

MINUTES OF THE SPECIAL MEETING OF THE CITY OF APALACHICOLA CITY COMMISSION HELD FRIDAY,
JANUARY 11, 2019, 3:00 P.M. AT THE APALACHICOLA COMMUNITY CENTER

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

Ron Nalley, City Manager
Lee Mathes, Director of Administrative Services
Deborah Guillotte, City Clerk
Timmy Davis, Sergeant
Pat Floyd, City Attorney

ABSENT: Mayor Pro Tem Brenda Ash

CALL TO ORDER

Mayor Van Johnson called the meeting to order at 3:00 pm and Attorney Pat Floyd gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Jimmy Elliott made a motion to approve the Agenda. Commissioner Mitchell Bartley seconded and the motion carried 4-0.

BATTERY PARK AND MINING LEASE AGREEMENT PRESENTATION/DISCUSSION

Joe Shields with Restorative Submerged Lands Consulting introduced his partner Chris Langston, of Coastal Environmental Materials. Mr. Shields gave a short presentation. The proposal includes 3 parts: 1) Using Battery Park for a staging site for loading material for habitat restoration both inshore and offshore, 2) Artificial Reef Creation and 3) A State Land Lease for mining fossilized shell. Mr. Shield stated this will require minimum effort from the City of Apalachicola but will have a major monetary and environmental benefit for the City.

First, Mr. Shields requested to the use Battery Park for the staging site for loading material for habitat restoration both inshore and offshore and to provide Coastline Environmental Materials, ingress and egress for barge loading during these activities. The City of Apalachicola will be indemnified, and the City of Apalachicola will receive \$5,000 per month in rental fees for the use of this property during the months of operation. Coastline Environmental Materials will provide a safe working environment for their employees and equipment.

Second, the creation of an artificial reef of approximately 850 acres located approximately 8 miles, SSE of Government Cut (Sikes Cut). The site has been approved by FWC and approximately 30,000 tons of lime stone rift raft will be deposited onto the site.

Mr. Shields's stated that a TRIUMPH application will be submitted on the artificial reef creation aspect of the project, and is requesting a letter of support from the Commission to submit along with the application. Upon approval of this application by Gulf Triumph, the City would serve as the administrator of the funds received from Gulf Triumph for this project. The City would allocate funds for this project to Coastline Environmental as they create this artificial reef project in different phases and the City of Apalachicola would receive administrative fees in the amount of 3% of the gross project cost.

Third, Mr. Shield's requested a lease in Tate Hell's Swamp for mining fossilized shell for cultch deposition activities. The City of Apalachicola will be asked to approach the State of Florida and propose a land lease for the purposes of mining activities. The City of Apalachicola will negotiate royalties with the State and agree to sublease the site to Chris Langston of Coastline Environmental Materials. The City of Apalachicola will receive donated volumes of fossilized shell on an annual basis from Coastline Environmental Materials, which could be used for small scale cultch projects in Apalachicola. Mr. Shield's stated that the State of Florida has put the City of Apalachicola in charge of the administering of the oyster harvesting license and that Coastline Environment Materials is proposing a partnership with the City to take control of future oyster reef development and productivity at a local level. Mr. Shield's then reviewed the example of different materials used for growing oysters.

In response to a question asked by Mayor Johnson in reference to the State and the oyster harvesting license, Mr. Nalley stated the City has not made the official request to the State at this time, and stated he will still work toward that goal unless the board directs otherwise.

Attorney Floyd stated that originally there was an offer by the State to sell the oyster harvesting license, but the City of Apalachicola never said that we would do anything in the way of managing the restoration of the Apalachicola Bay. Commissioner Grove also clarified that the City of Apalachicola is not doing restoration to the Apalachicola Bay.

Mr. Langston stated he understands this and that his partners and himself are willing to put forth the effort to assist with this effort.

Commissioner Grove asked if Mr. Shields had a plan to do oyster restoration, and Mr. Shield stated yes they did, through the Gulf Triumph application for the artificial reef project.

Citizens expressed their concerns with the fossilized shell being distributed into the Apalachicola Bay; the appearance of the Battery Park staging area for loading material and equipment; the length of the lease; zoning; the wear and tear of the roads from the big trucks carrying the loading material; and the route of the trucks going to and from the staging area. Citizens asked that the Mill Pond area also be considered as a staging site.

In response to a question asked by Commissioner Grove, Coastal Environmental Materials would request an area of 200 x 200 feet. Chris Langston stated that his company would request an agreement of \$5,000 per month and the length of lease would be indefinitely.

In response to a question by Commissioner Grove, Greyson Shepard expressed concern of how much area will be consumed and suggested that it be marked with yellow paint or with flags to give an idea of the area proposed to be utilized.

Mr. Shields stated they will use temporary fencing during the project, and that it will come up and down as needed for when the area is being utilized.

Due to citizen concerns, Mr. Langston requested to withdraw his proposal for Battery Park, however, Commissioner Elliott asked that Mr. Langston not do this, but allow the City Commission and staff an opportunity to research this project further.

Attorney Floyd asked Mr. Langston if any of his projects directly provided shelling and planting restoration for the oyster operation of the Apalachicola Bay and if so, do they have a contract for this at this time. Mr. Langston responded no.

Attorney Floyd stated that Mr. Langston has no authority to plan or put out material at this time that provides direct restoration of the Apalachicola Bay, even though that has been a substantial subject discussed today. Mr. Langston stated this is correct, but it has to start somewhere.

Attorney Floyd recommended getting further details and documents to be reviewed by himself, City Commission, Staff, the Planning & Zoning Board, and the Recreation Committee.

Mr. Langston stated that in total, he is offering approximately \$150,000 to the City of Apalachicola if they support this effort.

Mayor Johnson stated there have been some important facts brought forward during the meeting and that other processes and steps would have to be gone through before any decision is made and asked what the Board would like to do.

Commissioner Elliott recommended leasing the Battery Park property to Coastal Environmental Materials on a twelve month trial for this project.

Commissioner Grove stated she doesn't have enough materials and information to vote tonight.

Commissioner Elliott recommended leasing the Battery Park property to Coastal Environmental Material on a twelve month trial for this project contingent on getting more materials and detailed information.

Mayor Johnson recommended making a motion to direct staff to verify if this proposed project is beneficial to the City of Apalachicola and if so, then bring it forward to Planning & Zoning Board and the Recreation Committee for their input. If the recommendation to the City is positive, then it would move forward for the Commission to say yes or no.

Commissioner Grove asked for clarification if this is only for the Battery Park property lease.

Commissioner Jimmy Elliott made a motion for the City of Apalachicola to write a letter of support to be submitted for the TRIUMPH Artificial Reef Application. Commissioner Anita Grove seconded and the motion carried 4-0.

Commissioner Elliott made a motion to direct staff to verify if this proposal from Coastal Environmental Materials to lease the Battery Park property is beneficial to the City of Apalachicola and if so, it will then go before Planning and Zoning, the Recreation Committee, and then back to the City Commission. Commissioner Anita Grove seconded and the motion carried 4-0.

ADJOURNMENT

With no further business, Commissioner Jimmy Elliott made a motion to adjourn the meeting at 5:30 p.m. Commissioner Anita Grove seconded and motion carried 4-0.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk