely expire in November. The Commission would like to see applications requested for these positions.

Public Works – John Grantland was not present. Mr. Anderson noted RFPs have been requested for Alternates A and B of the CDBG Grant; Dewberry / Preble Rish is working on the Jones Homestead Sewer Project paper work, sidewalks for Avenue D are being scheduled, and the Frank Pate Boat Ramp Project is moving along.

Surface Water Plant – Larry McClamma

RFP 2017-12 Clarifier #3 Renovation – Request to Award Bid: A Motion was made by Commissioner Ashbrook, second by Commissioner Buzzett, to reject the bid from Crystal Coatings, Inc., in the amount of \$69,500 and readvertise for renovations to Clarifiers #3 and #4. All in favor; Motion carried 5-0.

Wastewater Plant – Kevin Pettis was absent due to illness and Mr. Anderson noted the plant was running.

Finance Director – Mike Lacour

2017 – 2018 Budget Update – Mr. Lacour reminded the Commission of the Final Budget Hearing to be held on Tuesday, September 26, 2017, at 5:01 P.M.

City Engineer – Clay Smallwood, III

Project Updates -

Frank Pate Park Boat Ramp Improvements - Mr. Smallwood noted the grant was set to expire at the end of this month but FWC has granted a 90 day extension. He presented several options to the Commission to complete the project using the balance of the grant: Add sidewalks on the North side to walk on; replace all the concrete in front of the ramp; add rub rails to the step downs on the South side; replace riprap on the North side, and run electrical conduit. It will be necessary to close the boat ramp

for three weeks to complete the work. Mr. Smallwood will go back to FWC for approval of these improvements and should have them before the Commission in two weeks.

Long Avenue Water / Sewer / Road Paving – A Workshop needs to be held on this.

Jones Homestead Sewer – Permits were submitted to DEP last week and Mr. Smallwood expects to have a response from them in 30 days.

Code Enforcement –

General Update – Mr. Burkett's report was reviewed, no action was required.

Police Department – Chief Herring did not have any updates for the Commission.

Mayor Patterson requested that Chief Herring contact DOT to review the Intersection at First Street, Marina Drive, and Highway 98. He would like to see a left hand turning lane from First Street on to Highway 98.

Commissioner Lowry was concerned about the Golf Cart Crossing Signs at the same intersection and asked that Chief Herring talk with DOT about them.

City Clerk – Charlotte Pierce reminded the Commissioners of their Open Enrollment appointments and noted the Final Budget Hearing scheduled for Tuesday, September 26, 2017, 5:01 P.M., will be held at the Ward Ridge Building.

Citizens to be Heard –

Christy McElroy expressed her feelings about the raises the Commissioners are giving themselves. She noted different statistics on the impact their raises would have on the community. While providing additional information, Mayor Patterson asked Ms. McElroy to finish her presentation and gave her 3 minutes to wrap it up in. An exchange of opinions continued.

To end the debate, a Motion was made by Commissioner Thursbay, second by Commissioner Ashbrook, to adjourn the meeting at 7:14 P.M. All in favor; Motion carried 5-0.

The Agenda Items below were not discussed.

Discussion Items by Commissioners

Commissioner Buzzett

Commissioner Lowry

Commissioner Ashbrook

Commissioner Thursbay

Mayor Patterson

Approved this _____ day of _____ 2017.

James "Bo" Patterson, Mayor

Date

Charlotte M. Pierce, City Clerk

Date

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT
2775 GARRISON AVENUE, September 26, 2017, at 5:01 P.M.**

The following were present: Mayor Patterson, Commissioners Buzzett, Lowry, and Thursbay. City Manager Jim Anderson, City Clerk Charlotte Pierce, Attorney Clinton McCahill, and Financial Director Mike Lacour were also present. Commissioner Ashbrook joined the meeting at 5:04 P.M.

The purpose of the Special Meeting was Ordinance 539 – 2017 / 2018 Ad Valorem Taxes and Millage Rate, Public Hearing and Second Reading and Consideration of Adoption; Ordinance 540 – 2017 / 2018 Budget, Public Hearing and Second Reading and Consideration of Adoption; Ordinance 541 – Commission Salary, Public Hearing and Second Reading and Consideration of Adoption, and Ordinance 542 - 7th Street Road Abandonment, Public Hearing and Second Reading and Consideration of Adoption.

Ordinance 539 Ad Valorem Taxes – Public Hearing, Second Reading and Consideration of Adoption:

Public Hearing Ordinance 539 – No one from the public spoke.

Commissioner Ashbrook joined the meeting at 5:04 P.M.

A Motion was made by Commissioner Lowry, second by Commissioner Thursbay, to have the Second Reading of Ordinance 539. All in favor; Motion carried 5-0.

