

**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, FEBRUARY 1, 2011
AT 6:00 P.M.**

The following were present: Mayor Magidson, Commissioners Gingell, Johnson, Stephens and Buzzett. City Manager Charlie Weston, Attorney Russ Scholz and City Clerk Jim Anderson were also present.

Consent Agenda:

Minutes:

Motion by Commissioner Stephens, 2nd by Commissioner Buzzett, to approve the Minutes for the January 18, 2011 Regular Meeting. All in Favor; Motion carried 5-0.

City Attorney, Russ Scholz:

Executive Session:

Mr. Scholz noted that the Executive Session concerning the McDaniel Lawsuit is scheduled for February 24, 2011 at 9:30 A.M.

City Manager, Charlie Weston:

Langston Drive:

Mr. Weston noted that a meeting was held today to discuss the scope of work. Preble Rish Engineering will flag and mark the site and the county will clear the property. The City will haul the fill dirt and the County will prep the road. The goal is to complete the prep work by March 11, 2011 and have Gulf Asphalt Company complete the project by April 1, 2011.

North Florida Child Development – Development Order Request:

Mr. Anderson noted that the Planning and Development Review Board recommended a conditional Development Order based on North Florida Child

Development providing a one year \$65,000 letter of credit that is to be renewed for an additional year once the one year term expires.

Mayor Magidson noted that the problem would arise if, after the one year term the Letter of Credit can't be renewed.

Gerald Thompson indicated that the Letter of Credit should be in hand this week and will be backed by a \$35K CD.

Mayor Magidson noted that our concern is to protect the City.

Gerald Thompson stated that North Florida Child Development is well above the required teacher ratio.

Motion by Commissioner Gingell, 2nd by Commissioner Stephens, to issue a conditional Development Order to North Florida Child Development based on securing the one year \$65K Letter of Credit that will be renewed for an additional year. All in Favor; Motion carried 5-0.

BP Claim Update:

Mr. Weston noted that staff has had discussions with our Attorney and Accounting Firms that are representing the city.

Mr. Lacour has supplied our representation with a lot of data which is still being reviewed. We hope to have some feedback by the end of the week.

Mr. Weston indicated that the timeline for the claims process is still undetermined at this time.

IT Bid Advertisement Update:

Mr. Weston advised the Commission that our current IT Contract expires at the end of the month. The City has gone out for bids and the deadline for submittal is February 15, 2011.

Commissioner Gingell asked, "Who is our current IT contract with?"

Mr. Weston responded, "Banyon Pelham with TJ's Networking."

EDC Update:

Mr. Weston indicated that Tom Graney will make a proposal to the County Commission as to the future of the EDC. Additional information will be provided at the next City Commission Meeting.

Mayor Magidson noted that the County will hold a Special Meeting tomorrow at 5:00 P.M. concerning the EDC.

Washington Gym:

Mr. Weston indicated that we have had several requests to reopen the gym with little success. He had a meeting with the Workforce Board to discuss a joint venture that includes a mentoring/tutoring program along with opening the gym. The possible candidate to run the program also has athletic skills.

Emerald Waste Service Rates:

Mr. Weston noted that EWS is requesting a 4% rate increase to take effect March 1, 2011. Copies of the current contract were given to the City Commission for review. A workshop has been scheduled for February 16, 2011 at 5:00 P.M. to discuss the details of the proposed rate increase.

Commissioner Gingell asked, "Didn't EWS agree not to raise the rates when they were given a long term contract?"

Mr. Weston noted that the last contract mediation that we are aware of was done in 2006 and expires in 2014.

Attorney Scholz noted that the contract talks about the rate increase of up to 4% being based on the CPI.

Mayor Magidson indicated that we need to know what the CPI is.

Commissioner Johnson asked, "Can the rate increase be cumulative?"

Attorney Scholz responded, "I don't think so, the contract doesn't address it."

Florida League of Cities Trustee Nomination Form:

Mr. Weston asked, "Would the Commission like to nominate a member to be a trustee?"

No action was taken by the Board.

Senator Nelson Letter:

Mr. Weston provided the Board with a copy of the letter Senator Nelson has sent to Kenneth Feinberg referencing the BP Oil Spill claims process.

City/County Joint Workshop:

Mr. Weston noted the topics that have been presented to him by the City Commission for discussion at the joint workshop are as follows: Trash, Consolidation of Various Services, Tipping Fees and Demolition of Abandoned Structures.

Commissioner Gingell requested that Health Insurance be added as a topic of discussion.

Centennial Building Rental Fees:

Mr. Weston indicated that we changed our fees in October of 2010. We currently have two categories for rental of the Centennial Building and Washington Gym: Commercial and Non-Commercial. We have added a third category: Civic Groups, Public Meetings, and Churches/Non Profit for discussion.

Commissioner Johnson would like the building rental time frame to be from 12:00 Noon the day before the event till 12:00 Noon the day after the event. He also noted that we need to cover the cost of utilities.

Mr. Weston noted that the Electric Bill averages \$1,000 a month during the summer for the facility.

CodeRed:

Mr. Weston indicated that a message was sent out last week to all water customers relating to the emergency at the Water Plant. We must make sure that everyone has a good number in the system. We plan to run a notice on the water bill and in the newspaper.

Mrs. Pierce indicated that she has spoken to Sandy Reeves at Fairpoint Communications. She was told that people who have the solicitor block on their phone, which requires the number one to be pressed before receiving calls, will not be able to receive CodeRed Messages.

Commissioner Gingell asked, "Where are the CodeRed update forms available?"

Mr. Anderson responded, "CodeRed can be updated on the City Website, www.cityofportstjoe.com. Click on CodeRed on the home page and enter the name, address and phone number and submit." They are also available in person downstairs where the water bills are paid.

Utility Deposit and Service Fee Discussion:

Mr. Weston noted that the 2nd topic of discussion for the February 15, 2011 Workshop will be deposits, service calls and disconnection/reconnection fees. He would also like to discuss billing options.

Sewer Availability Letter:

Mr. Weston indicated that the Sewer Availability Letter will be mailed out to each location where sewer is available urging people to connect to the sewer system.

Mayor Magidson requested that the three year payment option for impact fees be included in the letter.

Attorney Scholz noted that the Statute states that locations where sewer is available must tie in within one year and enforcement would be handled by the Health Department.

Commissioner Gingell asked, "When people receive this letter, will they be required to hook-up to sewer within one year?"

Mr. Weston responded, "No, the intent is for new construction and those with failing septic systems be required to hook-up to sewer, with enforcement being handled by the Health Department."

Public Works, John Grantland:

No Update

Surface Water Plant, Glenn Davis:

Mr. Davis noted that the Electrical Fire last Tuesday shut the Water Plant down. Most customers were not without water and a CodeRed was sent out with a Boil Water Notice for all customers as a precaution. At this time, we have not received the report from the Fire Marshall's Office.

Repairs are set to begin on Thursday February 3, 2011. The repairs will take approx. thirty hours and no one should be without water.

Commissioner Johnson asked, "Do we anticipate asking any commercial user to cease operation?"

Mr. Davis responded, "No, but we will not be able to produce water because we will be on backup power."

Commissioners Gingell and Stephens thanked the City Staff for the job they did after the Electrical Fire last week.

Mayor Magidson suggested that we encourage conservation during the repairs at the Water Plant.

Mr. Davis noted that a CodeRed will be sent tomorrow to all customers in reference to the repairs.

Commissioner Buzzett noted that he had requested a meeting to determine the possibility of the City going back to well water. A meeting was held this morning

that included Doug Barr from North West Florida Water Management. Mr. Barr wants all well users to get off of the aquifer and utilize surface water. Mr. Barr asked some tough questions and is adamant about getting to the bottom of the problem in reference to water quality. The consensus was to hold CDM's feet to the fire and establish a time line to resolve the issues. Mr. Barr is willing to have his staff review the findings and hire an outside consultant if necessary.

Commissioner Buzzett also indicated that if we had to go back on the aquifer in an emergency situation we don't have the necessary equipment in place. We were led to believe this equipment was in place.

Mr. Davis noted that we are meeting all primary and secondary standards.

Mr. Buzzett responded, "No doubt staff is doing all they can, but color is the big concern at the point of delivery to the customer."

Waste Water Plant, Glenn Davis:

Mr. Weston indicated that the City has gone out for Bid on the Headworks and Sprayfield Project. Reynolds Construction submitted the low bid, but sent a letter the next day withdrawing their bid stating they had made a substantial mistake in their bid package. The City has sent a letter to Reynolds requesting additional information on the withdrawal and Reynolds has responded. Staff is reviewing the bid documents with our Engineer and Legal. A meeting should take place on Thursday or Friday.

Florida League of Cities Proposed Resolution in opposition of the Numeric Nutrient Criteria:

Mr. Davis noted that the new proposed standards will be next to impossible to meet. He thinks that our Commission should get on board with the FLOC.

Attorney Scholz indicated that the new proposed standards come out of a lawsuit.

Mayor Magidson feels that we should submit a letter to our state and local representative urging them to have the EPA create standards based on science and not an arbitrary number.

Motion by Commissioner Buzzett, 2nd by Commissioner Johnson, to authorize Mayor Magidson to submit a letter to our state and local representatives. All in Favor; Motion carried 5-0.

City Engineer, Bill Kennedy:

Water Study:

The construction plans are complete on the Water System.

Baseball Complex:

Mr. Kennedy noted that good progress is being made on the ball field upgrade at Benny Roberts Park. At the end of the project, we should have a better product.

Construction Engineer Inspector Bid Proposal:

Mayor Magidson asked, "Will the CEI be covered under the Grant?"

Mr. Kennedy responded, "Yes."

Motion by Commissioner Johnson, 2nd by Commissioner Stephens, to go out for bid for a Construction Engineer Inspector for the Madison Street/Garrison Avenue Multi-Use Path. All in Favor; Motion carried 5-0.

Mr. Kennedy informed the Board that February will be his last month of employment with Preble Rish Engineering. He thanked all past and present elected officials and staff for the seventeen years that he has worked with the City. He is willing to help the City in any way he can in the future as well.

The Commission thanked Mr. Kennedy for all his hard work and dedication to the City.

Code Enforcement, Richie Burkett:

Mr. Weston noted that approx. ten structures are in various stages of being removed. Currently, we have permission from four of the owners for demolition.

We plan to start the demolition process on February 11, 2011. The County has agreed to loan the City an Excavator. Volunteers will separate the debris and we are working with the County to waive the tipping fees.

Police Department, Rusty Burch for Chief Barnes:

Mayor Magidson noted that he has had numerous complaints about U-Turns on Reid Avenue and asked the Police Department to please look into this matter.

Officer Burch noted that he will get with Chief Barnes on the problem with U-Turns on Reid Avenue.

Grants, Charlotte Pierce:

Grants Activity:

Mrs. Pierce gave the Commission a handout with the breakdown on Grant activity for the past two weeks.

Commissioner Buzzett asked, have we received our final invoice from C.W. Roberts for the Pathway for History and Health.”

Mrs. Pierce responded, “No.”

PSJRA, Matt Flack:

No Update

City Clerk, Jim Anderson:

Mr. Anderson gave the Commission a timeline for the City Election to be held on May 10, 2011.

Citizens to be heard:

Christy McElroy:

Ms. McElroy stated that she incurred criticism when she suggested going back on the aquifer. As a citizen, she wants to be informed and finds it ironic that we are having a discussion about going back on the well.

Commissioner Buzzett noted that Mayor Magidson was aware of the meeting and that he would report back to the Commission on his findings. He wanted to determine if it was possible to go back on the well, but it appears it is not.

Ms. McElroy responded, "I'm confused, I thought it was possible, just costly."

Commissioner Buzzett indicated that he doesn't believe Doug Barr from the North West Florida Water Management District is inclined to let us go back on the aquifer. He feels that our citizens deserve for us to look at our options, but it does appear there is help available in emergency situation preparation.

Mr. Weston noted that we are looking at all of our options for the Water Plant.

Mayor Magidson indicated that we are trying to leave no stone unturned and consider all our options.

Ms. McElroy noted that she has talked with Mr. Weston at length and is glad she is joining us for the Commission Meetings, but doesn't like buying bottle water.

Mayor Magidson indicated that this is the reason we have established a Water Distribution Point at the Water Plant. He stated, "I drink the water every day."

Ms. McElroy responded, "The water is brown and doesn't smell good."

Mr. Davis believes that the conversation Ms. McElroy had was in reference to going back to the "Old" Water Plant which Mr. Barr indicated has out lived its life.

Commissioner Gingell stated that she spent seven years in the City Commission Meeting audience before being elected and appreciates that this town does listen to its citizens.

Mayor Magidson noted that we do try our best to inform the public.

Raymond Wood:

Mr. Wood indicated that he knows that the City has entered into an Interlocal Agreement with the County for Animal Control. A dog has bitten a Mr. Sheffield and the same dog has bitten him. No shots were given to the dog that was

quarantined for ten days after he bit Mr. Sheffield and the Health Department was not notified of the bite. He was told by Lynn Lanier that the County has done nothing wrong. If a dog bites someone it should be vaccinated. If the animal control officer had done his job, Mr. Wood would not have been worried about having rabies. Mr. Wood noted that he has met with Mr. Weston a few times on this subject.

Mayor Magidson asked, "Where did the dog bite take place?"

Mr. Wood responded, "In Highland View on the block owned by Ralph Roberson in the City Limits." He would like the Animal Control Officer fired.

Mr. Wood also indicated that on December 28, 2010 he fell out of a rolling chair in Mr. Weston's office and hit his tailbone. He stated, "I will be going to see a surgeon, so the dog problem has also got you an insurance claim."


Mayor Magidson noted that he will discuss Animal Control with the County.

Commissioner Comments:

None

Motion by Commissioner Stephens, 2nd by Commissioner Gingell, to adjourn at 8:07 P.M.

Approved this 15th day of February 2011.



Jim Anderson, City Clerk



Mayor Magidson