

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, November 5, 2013 at 6:00 PM at the Apalachicola Community Center, Apalachicola, Florida.

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

Visitors: Dr. Frederick Humphries, Doug Wakeman, Shannon Lease, Liz Kelsey, Geoffrey Hewell, Sally Williamson, Robin Vroegop, Mike Vroegop, Mary Ann Wasmund, Anita Grove, David Adlerstein, Joe Taylor, Chauncey Ford, George Kirvin Floyd, Donna Duncan

Public hearing opened by Mayor Johnson followed by prayer and pledge.

PUBLIC HEARING – ORDINANCE NO. 2013-01 – COMP PLAN AMENDMENTS

Attorney Floyd read Ordinance No. 2013-01 by title as follows:

AN ORDINANCE BY THE APALACHICOLA CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING THE CITY OF APALACHICOLA COMPREHENSIVE PLAN TO AMEND THE PERMITTED LAND USE OF SEVERAL CITY-OWNED PROPERTIES FROM RESIDENTIAL AND COMMERCIAL TO RECREATIONAL AND PUBLIC FACILITIES; TO AMEND THE CITY'S COASTAL HIGH HAZARD MAP; PROVIDE FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Ms. Webb stated the State has approved the amendments and this is the final public hearing.

No public comment.

Public hearing closed.

REGULAR MEETING

1. Sharon Berrian – Florida League of Cities – Rescheduled for December meeting.
2. Dr. Frederick Humphries & Chauncey Ford – College of Marine Science of FAMU – Dr. Humphries outlined the concept of the school, and would like two or three key people to work with on this project.

Discussion held concerning location and funding of school.

Commissioner Bartley stated the City has not been guaranteed any BP funds at this time.

Commissioner Cook stated that he has already discussed various properties for school with Ms. Webb, and he supports the effort.

Commissioner Ash stated she is in total support of this endeavor. Commissioner Ash the status of securing the property for the school.

Dr. Humphries stated negotiations haven't started to secure the property. Dr. Humphries stated he needs the Commission's approval to proceed, and then things can move forward. Dr. Humphries stated that Al Lawson backs this project, and promises he can get State funding for this project.

Commissioner Ash stated the City does not have any access to the BP funds at this time. Commissioner Ash stated the City can approve the support, but not the funding at this time.

Commissioner Bartley stated he thought the Bay City Work Camp building was an option for the school.

Mayor Johnson stated that building belongs to the County. Mayor Johnson stated the Zingler property between 7th & 8th Street is the property being considered. Mayor Johnson stated the school will be submitted at one of the BP projects. Mayor Johnson stated Ms. Webb will work with Dr. Humphries, and he will submit two more names to work with on this project.

Chauncey Ford stated that Dr. Humphries has a vision for this school, and he will do what it takes to make it happen.

Motion to approve support of College of Marine Science with no City financial funding at this time made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

3. Dan Tonsmeire – River Snagging Resolution – Attorney Floyd stated the City has entered into litigation and this matter cannot be discussed.

ADOPTION DECISION – ORDINANCE NO. 2013-01

Attorney Floyd read Ordinance No. 2013-01 by title as follows:

AN ORDINANCE BY THE APALACHICOLA CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING THE CITY OF APALACHICOLA COMPREHENSIVE

PLAN TO AMEND THE PERMITTED LAND USE OF SEVERAL CITY-OWNED PROPERTIES FROM RESIDENTIAL AND COMMERCIAL TO RECREATIONAL AND PUBLIC FACILITIES; TO AMEND THE CITY'S COASTAL HIGH HAZARD MAP; PROVIDE FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2013-01 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve October minutes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

1ST READING ORDINANCE NO. 2013-06 – NO WAKE SCIPIO CREEK CHANNEL

Attorney Floyd ready Ordinance No. 2013-06 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FRANKLIN COUNTY, FLORIDA ESTABLISHING A SLOW DOWN, MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY ON SCIPIO CREEK, STARTING AT THE CONFLUENCE OF THE APALACHICOLA RIVER AND SCIPIO CREEK PROCEEDING NORTH ON SCIPIO CREEK TO A POINT 100 FEET NORTH OF MILL POND, AND PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE SLOW DOWN, MINIMUM WAKE

ZONE; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AUTHORIZATION OF CITY OFFICIALS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Bartley asked if the Scipio Creek Committee has met regarding this issue.

