

January 3, 2012

Public

Regular Public Meeting  
6:00 p.m.

Commission Chamber  
City Hall  
Port St. Joe, Florida



## City of Port St. Joe

Mel Magidson, Mayor-Commissioner  
Bill Kennedy, Commissioner, Group I  
Bo Patterson, Commissioner, Group II  
Lorinda Gingell, Commissioner, Group III  
Rex Buzzett, 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**

**Regular Public Meeting  
6:00 p.m.  
City Hall  
Commission Chamber  
Tuesday January 3, 2012**

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**Call to Order**

**Consent Agenda**

**Minutes**

- **December 20, 2011 Workshop Meeting Minutes** **Pages 1-3**
- **December 20, 2011 Regular Meeting Minutes** **Pages 4-12**

**City Attorney**

- **Capital Improvements Ordinance 475** **Pages 13-49**
  - **1<sup>st</sup> Reading**
- **PDRB Membership Ordinance 476** **Page 50**
  - **2<sup>st</sup> Reading & Consideration of Adoption**
- **Gulf Citizens for Clean Renewable Energy, Inc- Lawsuit**

**City Manager Report**

**Old Business:**

- **Centennial Building Acoustics**
- **City Manager Search**

**New Business:**

- **Municode –Quote for City Code Update** **Pages 51-55**
- **WindMark Developments of Regional Impact (HB 7207)** **Page 56**
- **Website- Update**
- **City Audit- Update**

**Public Works**

- **Update**

**Surface Water Plant**

- **Update**

**Waste Water Plant**

- **Update**

**City Engineer**

- **Headworks and Sprayfield Project- Update**

**Code Enforcement**

- **Building Demolition- January 9, 2012**

**Police Department**

- **Update**

**Grants**

- **Update**

**PSJRA**

- **Update**

**City Clerk**

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**MINUTES OF THE WORKSHOP MEETING OF THE BOARD OF CITY  
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD  
IN THE COMMISSION CHAMBERS AT CITY HALL, DECEMBER 20,  
2011 AT 5:00 P.M.**

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

**Proposed Observation Tower to be located at the Billy Joe Rish Parking Lot:**

Ms. Gail Alsobrook, Director of the Port St. Joe Redevelopment Agency gave a presentation to the City Commission as a follow-up to the workshop on December 6, 2011. The main concerns from the last meeting were the size of the tower, maintenance, security and liability.

Ms. Alsobrook provided the Commission with an updated scale study of the proposed tower and indicated that the original 18' base is needed for the structure. She has also spoke with Sandra Chafin at the Buffer Preserve who indicated that their Observation Tower is open 24 hrs a day.

Commissioner Buzzett asked, "Are we exempt from ADA accessibility?"

Ms. Alsobrook noted that she has received different opinions. Some feel we are exempt, but she suggested a Web Cam for reasonable accommodations.

Commissioner Gingell indicated that it's a big tower. She not sure that it's in the right location; it may be better suited closer to the water. Is it going to look like an eyesore?

Commissioner Kennedy is not opposed to the tower, but doesn't get the concept.

Ms. Alsobrook responded, "Yes, you will see some roof tops, but you would also have some spectacular views. We want people to get excited and stop to recognize there is a City here.

Commissioner Buzzett asked, "Do we have any alternatives?"

Bill Reed, PSJRA Board Member, thinks that if you move the tower closer to the water, we will lose a lot of customers. The tower will put the City on the map.

Boyd Pickett, PSJRA Board Member, indicated that we are trying to brand the City. Several years ago the tower image became part of our brand. He plans to construct a building next door to the proposed tower site and none of the towers he has reviewed are ADA Compliant.

Eric Davidson noted that any structure built for the public has to be ADA Compliant. ADA compliance for a City v/s a park is completely different.

Attorney Gibson doesn't feel that the City has a lot of risk in building the tower in reference to ADA Compliance, if so we can add a Web Cam at a later date.

Commissioner Buzzett noted that the size is pretty much set if the Switch Back Stairs will require a 10' top platform. He hasn't come full circle on the size, but has softened after seeing the work and passion for the project.

Ms. Alsobrook asked, "Does the City Commission need to vote on the Observation Tower?"

Attorney Gibson responded, "No, if it's in the PSJRA Budget."

Willie Ramsey, PSJRA Board Member, noted that they will keep in communication with the City Commission throughout the process of the Observation Tower construction.

Commissioner Kennedy asked, "What will the Observation Tower roof be constructed of?"

