

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT
2775 GARRISON AVENUE, March 23, 2021, at Noon.**

The following were present: Mayor Buzzett, Commissioners Ashbrook, Hoffman, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, and City Attorney Clinton McCahill were also present.

CONSENT AGENDA

Minutes

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to approve the Minutes of the Regular Meeting of March 2, 2021. All in favor; Motion carried 5-0.

City Attorney –

Ordinance 579 Election Qualifying Process; Second Reading and Adoption:

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to have the Second Reading of Ordinance 579. All in favor; Motion carried 5-0.

Attorney McCahill read Ordinance 579 by Title Only.

Mayor Buzzett asked for Public Comments. No one from the Public spoke.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to Adopt Ordinance 579. All in favor; Motion carried 5-0.

Ordinance 582 Sunset Shores Small Scale Plan Amendment; Parcel # 04561-400R and # 04280-000R First Reading:

A Motion was made by Commissioner Langston, second by Commissioner Hoffman, to have the First Reading of Ordinance 582. All in favor; Motion carried 5-0.

Attorney McCahill read Ordinance 582 by Title only.

Curtis Brown and Larry Wagner expressed their concerns about the project.

Ordinance 584 Annexation of Parcels #03013-001R and # 03017-005R – City Owned Property; Second Reading and Adoption:

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to have the Second Reading of Ordinance 584. All in favor; Motion carried 5-0.

Attorney McCahill read Ordinance 584 by Title Only.

Mayor Buzzett asked for Public Comments. No one from the Public spoke.

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, to Adopt Ordinance 584. All in favor; Motion carried 5-0.

Ordinance 585 Large Scale Plan Amendment Parcel # 03013-001R and # 03017-005R Owner – City of Port St. Joe; First Reading and Request to Transmit to DEO:

City Planner, Ray Greer, reviewed the process. The review will take about 30 days, and be sent to FL DEP, FL DOT, and the Northwest FL Water Management District. After their review, the plan will be brought back to the Commission for consideration of adoption. Mr. Greer noted that the 28 acres in the South part of the parcel will be low density and the 25 acres in the North section will be R-3.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to have the First Reading of Ordinance 585 and transmit it to DEO. All in favor; Motion carried 5-0.

Ordinance 586 Long Avenue North a/k/a Palmetto Bluff Parcel# 06076-015R, Owner Long Avenue Partners LLC-PUD; First Reading:

Commissioner Lowry stated that he would be abstaining from voting on this issue as he is a business associate of Ralph Rish the developer. A separate Form 8B Memorandum of Voting Conflict For County, Municipal, and Other Public Officers was completed by Commissioner Lowry and is attached to these minutes as Exhibit A.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to have the First Reading of Ordinance 586. All in favor; Motion carried 4-0, with Commissioner Lowry abstaining.

Attorney McCahill read Ordinance 586.

Ordinance 587 City Election Date; Second Reading and Adoption:

A Motion was made by Commissioner Hoffman, second by Commissioner Lowry, to have the Second Reading and Adoption of Ordinance 587. All in favor; Motion carried 5-0.

Attorney McCahill read Ordinance 587 by Title only and noted that this would be on the ballot only if there is a contested election this year.

Resolution 2021-02 CIP Plan Update:

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to adopt Resolution 2021-02 CIP Plan. All in favor; Motion carried 5-0.

Old Business –

Coronavirus (COVID-19) Update; Resolution 2020-02 – State of Emergency. Currently still in place.

Mr. Anderson noted the positivity rate in down to 6% and vaccines will be available for those 50 and older this week.

New Business –

Development Order Request Taco Bell; Parcel # 05724-000R, Owner DJ Enterprises of Panama City:

The PDRB gave a favorable recommendation for the Development Order and to reduce the number of parking spaces by 3, from 26 – 23.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the Development Order for Taco Bell. All in favor; Motion carried 5-0.

Mr. Baker shared that he was pleased to be opening in Port St. Joe, they will take pride in their building, and be good citizens. He has an opening date goal of October 1, 2021.

Current City Projects

It was noted that there are a number of projects and work continues to move forward on them.

Scout Hut Building

Commissioner Ashbrook shared that he is Chairman of the Scouts organization and supports any help that can be given.

A Motion was made by Commissioner Hoffman, second by Commissioner Ashbrook, to receive bids for the sheet rock, HVAC, 3 windows, and the necessary work to bring the building up to code. The roof will not be addressed at this time. All in favor; Motion carried 5-0.

Senior Citizens Building

Commissioner Hoffman stated that he felt the partnerships with the County were one way and the City is losing. He reminded the Commissioners of the bathrooms at the Washington Gym that the County agreed to help with and then changed their stance to if grant money is received, they will help.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, that a cap of \$17,000 be allocated for this project. All in favor, Motion carried 5-0.

Commissioner Hoffman requested that a document agreement be mailed to the County.

Mobile Homes for Discussion – Joe Paul

Gulf County Veterans Service Officer and Ship Administrator, Joe Paul, requested that either a Variance or Special Exception be given to place a trailer at 105 and 120 Harbor Street. Neither trailer meets the LDR requirement of 1,200sf. He also requested that neither trailer be required to have front or back porches.

Attorney McCahill noted that this request does not meet the requirements for a Variance or Special Exception.

Tan Smiley, Carolyn Byrd, and Linda Willis expressed their support of trailers, and Eddie Fields shared that he prefers that modular trailers be used.