Attorney McCahill read Ordinance 539 in its entirety that noted that the Millage rate for the coming year is 3.5914 mills, which is the same as last year. The percentage by which this millage rate to be levied is less than the rolled-back rate of 3.4661 mills (computed pursuant to Florida law) is 3.62%.

A Motion was made by Commissioner Ashbrook, second by Commissioner Buzzett, to Adopt Ordinance 539. All in favor; Motion carried 5-0.

Ordinance 540, 2017-2018 Budget – Public Hearing, Second Reading and Consideration of Adoption:

Public Hearing Ordinance 540 – No one from the public spoke.

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to have the Second Reading of Ordinance 540. All in Favor; Motion carried 5-0.

Attorney McCahill read Ordinance 540 by Title only.

A Motion was made by Commissioner Thursbay, second by Commissioner Ashbrook, to Adopt Ordinance 540. All in favor; Motion carried 5-0.

Ordinance 541, Commission Salary – Public Hearing, Second Reading and Consideration of Adoption:

Public Hearing Ordinance 541 – No one from the public spoke.

A Motion was made by Commissioner Thursbay, second by Commissioner Lowry, to have the Second Reading of Ordinance 541. All in Favor; Motion carried 5-0.

Attorney McCahill read Ordinance 541 by Title only.

Commissioner Buzzett noted that everyone knew how he felt about the salaries but for the unity of the Commission, he would vote to support it.

Commissioner Ashbrook stated that he shared Commissioner Buzzett's sentiments but would vote to support this issue.

A Motion was made by Commissioner Thursbay, second by Commissioner Lowry, to Adopt Ordinance 541. All in favor; Motion carried 5-0.

Ordinance 542, Seventh Street Road Abandonment – Public Hearing, Second Reading and Consideration of Adoption:

Public Hearing Ordinance 542 – No one from the public spoke.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to have the Second Reading of Ordinance 542. All in Favor; Motion carried 5-0.

Attorney McCahill read Ordinance 542 by Title only.

A Motion was made by Commissioner Ashbrook, second by Commissioner Buzzett, to Adopt Ordinance 542. All in favor; Motion carried 5-0.

Citizens to be Heard

No one from the public wished to speak.

Discussion Items by Commissioners

Commissioner Buzzett asked for an update on the Commerce Park lot and Mr. Anderson responded that the work on the pipe has been completed, he had contacted Mrs. Burke, and we are waiting on a closing date.

Commissioner Lowry did not have anything to discuss.

Commissioner Ashbrook shared that he has heard good things about the Scallop Season and thanked Staff for their work on the budget.

Commissioner Thursbay noted the last parts needed for the 16th Street Park are in and the new playground equipment will be ready soon. Sidewalks for Avenue D should be finished soon. He also thanked everyone for the good and bad debates on the budget and apologized for letting his emotions get out of hand during the debates.

Mayor Patterson did not have anything to discuss.

Motion to Adjourn

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to adjourn the Meeting at 5:10 P.M.

Approved this _____ day of _____ 2017.

James "Bo" Patterson, Mayor

Date

Charlotte M. Pierce, City Clerk

Date

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING ORDINANCE 529 BY EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND LICENSED DISPENSING ORGANIZATIONS WITHIN THE CITY OF PORT ST. JOE FOR AN ADDITIONAL PERIOD OF TWELVE (12) MONTHS UNLESS RESCINDED OR EXTENDED BY A SUBSEQUENT ORDINANCE, OR BY A SUBSEQUENT AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS REGARDING THE REGULATION OF MARIJUANA TREATMENT CENTERS AND LICENSED DISPENSING ORGANIZATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on November 8, 2016, Florida voters passed an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

WHEREAS, Amendment 2 legalizes the medical use of marijuana and/or cannabis ("marijuana") throughout the State of Florida for individuals with debilitating medical conditions as determined by a licensed Florida physician and authorize the registration and regulation of centers that acquire, produce and distribute marijuana for medical purposes; and

WHEREAS, Florida Statutes, Section 381.986, titled the "Compassionate use of local-THC and medical cannabis," authorizes qualified physicians to order low-THC cannabis or medical cannabis for qualified patients diagnosed with certain conditions; and

WHEREAS, the Florida Department of Health's Office of Compassionate Use has recently been established and charged with overseeing the regulatory infrastructure for medical cannabis in the state; and

WHEREAS, due to the historic and longstanding legal prohibition of marijuana prior to enactment of Florida Statutes, Section 381.986 and the passing of Amendment 2, the land development regulations of the City of Port St. Joe ("the City") do not address the use of real property for purposes of cultivating, processing, distributing or selling medical marijuana, low-THC cannabis or related activities, and such uses of real property have historically not existed within the City; and

