

June 26, 2018

**Workshop Meeting
5:30 P.M.**

**City Commission Chambers
2775 Garrison Avenue
Port St. Joe, Florida**



City of Port St. Joe

Bo Patterson, Mayor-Commissioner
Eric Langston, Commissioner, Group I
David Ashbrook, Commissioner, Group II
Brett Lowry, Commissioner, Group III
Scott Hoffman, 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

Workshop Meeting

5:30 P.M.

Commission Chamber, 2775 Garrison Avenue

Tuesday June 26, 2018

Call to Order

Agenda

- **Triumph Funds**
- **Golf Carts**

Pages 1-16

Citizens to be Heard

Discussion Items by Commissioners

Motion to Adjourn

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING ORDINANCE 348; PROVIDING FOR DRIVERS WITH LEARNER'S PERMITS; REQUIRING LICENSED DRIVER SUPERVISION; 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 as follows:

Section 1.

That portion of Section 6 of Ordinance 348 of the City of Port St. Joe which reads:

No golf cart shall be operated by anyone under the age of sixteen (16) years and they must be a licensed driver.

Is hereby amended to read:

A fifteen (15) year old person with a valid learner's permit may operate a golf cart in accordance with the terms of Ordinance 348 so long as a licensed driver 21 years of age or older is present in the golf cart. No golf cart shall be operated by anyone other than a licensed driver except as set forth herein.

Section 2. All other portions of Ordinance 348 shall remain in full force and effect.

Section 3. REPEAL:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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.

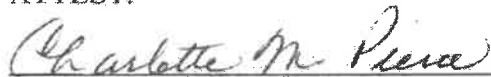
DULY PASSED AND ADOPTED by the Board of City Commissioners of Port
St. Joe, Florida this 7th day of October, 2014.

THE CITY OF PORT ST. JOE

By: 

MEL C. MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:



CHARLOTTE M. PIERCE
CITY CLERK

The following commissioners voted yea: Mayor Magidson, Commissioners Burgett, McClean,
The following commissioners voted nay: Patterson & Shunaberger

ORDINANCE 463

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA PROVIDING FOR REGULATION OF CERTAIN PATHS, WALKWAYS AND SIMILAR THOROUGHFARES WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PROHIBITION OF CERTAIN MOTORIZED VEHICLES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Port St. Joe has built or planned a number of bike paths, sidewalks and multi-use paths, and

WHEREAS, These paths are not intended for motorized vehicular traffic and the presence of motorized vehicles creates a danger to pedestrians, bicyclists and others using non-motorized forms of transportation, and

WHEREAS, Because of the danger to the public created by the presence of motorized vehicles it is in the best interest of the citizens of the City to ban the use on the Paths,

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION 1. DEFINITIONS:

Path: Any bike path, sidewalk, multi-use path or other similar thoroughfare built or planned by the City of Port St. Joe and described in Exhibit "A" attached hereto.

Motorized Vehicle: Any vehicle with two wheels or more that is powered by a motor of any kind, whether gas or electric and includes but is not limited to cars, trucks, golf carts, motorcycles, and ATVs.

Service Vehicle: A motorized vehicle used by law enforcement, public works, waste collection companies and EMS. The definition also includes construction or trade vehicles requiring access to any lot located on Woodward Avenue and described in Section 3(D) below.

SECTION 2. PROHIBITION:

Except as set forth hereinafter, motorized vehicles are prohibited on any path identified in Exhibit "A".

SECTION 3. EXCEPTIONS:

- A. Motorized vehicles may cross any path.
- B. Motorized vehicles may use a path for access to parking for events at Benny Roberts Park or Lamar Faison Park.
- C. Service vehicles are allowed on any path.
- D. Owners of property located east of Woodward Avenue between Cecil G. Costin, Sr. Boulevard and Sixteenth Street may use a path for access to the east end of their property provided that they enter the path from the cross street closest to their property.

SECTION 4. PENALTIES:

Penalties for violation of this ordinance shall be as set forth in Section 1-15.

SECTION 4. REPEAL:

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

SECTION 5. 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.

SECTION 6. EFFECTIVE DATE:

This Ordinance shall become effective as provided by law.

This Ordinance was adopted in open regular meeting after its second reading this 7th day of December, 2010.

