

August 7, 2012

**Budget Workshop
5:00 p.m.**

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

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



City of Port St. Joe

Mel Magidson, Mayor-Commissioner
Bill Kennedy, 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 August 7, 2012**

Call to Order

Consent Agenda

Minutes

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- July 17, 2012 Regular Meeting Page 2-6
- July 24, 2012 Special Meeting Page 7
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City Attorney

- Ordinance 481, Nuisances Pages 10-11
 - 2nd Reading & Consideration of Adoption
- Ordinance 482, Park Regulations Pages 12-14
 - 2nd Reading & Consideration of Adoption
- Ordinance 483, Home Shelters Pages 15-20
 - 2nd Reading & Consideration of Adoption
- Ordinance 484, City Code Update Page 21-22
 - First Reading
- Gulf Pines Hospital- Update
- Business Tax Ordinance review- Update

City Manager Report

Old Business:

- Centennial Building Acoustics- Update, Eric Davidson
- Lighthouse Facilities-Update
- RESTORE Act Committee
- Irrigation Rates- Request to Advertise Page 23
- Chipola Pump Station Inspection- Update

New Business:

- RESTORE Act Committee
- Stormwater Issue- Nancy Mock
- CJA Lease Proposal Amendment Page 24-25
- 100 Year Celebration- Discussion
- Waste Pro, annual CPI increase request Page 26-27
- Centennial Building Fee Waiver Request Page 28

Public Works

- Update

Surface Water Plant

- Update

Waste Water Plant

- Update

City Engineer

- Headworks and Sprayfield Project- Update
- Water Distribution System Upgrades Phase I & II- Update

Code Enforcement

- Update

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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 PROPOSED 2012 / 2013
BUDGET FOR THE GENERAL FUND ACCOUNT MEETING OF THE
BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE
FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, July
17, 2012, AT 5:00 P.M.**

The following were present: Commissioners Buzzett, McCroan, Patterson and Kennedy. City Manager Jim Anderson, Attorney Tom Gibson, City Clerk Charlotte Pierce, Financial Analyst Mike Lacour, Fire Chief John Ford and Public Works Superintendent John Grantland. Mayor Pro temp Buzzett chaired the meeting until the arrival of Mayor Magidson at 5:08 P.M.

The purpose of the Workshop was to review the General Fund Account of the proposed 2012 / 2013 Budget and receive input from the Commissioners on structuring the Budget.

Documentation was provided to the Commissioners reflecting the current General Fund Budget, General Fund Proposed Budget and line item detail was provided for both Revenue and Expenditures.

Currently, the City of Port St. Joe levies 3.5914000 Mills which generated \$1,041,301.

Options for the proposed 2012 / 2013 Millage are:

FY 2012 / 2013 - The current Millage of 3.5914000 Mills would yield a 6% Reduction of approximately \$69,000.

0.254 Mill increase – Roll Back Estimated would generate \$68,794

.50 Mill increase – would generate approximately \$135,422

.75 Mill increase – would generate approximately \$203,133

Mr. Anderson and Mr. Lacour reviewed the budget and answered questions.

A decision will be made in the Regular Meeting at 6:00 P.M. today as to the tentative Millage that will be levied for the coming fiscal year.

Mayor Magidson adjourned the Workshop at 5:55 P.M.

Approved this _____ day of _____ 2012.

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, July 17, 2012, AT 6:00 P.M.

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

CONSENT AGENDA

Minutes

A motion was made by Commissioner Kennedy, second by Commissioner Patterson, to approve the Minutes of the July 3, 2012. All in Favor; Motion carried 5-0.

CITY ATTORNEY - Tom Gibson

A motion was made by Commissioner Patterson, second by Commissioner Buzzett, to read the following Ordinances by Title only. All in Favor; Motion carried 5-0. The Ordinances will appear in the Star this coming week.

Ordinance 481, Nuisances

Ordinance 482, Park Regulations

Commissioner Buzzett requested that Section 1 be deleted. Mayor Magidson questioned the designated parking areas and times the parks would be open

Ordinance 483, Homeless Shelters

Mr. Gibson advised the Board that the appeal time for the Comprehensive Plan Amendment for the City of Port St. Joe (DEO Amendment Number 12-1ESR, Ordinance 480) Revised Port Planning Area has passed.

CITY MANAGER'S REPORT

Mr. Anderson shared that the Municode update has been completed.

Old Business

Centennial Building Upgrades - Eric Davidson

Mr. Davidson has completed his survey work and provided the Commission with the document, "Centennial Hall – 2012 Acoustic Recommendations – Sound Level Study Summary and Space Considerations". Mr. Davidson has some additional work to do. He would like to have a Workshop, include the hospitality industry and other interested groups. Mayor Magidson noted that money for improvements is an issue.

Lighthouse Facilities – Mayor Magidson

Mayor Magidson related that the issue is still in the hands of the General Services Administration.

Joint City/County Workshop

Mr. Anderson has had several emails with Gulf County Administrator Don Butler with proposals of items to discuss. He hopes to have this at the staff level for review in the next few days.

