

A Public Hearing and Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, October 7, 2008 at 6:00 PM in 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 Clerk Lee Mathes, Building Official Gene Osburn, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Water & Sewer Supervisor William Cox

Visitors: Joe Taylor, Beverly Hewitt, Liz Kelsey, O. H. Walker, Ann Sizemore, Red Sizemore, Anita Grove, Bobby Brown, Warren Yagert, Dieter Ambos, Karla Ambos, Clifford Thomas, Clarice Powell, Shirley Walker, Cindy Clark, Jim Waddell, Leon Bloodworth, David Adlerstein, Rebecca Jetton, Michael Billings, Jenny Billings, Tami Ray-Hutchinson

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

**PUBLIC HEARING – ORDINANCE NO. 2008-04 (CRA REORGANIZATION)**

Attorney Floyd read Ordinance No. 2008-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THOSE PROVISIONS OF ORDINANCE NUMBER 88-11 PERTAINING TO THE APPOINTMENT OF BOARD MEMBERS OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; REPLACING THE EXISTING FIVE MEMBER BOARD WITH A SEVEN MEMBER BOARD; ESTABLISHING STAGGERED TERMS TO SERVE TWO-YEAR AND FOUR-YEAR TERMS; DESIGNATING BOARD MEMBER SLOTS TO BE FILLED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Webb asked who the members were appointed to the CRA Board.

Mayor Johnson stated they are Dieter Ambos (Citizen at Large), Kathy Robinson (Chamber of Commerce Member), Anna Maria Cannatella (Real Estate Profession Representative), Joe Taylor (C-1 General Commercial Zoned Business Owner), Tami Ray-Hutchinson (C-2 Neighborhood Commercial Zoned Business Owner), Brenda Ash (Financial Institution Representative), John Gore (Resident Property Owner).

No public comment.

Public hearing closed.

**REGULAR MEETING**

**RECOGNITION OF VISITORS**

\* Beverly Hewitt – Police Security – Ms. Hewitt discussed night time police security for downtown businesses. Ms. Hewitt stated that police officers are not checking businesses nightly, and that when her businesses were broken into, it was not discovered until the next morning. Police officers should patrol downtown area nightly, and leave slips to let business owners know that their business has been checked.

Commissioner Webb asked Chief Varnes why downtown businesses are not checked nightly.

Chief Varnes stated it cost about \$250 per month for those slips, and there was a big fight the night the Grill was broken into. Police officers can't be everywhere at the same time. There is not enough man power for that.

Commissioner Webb stated that police officers need to check businesses nightly, and they need to leave a note every time it is checked.

Mayor Johnson stated he will meet with Chief Varnes to work out a system.

\* Karla Ambos – Community Gardens – Ms. Ambos requested permission to start Community Garden on February 1, 2009. Community Garden will be on the northeast and northwest corners only at 8<sup>th</sup> Street and Avenue F and area will be fenced in.

Motion to start Community Garden on February 1, 2009 and use northeast and northwest corners only at 8<sup>th</sup> Street and Avenue F made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

\* Bobby Brown – FSF Street Dance – Mr. Brown request to close the street at Martin Luther King between 8<sup>th</sup> & 9<sup>th</sup> Street for a street dance on November 1<sup>st</sup> for Seafood Festival. Mr. Brown stated the dance will close around 10:00 PM. Mr. Brown stated the terms are the same as last year.

Motion to approve to close street at Martin Luther King between 8<sup>th</sup> & 9<sup>th</sup> Street for a street dance on November 1<sup>st</sup> and close by 10:00 PM made by Commissioner Bartley, second by Commissioner Webb.

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Motion carried.

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

Voting Nay: None

**ADOPTION DECISION – FINAL ADOPTION ORDINANCE NO. 2008-04 (CRA REORGANIZATION)**

Attorney Floyd read Ordinance No. 2008-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THOSE PROVISIONS OF ORDINANCE NUMBER 88-11 PERTAINING TO THE APPOINTMENT OF BOARD MEMBERS OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; REPLACING THE EXISTING FIVE MEMBER BOARD WITH A SEVEN MEMBER BOARD; ESTABLISHING STAGGERED TERMS TO SERVE TWO-YEAR AND FOUR-YEAR TERMS; DESIGNATING BOARD MEMBER SLOTS TO BE FILLED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2008-04 (CRA Reorganization) made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

**FIRST READING – ORDINANCE NO. 2008-05 – EAR**

Attorney Floyd read Ordinance No. 2008-05 by title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF APALACHICOLA ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF APALACHICOLA COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY OF APALACHICOLA TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

Leon Bloodworth stated the EAR (Evaluation and Appraisal Report) is a required element for the Comprehensive Plan every seven years. It is an evaluation of the problems that need to be addressed in the Comprehensive Plan, and is required by the State of Florida.

Motion to approve first reading of Ordinance No. 2008-05 (EAR) and advertise for public hearing made by Commissioner Elliott, second by Commissioner Bartley.

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Motion carried.

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

Voting Nay: None

Rebecca Jetton stated the EAR is required by Florida Statutes, and it is very important the City adopt this ordinance and submit it to DCA.

Mayor Johnson asked Ms. Jetton if she would assist the City with the Capitol Improvement Element.

Ms. Jetton stated she will assist the City in any way possible.

**ADOPTION DECISION – RESOLUTION NO. 2008-07 – FSF ROAD CLOSING**

Attorney Floyd read Resolution No. 2008-07 by title as follows:

A RESOLUTION BY THE CITY OF APALACHICOLA REQUESTING US HIGHWAY 98 BE CLOSED DURING THE PERIOD OF THE FLORIDA SEAFOOD FESTIVAL PARADE ON SATURDAY, NOVEMBER 1, 2008 AND AGREEING TO ASSIST IN TRAFFIC CONTROL DURING SUCH PERIOD OF RE-ROUTING.

Motion to adopt Resolution 2008-07 (FSF Road Closing) made by Commissioner Elliott, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

**APPROVE PURCHASE FOR EMPLOYEE THANKSGIVING TURKEYS**

Motion to approve purchase for employee Thanksgiving turkeys to be taken out of Commission miscellaneous line item made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

**TRAFFIC SAFETY TEAM REPORT**

Commissioner Elliott stated the straight in parking at the Health Department needs to be addressed. Parking should be angled in front of the building.

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Mayor Johnson recommends to have Ms. Webb make request from the County to make it angle parking.

Clarice Powell stated the stop sign at corner of 7<sup>th</sup> Street & Avenue M is gone, the speed bumps that were in place are gone, and the Children at Play signs are gone. Ms. Powell stated she has mentioned the items missing to Dixie Partington, but nothing has been done.

Mayor Johnson asked Ms. Mathes to get with Ms. Webb regarding the stop sign and angle parking issue.

**CHAMBER OF COMMERCE REPORT**

Anita Grove presented monthly report to Commission.

Ms. Grove stated the Chamber needs permission to insert poles into the sidewalk for the overhang that is being placed in front of their building.

Gene Osburn stated the Chamber needs an encroachment approved from the City because the cover will be over City sidewalk.

Motion to grant encroachment to Chamber of Commerce to insert poles into sidewalk for cover contingent upon signing encroachment agreement made by Commissioner Elliott, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

Mr. Osburn stated they can sign the encroachment agreement when the permit is picked up.

**WATER & SEWER DEPARTMENT REPORT**

William Cox presented monthly report to Commission.

Commissioner Elliott asked if fire hydrants are being repainted.

Mr. Cox stated fire hydrants are being repainted and new blue reflectors are being placed in the road.

**POLICE DEPARTMENT REPORT**

Chief Varnes stated he has been approached by several people to see if Halloween could be changed from Friday night to Thursday night October 30<sup>th</sup> due to the Seafood Festival.