THE CITY OF PORT ST. JOE BOARD
OF CITY COMMISSIONERS

By: 

Mel Magidson, Jr., Mayor-Commissioner

Attest: 

James A. Anderson
City Clerk-Auditor

EXHIBIT "A"

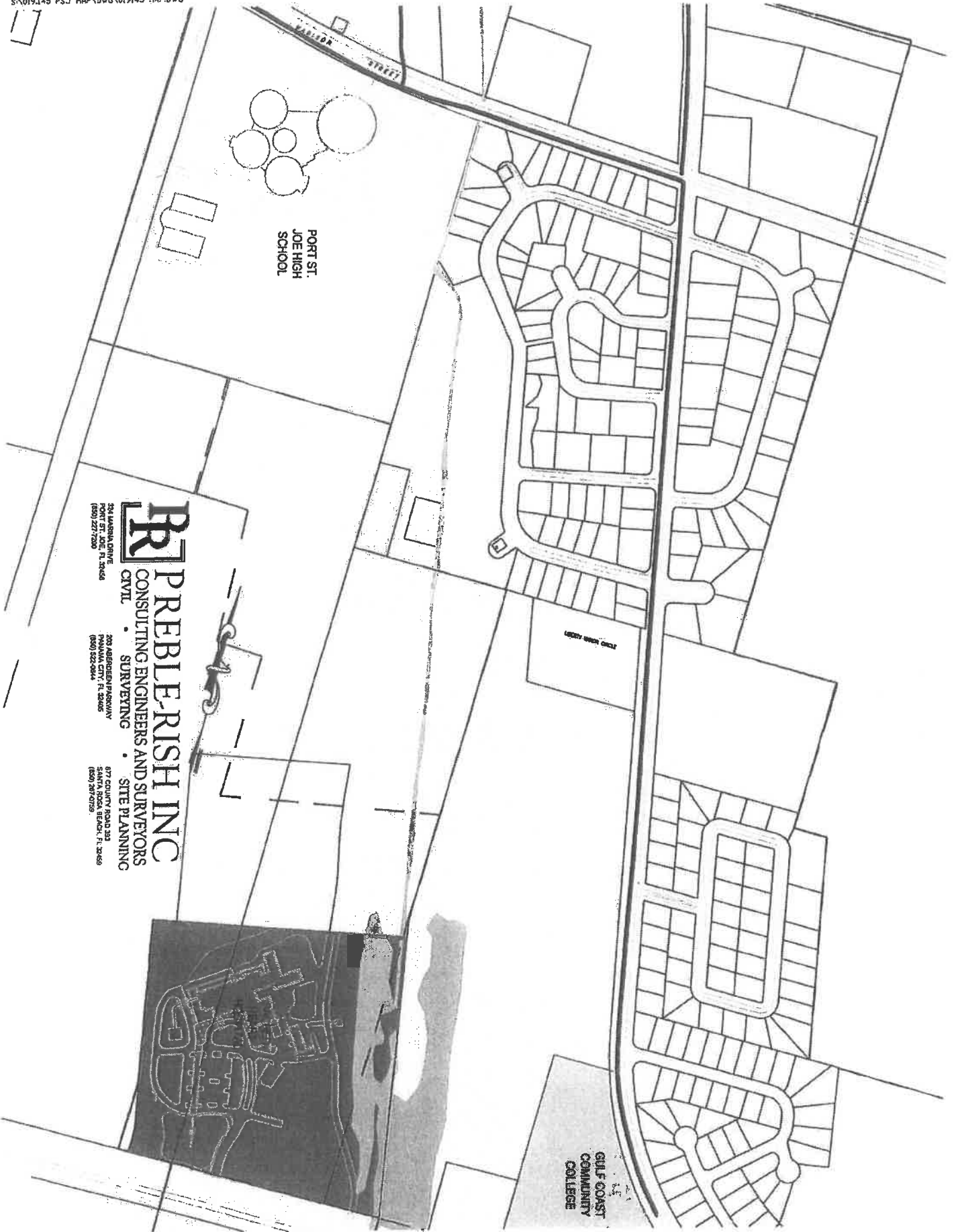
1. The Bay view path that runs adjacent to the shoreline of St. Joseph's Bay between the Port St. Joe Marina property and Cecil G. Costin, Sr. Boulevard.
2. Any path or sidewalk located in Frank Pate Park.
3. The path beginning at the intersection of Cecil G. Costin, Sr. Boulevard and the alley way of Block 33, City of Port St. Joe, and extending according to the maps attached hereto to the Centennial Building property, Port St. Joe High School, and Gulf Coast Community College.



PREBLE-RISH INC.
CONSULTING ENGINEERS AND ARCHITECTS
200 N. BAY STREET, SUITE 1000
JACKSONVILLE, FL 32202
(904) 251-1100
FAX (904) 251-1101
BUTLER & BROS. CO.
200 N. BAY STREET, SUITE 1000
JACKSONVILLE, FL 32202
(904) 251-1100
FAX (904) 251-1101



PREBLE RISH INC
CONSULTING ENGINEERS AND SURVEYORS
SURVEYING • SITE PLANNING
211 LAMAR AVENUE
PORT ST. JOE, MO 64580
(816) 337-7700
217 WEST 10TH ST
PORT ST. JOE, MO 64580
(816) 337-7700



PREBLE-RISH INC
 CONSULTING ENGINEERS AND SURVEYORS
 CIVIL • SURVEYING • SITE PLANNING

204 MARINA DRIVE
 TAMPA, FL 33606
 (813) 227-7200

203 ASSESSMENT PARKWAY
 TAMPA, FL 33606
 (813) 227-7200

877 COUNTY ROAD 343
 SANTA ROSA BEACH, FL 32689
 (850) 267-0759

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF PORT ST. JOE AMENDING PARAGRAPH 8 OF ORDINANCE NO. 361 CONCERNING OWNER DUTIES AND REGISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

I. Section 8, 8a of Ordinance #361 currently reads as follows:

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS is amended to read as follows:

(a) Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

II. Section 8, 8a is hereby amended to read as follows:

Section 8: REGISTERED OWNER TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS:

(a) Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes total liability for operating the vehicle on City streets. The registered owner of the golf cart agrees to defend, release, indemnify and hold harmless The City of Port St. Joe, its officials and employees for any and all claims, demand, damages or losses, including reasonable attorney's fees and all costs of defending any claims, demand, or

damages arising from the operation of said golf cart. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay a one-time registration fee in the amount of \$35.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement.

III. SECTION 12. SEVERABILITY: If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable such declaration shall not be deemed to affect the remaining portions of this Ordinance.

IV. SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective 10 days after adoption.

PASSED FIRST READING ON: June 2, 2009

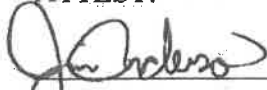
PASSED SECOND READING ON: June 16, 2009

CITY OF PORT ST. JOE

BY:


MEL C. MAGIDSON, JR.
MAYOR

ATTEST:



JIM ANDERSON
INTERIM CITY CLERK

ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF PORT ST. JOE AMENDING ORDINANCE NO. 348 BY ADDING A DEFINITION OF GOLF CART DEALER AND PROVIDING FOR A DEALER PERMIT, PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe has passed Ordinance No. 348, approving the use of golf carts within the limits of the City; and

WHEREAS, Ordinance No. 348 requires annual registration of each golf cart used upon the City streets; and

WHEREAS, Ordinance No. 348 made no provisions for a dealer permit, to allow an individual to test drive a golf cart upon the streets of the City of Port St. Joe; and

WHEREAS, a provision to allow a golf cart dealer to purchase a dealer permit needs to be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

An Ordinance amending Section 2 and Section 8 of Ordinance No. 348 is as follows:

SECTION 2. DEFINITION currently reads as follows: Pursuant to Section 320.01 (22), Florida Statutes, a "GOLF CART" is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

SECTION 2. DEFINITION: is amended to read as follows:

SECTION 2. DEFINITIONS:

(a) Pursuant to Section 320.01 (22), Florida Statutes, a "GOLF CART" is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

(b) Dealer: An individual or other legal entity who is properly licensed in the business of selling golf carts within the city limits of the City of Port St. Joe.

II. SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS currently reads as follows:

Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS is amended to read as follows:

(a) Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating

the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

(b) An individual or other legal entity qualifying as a golf cart dealer may purchase annually, from the City, a dealer permit for \$75.00. A dealer permit is not assigned to any specific golf cart but may be transferred from one golf cart to another provided the golf cart from which taken and to which transferred are owned by the dealer and both golf carts are inventory to be sold. A dealer permit may only be used for the purpose of allowing the golf cart to which it is attached to be test driven upon the streets of the City. A dealer permit may not be permanently affixed to any particular golf cart.

III. SECTION 12. SEVERABILITY: If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable such declaration shall not be deemed to affect the remaining portions of this Ordinance.

IV. SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective 30 days after adoption.

PASSED FIRST READING ON: October 3, 2006

PASSED SECOND READING ON: November 7, 2006

CITY OF PORT ST. JOE

BY 
MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO. 348

AN ORDINANCE OF THE CITY OF PORT ST. JOE PROVIDING FOR THE USE OF GOLF CARTS UNDER CERTAIN CONDITIONS AND RESTRICTIONS PURSUANT TO FLORIDA STATUTES SECTION 316.212 (FLA. STAT. 2003); PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF STREETS AND ROADS WITHIN THE CITY OF PORT ST. JOE AND CHANGES IN SAID DESIGNATION FOR THE USE OF SAID GOLF CARTS BY THE CITY COMMISSION BY RESOLUTION FROM TIME TO TIME; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Joe has been requested by many of the residents to adopt an ordinance to allow the use of golf carts under certain conditions and restrictions on and over designated City streets; and,

WHEREAS, Florida Statutes 316.212 allows golf carts to be driven on City streets that have been designated by a City for use by golf carts under specified conditions; and

WHEREAS, the City of Port St. Joe has determined that golf carts may safely travel and be operated on certain City streets as designated herein and as later changed and designated by resolution of the City of Port St. Joe;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

SECTION 1. INTENT: Pursuant to Florida Statutes, Section 316.212 (2003), it is the intent of the City Commission of the City of Port St. Joe, Florida, to allow golf carts on certain City streets under certain conditions as set forth herein.

