

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, May 8, 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 Mitchell Bartley, Commissioner Anita Grove, City Administrator Lee Mathes, City Attorney Pat Floyd, City Planner Cindy Clark, Melissa Hand, Cortni Bankston

Visitors: Tom Morgan, Augusta West, Chris Langston, Rhett Butler, Shirley Taylor, Georgia Ackeryan, Chris Langston, Dennis Winterringer, Celia Winterringer, Carl Duncan, Marilyn Hogan, Coral Sprouse, Ginny Griner, JoEllen Hall, Louie Van Vleet, Liz Sisung, Caroline Weiler, Erica Head, Deborah Miller, Robin Vroegop, Greg Harris, Joe Taylor, Mike Vroegop, Cynthia Mason, Elinor Mount-Simmons, Liz Perkins, Ralph Schiefferle, Christiana Moore, Rich Hall, Annette Byrd, Johnnie Byrd, Jan Thomas, Chris Pouncey, William Cox, Robert Osburn, Val Webb, Despina George, Karen Kessel, Sharon Grey, S. Antekeier, Carrie Kienzle, B. Wheatley, Caty Greene, George Watkins, Betsy Noriger, Tasia Jones, Beth Wright

Regular meeting opened by Mayor Johnson followed by prayer and pledge.

REGULAR MEETING

RECOGNITION OF VISITORS

1. Johnnie Byrd – Land Request – Mr. Byrd stated he is asking for an update on the request he made earlier regarding assuming ownership of a 15X60 feet section of land in Block 64 Lot 5 that is currently owned by the City but has a reverter clause attached to the deed.

Attorney Floyd stated the County deeded the strip of land to the City with a reverter clause that states if the City no longer uses the property for public purposes, then property would revert back to County ownership. Attorney Floyd recommends that the City deed the strip of land back to the County contingent that the County deed the land to Mr. Byrd at no charge.

Motion to deed the 15X60 feet section of land in Block 64 Lot 5 back to Franklin County contingent upon the County deed the property to Mr. Byrd at no charge made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

2. Chris Langston – Mining Lease – Mr. Langston presented proposal which recommends the City approach the State of Florida and make application to lease approximately 200 acres of Tate's Hell State Forest for purpose of mining fossilized shell. The City will become a lessee of the State and sublease to Coastline Environmental Materials. Coastline Environmental Materials will pay a 10%

royalty to the City, which the City will forward 5% of the royalty payment to the State and retain 5%. Royalty will be based on gross of a per ton sold basis regardless of customer, aggregate type or final destination.

Discussion held concerning management of lease, route of trucks, work schedule, noise created by trucks and loading of shell.

Attorney Floyd stated the City did not accept nor is it the responsibility of the City for the restoration of Apalachicola Bay. Attorney Floyd recommends this matter be researched extensively and be discussed in a workshop.

Public comment received.

Mayor Johnson recommends a motion be made to authorize Attorney Floyd to research the language of the law pertaining to this request, and discuss matter in a workshop when warranted.

Motion to authorize Attorney Floyd to research scope of proposal and language of the law pertaining to leasing State owned property and discuss matter in a workshop when needed made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

3. Philaco Club – Apalachicola Library Rental Proposal – Ginny Griner outlined long standing history with the Apalachicola Library. Ms. Griner stated the Philaco Club would like to propose to rent the old Library for use as a club house.

Mayor Johnson stated the City has adopted a resolution pertaining to the restoration of the historic squares, so as long as that is kept in mind, then he sees no problem with the request.

Ms. Griner stated the Philaco Club supports and is respectful of the square restoration, but feels this is doable at this time. Ms. Griner stated the Philaco Club would like the initial lease term to be 5 years with option to renew annually thereafter, negotiable rental fee, be allowed to expand current restroom and storage closet, and be allowed to add an efficiency kitchen. Philaco would be responsible for the utilities, lawn maintenance, and would provide insurance coverage.

Mayor Johnson recommends a motion be made to direct Attorney Floyd meet with Ms. Griner to discuss lease terms.

Motion to authorize Attorney Floyd meet with Ms. Griner to discuss lease terms to occupy old Apalachicola Library made by Commissioner Elliott, second by Commissioner Grove.

Motion carried.

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

Voting Nay: None

4. Joe Taylor – Plein Air – Mr. Taylor invited the Commission to attend student art day at the Mill Pond on May 9th. Mr. Taylor presented HCA with a \$5,000 donation from Plein Air and also paid in advance next year's rent at the new increased rental rate.