Ms. Webb stated they have not met to her knowledge.

Motion to approve first reading and proceed with adoption process made by Commissioner Bartley, second with Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

PLANNING & ZONING REPORT

1. George Mahr – Encroachment Approval – 82 Commerce Street

Ms. Webb stated that Mr. Mahr is replacing the awning at 82 Commerce Street.

Motion to approve encroachment for George Mahr at 82 Commerce Street to replace awning made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

2. Motion to confirm September Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

Ms. Webb announced that the Family Dollar public hearing will be held on November 18th at 6:00 PM.

CITY ADMINISTRATOR REPORT

1. Ms. Webb stated bids have been received for Phase II Streetscape. Recommends to award project to Cathey Construction which was low bidder at \$298,987. Work should be able to begin within 30 days.

Motion to award bid to Cathey Construction for Phase II Streetscape project made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

2. Ms. Webb stated the Disabled American Veterans that serves Franklin County is in need of a new van. The City's portion of the new van is \$250.00.

Motion to authorize \$250.00 to Disabled American Veterans towards new van made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

3. Motion to authorize Mayor Johnson to NFWMD grant agreement made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

Ms. Webb stated the City will be able to get funding upfront for this project.

4. Ms. Webb stated that DOC has requested that 9 facilities reopen in the State. Ms. Webb stated the City needs to start campaigning that Bay City Work Camp be reopened.

Motion to adopt Resolution 2013-15 to reopen Bay City Work Camp and send to all legislatures made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

5. Restroom Monitoring – Ms. Webb stated that office staff monitors the restrooms during the day Monday – Friday, but needs monitoring during weekends and holidays. Ms. Webb stated there is the option for employees to work overtime to maintain restrooms on weekends and holidays. Restrooms are open 7 days a week from 9AM – 6PM with the police department locking the restrooms at night. Ms. Webb stated she would like the authorization to discuss with HCA to possibly have volunteers cover the weekends.

Motion to authorize Ms. Webb to discuss maintaining the restrooms with HCA on weekends and holidays before any financial decision is decided made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

6. Ms. Webb stated debris removal bids will be discussed at a later date.

7. Ms. Webb stated Attorney Floyd's invoice has been submitted for payment.

Commissioner Ash stated she needs clarity on the legal expenses.

Mayor Johnson stated it is the City versus State of Georgia lawsuit.

Commissioner Ash stated the City needs a budget for these legal expenses. No plan was agreed upon to cover expenses when Commission approved to enter lawsuit, and monies can't come from reserve until there has been some realistic time frame established.

Mayor Johnson recommends that Ms. Webb and Commissioner Ash develop a budget for legal expenses.

Motion to authorize payment for Attorney Floyd's invoice made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

ATTORNEY FLOYD INVOICE

Attorney Floyd updated Commission on Georgia lawsuit.

OTHER VISITORS & COMMENTS

1. George Kirvin Floyd stated that Franklin County voted unanimously today to join suit with what the City has filed.

Ms. Webb stated that DEP is dedicated in seeing the permit gets pushed through.

2. Anita Grove stated that the downtown Christmas celebration will be held Friday, November 29th.

MAYOR & COMMISSIONER'S COMMENTS

1. Mayor Johnson thanked Ms. Webb, William Cox, and Commissioner Bartley for service in repairing water leak on 23rd Avenue.

2. Mayor Johnson stated he would like for employees to receive a \$200 - \$300 Christmas stipend being employees did not receive raises.

Commissioner Ash stated she would like to discuss this with Ms. Webb and Ms. Mathes before a decision is made to make sure this can be afforded.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk