

**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, JANUARY 4, 2011
AT 6:00 P.M.**

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

Consent Agenda:

Minutes:

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to approve the December 1, 2010 Special Meeting Minutes. All in Favor; Motion carried 5-0.

City Attorney, Tom Gibson:

Ordinance 465 Repeal of Chapter 10:

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to have the 2nd reading of Ordinance 465. All in Favor; Motion carried 5-0.

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to adopt Ordinance 465. All in Favor; Motion carried 5-0.

McDaniel Lawsuit:

Attorney Gibson noted that he has been contacted by Tim Warner about changing the Executive Session Meeting to February 24, 2010. Mr. Gibson will notify the Board once the time has been determined.

City Manager, Charlie Weston:

Workshop Schedule:

Mr. Weston noted that the Workshop on January 18, 2010 will be a preliminary discussion on Overnight Parking, Service Ready Fees and Grinder Pump Fees. Staff will prepare options for the Commission to consider at the Workshop.

Langston Drive:

Mr. Weston indicated that the DEP Permit was received today and a meeting is scheduled tomorrow to determine the timeline for construction.

Commissioner Buzzett asked, "What kind of elevations will the road have?" We don't want to have the same issue with erosion that we have on Zola Maddox Drive.

Bill Kennedy responded, "Approx. 1" above grade up to 18".

Commissioner Gingell asked, "Isn't the Redevelopment Agency involved with sidewalks?"

Mr. Fleck responded, "Yes, we have \$8,000 committed to the project for sidewalks and sod."

North Florida Child Development – Sharon Gaskin:

Jim McKnight indicated that he could not secure the requested Performance Bond. He suggested that he may be able to secure a line of credit from a bank in the amount of \$65K, but doesn't have a firm commitment from the bank to cover possible job loss as required for one year. The line of credit will amount to about two jobs.

Commissioner Johnson asked, "Will the letter of credit back-up a hold harmless?"

Attorney Gibson responded, "Yes."

Mayor Magidson noted that he is comfortable with this option. NFCD currently has twenty-six jobs, which means they would have to lose nine jobs to be affected.

Commissioner Gingell asked, "Who is your bank?"

Mr. McKnight responded, "Vision Bank."

Commissioner Johnson noted that the letter of credit should be for a specific term. He suggests twenty-four months or at the time the Certificate of Completion is issued.

Commissioner Gingell asked, "What about current ratings?"

Commissioner Johnson noted this is as good as it is going to get.

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to substitute a Letter of Credit in the amount of \$65K for the Performance Bond for a period of twenty-four months. All in Favor; Motion carried 5-0.

Commissioner Johnson wants everyone to understand that we do have a contingent liability.

Mayor Magidson responded, "We have done about as good as we can."

Regions Loan Update:

Mr. Weston noted that we have locked in our loan at a rate of 3.25% for five years. The final details for setting up our required account with Regions bank for \$500k should be completed on Friday.

Training Discussion:

Mr. Weston would like to have continuous training for staff to include technical training for at least two hours once a month. He would also like for topics such as Workers Compensation and Sexual Harassment to be reviewed.

Public Works, John Grantland:

No items to update.

Surface Water Plant, Glenn Davis:

Awarding of Bid #2010-006 Emergency Generator Capability:

Mr. Weston informed the Commission that we have received two bid proposals the Emergency Generator Capability at the Waste Water Treatment Plant. City Staff and Engineer recommend awarding the bid to Current Solutions in the amount of \$37,000.

Commissioner Stephens asked, "Does this bid from Current Solutions include everything?"

Mr. Kennedy responded, "Yes, Philip Jones has reviewed the bid proposal."

Motion by Commissioner Stephens, 2nd by Commissioner Gingell to award bid #2010-006 Emergency Generator Capability to Current Solutions in the amount of \$37,000. All in Favor; Motion carried 5-0.

Update:

Tracie Norwood noted that staff has completed another round of jar testing and PAC looks very promising.

Commissioner Buzzett asked, "Have we received the test results back from CDM Engineering?"

Ms. Norwood responded, "Yes, a report has been generated, but they have asked for additional information."

Mr. Kennedy indicated that CDM will need a copy of the Water Model which is complete. This should be all the data CDM will need.

Mr. Weston noted that we probably need to have a workshop in February on the Water Plant.

Commissioner Buzzett responded that he thought we are going to have a Workshop every six weeks on the Water Plant.

Commissioner Stephens asked, "Are more people utilizing the Water Distribution Point?"

Ms. Norwood responded, "No, very little activity."

Mr. Kennedy noted that the construction plans for the Water Distribution System will be done by the end of the month.

Cape Sewer Phase III:

Mr. Kennedy informed the Commission that the project is ready to begin next week.

Sewer Discharge Regulations:

Commissioner Buzzett asked, "Are we joining any suits against DEP in reference to the more stringent discharge requirements?"

Ms. Norwood responded, "No, we don't have any plans to join the suit at this time. The Florida Rural Water Association could possibly file suit."

Code Enforcement, Richie Burkett:

Uninhabitable structures requiring demolition:

Mr. Burkett indicated that we have eleven structures classified as uninhabitable. One is being torn down this week and ten are being assessed fines.

Mayor Magidson asked, "Which one is being torn down?"

Mr. Burkett responded, "231 Avenue B"

Mayor Magidson has had numerous calls concerning the structure at 115 Robbins Avenue. He thought the owner was paying for the demolition once the settlement with Joe Co. was complete. Something needs to be done.

Mr. Burkett will contact the owner's attorney tomorrow.

Commissioner Johnson asked, "At what point can we start accessing fines?"

Attorney Gibson responded, "Once the Special Master has made a ruling."