Irrigation Rates

Current Water rates from the Burton Study were provided to the Commission. Residential and Irrigation base rates are the same but consumption for usage is the major difference in the rates. Our Xeriscape Ordinance must also be considered before a decision is made. Mr. Anderson recommended that irrigation rates be kept the same as the residential. A list of current Irrigation Meter users was provided to the Commission. Commissioner Kennedy requested that staff move forward with this.

Utility Services Contract

The City received an increase in revenue for utilizing space on the Tenth Street Water Tower.

Chipola Pump Station Inspection

Mr. Danny Gilbert and Rusty Smith of Gilbert Pump provided a review of their findings and evaluations of the pump at the Chipola Pump Station. The pump was installed in 1952, has been well taken care of, and they were impressed with the general condition of a pump that old. Due to the findings and projected expense to repair the pump, staff will meet to review the findings and make a recommendation as to what will need to be done. See attached report.

New Business

DR 420 – Proposed Millage Rate

A Budget Workshop was held at 5:00 P.M. today. Based on the information provided, Commissioner Buzzett motioned, second by Commissioner Kennedy, to send the DR-420 to the Gulf County Property Appraiser with a tentative millage rate of 4.0914 which would be a one-half mill increase. All in Favor; Motion carried 5-0. The Millage Rate may be lowered but cannot be increased after Form DR 420 is returned to Gulf County Property Appraiser Kesley Colbert.

Grinder Pump Bids

Bids were received until 3:00 P.M. ET July 13, 2012. Bid packets from J. H. Wright & Associates, Gilbert Pump & Mechanical, and Pump & Process Equipment were opened at 3:07 P.M. Apparent low bidder was Pump & Process, their packet was reviewed by staff and it is the recommendation of John Grantland that the bid be awarded to Pump & Process Equipment.

John Grantland explained the bid packet he put together and the three differences (removed Positive Displacement Pumps; reduced Basin Depth from 60 inches to 48 inches, and change from a bolt on Lid to an access hatch) from the previous bid in 2008.

A motion was made by Commissioner Kennedy, second by Commissioner McCroan, to award the bid to Pump & Process Equipment for \$1,998 per Sewer Grinder Pump. All in Favor; Motion carried 5-0.

Recycle Bins

Chester Davis of Waste Pro shared that they are having problems with plastics being deposited in the recycle bins. To store and then ship the plastics is not proving feasible. They will no longer be accepting plastic.

Mr. Davis recommended that merchants be allowed to take their cardboard to the Waste Pro Transfer Station on Tuesdays and Thursdays and leave the bins on Eighth and Tenth Street for residential use.

The plastic recyclable bin will be moved from Eighth Street to Port St. Joe Elementary School.

SHIP Program

The County is requesting that they be allowed to inspect the three houses they are rehabbing in the City limits under the SHIP Program. Mr. Gibson was asked to prepare a Hold Harmless Agreement.

100 Year Celebration

Mayor Magidson asked that the celebration be combined with the Fourth of July festivities. Staff is researching the exact date of incorporation. The Mayor would like to see planning begin and committees formed. Funds will need to be raised locally for the event.

Public Works – John Grantland

No updates at this time.

Surface Water Plant – Larry McClamma

The insides of Clarifiers 1 and 2 were painted last week.

Mr. McClamma shared that Operator Travis Burge passed his state Class C Water License exam last week.

Water Plant update – Philip Jones

Restore Con will be remobilizing Monday to continue their repair work on the inside of the filter cells. They have completed one cell and it will take several weeks to bring the other three cells on line.

Raw Water Pumps – Mr. Jones needs to meet with staff this week. On June 25, 2012, Bob Lyles called him concerning the motors at the Raw Water Pumps. Pump and Process responded to their call and repaired one of the pump motors and did a report on the other. A report indicates that the last work done was a bad rewind which caused the pumps to fail during Tropical Storm Debby.

Siemens – The three new chemical feed pumps were delivered on July 11, 2012.

Waste Water Plant – Lynn Todd

Testing of the old transformers will begin tomorrow to determine if they are an asset or liability. New equipment testing is going as scheduled.

City Engineer – Clay Smallwood

Headworks and Sprayfield Project – A Tentative Timeline for Completion of the Wastewater Treatment Facility Improvements was provided. The substantial completion date has been moved from July 20, 2012 to July 25, 2012. Demolition of the existing Primary is scheduled to begin August 8, 2012, with the new final completion date expected to be Friday, August 31, 2012. Sprigging has been completed at the Sprayfield. A punch list for the project has been started.

Water Distribution System Upgrades Phase I -

Work is continuing down Garrison, around Bellamy Circle and to Twentieth Street. Mr.

Smallwood anticipates that the company that shoots the services under the road will possibly be in town next week to do the Sixth, Seventh, Eighth and Ninth Street areas. Pipe on Tenth Street will be pressure tested this week.

Code Enforcement

Mr. Burkett's Activity Report as of July 13, 2012, was reviewed. Political signs were the topic of discussion.

Police Department – Chief Barnes

Chief Barnes stated that there were no issues on the Fourth of July or with the Street Dance. He requested that anyone visiting parks remember to lock their vehicles, and take their wallets and purses with them. The County has had 36 or 37 vehicle burglaries but the City has been very fortunate thus far.

Roof Repairs – The ceiling in the Police Department has had several leaks. Building Inspector Bo Creel has inspected the situation and recommends that we go out to bid for a new roof. A motion was made by Commissioner Buzzett, second by Commissioner Kennedy, to go out for a new roof. All in Favor; Motion carried 5-0.

His department is expecting a large crowd for the Scallop Festival.

PSJRA – Boyd Pickett

Mr. Pickett presented a list of PSJRA Provisional Board Members for consideration. These will be non-voting members but by bringing them on board now they will have the opportunity to become knowledgeable of the Board and its function when a vacancy occurs. The names were: Joanna Bryan, Michael McKenzie, Clarence Monette and John Jenkins. A motion was made by Commissioner Kennedy, second by Commissioner Patterson, to approve the Provisional Members. All in Favor; Motion carried 5-0.

A hand out letter from PSJRA Executive Director Gail Alsobook was presented concerning the Billy Joe Rish Memorial Parking Lot Storm Drain. The letter requested signed and sealed documents from both the engineer at Hanson and the engineer of record for the project, Preble-Rish, noting that the box as installed meets the specifications in ASTM C 1422. This specification is noted on the construction drawings as well as the Hanson website. This would alleviate concerns of failure after four years but prior to the normal anticipated life span of the unit. A motion was made by Commissioner Buzzett, second by Commissioner Patterson, to accept the recommendation of the letter. All in Favor; Motion carried 5-0.

City Clerk – Charlotte Pierce

Nothing at this time.

Citizens to be Heard

No one addressed the Commission.

Discussion Items by Commissioners

Commissioner Kennedy did not have anything at this time.

Commissioner Patterson thanked John Grantland and his staff for their help with a tree limb complaint he had received.

Commissioner McCroan has received several complaints concerning the red light on the extension of Fifth Street by Hungry Howies. The light is not changing and people are waiting extended periods of time to cross the highway. Chief Barnes will check into the issue.

Commissioner Buzzett requested that the Business License issue be placed on the next Agenda as it needs to be trimmed down.

Mayor Magidson did not have anything at this time.

A motion was made by Commissioner Kennedy, second by Commissioner McCroan, to adjourn the meeting at 8:05 P.M.

Approved this _____ day of _____ 2012.

Mel C. Magidson, Jr., Mayor

Charlotte M. Pierce, City Clerk

**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, July 24, 2012, at 5:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, Patterson and Kennedy. City Manager Jim Anderson, City Attorney Tom Gibson, City Clerk Charlotte Pierce, Financial Analysts Mike Lacour, Public Works Superintendent John Grantland, Surface Water Treatment Plant Supervisor Larry McClamma, and Chief Electrician Bob Lyles were also present. Commissioner McCroan was absent due to a family matter.

The purpose of the Special Meeting was to approve repairs to the 1952 Goulds Model 3080 24" horizontal split case pump at the Chipola Pump Station.

A quote of \$29,935.00 was received from Gilbert Pump and Mechanical, Inc.

Chief Electrician, Bob Lyles, recommended that the Commission approve the quote to rebuild the pump.

City Manager, Jim Anderson, recommended that the City request proposals for one motor to be used at the Chipola Pump Station.

A motion was made by Commissioner Kennedy, second by Commissioner Patterson, to approve the quote for Gilbert Pump to repair the pump for \$29,935. All in Favor; Motion carried 4-0.

A motion was made by Commissioner Buzzett, second by Commissioner Kennedy, to advertise for proposals for one diesel motor at the Chipola Pump Station. All in Favor; Motion carried 4-0.

A motion was made by Commissioner Kennedy, second by Commissioner Patterson, to adjourn the Meeting at 5:12 P.M.

Approved this _____ day of _____ 2012.

Mel C. Magidson, Jr., Mayor

Charlotte M. Pierce, City Clerk

**MINUTES OF THE WORKSHOP FOR THE PROPOSED 2012 / 2013
BUDGET FOR THE WATER FUND BUDGET MEETING OF THE BOARD
OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE FLORIDA,
HELD IN THE COMMISSION CHAMBER AT CITY HALL, July 24, 2012,
AT 5:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, Patterson and Kennedy. City Manager Jim Anderson, Attorney Tom Gibson, City Clerk Charlotte Pierce, Financial Analyst Mike Lacour, Public Works Superintendent John Grantland and Surface Water Treatment Plant Supervisor Larry McClamma. Commissioner McCroan was absent due to a family matter.

The purpose of the Workshop was to review the Water Fund Budget of the proposed 2012 / 2013 Budget and receive input from the Commissioners on structuring the Budget.

Documentation was provided to the Commissioners reflecting the current Water Fund Budget, Water Fund Proposed Budget and line item detail was provided for both Revenue and Expenditures.

Mr. Anderson and Mr. Lacour reviewed the provided information and answered questions from the Commissioners.

Mayor Magidson adjourned the Workshop at 5:50 P.M.

Approved this _____ day of _____ 2012.

