

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT
2775 GARRISON AVENUE, February 4, 2020, at Noon.**

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

CONSENT AGENDA

Minutes

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to approve the Minutes of the Regular Meeting on January 21, 2020. All in favor; Motion carried 4-0.

Building Department Update – Quarterly Report given in January

Long Term Recovery Committee – Given First Meeting of each month

PSJRA Update – PSJRA Chairman David Ashbrook shared that they are working on the '20-'21 budget, gathering ideas for redevelopment throughout the City, and anticipate forming a new entity.

City Attorney –

Ordinance 566 Large Scale Plan Amendment – David Warriner; Second Reading and Consideration of Adoption:

Commissioner Ashbrook stated that he would be abstaining on the vote due to his employer being David and Trish Warriner. He will also be completing Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

A Motion was made by Commissioner Hoffman, second by Commissioner Langston, to have the Second Reading of Ordinance 566. All in favor; Motion carried 3-0 with Commissioner Ashbrook abstaining.

Attorney McCahill read Ordinance 566 by Title only.

A Motion was made by Commissioner Hoffman, second by Commissioner Langston, to adopt Ordinance 566. All in favor; Motion carried 3-0 with Commissioner Ashbrook abstaining.

Ordinance 567 Planned Unit Development – David Warriner; Second Reading and Consideration of Adoption.

Commissioner Ashbrook stated that he would be abstaining on the vote due to his employer being David and Trish Warriner. He will also be completing Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

A Motion was made by Commissioner Langston, second by Commissioner Hoffman, to have the Second Reading of Ordinance 567. All in favor; Motion carried 3-0 with Commissioner Ashbrook abstaining.

Attorney McCahill read Ordinance 567 by Title only.

A Motion was made by Commissioner Langston, second by Commissioner Hoffman, to adopt Ordinance 567. All in favor; Motion carried 3-0 with Commissioner Ashbrook abstaining.

Ordinance 568 Small Scale – Sheriff's Office Second Reading and Consideration of Adoption:

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to have the Second Reading of Ordinance 568. All in favor; Motion carried 4-0.

Attorney McCahill read Ordinance 568 by Title only.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to adopt Ordinance 568. All in favor; Motion carried 4-0.

School Tennis Court Lease update –

This was Tabled and Attorney McCahill provided a draft lease for the Commissioners to review.

Commissioner Terms update –

Consensus was to continue talking about this and look at possible options for 2021.

Commissioner Qualifying Fee / Petition Process Update –

This was Tabled for further discussion. Attorney McCahill noted that the City currently follows state statute, and the City can increase their qualification requirements.

Attorney McCahill has received a response from the owners of Emerald Dance Academy, LLC terminating the contract for rental of the Ward Ridge Building. It was indicated to Mr. McCahill that all personal property has been removed from the building. Locks will be changed and decals will be removed from the windows.

CITY MANAGER'S REPORT – Jim Anderson

Old Business

Government Complex Grant Update –

Mayor Buzzett shared that he had spoken with Jorge Gonzalez and they are close to having a price on the property to consider for the City Hall Complex.

Gateway Apartments Phase II Workshop – February 11, 2020, at 6:00 P.M.

Mr. Anderson reminded everyone of the workshop.

New Business

Use of STAC House – Methodist Church, Lynn Marshall:

A Motion was made by Commissioner Hoffman, second by Commissioner Ashbrook, for the Methodist Church to use the STAC House, rent free, on Wednesday's for their youth. All in favor; Motion carried 4-0. They will not need the facility in the summer months.

City Transfer Station – Commissioner Lowry:

In the absence of Commissioner Lowry, Mr. Anderson noted that WastePro has abandoned the site, left their materials, and the City has held their final payment until this is resolved. Attorney McCahill will write another letter to WastePro. It was noted that the current refuse contract owners, BCC, has expressed an interest in the site and this needs to be resolved.

Fourth of July Fireworks Budget –

A Motion was made by Commissioner Ashbrook, second by Commissioner Langton, to provide \$15,000 for the fireworks this year. All in favor; Motion carried 4-0. The TDC pays \$5,000 towards the fireworks.

Alarm Calls – Discussion:

This was Tabled for more discussion with the Fire and Police Departments.

Centennial Building Paint – Mayor Buzzett:

County Commissioner Phil McCroan is providing a County Work Crew to help with this project. Work should begin Monday, February 10, 2020.

Long Avenue Water / Sewer / Storm Evaluation - Task Order:

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, to approve a Task Order in the amount of \$1,500 for the Ferguson Group, the City's grant writing firm, to research funding programs and requirements for this project. All in favor; Motion carried 4-0.

CDBG – DR – DEO Workshop

Mr. Anderson reminded the Commission of the Needs Assessment Workshop on Wednesday, February 12, 2020, from 3:30 – 5 P.M.

Baysavers Letter of Support – Mayor Buzzett:

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to provide a Letter of Support for this project. All in favor; Motion carried 4-0.

Public Works – John Grantland did not have anything for the Commission.

Surface Water Plant – Larry McClamma did not have anything to update the Commission on.

Wastewater Plant – Kevin Pettis shared the plant is doing well, they are repurposing a building and including a lab that was destroyed by Hurricane Michael. There is approximately 3.5' free board in the lagoon, and they are using Career Source workers to help with repairs.

Finance Director – Mike Lacour is preparing a summary of insurance and FEMA Funds. The letter requesting a waiver on the 12.5% FEMA match has been mailed, we are moving forward on recovery, and he feels the ball is now in FEMA's court. FEMA has not approved the submitted request for clearing of the waterways and Mayor Buzzett will reach out to the county for assistance.

City Engineer – Clay Smallwood, III

Trail Lighting / Upgrades Grant – Duke Energy Quotes: Revisions have been sent to Duke and we are waiting to hear from them.

Clifford Sims Park Paving – Roberts and Roberts will be working here on bridge repair and will do the work while they are here.

A Motion was made by Commissioner Ashbrook, second by Commissioner Hoffman, to reject all bids on the Frank Pate Park Gazebo project. All in favor; Motion carried 4-0.

Tentatively the next NERDA Workshop will be held on Tuesday, March 24, 2020, at 5:00 P.M. Mr. Smallwood will verify that all parties can be here on that date.

Code Enforcement – Mr. Anderson shared that two hearings have been held, and orders were issued for cleanup with the next 45 days before legal action will be taken. He anticipates one individual will comply with the order and he does not anticipate the second will do anything. He asked that the Commission be thinking about how they wish to handle the non-compliant issue.

Police Department – Chief Matt Herring noted that FL DOT had installed the delineators in front of Hungry Howie's and McDonald's yesterday. He thanked John Grantland for his work on this and the Commission for trying to make our town safer.

Chief Herring noted that plans are being drawn for the Police Department renovations and feels he will have something on this in a few days.

City Clerk - Charlotte Pierce

Clerk Pierce shared that Angel Barbee Parker has produced and submitted a 5-minute video to HGTV for their consideration of a project in Port St. Joe. She noted that the video has been viewed by 24,580 people in less than 24 hours.

Citizens to be Heard –

Christy McElroy stated she was glad to have a new attorney and asked that the Commission be more vigilant when hiring someone. She noted that the former attorney has been in a partnership with the County Attorney since December 13, 2013, as Constitution Title, LLC per the FL Division of Corporations and feels this has been a conflict of interest.

Ms. McElroy also asked when BCC picks up yard debris and feels they are not doing a very good job. Mr. Anderson responded they are to pick trash up the first week of each month.

Discussion Items by Commissioners –

Commissioner Ashbrook shared that he has watched a video that the TDC has submitted to HGTV and thought it was very good also.

Commissioner Ashbrook noted that the goal of the TDC is to bring people to town. He feels that the City's request to the TDC should be in writing, the TDC will review for compliance with their requirements, and decide if the request should be forwarded to the County for their approval.

Commissioner Langston is concerned about dogs running in the community and asked about the feasibility of hiring a dog catcher. Mr. Anderson responded that there is a Leash Ordinance and dogs should not be running loose. *Commissioner Langston* would like for the City to look at the dugouts at Peters Park.

Commissioner Hoffman shared his concerns about the lack of TDC Funding for the City. A Motion was made by *Commissioner Hoffman*, second by *Commissioner Langston*, to formally request the TDC provide \$150,000 for tennis court lights and resurfacing of the courts if the lease with the Gulf County School Board is approved, \$50,000 for bathrooms at the Washington Gym, and \$50,000 for the softball field and Peters Park. *Mayor Buzzett*, *Commissioner Hoffman* and *Langston* voted in the affirmative and *Commissioner Ashbrook* voted no. Motion carried 3-0.

Mayor Buzzett reminded the Commissioners that the City Manager's contract will be discussed at the next meeting and asked that the Commissioners do their due diligence and research on this issue.

A Motion was made by *Commissioner Ashbrook*, second by *Commissioner Langston*, to adjourn the meeting at 1:23 P.M.

Approved this 18th day of February 2020.



Rex Buzzett, Mayor

2/18/20

Date



Charlotte M. Pierce, City Clerk

2/18/20

Date

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

LAST NAME—FIRST NAME—MIDDLE NAME Ashbrook, David A.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners
MAILING ADDRESS 909 Twentieth Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Port St. Joe, FL	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Gulf	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe
DATE ON WHICH VOTE OCCURRED February 4, 2020	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, David A. Ashbrook, hereby disclose that on February 4, 20 20 :

(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, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of David Warner, 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:

OT2 566 Large Scale Plan Amendment

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.

February 4, 2020
Date Filed

David Ashbrook
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME Ashbrook, David A.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners
MAILING ADDRESS 909 Twentieth Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Port St. Joe, FL	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Gulf	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe
DATE ON WHICH VOTE OCCURRED February 4, 2020	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, David A. Ashbrook, hereby disclose that on February 4, 2020 :

(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, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of David Warriver, 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:

Ord 567 Application For PUD

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.

February 4, 2020
Date Filed

David Ashbrook
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.