

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, January 8, 2008 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Frank Cook, Commissioner Val Webb, Commissioner Jimmy Elliott, City Administrator Betty Webb, City Clerk Lee Mathes, Grants Manager Cindi Giametta, Building Official Gene Osburn, Attorney Pat Floyd, Chief of Police Bobby Varnes, Todd Baldwin (ESG), Ken Hatcher (BDI)

Visitors: Geoffrey Hewell, Beverly Hewitt, Sally Williamson, Robert Baucham, Anthony Croom, Steve James, Frances James, Sue James, Anderson Williams, Joe Taylor, Chet Turner, James Waddell, Monica Lemieux, Lee Ann Poloronis, Bernell Martina, Willie Baucham, Skip Shiver, Anita Grove, Robert Dieter, Diane Dieter, Fred Kembro, William Cox, Sherman Thomas, David Adlerstein, Curt Blair, O. H. Walker, Michael Shuler, Karen Kembro, Ruby Benjamin, Ann Sizemore, Vedell Bunyon, Shannon Bunyon, Oakland Rhodes, Walter Rhodes, J. M. Baubrant, Shaun Donahoe, Pam Lewis, Bruce Hall

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

## **RECOGNITION OF VISITORS**

\* Willie Baucham recognized by the Commission. Mr. Baucham outlined police case involving Officers Steve James and Gary Hunnings. Mr. Baucham asked that Commission look into matter, and requests that officers involved be terminated.

Commissioner Webb asked if the case is still pending in the court system.

Mr. Baucham stated the case has been settled, and he will be receiving some compensation.

Attorney Floyd stated the insurance company has been handling this matter, and he has not received any information regarding this case. Attorney Floyd suggested to let him contact the insurance company to find out details on case before the Board gets into any discussions regarding this matter.

\* Sherman Thomas recognized by the Commission. Mr. Thomas expressed several concerns in hill area. Mr. Thomas also addressed concerns about fire exists and policing in Heritage Villas.

\* Ruby Benjamin recognized by the Commission. Ms. Benjamin requests that the hours of the 6<sup>th</sup> Street Recreation Center be extended to 1:00 AM for the Member's Only Club for Friday and Saturday night.

Motion to extend hours of 6<sup>th</sup> Street Recreation Center to 1:00 AM for Member's Only Club for Friday and Saturday night for 3 months made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Elliott, Webb, Cook, Mayor Johnson

Voting Nay: None

\* Skip Shiver recognized by the Commission. Mr. Shiver stated he is requesting a fence encroachment in front of his house located at 115 Avenue B.

Gene Osburn stated this matter has not gone before Planning & Zoning. Mr. Osburn stated Mr. Shiver would like to erect a 30" fence which meets Planning & Zoning requirements, but Planning & Zoning cannot approve the encroachment onto City right of way.

Motion to approve encroachment for Skip Shiver to erect a 30" fence located at 115 Avenue B onto City right of way made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Webb, Cook, Elliott, Mayor Johnson

Voting Nay: None

\* County Request for Letter for Water & Sewer Availability for Affordable Housing Site - Ms. Webb stated that the County is requesting a letter from the City stating the City, at this time, water and sewer can be provided to the proposed affordable housing site at the airport, but cannot guarantee what will happen in the future. Ms. Webb stated construction is not anticipated to begin for a couple of years and build-out is not expected until possible six to eight years down the road.

Michael Shuler stated all the County is asking for at this time is a letter from the City stating the City will work with the County in providing water and sewer to the proposed site. The County still has many steps to go through, but the letter is the first step.

Mayor Johnson asked what happens if the City does not have the capacity when the services are needed.

Mr. Shuler stated the County will ask for extra capacity well in advance. The County will be handling all the grants, infrastructure, etc. regarding this project.

Motion to authorize Mayor Johnson to sign letter to County stating City, at this time, can provide water and sewer to proposed affordable housing site made by Commissioner Cook, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Webb, Mayor Johnson

Voting Nay: None

Ms. Webb presented a map that outlined proposed affordable housing site.

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**APPROVAL OF MINUTES**

Motion to approve December 2007 minutes made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Elliott, Webb, Cook, Mayor Johnson

Voting Nay: None

### **APPROVAL OF BILLS**

Motion to approve December 2007 bill list made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Webb, Cook, Elliott, Mayor Johnson

Voting Nay: None

### **ADOPTION DECISION – RESOLUTION 2008-01 (FLORIDA LEAGUE OF CITIES)**

Ms. Webb stated the Florida League of Cities is requesting that cities adopt a resolution supporting the issues the League will be bringing before the Legislature. Ms. Webb outlined issues.

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Motion to adopt Resolution 2008-01 supporting the Florida League of Cities' issues that they will be bringing before the Legislature made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Webb, Mayor Johnson

Voting Nay: None

### **TRAFFIC SAFETY TEAM REPORT**

Bob Dieter stated the Traffic Safety Team is waiting for bids for Prado intersection project.

Mayor Johnson asked if there any plans to continue the bike path that was installed on Bluff Road to 12<sup>th</sup> Street.

Mr. Dieter stated he will start looking into this project.

O. H. Walker stated there are several areas where cars have to get way out in the road to be able to see oncoming traffic due to bushes that have overgrown out in the road.

Ms. Webb stated she will get with Mr. Walker to address these areas.

Mr. Dieter stated there are several stop signs that are badly faded and need to be replaced.

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### **BASKERVILLE-DONOVAN ENGINEERS REPORT**

Ken Hatcher stated that bids were opened for Prado intersection project. Panhandle Construction was low bidder with bid coming in at \$171,622.08. Bid is within project budget. Mr. Hatcher recommends the Board accept Panhandle Construction's bid subject to DOT approval.

Motion to accept Panhandle Construction's bid for \$171,622.08 for Prado intersection project subject to DOT approval made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Elliott, Webb, Cook, Mayor Johnson

Voting Nay: None

Mr. Hatcher stated the pier projects (Veterans Park, Battery Park, and FEMA) will be ready to advertise for bids by January 22<sup>nd</sup>.

### **ESG REPORT**

Todd Baldwin presented monthly progress report. Mr. Baldwin stated there were no rejects last month.

Mayor Johnson asked if the plant was running at optimum level, why are extra chemicals needed.

Mr. Baldwin stated even when the plan is running at optimum level, chemicals are needed to run the system properly.

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Chemical use discussed.

No further Commission comment.

### **BUILDING OFFICIAL REPORT**

Mr. Osburn stated that Planning & Zoning did not hold a meeting in December. No report given.

## **GRANTS MANAGER REPORT**

\* BOA Vacancy – Cindi Giametta stated there are three vacancies on BOA, and Beverly Hewitt is the only application that has been received for one of the vacancies.

Motion to appoint Beverly Hewitt to Board of Adjustment made by Commissioner Webb, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Webb, Cook, Elliott, Mayor Johnson

Voting Nay: None

\* Kembro Request for Encroachment onto City ROW – Ms. Giametta stated that Fred Kembro's encroachment is 3' onto City right of way. The encroachment is for the steps only.

Motion to approve Fred Kembro's 3' encroachment on City right of way for steps and authorize Mayor to sign encroachment agreement made by Commissioner Webb, second by Commissioner Cook.

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Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Webb, Mayor Johnson

Voting Nay: None

## **POLICE DEPARTMENT REPORT**

\* Interim Chief Bobby Varnes thanked the Board for opportunity to be Interim Chief. Interim Chief Varnes stated he has always been the practice when a police officer retires, the Board gives the officer their service weapon, and he would like to give approval for the Board to give Andy Williams his service weapon.

Motion to give Anderson Williams his service weapon for retirement made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Webb, Cook, Mayor Johnson

Voting Nay: None

\* Police Chief Position – Mayor Johnson stated he would like to recommend to the Board to appoint Bobby Varnes as Chief of Police.

Motion to appoint Bobby Varnes as Chief of Police for City of Apalachicola made by Commissioner Webb, second by Commissioner Cook.

Commissioner Elliott stated he feels the Chief of Police position should be advertised and go through the application process.

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Motion carried 3 to 1.

Voting Aye: Webb, Cook, Mayor Johnson

Voting Nay: Elliott

#### **CITY ADMINISTRATOR REPORT**

\* Ms. Webb stated she has gone through the interview process, and she would like to recommend to the Board to hire Timothy Poloronis for the open public works position, and hire John Layne for the position that will become vacant in May.

Motion to hire Timothy Poloronis for present position and hire John Layne for position in May made by Commissioner Elliott, second by Commissioner Webb.



Motion carried 4 to 0.

Voting Aye: Cook, Webb, Elliott, Mayor Johnson

Voting Nay: None

\* Visioning Project Decision – Ms. Webb asked if the Board was going to take any action on proposed visioning project agreement presented at January 7<sup>th</sup> meeting.

Commissioner Cook asked if the City had \$50,000 in funds available for project.

Ms. Webb stated the City can pay for the first phases, and maybe the City can secure funding for the rest of the project.

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Commissioner Cook stated he has a problem with the time constraints.

Mayor Johnson stated that Attorney Floyd has not had a chance to look at the agreement, but agreement can be approved contingent upon Attorney Floyd's approval.

Commissioner Cook stated he feels there are a couple of changes that need to be made to agreement before anything is finalized.

Ms. Webb stated she can meet with Commissioner Cook and Attorney Floyd to address any changes that Commissioner Cook has.

Anita Grove and Bruce Hall both spoke against the City hiring FSU for visioning project.

Commissioner Cook stated he would like to study proposal as presented by FSU and work out any differences. Commissioner Cook stated the City does not need to delay the decision, but he does not

want the City going down the wrong path either. Commissioner Cook stated he would like to meet with FSU one more time before approving agreement.

Mayor Johnson stated the City needs to expedite the process if possible.

Commissioner Webb asked if the City would be contacting any other firms for the visioning project.

Mayor Johnson stated not at this time.

Discussion held.

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Ms. Webb stated she can contact the Regional Planning Council, and see if they can give the City any direction.

Commissioner Cook stated he would like to have something signed before next meeting.

Commissioner Elliott stated he does not feel it would cause any problems to delay a decision for two weeks to make sure everything is done right.

\* Ms. Webb presented information packet to Board for alliance for museum.

#### **ATTORNEY FLOYD REPORT**

\* Attorney Floyd stated the City has closed on the Cotton Exchange that was obtained through FCT.

\* Attorney Floyd stated he has talked with Harry Arnold about exchanging fire station property for property on Market Street and Avenue F, and Mr. Arnold is in favor of exchanging properties. Attorney Floyd stated he needs authorization to get appraisal on property.

Commissioner Cook stated the City needs to get an appraisal done, and accept offer if figures are acceptable. If everything goes through, the fire department can move into building within 90 days, and if fire department does not want building, it will still be a valuable asset for the City.

Motion to authorize Attorney Floyd to proceed with appraisal and continue with property swap or purchase and to investigate all paths made by Commissioner Cook, second by Commissioner Webb.

Ms. Webb asked if Commissioner Cook was inserting in motion to use money on hand to get building ready.

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Commissioner Cook amended motion.

Motion carried 4 to 0.

Voting Aye: Webb, Cook, Elliott, Mayor Johnson

Voting Nay: None

\* Attorney Floyd stated he is working on the last issue regarding the Florida Parks Service lease.

\* Attorney Floyd stated he is proceeding with Corps of Engineers and B&S Utilities litigation.

Mayor Johnson asked if the City has filed suit on the Corp of Engineers.

Attorney Floyd stated suit has not been filed at this time, but will be filing this week or first part of next week.

## **OTHER VISITOR'S & COMMENTS**

\* Anita Grove asked if the fire station was going to be appraised along with the parking lot behind the fire station.

Ms. Webb stated the lot behind the fire station will be appraised with the fire station.

\* Geoffrey Hewell asked why the Taranto property could not be obtained with the FCT funds.

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Attorney Floyd stated the Taranto property could not be obtained with what funds the City had available.

Ms. Webb stated with each FCT cycle, the City creates a new priority list.

## **MAYOR AND COMMISSIONER'S COMMENTS**

\* Commissioner Elliott stated he would like to commend Officer Steve James on his educational qualifications and congratulated Bobby Varnes on being appointed Chief of Police

\* Commissioner Elliott stated the new tennis court on 14<sup>th</sup> Street is holding water.

Ms. Webb stated the contractor has guaranteed his work for a period of time, and she will contact the contractor to correct the problem.

Motion to adjourn made by Commissioner Webb, second by Commissioner Elliott.

Motion carried.

Voting Aye: Elliott, Cook, Webb, Mayor Johnson

Voting Nay: None

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Van W. Johnson, SR., Mayor

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Lee H. Mathes, City Clerk