

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, May 4, 2010 at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Frank Cook, City Clerk Lee Mathes, Grants Manager Cindi Giametta, Police Chief Bobby Varnes, City Attorney Pat Floyd, Public Works Foreman Wilbur Bellew, Water & Sewer Foreman William Cox, Street Supervisor Marvin Croom, Harbor Master Jim Silva

Visitors: Bill McCartney, Leon Bloodworth, Liz Kelsey, Jim Waddell, Geoffrey Hewell, Steve Bonifay, Mike Brown, Katie McFarland, Beverly Hewitt, Dixie Partington, Jerry Hall, Sally Williamson, George Watkins, Anita Grove, Karla Ambos, Dieter Ambos, Steve Rash, David Rash, Roy Solomon, Marjorie Solomon, Caty Greene, Michael Shuler, Pauletta Moss, Andre Crenshaw, Justin Grosz, Maledy Casavilla, Carol Barfield, Zeren Eherhus, Tiffany Key, Andreenah Wynn, Kiarra Tolliver, Danielle Layne, John Layne, David Adlerstein

Regular meeting opened Mayor Johnson followed by prayer and pledge.

Attorney Floyd stated that he has asked Steve Rash and Attorney David Rash to attend tonight's meeting to give update on oil spill.

Steve Rash updated Commission on oil spill. Mr. Rash stated that Water Street Seafood and other area businesses are starting to feel the effects of the oil spill on their businesses. Mr. Rash stated the community is going to have to stick together in order to fight BP. Mr. Rash stated that that he has asked David Rash to represent him in a lawsuit against BP.

Attorney Floyd stated that David Rash's firm does class action suits.

David Rash stated that unfortunately lawyers are going to be needed to do something about this oil spill. David Rash stated that his firm is ready and has the political clout on the state and federal level to defend this case.

Commissioner Cook asked if there was a liability limit.

David Rash stated that \$75 million is the amount that is the law, but it is subject to a great amount of interpretation.

Commissioner Bartley stated that \$75 million is not a drop in the bucket.

Mayor Johnson stated he would like to entertain a motion to authorize Attorney Floyd to work with David Rash to represent the City of Apalachicola, the residents, and the local businesses.

Motion to authorize Attorney Floyd to work with David Rash on oil spill issue made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

RECOGNITION OF VISITORS

* Dixie Partington – Clarification on Issues & Questions – Ms. Partington stated she would like to table her questions until next month. Ms. Partington requests to be on next month’s agenda.

Mayor Johnson presented John Layne with Public Works Employee of the Month award.

Steve Rash thanked Commission for all their help on oil spill issue.

APPROVAL OF MINUTES

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

Motion carried.

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

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve March bill list made by Commissioner Ash, including Attorney Floyd’s April invoice, made by Commissioner Ash, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

1ST READING ORDINANCE 2010-01 – GOLF CART

Attorney Floyd read by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE NO. 2009-05 IN PART WITH REFERENCE TO THE AGE AND DRIVER’S LICENSE PROVISIONS TO PROVIDE THAT THE PRIVILEGE EXTENDED BY THE CITY OF APALACHICOLA TO THE OPERATION OF GOLF CARTS UNDER THE OTHER CONDITIONS OF THE ORDINANCE IS NOT EXTENDED TO, AND SHALL NOT APPLY TO PERSONS WHO DO NOT HOLD A VALID, CURRENT DRIVER’S LICENSE UNLESS SAID DRIVER IS EIGHTEEN (18) YEARS OF AGE OR OLDER AND HAS NOT HAD HIS OR HER DRIVER’S LICENSE SUSPENDED OR REVOKED; PROVIDING FOR A REPLACEMENT OF SECTION 6 OF ORDINANCE NO. 2009-05 WITH THE PROVISIONS OF THIS AMENDMENT REGARDING AGE AND DRIVERS LICENSE OF OPERATORS; AND PROVIDING THAT IT SHALL BE PRESUMED FOR ENFORCEMENT PURPOSES THAT IF A DRIVER IS UNABLE TO PROVIDE PROOF OF SUCH VALID CURRENT DRIVER’S LICENSE AT THE TIME OF BEING STOPPED OR OBSERVED WHILE IN THE OPERATION OF A GOLF CART WITHIN THE CITY THAT THAT PERSON DOES NOT HOLD A VALID CURRENT DRIVERS LICENSE WHICH PRESUMPTION MAY LATER BE REBUTTED BY PRODUCTION OF SUCH LICENSE TO THE CHARGING OFFICER OR COURT AS PROOF OF COMPLIANCE WITH THIS PROVISION; PROVIDING FOR THE CONTINUED VALIDITY AND ENFORCEMENT OF ALL OTHER PROVISIONS OF SECTION 2009-05; AND PROVIDING THAT TO THE EXTENT OF CONFLICT THIS ORDINANCE SHALL SUPERSEDE AND TAKE PRIORITY OVER CONFLICTING PROVISIONS OF OTHE ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Floyd explained ordinance.

