

**December 3, 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 December 3, 2013

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## Call to Order

## Consent Agenda

### Minutes

- Joint Commission/PDRB Workshop Meeting 11/18/13 Pages 1-3
- Regular Commission Meeting 11/19/13 Pages 4-8
- Workshop Meeting 11/21/13 Page 9

### City Attorney

- Legacy Trust Program- Update
- Resolution 2013-08 Enterprise Zone Expansion Page 10-14
- Ordinances 491, 492, & 493 Comprehensive Plan Update Pages 15-20
  - 2<sup>nd</sup> Reading & Consideration of Adoption

### Old Business

- Utility Billing Write-Off Policy Page 21
- Utility Bill- Michael Mork Page 22
- Centennial Bldg. Roof

### New Business

- Employee Appreciation Dinner Pages 23-29
- New Years Eve Fireworks- TDC Pages 30-33

### Public Works

- Update

### Surface Water Plant

- Update

### Waste Water Plant

- Wastewater License Requirements Pages 34-36

### City Engineer

- Traffic Study- Update Pages 37-38
- Water Study- Update
- CDBG Water line Replacement Grant- Update
- USDA Sidewalk Replacement- Update

### Code Enforcement

- Update Page 39

**Police Department**

- Update

**PSJRA**

- Update

**City Clerk**

- Update

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**MINUTES OF THE WORKSHOP FOR THE JOINT CITY / PLANNING DEVELOPMENT REVIEW BOARD MEETING OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA HELD IN THE COMMISSION CHAMBER AT CITY HALL, NOVEMBER 18, 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 and were also present. Planning Development and Review Board (PDRB) members present were Patti Blaylock and Aaron Farnsley.

Commissioner Thursbay requested the Joint Workshop to discuss changes to the current Sign Ordinance.

Commissioner Buzzett noted the many years of work that have gone into the current Ordinance, shared that US 98 is our tourist corridor, and feels there are problems with Off Premise Signs.

Mayor Magidson provided as handouts excerpts from Street Graphics and the Law revised by the American Planning Association, August 2004. (See attached Exhibit A)

Various individuals spoke including Patti Blaylock, Dana Boyer, and Lorinda Gingell that have served on previous sign committees and noted the many hours of research and work that have been done to produce the current ordinance.

Others speaking on the Ordinance included Mark Haddock, Jon O'Donovan representing the Costa Family (McDonalds), Aaron Farnsley, Gail Alsobrook, and Barbara Radcliff.

Toye Roberts requested help from the City to get signage for Commerce Park.

Reverend Tommy Dwyer asked that local churches be allowed to erect signs directing visitors to the churches of their choice.

After a lengthy discussion, the Workshop for November 19, 2013, was cancelled and another Workshop was scheduled for December 10, 2013, at 4:00 P.M., during the PDRB Meeting.

Commissioner Thursbay reiterated that he did not want to penalize anyone as his goal was to help everyone.

Mayor Magidson adjourned the Meeting at 6:25 P.M.

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

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

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

**Calculating Sign Area for a Specific Use**

In addition to the computation method above, the USSC has developed an algebraic equation to determine the Area ( $A_{sign}$ ) for signs containing letters only, which will provide the same result but will simplify the process. The equation allows for insertion of all of the size determinants except for Negative Space, which is fixed at the standard 40/60 ratio. (Note: If numbers are rounded off in the computation process, a very slight difference in result may occur between the computation process and the equation).

$$A_{sign} = 3n/80 [(VRT)(MPH)/LI]^2$$

Fixed Value: 40/60 ratio of letters to negative space

Variable Values:

- (1) Number of Letters (n);
- (2) Viewer Reaction Time (VRT);
- (3) Miles Per Hour (MPH); (4) Legibility Index (LI)

**Calculating Sign Area Generally**

The equation applied to determine sign area for a specific use assumes the motorist is traveling at a specific rate of speed. To allow for a more general evaluation of possible sign size and to satisfy the minimal legibility requirements across a full range of reaction times and speed zones, USSC developed a second equation. This formula fixes the average sign size determinants, leaving only VRT and the speed of travel (MPH) as variables. It can be used to create guidelines for the general size of signs necessary to adequately and safely convey roadside information to motorists traveling in a moderate- or high-traffic commercial area at a given rate of speed. Table 2-5 provides some examples of the use of the equation, and Figure 2-6 illustrates some average sign sizes as they relate to the speed of travel and driver reaction time.

$$A_{sign} = [(VRT)(MPH)]^2/800$$

Fixed Values:

