

A special meeting of the City Commission of the City of Apalachicola was held on Tuesday, November 27, 2012 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, Attorney Pat Floyd

Visitors: Liz Kelsey, Ashley Teat, George Coon, Mark Curenton, Barbara Smith, Shaun Donahoe, Gene Smith, Rita Sawyer, Fred Sawyer, Beverly Hewitt, Ed Springer, Susan Clementson, Carrie Kienzle, Joe Taylor, Shirley Taylor, Chris Clark, Cindy Clark, Caty Greene, Patsy Philyaw, Anita Grove, Tom Daly, David Adlerstein, Dieter Ambos, Leon Bloodworth, Robin Vroegrop, Bobby Miller, Jim Bachrach

Special meeting opened by Mayor Johnson.

DISCUSSION OF AFFORDABLE HOUSING PROPOSAL

Leon Bloodworth outlined HUD affordable housing proposal to be located on 17th Street and Avenue L. The City and Franklin County School Board would be required to both sell the property in order for this project to move forward. The City would be receiving approximately \$138,000 on the property sale. In order for a HUD project this has to be an affordable housing project for 50 years.

Mayor Johnson asked if the City was going to get an appraisal on the property.

Mr. Bloodworth stated the City is not, but the School Board is required to get an appraisal. This project would be a rental complex as affordable housing. The complex would be professionally managed. Rent would be tied to HUD regulations.

Commissioner Ash asked about Section 8 guidelines.

Mr. Bloodworth stated this is a government program designed for the working class people. This is not subsidized housing. Mr. Bloodworth stated the School Board approved unanimously and has advertised for bids which will be opened on December 6th. Mr. Bloodworth stated this whole project is contingent upon School Board and City both selling property at the same time.

George Coon asked if plans have been approved by Planning & Zoning.

Mr. Bloodworth stated that this project will go before Planning & Zoning Board at December 10th meeting.

Commissioner Cook asked if sale would have reverter clause.

Mr. Bloodworth stated this project will have no reverter clause because it has to be HUD regulated affordable housing for 50 years, but there will be a deed restriction. Mr. Bloodworth stated he has asked a lot of questions about this project.

Mayor Johnson asked if Mr. Bloodworth would show the Commission the School Board's appraisal.

Mr. Bloodworth stated the appraiser has to do a specific type of appraisal to meet the requirements.

Attorney Floyd stated he feels it would be sufficient to do a comparison with School Board because properties are so close together. Attorney Floyd stated he doesn't see a reason for a separate appraisal, just do a breakdown cost per square foot of land.

Mr. Bloodworth stated contractors are working under a formula to make this project work. Mr. Bloodworth stated that he and developers will be meeting with Ms. Webb on Thursday to further discuss this project and get specific information.

Commissioner Bartley asked if a decision has to be made tonight or can the Commission think on this.

Mr. Bloodworth stated a decision needs to be made by December 15th in order to move forward.

Bobby Miller asked if the property could ever be used for something else if it were sold.

Mr. Bloodworth stated deed is regulated by HUD restrictions.

Chris Clark asked if a performance bond was required.

Mr. Bloodworth stated he thinks a performance bond is HUD regulations.

Attorney Floyd stated the City owns the roads and alleys and there is going to have to be coordination between us and the School Board, but the City needs to see how the appraisal comes back so we can determine how much money is going to be involved and needs to see a completed set of plans.

Mr. Bloodworth stated a more elaborate site plan and blueprint of the units will be provided.

Attorney Floyd stated it would be a good idea to check on a performance bond, and the contract should be reviewed. Attorney Floyd recommends conceptual approval at this time, and give final approval at later time.

Mayor Johnson asked Mr. Bloodworth to bring more detailed information at December 4th meeting.

Caty Greene stated this would be a wonderful thing for the citizens.

ASHLEY TEAT – FIRE PROTECTION SERVICE PRESENTATION

Mr. Teat gave fire protection service presentation.

