

**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, OCTOBER 19,  
2010 AT 6:00 P.M.**

The following were present: Mayor Magidson, Commissioners Gingell, Johnson, Stephens and Buzzett. City Manager Charlie Weston, Attorney Russ Scholz and City Clerk Jim Anderson were also present.

**Consent Agenda:**

**Spirit Award:**

Obie Evans President of the Dixie Girls Softball League presented the Gordon Hobbs Award to the Port St. Joe League for showing the type of spirit that Dixie Girls Softball should represent. The award was accepted on behalf of the local league by Angel Burkett.

**Minutes:**

Motion by Commissioner Johnson, 2<sup>nd</sup> by Commissioner Buzzett, to approve the Minutes for the September 7, 2010 Public Hearing, September 28, 2010 Workshop and the October 5, 2010 Regular Meeting. All in Favor; Motion carried 5-0.

**City Attorney, Russ Scholz:**

**Ordinance 456 Golf Carts:**

Ordinance 456 Repealing Section 11 and changing the definition of golf cart in the Golf Cart Ordinance.

Commissioner Buzzett asked, "Will the new definition of "Golf Cart" in the proposed Ordinance effect our new multi-use path?"

Mayor Magidson Responded, "We still need to decide if we are going to allow golf carts on the multi-path."

Motion by Commissioner Johnson 2<sup>nd</sup> by Commissioner Gingell to have the 1<sup>st</sup> reading of Ordinance 456. Motion carried 4-0. Commissioner Stephens abstained from voting (See attached voter conflict form).

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Johnson, to advertise Ordinance 456. Motion carried 4-0. Commissioner Stephens abstained from voting (See attached voter conflict form).

**Voter Conflict Form:**

Attorney Scholz noted that Commissioner Stephens abstained from voting at the October 5, 2010 in reference to the golf cart ordinance due to being employed by St. Joe Rent All who currently sells golf carts and desires to rent golf carts.

**City Manager, Charlie Weston:**

**BP Legal Council:**

Mr. Weston indicated that City Staff was asked to talk with several leading law firms about possible legal representation. Attorney Gibson met with three law firms. His memo is on the agenda tonight for discussion.

Commissioner Johnson asked, "Isn't it time for a decision?"

Mayor Magidson responded, "Yes, I think that is why Mr. Gibson has provided a memo to the Board." Longman unfortunately would require upfront money. He believes both Beasley, Allen and Nicks Patterson are equally qualified, but likes what he heard from Nix, Patterson better."

Commissioner Stephens asked, "Will hiring Nix, Patterson cost the City any money?"

Mayor Magidson responded, "No, Nix, Patterson will work on a contingency."

Commissioner Johnson noted that it's his understanding that documents needed by the law firm from the City Attorney or Engineering Firm will be paid upfront by the law firm with no out of pocket cost to the City.

Commissioner Stephens asked, "Will this be in writing?"

Mayor Magidson responded, "Yes, we will have a contract."

Motion by Commissioner Johnson, 2<sup>nd</sup> by Commissioner Gingell, to engage Nix, Patterson to represent the City in reference to filing a BP Claim. Motion carried 4-0. Commissioner Buzzett abstained from voting. (See attached voting conflict form).

### **Chamber of Commerce Events:**

#### **Ghost on the Coast:**

Sandra Chafin from the Chamber met with the City last week to finalize the plans for the event to take place on October 30<sup>th</sup> from 5-8 P.M. on Reid Ave.

Commissioner Johnson would like to do something to get the word out about the event.

Mrs. Chafin indicated that the TDC has provided funding for advertising and encourages everyone to attend the event.

#### **Christmas Parade:**

Mrs. Chafin noted that Mr. Weston has a great idea for the event at the new Sands Hills Pond Park. The event is scheduled for December 4<sup>th</sup>.

The lighted boat parade is scheduled for December 11<sup>th</sup>.

Commissioner Gingell is concerned about using Sand Hills Pond Park with no lighting.

Mrs. Chafin realizes that we have some challenges and plans to meet again with the City.

Mr. Weston thinks that we can do some really unique things at the new park. We may need to start small this year. He would like the Commission to think about ideas they may have for the event.

Mrs. Chafin thanked the City for all of their support for the Chamber of Commerce.

Mr. Weston asked if the City could purchase \$50 in candy for Halloween and indicated that it was totally up to the Commission.

Commissioner Buzzett wants to purchase the candy, but would like to find private donations and he is willing to help.

**CVS Timeline:**

The PDRB has held a workshop to review the CVS Plans and it went well. The PDRB will meet again on November 2<sup>nd</sup> to make a recommendation to the City Commission the same night.

**CIP Plan:**

The City has a requirement to update its CIP Plan each year by December. A memo has been provided to each Commissioner as a recap. The PDRB will also have to review and give a recommendation for approval of the CIP Plan.

**Public Works, John Grantland:**

**Buzzards:**

Mr. Grantland indicated that we have had successful results from hanging the effigy at the water tower to remove the buzzards.

Commissioner Gingell asked, "How long does the effigy have to stay on the water tower?"

Mr. Weston responded, "It will have to stay permanently."

## **Surface Water Plant, Glenn Davis:**

### **Emergency Generator Capability:**

Mr. Davis noted that on August 13<sup>th</sup> a fire disabled the ability to utilize the emergency generators at the Waste Water Treatment Plant. The insurance adjuster has been onsite and we are prepared to go out for bid to make the repairs.

Motion by Commissioner Johnson, 2<sup>nd</sup> by Commissioner Gingell, to proceed with the bid request for Emergency Generator Capability. All in Favor Motion carried 5-0.

### **Headworks and Sprayfield:**

Mr. Weston indicated that the City has been pre-approved for \$8.8 Million in funding for both projects, of which up to 62% could be in the form of a forgiveness loan. At this point, he would like permission to go out to bid on both projects and then start the loan application to save time.

Commissioner Johnson asked, "How large are the bid documents?"

Mr. Weston noted that they have been prepared by Preble-Rish and are lengthy.

Commissioner Johnson noted that he will go along with the bid, but would like to read the documents.

Motion by Commissioner Stephens, 2<sup>nd</sup> by Commissioner Johnson, to go out to bid for the construction of the Headworks and Sprayfield project. All in Favor; Motion carried 5-0.

### **Drinking Water Distribution Point:**

The water distribution point is now up and running.

### **Flushing:**

Mr. Davis indicated that approx. 5.5 million gallons were used last year for flushing.

Commissioner Buzzett thanked Glenn and his staff for entertaining his questions on a recent visit to the water plant. Staff is working hard in the lab and we need to be patient because the formula can't be changed overnight.

**City Engineer:**

**Multi-Use Path:**

Mr. Kennedy feels that discussion is need on signage and safety. The contractor is currently working on the lighting and a landscaping plan has been sent to the School Board for review. It appears that about \$30K will be available for a last change order on the project.

Commissioner Gingell asked, "Will striping be placed on the road to warn drivers of pedestrians?"

Mayor Magidson responded, "Yes signage and cross striping will be placed on each road."

Mr. Weston noted that he has received a change order on the project today.

Mr. Kennedy noted that the Change Order is for two additions to the path. 1) A connector from 20<sup>th</sup> Street to Garrison Avenue including a new bridge on 20<sup>th</sup> Street. 2) Replacement of the concrete path on 22<sup>nd</sup> Street heading toward the Episcopal Church.

Mr. Weston noted that the cost of the change order is \$144,257 with a completion date around Thanksgiving. At this point we also need go back and make sure we have the right public safety signs. Please let him know if you have a request for the path.

Commissioner Buzzett indicated that we still need to decide if golf carts will be allowed on the path.

Commissioner Johnson is concerned about having the project completed by Thanksgiving if we don't approve the change order.

Mr. Kennedy has talked with the contractor and it shouldn't be a big change order.

Commissioner Gingell would like to see the big yellow arm at the entrance to the Benny Roberts Park removed on 10<sup>th</sup> Street.

Mr. Kennedy agrees it could be a safety issue.

Mr. Benny Roberts noted that was used to stop traffic that was entering the park.

Chief Barnes indicated that it will be a problem during ball season that we will need to address.

Commissioner Gingell noted that if the arm stays, we need to have the ability to lock it open.

Chief Barnes indicated that the arm will need to go, but he has some ideas to keep cars out.

### **Flushing:**

Zone 3 has been flushed and staff feels that we had very good results. Some people still may have problems. Also discovered was a water line that we didn't know existed. He recommends flushing zone 4 next week. We have a lot of new data and have seen some really bad water. He also feels that after the next flushing cycle we need to test the water quality.

### **Flushing Model:**

Mr. Kennedy noted that when items are found that don't allow for us to flush properly it automatically goes into the flushing model. A big part of the problem we feel is the City has not had a unilateral flushing program. The model will show dead zones in the system and he encourages anyone that is having problems with bad water to contact him. The more information we have, the better the output.

Commissioner Buzzett indicated that he talks with people daily about their water quality and calls Mr. Kennedy with problem locations.

