

A public and regular meeting of the City Commission of the City of Apalachicola was held on October 5, 2010 at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Street Supervisor Marvin Croom, Public Works Foreman Wilbur Bellew, Water & Sewer Foreman William Cox

Visitors: Sally Williamson, Anita Grove, Deborah Belcher, Liz Kelsey, George Watkins, Geoffrey Hewell, Richard Delp, Mike Standley, Lois Swoboda, Steve Bonifay, Elinor Mount-Simmons, Ed Springer, Richard Dosik, Steve James, Jim Waddell, Jerry Garlick, Greg Chancey, Karla Ambos, Dieter Ambos, Caty Greene, Carrie Kienzle, Cynthia Greene, George Coon, Lynda Smith, Shirley Byrd, Marisa Getter, John Houlreck, Tom Daly, Susan Clementson, Annette Fagan, Paulette Moss, John Croom, Maria Jane Vause, Clarice Powell, Fonda Davis, Gail Johnson, Tammi Hutchinson, Darren Guillotte, John Layne, Nellree Layne, Deborah Guillotte, Beverly Hewitt, Chris Giametta, Wilbur Smith, Brianna Simmons, David Barclay

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

### **PUBLIC HEARING – CDBG FAIR HOUSING INFORMATION SESSION**

Debbie Belcher outlined Neighborhood Revitalization and Commercial Revitalization Grants. Ms. Belcher explained that each grant is \$700,000. The City can apply for both, but is only allowed one grant. Grant is due November 17<sup>th</sup> to DCA.

Public comment received.

Ms. Belcher reviewed Fair Housing laws.

Public hearing closed.

### **REGULAR MEETING**

#### **NEIGHBORHOOD AND COMMERCIAL GRANT APPLICATION APPROVAL**

Motion to authorize Debbie Belcher to proceed and apply for Neighborhood Revitalization Grant and Commercial Revitalization Grant made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

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### **RECOGNITION OF VISITORS**

\* Gerald Garlick – Blues in the Lot Road Closure – Mr. Garlick stated he is requesting permission to block off Avenue D in front of Hays House on October 23<sup>rd</sup> for Blues in the Lot

Concert. Mr. Garlick stated the event will run from 12 – 6, there is a \$5 admission fee but no one will be guarding the gate (fee is paid on honor system), and proceeds will go towards purchasing new instruments for the Franklin County School.

Commissioner Bartley expressed safety concerns.

Commissioner Ash stated she thought road closures went before City Administrator and Chief of Police for approval or denial.

Chief Varnes stated this event was turned down last year because of the fee that was charged.

Wilbur Smith expressed concern over noise level from the band.

Mayor Johnson asked Mr. Garlick if he could be mindful of the neighbors with the noise level.

Motion to approve road closure on Avenue D in front of Hays House for Blues in the Lot Concert to be held on October 23<sup>rd</sup> from 12-6 contingent that noise level be kept under control made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

\* H'COLA African –American History Festival – Elinor Mount – Simmons – Ms. Simmons stated that H'COLA would like to partner with the City to extend its weekend celebration to a month-long recognition and celebration of African-American history and heritage within the City. Ms. Simmons explained the festival will be held February 19-20, 2011. H'COLA is requesting the use of Franklin Square facilities for February 18-20, 2011; road closures at 6<sup>th</sup> Street from Avenue K to Avenue M and Avenue L from 6<sup>th</sup> Street to 7<sup>th</sup> Street for the festival; and the blocking of the 14<sup>th</sup> Street directly in front of AHS school site, MLK Avenue south to 6<sup>th</sup> Street, and 6<sup>th</sup> Street west to Avenue M from 9-11 AM for parade.

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Motion to approve H'COLA request for 8<sup>th</sup> Annual African-American History Festival activities as outlined by Elinor Mount-Simmons made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Bartley, Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

Ms. Simmons asked if H'COLA had to come before the Commission each year for the festival approval, or if they could get a onetime approval now for all the future festivals.

Mayor Johnson stated it should be addressed each year.

### **APPROVAL OF MINUTES**

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

Motion carried 5 to 0.

Voting Aye: Cook, Elliott, Ash, Bartley, Mayor Johnson

Voting Nay: None

### **APPROVAL OF BILL LIST**

Motion to approve August bill list made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

### **HOSPITAL SURTAX**

Ms. Webb stated she attended the County Commission meeting regarding the hospital surtax discussion. Ms. Webb stated that Alan Pierce feels the money to upgrade the ambulance service will be taken from ad valorem proceeds, not capital outlay monies.

Mayor Johnson stated the sales tax proceeds should be spent according to the interlocal agreements that Apalachicola and Carrabelle have with Franklin County. Funds should be used for a medical facility in Carrabelle first and then upgrade Weems Hospital.

Ms. Webb stated she has already submitted a letter to Franklin County outlining the Commission's stand on the matter, but can submit another letter reiterating the City's stand on the interlocal agreement.

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Motion to authorize Ms. Webb to submit letter to Franklin County pertaining to hospital surtax made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

### **SCIPIO CREEK RENOVATION PROJECT PROPOSALS**

Ms. Webb stated 5 proposals were received for the engineering services for the Scipio Creek project. Ms. Webb presented the Commission with ranking sheets stating that Commission could rank tonight or hold a special meeting after each Commissioner has had a chance to review the proposals.

Mayor Johnson opened sealed proposals. The following firms submitted proposals:

Baskerville Donovan, Inc.

Inovia Consulting Group  
Environmental Consulting & Technology, Inc.  
North Florida Professional Services, Inc.  
PBS&J Engineering Corporation

Ms. Webb stated all the proposals were submitted by bid deadline.

Commission agreed to review proposals and hold a special meeting to award bid.

Ms. Webb stated this project needs to move as quickly as possible, so a meeting will be held in the next week or so.

### **MAYOR'S BUDGET CUTTING PROPOSAL DISCUSSION**

Commissioner Bartley stated is not in favor of firing or laying anyone off. Commissioner Bartley stated that Ms. Webb does a fine job and doesn't see the need to hire someone to help her do her job. Commissioner Bartley stated he feels that Cindi Giametta has done a good job, and has in no way been incompetent.

Motion to eliminate the building inspector position if Gene Osburn doesn't pass the certification exam; recommend that Cindi Giametta be brought back to work; and authorize Ms. Webb and Cindi Giametta design, if needed, a new job description for the Deputy City Administrator position which will be done after Ms. Webb and Ms. Giametta have the determined the need for a Deputy City Administrator made by Commissioner Cook, second by Commissioner Elliott.  
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Motion not carried 2 to 3.

Voting Aye: Cook, Elliott

Voting Nay: Ash, Bartley, Mayor Johnson

Mayor Johnson stated he doesn't have any more to add on this subject. Property values might be worse next year.

Commissioner Bartley asked if Cindi Giametta could be put back to work before the personnel hearing.

Attorney Floyd stated the Commission can tell her to come back to work.

Commissioner Elliott stated that Ms. Giametta has not been fired at this point.

Attorney Floyd stated the Commission has the authority to deal with that however they wish too, but it would have to be satisfactory to Ms. Giametta.

Commissioner Bartley stated he sees no grounds for firing or continuing the suspension without pay for Ms. Giametta.

Mayor Johnson stated all facts will be presented in the hearing.

Commissioner Bartley asked if the Commission should hold a hearing or can a motion be made to bring Ms. Giametta back to work.

Mayor Johnson stated he recommends that the Commission go by the rules and regulations and proceed with the hearing process.

Wilbur Smith asked what will happen to building inspector position if Mr. Osburn doesn't pass the exam.

Attorney Floyd stated the building inspector has to have a certification to perform the duties.

Ms. Webb stated that Mr. Osburn was a certified building official. Mr. Osburn took the test in February but did not pass. Ms. Webb stated she allowed Mr. Osburn 6 months to retake the test. Ms. Webb stated she made the decision to keep him employed because of special projects he was working on, but if Mr. Osburn doesn't pass exam this time, she will have to make recommendation to the Board.

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Commissioner Ash stated the City is in a financial state where the City can no longer afford certain positions. Commissioner Ash stated she does not understand why Mr. Osburn is still on the payroll because there is no building activity. Commissioner Ash stated that every grants manager position is paid on a percentage basis by what grants are awarded. If that position is kept, the City needs to see how that position will be funded.

Commissioner Cook recommends allowing Ms. Webb and Cindi Giametta make recommendation on what is the best route to take for that position.

Mr. Smith stated if a job doesn't make money, then the City doesn't need the job.

Commissioner Bartley asked how much grant revenue Ms. Giametta has brought into the City.

Mayor Johnson stated all that information will be brought out in the hearing. Mayor Johnson stated the Commission can proceed with suggestions or table matter.

Dieter Ambos asked if a Commissioner can make a motion that the grant manager position be paid a percentage of what the grants are that are received.

Mayor Johnson stated the Commission needs to proceed with the hearing process if Ms. Giametta wishes to, but the Commission can take action on the building official position.

Sally Williamson asked what the Commission was going to do with that position.

Mayor Johnson stated the City is not going to fund the building official position. Mayor Johnson stated the City is not terminating any employee; the City is not funding the position.

Ms. Williamson expressed concern about giving Mr. Osburn proper notice.

Discussion held.

Ms. Williamson stated the budget was passed with this position funded.

Mayor Johnson stated it does not make economic sense to keep paying for this position.

Commissioner Elliott stated the Commission is trying to make next year not so disastrous as this year. Commissioner Elliott stated there is no building going on within the City, but Mr. Osburn should be given proper notice.

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Motion to keep building inspector position as part time for 6 months contingent upon Mr. Osburn passing exam made by Commissioner Elliott.

Motion died for lack of second.

Commissioner Bartley asked who would assume the cemetery sexton duties.

Mayor Johnson stated those duties will be assigned to someone else.

Motion to eliminate building inspector position with proper notice made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 1.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: Bartley

Attorney Floyd will take care of proper notice.

Chris Giametta asked when Cindi Giametta's hearing will be.

Ms. Webb stated the notice will be sent out tomorrow.

#### **CHAMBER OF COMMERCE REPORT**

Anita Grove submitted written report to Commission.

#### **TRAFFIC SAFETY TEAM REPORT**

Jim Waddell stated no meeting was held in September.

#### **LIBRARY REPORT**

Caty Greene submitted written report to Commission.

#### **PLANNING & ZONING REPORT**

Tom Daly submitted verbal report.

Commissioner Ash stated she has been approached by several people who are opposed to the package store that is coming up for discussion at Monday's meeting.

Mr. Daly stated that topic will be discussed at Monday's Planning & Zoning meeting.

### **FIRE DEPARTMENT REPORT**

George Watkins submitted verbal report to Commission. Mr. Watkins stated the Fire Department is planning an annual fundraiser to be held in January each year to help finance the new fire truck.

### **POLICE DEPARTMENT REPORT**

Chief Bobby Varnes submitted verbal report. Chief Varnes stated rape case is still under investigation. Chief Varnes stated he assumed the harbor master position as of October 1. Chief Varnes stated that the grandfathered amounts have expired for Scipio Creek and needs to know if he continues to charge the grandfathered rate or start charging \$1.50/per foot per the ordinance.

Mayor Johnson stated that Chief Varnes will have to charge according to the ordinance.

Chief Varnes stated he will have some recommendations for Scipio Creek and Battery Park ordinances, and transient fees.

Battery Park rates discussed.

Chief Varnes stated that David Barclay wants to buy the green house boat currently docked at the Battery Park Marina. Chief Varnes stated Mr. Barclay wants to continue to leave the boat docked at Battery Park, but the current ordinance will have to be amended to allow the boat to stay in the marina.

Mayor Johnson stated there are boats currently docked in the marina that are being used as house boats. The Commission either has to ask all the house boats to leave or make some allowances. Mayor Johnson stated the enhancement study needs to be reviewed regarding the fees for both Scipio Creek and Battery Park and address this at the special meeting.

Attorney Floyd stated the green house boat is currently in violation of the existing ordinance.

Commissioner Ash asked if the Commission could authorize temporary mooring.

Chief Varnes stated Mr. Barclay won't purchase the boat if he can't keep it parked in the marina.

Commissioner Elliott stated the marina needs to be deeper.

Tom Daly stated the Commission needs to consider upkeep to the marina when considering the fees.

Mayor Johnson instructed Chief Varnes to issue Mr. Barclay an agreement.

Attorney Floyd stated that Chief Varnes will allow Mr. Barclay a slip in the marina, but the slip is subject to change.

### **CITY ADMINISTRATOR REPORT**

\* Ms. Webb presented an addendum to the Vehicle Use Policy for Commission approval. Ms. Webb stated this can be discussed at the special meeting.

\* Ms. Webb stated that she is going to pursue the Construction Management path for Holy Family to allow local contractors to bid on project.

\* Ms. Webb stated she had a meeting with all the board chairmen. Meetings are going to be held on a quarterly basis. Ms. Webb stated she would like to authorize the approval of a Community Strategic Planning Committee.

Motion to form Community Strategic Planning Committee made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

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

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

### **WATER & SEWER DEPARTMENT REPORT**

William Cox stated he had nothing to report unless Commission had questions.

### **STREET DEPARTMENT REPORT**

Marvin Croom stated he had nothing to report unless Commission had questions.

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### **PUBLIC WORKS DEPARTMENT**

Wilbur Bellew stated his department has been assisting Chief Varnes with repairs and upgrades to Battery Park and Scipio Creek marinas.

### **BUILDING DEPARTMENT REPORT**

Gene Osburn not present.

### **CITY CLERK REPORT**



Lee Mathes stated she had nothing to report unless Commission had questions.

### **ATTORNEY FLOYD REPORT**

Attorney Floyd updated Commission on Reuse Project easement and Loitering Ordinance.  
Attorney Floyd stated Mayor Johnson needs to sign deeds for land swap properties with County.

Motion to authorize Mayor Johnson to sign reciprocal quick claim deeds on properties City is swapping with Franklin County made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

Attorney Floyd updated Commission on B&S Utilities litigation.

### **OTHER VISITORS & COMMENTS**

\* Anita Grove stated the lot next to the Chamber of Commerce needs to be badly mowed, and was told that Attorney Floyd was working on an ordinance to make people upkeep their lots.

Mayor Johnson stated that Attorney Floyd has been working on revamping the Nuisance Ordinance for two years.

Attorney Floyd stated the City currently has a Nuisance Ordinance in place. There is not a problem with the enforcement of the ordinance. Police Department can issue citations for anyone in violation of ordinance.

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Ms. Webb asked that if there are any violation issues, they can be turned over to Chief Varnes to issue citations.

Mayor Johnson stated the Police Department is the law enforcement.

Chief Varnes stated if he is notified of any violations, citations will be written.

Ms. Webb stated she will get a list together of properties that are in violation of ordinance and give to Chief Varnes.

\* Mayor Johnson stated that next to the Chamber of Commerce lot is a wash out area.

Ms. Webb stated that Progress Energy hit a storm water line. Bobby Pickles has been here addressing the issue.

\* George Watkins stated he is not clear on what needs to be done to the people in Scipio Creek who are not paying.

Chief Varnes stated he is meeting with Attorney Floyd on revamping the ordinance for better enforcement.

Attorney Floyd stated whoever is the last registered owner of the boat is the one who is responsible for the slip rent that is due.

Ms. Webb asked what can be done about the boat on the dock at Scipio Creek.

Attorney Floyd stated the City just needs to file suit against the boat owner.

Ms. Webb stated there may be money in the Scipio Creek project to remove the vessel, and then the City can just collect from the boat owner.

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk