

# 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 17, 2021, at Noon.

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

## CONSENT AGENDA

### Minutes

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to approve the Minutes of the Regular Meeting of August 3, 2021, and the Budget Workshop Meeting of August 3, 2021. All in favor; Motion carried 5-0.

### City Engineer – John Baxley

#### *Maddox Park Gazebo*

A revised plan set has been provided to the City for review. Once the City's review is complete, Dewberry will prepare the bid documents.

A Motion was made by Commissioner Hoffman, second by Commissioner Ashbrook, to approve going out to bid pending the Building Department's review and inclusion of an ADA access. All in favor, Motion carried 5-0.

Christy McElroy noted the walking path in Maddox Park is still unrideable. Mr. Baxley responded that they are checking into what can be done and the best recommendation is to sand and water the path to lock down the stones.

#### *First Street Lift Station and Long Avenue Water / Sewer Project*

The project is under construction.

#### *Clifford Sims Park Plan*

A Task Order has been issued for improvements to the boardwalk, gazebo and reconstruction of the walk area.

#### *CDBG Sewer Improvements*

The final walk through was completed on August 10, 2021. The Contractor is working with Dewberry to complete the final punch list items.

#### *First Street Resurfacing*

The project is currently in design.

## Planning Board Recommendations

#### *Windmark North Phase I Final Plat*

Jason Scarbrough, representing the St. Joe Company, stated he was there to answer any questions the Commission might have.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the Windmark North Phase 1 Final Plat. All in favor; Motion carried 5-0

### *Lakeview at Palmetto Bluff Lots 11-20*

Commissioner Lowry announced that he would be abstaining from voting on this as he has a business relationship with the developer, Ralph Rish. Form 8B, Memorandum of Voting Conflict For County, Municipal, and Other Local Public Officers is attached to the Minutes.

A Motion was made by Commissioner Hoffman, second by Commissioner Langston, to approve the Development Order Request for Lakeview at Palmetto Bluff for Lots 11-20. All in favor; Motion carried 4-0 with Commissioner Lowry abstaining. The City will be assuming the road and a 50' foot Right of Way. The Home Owners Association will keep the Stormwater System.

### **City Attorney –**

Mayor Buzzett expressed condolences to Attorney McCahill and his wife, Jessica, in the untimely death of her sister.

Attorney McCahill did not have any updates for the Commission.

### **Old Business –**

#### *Current City Projects*

Mr. Anderson shared the projects are moving along well and he anticipates all foot bridges will be in place by next week.

#### *Refinance of Current Regions Loan Update*

Staff continues to work with bond counsel and legal on this. A decision will be made at the September 21, 2021, meeting.

#### *Budget 2021 / 2022*

The second Budget Workshop was held at 11:00 A.M. today. The first Public Hearing will be held on Tuesday, September 14, 2021, at 5:01 P.M. The Second Public Hearing date will be determined at a later date as the County is contemplating changing the date of their Final Hearing.

#### *Fish Grinder – Commissioner Hoffman*

Due to the costs of the Fish Grinder and a Lift Station, Commissioner Hoffman stated that he would not support purchasing and installing the Fish Grinder at this time.

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, for Duke Energy to run power to the site for lighting and electric cleaners. All in favor; Motion carried 5-0. Power will be provided by a sole source provider and the project will not have to be bid out. Funds for this project will come from the Boat Ramp Fees Fund.

### **New Business –**

#### *Covid 19 – Mayor Buzzett*

There will be no mandates at the present time. Mayor Buzzett encouraged everyone to follow the CDC Guidelines, be safe, and wear masks.

#### *RFQ 2021- Rebid of Workforce Housing Public / Private Partnership*

Jeff Sharky and Michael Snodgrass of HP Capital Partners, and Greg Dodge of Royal American shared with the Commission about their respective companies.

A Workshop will be held on Tuesday, September 14, 2021, at 3:30 P.M. for a review of the bidders and their proposals.

*CDBG-DR Phase II Applications / Task Order: Road and Stormwater Repairs; Fire / Police Facility*

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the CDBG -DR Phase II Application Task Order, not to exceed a total of \$10,000, for the Road and Stormwater Repairs and a new Fire / Police Facility. All in favor; Motion carried 5-0.

*Statewide Mutual Aid Agreement*

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to approve the Statewide Mutual Aid Agreement. All in favor; Motion carried 5-0.

*Long Avenue Change Order #2*

A Motion was made by Commissioner Hoffman, second by Commissioner Lowry, to approve the Long Avenue Change Order Number 2 in the amount of \$21,000. All in favor; Motion carried 5-0. Mr. Grantland explained that this Change Order was necessary to remove 4" C.I. laterals through storm drain inlets with 6" PVC sleeves and install laterals and seal ends. There is a total of 7 laterals at a cost of \$3,000 each.

*Collections Contract Renewal*

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to renew the Collections Contract with Gulf Coast Collection Bureau, Inc., in the amount of 25% of amount collected and 50% of the amount collected when legal action is taken. There are no changes in the contract from last year. All in favor; Motion carried 5-0

**Public Works – John Grantland**

Mr. Grantland did not have any updates for the Commissioners.

Mayor Buzzett expressed his appreciation to Mr. Grantland and the Public Works Department for their work yesterday with Tropical Storm Fred.

**Surface Water Plant – Larry McClamma**

Mr. McClamma shared that a Class A Operator has resigned and will be working for Gulf County.

**Wastewater Plant – Kevin Pettis**

Mr. Pettis noted that 4.5 million gallons were received by the plant yesterday, there has been 7" of rain in the last few days, the pump is working, the needed parts are hard to get, there is 9" of freeboard in the pond, and they are pumping well. He has not received anything from FL DEP on his Consent Order extension request for Permit Effluents. The pond needs more time to settle before the total suspended solids are reduced.

**Finance Director – Mike Lacour**

*Request to Bid FRDAP Grants: Washington Gym Complex and Forest Park South*

A Motion was made by Commissioner Langston, second by Commissioner Ashbrook, to advertise for outdoor exercise equipment for the Fitness Stations and concrete work.

Christy McElroy expressed her concerns about the equipment, stated that people from her street need to be on the FRDAP Committee, and asked that common sense be used.

Mr. Lacour will look into the options for equipment and noted all equipment is body weight equipment.

**Code Enforcement –**

Mr. Anderson shared that grass continues to be an issue and asked that residents cut their grass.

## **Police Department – Chief Richards**

Chief Richards did not have any updates for the Commission.

Mayor Buzzett asked that people crossing the barriers in the park area be given a ticket as Public Works has worked to preserve the park from trucks and trailers. The areas are clearly marked and should not be crossed.

## **City Clerk – Charlotte Pierce**

### *Grants Update –*

Staff continues to work with our grant writers, the Ferguson Group, on the availability of grants for the City.

### *Centennial Building and Lighthouse Complex Grant Administration Contracts*

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the contracts with Liberty Partners of Tallahassee, LLC for grant management of the Centennial Building and Lighthouse Complex Grants. All in favor; Motion carried 5-0.

### *Ghosts on the Coast*

Consensus of the Commission was to talk with the Chamber to see if the merchants would like to have Ghosts on the Coast this year. The City will not have the Costume Contest this year because of Covid and Halloween falls on Sunday.

## **Citizens to be Heard –**

*Marvin Davis* asked about the roof area between the Washington Museum and Workforce Board area.

John Grantland responded that this has been checked by the building inspector, the meter is an outside apparatus, it is acceptable, and funds are being allocated in the upcoming budget to replace the meter.

Mr. Davis shared his concerns about Covid – 19 and people wearing masks.

Commissioner Hoffman reminded Mr. Davis that the Commission had strongly encouraged people to wear masks and noted the pushback that was received from business owners. He noted the lack of vaccinations is an issue, schools do not require masks in class, for sports, or events, and the governor does not allow for the mandating of masks.

Mayor Buzzett responded that people should follow the CDC Guidelines, get vaccinated, and noted the City could put more signs out asking people to wear masks.

*Christy McElroy* asked if an early Amnesty Day could be held and if pickup of debris from TS Fred could be arranged.

## **Discussion Items by Commissioners**

*Commissioner Ashbrook* did not have anything else to discuss with the Commission.

*Commissioner Lowry* did not have any more updates for the Commission.

*Commissioner Langston* asked about a Splash Pad for the City and requested that the Building Department be in attendance at the next meeting as he would like information as to why it takes so long to get a permit.

*Commissioner Hoffman* requested that Code Enforcement address the unsightliness of the concrete plant across from the Courthouse. He shared that a number of Splash Pads have been provided through Legislative Budget Requests and asked that the City consider making that a request.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lowry Brett Charles</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners
MAILING ADDRESS <i>134 Gulf Coast Cir.</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>8/17/2021</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 C. Lowry, hereby disclose that on Aug 17<sup>th</sup>, 2021:

(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, New;
- 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:

I have a business relationship with the 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.

Aug 17<sup>th</sup>, 2021  
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.

Mayor Buzzett referenced the letter from County Administrator Michael Hammond regarding the Utility Service Area Ordinance and requested that he be allowed to work with Staff and legal counsel to respond to the letter. There were no objections to Mayor Buzzett participating in the preparation of the response.


**Motion to Adjourn –**

There was no other business to come before the Commission and Mayor Buzzett adjourned the meeting at 1:35 P.M.

Approved this 7<sup>th</sup> day of September 2021.

  
\_\_\_\_\_  
Rex Buzzett, Mayor

9/7/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

9/7/21  
\_\_\_\_\_  
Date