Commission approved first reading.

ADOPTION DECISION – RESOLUTION 2010-04 – DOT GRANT AWARD

Attorney Floyd read Resolution 2010-04 by title as follows:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, ACCEPTING THE CTST SAFETY PROJECT FUNDING IN THE AMOUNT OF \$75,000 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION OF SIDEWALKS ALONG CITY STREETS FROM WATER STREET ALONG BAY AVENUE TO 12TH STREET THEN TO AVENUE E AND AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE THE GRANT AGREEMENT AND RELATED DOCUMENTS ON BEHALF OF THE CITY.

Motion to approve Resolution 2010-04 made by Commissioner Ash, second by Commissioner Elliott.

Motion carried.

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

Voting Nay: None

TRASH & GARBAGE COLLECTION DISCUSSION

Mike Brown from Waste Pro stated he would like the Commission to consider moving the trash cans from the alleys to the street side. Mr. Brown stated the garbage trucks are tearing up the alleys, and therefore, costing the City more money. Mr. Brown also stated that a flyer is being prepared to better educate people on yard trash. All the City department heads will look over the flyer to make sure all the needed information is included, and will be mailed to each customer. Mr. Brown stated that Waste Pro is trying to educate people so they can do a better job of serving the community.

Geoffrey Hewell stated that Waste Pro does an outstanding job on garbage pickup, but they do miss a lot of yard debris. Mr. Hewell stated that Waste Pro doesn't have a limb truck available all the time, and that creates a lot of problems.

Mayor Johnson stated that bagging leaves would create problems at the landfill because everything is grinded up.

Mr. Brown stated he doesn't have access to a limb truck on a daily basis, but that is something he can't control. Mr. Brown stated that Waste Pro is trying to do better on collecting the yard trash in a timely manner.

William Cox stated that the garbage trucks cause damages to valves and water lines in the alleys.

Mayor Johnson stated trash cans on street side did not go over very well with the citizens when it was previously discussed.

CHAMBER OF COMMERCE REPORT

Anita Grove submitted written report to Commission. Ms. Grove thanked everyone for all their help with the Historic Tour of Homes.

TRAFFIC SAFETY TEAM

Dixie Partington submitted verbal report. Ms. Partington stated the Traffic Safety Team recommends the City placing a 4-way stop at the intersection of 17th Street and Avenue L. Ms. Partington discussed reducing the speed limit from 35mph to 25mph from the top of the bridge coming into town.

Motion to proceed with process to make a 4-way stop at the intersection of 17th Street and Avenue L made by Commissioner Bartley, second by Commissioner Cook.

Motion carried.

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

Voting Nay: None

Attorney Floyd stated the City needs to submit a request to DOT to reduce the speed limit at top of bridge from 35mph to 25mph. The City needs to go through the proper channels with DOT.

Geoffrey Hewell stated a pedestrian crossing is needed at the Gibson Inn corner.

LIBRARY REPORT

Caty Greene submitted written report.

PLANNING & ZONING REPORT

Leon Bloodworth submitted verbal report. Mr. Bloodworth stated that public meetings have been set to discuss permit application process. Mr. Bloodworth stated the David Walker has resigned from Planning & Zoning Board, and recommends Tami Ray Hutchinson to fill vacancy.

Motion to appoint Tami Ray Hutchinson to Planning & Zoning Board made by Commissioner Bartley, second by Commissioner Ash.

Motion carried.

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

Voting Nay: None

FIRE DEPARTMENT REPORT

George Watkins submitted verbal report.

Regular Meeting – 5/4/10 – Page 5

Chief Watkins submitted photo of 3,000 gallon pumper truck at a cost of \$210,000. Chief Watkins stated SGI Fire Department wants to sell the Fire Department a used truck for \$1,500. Chief Watkins stated truck is in very good condition, and will come in handy for accidents and such.

Motion to purchase truck from SGI Fire Department for \$1,500 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

POLICE DEPARTMENT REPORT

Chief Varnes submitted verbal report.

Beverly Hewitt stated that people are speeding around the Grill Corner and not stopping at stop sign.

CITY ADMINISTRATOR REPORT

Mayor Johnson stated that Ms. Webb is attending a meeting in Okaloosa County concerning the oil spill.

Dieter Ambos stated he has talked with Ms. Webb concerning a resolution or ordinance to get TIFF financing in place.

Attorney Floyd stated that Ms. Webb discussed this with him earlier, and he will get with Michael Shuler to see how the City should pursue this matter.

Mayor Johnson stated this is something we need to get started as soon as possible.

WATER & SEWER DEPARTMENT REPORT

William Cox stated there were no compliance issues in April for water or waste water.

STREET DEPARTMENT REPORT

Marvin Croom submitted verbal report.

PUBLIC WORKS DEPARTMENT REPORT

Wilbur Bellew submitted verbal report.

Anita Grove stated the lights at Lafayette Park are coming on too early.

Mr. Bellew stated he will check the timer.

Geoffrey Hewell stated the lights at Lafayette Park need to be repaired.

Mayor Johnson stated the City applied for a FRDAP grant to get the lights repaired, but the City did not get funded. Mayor Johnson stated the TDC funds will hopefully pay for light repairs.

Mr. Hewell stated the City should charge for the use of the park.

Mayor Johnson stated the City is working on that.

BUILDING DEPARTMENT REPORT

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

Motion carried.

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

Voting Nay: None

GRANTS MANAGER REPORT

Cindi Giametta explained the Transportation Enhancement Grant. Ms. Giametta stated the grant is for basic overall city wide sidewalk repairs. Ms. Giametta recommends repairing sidewalk from Botanical Gardens along MLK to old high school.

Mayor Johnson asked about Avenue M sidewalk.

Ms. Giametta stated maybe the City can include Avenue M in this project.

Ms. Giametta stated she needs a motion to authorize the use of \$215,000 of Revolving Loan funds to be used for EDA Scipio Creek project.

Motion to authorize \$215,000 of Revolving Loan funds to be used for EDA Scipio Creek project, and also to use Revolving Loan funds to pay for related expenses made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

Bill McCartney gave update on ongoing projects. Mr. McCartney stated revenue enhancement study will be complete before budget process begins. Mr. McCartney stated that Ben Watkins wants to sell 170' on Water Street for \$1.5 million. Mr. McCartney stated he needs approval to put together FCT application.

Mayor Johnson stated there is some concern about the City taking more property off the tax rolls, and maintaining property that has already been purchased with FCT funds. Mayor Johnson stated he would like for Mr. McCartney to look into enhancement revenues for the Library and Fire Department.

Attorney Floyd stated the City's contact for FCT is Ellen Cunningham. Attorney Floyd stated the Commission can recommend approving contingent upon Ms. Webb approval and confirmation that this will not cost the City any money.

Commissioner Ash asked how much property does the City own, and how is it serving its citizens.

Mr. McCartney stated the City has acquired property through FCT, property has been donated to the City, and the City owns property that has been traded.

Commissioner Ash stated if the City keeps taking away property, it is taking away from the tax base and that is not helping the City.

Commissioner Cook stated the City needs to be more considerate on which lots the City buys and which lots the City sells.

Ms. Giametta stated she will provide the Commission a list of all City owned property and note any restrictions that apply to each piece of property.

Geoffrey Hewell stated Ben Watkins is asking for \$1.5 million, but that doesn't mean he will get full asking price.

Mr. McCartney stated all he needs right now is authorization for the Mayor to sign the application.

Motion to authorize Mayor Johnson to sign FCT application made by Commissioner Cook, second by Commissioner Bartley.

Commissioner Cook stated the City can always turn down the purchase at a later time.

Motion carried 4 to 1.

Voting Aye: Ash, Bartley, Cook, Elliott

Voting Nay: Mayor Johnson

CITY CLERK REPORT

Lee Mathes stated she needs clarification on what forms need to be signed for golf cart decals.

Attorney Floyd stated people have to sign the application only, but attach the hold harmless to the application.

Geoffrey Hewell stated people can still sue even if the driver is negligent.

ATTORNEY FLOYD REPORT

Attorney Floyd stated the school board deed has been received, B&S litigation is in final stages, and phase two of ACOE litigation has been completed.

OTHER VISITORS & COMMENTS

* Beverly Hewitt asked about CVS buying the school board property on the corner of 12th Street & Hwy 98.

Attorney Floyd stated that he has been instructed to write a letter to CVS directing them that they must come before the Planning & Zoning Board and the City Commission before anything is done.

* Commissioner Ash thanked City staff for helping with the hill cleanup project.

* Attorney Floyd stated he is working with Chief Varnes about modifying existing ordinance to put enforcement on people gathering on sidewalks or streets outside of bars.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk