

**November 5, 2013**

**Regular Public Meeting  
6:00 p.m.**

**Commission Chamber  
City Hall  
Port St. Joe, Florida**



## City of Port St. Joe

Mel Magidson, Mayor-Commissioner  
William Thursbay, Commissioner, Group I  
Bo Patterson, Commissioner, Group II  
Phil McCroan, 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 November 5, 2013

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## Call to Order

## Consent Agenda

### Minutes

- Special Meeting 10/15/13 Page 1
- Workshop Meeting 10/15/13 Page 2
- Regular Meeting 10/15/13 Pages 3-7

### City Attorney

- Update

## Old Business

- Workforce Board Lease Agreement Pages 8-10
- Ordinance 497 Sign Ordinance- Comm. Thursbay Pages 11-33
  - First Reading & Request to Advertise
  - Repeal of Ord. 467 Page 34-35
- Ordinance 498 Utility Deposits- Comm. McCroan Page 36-37
  - First Reading & Request to Advertise

## New Business

- RFP 2013-09 Water Distribution Phase II Bores- Bid Award Pages 38-39
- Christmas Greetings Advertisement Request Page 40
- Excavator Lease- Comm. Buzzett
- Port Authority – Comm. Buzzett
- Siemens Performance Bond Release Request Page 41
- Business License Compliance- Comm. Patterson
- Centennial Bldg. Roof

### Public Works

- Update

### Surface Water Plant

- Update

### Waste Water Plant

- Update

### City Engineer

- Traffic Study- Update
- Water Study- Update
- CEI Services Contract

Pages 42-50

**Code Enforcement**

- Update

**Police Department**

- Salary Package (handout)

**PSJRA**

- Update

**City Clerk**

- Update

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, October 15, 2013, at 10:00 A.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Thursbay. City Manager Jim Anderson, City Clerk Charlotte Pierce and Attorney Gibson were also present.

The purpose of the Special Meeting was Resolution 2013-07, Regions Bank Loan Documents.

No one from the public attended the Meeting.

City Manager Jim Anderson shared that the total amount of the Regions Bank Loan is \$15,334,219.51 with a locked in interest rate of 3.41%. Interest in the amount of \$186,870 will be paid today on the existing 2010 loan. One half of the lenders legal fees, in the amount of \$11,781.25 will also be paid today. This loan will pay approximately \$7,302.682 towards the total debt and the City will owe approximately \$8,031,538 at the end of 15 years. Annual payment on the loan will be \$916,434.

**Resolution 2013-07**

A Motion was made by Commissioner McCroan, second by Commissioner Thursbay, to read by Title only. All in Favor; Motion carried 5-0.

Attorney Gibson read Resolution 2013-07 by Title only.

A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to adopt Resolution 2013-07. All in Favor; Motion carried 5-0.

**Citizens to be Heard - None**

**Discussion Items by Commissioners - None**

**Motion to Adjourn**

A Motion was made by Commissioner McCroan, second by Commissioner Thursbay, to adjourn the Meeting at 10:12 A.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mel C. Magidson, Jr., Mayor

\_\_\_\_\_  
Charlotte M. Pierce, 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 CHAMBER AT CITY HALL, October 15, 2013, AT 6:11 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Thursbay. City Manager Jim Anderson, City Clerk Charlotte Pierce and Attorney Tom Gibson were also present.

**CONSENT AGENDA**

**Minutes**

A Motion was made by Commissioner Buzzett, second by Commissioner McCroan, to approve the Minutes of the Regular Meeting of October 1, 2013 and the Special Meeting of September 30, 2013. All in Favor; Motion carried 5-0.

**CITY ATTORNEY – Tom Gibson**

*Ordinance 494, Interment Fees; Second Reading and Consideration of Adoption*

A Motion was made by Commissioner Patterson, second by Commissioner Buzzett, to read Ordinance 494 by Title only. All in Favor; Motion carried 5-0.

Attorney Gibson read Ordinance 494 by Title only.

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to adopt Ordinance 494. All in Favor; Motion carried 5-0.

Mr. Anderson was asked to write a letter to the funeral homes advising them that the Certificate of Interment Fee has been removed and requesting they still provide information for the Certificate of Interment. It was noted that failure to provide this information is a violation of City Code. Mr. Anderson will prepare the letter for the Commission's review prior to mailing.

*Resolution 2013-05*

A Motion was made by Commissioner Patterson, second by Commissioner McCroan, to read Resolution 2013-05 by title only. All in Favor; Motion carried 5-0.

Attorney Gibson read Resolution 2013-05.

A Motion was made by Commissioner Patterson, second by Commissioner McCroan, to adopt Resolution 2013-05. All in Favor; Motion carried 5-0.