WHEREAS, in order to promote effective and responsible land use planning within the City, the City Commission wishes to allow for sufficient time to research, study and analyze the potential impact of Medical Marijuana Treatment Centers or approved Dispensing Organizations upon adjacent uses and the surrounding areas, traffic, congestion, surrounding property values, demand for City services and other aspects of the public safety and welfare; and

WHEREAS, the City Commission finds that a temporary moratorium on the operation of Medical Marijuana Treatment Centers and approved Dispensing Organizations will allow the City a sufficient period of time to determine what uses are best suited to particular zoning categories and how best to formulate land development regulations that appropriately govern the use of real property for purposes of cultivation, processing, distributing or selling marijuana or related activities; now therefore,

BE IT ORDAINED by the City Commission of Port St. Joe that:

Section 1. Moratorium Extended. The temporary moratorium is hereby extended on the operation of Medical Marijuana Treatment Centers and Licensed Dispensing

Organizations within the City of Port St. Joe for twelve (12) months. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or Licensed Dispensing Organization. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Florida Statutes, Section 381.986 or other Florida law.

Section 2. Definitions. For purposes of the temporary moratorium:

A) “Medical Marijuana Treatment Center” means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Florida Department of Health.

B) “Licensed Dispensing Organization” means an organization approved by the Florida Department of Health’s Office of Compassionate Use to cultivate, process and dispense low-THC cannabis and medical cannabis pursuant to Florida Statutes, Section 381.986 or Amendment 2.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption. The temporary moratorium enacted by this Ordinance shall terminate twelve (12) months from the effective date of this Ordinance, unless rescinded or extended by subsequent ordinance or by an amendment to the City's Land Development Regulations addressing the use of real property for purposes of cultivating, processing, distributing or selling medical marijuana, low-THC cannabis or related activities.

Passed on first reading this _____ day of _____, 2017.

Passed on second reading this _____ day of _____, 2017.

JAMES "BO" PATTERSON
MAYOR

ATTEST:

CHARLOTTE M. PIERCE
CITY CLERK



The City of Port St. Joe

October 1, 2016

*Approved by Board of
City Commissioners
11/11/16.
Pierce*

Ms. Marina Gonzalez Pennington
Government & Business Affairs Consultant
3820 Shamrock West
Tallahassee, FL 32309

Re: Contract Extension

Dear Marina:

The City Commission approved extending your independent contractor agreement for the 2016-2017 fiscal year on the same terms and conditions as the previous agreement with the following additions:

1. The maximum compensation under the agreement from City funds is \$10,000.00. This limit does not apply in the event that funds are available for work pursuant to our contract from non-city sources.
2. This agreement may be terminated by either party on 30 days written notice.

If this meets with your approval, I would appreciate it if you would sign the copy of this letter which I have enclosed and return it to me.

If you have any questions, please give me a call

Sincerely,

Thomas S. Gibson
City Attorney, City of Port St. Joe

TSG/pwr

Marina Gonzalez Pennington
Marina Gonzalez Pennington

www.cityofportstjoe.com Post Office Box 278 305 Cecil G. Costin, Sr. Blvd. Phone (850) 229-8261 Fax (850) 227-7522

Port St. Joe, Florida 32457

"An Equal Opportunity Employer"

Scanned & Emailed

2/3/17 1:35 PM CP
To: Marina

Keith Nichols Proposal to Film Meetings

- Film (2) Regular Meetings a month \$250
- Special Meetings upon Request \$75 each
- Played back on Medicom Channel 17 Wednesdays at 10am & 7pm
Friday's at 10am. All Times Eastern

Zimbra

janderson@psj.fl.gov

Commission Building proof

From : Chris Lantz <ramseysprinting@fairpoint.net>**Subject :** Commission Building proof**To :** Jim Anderson <janderson@psj.fl.gov>

Wed, Sep 27, 2017 09:37 AM

 1 attachment

Hey Jim, attached is the proof for the commission building letters. These would be 12" tall and the seal would be 30" x 30". Letter colors can be changed to whatever you'd like, but black looked best to us. Let me know of any changes. Thank you



12

Code Enforcement 2017 Activity
As of 9/26/2017

	Open		Closed		Total		Increase
Unlawful							
Accumulation	84		284		368		31
Substandard							
Structure	9		9		18		
Abandoned							
Vechicle	6		5		11		3
Unlawful							
Sewer	0		1		1		
Land regulation							
Violation	1		4		5		
Business Lic.							
Violation	20				20		
Special Master							
Hearings							
Building							
Demolition	5		4		9		
Waste							
Violation	9		206		215		3
Sign							
Violation			81		81		
Total	134	Total	594	Total	728	Total	37