Beverly Hewitt stated the health department already inspects her restaurant. Ms. Hewitt asked the cost.

Mr. Teat stated the cost would be approximately \$200 per year, but it will vary from business to business.

Mayor Johnson asked if Mr. Teat was proposing to be county fire inspector as an independent contractor.

Mr. Teat stated it needs to be a full time position. Mr. Teat stated he would want the County, Apalachicola, and Carrabelle to join together and pay for the position jointly.

Mayor Johnson asked how the City would pay for that because Mr. Teat would be employed by 3 entities. Position would almost have to be a contract position. Mayor Johnson stated he can only speak for the City of Apalachicola, but he would like to see how the City would pay for the service. Mayor Johnson recommends that Mr. Teat meet with Ms. Webb to see if the City could justify the contract position and go from there.

Ms. Webb stated she will also find information on ISO ratings.

TOM DALY – REFUSAL TO COMPLY WITH MAYOR’S REQUEST TO RESIGN FROM P&Z

Mayor Johnson read following statement:

All you should have received a copy of the October 16 letter that I wrote to Mr. Tom Daly asking him to step down from the Planning & Zoning Commission in which he refused. So I asked staff to place this particular matter on tonight’s agenda for final resolution.

The reasons I asked Mr. Daly to step down are as follows:

1. Mr. Daly entered into an unauthorized agreement to sublet the Raney Carriage House, which is owned by the City, to a private for-profit entity for use as office space.

2. Mr. Daly independently set the rental rate for the space and decided himself how those funds would be allocated.
3. Reports have it that Mr. Daly publicly voiced his intent to establish an office inside the Carriage House where he could meet with developers to discuss City projects and to create a City Planning Office.
4. Since I wrote the October 16 letter, Mr. Daly has been involved in a range of troubling activities, which include making an unauthorized purchase without the knowledge or consent of staff on the City's charge account at one of the local stores and attempting without authorization to cancel a scheduled, duly publicized P&Z meeting before staff intervened.
5. Just last year he called a special Planning & Zoning meeting at the private resident of a person who had a permit application before the Planning & Zoning Commission.
6. Instead of complying, Mr. Daly has chosen instead to challenge my directive in the court of public opinion.
7. All of Mr. Daly's actions in this matter were unauthorized, devoid of transparency, and show a continued disregard for established process, procedure, and protocol, as well as an affront to the office of Mayor, this City Commission, staff, and the residents of this great City.

All of which support my directive asking Mr. Daly to submit his letter of resignation without hesitation – now I'm asking my esteemed colleagues to confirm the action that I have taken as Mayor to maintain transparency, process and the trust that the public has instilled in this great institution. I also like to remind the Board that volunteers are without standing and serve at the pleasure of this Commission.

Lastly, I ask that the minutes of this meeting reflect verbatim what I've just outlined.

Commissioner Bartley asked Mr. Daly if he would step down on his own.

Tom Daly stated he doesn't feel he has done anything wrong, and he has done a wealth of worth for this community. Mr. Daly stated that he had a meeting with Ms. Webb regarding renting office space and he was told by Ms. Webb that there wasn't a problem with it.

David Adlerstein, Historical Society Vice President, stated that Mr. Daly told the Historical Society Board that he had met with Ms. Webb, and the Historical Society Board told Mr. Daly that if it was OK with the City, then the Historical Society Board didn't have a problem.

Ms. Webb stated that when she met with Mr. Daly she informed Mr. Daly that he had to come before the City Commission for permission because it was not allowed. Bill McCartney was led to believe that the City had approved the rental.

Mayor Johnson stated that Mr. Daly rented out City owned property. All Mr. Daly had to do was come before the Commission. Mayor Johnsons stated that Mr. Daly basically does what he wants. It is about transparency.

Robin Vroegrop asked what Bill McCartney's position is with the City.

Mayor Johnson stated he is not a registered lobbyist.

Ms. Webb stated that Mr. McCartney was hired by the Commission for involvement to secure funding for repayment of the SRF loan. He is an independent contractor, but does carry City business cards because he must show he is representing the City when he is meeting with Senators and such. Mr. McCartney only gets paid a percentage of what funds he gets for the City. If he acquires no funding, he doesn't get paid.

Gene Smith stated he feels Mr. Daly is doing an exceptional job, and Mr. Daly thought rental income would be a good source of income for Historical Society. Mr. Daly is being targeted, but maybe Mr. Daly did not understand the process.

Dieter Ambos stated the Planning & Zoning meeting that was called at the Chapman House was an unofficial meeting. It was just to show what had been done. All the Board did was walk around the building.

Mayor Johnson stated that is why there is a Sunshine Law.

Ed Springer stated that Mr. Daly had no malicious intentions.

Citizen comments received.

Mayor Johnson stated volunteers do not have standing; they serve at the pleasure of the Commission.

Commissioner Bartley stated he doesn't understand why he just didn't come before the Board like Ms. Webb informed him to.

Ms. Webb stated to her understanding, the original Historical Society states no subleasing. The original Historical Society management agreement is expired, and the new agreement has been in the possession of the Historical Society for several months, but has not yet been signed.

Attorney Floyd stated the Historical Society doesn't have the authority for subleasing.

Mr. Adlerstein stated Mr. Daly is the Historical Society's problem to deal with. The matter with Planning & Zoning should be dealt separately.

Barbara Smith stated Mr. Daly made a mistake, but he is a good man and he cares.

Beverly Hewitt stated the Mayor is asking Mr. Daly to resign for his actions on another board.

Anita Grove asked if Leon Bloodworth was also recently removed from the Board.

Leon Bloodworth stated he resigned at his own free will, no one asked me to resign.

Susan Clementson stated the allegations addressed in the letter are hearsay.

Mayor Johnson stated he is justified in his actions.

Commissioner Ash stated she is concerned about the lack of respect that has been shown here tonight.

Motion to ask Mr. Daly to step down as chairman of Planning & Zoning and become just a board member made by Commissioner Ash, second by Commissioner Cook.

Motion not carried. Vote is tied.

Voting Aye: Ash, Cook

Voting Nay: Bartley, Mayor Johnson

Commissioner Elliott is not present.

REPAYMENT OF SRF LOAN

Ms. Webb stated the new payment agreement for the SRF loan has been received by the State and is ready for an approval decision. Ms. Webb stated a rate study is being conducted to assist the City to generate revenue to help pay for loan payment. Ms. Webb stated she has been informed that if the City can show good faith in making some sort of payment, then it might open up avenues for funding help.

Motion to adopt new SRF payment agreement made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

RESTORE ACT

Attorney Floyd stated the joint meeting with the County, City of Apalachicola, and City of Carrabelle will be held on December 19th at 6:00 PM at the Apalachicola Community Center. This is a joint public meeting, and the County Commission is required to attend.

Commissioner Cook stated it was his understanding that each City's Mayor would meet with County Chair before the joint meeting.

Mayor Johnson stated he and Mayor Messer will be meeting with Chair Cheryl Sanders on Monday December 3rd.

Attorney Floyd stated the next step is to hold the meeting on December 19th. If this gets resolved before the 19th meeting then each party signs agreement and we move forward. The joint meeting must be held before December 20th.

Commissioner Cook stated he will not be able to attend the meeting on the 19th.

Attorney Floyd stated the City has not made an appointment to the Restore Act Committee.

STOP SIGNS

Commissioner Bartley asked if the stop signs on Bay Avenue could be removed.

Ms. Webb stated she was out of town when the stop signs were installed all over town. The stop signs have since been removed, with exception to those on Bay Avenue, but those will also be pulled up. Ms. Webb recommends the Commission readdress the location of the stop signs.

There being no further business, meeting adjourned.

Mayor Van W. Johnson, Sr.,

Lee H. Mathes, City Clerk

