

**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 6,
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 Gingell, 2nd by Commissioner Paterson, to approve the Minutes for the November 15, 2011, Public Hearing. All in Favor; Motion carried 5-0.

Motion by Commissioner Buzzett, 2nd by Commissioner Kennedy, to table the November 15, 2011 Regular Meeting Minutes. All in Favor; Motion carried 5-0.

Regular Agenda:

City Attorney:

Ordinance 474, Repeal of local Fire Arms Ordinance:

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

City Manager, Charlie Weston:

Gulf Coast Hope Center:

Revered Joe Atkinson noted that he will be the director and was asked to reconsider the location that they were in on Reid Avenue and to obtain a Business License, which is the application that was submitted to the City about a month

ago. Is it a normal process for a Business License Application to go before the City Commission? Is every religious agency/non profit agency required to obtain a business license and is this the typical process? I'm trying to understand the process.

Mayor Magidson responded all Non Profit and For Profit organizations are asked to fill out an application. Now whether it comes before the City Commission depends if there is opposition to that application.

Matt Scoggins indicated that food and shelter is needed to create a mission. This location has no beds or soup kitchen. The location will be used for counseling sessions and sharing the Gospel. We are not trying to duplicate the services in Bay County. We are trying to empower people, not attract people.

Reverend Atkinson noted that he is asking for a license office to have a ministry office.

Mayor Magidson indicated 772 Hwy 98 Suite C will be a relatively small office between two commercial establishments. He assumes the other businesses will not tolerate loitering. He believes with a clear understanding of the business, he doesn't have a problem with the proposal.

Mr. Scoggins noted that he simply wants to better people, to be an asset to the community. He doesn't think the people coming in will be noticed anymore than people going in the Piggly Wiggly.

Commissioner Gingell has had more citizens come to see her on this issue, more than any other issue. If this was Matt Scoggin's ministry, people would understand that, but this comes in under the Panama City Rescue Mission. There is not a week goes by that we don't see some negative report on T.V. or read about it in the newspaper. The quote from the mission was "If you don't want us here, we won't be here." The perception I'm getting from my constituents is you want a toe hold in Gulf County and they don't want that to happen.

Reverend Atkinson responded, "I invite anyone to come down and visit. People have a perception of what they see on T.V."

Commissioner Gingell noted that is not what happens within the walls. It's the impact on the community around the mission.

Mayor Magidson indicated that it was his understanding that no one would be sleeping or fed at this location.

Mr. Scoggins responded, "No one will be fed or sleep at this location."

Billy Fox noted that this is a legal procedure. "Do you have legal precedence that says anyone coming for a Business License must come to the City Commission to get permission? So for you to have said you haven't seen that happen, you have to tell me why."

Commissioner Gingell indicated that the other businesses have been in accordance with our Comprehensive Plan.

Reverend Fox asked, "How are we not?"

Mayor Magidson noted that it's a zoning issue. The PSJRA has submitted a letter based on the fact that this is part of our tourist corridor and the perception of what will be created by the mission as it has been in Panama City and therefore harm businesses along that corridor.

Mr. Fox indicated that he needs to know the facts that need to be addressed properly not in a public form. "I don't see us getting equal treatment. Is there a legal precedence?"

Mayor Magidson responded, "In my humble opinion, no."

Mr. Fox asked, "Why are we being singled out? Give us the same opportunity."

Mr. Scoggins read an Insert from the United States Constitution and noted that he feels that he is not getting equal treatment. He has noted that he has talked with several State Agencies and the State says that he doesn't need a license.

Commissioner Gingell noted that this a City License and I'm repeating what I've heard from the community.

Mayor Magidson noted that Mr. Scoggins was asked to come and present a plan to the City Commission. I'm personally convinced of the plan and if it gets to the point that other problems occur, we will deal with it. I personally don't feel we have a reason to deny this license.

Commissioner Buzzett asked, "Will you agree not to provide food and shelter in that building?"

Reverend Atkins responded, "We will not provide food and shelter in that location."

Mrs. Dianna Burkett noted that a lot of what they are offering is already here. I would like to meet with them. I'm just saying there is no need to duplicate serves.

Reverend Atkinson indicated that the last thing they want to do is bring a problem to this City.

Steve Sheridan noted that according to the State of Florida, we have zero homeless people in Gulf County. This begs the question of why they want to come to Port St. Joe. I've got to believe they want to get a foot hold in Port St. Joe. This will burden government and deteriorate our neighborhoods. Mr. Sheridan noted that the City has a Nuisance Ordinance and the damage this could do to its citizens. He also indicated that Daytona Beach & Orlando have created ordinances preventing these types of organizations.

Christy McElroy noted that historically we have discussed this issue and the citizens have spoken. Mr. Fox stated that if we didn't need his services, he would leave. The Mayor of Panama City has also discussed the desire to move the Rescue Mission to revitalize downtown Panama City and to move the Court House across from the current Rescue Mission location. We need to look at our resources and the problem this will cause. Ms. McElroy gave each Commissioner literature on the Rescue Mission.

Mayor Magidson indicated that we can't assume that we are to be dealing with all of these issues. I don't think we have the right to deny it and we are leaving ourselves open to liability.

Commissioner Buzzett noted that one of the problems is the owner on the application is the Panama City Rescue Mission.

Amber Davis indicated that these concerns are not fear, but what the Rescue Mission has presented to the Board. Their long term goal is to open a Rescue Mission based on the information they have provided. As far as she is concerned, she believes the citizens don't trust the Panama City Rescue Mission.

Ann White noted that she doesn't trust them. What will keep them from moving to another location and feeding people?

Mayor Magidson indicated that we are not going to vote on this. If there are problems in the future, we will deal with it.

Commissioner Kennedy doesn't know Billy Fox or Joe Atkinson, but he does know Matt Scoggins and believes what he says.

Planning and Development Review Board Membership:

Commissioner Buzzett indicated that he made a motion at the November 15, 2011, meeting on how to select a new member. The motion was based on the number of absences within the past year. We have three good volunteers whose terms are up and would like to consider an ordinance to add two more members which would bring the total number of members from seven to nine. He would also like the three members whose term is up to serve another term.

Motion by Commissioner Buzzett, 2nd by Commissioner Buzzett, to resend his motion made at the November 15, 2011, Commission meeting to replace the member who has the most absences within the past year whose term is up with Jim Garth. All in Favor; Motion carried 5-0.

Motion by Commissioner Buzzett, 2nd by Commissioner Kennedy, to change the PDRB Regulations from a seven member board to allow up to a nine member

board and reappoint the three current members whose term is up for a new three year term. All in Favor; Motion carried 5-0.

Noise Ordinance:

Mr. Weston is working with the Police Department and legal staff to handle noise issues thru the Police Department and Code Enforcement.

Buck Griffin Lake- Stocking of Fish:

Mr. Weston has talked with the Game & Fish Commission and they will stock the lake in the spring with catfish.

Centennial Building Acoustics:

Commissioner Buzzett indicated that no materials referencing the study done several years back has been located. He would like for the City to consider going out for bid.

Landscaping Bid:

Mr. Weston noted that the staff recommendation is to award the contract Gulf Coast Property Services.

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to award Bid #2011-10 for Landscaping and Grounds Maintenance to Gulf Coast Property Services, LLC in the amount of 52,000 per year. All in Favor; Motion carried 5-0.

Request for Permission to Bid Fire Department Equipment:

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to go out for bid six Air Packs. All in Favor; Motion carried 5-0.

Commissioner Gingell asked, "Are the Air Packs in need of repair?"

Mr. Weston responded, "The Air Packs are past their useful life and we need to upgrade them. We are also looking at trade in value on the old equipment."

Public Works:

Flushing Program:

Mr. Grantland noted that flushing at White City is complete and the beaches/Overstreet flushing will begin on January 2, 2012.

Meter Installation:

Mr. Grantland indicated that the new meter installations at the beach were complete last month under budget.

Surface Water Plant:

Larry McClamma noted that Florida Rural Water will be conducting classes this week in town. We also have an employee traveling to Pensacola to sit for his Class B Waste Water License. The goal is have all operators licensed.

Waste Water Plant:

Lynn Todd asked, "What is the status of the Chipola River Pumps?"

Mr. Weston indicated that he would like to meet with Ms. Todd and Mr. McClamma to discuss our options.

Ms. Todd asked, "What is the status of the permit modification for the Waste Water Treatment Plant?"

Mr. Weston responded, "Philip Jones is working on the reclassification of the Plant from Class 3B to Class 3C. A reclassification will reduce the staffing requirement from sixteen hours a day to eight hours a day."

Ms. Todd also noted that the Head Works Project has come to a standstill; the contractor is having problems with ground water.

Mr. Grantland indicated that the bore under the Gulf County Canal to connect the Sprayfield should be complete tomorrow.

Ms. Todd also noted that the City has three wells that we need to apply for permits to abandon.

