

Three public hearings and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, January 23, 2018 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 Anita Grove, City Administrator Lee Mathes, Deputy Clerk, Janelle Paul, Chief of Police Bobby Varnes, Attorney Pat Floyd

Visitors: Ashley Teat, Bill McCartney, John Solomon, Angie Mullins, Jay Mullins, Augusta West, John Alber, Rich Hall, Jim Bachrach, Cindy Clark, Holly Brown, Elinor Mount-Simmons, Joe Taylor, M. K. Swaggerty, Sharon Sleeper, Peter Olson, Julie Gallagher, Chris Moore, David Adlerstein, Krystal Hernandez, Jeff Ilardi, Caroline Ilardi, Carrie Kienzle, David Meyer

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

**PUBLIC HEARING – ORDINANCE 2017-12 – WATER & SEWER RATES RESIDENTIAL**

Attorney Floyd read Ordinance No. 2017-12 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-35 SUBSECTIONS (A) AND (C) AND DELETING SUBSECTIONS (B) AND (D) REGARDING WATER RATES; AMENDING SECTION 20-48 SUBSECTION (A) AND (C) AND DELETING SUBSECTIONS (B) AND (D) REGARDING SEWER RATES OF ORDINANCE 2008-02 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Ash asks if there were any potential proposals that allowed for a senior rate.

Ms. Mathes stated City of Mexico Beach had a senior rate that required documentation for income, and would have information available for discussion at February meeting.

No further comments.

**PUBLIC HEARING – ORDINANCE 2017-13 - BUILDING PERMIT & DEVELOPMENT FEES**

Attorney Floyd read Ordinance No. 2017-13 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA REPLACING RESOLUTION 2004-05 ESTABLISHING A CONSTRUCTION AND DEVELOPMENTAL FEE SCHEDULE; AND ESTABLISHING AN EFFECTIVE DATE.

No public comment.

**PUBLIC HEARING – ORDINANCE 2017-14 – WATER & SEWER RATES COMMERCIAL**

Attorney Floyd read Ordinance 2017-14 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-35 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL WATER RATES; AMENDING SECTION 20-35 SUBSECTION (G) REGARDING WATER ONLY WATER RATES; AMENDING SECTION 20-48 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL SEWER RATES OF ORDINANCE 2008-02 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

No Public Comment

Mayor Johnson closed public hearing and opened regular meeting.

**REGULAR MEETING**

**ADOPTION DECISION – ORDINANCE 2017-12 – WATER & SEWER RATES RESIDENTIAL**

Attorney Floyd read Ordinance 2017-12 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-35 SUBSECTIONS (A) AND (C) AND DELETING SUBSECTIONS (B) AND (D) REGARDING WATER RATES; AMENDING SECTION 20-48 SUBSECTION (A) AND (C) AND DELETING SUBSECTIONS (B) AND (D) REGARDING SEWER RATES OF ORDINANCE 2008-02 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-12 contingent upon senior rates will be researched and addressed made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Grove, Mayor Johnson

Voting Nay: None

**ADOPTION DECISION – ORDINANCE 2017-13 – BUILDING PERMIT & DEVELOPMENT FEES**

Attorney Floyd read Ordinance 2017-13 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA REPLACING RESOLUTION 2004-05 ESTABLISHING A CONSTRUCTION AND DEVELOPMENTAL FEE SCHEDULE; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-13 made by Commissioner Grove, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Ash, Grove, Elliott, Mayor Johnson

Voting Nay: None

**ADOPTION DECISION – ORDINANCE 2017-14 – WATER & SEWER RATES COMMERCIAL**

Attorney Floyd read Ordinance 2017-14 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-35 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL WATER RATES; AMENDING SECTION 20-35 SUBSECTION (G) REGARDING WATER ONLY WATER RATES; AMENDING SECTION 20-48 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL SEWER RATES OF ORDINANCE 2008-02 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-14 made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Grove, Elliott, Ash, Mayor Johnson

Voting Nay: None

### **RECOGNITION OF VISITORS**

#### 1. Elinor Mount-Simmons – African-American History Festival 2018

Ms. Mount-Simmons stated H'COLA is requesting the use of Franklin Square for February 16<sup>th</sup> – 18<sup>th</sup> for the 15<sup>th</sup> Annual African-American History Festival which include use of Holy Family, tennis courts, basketball courts, blocking roads for entire festival on Avenue L from 6<sup>th</sup> to 7<sup>th</sup> Street, and blocking roads for the annual Saturday parade.

Motion to approve use of Franklin Square, Holy Family, and blocking of roads for African-American History Festival February 16<sup>th</sup> – 18<sup>th</sup> as outlined by Ms. Mount-Simmons made by Commissioner Elliott, second by Commissioner Grove.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Grove, Mayor Johnson

Voting Nay: None

#### 2. Caroline Ilardi – Mardi Gras Barkus Event

Ms. Ilardi outlined Mardi Gras Barkus Event to be held on February 10<sup>th</sup> at Riverfront Park. Ms. Ilardi is requesting Water Street be temporarily renamed to BourBone Street for this event.

Motion to temporarily rename Water Street to BourBone Street on February 10, 2018 for the Mardi Gras Barkus event at Riverfront Park made by Commissioner Elliott, second by Commissioner Grove.

Motion carried 4 to 0.

Voting Aye: Ash, Grove, Elliott, Mayor Johnson

Voting Nay: None

#### 3. Augusta West – CRA Update

Ms. West gave verbal CRA update to Commission.

Commissioner Grove asked Ms. West if she could give a detailed report on how many hours was worked on each project.

Ms. West stated she will have that information at the February CRA meeting.

#### 4. John Alber – Farmers Market – Participating in EBT Program

Mr. Alber stated he is a new volunteer to Farmers Market and is requesting authorization to accept EBT cards at the market.

Commissioner Ash asked what are the risks associated with the City by accepting the EBT cards and having the machine.

Mr. Alber stated there are risks involved with any program, but will operate under the City's EIN number.

Attorney Floyd stated he would like to discuss the procedure with Mr. Alber before a decision is made.

Commission agreed to place Mr. Alber on February agenda.

#### 5. Chris Moore – 51 8<sup>th</sup> Street Landscaping Issue

Attorney Floyd stated the Commission is the appeals board, so this matter should not really be discussed at this time. Attorney Floyd stated he would like to table the sections pertaining to the fill discussion in the December 5<sup>th</sup> and December 14<sup>th</sup> minutes and also item number 17 and 18 on the November 13<sup>th</sup> Planning and Zoning minutes.

Motion to table those sections of the December 5<sup>th</sup> and December 14<sup>th</sup> City Commission minutes pertaining to fill discussion and also table confirming item 17 and 18 in the November 13<sup>th</sup> Planning and Zoning minutes made by Commissioner Grove, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Grove, Elliott, Ash, Mayor Johnson

Voting Nay: None

#### 6. John Solomon – Chamber of Commerce Butts & Clucks Event

Mr. Solomon outlined the Butts & Clucks Event that will be held January 26<sup>th</sup> and 27<sup>th</sup> at Battery Park. Mr. Solomon stated there 25 teams that will be competing and should bring a lot of business into town.

#### 7. Krystal Hernandez – Installation of Book Box

Ms. Hernandez stated she would like to donate a book box at Battery Park. Ms. Hernandez stated eventually she would like to have a book box in all the parks.

Commissioner Ash suggested Ms. Hernandez partner with the Library and Bring Me A Book to get this accomplished.

Ms. Hernandez would like to know the status of the research regarding allowing outside City residents to be appointed to committees and boards. Ms. Hernandez stated there are members appointed to boards and committees who live outside City limits, and she wants everyone treated fairly.

Attorney Floyd stated that the City Charter outlines who is allowed to serve on committees and boards.

Commissioner Grove informed Ms. Hernandez that every committee and board meeting is open to the public and meeting dates and times are posted on the website. She can certainly attend any meeting and offer suggestions.

#### **APPROVAL OF DECEMBER MINUTES**

Motion to approve December 5<sup>th</sup> and December 14<sup>th</sup> minutes, excluding sections in both sets pertaining to fill and drainage discussion made by Commissioner Grove, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Grove, Mayor Johnson

Voting Nay: None

#### **APPROVAL OF NOVEMBER BILL LIST**

Motion to approve November bill list by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Grove, Ash, Mayor Johnson

Voting Nay: None

#### **PLANNING & ZONING**

Motion to confirm November 13<sup>th</sup> Planning & Zoning minutes, excluding items 17 and 18, made by Commissioner Ash, second by Commissioner Grove.

Motion carried 4 to 0.

