

**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 17,
2012 AT 6:00 P.M.**

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

Consent Agenda:

Minutes:

Jim Anderson requested the Minutes be tabled to review a requested change to the Minutes for January 3, 2012, by Christy McElroy.

Regular Agenda:

City Attorney:

Ordinance 475, Capital Improvements:

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to have the 2nd reading of Ordinance 475. All in Favor; Motion carried 5-0.

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to adopt Ordinance 475. All in Favor; Motion carried 5-0.

Gulf Citizens for Clean Renewable Energy, Inc- Lawsuit:

Attorney Gibson noted that two lawsuits have been filed. The plaintiff's attorney has indicated that they want the City to vacate the Development Order for Rentech and pay \$2,250.50 for out of pocket cost associated with filing the lawsuits.

Attorney Gibson noted that the settlement agreement would state that the City admits to no liability.

Commissioner Buzzett asked, "How much money did the City receive for the Development Order?"

Mr. Weston indicated that EPCI, who handles the City's Building Department, received \$15,000 of which the City received 18% (\$2,700).

Mayor Magidson would like for Attorney Gibson to contact Rentech to see if they are willing to help with payment of the fee.

Commissioner Gingell noted that the lawsuit was filed after Rentech had already decided not to pursue the project.

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to approve the settlement agreement regardless if Rentech pays any of the legal fees and rescind the Development Order. All in Favor; Motion carried 5-0.

Commissioner Patterson asked, "Do we have any risk of Rentech filing a lawsuit against the City?"

Attorney Gibson responded, "No, Rentech has stated that they are ok with the City rescinding the Development Order."

Road Abandonment Request, Susan Wright:

Mr. Gibson has sent correspondence to the requestor, but has not received a response.

Mayor Magidson is concerned that the house next door may be up to the rights-of-way.

Attorney Gibson noted that each house would have title splitting the property down the middle with a 15' drainage easement.

Jimmy Hambrick Water & Sewer Agreement:

Attorney Gibson noted that Mr. Hambrick has proposed turning two parcels into one without paying impact fees per the Land Development Regulations. If the property is broken back out, it would be subject to impact fees.

Tan Smiley indicated that he intends to purchase the property from Mr. Hambrick, expand his daycare business and hire three to five more workers.

Attorney Gibson noted that the proposed agreement will be on the February 7, 2012 agenda.

City Manager, Charlie Weston:

Centennial Building Acoustics:

Mr. Weston noted that he met with a consultant concerning the acoustics at the Centennial Building. He suggested a self help program to keep the cost down and we have a volunteer that will present the City with a proposal to resolve the sound issue.

City Manager Search:

Mr. Weston noted that forty-three applications were received by the cut-off date of December 31, 2011. Each Commissioner has been provided a binder with the proposed top ten candidates. He asked each Commissioner to provide a list of their top five candidates and possibly start setting up interviews next week.

Commissioner Gingell asked, "Can we set-up an Executive Session to ask the applicants questions?"

Attorney Gibson responded, "The Commission can ask the applicants questions, but it's got to be in a public meeting."

A workshop was scheduled for January 24, 2012, at 6:00 P.M. to discuss the City Manager search.

Appointment of PDRB Member:

Motion by Commissioner Gingell, 2nd by Commissioner Buzzett, to appoint Jim Garth to the Planning & Development Review Board. All in Favor; Motion carried 5-0.

ADA Compliance:

Mr. Weston noted that we now have the specs needed to re-bid the Fire Station, City Hall & Centennial Buildings for ADA Compliance upgrades to the restrooms.

Motion by Commissioner Kennedy, 2nd by Commissioner Patterson, to go out for bids on the Fire Station, City Hall & Centennial Building ADA Compliance upgrades. All in Favor; Motion carried 5-0.

Garrison/Madison Multi-Path Update:

Mr. Weston indicated that we may be looking at a change order due to unstable soil in proximity of the High School.

Municode:

Mr. Weston noted that codifying our ordinances with Municode would be extremely helpful to staff and to our citizens. We currently have a quote of \$11,700 from Municode.

Motion by Commissioner Kennedy, 2nd by Commissioner Gingell, to approve Municode to codify the City ordinances for \$11,700. All in Favor; Motion carried 5-0.

City Website:

Mr. Weston noted that staff is currently working on updating the website in the areas of Code Enforcement, Building Department and Recreation.

City Audit:

Mr. Weston hopes to have a draft copy of the audit by the end of the week.

Water Distribution System Phase I Improvements:

Mr. Weston noted that the staff recommendation is to award the contract to I-C Contractors, remove the North Port St. Joe section from the scope of work (\$440K) and apply for the CDBG Grant to cover the North Port St. Joe section that has been removed. If the CDBG Grant is denied, we will request additional funding from the SRF at a SRF Hearing.

Commissioner Buzzett feels comfortable with the recommendation if staff thinks that we have a strong possibility of receiving CDBG Funding. He doesn't like taking anything out of the scope of work.

Mayor Magidson noted that City Clerk Jim Anderson was requested to meet with County Commissioner Smiley to go over the City's options.

County Commissioner Smiley who was present at the meeting indicated that we can't apply for a Housing CDBG Grant and a Water CDBG Grant at the same time. He doesn't have a problem with applying for Water CDBG Grant, but wants people to understand that in 2013 we will be applying for a housing CDBG Grant.

"CDBG Grants have been around for twenty years, why hasn't the City applied for more? We have a whole community that has been left out. I know we need the water CDBG Grant, but I don't want to be left out" Commissioner Smiley stated.

Mayor Magidson noted that if the City doesn't receive the CDBG Grant, Plan B is to go back to the SRF for funding.

Commissioner Patterson stated that he told the people in the community, I will work to make sure you are not left out."

Mayor Magidson wants Commissioner Smiley to understand that the project has not been abandoned, only the way it will be funded.

Water Distribution System Phase II Improvements:

Mr. Weston noted that the scope of work for Phase II has been reduced to \$2M. The plans will need to be submitted to SRF before April 15, 2012. The cost presented to the Commission at the work shop on January 12, 2012 was \$220K

and has been reduced to \$173K as well. He recommends moving forward because we have the ear of the State at this time. \$26K is available from the SRF to help with funding the plans. Worst case scenario, we don't get another \$1M grant and we walk away.

Motion by Commissioner Kennedy, 2nd by Commissioner Gingell, to award the contract to I:C Contractors for Phase I, reduce the scope of work by \$440K, pursue a CDBG Grant for North Port St. Joe and if denied apply to SRF for funding.

Motion carried 4-1; Commissioner Patterson Nay.

Motion by Commissioner Patterson, 2nd by Commissioner Gingell, to reduce the scope of work to \$2,002,718 for Phase II and pay Preble Rish Inc \$173K for design and surveying. All in Favor; Motion carried 5-0.

Fire Department Air Packs:

Mr. Weston requested to table the awarding of bid #2011-11. He would like the opportunity to explore our options to drive down the cost.

Public Works:

Mr. Grantland noted that flushing should be completed next week at St Joe Beach and then flushing will begin at Overstreet.

Commissioner Buzzett asked, "Did you find any surprises while flushing at St. Joe Beach."

Mr. Grantland responded, "Surprisingly we found dirty water in Windmark Beach, but it did clear-up."

Commissioner Kennedy noted that most of the City should have enough flow to stay clean, but some areas such as Windmark Beach may have problems.

Surface Water Plant:

Mr. McClamma indicated that Matthew Morris passed his written test. This brings the total number of licensed employees to six.

Waste Water Plant:

Ms. Todd noted that a scrap metal expert is reviewing the old water plant. We may be able to tear the old building down at little to no cost. The building is in bad shape.

Ms. Todd indicated that we have received permission from DEP for Mr. McClamma to sign our permits. She feels that Mr. McClamma should receive additional compensation for this duty.

Ms. Todd noted that four new vehicles are in the budget and she would like to look at purchasing them.

Mayor Magidson asked, "Any special type of vehicle we are looking to purchase?"

Ms. Todd responded, "No, just pick-up trucks on a State Contract. We also need some help. We have two open positions."

Mr. Weston indicated that we are trying to see how the employee testing for licenses will fall out.

Commissioner Buzzett would like to recommend that Mr. Weston appoint the new employees before his retirement. "Is it possible to incorporate this into the workshop on January 21, 2012, he asked."

Mr. Weston also noted that we need to have a workshop at the Water Plant to address some issues we are having with concrete work.

City Engineer:

Headworks and Sprayfield Project:

Clay Smallwood, III, noted that concrete is being poured at the Headworks site.

He also noted that we need to prepare for the grow season at the sprayfield.

Code Enforcement:

Mr. Weston extended his appreciation to County Commissioner Smiley for working with the City on removal of four structures in North Port St. Joe.

Police Department:

Chief Barnes noted that the PD has taken delivery of the computers thru the JAG Grant.

Grants:

Ms. Pierce provided the Commission with a summary of grant activities for the past two weeks.

PSJRA:

Rish Parking Lot:

Ms. Alsobrook noted that PSJRA was hoping to have the parking lot complete by May 5, 2012, and begin construction of the Observation Tower shortly after that date.

Mayor Magidson asked, "Are you still working on the Tower Project?"

Commissioner Gingell noted that the engineering work needs to be completed.

Mr. Weston asked, "Has the PSJRA Board considered another location such as at the end of Third Street?"

Mayor Magidson indicated that he is hearing a lot of concerns from citizens about the tower.

Jeff Anderson, a member of the PSJRA Board, noted that maybe they need to look at other options.

Mr. Weston feels that we would get a better bang for our bucks closer to the bay.

Commissioner Gingell would like to preserve the grant until we decide on a location and if we want a tower.

Mayor Magidson feels that the tower should be re-addressed. He also noted that he has been approached about placing something on the site honoring Veterans.

Attorney Gibson noted that one of the purposes of the tower was to provide signage.

Commissioner Gingell indicated that we have a sign design from Kerigan Marketing and that we may want to consider shifting the sign to this location.

Citizens to be Heard:

Christy McElroy:

Ms. McElroy noted that she had the opportunity to attend Dr. Robert Marbut's presentation last Thursday and Friday in Panama City about homelessness. He stated that it cost taxpayers between \$80K-\$120K for one homeless person in the way of police, hospital service and other services offered by the City and County. Dr. Marbut's listed the ten best practice homeless campuses, all of which are large entities with lots of resources. He noted that campus style is the best model so you can engage homeless people instead of enabling them.

Ms. McElroy noted that the Panama City News Herald ran an article on January 12, 2012, indicating that the Rescue Mission is over whelming city services. There are large numbers of criminal activities including arrest around the homeless shelter.

Mayor Magidson asked, "Ms. McElroy, are you here to lecture us or is there a point?"

Ms. McElroy noted that we now have the P.C. Rescue Mission in Port St Joe and Reverend Billy Fox recruits members to his facility.

Mayor Magidson noted that Dr. Marbut indicated that Veterans are the largest growing sector among the homeless and that Ms. McElroy has indicated that we have no problem at this time.

"We have not limited the public speaking to a specific time at City Commission Meetings, but we may have to." The City Attorney has been instructed to look at our options in reference to Homeless Shelters.

Matt Scoggins stated, "I'm in favor of an ordinance against dorms. The Reverend Fox was asked to come to Port St. Joe by Oak Grove Assembly of God Church. I have given away \$31, 355 in eleven years and a report shows that thirty-four kids in Gulf County are homeless. I gave you my word that if the Gulf Coast Hope Center becomes a problem, I will put a lock on my door."

Jeff Anderson:

Mr. Anderson indicated that our community is a wonderful place to live; he gives out flyers to people with information about our City in his travels and we all want to live in a place that is safe and we can prosper. He has not seen a homeless person in Port St. Joe and there are thirty something churches in our town that meet these types of needs. It's human nature to help people, but we are not screening them. Maybe we need to move the Homeless Shelter Ordinance along a little faster. We have also had a lot of theft recently; maybe we could place cameras on our street lights.

Commissioner Comments:

Commissioner Kennedy would like for the City to pursue a Shelter Ordinance and thanked Mr. Scoggins for what he does.

Commissioner Patterson indicated that Waste Pro is still leaving the dumpster in the alley behind Sisters Restaurant.

Mr. Weston noted that Waste Pro has assured him they would take corrective action. He will review our options.

Commissioner Patterson saw an article talking about incentives for businesses in downtown Panama City. He will get a copy to each of the Commissioners for review.

Commissioner Gingell invited everyone to the Health Fair that will take place January 26, 2012, from 9:00 A.M. - 2:00 P.M. at the Centennial Building. Approx. fifty vendors will be participating in the event. It will be a great opportunity for early screening.

Commissioner Buzzett thanked Mr. Weston and Mrs. Pierce for the City Manager aid book. He also thanked Mr. Weston for helping with the process.

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to adjourn at 6:45 P.M.

Approved this 7th day of February 2012.



Mayor Magidson



Jim Anderson, City Clerk