

MINUTES OF THE REGULAR MEETING OF THE CITY OF APALACHICOLA CITY COMMISSION HELD TUESDAY,  
SEPTEMBER 4, 2018, 6:00 P.M. AT THE APALACHICOLA COMMUNITY CENTER

PRESENT: Mayor Van W. Johnson, Sr.  
Mayor Pro Tem Brenda Ash  
Commissioner Jimmy Elliott  
Commissioner Mitchell Bartley  
Commissioner Anita Grove

Ron Nalley, City Manager  
Lee Mathes, Director of Administration  
Bobby Varnes, Chief of Police  
Pat Floyd, City Attorney

ABSENT: N/A

**CALL TO ORDER**

Mayor Van Johnson called the meeting to order at 6:00 pm and Attorney Pat Floyd gave the invocation. Council members led the pledge of allegiance.

**APPROVE THE AGENDA**

Commissioner Anita Grove made a motion to approve the Agenda. Commissioner Jimmy Elliott seconded and the motion carried 5-0.

**MAYOR'S COMMUNICATIONS**

- Commissioner Grove inquired about rental usage fee for Running For The Bay event. Commissioner Grove recommends for-profit events rental fee be a percentage of their proceeds and would like this recommendation reviewed. Ms. Mathes stated the normal fee usage per day is \$200 and that is what they have been paying.
- Commissioner Grove stated Commission adopted Resolution 2017-16 opposing offshore drilling activities. Commissioner Grove stated Amendment 9 has now been added and recommends adoption of resolution supporting Amendment 9.

Commissioner Grove made a motion to prepare resolution supporting amendment 9 against offshore drilling for gas and oil. Commissioner Bartley seconded and the motion carried 5-0.

- Mayor Johnson stated during discussions of increased water and sewer rates, it was suggested a needy neighbor fund be organized to help seniors with utility bills. Mayor Johnson stated he has instructed Attorney Floyd to open a 5013C, that people can donate into. Mayor Johnson stated he will personally be donating \$100 per month and encourages everyone to donate also. Mayor Johnson stated Ms. Mathes has the criteria on how applicants will be selected to receive funds.

- Commissioner Grove inquired about the landscape plan for new construction and tree removal, and possibly include all in one plan. Mayor Johnson asked Mr. Nalley to research this situation.

#### CITY MANAGER COMMUNICATIONS

- **Battery Park Marina Dock Repair** - Ms. Mathes reported that docks have been repaired, and ramp has been cleaned as much as possible until low tide. Prices for bumpers are being researched. Commissioner Elliott suggests to use old fire hose for dock bumpers.
- **Water Flushing Program** – Mr. Nalley stated we are in the planning stages of a water flushing program for directional flushing of hydrants throughout the city, and hope to be completed by the end of October. Mr. Nalley stated that flushing is routine to clean pipes and stale water out of the lines. Flushing will be done in sections and citizens will be receiving notification when flushing will occur in their neighborhood. Commissioner Grove commented that Mr. Nalley has been educating the city council on flushing of hydrants, and when you see water running, the city is not wasting water, this is common in all cities.
- **2018/19 Budget Update** – Mr. Nalley reminded city council of the upcoming budget meetings and if anyone has any proposals or thoughts, to please contact him. Mr. Nalley stated otherwise, he will be presenting the same budget already presented at past meetings.
- **Sale of City Owned Property Update** – Mr. Nalley stated RFP has been sent out to area real estate associations and auctioneer associations and proposals are due on Wednesday, September 19, 2018 at 12 PM. Mr. Nalley stated after a review of all proposals, a recommendation will be made to the Commission.

#### COUNCIL LIAISON REPORTS & COMMENTS

**Floating Structure Ordinance Update** – Attorney Floyd gave update on Florida/Georgia litigation stating a new special magistrate will be addressing this case, and matter will be discussed further this week during a phone conference.

**Hale Smith** – Attorney Floyd stated city has filed suit against Hale Smith regarding violations in Floodplain Management Ordinance. Attorney Floyd would like confirmation from the council if he is to file suit on Ms. Chris Moore who is also in violation of the Floodplain Management Ordinance.

Commissioner Anita Grove made a motion to authorize Attorney Floyd to proceed with law suit on Chris Moore for Floodplain Management Ordinance violations. Commissioner Jimmy Elliott seconded motion. Commissioner Mitchell Bartley recused himself. Attorney Floyd stated Commissioner Bartley does not have a conflict of interest, and therefore must vote. Motion carried 5 to 0.

**Philaco Club Lease** – Attorney Floyd stated he has completed the Philaco Club lease agreement and is waiting on their response.

**Apalachicola Maritime Lease** - Attorney Floyd stated lease agreement is almost complete for review.

**Floating Structure Ordinance** – Attorney Floyd stated the Floating Structure Ordinance will be submitted to council at the October meeting.

**PRESENTATIONS**

A. **Healthy Community Champion Award** – Department of Health – Jessie Pippin and Sarah Hinds presented Commission with Health Community Champion Award and thanked the City for their continued support.

**PUBLIC COMMENT**

David Adlerstein inquired if council is looking for members to serve on the non-profit “Apalacheart, Inc”. Mayor Johnson stated we are looking for directors to serve on this board and make decisions on who is eligible for assistance.

**CONSENT AGENDA**

Mayor Van Johnson presented the Consent Agenda and asked if any items should be removed before called for action.

Commissioner Jimmy Elliott made a motion to approve the Consent Agenda. Commissioner Anita Grove seconded and the motion carried 5-0.

- A. Meeting Minutes Adoption
  - **Suggested Motion:** Adopt the August 22nd and August 30<sup>th</sup>, 2018 Budget Workshop and the August 7, 2018 Regular Meeting Minutes
- B. Bill List Approval
  - **Suggested Motion:** Approve the July 2018 Bill List
- C. Planning & Zoning Minutes Confirmation
  - **Suggested Motion:** Confirm the July 2018 Planning and Zoning Minutes

**UNFINISHED BUSINESS:**

- A. **Triumph Solar Grant – Allocation of Utility Bill Savings from Solar Installation**

Kevin Begos talked with TRIUMPH board and Cindy Clark and his recommendation is to approve a proposal that Forty-Five Percent (45%) of Solar Farm Cost Savings be devoted to Ad-Valorem Tax Reduction. Mr. Begos stated the TRIUMPH board stated these percentages are negotiable for future changes.

Commissioner Jimmy Elliott made a motion to approve a Kevin Begos recommendation that 45% of Solar Farm Cost Savings be devoted to Ad-Valorem Tax Reduction. Commissioner Anita Grove seconded and the motion carried 5-0.

**NEW BUSINESS**

**A. MEMORIALIZATION GUIDELINES – CITY RECREATION COMMITTEE**

Ms. Elinor Mount-Simmons stated that the Commission had asked the recreation committee to come up with guidelines for naming of streets and monuments in honor of citizens. The committee would suggest memorializing citizens with stone pillars, as opposed to re-naming streets. The design would be stone pillars 18-24 inches with slanted tops with relevant information on citizen, with minimum wordage. Pillars can be connected with some type of rope/cable to enhance safety. Location suggestions are Lafayette Park or Riverfront Park. Cost will be responsibility of family, not city. Citizens memorialized must be deceased at least 5 years. The City, not the recreation committee will determine eligible honorees. The City will order pillars to maintain uniformity.

Mayor Johnson thanked the Recreation Committee for their work on this request.

**NEW BUSINESS**

**B. LAND USE CODE – AMENDMENT REQUEST – PRINCIPAL and ACCESSORY USES ON NON-CONTIGUOUS LOTS**

Cindy Clark stated the Planning Department has been receiving numerous requests for accessory structures on non-contiguous lots, meaning the lots are separated by an alley. The City's LDC prohibits accessory structures on a lot without a principal structure such as a house. Citizens who have bought these lots are now requesting to put accessory structures on these lots.

Mayor Van Johnson stated it is a violation in the LDC.

Commissioner Anita Grove inquired if it made a difference if temporary or permanent.

Ms. Clark stated it doesn't matter, it is a non-conforming structure and a violation to the LDC.

Mr. Nalley inquired if there is a variance process for this situation. Ms. Clark stated variances are not allowed for situations such as this.

Attorney Floyd stated at this time Commission can't approve this without changing the LDC.

**NEW BUSINESS:**

**C. ORDINANCE No. 2018-03 – AMENDING THE MUNICIPAL UTILITY TAX CHARGED FOR ELECTRIC UTILITY SERVICE**

Attorney Floyd read Ordinance 2018-03 by title as follows:

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING THE MUNICIPAL UTILILTY TAX CHARGED FOR ELECTRIC UTILITY SERVICE.**

Mr. Nalley stated the City already has a electric utility tax in effect but it is only 10% on the first \$60. Most municipalities have adopted the flat 10% that will be accessed on the entire bill.

Commissioner Jimmy Elliott made a motion to approve the First Reading of Ordinance No. 2018-03 and proceed with the Adoption Process. Motion died for lack of second.

Mr. Nalley stated the increased revenues from the utility tax has already been incorporated into the 18/19 budget, and another budget workshop will have to be held in order to find \$100,000 because we are now short that amount.

Augusta West commented that the City's electric utility service tax hasn't been updated in the last 30 years and encourages Commission to proceed with ordinance change.

Commissioner Jimmy Elliott made a motion to approve the First Reading of Ordinance No. 2018-03 and proceed with the Adoption Process. Commissioner Anita Grove seconded and the motion carried 4-1. Commissioner Mitchell Bartley voted nay.

**NEW BUSINESS**

**D. SAVE OUR SHOTGUNS APALACHICOLA INC. WORKFORCE HOUSING REQUEST**

Mrs. Holley Brown informed Commission they are in the final stages of the new construction of the first shotgun house, for affordable housing. We would like to announce our partnership with People's Bank. We will be accepting applications from residents of Apalachicola who has lived here for at least one year, worked in Apalachicola or are teachers in Franklin County School system and have an income of under \$50,000. Ms. Brown would like to request the City's support on the affordable housing initiative by donating two lots, Lot 6, Block 161 and Lot 8, Block 181 to Save our Shotguns Apalachicola for the purpose of providing two workforce housing opportunities for families in Apalachicola.

Mayor Johnson asked the location of these lots. Mr. Nalley stated one is on Avenue L, where there is an old existing shotgun house and brick house. The other lot is by the tennis court across from Holy Family. Mayor Johnson commented these lots are on the City's property list for sale. Mr. Nalley commented we just need to see if the Commission is interested in removing these two properties off the city property sale list and proceed with some type of agreement to work this out.

Uta Hardy informed Commission there are some half lots that would be perfect for shotgun houses, and the City may want to look into these properties for Save our Shotguns.

Mr. Nalley stated Commission wasn't to assign property over, but to get direction from council to remove the two existing properties off the city property sale list. Attorney Floyd suggests leaving property on sale list,

but research and look into other options that would be in the best interest of the city. Mayor Johnson would like to keep the two properties on city property list for sale and Mr. Nalley work with Save our Shotgun Apalachicola.

**NEW BUSINESS**

**E. PUMPKIN PATCH AT RIVERFRONT PARK HOSTED BY LIVING WATERS ASSEMBLY OF GOD**

Pastor Scotty Lolley stated Living Water Assemble of God church requests using Riverfront Park for a community pumpkin patch and requests rental fee be waived.

Commissioner Mitchell Bartley made a motion to approve the use of Riverfront Park for the Pumpkin Patch from October 17<sup>th</sup> to October 31<sup>st</sup>, 2018 by Living Waters Assembly of God and waive the rental fee. Commissioner Jimmy Elliott seconded and the motion carried 5-0.

**NEW BUSINESS**

**F. EMPLOYMENT AGREEMENT – RONALD W. NALLEY, CITY MANAGER**

Commissioner Jimmy Elliott made a motion to approve the employment agreement between Ronald W. Nalley and the City of Apalachicola and Authorize the Mayor to Sign to Agreement. Commissioner Anita Grove seconded and the motion carried 4-1. Commissioner Mitchell Bartley voted nay.

**ADJOURN THE MEETING**

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Deborah Guillotte, City Clerk