

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY  
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT  
2775 GARRISON AVENUE, November 7, 2023, at Noon.**

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

**CONSENT AGENDA**

**Minutes**

Attorney McCahill read two Form 8B Memorandum of Voting Conflict For County, Municipal, and Other Local Public Officers, as completed by Commissioner Lowry on October 17, 2023, when he abstained from voting on Ordinance 606 Land Development Regulations PUD Amendment and Ordinance 607 Marina Cottages PUD as he has a business relationship with the developer.

A Motion was made by Commissioner Kerigan, second by Commissioner Langston, to approve the Minutes of the Regular Meeting of October 17, 2023, and the Special Meeting of October 30, 2023. All in favor; Motion carried 5-0.

**Planning Board Recommendation**

*Ordinance 606 Land Development Regulations PUD Amendment, Second Reading and Adoption:*

Commissioner Lowry stated that he would be abstaining from the vote as he has a business relationship with Ralph Rish, the applicant making this request. A Motion was made by Commissioner Hoffman, second by Commissioner Langston, to have the Second Reading and Adoption of Ordinance 606. All in favor: Motion carried 4-0 with Commissioner Lowry abstaining. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, as completed by Commissioner Lowry on November 7, 2023, is attached at Exhibit A.

Attorney McCahill read Ordinance 606 by Title only.

This is amending the LDR requirements for PUD's in the Downtown Marina area.

*Ordinance 607 Marina Cottages PUD – St. Joe Marina Cottages, LLC, Parcel 04594-030R, First Reading*

Commissioner Lowry stated that he would be abstaining from the vote as he has a business relationship with Ralph Rish, the applicant making this request. A Motion was made by Commissioner Hoffman, second by Commissioner Langston, to have the Second Reading and Adoption of Ordinance 607. All in favor: Motion carried 4-0 with Commissioner Lowry abstaining. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, as completed by Commissioner Lowry on November 7, 2023, is attached at Exhibit B.

Attorney McCahill read Ordinance 607 by Title only.

This creates the Marina Cottages PUD.

## **City Engineer – Josh Baxley**

### *Beacon Hill Sewer*

Five Low Pressure bores were pulled by BCT last week. North Florida Construction has mobilized and is working on water and gas locates.

### *Downtown Water Line Replacement Phase I*

Monolith has mobilized and is working on the material inventory. Currently, they are waiting on locates to come back before commencing digging. The plan is to begin in the alley between 98 and Reid Avenue.

### *Madison Street SCOP Grant*

The Notice of Award and Agreement have been provided to the City. We are currently waiting on the CEI Services prior to the Pre-construction meeting.

### *Allen Memorial SCOP Gant – Task Order*

A Motion was made by Commissioner Lowry, second by Commissioner Kerigan, to approve the Task Order to Dewberry in the amount of \$44,262.90. All in favor; Motion carried 5-0.

### *Wastewater Sprayfield Zone 3 Expansion*

Dewberry is currently waiting on the survey field work.

### *HMGP Grant - Elevation of 12 Lift Stations*

Survey work began yesterday on this project. Field measurements have been completed.

### *City Complex Conceptual Design*

This project is in the design phase.

### *10<sup>th</sup> Street Sports Complex Task Order*

A Motion was made by Commissioner Hoffman, second by Commissioner Lowry, to approve the Task Order to Dewberry not to exceed \$10,000. All in favor; Motion carried 5-0. This is in preparation for a Master and Feasibility Plan.

### *2<sup>nd</sup> Street Parking Conceptual Design*

A Motion was made by Commissioner Kerigan, second by Commissioner Hoffman, to accept Option 1 which includes keeping the trees. All in favor; Motion carried 5-0.

## **City Attorney**

### *Resolution 2023-12 SRF Lead and Copper Funding Application*

A Motion was made by Commissioner Lowry, second by Commissioner Hoffman, to approve the application for Project LS-23017. All in favor; Motion carried 5-0.

## **Old Business**

### *City Projects*

Mr. Anderson shared that Amendment 1, reducing the Scope of Work for the Centennial Building, was approved by the State Historic Preservation Office and a Notice to Proceed may be given.

### *Legislative Request for Workforce Housing Access Road*

A Motion was made by Commissioner Langston, second by Commissioner Kerigan, to submit a Legislative Request for a Workforce Housing Access Road. All in favor; Motion carried 5-0.

