

**November 19, 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 19, 2013

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## Call to Order

### Consent Agenda

- Employee Retirement Recognition – Earl Haney

### Minutes

- Regular Meeting 11/5/13 Pages 1-5

### City Attorney

- Private Construction in Public Rights of Ways

### Old Business

- Ordinance 497 Sign Ordinance- Comm. Thursbay Pages 6-29
  - First Reading & Request to Advertise Page 30-31
  - Repeal of Ord. 467 Page 32
- RFP 2013-05 Lighthouse Relocation Bids Page 33
- Utility Billing Write-Off Policy- Comm. Thursbay Page 33
- Centennial Bldg. Roof Pages 34-36

### New Business

- Christmas Dinner
- Christmas Decorations and Carriage Rides
- Legacy Trust Program- Comm. Thursbay Pages 37-60

### Public Works

- Update

### Surface Water Plant

- Update

### Waste Water Plant

- Solar Bee Aeration System- Update Page 61

### City Engineer

- Traffic Study- Update
- Water Study- Update
- CDBG Water line Replacement Grant- Update
- USDA Sidewalk Replacement- Update

### Code Enforcement

- Update Page 62

**Police Department**

- Update

**PSJRA**

- PSJRA Meeting Minutes- September 2013
- Phase IV Landscape Project- Update
- Lighthouse Documentary Extension Approval by BP
- Langston Drive Lighting Status

**Pages 63-65**

**City Clerk**

- Update

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**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, November 5, 2013, AT 6:00 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.

**CONSENT AGENDA**

**Minutes**

A Motion was made by Commissioner McCroan, second by Commissioner Buzzett, to approve the Minutes of the Special Meeting; Workshop and Regular Meeting all held on October 15, 2013. All in Favor; Motion carried 5-0.

**CITY ATTORNEY – Tom Gibson**

A copy of the Proposed Five Year Schedule of Capital Improvements was given to the Commissioners and Mr. Gibson asked that each Commissioner review the list and give their recommendations for items to be included in the plan.

Mr. Gibson noted that Ordinances 491, 492 and 493 will need to be adopted in the next couple of meetings.

A request was made by Mr. Gibson for the City Commission to hold a Workshop on Thursday, November 21, 2013, at 4:00 P.M., in the Local Color Building. The Workshop will be for the City of Port St. Joe's Economic Development Element to our Comprehensive Plan. This will provide an opportunity for our stakeholders to comment on the plan and hear the new Florida Trade and Logistics report that will be presented by the Florida Chamber Foundation.

**CITY MANAGER'S REPORT**

**Old Business**

*Workforce Board Lease Agreement*

Mayor Magidson requested that a change be made to Item 5 from "All minor repairs of less than \$250 shall be the responsibility of the Lessee" to "All minor repairs of \$250 or less shall be the responsibility of the Lessee." He noted that this clarifies the statement and avoids a difference of interpretation. A Motion was made by Commissioner Thursbay, second by Commissioner Patterson, to approve the Lease with this change. All in Favor; Motion carried 5-0.

*Ordinance 497 Sign Ordinance – Commissioner Thursbay*

*First Reading and Request to Advertise; Repeal of Ordinance 467*

After a lengthy discussion, a joint Workshop with the Planning Development and Review Board will be held on Monday, November 18, 2013 at 5:00 P.M. If additional time is needed for discussion, a Workshop will be held on Tuesday, November 19, 2013, prior to the Commission Meeting.

*Ordinance 498 Utility Deposits First Reading and Request to Advertise – Commissioner McCroan*

Prior to the meeting, Commissioner McCroan requested that this be removed from the agenda.

**New Business**

*RFP 2013-09 Water Distribution Phase II Bores Bid Award*

A letter was received from BoreHawg stating an error was made on their Base Bid and requested that they be allowed to withdraw their bid. A Motion was made by Commissioner Patterson, second by Commissioner Thursbay, that BoreHawg be allowed to withdraw their bid. All in Favor; Motion carried 5-0.

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to award RFP 2013-09 Water Distribution Phase II Bore Bid to Broadband Tele Communications in the amount of \$134,320 pending SRF approval. All in Favor; Motion carried 5-0.

#### *Christmas Greeting Advertisement Request*

A request was received from Coastal Connection TV 17 for the City Commission to purchase a Christmas Greeting Ad. Commissioner Buzzett stated that if any Commissioner wanted to purchase an ad, that it should be been done individually and that tax dollars should not be used for an ad. The Commissioners concurred.

#### *Excavator Lease – Commissioner Buzzett*

Speaking on behalf of the St. Joseph Bay Golf Club (SJBGC), Commissioner Buzzett requested they be allowed to rent the City's excavator for \$1,000 for a month to do work at the Golf Club. The SJBGC would hire City employee Tommy Gay who operates the excavator to work on his off time and will pay for all costs associated with the excavator. Should any damage be done to the equipment, the SJBGC will be responsible for it. Commissioner Buzzett also noted that in-kind contributions would be available for summer recreation next year at the Club. A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to approve the request. All in Favor; Motion carried 5-0.

