

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY  
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT  
2775 GARRISON AVENUE, August 18, 2020, at Noon.  
Teleconference as allowed under Executive Order 20-69; App – ZOOM;  
Phone 1-646-876-9923, Meeting ID: 85762548090; Password 672642**

The following were present: Mayor Buzzett, Commissioners Ashbrook, Hoffman, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, City Attorney Clinton McCahill, and Administrative Assistant Brie Scheibe were also present.

Mayor Buzzett read a Proclamation declaring today a day of prayer for a speedy recovery for Jason Tunnell and encouragement for his family. The Proclamation was presented to two employees of BCC.

**CONSENT AGENDA**

**Minutes**

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the Minutes of the Regular Meeting on August 4, 2020, and the Budget Workshops of August 6, 2020, and August 11, 2020. All in favor; Motion carried 5-0.

**City Attorney –**

Attorney McCahill shared that he had completed the Waste Contract Addendum and should have it signed today.

**Old Business –**

*Coronavirus (COVID-19) Update – Resolution 2020-02 – State of Emergency Still in Place*

*Emergency Mask Order*

*2020 Census* – City Manager, Jim Anderson, stated that numbers for Gulf County are still very low and he encouraged everyone to contact the Census and be counted. You may contact the Census Bureau by either social media at 2020census.gov or by calling 844-330-2020. Enumerators are currently going door to door and he encouraged everyone to be counted.

**New Business –**

*CDBG Grant Modification Request #1 – Bruce Ballister:*

Mr. Ballister was not on line at the time this item was discussed. He was able to log in prior to the close of the meeting.

Mr. Anderson reviewed the Modification Request. Mayor Buzzett asked if there was any comment from anyone in attendance, by Zoom, or telephone. There was no comment on the issue.

A Motion was made by Commissioner Lowry, second by Commissioner Langston, to approve Modification #1. All in favor; Motion carried 5-0. This will allow the Department of Economic Opportunity to help cover some of the costs for engineering and ARPC Administration for the grant.

*Summer Pines Plat Approval – High and Tight Too LLC*

Commissioner Lowry announced that he would be abstaining from voting as he has a business relationship with Mr. Rish. Commissioner Lowry completed Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers and it is attached as Exhibit A.

A Motion was made by Commissioner Hoffman, second by Commissioner Ashbrook, to approve the Summer Pines plat for High and Tight Too LLC. All in favor; Motion carried 4-0 with Commissioner Lowry abstaining. The City will provide sewer for the development and Lighthouse Utilities will cover the water.

*Development Order Request – Gateway Phase II, PACES Foundation:*

Michael Bauor, representing the PACES Foundation, asked for approval for their Development Order. He stated that 16 of the 16 units damaged by Hurricane Michael have been repaired and would be rented.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to grant a Conditional Development Order for 30 new units with the following stipulations that have been noted before. The parking ratio has been reduced from 2 to 1.5 per unit. All units damaged by Hurricane Michael have been repaired, the 25% reduction on impact fees will be given when the Certificate of Occupancy is provided for all 30 units, and the new entrance must be done first. All in favor; Motion carried 5-0.

Commissioner Langston asked if PACES would consider returning the remaining 3 acres of the PACES Property to the City. Mr. Bauor replied that they would be willing to discuss this issue.

*HESI / Transocean Settlement Agreement*

A Motion was made by Commissioner Langston, second by Commissioner Ashbrook, for Mayor Buzzett to sign the settlement agreement. All in favor; Motion carried 5-0. It was noted this would be the final check from the BP Settlement and should be around \$20,000.

*State Revolving Fund Amendment*

A Motion was made by Commissioner Lowry, second by Commissioner Langston, to approved the State Revolving Fund Amendment. All in favor; Motion carried 5-0. This will allow remaining funds in the water side of the grant to be moved to the Long Avenue Project. Hopefully, the Wastewater side of the grant will be heard by the end of this month.

**Public Works – John Grantland**

Did not have any updates for the Commission.

**Surface Water Plant – Larry McClamma participated by Zoom.**

Mr. McClamma requested that he be allowed to go out for bid for the chemicals Ferric Sulfate, Caustic Soda, and Sodium Hypochlorite, that are used at the plant.

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, to request bids for the Ferric Sulfate, Caustic Soda, and Sodium Hypochlorite. All in favor; Motion carried 5-0.

**Wastewater Plant – Kevin Pettis participated by Zoom.**

Mr. Pettis shared that United Rentals was low bidder for RFP 2020-11 in the amount of \$12,069.76. He noted there is 4' of clearance in the pond, and the air conditioning system should be installed in the lab by the end of next week. Mr. Pettis announced that Joe Harris has passed his state Wastewater Class C License exam and he now has a Class C License for both Wastewater and Water.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry to accept the low bid of Untied Rental for \$12,069.76 for the WWTP Lagoon Intake Pipe Extension. All in favor; Motion carried 5-0.

**Finance Director – Mike Lacour**

*FEMA Update*

This was covered in the Workshop held at 11 A.M. today.

### *Budget Update*

This was covered in the Workshop held at 11 A.M. today.

### **City Engineer – Josh Baxley**

#### *NRDA Grant Update*

The conference call with Northwest Florida Water Management District and FL DEP resulted in a request for additional information to Mr. Baxley's last response. He will be providing the requested information over the next 30 – 45 days and then have a follow up call.

The cataloging of culverts and ditches continues and a master inventory of the City's infrastructure is underway for the Stormwater Master Plan.

#### *Walking Path FDOT Grant Update*

The project is out for advertisement and the bids are due on August 24, 2020.

#### *CDBG Grant Update*

Mr. Baxley is waiting on the Agreement and Bonds from the contractor. He expects to have them by the end of the week. Once received, he will move forward with the Notice to Proceed.

#### *Garrison Avenue SCOP Grant Update*

A Preconstruction meeting was held on August 12, 2020, and the project start date is September 8, 2020.

#### *First Street Lift Station and Long Avenue Update*

The EPA permit for the Long Avenue water line crossing the canal is in hand.

#### *Commercial District – Water / Sewer TRIUMP Grant Application*

Churchwell began their camera work on August 17, 2020, and should have that completed by the end of this week.

#### *City Pier Update*

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, to award RFP 2020-05, Bid Alternate 1, to rebuild the City Pier in the amount of \$298,426.19 to R. J. Gorman as they were the only bidder and this is the third time this project has been bid. All in favor; Motion carried 5-0.

### **Code Enforcement –**

#### *Richard Robinson Property*

Attorney McCahill shared that someone would like to purchase the property and be responsible for the demolition and cleanup. The City has approximately \$40,000 in liens on the property and there is a remaining mortgage.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to satisfy the City's liens, in the amount of \$1,500 and require cleanup of the property within 60 days. All in favor; Motion carried 5-0.

### **Police Department –**

#### *Police Chief Position*

Mayor Buzzett expressed his appreciation to Chief Matt Herring for the work that he has done with the City and wished him well in the new position he will begin on October 1, 2020, with Gulf County.

Mayor Buzzett introduced Lt. Jake Richards as the City's Chief of Police effective October 1, 2020. Lt Richards thanked the Commission for the opportunity to serve as chief and said that he gratefully and humbly accepted the position.

Chief Herring thanked Mayor Buzzett and the Commission for the opportunity to serve the City the past five years and noted that he felt Lt. Richards will do a great job.

Commissioner Hoffman noted that in his FWC days he had worked with Lt. Richards, offered his congratulations, and feels that he will do a great job.

Commissioner Langston offered his congratulations, noted that Lt. Richards had worked hard for the department, and felt he deserved the position.

Commissioner Lowry stated he was proud of Lt. Richards and noted that if you did not want the truth then don't ask Lt. Richards.

Commissioner Ashbrook offered his congratulations to Lt. Richards.

A congratulatory round of applause was given Lt. Richards by those present.

**City Clerk – Charlotte Pierce**

Clerk Pierce did not have any updates for the Commission.

Bruce Ballister, ARPC, joined the meeting via Zoom and asked about the CDBG Modification to Subgrant Agreement between the Department of Economic Opportunity and the City of Port St. Joe. Mayor Buzzett responded that had been approved earlier in the meeting. Mr. Ballister stated that he had minor adjustments to the cost calculation attachments, which had the approval of the Mayor, and was submitting it for approval.

**Citizens to be Heard –**

No one wished to address the Commission.

**Discussion Items by Commissioners –**

Neither Commissioners Hoffman, Langston, nor Lowry had anything else to discuss.

*Commissioner Ashbrook* thanked Josh Baxley for the project sheet of City projects that he provided.

*Mayor Buzzett* encouraged everyone to remember Jason Tunnell in their prayers for a speedy recovery.

**Motion to Adjourn –**

There was no other business to come before the Commission and Mayor Buzzett adjourned the meeting at 12:58 P.M.

Approved this 1<sup>st</sup> day of September 2020.

*Rex Buzzett*  
Rex Buzzett, Mayor

9/24/20  
Date

*Charlotte M. Pierce*  
Charlotte M. Pierce, City Clerk

9/24/20  
Date

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lowrey Brett Charles</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners
MAILING ADDRESS <i>134 Gulf Coast Circle</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Port St. Joe, FL	COUNTY Gulf
DATE ON WHICH VOTE OCCURRED <i>8/18/2020</i>	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

### 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, Brett Charles Lowry, hereby disclose that on Aug 18<sup>th</sup>, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Ralph Bish;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling 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:

Abstain from voting due to a business relationship with Ralph Bish, developer.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

08/18/2020  
Date Filed

[Signature]  
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.