Mel C. Magidson, Jr., Mayor

Charlotte M. Pierce, City Clerk

**MINUTES OF THE WORKSHOP FOR THE PROPOSED 2012 / 2013
BUDGET FOR THE WASTEWATER FUND BUDGET MEETING OF THE
BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE
FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, July
31, 2012, AT 5:00 P.M.**

The following were present: Commissioners Buzzett, McCroan and Patterson. City Manager Jim Anderson, Attorney Tom Gibson, City Clerk Charlotte Pierce, Financial Analyst Mike Lacour, Public Works Superintendent John Grantland and Wastewater Treatment Plant Supervisor Lynn Todd. Commissioner Kennedy was absent due to illness. Mayor Pro temp Buzzett chaired the meeting until the arrival of Mayor Magidson at 5:10 P.M.

The purpose of the Workshop was to review the Wastewater Fund Budget and the Solid Waste Fund Budget of the proposed 2012 / 2013 Budget and receive input from the Commissioners on structuring the Budget.

Documentation was provided to the Commissioners reflecting the current balances in the Wastewater and the Solid Waste Fund Budgets. Line item detail was provided for both Revenue and Expenditures in each fund's budget.

Mr. Anderson and Mr. Lacour reviewed the provided information and answered questions from the Commissioners.

In the Wastewater Budget the unknowns are chemicals and electricity with the new Headworks and Sprayfield coming on line. The possibility of using solar power to reduce electricity costs was discussed. Ms. Todd and her staff are talking with other plants that use solar to determine if it is feasible to peruse this possibility.

Mr. Anderson advised the Commission that the overtime cost for the Wastewater Collection Budget is approximately \$8,000 over budget with two months remaining in the fiscal year. He also noted that our On-Call Policy compensates our employees at a much higher rate than many cities in our area. Staff has received copies of the On-Call Policy from Marianna and Lynn Haven with a verbal response from Apalachicola. A copy of our current City On-Call policy was provided to the Board to review.

Mr. Anderson reminded the Commission that the City has assumed approximately \$175,000 additional debt for the new Headworks and Sprayfield as well as \$110,000 for Water Distribution Phase I. This will put the current City debt at approximately \$20,000,000 in two years if Phase II Water Distribution is approved.

Mayor Magidson adjourned the Workshop at 5:50 P.M.

Approved this _____ day of _____ 2012.

Mel C. Magidson, Jr., Mayor

Charlotte M. Pierce, City Clerk

ORDINANCE NO. : 481

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING SECTION 30-27 OF THE CITY OF PORT ST. JOE CODE OF ORDINANCES, PROVIDING AN ADDITIONAL DEFINITION OF NUISANCE AS ANY ACTIVITY CONDUCTED ON A PROPERTY WITHIN THE CITY REQUIRING THE PRESENCE OF LAW ENFORCEMENT OFFICERS ON FIVE OR MORE OCCASIONS OF ANY THIRTY DAY PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1: Section 30-27 of the City of Port St. Joe Code of Ordinances is hereby amended to add sub-paragraph 23 to the definition of nuisance which will read as follows:

- a. Property or activity conducted on property within the City, whether owned, leased or used by a person or organization whether for profit or not for profit that requires the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.
- b. Owners of property or lessees, users, or occupants of property that permit the existence of any illegal activities on such property that are prohibited by the laws of the State of Florida or the ordinances of the City requiring the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.
- c. The provisions of this ordinance do not apply if law enforcement officers are responding to domestic violence calls.

2. REPEAL:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

4. EFFECTIVE DATE:

This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe,
Florida this ____ day of _____, 2012

THE CITY OF PORT ST. JOE

By: _____
MEL MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:

CHARLOTTE M. PIERCE
CITY CLERK

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

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ORDINANCE NO. 482

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE; PROVIDING FOR REGULATION OF CERTAIN ACTIVITIES ON PARKS AND OTHER PUBLIC PROPERTY; PROHIBITING CERTAIN GLASS CONTAINERS; PROHIBITING THE OBSTRUCTION OF SIDEWALKS AND STREETS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

Chapter 58 of the Code of Ordinances of the City of Port St. Joe is hereby amended to include the following:

Sec 58-5. Parks and Other Public Property

Except for governmental activities and/or other permitted activities authorized by the City within its governmental authority it shall be unlawful for a person to do any of the following on the park grounds or other public property.

- (a) Lie or otherwise be in a horizontal position on a park bench or grounds where prohibited by signs;
- (b) Sleep on park grounds at any time during the hours from sunset to sunrise of the following day;
- (c) Construct any hut, shanty, or other shelter;
- (d) Cook foodstuffs except where facilities for such preparations are provided by the City;
- (e) Set or stoke a fire except where appropriate facilities are provided by the City;
- (f) Discharge or deposit human wastes, except in toilet facilities provided or approved by the City;
- (g) Dig holes or otherwise disturb the natural surface of the ground;
- (h) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds;
- (i) Erect signs or affix signs to any tree, post or park facility or grounds, except signs posted by the City;
- (j) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg located above, upon or under park grounds;
- (k) Write on, draw on, or otherwise deface, damage, remove or destroy any park facility or any part of the park grounds;

- (l) Purchase, sell, offer for sale, possess or consume any alcoholic beverages as defined by the laws of Florida, unless authorized by Chapter 6 of this Code of Ordinances;
- (m) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage;
- (n) Use public restrooms to shave and/or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (o) Sit in or on any trash receptacles, planters, or newspaper dispensers provided for public use;
- (p) Bathe or otherwise be or remain in a water fountain and/or reservoir;

Sec. 58-6. Glass Containers Prohibited

Section 1. An open glass container is defined as:

- (a) Any drinking vessel made of glass, excluding drinking glasses in their original package that contain no liquid or
- (b) A container made of glass upon which the seal has been broken and which by virtue of its labeling or contents would normally contain a consumable beverage.