Ms. Alsobrook indicated that the Observation Tower will have a galvanized roof similar to the construction of the Tourist Development Building.

Mayor Magidson joined the meeting at 5:25 P.M.

Ms. Alsobrook noted the PSJRA will move forward with the engineering of the Observation Tower.

The workshop was adjourned at 5:26 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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

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Jim Anderson, City Clerk

**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, DECEMBER 20,  
2011 AT 6:00 P.M.**

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

**Consent Agenda:**

**Minutes:**

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Gingell, to approve the Minutes for the November 15, 2011, Regular Meeting; December 6, 2011, Workshop Meeting and the December 6, 2011, Regular Meeting with the corrections. All in Favor; Motion carried 5-0.

**Regular Agenda:**

**City Attorney:**

**Ordinance 474, Repeal of local Fire Arms Ordinance:**

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Kennedy, to have the 2<sup>nd</sup> reading of Ordinance 474. All in Favor; Motion carried 5-0.

Motion by Commissioner Gingell, 2<sup>nd</sup> by Commissioner Kennedy, to adopt Ordinance 474. All in Favor; Motion carried 5-0.

**Ordinance 476, Planning & Development Review Board Membership:**

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Patterson, to have the 1st reading of Ordinance 476. All in Favor; Motion carried 5-0.

**Road Abandonment Request, Susan Wright:**

Attorney Gibson indicated that the City has received a request to abandon a portion of Sixth Street on the East side of Woodward Avenue. This portion of Sixth Street has never been paved and this would not be an uncommon action for a City. The two affected property owners have also agreed to give the City an easement.

Commissioner Kennedy noted that drainage should also be considered and we should not allow for a change in the design.

Mayor Magidson is in favor of the abandonment, but asks that the cost associated with the abandonment be paid by the homeowners.

Motion by Kennedy, 2<sup>nd</sup> by Commissioner Gingell, to approve the request to abandon a portion of Sixth Street on the East side of Woodward Avenue. All in Favor; Motion carried 5-0.

**Gulf Pines Hospital Zoning Change:**

Commissioner Buzzett asked for an update on the proposed zoning change.

Attorney Gibson noted that a zoning change and a Land Use Map Amendment will be required for the property. It will probably be on the January 17, 2012 Agenda.

**City Manager, Charlie Weston:**

**Centennial Building Acoustics:**

Commissioner Buzzett noted that no plans have been found in reference to Acoustic upgrades. He strongly feels that the acoustics need to be upgraded especially since the building is utilized for meetings and would like to go out for a Request for Proposals.

Commissioner Kennedy asked, "How would you quantify which bid would be successful?"

Commissioner Buzzett indicated that we need to do our homework.



Commissioner Kennedy asked, "Would it be possible to get a professional from a University to assess the building?"

Mr. Weston noted that he tried to contact someone once before without much luck.

Commissioner Buzzett will contact Florida State University to see if they have someone that could help.

**Gulf Citizens for Clean Renewable Energy, Inc.- Request to rescind the Rentech Development Order:**

Commissioner Gingell asked, "Do we have any grounds to rescind the Rentech Development Order?"

Attorney Gibson responded, "They have told us they are not going to do it."

Mayor Magidson noted "I don't know how to answer your question, the fact that they have announced they are not going to do it, may render it moot." He cautioned taking any action until we review the lawsuit.

Commissioner Buzzett is concerned about the funds needed to fight a lawsuit and asked, "Would the property now being available, make the options for the proposed port more attractive?"

Mayor Magidson doesn't think the MTI property is connected to the port property, but noted that Rentech has voided the contract to purchase the MTI property. He also indicated that the Attorney Gibson has been in contact with Rentech and the plaintiffs.

Commissioner Kennedy thinks that if Rentech has pulled it plans to build, the City should avoid going to court.

Attorney Gibson indicated that one of the concerns is the plaintiffs are asking that the City pay for plaintiffs attorney fees. They have also filed a complaint with the EPA.

Commissioner Patterson asked, "Would have any legality if the City rescinds the Development Order and should we vote tonight?"

Mayor Magidson responded, "I don't think it's a good idea."

**Parking Ordinance:**

Mr. Weston noted that staff is looking for guidance to move forward on a possible parking ordinance.

Commissioner Gingell would like to allow commercial parking in City Parking Lots, but no overnight parking. She would also like to talk to the employees and convince them that it would benefit us as well not to park on Reid Avenue.

Mayor Magidson feels that the merchants should police themselves.

Commissioner Gingell would like to address the two parking lots downtown and make them more attractive and safer.

Commissioner Buzzett believes in being proactive, but doesn't want to hurt any businesses.

Commissioner Gingell indicated that we have people who are uncomfortable parking in the Hendrix Parking Lot on Williams Avenue due to the big vans in the lot.

Mayor Magidson doesn't think this is big problem right now.

Commissioner Patterson asked, "If a business doesn't have any place to park, what do we do?"

Mayor Magidson requested that Mr. Weston draft a letter to be sent to the merchant asking for the van to be moved.

**City Manager Position:**

Commissioner Buzzett noted that the City has been taking applications with no deadline. We need to set a deadline for accepting applications and help the workforce board by indicating a salary range.

Mr. Weston indicated that we have received thirty applications as of today and have several qualified applicants. The Workforce Board is prepared to screen the applications, reduce the list and provide them to the Commission for a final decision.

Motion by Commissioner Buzzett, 2<sup>nd</sup> by Commissioner Patterson, to set the deadline to receive applications as postmarked by December 31, 2011 and the set the salary range from \$75K-\$100K total compensation. All in favor; Motion carried 5-0.

**Five year CIP Plan Update:**

Mr. Weston provided a draft copy of the CIP Plan to the commission for review. The CIP Ordinance will be on the January 3, 2012 agenda for the first reading and on the January 17, 2012 agenda for consideration of adoption.

Commissioner Gingell asked, "Why are a lot of items pushed back to years four and five?"

Mr. Weston responded, "Because we need to make sure funding is available for those listed in years four and five."

**Fl. League of Cities, return on premium- Tom Conley:**

Mr. Conley noted that the Florida Municipal Trust is non-profit and self insured which enables them to return a portion of the premiums back to their customers. Over the last few years, due to no hurricanes, they have been able to return a portion to their customers and this year they are happy to return \$36,877 to the City of Port St. Joe.

**Public Works:**

Mayor Magidson asked, "Where will the next phase of flushing take place?"

Mr. Grantland responded, "We will start flushing the beaches on January 3<sup>rd</sup>."

**Surface Water Plant:**

Larry McClamma noted that the City has met the requirement and is below the maximum contaminant level (MCL) of less than 80 ug/L for Trihalomethanes (TTHMs).

**Waste Water Plant:**

Lynn Todd indicated that the City has received a minor permit modification from the state referring to the ground water monitoring wells. It indicates that the City is exempt from secondary drinking water standards.

**City Engineer:**

**Field of Dreams Road:**

Clay Smallwood, III, indicated that the project is currently waiting on Progress Energy to run the power lines.

**Water Distribution System Upgrades - Bid Recommendation:**

Mr. Smallwood noted that five bids have been received for the project. The low bid was from I-C Contractors, Inc. in the amount of \$2,487,824.67. The Bid is approx. \$240k more than the funding approval from the State Revolving Fund and so we are reviewing areas to Value Engineer. The recommendation is to award the bid to I-C Contractors contingent upon Value Engineering with the contractor and approval from SRF.

Mr. Weston has reviewed the bids thoroughly and will have a complete summary for the Commission on January 3, 2012. He is comfortable with the recommendation to award the bid to I-C Contractors.

Motion by Commissioner Kennedy, 2<sup>nd</sup> by Commissioner Gingell, to approve awarding the bid to I-C Contractors, Inc. contingent upon Value Engineering with the contractor and approval from SRF. All in Favor; motion carried 5-0.

**Madison/ Garrison Multi-Path:**

Commissioner Patterson asked for an update on the project.

Mr. Smallwood noted that he doesn't have any information on the project. Atkins Engineering Firm is the City representative.

Mr. Weston indicated that he has delivered the deadline message to Atkins.

Commissioner Gingell asked, "Are we going to replace the light bulbs on the existing multi-path?"

Mr. Grantland noted that the contractor has been notified and the lights should be under warranty.

**Code Enforcement:**

Mr. Weston noted Richie Burkett is now working three days a week and four abandoned structures will be removed on January 9, 2012.

**Police Department:**

No Update

**Grants:**

Mrs. Pierce provided the Commission with a report outlining the activity of grants for the past two weeks. She also noted that Pat Howard from Department of Economic Opportunity (formally DCA) has completed the Desk Audit for the North Florida Child Development Project with no findings or concerns.

**PSJRA:**

Gale Alsobrook indicated that the Commission agreed in the Workshop before the Regular Meeting to move forward on the Observation Tower.