Motion to accept \$5,000 donation to HCA from Plein Air made by Commissioner Ash, second by Commissioner Grove.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2018-05 – RANEY HOUSE

Attorney Floyd read Resolution 2018-05 in its entirety.

Motion to adopt Resolution 2018-05 supporting the grant application of Raney House renovation made by Commissioner Grove, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

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

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 5 to 0.

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

Voting Nay: None

FLORIDA GEOTOURISM – HARBOR HOUSE LEASE

Attorney Floyd outlined drafted lease after numerous modifications. Attorney Floyd stated he tried to incorporate John Alber's lease version and the City's lease version into one document, but the ultimate goal was to protect the City because the lease is proposed for a 10 year term.

Discussion held concerning lease terms.

Motion to approve Harbor House lease as drafted and outlined by Attorney Floyd made by Commissioner Elliott, second by Commissioner Bartley.

Robin Vroegop stated that she and Mike Vroegop would not be signing Attorney Floyd's proposed lease.

Attorney Floyd recommended to give the Vroegop's 10 days to sign the lease presented.

Ms. Vroegop asked how long they had to vacate the building.

Attorney Floyd stated he recommends no more than 30 days.

Ms. Vroegop stated they gave this their best efforts, but they cannot sign the lease presented by Attorney Floyd.

Mike Vroegop stated they will sign John Alber's version of the lease because Attorney Floyd's version of the lease is not a fair lease. Mr. Vroegop continued stating that Mayor Johnson is the one who assigned the mediator John Alber to try to facilitate a fair lease. Mr. Alber presented a fair lease to the Commission last month, and that is the version they are willing to sign.

Mayor Johnson stated that Florida Geotourism favors John Alber's lease version and recommends that the Commission give them that lease version but with a 2 year term not a 10 year term and give them a 60 day out.

Ms. Vroegop stated the building needs at least \$25,000 of repairs plus a new ac unit. A 2 year lease term is not feasible because they will not be able to recoup from the repair expenses in that amount of time. That is why a 10 year lease is mandatory.

Discussion continued.

Commissioner Elliott asked the Vroegop's if they would be amenable to a 2 year term with option to renew.

Ms. Vroegop stated they will not be changing their mind.

FIRE DEPARTMENT UPDATE

Fire Chief George Watkins outlined ISO inspection requirements stating that Truck 3 is no longer operational and will require replacing and Truck 2 needs repairs but is repairable.

Discussion held concerning new truck purchase and training requirements.

Mayor Johnson suggests to look at a lease option for a truck.

Joe Taylor stated the auxiliary may be able to help financially with Truck 2 repairs.

Commissioner Grove stated it would be helpful to get a completed list of the roster and a status report of where everyone is on the training. Commissioner Grove request the Fire Department is put on the special meeting agenda.

AWARD CONTRACTOR – HURRICANE MITIGATION PROJECT

Ms. Mathes stated that Florida Retrofits, Inc. was the only bidder. Ms. Mathes stated that Florida Retrofits is also the County's contractor for their Hurricane Mitigation Project.

Motion to award bid to Florida Retrofits, Inc. for Hurricane Mitigation Project made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

AWARD ENGINEER – WATER STREET & AVENUE G PARKING, SIDEWALK, LIGHTING PROJECT

Ms. Mathes stated Dewberry was the only bidder.

Motion to award bid to Dewberry for the Water Street & Avenue G Parking, Sidewalk, Lighting Project made by Commissioner Grove, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

AWARD ENGINEER – CARBON FILTRATION WATER PLANT PROJECT

Ms. Mathes stated that Inovia Consulting Group was the only bidder.

Motion to award bid to Inovia Consulting Group for Carbon Filtration Water Plant Project made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

CITY MANAGER DISCUSSION

Mayor Johnson submitted handouts to Commission outlining criteria, proposed salary range, benefits of hiring a City Manager, responsibilities, and options for funding the position.

Discussion held concerning funding the position.

Commissioner Ash asked what happens when the City doesn't have the funds to pay for the position. Commissioner Ash stated she has a hard time supporting something when there is no contingency plan.

Mayor Johnson stated he truly believes that with the right person at the helm, the City's current issues will be resolved, and they will be bring in more than enough revenue to cover their salary.

Commissioner Bartley stated the City can't keep spending, and he doesn't want to take the risk of hiring someone the City can't afford to keep.

Mayor Johnson stated if this Commission wants things to change, then we are going to have to hire a City Manager.