Section 2. Should a violation occur in the presence of a law enforcement officer, the officer shall advise the offender of the provisions of this ordinance and direct the offender to:

- (a) Immediately depart from the public property or
- (b) To immediately dispose of the glass container and its contents. Should the offender refuse to comply with the requests of the officer, the offender will be arrested and charged pursuant to Section 843.02, Florida Statutes, resisting officer without violence to his or her person.

Section 3. The provisions of this ordinance shall not apply to persons engaged in picking up or transporting empty bottles for recycling or disposal or to persons taking part in litter control programs.

Sec. 58-7. Obstruction of Streets and Sidewalks.

Section 1. It shall be unlawful for any person or group of persons to obstruct or cause to be obstructed any public space parallel to any public sidewalk including linear streets, rights of way, alleys or entrance that prevents the free and proper use thereof.

Section 2. No person shall sit or lie down on a public sidewalk or upon a blanket, chair, stool or any other object placed upon public sidewalk. This prohibition shall not apply to a person sitting or lying on a public sidewalk because of a medical emergency, because of a person's disability requiring the use of wheelchairs, walkers or similar

appliances, attendance at an authorized event by the City occupying the adjacent streets, or sitting on a bench or chair supplied or authorized by the City.

Section 3. If the gathering is in response to an entertaining event, the police will have the right to order the people involved in the event to cease the performance or be subject to a violation of this section.

Section 4. Obstructing of streets or sidewalk passages caused by governmental repairs or a parade shall not cause a violation hereof.

Sec. 58-7. Penalties for Violation

Except as otherwise provided by the Municipal Code of the City, a person convicted of a violation of any of the above offenses shall be punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of the Court. Unless stated otherwise, each day that a violation continues shall constitute a separate offense.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

EFFECTIVE DATE: This ordinance shall become effective upon adoption as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this ____ day of _____, 2012.

CITY OF PORT ST. JOE

By: _____
Mel C. Magidson, Jr., Mayor-Commissioner

ATTEST:

Charlotte M. Pierce, City Clerk

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

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ORDINANCE 483

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA TO REGULATE AND CONTROL THE APPLICATION, REVIEW, PERMITTING PROCESSES, AS WELL AS THE REGULATION AND ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS; PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of City Commissioners of the City of Port St. Joe, Florida (hereinafter "Commissioners"), find and determine that the City of Port St. Joe (hereinafter "City") Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the City; and

WHEREAS, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of the City, and

WHEREAS, the Commissioners find and determine that the City has adopted Land Development Regulations in order to implement its Comprehensive Plan and to comply with the requirements of the laws of State of Florida, including the regulation of land use within the City of Port St. Joe for the purpose of establishing homeless shelters in conjunction with the development of land; and

WHEREAS, in order to carry out the purposes of the Florida Statutes and the purposes of the City's Land Development Regulations, the Commissioners find and determine that the City's Land Development Regulations should regulate homeless shelters, including by designating restricted or prohibited uses, as well as the proper procedures for application, review, location, permitting and financial public support for such homeless shelters; and

WHEREAS, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

WHEREAS, the Commissioners have determined following public hearings, careful evaluation of both the research and experience of neighboring communities and their approach and process for enabling those in need of such homeless shelter, that such services should be provided with the condition that the facility is not contrary nor inconsistent with one or more of the purposes of the Comprehensive Plan and the Land Development Regulations, and by prescribing the proper process, application, review, evaluation, permitting and funding of such facility; and

WHEREAS, the Commissioners have determined the need to address the City's Land Development Regulations relative to homeless shelters, and wishes to ensure that the City's Land Development Regulations as they relate to a homeless shelter are in compliance with all constitutional and other legal requirements; and

WHEREAS, the Commissioners find and determine that the Comprehensive Plan requires the City to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of the City of Port St. Joe is ensured; and

WHEREAS, the predominant concern in establishing homeless shelter regulations for the development and use of land is with any adverse secondary effects, and not with the intent nor mission of such a homeless shelter; and

WHEREAS, the Commissioners wish to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such facilities in a Florida community can create atypical and extraordinary obligations and additional burdens on the demand for City services and support; and

WHEREAS, the Commissioners find, based on information presented at public hearings, staff review of both established regional and national studies as well as the review of expert testimony regarding the issue of homelessness in surrounding communities that the operation of a homeless shelter has consistently resulted in significant increased police activities, increased activity of emergency management personnel, staff and resources and ultimately a demand on the social services and structure of those municipalities and communities directly providing and supporting the users of a homeless shelter; and

WHEREAS, the purpose of this ordinance is to authorize the operation of shelters for homeless persons within the City of Port St. Joe under circumstances which assure the public protection while also securing and enhancing the health, safety and welfare of all city residents along with Participants, consistent with the Comprehensive plan; and

WHEREAS, the Commissioners strive to balance the Comprehensive Plan mandate to maintain and improve the quality of life for all citizens while also providing an outlet and ability to offer adequate support services for shelter occupants with proper regulation and oversight; and

WHEREAS, the Commissioners find and determine that a major deterrent to a decline is a healthy civic pride, and further note the importance of an interest in maintaining a civic pride, public health and safety and strong internal community support and therefore seek to provide the ability to provide homeless individuals shelter in an orderly, structured and responsible community based approach that recognizes the need for both the homeless assistance while maintaining the City of Port St. Joe's civic pride; and

WHEREAS, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid any blight and deterioration that cause depreciation of property values and to that end the Commissioners have

sought to ensure adequate protection for residents within the City in which a shelter is specifically located; and

WHEREAS, The Commissioners find and determine that tourism is a significant and important economic activity within the community and that a homeless shelter land use is incompatible with tourist related land use and economic activities; and

WHEREAS, the Commissioners find and determine that the following ordinance is consistent with all applicable policies of the City, including its Comprehensive Plan and Land Development Regulations, and is not in conflict with the public interest, and will not result in incompatible land uses;

NOW THEREFORE, BE IT ENACTED, by the People of the City of Port St. Joe, as follows:

Section 1. Definitions

- A. "Homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes.
- B. "Person" means an individual, a business entity or organization, or a governmental entity.
- C. "Participant" means an individual that has qualified for admission into the shelter for temporary relief and assistance with basic necessities of life such as food and clothing. A participant under the definition and terms of this ordinance, however, does not provide residency nor "intent to reside" status to an individual participating. Participant is an individual that receives the benefit of the shelter services, however, may not claim residency of the shelter as a home, domicile, residence or intent to reside.
- D. "Tourist Corridor" means U.S. Highway 98, State Road 71 and Garrison Avenue within the City limits of the City of Port St. Joe.

Section 2. Permit required

No person may establish or operate a homeless shelter in the City of Port St. Joe without a permit.

Section 3. Application

A person who wishes to establish and operate a homeless shelter shall file an application for a permit with the City of Port St. Joe. The application shall specify the shelter's proposed location and the number of anticipated residents, and any other information considered necessary by the City to process the application. The application should include a statement by the applicant addressing each element of the burden of proof required for the issuance of a permit as described in Section 4 below. When filing the application, the applicant shall pay the processing fee established by the City Commission through this ordinance of Fifteen Hundred Dollars (\$1,500.00) to offset the extraordinary city staff time for review and preparation of this unique and specific permit approval process.

Section 4. Burden of proof

An applicant for a permit under this chapter has the burden of demonstrating each of the following elements:

- A. The proposed facility is appropriate for the shelter under consideration;
- B. The proposed location for the shelter is appropriate, given proximity, for example, to schools, churches etc. and complies with the requirements of Section 7 of this ordinance;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing;
- D. The shelter's participants will receive any necessary medical treatment, and have adequate access to social services and other support services such as counseling for employment and permanent housing opportunities;
- E. The shelter will provide transportation for shelter residents as may be needed to implement the shelter's program, particularly to any off-site location where services are proposed provided;
- F. The shelter will provide adequate on-site supervision and security;
- G. The shelter's operating rules provide for immediate termination of participant's services and provide an immediate plan for transportation out of the City of any participant who engages in criminal activity;
- H. The shelter will provide adequate coordination with the police department for the provision of screening and security functions;
- I. The shelter will provide a community liaison to ensure sufficient avenues of communication with the neighborhood and effective response to complaints from citizens;
- J. Adequate police services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the City's building and zoning ordinances;
- L. The applicant and its staff possess the requisite education and experience to properly manage the shelter;
- M. The facility and its professionals submit sufficient plans demonstrating the rehabilitation, training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;
- N. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance.

Section 5. Public hearing – Decision – Term

Because of the potential for additional law enforcement, emergency management services and other public services required by this land use, a homeless Shelter is hereby designated as a Level 2 Major Development and shall be reviewed as such according to the requirements of Section 2.03 of the Land Development Regulations. The term of the permit shall not exceed twelve (12) months.

Section 6. Permit fee

If the Board of City Commissioners of Port St. Joe approves the application, it shall as a part of the approval process fix the amount of the permit fee. The permit fee is in addition to the processing fee referred to in Section 3.

Once an application is approved by the Board of City Commissioners of Port St. Joe, the applicant shall pay the permit fee fixed by the Commission. The permit fee shall be the amount required to cover the City's anticipated increased costs in providing police, emergency medical and related support services for a projected annual term as a result of the shelter's operation. The annual renewable permit fee shall be established by vote of the Board of City Commissioners of Port St. Joe following the research, review and final recommendation of City staff. The Commissioners, by resolution, may modify the payment schedule of the permit fee by allowing quarterly or semi-annual payments. Subsequent to the first year of operation the fee shall be based on the City's documented increased costs plus any additional expected increased cost occasioned by foreseeable events such as the expansion of the shelter.

Section 7. Location

No homeless shelter may be located within one half mile of any Tourist Corridor

Section 8. Revocation

The Board of City Commissioners of Port St. Joe may revoke a permit issued under this Section if it determines that the shelter is not operating in accordance with the terms of the permit. Before it considers revocation of the permit, the Board of City Commissioners of Port St. Joe shall first conduct a noticed public hearing giving the permittee an opportunity to respond to grounds in support of revocation.

Notice of the revocation hearing shall be mailed postage prepaid by first class mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing.

Section 9. Exception

This Ordinance does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the Board of City Commissioners of Port St. Joe. A temporary emergency homeless shelter may operate for a maximum of 45 days. The City Clerk may extend that period for additional periods of 45 days, upon approval of the Board of City Commissioners of Port St. Joe.

Section 10. Violation – Penalty

- A. A person who violates a provision of this chapter is guilty of a first degree misdemeanor.

- B. Each violation of this ordinance shall constitute a separate offense.
- C. The City shall have recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions hereof, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions hereof and to recover such damages as may be incurred by the implementation of corrective actions.

Section 11. Repeal

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 12. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with the law.

THE CITY OF PORT ST. JOE

By: _____
Mel C. Magidson, Jr.
Mayor-Commissioner

ATTEST:

Charlotte M. Pierce
City Clerk

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

W:\City of Port St. Joe\homeless\Shelter Ordinance City of PSJ.doc

ADOPTING ORDINANCE
ORDINANCE NO. 484

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF PORT ST. JOE, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the People of the City of Port St. Joe, Florida:

Section 1. The Code entitled "Code of Ordinances, City of Port St. Joe, Florida" published by Municipal Code Corporation consisting of Chapters 1 through 70, and Part III, Land Development Regulations, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before January 3, 2012, and not included in the Code or recognized and continued in force by reference, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not exceeding \$500 or a term of imprisonment not exceeding 60 days or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City Commission may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in the form as to indicate the intention of the City Commission to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after January 3, 2012 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this ____ day of _____, 2012

THE CITY OF PORT ST. JOE

By: _____
MEL C. MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:

CHARLOTTE M. PIERCE
CITY CLERK

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

PUBLIC NOTICE

City of Port St. Joe

The City Commission will hold public hearings on the following topics at its August 21, 2012 Regular Meeting at 6:00 P.M. EST. and it's Regular Meeting to be held on September 18, 2012 at 6:00 P.M. EST.

Topics: -Ordinance 485, Water Utility Rates

Transactions of the public meeting will not be recorded. Persons wishing to appeal any decision made during the meeting will need a record of the proceeding and should ensure a verbatim record is made, including the testimony on which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact Charlotte Pierce, City Clerk, City of Port St. Joe, at City Hall, telephone number (850)229-8261 Ext 113.

****Please publish in the Star on August 16, 2012 as a Display Ad****

REINSTATEMENT AND AMENDMENT TO LEASE AGREEMENT

THIS REINSTATEMENT AND AMENDMENT TO LEASE AGREEMENT ("Reinstatement and Amendment") is made as of the 1st day of July, 2012, by and between CJA FLORIDA PROPERTIES, LLC, a Florida limited liability company ("Lessor"), whose address is 308 Williams Avenue, Port St. Joe, Florida 32456, and the CITY OF PORT ST. JOE, a Florida municipal corporation ("Lessee"), whose address is 305 Cecil Costin Boulevard, Port St. Joe, Florida 32456.

RECITALS

WHEREAS, Lessor and Lessee entered into that certain Lease Agreement dated June 20, 2011 (the "Lease"), affecting a portion of Lessor's property located on Lots 17, 19, 21, and 23, Block 8, City of Port St. Joe, Gulf County, Florida, as more particularly described in the Lease and defined therein as the Leased Premises.

WHEREAS, the Lease expired on its terms at midnight on June 30, 2012.

WHEREAS, Lessor and Lessee have agreed to reinstate and amend the terms of the Lease as set forth in this Reinstatement and Amendment.

NOW, THEREFORE, in consideration of the above Recitals, the mutual covenants and agreements herein set forth and the benefits to be derived therefrom, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Lease.
2. The Lease is hereby reinstated, as amended herein, by Lessor and Lessee and shall be of full force and effect as of July 1, 2012.
3. The term of the Lease shall be one (1) year commencing on the 1st day of July, 2012 and expiring at midnight on the 1st day of July, 2013.
4. At any time during the term of the Lease, Lessor may terminate the Lease upon sixty (60) days written notice to Lessee.
5. Lessee agrees to collect from each business or landowner making use of the Leased Premises as permitted under the Lease, as amended herein, (each a "Benefited Party") payment, in advance or as reimbursement, of the monthly rent in an amount equal to the proportionate share of each Benefited Party.
6. Within five (5) days of executing this Reinstatement and Amendment, Lessee shall provide to Lessor a certificate of insurance evidencing general liability insurance and naming Lessor as an additional insured.
7. In the event of any conflict between the provisions of the Lease and this Reinstatement and Amendment, the provisions of this Reinstatement and Amendment shall control.

This Reinstatement and Amendment shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, this Reinstatement and Amendment to Lease Agreement is executed on this _____ day of _____, 2012.

