

Two Public Hearings and a Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, May 6, 2008 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

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

Visitors: Liz Kelsey, Richard Delp, Jim Anderson, David Adlerstein, Sally Williamson, Clarice Powell, Joe Taylor, Curt Blair, Mike Kelsey, Geoffrey Hewell, Beverly Hewitt, Shawn Donahoe, Anita Grove, Carrie Kienzle, Marjorie Solomon, Roy Solomon, Anna Marie Cannatella, Jeannie Drea, Beverly Connors, Craig Gibson, Kathy Robinson, C. M. Kienzle

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

**PUBLIC HEARING – ORDINANCE NO. 2008-02 (WATER & SEWER RATE INCREASE)**

Attorney Floyd read Ordinance No. 2008-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-1 OF ARTICLE 1; SECTION 20-20 OF ARTICLE II DIVISION 1; SECTION 20-35 OF ARTICLE II DIVISION 2; SECTION 20-48 OF ARTICLE II DIVISION 3; AND SECTION 20-50 OF ARTICLE II DIVISION 3 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AMENDING ORDINANCE NO. 2005-10 REGARDING WATER, SEWER, AND GARBAGE OPERATIONS AND RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Beverly Hewitt asked if garbage rates were also going to be increased, and if there was a discount available on the water bill for large commercial users.

Mayor Johnson stated that garbage rates were going to remain the same, and the only discount available was to senior citizens and to those citizens receiving disability.

Sally Williamson asked how you qualify for the senior citizen rate or disability rate.

Ms. Webb stated that proof of age is needed for the senior citizen rate, and proof of disability is needed for the discounts.

No further comments.

**PUBLIC HEARING – ORDINANCE NO. 2008-03 – (REZONING BLK 75, 78, 7 LOTS 5-7 OF BLK 77 FROM R1 TO OR)**

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Attorney Floyd read Ordinance No. 2008-03 by title as follows:

AN ORDINANCE AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE CITY OF APALACHICOLA, FLORIDA PURSUANT TO SECTION IV OF THE APALACHICOLA LAND DEVELOPMENT CODE PROVIDING OR LOTS 5-7 OF BLOCK 77, LOTS 1-10 OF BLOCK 75 AND LOTS 1-10 OF BLOCK 78 TO BE REZONED FROM R1(SINGLE FAMILY) TO OR(OFFICE RESIDENTIAL) PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Webb gave history for the proposed rezoning.

Curt Blair stated Planning & Zoning approved the rezoning.

Carrie Kienzle stated that she feels it is best to have residential mixed in with commercial, not just blocks of commercial zoning.

Sally Williamson stated that letters were sent out to property owners within a 500 ft radius and only 26 letters were returned with 2 opposed.

Joe Taylor asked if the historic guidelines would apply to the new zoning.

Commissioner Cook stated the proposed zoning change is in the historic district, and the only change will be the use of the land.

Beverly Hewitt addressed parking for potential offices.

Mayor Johnson asked if Planning & Zoning has taken into account the economic benefits.

Mr. Blair stated this is a real low density area. This zoning is a single family use with an office attachment. This location seemed like the most logical choice.

M. Kienzle stated she does not think that other people in the community feels this is a good idea and would like for the City to get other opinions before a decision is made.

Commissioner Bartley stated the zoning is needed for the area around the hospital.

Anna Cannatella stated she feels more people should have been notified.

Ms. Webb stated that two public hearings have already been held, and a mailing was also sent out twice.

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Geoffrey Hewell stated the City should wait until after the visioning project is finished before this ordinance is passed.

No further comments, public hearings closed.

### **REGULAR MEETING**

## **RECOGNITION OF VISITORS**

\* Food Pantry Update – Jeannie Drea gave the Commission an update on Franklin Promise.

Clarice Powell stated she hopes Franklin Promise will be remembered when budget time comes. Ms. Powell stated that food is now being distributed twice a month instead of weekly, and the location has been moved from the American Legion to the Catholic Church. Ms. Powell stated that Franklin Promise is looking into forming a committee for overseeing the program.

\* Sally Williamson – Outside Water Connection for 75 Commerce Street – Ms. Williamson stated she has worked out problem with Ms. Webb.

## **ADOPTION DECISION – ORDINANCE NO. 2008-01**

Attorney Floyd stated that under definition of complaint, citizens should put grievances in writing only. The word verbal should be removed. Citizens should submit a written grievance, not written or verbal.

Motion to adopt Ordinance No. 2008-01 with the change made by Attorney Floyd made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

## **ADOPTION DECISION – ORDINANCE NO. 2008-02**

Motion to adopt Ordinance No. 2008-02 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

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## **ADOPTION DECISION – ORDINANCE NO. 2008-03**

Motion to adopt Ordinance No. 2008-03 made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

### **APPROVAL OF MINUTES**

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

Motion carried 5 to 0.

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

Voting Nay: None

### **APPROVAL OF BILLS**

Motion to approve bill lists for March & April made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

### **TRAFFIC SAFETY TEAM REPORT**

Ms. Webb stated that two VMS representatives attended meeting and Prado intersection is now open.

### **CHAMBER OF COMMERCE REPORT**

Mayor Johnson stated that he has asked the Chamber of Commerce to start giving monthly reports to keep the Commission up to date on what is going on.

Anita Grove presented monthly report to Commission. Ms. Grove gave update on Chamber of Commerce meeting, and what services the Chamber of Commerce provides.

Carrie Kienzle stated that Anita Grove with the Chamber helped out tremendously with the Tour of Homes.

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Joe Taylor stated he would like to get permission to close the portion of street directly in front of the Cotton Exchange on May 18<sup>th</sup> from 11:00 AM to 4:00 PM for family arts.

Motion to authorize Joe Taylor to close street directly in front of Cotton Exchange on May 18<sup>th</sup> from 11:00 AM to 4:00 PM for family arts made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

### **POLICE DEPARTMENT REPORT**

Chief Varnes stated that bullet proof vests have been ordered and should arrive in about three weeks; K9 dog has been given to Department of Corrections; Police Policy and Procedure manual has been distributed to all Commissioners for review.

Mayor Johnson stated he would like for the Commission to review the manual and be ready to adopt at next meeting.

### **CITY ADMINISTRATOR REPORT**

Ms. Webb presented monthly report to Commission.

Ms. Webb stated she is starting the process for the community development area.

Mayor Johnson stated he would like to appoint a new CRA board tonight. Mayor Johnson presented the Commission with seven individuals for the CRA board.

Ms. Webb stated the current CRA board has seven members.

Motion to appoint Tami Ray-Hutchinson, Joe Taylor, Kathy Robinson, Dieter Ambos, Brenda Ash, Anna Marie Cannatella, and John Gore to the CRA board made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

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Ms. Webb stated that the University of Georgia RiverWay South Group will be here June 10 or June 11 for 3 or 4 days. City will be hosting a morning breakfast, a dinner, and a town meeting. Itinerary has not been finalized.

Ms. Webb stated that the transition is being made from ESG. City will have to purchase 2 trucks for the water and sewer department. King's Plumbing has a truck that will serve the City's needs for \$4,500.00.

Motion to purchase truck from King's Plumbing for \$4,500.00 made by Commissioner Bartley.

Attorney Floyd stated this should be declared an emergency purchase to avoid the bid process.

Commissioner Bartley amended motion to declare purchase an emergency purchase. Motion seconded by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

### **ESG REPORT**

William Cox gave monthly report. Mr. Cox stated all tests were in compliance last month.

### **BUILDING DEPARTMENT REPORT**

Mayor Johnson asked about the construction of a BBQ shed on corner of 12<sup>th</sup> Street and Hwy 98 without a permit.

Gene Osburn stated he is going to address that first thing tomorrow. Mr. Osburn stated a permit was obtained for a restaurant, but not to construct a shed.

Motion to confirm April Planning & Zoning minutes made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

## **Public Hearings/Regular Meeting – 5/6/08 – Page 7**

### **GRANTS MANAGER REPORT**

Motion to approve April BOA minutes made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

### **REPORT ON PROJECT ACTIVITY**

Ms. Webb outlined BDI report. Ms. Webb stated a 30 day extension will be needed for Lafayette and Battery Park.

Mayor Johnson stated there were problems with the pilings.

Ms. Webb stated progress is being made on the boat ramps and Prado is complete. There have been problems getting permits for the wetland area for the Scipio Creek Haul Out Slip.

Ms. Webb stated there are still 2 vacancies on the Waterfront Committee, and she would like to appoint Ronnie Martian to fill one of the vacancies.

Motion to appoint Ronnie Martina to the Waterfront Committee made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb stated that Steve Rash would be a good individual to have on the committee, but the Charter states he has to be a property owner and resident.

Attorney Floyd stated he will check the verbiage in the Charter.

Commissioner Bartley asked about the status of removing the remaining derelict vessels.

Cindi Giametta stated she is going through the process in getting the remaining vessels tagged so they can be removed.

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Attorney Floyd stated there needs to be some type of enforcement to prevent people from leaving their sunken boats. Attorney Floyd stated the City needs to require the boat owner post a bond if the boat becomes a danger of sinking.

Mayor Johnson asked about the status of the summer recreation program.

Ms. Webb stated she has contacted Boys & Girls Club to see what their plans summer plans are to give the Commission options for the summer program.

Mayor Johnson recommends for Commissioner Webb to work with the summer recreation program.

Ms. Webb stated that Commissioner Webb has already been working with staff on the program, so it would be a good move to make it an official action.

Motion to authorize Commissioner Webb to work with Ms. Webb on summer recreation program made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb asked if this action allows the group to proceed with Commissioner Webb's okay rather than come back to the full Board.

Mayor Johnson stated yes, just keep the Commission informed.

Commissioner Elliott asked what portion of the seawall will be replaced at Battery Park.

Ms. Webb stated that 210' of the wall will be replaced.

Commissioner Elliott asked if additional funds can be obtained to finish the entire seawall.

Ms. Webb stated the City could apply for Phase 4 of the project, and the seawall can be completed with those funds.

Ken Hatcher stated that bids were opened for Veteran's Park today, but bids have not been reviewed.

Mayor Johnson stated that Baskerville-Donovan is doing a good job, and thinks the monthly meetings are a good way of keeping everyone informed.

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#### **ATTORNEY REPORT**

Attorney Floyd stated he is working with the police department on a forfeiture program. Attorney Floyd updated Commission on Corps of Engineers and B&S Utilities litigation. Attorney Floyd stated the Commissioners names have been recommended to be removed from the suit in the Thomas case. Attorney Floyd updated Commission on FCT property purchases.

#### **OTHER VISITORS AND COMMENTS**

\* Geoffrey Hewell stated there is a problem in the downtown area with property owners not keeping their vacant lots cleaned. The vacant lots are overgrown with weeds, and they need to be cleaned up.

Mayor Johnson stated the City cannot go onto private property to clean the lots, but the City can enforce the laws that are already on the books.

Joe Taylor stated there is a rodent problem that comes from the overgrown lots.

Mayor Johnson stated the City needs to start addressing this problem.

Ms. Webb stated the current Nuisance Ordinance needs to be revamped. There are some loop holes in the ordinance that make enforcement difficult.

Attorney Floyd stated he will have something prepared for next regular meeting.

\* Carrie Kienzle thanked Ms. Webb and the City crew for their help with the Tour of Homes.

\* Attorney Floyd stated he and City staff attended had a meeting with Rural Development regarding funding for the new police/fire station. Rural Development wants to work with the City as much as possible to make this project happen, and they think the Hwy 98 & 10<sup>th</sup> Street site is a great location. Attorney Floyd stated he needs approval for the City to enter into an agreement with Mike Willis to purchase property for \$500,000 and delay funding for 1 year.



Motion for the City to enter into an agreement with Mike Willis to purchase property on Hwy 98 & 10<sup>th</sup> Street for \$500,000 for a new police/fire station and delay funding for 1 year made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

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Ms. Webb stated that USDA is supportive of this project.

Beverly Hewitt asked if there are any drawings yet.

Ms. Webb stated there are drawings of the building and are available for review at City Hall.

\* Commissioner Elliott asked if there was any way the City could use the state owned boat launch under the bridge.

Ms. Webb stated she will look into this.

Sally Williamson asked what happened to the boat launch that was supposed to be built next to Andris.

Ms. Webb stated that project was not funded, but it is still in the visioning plan.

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