- (1) 30 letters; (2) Legibility Index (LI) of 30; and
- (3) 40/60 ratio of letters to negative space

Variable Values:

- (1) Viewer Reaction Time; (2) Miles Per Hour (MPH)

TABLE 2-5. SIGN SIZE AS FUNCTION OF TRAVEL SPEED AND VIEWER REACTION TIME

MPH	VRT (Seconds)	Sign Size (Square Feet)
25	4	12.5
	5	20
	8	50
	10	78
40	4	32
	5	50
	8	128
	10	200
55	4	60.5
	5	95
	8	242
	10	378

**SIGN HEIGHT: MINIMUM STANDARDS IN AREAS OF MEDIUM OR HIGH VEHICULAR TRAFFIC**

For signs providing roadside information in primarily vehicular-oriented environments, the height above grade of the sign and/or sign copy has a pronounced effect on an approaching motorist's ability to detect and read the message displayed. As is now documented in the research publication, *Sign Visibility, Effects of Traffic Characteristics and Mounting Height*, the simple presence of other vehicles on the road (i.e., in front, in an adjacent travel lane, or in travel lanes in the opposite direction) can potentially prevent a driver from detecting a sign. If a sign is situated at or below five feet above grade, other vehicles may block the driver's view, and the sign copy will not be legible.

The aforementioned study used analytical algorithms reflecting known patterns of traffic flow and volume in conjunction with computer generated simulation software. The research resulted in predictions of the percentage of times that other vehicles blocked the view of an approaching motorist, thus preventing the driver from detecting a

Excerpts from

Street Graphics and the Law  
Revised by the American Planning Association  
August 2004

### Sign Ordinances Reinforce a Sense of Place and Contribute to Public Safety

A comprehensive sign ordinance is conceived and derived from the function of overall community perception and is based on visual performance standards. It is intended to stimulate variety and high-quality design that **promote effective communication for each enterprise and reinforces a sense of place.**

“Signage on ground graphics on streets and highways should be based on legibility...and related to highway speeds and widths.” *Page 2*

“Too much information on a sign, multiple signs in the same location, and signs that are too close together can contribute to a driver information overload that deteriorates traffic safety.” *Page 31*

“Street graphics are important because they reflect public safety and can make a significant contribution to the lifestyle and economic vitality of a community. They are a good indicator of what people think of themselves and what they think of their environment...the originality of its people and its sense of order...They can announce or scream or mumble, inform or confuse, delight or depress, infer or insult, stimulate or irritate, designate or obfuscate. But most of all, they index...it becomes increasingly important that the proper use of street graphics be understood and appreciated.” *Page 4*

### United States Sign Council Best Practice Standards

“Research has shown that detection is inversely related to the complexity of both the driving task and the landscape. In other words, as complexity increases for either or both the driving task and the visual environment, detection of any specific object within that landscape is likely to decrease. **The more complex the landscape...the more conspicuous signs need to be for drivers to specifically identify them as signs and the message they convey.**” *Page 10*

“Current research on average reading times indicates that signs displaying four to eight words in simple typography can be comfortably read and comprehended in approximately four seconds, yielding a reading time or message scan, of one-half second per word...Additionally, symbols, such as directional, arrows or universally recognized logos or icons displayed on the sign are considered equivalent to one word or five letters.” *Page 13*

### Street Graphics Promote Compatibility with the Surrounding Visual Environment

“Street graphics in architectural, historic, and scenic areas can be given special regulations designed to enhance the special duality of a particular place; that is, establishments in these areas must have signage to function as commercial locales, tourist destinations, or workplaces, but **the need to respect the natural surroundings or historic context weighs equally with the needs of businesses to identify themselves.** The basic principle is to limit the types of display allowed to those considered appropriate in these special surroundings.” *Page 36*

**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 19, 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**

**Employee Retirement Recognition of Earl Haney**

Mayor Magidson recognized Mr. Haney for his 18 plus years of service to the City of Port St. Joe. He was presented with a lapel pin, Service Award Certificate and a commemorative 100 year Birthday Coin for the City of Port St. Joe.

**Minutes**

A Motion was made by Commissioner Buzzett, second by Commissioner McCroan, to approve the Minutes of Regular Meeting on November 5, 2013. All in Favor; Motion carried 5-0.

**CITY ATTORNEY – Tom Gibson**

*Private Construction in Public Right of Ways*

Mr. Gibson shared that a balcony of the Port Theatre would be in the City's Right of Way when improvements are made and asked if there were any objections to this being in the Right of Way. There were no objections by the Commission.