*Affordable Housing – Amended Memorandum of Understanding (MOU) and Future Land Use Map (FLUM) Amendment*

*MOU*

Attorney Gibson noted that there were two changes to the MOU. The Florida Housing Finance Corporation was not comfortable with the language that the City retain reversionary interest in the property. This language was removed and no deed will be issued until the site is completely permitted and financing is in place.

The Commission previously discusses a \$2,500 contribution to the project. A contribution to the project will be a Utility Fee Waiver in the amount of \$2,500.

A Motion was made by Commissioner Thursbay, second by Commissioner Patterson, to approve the Amended MOU. All in Favor; Motion carried 5-0.

**MINUTES OF THE BUDGET WORKSHOP MEETING FOR THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, October 15, 2013, AT 5:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Thursbay. City Manager Jim Anderson, City Clerk Charlotte Pierce and Attorney Tom Gibson were also present.

Commissioner Patterson requested a Workshop to discuss Boat Ramp Fees as he has been approached by people expressing the need for improvements to the Frank Pate Park Boat Ramp.

Mayor Magidson stated that he felt the major issues were: Whether to charge or not; how collection of the charge would be handled and what the money would be used for. Mayor Magidson is waiting to hear from Patricia Harrell of the Florida Wildlife Commission concerning the legalities of charging a fee.

Herman Jones spoke to the Commission about charging a fee and suggested that city residents be exempt; county residents should pay a minimal fee and out of county visitors should pay a higher fee. A fee hanger card can be placed on the dash of a vehicle or hung over the rear view mirror to show that you have paid to park at the boat ramp area.

Commissioner Buzzett noted that a tiered system would be workable and agreed with the rate structure Mr. Jones discussed.

Commissioner Thursbay stated that he did not want to harm the Commercial Fisherman with fees and thanked Mr. Jones for sharing his thoughts with the Commissioners.

Fred Cannon shared that the boat ramp is used by Commercial Fishermen in the fall and was concerned what impact a fee would have on them. He felt that a small fee would be reasonable.

Mark Howze shared his thoughts on the needs of the boat ramp; suggested improvements; offered thoughts on charging a fee and how to collect it; signage for the area; a fund raising campaign and volunteered to help with funding.

Mr. Anderson noted that grants have been applied for and a fee structure has been discussed previously.

Bill Bushue shared several concerns of residents regarding fees; public safety; collecting methods for the fees and that fees are just another word for taxes.

Judy Miick shared that in her travels, other areas use the honor system for fees and it works well. She also suggested stickers for vehicles.

Commissioner McCroan suggested that citizens 65 and over be exempt from paying a fee, that revenues are needed to maintain what we have, and that he would like to see the City provide signage explaining what we will be doing.

Each Commissioner reiterated that they do not support a City resident having to pay a fee to use the boat ramp; feel that a nominal fee for county residents would be acceptable and out of county residents should pay a larger fee.

Mayor Magidson adjourned the Workshop at 6:03 P.M.

Approved this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mel C. Magidson, Jr., Mayor

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

## FLUM

A Motion was made by Commissioner Thursbay, second by Commissioner Patterson, for staff to begin working on a revision to the FLUM changing the land use designation from R-1 to R-3 which will align it with the Zoning Map. All in Favor; Motion carried 5-0.

## CITY MANAGER'S REPORT

### Old Business

#### *Lighthouse*

Mayor Magidson shared that he had met with a contractor on site today. He has been talking with several different people on the best way to move the structures and feels that the project should be segmented rather than one contractor be responsible for the entire project.

It was noted that the St. Joseph Historical Society, Inc., received a \$25,000 grant last week from the Duke Energy Foundation to be used for the relocation project.

#### *Workforce Board Lease Agreement*

Mr. Anderson advised the Commission that the Gulf Coast Workforce Board was meeting today but he had not received a reply from them prior to meeting time if the new lease agreement has been approved.

#### *Roadside Pick-up Amnesty Month*

Mr. Anderson noted that the project is going well and a lot of items have been picked up.

#### *Ghost on the Coast*

The Chamber of Commerce has been working on the program and activities will begin at 6:00 P.M. A Fish Fry will also be held and it will begin at 5:00 P.M.

### New Business

#### *Sign Ordinance – Commissioner Thursbay*

Commissioner Thursbay shared that a lot of people are not happy with the Sign Ordinance, they feel that it is too strict and he passed out his recommendations for changes to the current Ordinance. A Motion was made by Commissioner Thursbay to let staff make the changes and bring them back for a reading. A second was made by Commissioner McCroan for discussion. After discussion and for clarification, Attorney Gibson suggested that changes be made using the strike through and red line method so the Commissioners would know what changes were being made. The motion and second were withdrawn and staff will review the Ordinance noting the requested changes.