Voting Aye: Elliott, Grove, Ash, Mayor Johnson

Voting Nay: None

#### **CINDY CLARK – CITY PLANNER – MONTHLY REPORT**

Ms. Clark outlined monthly planning activities. Ms. Clark stated she is would like to apply for three grants and is seeking authorization to do so.

Ms. Clark stated the Coastal Resilience Grant would help the City complete some of the required activity items required to gain entry into the CRS program.

Motion to authorize Ms. Clark to submit a letter of interest to request funding from DEP to fund a coastal resilience initiative made by Commissioner Elliott second by Commissioner Ash.

Commissioner Grove asked if she needed to recuse herself due to her position with the State.

Attorney Floyd stated no.

Motion carried 4 to 0.

Voting Aye: Grove, Elliott, Ash, Mayor Johnson

Voting Nay: None

Ms. Clark stated there are 2 Visit Florida grants the City is eligible for totaling \$7,500 with a \$3,750 match required by the City. Grants can be used to create parking signage for the bowery and refurbish the interpretive signs and can also be used for marketing.

Commissioner Grove asked if CRA funds are eligible for the match.

Ms. Clark stated if it is in the CRA district then CRA funds could be used for the match. Ms. Clark stated she can also approach TDC for the matching funds. Ms. Clark stated if she can't find matching funds, then she will not apply for the grant.

Motion to authorize Ms. Clark to apply for 2 Visit Florida grants totaling \$7,500 with a \$3,750 match made by Commissioner Grove, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Grove, Mayor Johnson

Voting Nay: None

Ms. Clark request permission to lead a planning initiative to make historic guidelines into a regulatory document.

Motion to authorize the planning office to coordinate and lead the planning initiative to make the historic guidelines into a regulatory document made by Commissioner Grove, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Grove, Elliott, Mayor Johnson

Voting Nay: None

### **CITY ADMINISTRATOR**

1. Ms. Mathes stated there are problems with the utility bills getting destroyed in the mailing process, and it has been recommended that the City purchase a machine that will convert utility bills from postcard type to a sealed letter size bill. Ms. Mathes stated that both Eastpoint Water and Sewer and City of Sopchoppy already changed the billing format to correct this problem.

Commissioner Elliott stated it is the size of the bill that is the problem and suggest to not tearing off the white portion of the bills to allow for the longer length.

Ms. Mathes stated that will be tried with this month's billing.

2. Ms. Mathes she needs approval for payment for Attorney Floyd's invoice.

Mayor Johnson asked why this bill is always separate from approval of bill list items.

Ms. Mathes stated because she doesn't receive the bill in time to be incorporated into the bill list.

Attorney Floyd stated he will submit bill earlier to incorporate invoice into regular bill list items.

Motion to approve payment for Attorney Floyd invoice made by Commissioner Ash, second by Commissioner Grove.

Motion carried 4 to 0.

Voting Aye: Grove, Elliott, Ash, Mayor Johnson

Voting Nay: None

3. Attorney Floyd stated the County has contacted DACS regarding the City collecting the Apalachicola Bay Oyster Harvesting License. The County is opposing this action, stating that if the City collects the fees then they feel this will release the State from the management and restoration of the Apalachicola Bay.

Ms. Mathes stated she contacted Kal Knickerbocker and asked him if this was the case, and he answered absolutely not. Restoration projects have always been funded depending on legislative funding.

Mayor Johnson stated the State approached the County first to collect the license fees and the County refused, but if the County now wants to step up to the plate and collect the fees, then the City will be happy to relinquish this to the County.

Attorney Floyd stated it was never the intention of this Commission to hinder future State funding efforts for the management and restoration of the Apalachicola Bay.

### **ATTORNEY FLOYD REPORT**

1. Attorney Floyd updated Commission on State of Florida vs. State of Georgia litigation.

2. Attorney Floyd clarified that excluding approval of the fill and drainage discussions in the December Commission minutes and November Planning & Zoning minutes was only for the Moore issue and is not associated with Rich Hall issue. Attorney Floyd stated the engineer report has not yet been received.

Mr. Hall stated this is a building code violation, not a floodplain issue.

Attorney Floyd informed Mr. Hall that the Commission will serve as the appellant board, so this matter cannot be discussed.

Attorney Floyd stated he will get the engineer report before the February meeting, but at this time matter cannot be discussed.

**OTHER VISITORS AND COMMENTS**

None

**MAYOR AND COMMISSIONER'S COMMENTS**

1. Commissioner Grove asked for update regarding water audit.

Ms. Mathes stated she hasn't heard anything since before Thanksgiving, but will follow up on status.

2. Commissioner Grove asked for update on obtaining GAC funding.

Commissioner Ash stated that she and Ms. Mathes have been working diligently towards obtaining funding. Three financial institutions were approached, but only Centennial Bank offered to proceed. Centennial Bank will be meeting on Wednesday, and if approved then it goes one more step. Commissioner Ash stated that Jim Waddell mentioned that company financing may be an option, but project will have to be bid out so unsure how that process will work. Commissioner Ash stated she will touch base with Mr. Waddell to get clarification on company financing.

3. Commissioner Grove asked if there should be a workshop concerning floodplain management and revenue enhancement.

Ms. Clark stated we should move forward with the planning workshops and those will be planned in the near future.

Mayor Johnson stated he has already informed Bill McCartney that the Commission needs to hold a workshop to discuss his revenue enhancement plan.

4. Mayor Johnson commended Commissioner Grove for donating \$100 to the Early Childhood program and challenges each Commissioner and Attorney Floyd to follow suit.

5. Mayor Johnson stated the City is in a critical situation regarding infrastructure needs and SRF loan, and feels it is imperative the City have a facilitator to reach out to the Federal and State governments. Mayor Johnson stated at this point he feels it is necessary to obtain a lobbyist that can be present in the Capital to represent the City, and address our needs to the Legislature. Mayor Johnson stated he has spoken with Ms. Mathes regarding how to fund this, and she stated she will not be replacing Cindy Summerhill's position after her retirement February 2<sup>nd</sup>.

Ms. Mathes stated she will be asking for \$12,000 to be allocated amongst staff.

Mayor Johnson distributed consultant information to the Commission. Mayor Johnson stated he is asking for approval to hire Capitol Solutions Legislative and Administrative Consultants for a period of 8 months at \$2,000 per month for a total of \$16,000. If approved contract will start in February and end in September.

Commissioner Ash asked how many consulting contracts the City is currently obligated for.



Ms. Mathes stated Bill McCartney is currently the only consulting contract. Ms. Webb only works per task order.

Commissioner Grove asked if this is what Mr. McCartney does.

Mayor Johnson stated Mr. McCartney works on RESTORE and TRIUMPH projects.

Commissioner Grove asked what Cindy Summerhill's duties were.

Ms. Mathes stated Ms. Summerhill was the grants manager. Ms. Mathes stated she is approaching the management of grants differently; therefore feels there will be no need to fill this position.

Commissioner Grove asked if the extra allocation to staff would be considered double dipping stating that she has been approached by individuals stating that staff was getting paid for a full time job and also getting paid for part time work with another position.

Ms. Mathes stated her staff has been reduced down by 2 people and the only time staff has ever received any extra pay was when the shelling programs were in force and operating the shelling program was a whole other job within itself.

Mayor Johnson stated allocating extra funds towards staff to assume extra duties is not considered double dipping.

Carrie Kienzle asked if other consulting firms were considered.

Mayor Johnson stated this firm came highly recommended, and the City needs someone in the Capital now to get the City some help.

Commissioner Ash stated there are no guarantees, but this firm does come highly recommended and hopefully they can get some help.

Motion to approve consultant services of Capitol Solutions, LLC Legislative and Administrative Consultants for a period of February to September 2018 to be paid \$2,000 per month for a total of \$16,000 made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Grove, Mayor Johnson

Voting Nay: None

6. Mayor Johnson stated he was approached by Ashley Teat which states the Fire Department is required to have a minimum of 4 certified fire fighters on scene.

Commissioner Grove stated she will look into matter.

Ms. Mathes stated that Fire Chief Watkins informed her that an ISO representative will be here sometime in the near future, possibly next week.

Joe Taylor thanked everyone for their support for the Oyster Cook Off. Mr. Taylor stated now that the fire truck has been paid off, the group will now focus on training to get everyone certified and equipment for the Fire Department.

7. Attorney Floyd stated the Harbor House Lease was submitted to Robin and Mike Vroegop in December and still has not received any word regarding the lease.

Ms. Mathes stated she has emailed and called Ms. Vroegop several times but has received no response. Ms. Mathes stated she will contact her once more.

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Janelle Paul, Deputy Clerk