Commissioner Kennedy indicated that we are probably looking at a few thousand dollars to abandon the three wells.

Ms. Todd also noted that the existing water tower maintenance contracts will be sent to the City for review.

City Engineer:

Headworks and Sprayfield Project:

Clay Smallwood, III, noted that the contractor has been battling ground water at the new headworks site, but as of today they seem to be getting the upper hand on the problem.

Water Distribution Upgrades:

Mr. Small indicated that the bids will be in within the next thirty days.

Commissioner Kennedy asked, "Will the project begin within thirty days of receiving the bids?"

Mr. Weston responded, "We are looking at mid January."

Code Enforcement:

Mr. Weston noted that the City will be working with County to remove several structures that are a public safety issue on January 13, 2012.

Police Department:

Hwy 71 Landscaping Safety Issue:

Chief Barnes indicated that he and Mr. Weston have addressed the issue and the line of site issue has been fixed.

Mr. Weston noted that the plants causing the line of site problem will be relocated.

Grants:

Mrs. Piece provided the board with a report of grant activity for the past two weeks. She also indicated that she met with Gail Alsobrook and the two of them are looking for new grant opportunities for the City.

PSJRA:

Bid Recommendation for Rish Parking Lot:

Ms. Alsobrook noted that the PSJRA recommends awarding the bid to the low bidder, Gulf Coast Utility Contractors.

Motion by Commissioner Kennedy, 2nd by Commissioner Gingell, to award the bid to Gulf Coast Utility Services in the amount of \$111,806.35. Motion carried 3-2. Commissioner Buzzett and Patterson Nay.

Citizens to be Heard:

Dave Dorris would like to bring to the Commissions attention that state Air Permit for the Bio Mass Plant allows for the use of Arundo Donax & crops like this. Photos taken on Thanksgiving Day show that some of the experimental Arundo Donax field still exists on Stone Mill Creek Road.

Mr. Weston noted that a letter has been sent today to the County Extension Office and to the County Administrator stating our concerns.

Mr. Dorris asked, "What about a copy to the State of Florida?"

Mr. Weston noted that nothing has been sent to the state. If the County thinks we should do something, he will be glad to do it.

Mayor Magidson indicated that this is a Gulf County issue. He encouraged Mr. Dorris to take the issue to the County Commission.

Commissioner Gingell asked, "Is there just one strip left of the Arundo Donax Field?"

Mr. Dorris responded, "Yes."

Erica Brockner noted that she read that Rentec is pulling out, and needs to understand if this mean they no longer have plans to come here and if that is the case will the City be rescinding the Development Order?

Mayor Magidson responded, "I don't know and no. Rentec has a valid Development Order for a certain period of time, thirty-six months. Rentec announced that they will not be building the plant at this time because they are unable to secure financing. Rentec held a press conference to announce the news because they are a publicly traded company."

Commissioner Gingell noted that at the October meeting, Rentec was hopeful of finding funding.

Commissioner Comments:

Commissioner Kennedy noted that the drive way of Robert Branch on Marvin Avenue needs to be addressed. The two previous paving contractors didn't put enough turn-out on his driveway and his car bottoms out.

Mr. Grantland will review Mr. Branch's driveway.

Commissioner Kennedy also noted that he has spoken with Cliff Wilson from DEP. He noted that DEP has a new policy and wants to be more proactive on future projects and is willing to meet with staff at any time.

Commissioner Patterson asked, "Why did we spend forty-five minutes on the Gulf Coast Hope Center when we didn't vote on anything?"

Mayor Magidson responded, "Because I believe the people that were here had the right to discuss it and I don't think we had the right to stop debate."

Commissioner Gingell noted that we have piles of trash in some of our alleys. She would like to provide new customers with a welcome packet that outlines the rules for trash. Commissioner Gingell would also like to consider a higher deposit for renters.

Mayor Magidson indicated that the landlord is responsible for their property. The landlord needs to impose a higher deposit to cover such fees as trash removal.

Mr. Weston noted that the City website would be a good location to list our trash regulations.

Mayor Magidson indicated that it's time to replace the calendar of events that we have on our Kiosks around town.

Mr. Weston will work on gathering a list of events for the calendar.

Commissioner Kennedy asked, "Are going to have a Community Appreciation Day next year?"

The consensus of the Board is to continue having a Community Appreciation Day.

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to adjourn at 7:59 P.M.

Approved this 20th day of December 2011.



Jim Anderson, City Clerk



Mayor Magidson