*Comprehensive Plan Economic Development Element*

Mr. Gibson reminded the Commissioners that this would be an item on the December 3, 2013, Agenda.

**CITY MANAGER'S REPORT**

**Old Business**

*Ordinance 497 Sign Ordinance – Commissioner Thursbay*

There will be another Workshop with the Planning Development and Review Board at the December 10, 2013, meeting.

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

No action was taken because of the pending workshop.

*RFP 2013-05 Lighthouse Relocations Bids*

A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to reject the two bids received for the project as they were over budget and re-advertise the project as separate bids, one to move the lighthouse and another bid to move the remaining three structures (2 keepers' quarters and oil shed). All in Favor; Motion carried 5-0.

*Lighthouse Lampist – Mayor Magidson*

A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to hire Joseph S. Cocking of Lighthouse Lamp Shop, Inc., as the sole source lampist for the Cape San Blas Lighthouse Project to remove, crate and store the Fresnel Lens. The contract amount is \$16,916. All in Favor; Motion carried 5-0.

*Utility Billing Write-Off Policy – Commissioner Thursbay*

A Motion was made by Commissioner Thursbay, second by Commissioner McCroan, to table the Write –Off policy but take a six months average of Mr. Mork's water bill and make that the bill after dropping his highest bill.

Commissioner Patterson questioned why anyone should have to pay for water running on the ground that they did not use. He supports averaging the bill for outrageous bills.

A discussion followed and Commissioner Thursbay amended his motion to a customer's bill must be eight times the averaged six month bill.

Mayor Magidson and Attorney Gibson cautioned that any action taken tonight on a bill would set a precedence and that a policy should be established before any action is taken on the bill.

Mr. Gibson pointed out that, from a legal standpoint, policy should be set first and then deal with Mr. Mork's water bill.

Commissioner Buzzett noted that staff and the attorney had offered a structure to help staff deal with these issues. He also reminded the Commissioners that these changes are going to cost the City a lot of money down the road, that Mr. Anderson has shared that uncollected water bills are at approximately \$100,000 which will have an impact on the budget and the only way to recover these expenses would be to raise water rates which he does not want to do. Commissioner Buzzett stressed that a policy was needed for employees and that the Commission did not need to get into a personality contest with water bills at Commission meetings.

Commissioner McCroan stated that he agreed a policy was needed but he did not go along with what was presented tonight.

Commissioner Thursbay stated he wanted to resolve Mr. Mork's bill tonight.

Attorney Gibson disagreed with this as Mr. Mork was told that until the policy issue was resolved he did not have to pay the bill.

Mr. Anderson questioned if you do an adjustment to help a few people what would be done for the rest of the people. Everyone pays a water bill and we need to be mindful of this. His concern was, "At the end of the day would we want to have to come back and raise the water rates next year?"

Commissioner Thursbay amended his Motion to: In the event, until we can work something out, that a man's bill is 8 times the average bill of the last 6 months you can come to the meeting, show proof, then the commission can adjust the bill.

Mayor Magidson read from previous Minutes that no action would be taken on Mr. Mork's bill until a policy has been established. He cautioned that the Commission is going down a slippery slope, they need to be very careful and come up with some standards that everyone can live with.

Commissioner Buzzett questioned if the agenda item was the Utility Billing Write-Off Policy and if that is what we are suppose to vote on.

Mayor Magidson responded that what is on the agenda is to be voted up, down or tabled.

Commissioner Buzzett noted that the policy of this Board in the past, has been that something not on the agenda was not brought up for a vote.

Mayor Magidson note that was absolutely correct.

Commissioner Patterson asked what the current policy was.

Mr. Anderson responded that right now we do not currently waive anything on water unless the City makes a mistake, such as a bad meter or bad water. According to the industry standards, if the water goes through the meter, someone has to pay for the cost to produce the water, for the guys to work there and costs associated with that. We do a sewer adjustment because we can justifiably say that it went on the ground and not treated through the sewer system.



A more lengthy discussion followed and Attorney Gibson asked that each Commissioner review the policy that was provided in the Agenda packet, make notes of their wishes and get back with Mr. Anderson and Mr. Gibson.

Michael McKenzie, Robertson and Associates shared that he, Ralph Roberson, Mr. Gibson and Mr. Anderson worked on the policy to try to make it fair for everyone. In the Enterprise Fund, it has to balance. You have to budget your expenses to your revenues. He noted that if you start cutting revenues you have to start cutting expenses to make it balance. They were concerned with setting a precedence for individual adjustments.

