

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, March 4, 2014 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes

Visitors: Lee McLemore, Ralph Richards, Dan Tonsmeire, Liz Kelsey, Mike Standley, Jim Philyaw, Robin Vroegrop, Debbie Belcher, Joe Taylor, Anita Grove, Huey Page, Mike Vroegrop, David Adlerstein, Ted Mosteller, Carrie Kienzle, Ann Seaton, Leslie Coon, George Coon, Uta Hardy, A. Speed, Beverly Coxwell, Marie Marshall, Willoughby Marshall

Regular meeting opened by Mayor Johnson followed by prayer and pledge.

FIRST READING – ORDINANCE NO. 2014-01 – CRA BOARD APPOINTMENTS

Attorney Floyd read Ordinance No. 2014-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THOSE PROVISIONS OF ORDINANCE NUMBER 2008-04 PERTAINING TO THE APPOINTMENT OF BOARD MEMBERS OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; REPLACING THE EXISTING SEVEN MEMBER BOARD WITH AN EIGHT MEMBER BOARD; ESTABLISHING STAGGERED TERMS TO SERVE TWO-YEAR AND FOUR-YEAR TERMS; DESIGNATING BOARD MEMBER SLOTS TO BE FILLED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Ann Seaton asked if the Commission consulted constituents regarding this ordinance change.

Commissioner Ash stated that if citizens wanted to get involved then they will get involved.

Ms. Seaton stated she opposes in the way in which this ordinance change was presented. Ms. Seaton quoted passage from Sunshine Law relating to adding items to agenda.

Attorney Floyd stated there will be a public hearing prior to adoption and there will be a public notice published in the newspaper. Attorney Floyd stated this is the time when the Commission makes a motion to proceed with adoption process.

Commissioner Ash stated there was a 3 to 3 tie with CRA on whether to add the Main Street seat.

Commissioner Elliott stated he feels that every governing body should be an odd number board.

Citizen comments received.

Commissioner Ash stated a revision to the ordinance has been written, and we need to put people in place. Commissioner Ash stated we need to move forward and put our differences aside.

Ms. Seaton stated she is questioning how the City looks for members. Ms. Seaton stated the City's website currently states there are 3 vacancies on the CRA Board.

Anita Grove stated she has recently been appointed CRA chair. Ms. Grove stated she is trying to get the committee active again and move forward.

Mayor Johnson stated a transparency plan for CRA needs to be adopted. Mayor Johnson stated the Commission needs to make sure the CRA is designed to do what the Commission had in mind to do. Mayor Johnson recommends moving forward with adoption process and then a policy can be discussed.

Motion to approve first reading of Ordinance No. 2014-01 and proceed with adoption process made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

Mayor Johnson asked Anita Grove to work on a specific plan for community involvement for CRA.

FIRST READING – ORDINANCE NO. 2014-02 – GOLF CART ORDINANCE

Attorney Floyd read Ordinance No. 2014-02 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE NO. 2009-05 (AS AMENDED BY ORDINANCE NO. 2010-01) IN PART WITH REFERENCE TO SECTION 5. HOURS OF OPERATION AND SECTION 3. REGARDING THE EQUIPMENT ON SAID GOLF CART TO PERMIT IN ACCORDANCE WITH FLORIDA STATUTES SECTION 316.212 PROPERLY EQUIPPED GOLF CARTS TO OPERATE ON THE DESIGNATED STREETS WITHIN THE ORDINANCE DURING THE HOURS BETWEEN SUNSET AND SUNRISE; PROVIDING FOR THE CONTINUED VALIDITY AND ENFORCEMENT OF ALL OTHER PROVISIONS OF ORDINANCE NO. 2009-05 AS AMENDED AND PROVIDING THAT TO THE EXTENT OF CONFLICT THIS ORDINANCE SHALL SUPERSEDE AND TAKE PRIORITY OVER CONFLICTING PROVISIONS OF OTHER ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance No. 2014-02 and proceed with adoption process made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

Attorney Floyd stated golf carts will be required to have head lights and tail lights.

APPROVAL OF MINUTES

Motion to approve February minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve January bill list made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

PLANNING & ZONING REPORT

Motion to confirm December and January minutes made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

Motion to approve fence encroachment for Lee McLemore at 101 Bay Avenue made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

Motion to approve fence encroachment for Thomas Morgan at 189 Avenue B made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

CITY ADMINISTRATOR REPORT

1. Ms. Webb stated the dedication ceremony for the Recreation and Community Complex building will be held on Friday, March 7th at 12:00 Noon.

2. Ms. Webb submitted ISO information to Commission. Ms. Webb stated the City has been rated a 6.

Robin Vroegop asked if the TDC office had moved to the old high school.

Joe Taylor stated they are now at the old high school site.

Ms. Vroegop stated she heard that all volunteer fire fighters were going to be required to get physicals.

Ms. Webb stated she has not been told anything about that requirement.

3. Speed Bumps – Ms. Webb stated she has received a lot comments from concerned citizens regarding the speed bumps on Avenue L by Dwayne Bartley. Ms. Webb stated the alternative would be a 3 way stop instead of speed bumps. Ms. Webb stated Commissioner Bartley asked to have the speed bumps installed, and Dwayne Bartley has requested the speed bumps remain in place. Ms. Webb stated signage could be installed to give warnings about the bumps.

Commissioner Ash stated the speed bumps are not placed correctly.

Ms. Webb stated that can be corrected. If the Commission chooses to keep speed bumps in place then either signage can be installed or bigger speed bumps can be installed.

4. Ms. Webb stated that Larry Smith has resigned. Water & Sewer position was advertised and William Cox reviewed applicants and conducted interviews. Mr. Cox recommends Rhett Butler for the position.

Motion to hire Rhett Butler to fill Water & Sewer position made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

5. Dan Garlick – Ms. Webb stated she has received a request from Dan Garlick to ask for encroachment approval to install a dock across the 90 foot Bay Avenue right of way which is under water.

Motion to approve encroachment to install dock across the 90 foot Bay Avenue right of way made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

Ralph Richards stated the marsh grass does not need to be destroyed.

Mayor Johnson stated the City restored Lafayette Park pier without destroying any marsh grass and without any environmental impacts.

6. Motion to approve payment for Attorney Floyd invoice made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

ATTORNEY FLOYD REPORT

Attorney Floyd gave updates on State of Florida vs. Georgia litigation, ACOE, and RESTORE Act.

Attorney Floyd announced the appeal hearing concerning Family Dollar will be March 11th at 6:00 PM at the Apalachicola Community Center.

Robin Vroegrop asked if the public notices gave the opportunity for property owners to make comments.

Attorney Floyd stated the notices sent only stated the appeal hearing information. Hearing notice was also advertised in the paper.

Ms. Vroegrop asked if decisions regarding the appeal required a majority vote or super majority vote.

Attorney Floyd stated a majority vote.

Ms. Vroegrop stated she wanted to make sure that board members are covered under the City's insurance policy.

Attorney Floyd stated only intentional acts would not be covered, but otherwise board members are covered.

Marie Marshall asked if board members receive a copy of the insurance policy.

Attorney Floyd stated the City Administrator has that information, but board members may receive a copy of it at any time.

OTHER VISITORS & COMMENTS

1. Marie Marshall asked what is the state law on volunteer fire departments as far as City responsibility.

Ms. Webb stated the Fire Department has a budget in the City's general fund and they also receive MSBU funds.

Ms. Marshall stated we owe the Fire Department a degree of gratitude, and if physicals are going to be a requirement, then the City should fund that mandate.

Mike Vroegop stated the County has a fire association, and the County is talking about all the County fire fighters requiring a physical. The health department volunteering to do this service is up for discussion at this time.

2. Dan Tonsmeire asked where the City stands on ACOE.

Attorney Floyd stated the City is trying to get the Corp to provide more water.

3. Ann Seaton asked for update on water situation.

Ms. Webb stated that Inovia Consulting is working with DEP. DEP's last requirement was a design had to be submitted to the State for a solution to the problem.

4. Ralph Richards asked when work at Scipio Creek will start.

Ms. Webb stated the notice to proceed should be before March 17th.

Mr. Richards stated the roads at Scipio Creek are very bad and pot holes are severe.

Ms. Webb stated that road has been put on the list for paving this year, but the City will fill the holes in as a temporary fix until repaving is completed.

Mr. Richards stated he noticed the travel lift had arrived.

5. Joe Taylor submitted pamphlet from Healthy Gulf Healthy Communities to the Commission.

6. Dan Tonsmeire presented the Blue Way Community Program to the Commission. Mr. Tonsmeire also updated Commission on Restoration Planning Initiative, Snagging, and ACF issues.

7. Robin Vroegop asked about the Strategic Planning Committee.

Ms. Webb stated this is a strategic planning initiative that she presented to the Commission. This is a 5 year plan, and committee members consist of a board member from each board.

Ms. Vroegop asked if minutes are kept of the meetings.

Ms. Webb stated no official minutes are kept, but she does have notes. Ms. Webb stated each committee chair meets with their board, and they submit ideas of things they would like to see happen in the City of Apalachicola. All meetings are open to the public.

8. Attorney Floyd stated that regarding the role of the Riverkeepers on the Snagging issue, the challenge by the Riverkeepers was withdrawn and the Corp is proceeding with the snagging.

9. Mayor Johnson commended Ms. Webb on her involvement with SMARTT.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk