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Commissioner Bartley stated an ad should be run in the newspaper and announced on radio if the date is changed.

Motion to move Halloween to Thursday, October 30<sup>th</sup> made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

**BUILDING DEPARTMENT REPORT**

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

Motion carried.

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

Voting Nay: None

Mayor Johnson asked about the removal status of Captain Fuzz.

Attorney Floyd stated that FWC has tagged the boat and Marine Contracting will be removing the boat.

Mayor Johnson stated sunken boats need to be addressed, and would like the Harbor Master to be at next meeting to give a marina report and address sunken boat issue.

**ATTORNEY FLOYD REPORT**

\* Joanne Walker – Attorney Floyd stated he has been contacted by Joanne Walker for City to reimburse her \$1,250 bail fee because her brother was falsely arrested by Officer Steve James and charges were dropped. Attorney Floyd stated the City has liability insurance for things like this, and it is in the City's best interest to handle this through the insurance company.

Mayor Johnson stated it is Attorney Floyd's recommendation to send matter to insurance company.

Attorney Floyd stated the City needs to see if the insurance company will handle case first.

Chief Varnes reviewed arrest incident.

Commissioner Webb stated a formal apology letter should be sent to individual.

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O. H. Walker stated Terrance Walker was falsely arrested and charges were dropped. Why can't Joanne Walker get her reimbursement?

Attorney Floyd stated the correct procedure is to go through the insurance company first. Attorney Floyd stated he informed Joanne Walker that the matter had to be submitted to the City's insurance company first, and no action would be taken tonight.

\* Anderson Williams – Attorney Floyd stated that Anderson Williams needs to have surgery. The amount of the surgery is about \$27,000, but there are other medical bills that also need to be paid. The total amount for surgery and bills is approximately \$32,000. The City is responsible for Anderson Williams medical bills because this is an ongoing workers comp case.

Mayor Johnson stated the budget is really tight and this is an unbudgeted expense.

Commissioner Webb asked why workers comp won't pay any of the surgery.

Attorney Floyd stated this has been an ongoing claim for 13 years, and the original workers comp company that started the claim has gone bankrupt. Attorney Floyd stated he has been trying to work towards a settlement for this case.

Discussion held.

Mayor Johnson stated a workshop needs to be held to discuss where the funds are going to come from.

Commission set a workshop date for October 14<sup>th</sup> at 6:00 PM.

Motion to pay Attorney Floyd's October invoice made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

**OTHER VISITORS & COMMENTS**

\* Joe Taylor stated a Community Pride meeting is scheduled for October 16<sup>th</sup>. Mr. Taylor also stated that signs on sidewalks are becoming a problem.

Mr. Osburn stated he will take care of the signs on the sidewalks.

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\* Ann Sizemore stated the Library Board has cut her hours down to 12 hours per week. Ms. Sizemore stated the Library has no money to order books or needed supplies.

Mayor Johnson stated the budget is tight, and may have to get even tighter.

Commissioner Webb stated that salaries should remain cut until the insurance reimbursement money comes in.

Ms. Sizemore asked that when Board readdresses budget, to keep the Library in mind for extra funding.

**MAYOR & COMMISSIONERS COMMENTS**

\* Commissioner Elliott stated that four wheelers are coming into the cemetery again.

Chief Varnes stated he will get with Wilbur Bellew at Public Works Department to see what can be done.

\* Commissioner Elliott stated the water pressure is low at the cemetery.

William Cox stated the cemetery has old galvanized pipe, and it needs to be replaced.

\* Tami Ray-Hutchinson wanted to clarify what streets would be closed for Bobby Brown's street dance.

Mayor Johnson stated the road would be closed on Martin Luther King between 8<sup>th</sup> & 9<sup>th</sup> Street and should be finished around 10:00 PM. All of 9<sup>th</sup> Street will not be closed.

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