SECTION 2. DEFINITION: Pursuant to Section 320.01 (22), Florida Statutes, a ?GOLF CART? is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

SECTION 3. AUTHORIZATION: Golf carts meeting the definition set forth in Section 2 above and meeting the minimum equipment standards established by Florida Statutes (presently they must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, windshield, head lights, tail lights, turn signal and reflectorized warning devices on the front and rear) are authorized on all City streets within the City of Port St. Joe, Florida except as set forth below, which designation may be changed or amended by the City of Port St. Joe City Commission by resolution from time to time:

- A. Highway 98 and Highway 71 except at a crossing designated and marked by signage by the City of Port St. Joe.
- B. Garrison Avenue except to get to the nearest approved road.

- C. Long Avenue except to get the nearest approved road.
- D. Avenue A except to get to the nearest approved road.

(PLEASE NOTE: Monument Avenue is approved from Allen Memorial to 9th Street only.)

SECTION 4. STATE ROADS: A golf cart may not be operated on a road or street that is a part of the State of Florida Highway or U.S. Highway System unless specifically authorized by the City and Department of Transportation as provided in Florida Statutes Section 316.212 (2).

SECTION 5. HOURS OF OPERATION: A golf cart may only be operated on the certain streets of the City of Port St. Joe as provided herein during the hours between sunrise and midnight.

SECTION 6. AGE: No golf cart shall be operated by anyone under the age of sixteen (16) years and they must be a licensed driver.

SECTION 7. COMPLIANCE WITH TRAFFIC LAWS: Golf carts shall comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as a motor vehicle under Florida law and shall be occupied by no more passengers than for whom there are seats in the golf cart.

SECTION 8. OPERATOR TO ASSUME RISK AND INDEMNIFY AND HOLD HARMLESS: Any person operating a golf cart on any town street does so at his own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians. The City in so designating certain City streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the vehicle on City streets and by such operation shall be deemed to agree to defend, release, indemnify and hold harmless the City of Port St. Joe, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Port St. Joe. Each owner of a golf cart that is to be operated on the streets of the City of Port St. Joe must register the golf cart with the City, pay an annual registration fee in the amount of \$25.00 and receive and display at all times on the lower left of the front windshield of the golf cart the registration decal issued by the City. The registration decal shall be non-transferable to another golf cart or to another owner. A buyer of a golf cart that is currently registered with the City must register the golf cart in his or her name, pay the registration fee and display the registration decal as prescribed herein prior to operating the golf cart on City streets. A seller of a registered golf cart shall remove any registration decal from the golf cart prior to transferring the golf cart to a new owner. Furthermore, in consideration of and in return for the privilege of operating said golf cart on the permitted streets of the City of Port St. Joe, the owner shall sign a defense release, indemnity and hold harmless agreement as set forth above.

SECTION 9. PENALTIES: A violation of this section is a non-criminal traffic infraction punishable as follows: 1st violation of Ordinance - \$50.00; 2nd violation of Ordinance if violation occurs within 2 years of first violation - \$100.00; 3rd violation of Ordinance if violation occurs within 4 years of second violation - \$200.00. Violations of traffic infraction shall be punishable as per Chapter 318 Florida Statute.

SECTION 10. SIGNS: Upon the City of Port St. Joe's determination and designation as provided herein that golf carts may be safely operated on a designated street or road of the City of Port St. Joe, the City shall post appropriate signs on such crossroads for Hwy 71 and U.S. Hwy 98.

SECTION 11. NO RENTAL: There shall be no operation of golf carts in the City of Port St. Joe on the various streets rights of way, alleys or property of the City of that are rented.

SECTION 12. SEVERABILITY: If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable such declaration shall not be deemed to affect the remaining portions of this Ordinance.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective 30 days after adoption.

PASSED FIRST READING ON: June 6, 2006.

PASSED SECOND READING ON: June 20, 2006.

**CITY OF PORT ST. JOE
BOARD OF CITY COMMISSIONERS**

BY: Frank Pate
Frank Pate, Mayor

ATTEST:

Pauline Landwehr
City Clerk