Mr. Gibson shared that several other municipalities had been checked with and they do the same thing that we have done in the past. He also noted that PSC regulated industries require that anything that goes through your meter has to be paid for. He shared his concerns that if anything was done tonight the policy has been set. Mr. Mork does not have to do anything until we have a policy. Mr. Gibson requested that the Commissioners give comments, let staff know what they do and don't like and noted that no one is getting hurt while we are taking time to set the policy. Mr. Gibson reminded the Commissioners they received the proposed policy last Friday in their agenda and asked that they review it, make notes on it, call or email him with their concerns and staff will work to get the policy like the Commission wants it.

Commissioner Thursbay withdrew his motions.

#### *Centennial Building Roof*

Mr. Anderson shared that Mr. Grantland and Bill Kennedy had been on the roof yesterday after the rain storm and found that pine straw, scuppers and possibly seam issues could be part of the problem. They suggested a maintenance plan, expanding the scuppers and removal of several trees to help the situation.

Mr. Grantland noted that the integrity of the roof appeared to be fine.

#### **New Business**

##### *Christmas Dinner*

The Christmas Dinner was discontinued several years ago and employees have asked that it be reinstated. After discussion, a motion was made by Commissioner Thursbay, second by Commissioner McCroan, to declare collected scrap metal as surplus and use to provide an appreciation dinner for the employees. All in Favor; Motion carried 5-0.

*Commissioner Buzzett requested that an update be given on the lights for Cabel Drive.*

Bobby Pickels of Duke Energy, gave a report on the recently repaired and existing lights throughout the City. To add lights the City will need to work with Mr. Pickels and Duke Energy. A letter from the City, requesting the additional lights, will be needed to begin the process.

##### *Christmas Decorations and Carriage Rides*

The Port St. Joe Merchants Association has requested that they be allowed to have carriage rides downtown on Friday, December 6, 2013. They have also asked that the City look into the possibility of having lights in the trees on Reid Avenue.

Gail Alsobrook stated that the PSJRA could provide power to the poles to assist with the lighting.

##### *Legacy Trust Program – Commissioner Thursbay*

This program is currently being reviewed by Staff, Attorney Gibson and Insurance Agent Dwight Van Lierop.

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

Mr. Grantland did not have anything to report.

Commissioner Patterson asked if all amnesty trash had been picked up and Mr. Grantland responded that there were several areas still to be picked up.

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

Mr. McClamma noted that the plant is not running 24-7. He also shared that the employees who went to Dalton, Georgia reported a good trip and they are waiting on the water study to complete their recommendations.

## **Wastewater Plant – Lynn Todd**

### *SolarBee Aerator System Update*

Ms. Todd noted that another aerator had been lost this week and they are at bare bones bottom now.

Kevin Pettis reported on the synopsis of his trip to Birmingham, Alabama to observe the SolarBee aerators. He and Buddy Cumbie were pleased with what they saw and recommends installation of the aerators for the Wastewater Treatment Plant.

A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to purchase 5 SolarBee Aerators pending review of the contract by Attorney Gibson and Mr. Anderson. This purchase is a budgeted expense. All in Favor; Motion carried 5-0. It was noted that there would be a 30 – 60 days installation period, a maintenance package was included and no supplementary power would be required.

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

### *Traffic Study Update*

No additional information has been requested by DOT.

### *Water Study Update*

A report has been received on the jar testing of Ferric and Staff will be meeting with Mr. Kozan on Friday. Mr. Kozan will be available for the December 3, 2013, Commission meeting if needed.

### *CDBG Water Line Replacement Grant Update / USAD Sidewalk Replacement Update*

The project has been value engineered and is now within both the CDBG (\$571,302) and USDA (\$176,000) available amounts. A Motion was made by Commissioner Buzzett, second by Commissioner McCroan, to accept the amended Scope of Work. All in Favor; Motion carried 5-0. A letter will be needed from the City to proceed. Consensus of the Commission was to proceed with the project.

## **Code Enforcement**

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

## **Police Department**

Chief Barnes was absent and Sergeant Burch did not have anything to report.

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

### *PSJRA Meeting Minutes of September 19, 2013*

Minutes were provided for perusal by the Commission.

### *Phase IV Landscape Project*

Ms. Alsobrook shared that trees would be planted on December 2; Plants on December 9; Cleanup will be done on December 16 and a punch list will be reviewed on December 23, 2013.

### *Lighthouse Documentary Extension Approval by BP*

An extension to April of 2014, has been granted for the Lighthouse Documentary.