#### *Port Authority – Commissioner Buzzett*

Commissioner Buzzett requested that \$10,000 of the BP money be used to help the Port St. Joe Port Authority (PSJPA). Leonard Costin, Chairman of the PSJPA, shared several of the immediate needs of the PSJPA and asked for help from the Commission. A Motion was made by Commissioner Buzzett, second by Commissioner Thursbay, to contribute \$10,000 and stipulate that it must be used to pay dues to the Florida Ports Council in the amount of \$6,500 and that the remainder be applied to cover the cost of Liability Insurance for members of the PSJPA Board of Directors. All in Favor; Motion carried 5-0.

Mr. Costin thanked the Commission for their contribution, noted that the dredging permit is moving along well and several contributions have been received from Friends of the Port.

#### *Siemens Performance Bond Release Request*

This request was tabled for further review by Staff.

#### *Business License Compliance – Commissioner Patterson*

Commissioner Patterson expressed his concerns about active Business License. Mr. Anderson responded that all Business License renewal notices are mailed in August and that anyone doing business with in the City Limits of Port St. Joe is required to have a Business License. Commissioner Patterson asked that Code Enforcement Officer Richard Burkett follow up on current and expired licenses.

#### *Centennial Building Roof*

Clay Smallwood, III, of Preble-Rish will work with staff on this. Commissioner Buzzett requested that this issue remain on the Agenda until it is resolved.

#### *Water Bill of Michael Mork*

Mr. and Mrs. Michael Mork appealed to the Commission for additional adjustments to their water bill. A Motion was made by Commissioner Thursbay, second by Commissioner Patterson, to adjust the bill. Mayor Magidson noted that whatever may be done in the meeting would set a precedence and asked that a policy be implemented to address these type issues. After a lengthy discussion, Commissioners Thursbay withdrew his Motion and Commissioner Patterson withdrew his second. Staff will work with Mr. Gibson to establish a

policy. No action will be taken on the Mork's water bill until a policy has been established. This item is to remain on the agenda until resolved.

### **Public Works – John Grantland**

Mr. Grantland was absent and there was no report from his department.

### **Surface Water Plant – Larry McClamma**

Mr. McClamma shared that two Duke Energy Transformers kicked out at the plant earlier today but all generators came on line and there were no problems.

Recently, two operators visited the Dalton, Georgia Surface Water Plant that is very similar to the local plant and reported it was a good trip. They are currently waiting on options to be considered for our plant.

### **Wastewater Plant – Lynn Todd**

Number One Grit King continues to be an issue. The motor was pulled, it was filled with sand and is currently out of service. North Florida Construction is looking at the issue and attempting to determine how the problem can be solved.

Two employees will be traveling to Birmingham, Alabama tomorrow to observe the SolarBee aerators.

The new Hypo tank was being installed today.

Earlier today, when the two Duke Energy Transformers kicked out that created a power failure, there was no equipment outage at the plant.

Ms. Todd noted that the Quarterly Bi-products Disinfectant sampling will begin shortly.

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

#### *Traffic Study Update*

The Study has progressed from Transfield Services, to FDOT in Chipley and is now in Tallahassee. Mr. Smallwood noted that PRI is still answering questions on the Study.

#### *Water Study Update*

Virginia Tech continues to receive water shipments to be used in the conditioning phase of the Study. They anticipate moving to the Pilot section of the Study in a couple of weeks.

#### *Construction Engineering and Inspection (CEI) Services Contract*

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to approve the professional services proposal of Preble-Rish, Inc., (PRI), for Construction Engineering and Inspection of the Community Development Block Grant Water Improvements for North Port St. Joe in the amount of \$26,698. This is an allowable expense of the CDBG Grant. All in Favor; Motion carried 5-0.

### **Code Enforcement**

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

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

#### *Salary Package*

Chief Barnes requested that his insurance stipend in the amount of \$250 be transferred to his salary package.

This amount, less benefits and taxes, will provide \$208 a month. After discussion by the Commission, a Motion was made by Commissioner Thursbay, second by Commissioner Patterson, to allow the transfer. All in Favor, Motion carried 5-0.

#### *Law Enforcement Trust Fund Monies Request*

A Motion was made by Commissioner Patterson, second by Commissioner Thursbay, to allow \$1,500 to be expended by Chief Barnes for various Crime Prevention items and / or Special Investigative cost or equipment. The expenditures will be made between November 6, and September 30, 2013. This request for the expenditure complies with the provisions of Florida Statute 932.7055. All in Favor; Motion carried 5-0.

Chief Barnes shared with the Commission that he has entered the Deferred Retirement Option Program with the State of Florida effective October 31, 2013. He will have a maximum of five years remaining with the department. Chief Barnes thanked the Commission for their past support and stated he looks forward to working with the Commission in the future.

Commissioner Patterson requested that Chief Barnes contact FDOT about the First Street, Highway 98 and Marina Drive Intersection. Chief Barnes reminded Commissioner Patterson that FDOT does not have a problem with the Intersection and they do not have any plans to revisit the issue. Commissioner Patterson will call FDOT.

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

Ms. Alsobrook did not have anything to report at this time.

#### **City Clerk – Charlotte Pierce**

Mrs. Pierce did not have anything to report.

#### **Citizens to be Heard**

*Jon O'Donovan*, representing Costa Enterprises (McDonalds), requested a waiver of the \$25 per day fine associated with the Sign Ordinance. The notice was sent to a corporate address rather than the area address which created a delay in them receiving the letter. Consensus of the Commission was to waive the fee.

*Jason Toole*, of CPH the area engineer for McDonalds, asked for clarification with the Sign Ordinance concerning heights.

*Barry Sellers*, Executive Director Gulf County Economic Development Alliance, thanked the Commission for their thoughts and prayers while out this past summer on unpaid Leave of Absence due to illness.

Mr. Sellers shared that his visits to the site selection hub cities of New York, Atlanta, Dallas and Chicago had been profitable and he looks forward to working with those areas for local Economic Development.

He also extended his thanks to Mr. Tommy Pitts for all he has done to promote Economic Development through the Port St. Joe Port Authority; wished him well with his new job with Hatch Mott McDonald and looks forward to continue working with him on the channel dredging.

Mr. Sellers noted that there have been 3 Economic Development Announcements in the past three years and he anticipates more will follow. Eastern Shipbuilding sites are full in Bay County and unless a boat leaves their site soon another vessel cannot be built. The JOE Company has partnered with the Port St. Joe Port Authority and he anticipates movement soon in Gulf County with the shipbuilding. Power lines have been run to the site and leases have been secured.

*Jason Shoaf* requested that street lights be added to Cabel Drive due to the recent vandalism of vehicles there. Chief Barnes shared that he has spoken with Bobby Pickels of Duke Energy about this today and he is working on a proposed lighting plan.

**Discussion Items by Commissioners**

*Commissioner Thursbay* did not have anything to discuss.

*Commissioner Patterson* requested a copy of all adjustments to water bills during the month of October. He also requested copies of letters sent to businesses whose signs were not in compliance.

*Commissioner McCroan* shared that he continues to receive complaints about the One-Way Streets off Reid Avenue and would like to see some changes made to accommodate vehicular traffic.

*Commissioner Buzzett* did not have anything to discuss.

A Motion was made by Commissioner Patterson, second by Commissioner Thursbay, to adjourn the Meeting at 7:50 P.M.

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

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

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



ORDINANCE 497

**AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, REPEALING ARTICLE VI OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PORT ST. JOE; ADOPTING A REVISED ARTICLE VI PROVIDING FOR SIGN REGULATION; PROVIDING FOR THE APPLICATION, PERMITTING AND VARIANCE PROCESS; PROVIDING FOR TYPES OF SIGNS AND REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ENACTED by the people of the City of Port St. Joe, Florida, as follows:

1. Article VI of the Land Development Regulations of the City of Port St. Joe, amended May 18, 2010 as Ordinance 448 Is hereby repealed.
2. Revised Article VI attached hereto and by this reference made a part hereof is hereby adopted.
3. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.
4. SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.
5. EFFECTIVE DATE: This ordinance shall become effective \_\_\_\_, 2013.

DULY PASSED AND ADOPTED by the Board of city Commissioners of Port St. Joe, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2013

THE CITY OF PORT ST. JOE

BY: \_\_\_\_\_  
MEL C. MAGIDSON, JR.  
MAYOR-COMMISSIONER

ATTEST:

\_\_\_\_\_  
CHARLOTTE PIERCE  
CITY CLERK-AUDITOR

The following commissioners voted yea:  
The following commissioners voted nay:

ARTICLE VI. SIGN REGULATIONS

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**6.0 General Provisions**

**6.0.1 Purpose**

1. To promote and protect the public health, safety, and general welfare.
2. To enable the identification of places or residences and businesses.
3. To balance the rights of individuals to convey their messages through their signs and the right of the public to be protected from the unrestricted proliferation of signs.
4. To enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, including the public being able to locate goods, services, and facilities in the city.
5. To maintain and enhance the aesthetics of the city by restricting signs and lights that increase clutter.
6. To maintain and improve traffic safety by preventing and restricting signs that, due to their placement or appearance, increase the probability of traffic accidents by obstructing vision or confusing motorists.
7. To promote signs that are compatible with their surroundings and minimize potential adverse effect of signs on nearby property.
8. To ensure proper maintenance of signs for safety and structural soundness as well as the appearance of signs.
9. To ensure the fair and consistent enforcement of sign regulations.
10. To insure that these sign regulations continue to take into account developments in the law.

