

Two public hearings and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, July 7, 2015 at 6:00 PM at 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

Visitors: Geoffrey Hewell, Robin Vroegop, Mark Curenton, Callie Nichols, Pam Corcoran, Terry Corcoran, Jack Brewer, Greg Wynot, Barbara Smith, Gene Smith, Heath Galloway, Dolores Croom, Judi Stokowski, Press Witt, Ed Davis, Tammy Davis, George Watkins, Michael Vroegop, Anita Grove, Bonnie Davis, Diane Brewer, Judy Martin, Katie Hudson, Lathan Hudson, Wilbur Bellew, Terry Weaver, Charles Kienzle, Leslie Coon, Boyd Howze, George Coon, Carrie Kienzle, Betty Fugate, Tom Fugate, Candace Springer, Ed Springer, Jaime Liang, Jeff Sharkey, Ron Harris, Jane Harris, Mary Shutzman, Debbie Poloronis, Denise Clayton, Sally Williamson, Mike Seibert, Carole Seibert, Lisa Hooker, Gary Settle, Jim Philyaw, Denny Sprouse, Coral Sprouse, Briana Wheatly, Danny Case, Margene Off, Michael Bailey, Catherine Bailey, Lois Swoboda, Judy MacFarland, Ron Dierolf, Dixie Partington, Lisa Chesley, Jay Chesley, Elizabeth Kirvin, Kathy Robinson, Ronny Robinson, Susie Wagoner, Ralph Wagoner, Marlene Seaborn, Karen Berkley, Maritese Balthrop, Pat Balthrop, Beth Wright, Dennis Winterringer, Celia Winterringer, Gay Grace, Vincent Lindy, Holly Brown, Creighton Brown, Susan Clementson, Mark Friedman, Helen Tudor, P. S. Hansman, Bill Spohrer, Marc Grove, Toni Taranto, Arnold Tolliver, Yvonne Tolliver, Mark Milliken, Elizabeth Milliken, Despina George, Edward Michaels, Ken Schroeder, Jan Thomas, Kathleen Andrew, Sarah Madson, Torben Madson, Joe Taylor, Jean Gerber, Helen Escobar, Anita Sizemore, Paula Martina, Scott Wilson, Jim Brown, Karen Ventiniglia, Faye Johnson, Clarice Powell, Charles Elliott, Gina Taranto, Dan Stengle, Johnny McLaurin, Granville Croom, Bobby Miller, John Lee, David Adlerstein

Prayer and Pledge of Allegiance.

Mayor Johnson made following announcement:

It gives me great pleasure to announce that the federal court case filed in 2012 by the City of Apalachicola against BP has been settled for one million dollars through the collective efforts of your elected leadership and staff, City Attorney Pat Floyd, outside Counsel David Rash, and the law firm of Colson, Hicks and Eidson. The case was brought against BP to recover the economic loss the City suffered during and after the 2010 BP Oil Spill in the Gulf of Mexico, now known as the worst environmental disaster in the U. S. history. This is a significant achievement for the City and a testament to the fortitude of the Apalachicola Board of City Commissioners to fight for the economic well-being of this community. Monies from the settlement are expected to be received in a matter of weeks.

Mayor Johnson opened public hearing.

PUBLIC HEARING – ORDINANCE NO. 2015-03 – 911 EMERGENCY ADDRESS

Attorney Floyd read Ordinance No. 2015-03 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A UNIFORM SYSTEM THAT REQUIRES THE POSTING OF THE ASSIGNED 911 EMERGENCY ADDRESS FOR BUILDINGS WITH ACCESS FROM OFFICALLY NAMED ROADES AND STREETS WITHIN THE JURISDICTION OF THE CITY OF APALACHICOLA, FLORIDA; PROVIDE FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Judy Stokowski stated it is mandated that everyone post a 911 address on buildings and is glad the City is passing an ordinance to this affect.

Michael Vroegop stated people need to be made aware that it is required to post 911 addresses.

No further public comment.

Public hearing closed for Ordinance No. 2015-03.

Public hearing opened for street and alleyway closures.

PUBLIC HEARING – STREET & ALLEYWAY CLOSURES

Attorney Floyd stated this is a public hearing to receive public comment regarding the closing of particular portions of roadways and alleyways in and adjacent to Block 126, more specifically identified as sections of 16th Street, Avenue K and adjoining alleyways adjacent to and located within Blocks 126, 127, 130 and 131.

Diane Brewer read statement regarding the Apalachicola plat, and feels the City should form a task force to get input on what the community would like to be done with the school property. Ms. Brewer stated the pressure of development will only continue, but the citizens of Apalachicola feel the official Apalachicola plat is worth preserving.

Boyd Howze stated it has not been the policy of the City to sell streets and alleys. The purpose of the Land Development Code was to protect land. The Denton Cove project does not protect the land. Mr. Howze stated if the City has surplus property for sale then it should be put out for bid so anyone can put in a competitive bid.

Bonnie Davis stated it appears when the City signed the contract, the City contractually signed away the streets and alleys. Ms. Davis stated it appears the Commission has already made their decision, and are now proceeding illegally.

Carrie Kienzle stated it is wonderful to see the room full of Apalachicola citizens. Ms. Kienzle stated everyone respects the Commission and the people representing Denton Cove are not part of the Apalachicola family. Ms. Kienzle asked that if the Commission makes a motion then choose Apalachicola, not Denton Cove.

Edward Michaels spoke against Denton Cove project.

Leslie Coon stated she is concerned the Commission is not hearing the citizen's opposition on this project, and feels like the citizens are not being given any options.

George Coon stated this development doesn't fit into Apalachicola.

Ken Schroeder stated instead of building something that is 52 units, why can't they purchase abandoned properties around Apalachicola and build or renovate homes on those properties. Mr. Schroeder stated there are other ways to do this besides deeding over streets and alleys, and this project would be taking away from what this community really is.

Callie Nichols shared aerial views of Wendover properties, and also read an article about Wendover.

Judy Stokowski stated the City has a Comprehensive Plan and closing streets and alleys is not in the spirit of what was intended for Apalachicola. Ms. Stokowski stated precious land is being taken away from the citizens of Apalachicola, and there are other ways to get affordable housing within our community.

Mike Vroegop stated he is not proud of the Commission. Mr. Vroegop stated the lack of right of ways will create problems for emergency personnel, and this will set precedence for future projects.

Public comments received.

Attorney Floyd stated there is no contract or agreement that can bind the discretionary power of this Commission. No decision has been made, and that is the reason for this public hearing. This public hearing is for the Commission to determine if closing the streets and alleys is in the public benefit.

Clarice Powell stated if you lump low income housing together, there is always trouble. Ms. Powell continued stating you need to integrate low and moderate income. Ms. Powell stated she feels project should be in Eastpoint where it is needed most.

Charles Elliott stated if the City was going to sell the property, then at least get a fair price for the property.

Torben Madson stated if Commission approves to close streets and alleys, then they are setting a precedent and are giving up the heart and soul of this community.

Greg Wynot stated there are approximately 480 signatures on a petition opposing this project. Mr. Wynot stated the Commission has heard from citizens about turning over streets and alleys to the developer, but they should be asking if this is the best decision for Apalachicola.

Gina Taranto addressed the increased traffic that will be produced by this project. Ms. Taranto stated the people are asking for the Commission to not proceed with closing the streets and alleys.

Rosa Tolliver stated she is not for closing streets and alleys. Ms. Tolliver stated she would rather see affordable housing in a way that will adorn the community rather than take away from the community.

Dan Stengle stated Denton Cove will meet all the requirements, will develop plans as submitted and permitted by law and will not seek abatement from ad valorem taxes. Mr. Stengle continued stating this is not a Section 8 housing development and will not be used as such. Alleys and streets will not be vacated until fees have been paid to the City and funding is secured. Mr. Stengle read public benefit statement.

Jaime Liang stated Denton Cove development is not allowed on this property because under the Comprehensive Plan it is illegal.

Public comments received.

Paula Martina asked if she heard correctly that the water and sewer tap fees are included in the purchase price.

Attorney Floyd stated the nonrefundable property payment and payment for water and sewer taps are separate.

John Lee stated the people that live here are voters, and the Commission works for the citizens, and the citizens are opposed to closing streets and alleys.

No further public comment.

Public hearing closed and regular meeting opened.

REGULAR MEETING

ADOPTION DECISION – ORDINANCE NO. 2015-03 – 911 EMERGENCY ADDRESS

Attorney Floyd read Ordinance No. 2015-03 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A UNIFORM SYSTEM THAT REQUIRES THE POSTING OF THE ASSIGNED 911 EMERGENCY ADDRESS FOR BUILDINGS WITH ACCESS FROM OFFICALLY NAMED ROADS AND STREETS WITHIN THE JURISDICTION OF THE CITY OF APALACHICOLA, FLORIDA; PROVIDE FOR ENFORCEMENT; PROVIDING FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-03 made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2015-06 – STREET & ALLEYWAY CLOSURE

Attorney Floyd stated this resolution is regarding the closing of particular portions of roadways and alleyways in and adjacent to Block 126, more specifically identified as sections of 16th Street, Avenue K and adjoining alleyways adjacent to and located within Blocks 126, 127, 130 and 131.

Attorney Floyd read Resolution 2015-06 in its entirety.

Motion to adopt Resolution 2015-06 as outlined by Attorney Floyd to close portions of roadways and alleyways in and adjacent to Block 126, more specifically identified as sections of 16th Street, Avenue K and adjoining alleyways adjacent to and located within Blocks 126, 127, 130, and 131 made by Commissioner Elliott.

Motion died for lack of second.

Commissioner Elliott stated he has heard the concerns of everyone here tonight, but he has always favored the ones that need help. Commissioner Elliott stated this is a Commission that votes their

conscience and I had to vote my conscience. Commissioner Elliott stated he does not buckle under pressure and he is always going to support for what he feels is right.

Bobby Miller thanked the Commission for listening to the public and voting as such.

David Adlerstein asked if this subject can be brought back before the Commission.

Mayor Johnson stated that Commissioner Elliott cannot bring up the subject matter or make a motion if it is revisited.

APPROVAL OF MINUTES

Motion to approve June Minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 5 to 0.

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

Voting Nay: None

FDOT – TRAFFIC SIGNAL MAINTENANCE & COMPENSATION AGREEMENT

Ms. Mathes stated this FDOT agreement is for the caution light and traffic signal. FDOT will reimburse 100% for maintenance. Attorney Floyd has been submitted a copy of agreement and finds no discrepancies.

Motion to approve FDOT traffic signal maintenance and compensation agreement made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

PLANNING & ZONING

1. Encroachment Agreement – Fort Coombs Armory

Motion to approve encroachment agreement for Fort Coombs Armory to install handicap ramp made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

2. Motion to confirm April and May Planning & Zoning minutes made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

CITY CLERK

Ms. Mathes presented Commission with map outlining Duke Energy tree trimming and pole replacement project that will start on Monday, July 13th.

Ms. Mathes presented Commission with tentative budget calendar outlining budget workshop and public hearing dates.

Ms. Mathes stated that Mayor Johnson, Commissioner Elliott, and Commissioner Bartley are all up for re-election this year. After qualifying week, Commissioner Bartley has gone unopposed, Mayor Johnson has one opponent, Greg Wynot, and Commissioner Elliott has one opponent, Charles Kienzle.

Motion to authorize payment for Attorney Floyd invoice made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD

No report given.

OTHER VISITORS & COMMENTS

1. George Watkins asked for update on Mill Pond.

Ms. Webb stated advertisement has been placed for boat lift operator and contractor to do repair work on boats. The travel lift is tested periodically by Greg and Johnny Harris. Larry Colson is in the process of removing the snags, and plans are in the works to have someone in house oversee operations of the repair yard. Ms. Webb stated that grant funds did not cover everything that needed repaired or replaced, so Commissioner agreed to use \$100,000 of Revolving Loan Funds to address piling and snag issues.

Commissioner Ash asked if there was a list of items that need to be done.

Ms. Webb stated she submitted a list to Commission previously. Items included removing snags at new dock and loading dock and making haul out slip deeper. Ms. Webb stated removing snags was a priority. Ms. Webb stated the Mill Pond Committee was not in favor of contracting out the whole operation.

Mr. Watkins stated the equipment should be tested first before it is used.

Ms. Webb stated she needs approval to proceed to prepare a plan for the operation and management of Mill Pond.

Commissioner Ash stated a plan should be in place prior to moving forward.

Ms. Webb stated it was originally thought to put out to bid the operation and management of the entire Mill Pond but Committee was not in favor of proceeding with that route.

Motion to authorize Ms. Webb to proceed to prepare a plan for the operation and management of Mill Pond made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 1.

Voting Aye: Cook, Elliott, Bartley, Mayor Johnson

Voting Nay: Ash

Mr. Watkins asked when the Fire Department was going to get back the truck that the Water & Sewer Department has been using.

Ms. Mathes stated the Public Works trucks have been ordered, and once they arrive, then the truck will be available.

2. Ms. Webb stated there are several burnt houses in Apalachicola that have become a safety hazard and need to be removed.

Mayor Johnson asked how the City could recoup the monies spent on the removal of the houses.

Attorney Floyd stated the City would put a lien on the property.

Ms. Webb stated she feels the City can get this accomplished with assistance from the County.

Motion to authorize Ms. Webb to proceed with starting process to remove unsafe burnt houses within Apalachicola made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Attorney Floyd stated a letter can now be written, and give property owners opportunity to respond.

Sally Williamson asked what the time frame is allowed for a response.

Attorney Floyd stated he thinks it is 90 days.

MAYOR & COMMISSIONER'S COMMENTS

1. Commissioner Elliott stated a commercial fisherman received a ticket for breaking the “No Wake Zone”.

Attorney Floyd stated the Marine Patrol has the authority to issue tickets.

2. Mayor Johnson stated the Commission put Helen Escobar in charge of the youth program at the Gym. Mayor Johnson stated this gives Ms. Escobar the ability to set the schedule for programs and manage the building.

Commissioner Ash stated she doesn't want the activities at the Gym and Project Impact to interfere with each other, but complement each other and work in unison, not division. Commissioner Ash stated an agreement needs to be put in place between the City and KUT so everyone is working together instead of against each other.

Commissioner Bartley stated he remembers Faye Johnson asking if KUT would interfere with Project Impact, and the Commission told her no.

Mayor Johnson stated if the Commission is not going to dictate how everyone else manages City properties, then the Commission should not dictate how Ms. Escobar manages the Gym.

Commissioner Ash stated that Project Impact should not be prohibited from use of the Gym.

Motion to draw up an agreement between the City, KUT, and Project Impact and bring back before the Commission made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 1.

Voting Aye: Ash, Bartley, Cook, Elliott

Voting Nay: Mayor Johnson

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee Mathes, City Clerk