Mr. Weston would like for the City to start planning for removal of structures and budget for them next year.

Commissioner Johnson asked, "Do we have to foreclose on our lien?"

Attorney Gibson responded, "No, but it's just like foreclosing the property. If no one bids on the property, we will get ownership."

Mayor Magidson asked, "Have we gotten any feedback from the property owners?"

Mr. Burkett responded, "No, just the one at 239 Ave B that is currently under demolition."

Mr. Weston noted that a lot of items have to be addressed before demolition can take place, such as a Title Search.

Commissioner Gingell asked, "Shouldn't a fence be required around the CVS construction site?"

Mr. Burkett responded, "I will talk with the building inspector tomorrow."

Police Department, Chief Barnes:

No Update

Grants, Charlotte Pierce:

Mrs. Pierce provided the Board with a report of grant activity for the past two weeks.

Mrs. Pierce also noted the Health Fair is scheduled for January 5, 2011 from 8:00-3:00 at the Centennial Building.

PSJRA, Matt Flack:

Mayor Magidson asked Mr. Fleck for an update on the Landscape Project.

Mr. Fleck responded, "The DOT will not fund the parking lot on Hwy 98 through the JPA, but they will allow us to use the \$18K in another location. We are exploring the possibility of a Phase II on Hwy 71 and we have three months to determine the scope of work.

Commissioner Johnson asked, "How long did the sod for the multi-path stay on the ground before it was laid?" He had heard that it was stored for over three weeks.

Mr. Kennedy will review the sod.

Mr. Fleck indicated that we had a glitch last year with banners and the new Sign Ordinance. The PSJRA Board has asked to meet with the City Attorney to determine what can be done to clear it up. The Sign Committee had no intention of disallowing banners.

Attorney Gibson indicated that it will be pretty simple to fix. We could allow banners if they have been approved by DOT.

Commissioner Gingell asked, "Can we clean-up directional and yard signs as they pertain to the Ordinance and can we fine those that don't remove the signs?"

Mr. Fleck feels that the Sign Ordinance covers directional and yard signs. The issue is testing enforcement and Code Enforcement has that ability.

Mr. Burkett noted that he does pickup the signs.

Commissioner Gingell asked, "Should we issue fines or do we just clean-up behind people? I'm not opposed to the signs as long as they come down after the event."

Attorney Gibson noted that if you allow signs for yard sales the business owners are going to want signs as well. He feels that collecting the signs is the answer.

Mr. Weston indicated that we are working on the possibility of a LED Sign in a common area to advertise events. He would like to have a workshop to discuss several issues pertaining to signs.

Mayor Magidson suggested having a common area to post yard sale signs.

Mr. Fleck would like to address this one Festival Banner issue and continue to review the Sign Ordinance.

Commissioner Stephens asked, "Are the turn lanes complete on Hwy 98?"

Mr. Fleck responded, "We did look at the possibility of an additional turn lane in front of CVS, but the turn lane for traffic coming in the opposite direction takes precedence."

Commissioner Stephens also asked the Police Department to take a look at the traffic flow on Hwy 98.

Chief Barnes responded, "We will review the traffic flow on Hwy 98."

Citizens to be heard:

Tan Smiley addressed the Commission. He noted that he was attending as a citizen and not as a County Commissioner. He has had a lot of complaints about water bills and sometimes we have to cut back. He also noted that we have two law enforcement departments in the City. Our crime rate is down and it's not like St. Joe is full crime. He disagrees with giving tickets for things like turning right on red at First Street. Mr. Smiley agrees that some of the houses presented by code enforcement for demolition need to be cleaned up, but the owners can't afford it. We don't hear about these problems in the City of Wewahitchka. The City needs to start cutting jobs at the top, not the people making \$13 or \$14 an hour. It's about working together and putting personal feelings to the side. If the City and County get together, we can solve these problems. Things are tight, but he has no doubt in his mind we could combine law enforcement departments and save money. We also have two building inspectors in Port St. Joe.

Mayor Magidson attributed the number of law enforcement officers we have on staff is the reason for our low crime rate.

Commissioner Johnson indicated that we need to look at ways to save money, but tonight is not the time. We have tried to meet with the County, maybe with the new County Commissioners things will change.

Mayor Magidson noted that Commissioner Williams had brought up one specific issue to discuss and that was Water Rates.

Mr. Smiley responded, "Let's get together for the peoples' sake."

Chief Barnes noted that as a citizen, "I think we are working well with the citizens to keep them safe."

Commissioner Comments:

Commissioner Johnson would like to review the "No Right Turn" on red at the Intersection of First Street and Hwy 98. He thinks the sign should be changed to "Use Extreme Caution."

Commissioner Gingell indicated that she thought the "No Turn on Red" was a recommendation from DOT.

Commissioner Johnson responded, "No."

Chief Barnes noted that we created the sign. We had four bad wrecks at the intersection and none since the sign has been in place. Currently, sixty-one seconds is the longest anyone would have to wait for the light to change.

Commissioner Johnson indicated that First Street and Hwy 98 is the only intersection that someone can't turn right on red.

Commissioner Stephens noted that he can't go along with changing the sign.

Chief Barnes indicated that the sign is for public safety.

Commissioner Johnson requested that the issue of "No Turn on Red" at the intersection of First Street and Hwy 98 be placed on the next Commission Agenda.

Commissioner Stephens would like to invite the EDC to give the Commission an update at the next City Commission Meeting.

Motion by Commissioner Gingell, 2nd by Commissioner Stephens, to adjourn at 7:18 P.M.

Approved this 18th day of January 2011.



Jim Anderson, City Clerk



Mayor Magidson