#### *Animal Control Ordinance – Commissioner Patterson*

Commissioner Patterson requested a Workshop on the Animal Control Ordinance. He is concerned about Section 4 which involves animals running at large. He would also like to see language concerning feeding cats on abandoned property.

Chief Barnes noted there are problems with animals running at large and felt the Ordinance should be enforced. Rabid foxes and coyotes have been found in the City and if they bite an animal who in turn scratches or bites a human there will be health issues.

Commissioner Buzzett noted there is an Interlocal Agreement with the County and if changes are made it becomes our Ordinance and he asked who would enforce it.

Commissioner Buzzett reminded the Commissioners that each of them is trying to help individual people with problems, they try to solve them before coming to a meeting and spend a whole lot of time with them unless it is a huge problem. He noted that we have problems with our water and have bad streets and that will help everybody in town when we get those fixed. Commissioner Buzzett would like to see the Commission concentrate more on big



things, try to get the little things solved outside meetings and not spend a whole lot of time on them in meetings. He encouraged the Commissioners to resolve these issues outside of meetings with City Staff and it that does not take care of it, bring it to a meeting.

Commissioner Patterson will continue gathering his information, put it on paper and work with staff on this issue.

Mr. Anderson noted that trespassing can be dealt with when the City Police Department is notified.

#### *Utility Deposits – Commissioner McCroan*

Commissioner McCroan questioned why someone should have to pay a utility deposit to transfer the name on an account when the service would be at the same residence. He felt that it should be \$10 rather than require a new deposit. The person requesting the change has no payment history with the City and does not have the currently required deposit amount on file. After discussion, the issue was referred to City Staff.

#### *RFP 2013-07 - 2012 CDBG Water System USDA MLK Sidewalks*

The apparent low bidder, North Florida Construction Company, has requested that they be allowed to withdraw their bid due to a clerical error made in calculating the bid price. A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, that North Florida Construction Company be allowed to withdraw their bid based on documentation provided to Clay Smallwood, III, of Preble-Rish Inc. All in Favor; Motion carried 5-0.

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, that contingent upon working with USDA and the Department of Economic Opportunity (CDBG), negotiations begin with the second lowest bidder, GAC. The bid from GAC, in the amount of \$852,630 is over budget but the engineers feel that there is working room in the bid. All in Favor; Motion carried 5-0. Mr. Smallwood noted that USDA is currently unavailable due to the government furlough but he will get with them as soon as they return to work.

#### *RFP 2013-08 - Landscaping and Grounds Maintenance Bid Award*

A letter was received from the apparent low bidder, Panhandle Lawn Care, requesting they be allowed to recall their bid due to errors made during the bid process. A Motion was made by Commissioner Thursbay, second by Commissioner McCroan, to release Panhandle Lawn Care from their bid. All in Favor; motion carried 5-0.

A Motion was made by Commissioner Buzzett, second by Commissioner McCroan, to award the contract to the second lowest bidder, Sun Coast Lawn and Landscaping in the amount of \$38,500. All in Favor; Motion carried 5-0.

Commissioner Buzzett requested that the City look into establishing a written program for routine fertilizing and pesticing of these properties. He feels that it will help us tremendously to have this program.

Commissioner Thursbay requested that Mike Lacour follow up on this.

#### **Public Works – John Grantland**

Approximately 200 of the new water meters have been received and installation will begin next week. Mr. Grantland noted that 520 meters need replacing and 600 were ordered.

#### **Surface Water Plant**

Mr. McClamma was working on the Ground Storage Tank and was not at the meeting.

#### **Wastewater Plant – Lynn Todd**

Ms. Todd advised the Commission that the plant lost another aerator last Tuesday which gives the plant a total of three operational aerators now and efforts have been made to utilize the available equipment on site. She has received complaints from numerous residents in Highland View and North Port St. Joe because of the odor. Bob Lyles has estimated that it would require more than \$1,000,000 to rehab or replace the current aerators for the lagoon.

#### *Solar Aeration System – Request to Bid*

Ms. Todd requested that SolarBee Equipment (Water Solutions) be declared a sole source provider and that she be allowed to order from them. She stated that Water Solutions offers a 5 year Lease to Own Policy and a 25 year



warranty on the solar panels. If the City is not happy with the product at the end of a year, the product will be picked up.

Commissioner McCroan asked if Ms. Todd would be sending a couple of employees to look at the site in Birmingham, Alabama that utilizes the SolarBee equipment. Ms. Todd responded that she would.

Motion was made by Commissioner McCroan, second by Commissioner Thursbay, and pending a review by Attorney Gibson, that Ms. Todd be allowed to purchase the aerators. All in Favor; Motion carried 5-0.

Mr. Anderson shared that he is not sold on solar power because of prior City experiences and is concerned about the effectiveness of solar equipment. He also noted that the cost for a five year Lease will be approximately \$400,000.

Ms. Todd noted that Grit King #1 has failed again and is still down. They will be pulling #1 next week to determine what the problem is.

### **City Engineer – Clay Smallwood, III**

#### *Traffic Study Update*

Mr. Smallwood has not received anything from FDOT as of today.

#### *Water Study Update*

Starting tomorrow, CDM will have staff doing jar test at the plant; more water and ferric were shipped to Virginia Tech today and he anticipates results of the pilot testing soon.

#### *Northwest Florida Water Management District Application Update*

Finishing touches are being put on the application and it should be mailed shortly.

### **Code Enforcement**

Mr. Burkett's report was reviewed. No action was taken.

### **Police Department – Chief Barnes**

Chief Barnes anticipates having the new radars in place in the next couple of weeks. Two will be on Madison Street and two on Long Avenue.

The Police Department is currently one officer short and advertisement for the vacancy will begin this week.

### **Port St. Joe Redevelopment Association (PSJRA) – Gail Alsobrook**

Ms. Alsobrook has requested an extension from FDOT on the Phase IV Landscape grant.

Ms. Alsobrook asked about the status of the bid process. Mr. Anderson responded that he has talked with Mr. Keels and indications are he will be withdrawing the bid protest. Ms. Alsobrook will get the award letter out tomorrow for the project.

### **City Clerk – Charlotte Pierce**

Mrs. Pierce did not have anything to report.

### **Citizens to be Heard**

### **Discussion Items by Commissioners**

*Commissioner Buzzett* did not have anything to discuss at this time.

*Commissioner McCroan* did not have anything to discuss at this time.

*Commissioner Patterson* noted that he was on Fourth Street earlier this week and there was a water meter that lacked a cover. He asked that it be taken care of and that workers keep an eye out for meters without covers.

*Commissioner Thursbay* thanked the City Staff for all the hard work that went into finalizing the Regions Bank Loan.

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to adjourn the Meeting at 7:29 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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Mel C. Magidson, Jr., Mayor

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

## LEASE AGREEMENT

THIS LEASE AGREEMENT MADE AND ENTERED INTO THIS \_\_\_\_ day of \_\_\_\_\_, 2013, by and between CITY OF PORT ST. JOE, FLORIDA, a municipal corporation organized under the laws of the State of Florida, 305 Cecil G. Costin, Sr., Blvd., P.O. Box 278, Port St. Joe, Florida 32457, *Lessor*, and Gulf Coast Workforce Development Board, Inc., doing business as Gulf Coast Workforce Board, hereinafter called *Lessee*,

### WITNESSETH:

That subject to the terms and conditions herein contained, Lessor hereby leases to Lessee, and Lessee hereby rents from Lessor, the following described premises in the City of Port St. Joe, Florida, being more particularly described as follows: 307 Peters Street and 414 Kenney Street, Port St. Joe, FL 32456.

### TERMS

Lessor and Lessee hereby agree as follows:

1. The term of this Lease shall begin as of the \_\_\_\_ day of \_\_\_\_\_, 2013, and shall end twelve (12) months later. Upon complying with the terms, agreements and covenants hereof, Lessee shall have peaceable possession of the leased premises.

2. The Leased premises includes the Washington Gym including surrounding grounds and Incubator Building. **The Lessee will not be responsible for accidents on the Playground, Nathan Peters Park, Outdoor Basketball Court or on the Softball Field except during the Summer Youth program for the months of June and July.**

3. Lessee shall pay and be responsible for any and all utilities incurred in connection with the leased premises.

4. Lessee will provide general liability insurance with extended coverage in an amount of \$500,000.00, naming the City of Port St. Joe, Florida as an additional named insured. The Lessor shall hold Lessee harmless for damage to the premises caused by wind, flood or other acts of God.

5. Lessee leases and accepts the premises, as is, and may make alterations to the building only as agreed upon in writing by the City, **at its own expense** and at the end of said lease period, the Lessee will return the property to the Lessor in as good as condition as is presently, ordinary wear and tear excepted. Alterations and improvements to the leased premises require Lessor's written consent and shall become the property of Lessor unless otherwise agreed in writing. **All minor repairs of less than \$250 shall be the responsibility of the Lessee. All major repairs above \$250 shall be reported to the City for inspection and determination of the corrective action that will be needed.**