Executed in the presence of:

WITNESS

LESSOR

CJA FLORIDA PROPERTIES, LLC

signature

By: _____
Candice Anderson, Managing Member

print name

signature

print name

WITNESS

TENANT

CITY OF PORT ST. JOE

signature

By: _____
Mel Magidson, Mayor

print name

signature

print name



Mr. Jim Anderson
 City Manager
 305 Cecil G. Costin Sr. Blvd.
 Port St. Joe, FL 32457

Mr. Anderson,

I am writing you today to address and request our annual c.p.i. increase. I am requesting the increase to be effective 1/1/2013 as it states in our agreement, however, I am bringing this to your attention now so you will have the opportunity to include this in your upcoming budget discussions. Based off the ytd May 2011 to ytd May 2012 Consumer Price Index the current change will be 2.5% excluding any disposal increase mandated by the Bay County Incinerator. Below you will see the calculation.

Year	Jan	Feb	Mar	Apr	May
2002	177.1	177.8	178.8	179.8	179.8
2003	181.7	183.1	184.2	183.8	183.5
2004	185.2	186.2	187.4	188.0	189.1
2005	190.7	191.8	193.3	194.6	194.4
2006	198.3	198.7	199.8	201.5	202.5
2007	202.416	203.499	205.352	206.686	207.949
2008	211.080	211.693	213.528	214.823	216.632
2009	211.143	212.193	212.709	213.240	213.856
2010	216.687	216.741	217.631	218.009	218.178
2011	220.223	221.309	223.467	224.906	225.964
2012	226.665	227.663	229.392	230.085	229.815
					<u>May</u>
2011 year to date					1115.869
2012 year to date					1143.620
variance					27.75
c.p.i. increase					0.02487

At Waste Pro we have been blessed to provide service to communities ranging from 100 homes to over 60,000 homes. Our success has been simple over the last ten years, take nothing for granted, provide world class service and remember each home we service is a privilege.

Regards,

A handwritten signature in cursive script that reads "Richard Chatham". The signature is fluid and extends to the right with a long horizontal stroke.

Richard Chatham
Waste Pro of Florida

[Compose](#)[INBOX](#)[Addresses](#)[Folders](#)[Options](#)Current Folder: **INBOX****Welcome: cpierce Your IP address: 192.168.11.100**[Message List](#) [Delete](#)[Delete & Prev](#) | [Delete & Next](#) | [Forward](#) | [Forward as Attachment](#) | [Reply](#) | [Reply All](#)Move to: **INBOX**[Move](#)**Subject:** Semper Fi Sisters 4th Annual Beach Blast**From:** "Semper Fi Sisters Corp" <semperfisisterscorp@gmail.com>**Date:** Fri, August 3, 2012 2:07 am**To:** cpierce@psj.fl.gov**Priority:** Normal**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [View Unsafe Images](#) | [View Message details](#) | [View as plain text](#)

Dear Mayor Magidson and City of Port St. Joe Commissioners,

Semper Fi Sisters is a national non-profit organization based in Port St. Joe, FL. and we will host our Annual event "Semper Fi Sisters Beach Blast" for the 4th consecutive year. This event brings women from all across America to our community to celebrate and honor the men and women who are and who have served in the United States Armed Forces. This year's event is planned for October 17 - 21, 2012 with over 70 ladies pre-registered coming from the following states **to date:** AL, AZ, CA, CO, FL, GA, KY, MA, ME, MI, NC, NJ, NV, NY, OH, PA, SC, TX, VA. These are Gold Star Mothers who have lost their sons/daughters in war, Silver Star Mothers & Wives who have Wounded Warriors and Blue Star Mothers, Wives, Grandmothers, Aunts, Sisters, Mother-in-Laws, God Mothers, in other words, female family members of our U. S. Military serving or a Veteran.

During Beach Blast each year we prepare, pack and ship donated items to deployed service members, "Boxes of Love from the Home Front". This has become a huge event within our event as we have grown from 36 boxes packed year one to over 700 boxes packed last year (Yr. 3) and there is discussion that we will pack in excess of 1000 this year.

Semper Fi Sisters seeks assistance with this mission from the City of Port St. Joe in our request that any fees for the use of the Centennial Building be waived. We have sought to reserve the Centennial Building for the use of our "Boxes of Love from the Home Front" event which includes other area organizations and groups & we do invite the public to join us in the afternoon packing on the 20th. We would appreciate access to the building during the week as we prepare, organize & receive donations for shipping. Our care packages are totally dependent on donations of goods or monies to offset services/programs like this to insure the shipping costs of each box. The current rate for one large APO/FPO flat rate box is \$13.45 each.

Thank you Gentlemen for your consideration & support of our request.

Respectfully

--

Semper Fi,
Brenda Garth, President & Co-Founder

Richard Burkett
Code Enforcement Insepector

**Code Enforcement
2012 Activity**

Activity As of 8-1-12
City Of Port St. Joe

	Open	Closed	Total	Increase Since 7/13/12
Unlawful Accumulation	34	66	100	17
Substandard Structure	1	1	2	
Abandoned Vechicle	1	5	6	
Unlawful Sewer	0	3	3	
Land regulation Violation	1	2	3	
Business Lic. Violation	1	1	2	
Special Master Hearings		2	2	
Building Demolition	0	4	4	
Waste Violation	6	71	77	5
Sign Violation	0	237	237	45

Total	44	Total	392	Total	436	Total	67
				2012 Year Cases			