## **New Business**

### *Change Order #2 CDBG-DR*

A Motion was made by Commissioner Lowry, second by Commissioner Hoffman, to approve the Change Order in the amount of \$26,030.32 for camera work of the Sewer Video Inspection. All in favor; Motion carried 5-0.

### *Career Source Gulf Coast Request*

A Motion was made by Commissioner Lowry, second by Commissioner Langston, to grant the request of \$5,500 to provide workers for the Washington Gym to be open 14 hours per week and an additional 12 hours per week for Spring Break and Christmas holidays. All in favor; Motion carried 5-0.

### *Road Paving, Monument Avenue – Mayor Buzzett*

Mayor Buzzett requested that the City go out for bids to repair Monument Avenue from 19<sup>th</sup> Street to Allen Memorial Way due to the damage done by Hurricane Michael. A Motion was made by Commissioner Hoffman, second by Commissioner Kerigan, to request bids for this project. All in favor; Motion carried 5-0.

### *Centennial Building Acoustics – Mayor Buzzett*

Mayor Buzzett noted the conditions of the acoustics in the Centennial Building and asked that an RFQ be advertised to improve the acoustics. A Motion was made by Commissioner Langston, second by Commissioner Lowry, to advertise and RFQ for this project. All in favor; Motion carried 5-0.

## **Public Works – John Grantland**

### *Twentieth Street Stormwater Pipe Inspection Quote*

Due to the cost of the quote, Commissioner Hoffman suggested that we budget this item for next year as there have not been repeated issues with the pipe. Consensus of the Commission was to budget this item for next year.

### *Clifford Sims Park Access Ramp*

A Motion was made by Commissioner Lowry, second by Commissioner Kerigan, to reduce the scope of work on the left side of the Gazebo in reference to the ramp since ADA compliance will not be met with the ramp on the right side. All in favor; Motion carried 5-0.

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

### *Request to purchase Truck on State Contract*

A Motion was made by Commissioner Lowry, second by Commissioner Kerigan, to approve the purchase of a truck. This is not a budgeted item, but the catwalk access ramp to the clarifier will not be built this year and is removed from this year's budget to cover the cost of the truck. All in favor; Motion carried 5-0.

### *Request to Bid Rehab of Clarifiers 3 and 4*

A Motion was made by Commissioner Kerigan, second by Commissioner Langston, to approve advertising to rehab and paint Clarifiers Three and Four. All in favor; Motion carried 5-0. This is a budgeted item.

## **Wastewater Plant – Kevin Pettis**

### Consent Order

A Motion was made by Commissioner Kerigan, second by Commissioner Langston, to sign and return the Consent Order and pay the fine of \$18,216. All in favor; Motion carried 5-0.

A Motion was made by Commissioner Kerigan, second by Commissioner Hoffman, based on the Consent Order to advertise for a study of the Wastewater System and then secure funding. All in favor; Motion carried 5-0.

Mr. Pettis shared that there is 2' of freeboard in the lagoon, the plant is pushing water, and there is nothing broken.

## **Finance Director – Mike Lacour**

### *FEMA Update*

Mr. Lacour noted that \$180,000 in reimbursement for grant administration for the Wastewater Treatment Plant has been received.

### *Grants Reimbursement Update*

The rock bid for Clifford Sims Park is being advertised.

## **Code Enforcement**

### *Update*

The voluntary requests for demolition of a structure on Avenues A and B have been submitted to the County, but a response has not been received from them. Mr. Anderson shared that another voluntary request for demolition has been received this week.

Commissioner Hoffman requested that a follow up letter be sent to the concrete plant owners as the plant is any eyesore as you come into town. He also asked that this be placed on the City Project List.

## **Police Department – Chief Richards**

*Request to Award RFP 2023-15: 2 Nissan Pathfinder Rock Creek Vehicles (Handout, bids closed on Friday, November 3, 2023)*

A Motion was made by Commissioner Kerigan, second by Commissioner Lowry, to purchase two Nissan Pathfinder Rock Creek Vehicles from Marianna Nissan as they were the low bidder for the vehicles. The cost is \$41,724.50 per vehicle. This is a budgeted item. All in favor; Motion carried 5-0.

## **City Clerk – Charlotte Pierce**

*Grants Update*

*Centennial Building*

A Motion was made by Commissioner Hoffman, second by Commissioner Lowry, to use \$52,000 from the BP Oil Spill Funds to cover the shortfall to make the approved repairs to the Centennial Building. All in favor; Motion carried 5-0.

*Lighthouse Keepers' Quarters*

Clerk Pierce shared that Amendment 1 has been sent to the State Historical Preservation Office for approval to reduce the Scope of Work for the repairs.

*Christmas Parade*

The Christmas Parade is growing, and citizens are very interested in it.

*Planning Board Membership*

Clerk Pierce asked for direction concerning the three PDRB Member's terms that expire at the end of this month. Instructions were to see if they were interested in continuing to serve and if not, an advertisement would be done. There is a PDRB Meeting at 4 P.M. today and Ms. Pierce will see what the wishes of the volunteers are.

## **Citizens to be Heard**

The following individuals spoke concerning the 10<sup>th</sup> Street Ball Park Complex and the Field of Dreams.

John White; Robert Branch; Christy McElroy; Jim Martin; Dan Doty; Jara Horton; Lisa Forehand; Melanie Martin, and Alan Wetzstein

*Charles Gathers* feels that people need to get a packet about the Commission Meetings to know what is going on. It was pointed out that Agendas are available on Friday prior to a Tuesday meeting on the City's website and Face Book page.

*Mike Sparks* questioned how delivery people will have access to merchants during the Downtown Phase I Water Line work. Information will be provided to the merchants, and very little, if any, interruptions should occur during Phase I.

Exhibit A

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lowrey, Brett Charles</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners	
MAILING ADDRESS <i>134 Gulf Coast Cir.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Port St. Joe, FL 32456	COUNTY Gulf	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>11/7/23</i>		NAME OF POLITICAL SUBDIVISION: City of Port St. Joe	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

### ELECTED OFFICERS:

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

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

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

\* \* \* \* \*

### APPOINTED OFFICERS:

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

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

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

**APPOINTED OFFICERS (continued)**

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

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

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

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Brett C. Lowery, hereby disclose that on Nov 7<sup>th</sup>, 2023:

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

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

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

I have a business relationship with the applicant making this request.

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.

11/7/23  
Date Filed

[Signature]  
Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lowry, Brett Charles</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Port St. Joe Board of City Commissioners	
MAILING ADDRESS <i>1341 Gulf Coast Cir.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Port St. Joe, FL 32456	COUNTY Gulf	NAME OF POLITICAL SUBDIVISION: City of Port St. Joe	
DATE ON WHICH VOTE OCCURRED <i>11/7/2023</i>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

### ELECTED OFFICERS:

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

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

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

\* \* \* \* \*

### APPOINTED OFFICERS:

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

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

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



**APPOINTED OFFICERS (continued)**

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

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

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

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Brett C Lowry, hereby disclose that on Nov 7<sup>th</sup>, 2023:

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

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

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

I have a business relationship with the applicant making this request.

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.

Date Filed 11/7/23

Signature [Signature]

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

**Discussion Items by Commissioners**

*Commissioners Langston* did not have anything else to share with the Commission.

*Commissioner Kerigan* thanked those present for attending the meeting today, noted there is not presently enough money to build the Field of Dreams, and studies will be done before anything is started. We are currently looking for funds to improve the existing ball fields, then have professionals look at all phases before rehab begins. He supports what is best for the community.

*Commissioner Lowry* stated that he would not be voting for anything that will hurt the community and is waiting for the study to come back.

*Commissioner Hoffman* attempted to bring those present up-to-date on the Field of Dreams and 10<sup>th</sup> Street Ball Park Complex issue so those that have not been here very long will have a better understanding of what all has been done. He stressed that the Commission will not do anything that will flood homes or is a detriment to this area and noted the need for a safe environment for our children to play ball now without creating issues. Commissioner Hoffman stressed that, in his opinion, about 80% of the citizens support this project. Workshops will be held as information is available. He noted he removed himself from the group that is meeting about the fields and was replaced by Josh Dailey.

*Mayor Buzzett* designated the week of November 12 – 18, 2023, as National Nurse Practitioner Week in Port St. Joe and encouraged citizens recognize them and their contributions to our town.

**Motion to Adjourn**

There was no other business to come before the Commission, and Mayor Buzzett adjourned the meeting at 1:30 P.M.

Approved this 21<sup>st</sup> day of November 2023.

*Rex Buzzett*  
Rex Buzzett, Mayor

11/21/23  
Date

*Charlotte M. Pierce*  
Charlotte M. Pierce, City Clerk

11/21/23  
Date