Commissioner Johnson asked, "How long will it take to go back and flush throughout the City after zone 4?"

Mr. Kennedy responded, "About 6 weeks."

Mr. Weston hopes to have the City flushed (2) times by the end of the year.

**Code Enforcement, Richie Burkett:**

No Update

**Police Department, Chief Barnes:**

Chief Barnes indicated that we started using big reflective numbers on the golf cart permits last year. To date we have not received one call with the number of a cart with the complaint. Nowhere in the City can a child be allowed to drive a golf cart except on private property. If a cart hurts themselves or others, the parents could be charged with negligence.

**Grants, Charlotte Pierce:**

Mrs. Pierce gave a summary of grant activities for the last two week to the Board for review.

**PSJRA, Matt Flack:**

**Highway 98 Paving Project:**

Mr. Fleck noted that the paving is virtually complete and the striping should begin next week. The Tourist Oriented Directional Signage is ready for installation as well, starting with the one to be placed in front of McDonalds.

He has had several comments/concerns about traffic flow. He recommends working with Mr. Weston and having a meeting with DOT. DOT has been very cooperative up until the last few weeks.

Mayor Magidson asked, "Did you discuss Monument Avenue to Highway 98."



Mr. Fleck responded, "Yes, I think it's a significant traffic safety issue and believes that it was an oversight by DOT."

**Citizens to be heard:**

**Christy McElroy:**

Ms. McElroy doesn't believe that the new multi-path should allow for golf carts. She asked, "Is the City responsible for the boat staging signs at the boat ramp?" "Is the City going to replace them with permanent signage?"

Mr. Weston responded, "Temporary signage was placed at the boat ramp to see if they would work."

Ms. McElroy believes that the staging signs work well and are a good practice.

Mayor Magidson noted that we tried the signs during the summer which is peak usage for the boat ramp.

Ms. McElroy asked, "What is the box used for that is attached to the fire hydrant at the corner of 16<sup>th</sup> Street and Woodward Avenue?"

Mr. Davis responded, "It's an automatic flusher."

Ms. McElroy asked, "Do you have any loan expectations?"

Mayor Magidson responded, "We are making our regular payments."

Ms. McElroy asked, "Will you let the citizens know if you have any issues with making loan payments?"

Mayor Magidson responded, "Yes."

Ms. McElroy asked, "Do you have any new grants for the water distribution system?"

Mr. Weston responded, "The Flushing Model that is being built will identify the construction cost. The earliest we could receive funds would be in the fall of next year."

**Benny Roberts:**

Mr. Roberts listened to the last Commission Meeting about Barrier Dunes and become upset. We are supposed to have 400 people connected to the Cape Sewer Line, but a lot of people have not hooked up. He feels responsible because we set the price of \$4,000 per house if you signed up early and \$6,000 if you didn't sign up. I assume all of you have read the contract. "What will it cost each unit at barrier Dunes to hook up to sewer?" It will cost \$703.13 for each unit, this upsets me. You are selling sewer taps to Barrier Dunes for \$703.13 and it cost \$2,600 on Marvin Avenue. Bare Foot Cottages paid \$5,000 per hookup for water and sewer. If you would have kept the same rates, \$1,536,000 would have been collected. We are giving Barrier Dunes a \$180K grant, when we have bad water. He resents using his taxpaying dollars to subsidize Barrier Dunes.

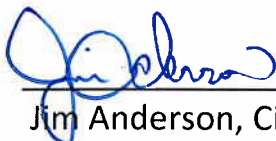
**Commissioner Comments:**

Commissioner Gingell still wants to do something with the event signage. She is not sure of the process, but we need to review our options.

Mayor Magidson responded, "Yes, we need to address it."

Motion by Commissioner Stephens, 2<sup>nd</sup> by Commissioner Gingell, to adjourn at 7:37 P.M.

Approved this 2<sup>nd</sup> day of November 2010.

  
\_\_\_\_\_  
Jim Anderson, City Clerk

  
\_\_\_\_\_  
Mayor Magidson



**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, Charles H. Stephens Sr., hereby disclose that on October 19, 20 10 :

(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, St. Joe Rental, Owner Phil Early ;
- 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 organization or subsidiary of a principal which has retained me.

) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The City Commission voted to direct the City Attorney to amend the Golf Cart Ordinance that would allow for the rental of golf carts. I'm currently employed at St. Joe Rental, who currently sales golf carts and would like to rent golf carts.

\_\_\_\_\_  
Date Filed

Charles H Stephens Sr  
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.