Discussion continued.

Mayor Johnson stepped away from meeting. Commissioner Ash assumed position of Mayor Pro-Tem at this time. City Manager discussion halted until Mayor Johnson returns.

ATTORNEY FLOYD REPORT

Attorney Floyd updated Commission on water litigation.

Mayor Johnson returns to seat at this time.

CITY MANAGER DISCUSSION CONTINUED

Motion to advertise for City Manager position conditioned upon one year probationary period and that City Manager bring in sufficient revenue to the City that will cover the position's costs and with stipulation the job will be eliminated if increased revenue cannot cover position made by Commissioner Elliott, second by Commissioner Ash.

Mayor Johnson stated no employees will be displaced and the City Manager job description is outlined in the City's Charter.

Commissioner Elliott reaffirmed that no employees will lose their job and if the City Manager can't perform, then they will be fired.

Mayor Johnson stated this Commission runs a government on crisis, and we need a professional City Manager to get us out of this situation.

Commissioner Grove stated she is still concerned where the funds will come from to fund the City Manager position.

Discussion continued regarding funding position.

Attorney Floyd stated the City Manager position will have a one year probationary period, and within that time their performance will be evaluated, and either the position will continue or be discontinued based on their performance.

Motion carried 4 to 1.

Voting Aye: Grove, Elliott, Ash, Mayor Johnson

Voting Nay: Bartley

SENIOR SERVICES FACILITATOR DISCUSSION

Ms. Mathes stated that funding to pay the Senior Services Coordinator has run out, and approximately \$6,000 is needed to fund this position through September 30th.

Commissioner Ash stated she can't make a decision until she see current financials.

Motion to table item and readdress at May 22nd special meeting made by Commissioner Ash, second by Commissioner Grove.

Motion carried 5 to 0.

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

Voting Nay: None

CITY ADMINISTRATOR REPORT

1. Ms. Mathes stated that Career Source is interested in renting the front office and the back spare office in the Community Center. Career Source can pay \$400/month which includes utilities.

Val Webb stated that Career Source is a non-profit and Career Source is willing to pay for schooling for a City employee to obtain a water or sewer certification.

Motion to rent the front office space and the back spare office in the Community Center to Career Source at \$400/month including utilities made by Commissioner Grove, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

2. Ms. Mathes stated she will be working with Commissioner Grove and the Fire Department to go before the County Commission to ask for increase for the MSBU fee for Apalachicola fire district.

3. Ms. Mathes reminded the Commission about the joint workshop with Planning and Zoning Board on May 14th at 5:00 PM and the special meeting on May 22nd at 6:00 PM.

PLANNING & ZONING

Cindy Clark stated she needs official approval to submit annual DEO small planning technical assistance grant.

Motion to authorize Ms. Clark to submit technical assistance grant to DEO made by Commissioner Bartley, second by Commissioner Grove.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Clark reviewed monthly planning report.

Motion to confirm March Planning and Zoning minutes made by Commissioner Grove, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

OTHER VISITORS AND COMMENTS

1. Robin Vroegop asked about the status of removing the trash pile at the City barn.

Mayor Johnson stated he had instructed to have that area cleaned up.

Ms. Mathes stated she thought that the area had been cleaned up and was unaware if there was still dumping at the site. Ms. Mathes stated she will instruct Mr. Harris to clean up the site and secure area to not allow further dumping.

2. Rich Hall asked about the status of the house on 7th Street that is in violation of the Floodplain Ordinance. Mr. Hall asked why a suit has not been filed because the owner still hasn't obtained a floodplain permit.

Attorney Floyd stated there has been delay in the promises that were made by the contractor to fix this problem, and I thought it was in good faith that the problems would be fixed. Attorney Floyd stated a letter along with a floodplain permit application has been sent to the homeowner.

Mr. Hall recommends the City send a letter advising the homeowner the flood insurance will be cancelled if the problems are not addressed.

Commissioner Grove recommends Attorney Floyd write another letter to homeowner stating the problem must be resolved as soon as possible.

MAYOR & COMMISSIONER'S COMMENTS

1. Commissioner Grove asked about the status of the water audit.

Ms. Mathes stated she will get an update.

2. Commissioner Grove asked the status on putting the fire station up for sale.

Attorney Floyd stated the City needs to advertise to accept bids.

Motion to advertise to accept bids for the old fire station made by Commissioner Bartley, second by Commissioner Grove.

Motion carried 5 to 0.

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

Voting Nay: None

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee Mathes, City Administrator