Chester Davis noted that the issue is standing up for laws, feels that the County should provide modular units rather than trailers, and that the laws need to be upheld.

Willie Mae Williams and LyTonya Gainer asked for an update on their request to place a trailer on Avenue F.

Attorney McCahill is to draft an Ordinance addressing these issues.

Commission Meeting Time – Commissioner Langston

It was noted that attendance was about the same at either meeting and it was easier for City Staff to meet at noon. After discussion, consensus was to leave the meeting time at Noon.

Public Works – John Grantland

RFP 2021-02 Tennis Court Lighting Bids

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to award the Bid to BGN Contractors in the amount of \$18,032.72. All in favor; Motion carried 5-0.

Request to Bid additional City Warehouse Building

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to go out for bid for an additional City Warehouse Building. All in favor; Motion carried 4-0.

Buck Griffin Lake Sidewalk

Mr. Grantland noted that there will not be a bridge on the 20th Street side of the lake, but will have a concrete side walk on that side. Existing structures on that side will be demolished.

William Morrison, 202 St. Joseph Drive and Roy Broughton, 302 DuPont Drive, expressed their appreciation to Mr. Grantland, Mr. Anderson, and the Commission for the quick response they received to their request for help at the last meeting.

Surface Water Plant – Larry McClamma

2020 Annual Drinking Water Quality Report

Mr. McClamma reported that there were 19 contaminants tested for and no violations were found in the Annual Drinking Water Quality Report.

He also shared that the FL Rural Water Association would like to make a presentation when the Ground Sand Filter Testing is completed.

Wastewater Plant – Kevin Pettis

Mr. Pettis noted there is approximately 2' of free board in the pond, the parts he has been waiting on are in route, and he will need about 200 loads of sand for the spray fields.

Consensus was to go out for bids for the sand.

Finance Director – Mike Lacour

FEMA Project Closeout

Mr. Lacour provided an update on the following projects:

Frank Pate Park Pavilion – closing out.

Wastewater Treatment Plant – Completed.

Maddox Park – Obligated.

Buck Griffin Lake – There will be a bridge in the middle with a sidewalk and crossover on the 20th Street side.

Clifford Sims Park – submitted to FEMA.

Tanya Lukowlak, of Earthbalance Corporation asked if the City would rebid the NRCS Grant as they gave a total price so there would be no uncertainty of the cleanup cost.

The Commission could not grant this request as the bid has been awarded and met the bid specifications.

Commissioner Langston left the meeting at 2:10.

City Engineer – Josh Baxley was on vacation and there was no representative from Dewberry present.

NRDA Stormwater Grant Update

Walking Path FDOT Grant Update

CDBG Project Update

First Street Lift Station and Long Avenue Water / Sewer Projects

RFP 2021-01, NRCS Debris Removal Bids

A Motion was made by Commissioner Ashbrook, second by Commissioners Hoffman, to award the bid to KaiserKane Storm in the amount of \$37.50 per Cubic Yard. All in favor; Motion carried 4-0.

Code Enforcement –

Special Magistrate hearings are schedule for this afternoon, two more demo bids were opened yesterday, and additional hearings are being scheduled.

Police Department – Chief Richards

Sale and trade of City Property with Sheriff's Office

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to approve the sale and trade of City Property with the Sheriff's Department. All in favor; Motion carried 4-0,

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to obligate JAG Funds for an additional police vehicle. Funds are in the budget in the amount of \$17,149 and it will be a state contract purchase in the amount of \$24,256.00. The difference will come from the department budget. All in favor; Motion carried 4-0.

City Clerk – Charlotte Pierce

Grants Update

City Staff continues to work with the grant writer on possible grants.

Cemetery Layout

A layout of Holly Hill Cemetery for additional family plots was reviewed.

Clerk Pierce shared there have been additional requests from families to be allowed to purchase 11 more benches for Forest Hill and 12 for Holly Hill.

City Election Schedule

Clerk Pierce reminded the Commissioners up for re-election of the qualifying time tomorrow.

Citizens to be Heard –

Chester Davis asked about the fence behind the gym and if it would be possible to place a light on the flag. He also asked if North Port St. Joe was being turned into a trailer park and noted that he does not feel that they should be allowed unless they meet the codes.

Discussion Items by Commissioners –

Commissioner Ashbrook asked about backflow preventers on commercial property for sewers.

Commissioner Lowry did not have anything to discuss.

Commissioner Hoffman asked for clarification of the meeting time for the joint meeting with the County Commission. The meeting will be on Tuesday, April 13, 2021, at 4:00 P.M., in the Commission Chamber of the Ward Ridge Building.

Mayor Buzzett stated that he felt the Commission had worked well together, and announced that he would be qualifying to seek re-election tomorrow.


Motion to Adjourn –

There was no other business to come before the Commission and Mayor Buzzett adjourned the meeting at 2:23 P.M.

Approved this 6th day of April 2021.


Rex Buzzett, Mayor

4/6/21
Date


Charlotte M. Pierce, City Clerk

4/6/21
Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lowry, Brett Charles</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners
MAILING ADDRESS <i>134 Gulf Coast Circle</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Port St. Joe, FL	COUNTY Gulf
DATE ON WHICH VOTE OCCURRED <i>3/23/2021</i>	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Brett Charles Lowrey, hereby disclose that on March 23rd, 20 21:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Ralph Bish;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

- Developer is a business partner

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

3/23/2021
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.