

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, JULY 2, 2019,  
6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

**PRESENT:** Mayor Van W. Johnson, Sr.  
Commissioner Brenda Ash  
Commissioner Jimmy Elliott  
Commissioner Anita Grove  
Commissioner Mitchell Bartley  
  
Ron Nalley, City Manager  
Deborah Guillotte, City Clerk  
Pat Floyd, City Attorney

**CALL TO ORDER**

Mayor Van Johnson called the meeting to order at 6:00 PM and Attorney Floyd gave the invocation. Council members led the pledge of allegiance.

**AGENDA ADOPTION**

Mayor Van Johnson called for a motion to approve the agenda.

Commissioner Brenda Ash made a motion to approve the agenda as presented. Commissioner Jimmy Elliott seconded and the motion carried 5-0. Mr. Ron Nalley requested that Budget Amendments Three & Four be added to the existing agenda.

Commissioner Ash made a motion to rescind the previous motion to approve the agenda. Commissioner Elliott seconded and the motion carried 5-0.

Commissioner Ash then made a motion to accept the agenda with the addition of Budget Amendments Three and Four under New Business (G). Commissioner Elliott seconded and the motion carried 5-0.

**MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS**

- In response to a question from Commissioner Elliott concerning golf cart rules, Mrs. Deborah Guillotte stated that the Golf Cart Ordinance is handed out when someone applies for a golf cart permit and that the Ordinance has the rules in them.
- Commissioner Grove requested that staff discuss the possibility of charging an annual fee to the captains that launch at Battery Park Boat Basin to help with maintenance.
- In response to a question from Commissioner Grove inquiring about the Rural Water Audit, Mr. Nalley stated that the City of Apalachicola has been added to their list for an audit.
- Commission Grove thanked staff and Franklin County for helping clean up excess trash around town, but stated that citizens are putting trash on adjacent rights-of-way and not their own property. Commissioner Grove would like Waste Pro to put door hangers on citizens doors stating they are in violation of the ordinance and that there is a fee for dumping where it is not allowed.

- Mayor Johnson reminded the Commission of the newly adopted Rules of Procedure and reviewed particular parts of the new procedure, specifically the speaking of visitor time limits and the visitor speaking card.

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#### CITY MANAGER COMMUNICATIONS

- Supplemental Disaster Appropriations Legislation – Mr. Nalley reported that the staff is waiting on a timeframe for the dispersing of funds, and that the City needs to be ready to identify and pursue these new funding opportunities. The City needs to identify priorities and assign staff for research, grant development, grant management and project management. Mr. Nalley stated with limited resources this would be a difficult task, but has the potential for a large return. Mayor Johnson learned on his trip to Louisiana recently, the cities that are ready for the funding when announced are able to reshape the future of their City for the better. Mr. Nalley stated that now is the time to get prepared. In a response to a question from Commissioner Ash, Mr. Nalley stated he has some ideas to discuss with the City Commission, but this will take some organizational restructuring and will be discussed at a future date.
- Christiana Moore Case – 51 8<sup>th</sup> Street – Mr. Nalley stated that Ms. Moore began work in her yard and that everything seems to be going well, but at this time it is still too early to determine if the work is sufficient to resolve the matter. Mr. Nalley will be reporting back to the City Commission in August with a follow-up.
- Hale Smith Case: 39 7<sup>th</sup> Street – Mr. Nalley has met recently with Mr. Hale Smith to discuss this case. Mr. Smith informed him that he is no longer represented by an attorney. Mr. Nalley stated he will provide the Commission with an update at the August meeting.
- Annual Audit Report - Mr. Nalley announced that the 2017-2018 Audit was filed with the State on June 28, 2019. Mr. Nalley stated that the result is a “clean” opinion with several findings that were carried over from the 2016-2017 audit. Mr. Nalley reminded the Commission that since the 2016-2017 audit was submitted so late, that there was no time for correcting the findings for the 2017-2018 fiscal year audit. Mr. Nalley reported that Mr. Moran will meet with the Audit Committee in the next two weeks and make a presentation to the Commission at the August meeting. Mr. Nalley stated that a bound copy of the audit with the management report will be distributed at the August meeting to the Commission.
- Mr. Nalley reported that the City had received notice from the State Department of Environmental Services that the Food Truck Ordinance was approved and published on June 26, 2019. Mr. Nalley stated if there are no further challenges, the final Ordinance will be adopted on July 17, 2019.
- Mr. Nalley announced that the new flood plain maps are at City Hall with suggested revisions from FEMA. He encouraged anyone from the public that has any interest in the flood plain maps to come by City Hall and review the new maps. Mr. Nalley reported that July 13<sup>th</sup> is the deadline to get the information back for finalization of the new maps.
- Mr. Nalley thanked office staff for the great job they did this month with the oyster licenses, and the qualifying of the 2019 election , along with their many other duties.

#### ATTORNEY PAT FLOYD COMMUNICATIONS

- Attorney Floyd reported that he had completed the Gun Range Agreement and that the City is ready to start accepting applications for the project.
- Attorney Floyd reviewed the ongoing Patricia McLemore case.
- Attorney Floyd reported that the Duke Franchise Agreement should be ready for the Commission's approval at the August meeting.

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<b>PRESENTATIONS</b>
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A. Recreation Committee Assignment Update – Mrs. Diane Brewer reported as a member of the Recreation Committee that they were tasked with the responsibility of reviewing the City parks and recreational areas, evaluating them and offering recommendations for their improved use in the City. Mrs. Brewer reviewed the recommendations from the Recreation Committee for the Battery Park area for the Commission to consider for future planning efforts. The Commission commended Mrs. Brewer for the great job the Recreation Committee had done and stated this will be brought up at a later date for public input and consideration by the Commission.

<b>PUBLIC COMMENT</b>
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Mayor Johnson opened the floor for public comment.

- Rich Hall gave a brief update on his floodplain violation case and his continued disappointment on how this issue is being handled by the City.
- Despina George expressed her concerns about the 2017-2018 audit exit conference, and that the Audit Committee had not been involved. Commissioner Grove stated that we may need to revise Resolution 2018-12 with more detailed information naming a date for the audit exit conference. Mr. Nalley reported that there is no statute requirement on the date of the exit audit, but that the audit wasn't finalized until accepted by the Commission and that unfortunately there was not time for a committee meeting prior to the Auditor filing the audit with the State.
- Christiana Moore commented that she and Mr. Nalley had a come up with a resolution and that the work has been completed and that we are now waiting on getting some rainy weather to see if the work was corrected sufficiently. Mrs. Moore inquired about the next steps with the City and that if the work is done to the City's satisfaction whether the Stop Work Order can be released. Mr. Nalley reported that he and staff had looked at the work Mrs. Moore had completed and that it did seem to be in compliance. Mr. Nalley also stated that lifting the stop work order is not dependent on the City doing our work, and that he has emailed her numerous times stating this. Mr. Nalley will be following up with Mrs. Moore and will also report back to the Commission and Attorney Floyd as requested when this issue has been resolved. Attorney Floyd stated the standard of resolving this issue is that there is no water standing on any adjacent properties from the result of the fill on your property.
- Leslie Coon expressed her concerns of how staff can override the Commission decisions on issues, and with the new Rules of Procedure for the City of Apalachicola Commission that was read by Attorney Floyd and adopted by Resolution 2019-07 at the June 4, 2019 meeting.
- Robin Vroegop expressed her concerns with public records requests and how they are handled with the City.

- Christiana Moore expressed her concerns with Attorney Floyd’s monthly bills not being itemized.
- There were numerous citizen concerns on how the City Attorney position will be placed for advertisement and when this position will be filled.
- David Adlerstein inquired about the City policy concerning employee relationships. Attorney Floyd stated that the City has provisions and when brought to their attention they are handled on a case by case basis.

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- Mike Vroegop expressed his concerns with the Food Truck Ordinance. Mayor Johnson commented that the Food Truck Ordinance was passed at the May 4<sup>th</sup> meeting, and that citizens requested consideration of additional changes which were sent back to the Planning and Zoning Board.
- Adriane Elliott had concerns about speed, the potential for traffic collisions, and also painting the crosswalks that have faded out in the downtown area. Mr. Nalley commented that John Solomon with the Chamber of Commerce is in the process of working with the Franklin County Sheriff’s Office to repaint these crosswalks.

**CONSENT AGENDA**

Mayor Johnson presented the Consent Agenda and asked if any items should be removed before consideration of a motion.

- Meeting Minutes Adoption - Adopt the March 23, 2019 Special Meeting Commission Retreat and the June 4, 2019 Regular Meeting Minutes.
- Planning & Zoning Minutes Confirmation - Confirm the May 2019 Planning and Zoning Minutes
- Grant Award Authorization – To authorize City Planner Clark to prepare the required Grant Administration documents, to Execute the Grant Agreements and Authorize the Execution of those components for which her scope of work has been identified.

Commissioner Ash made a motion to approve the consent agenda. Commissioner Bartley seconded and the motion carried 5-0.

**UNFINISHED BUSINESS**

**A. PROPOSED T-MOBILE SITE LEASE AGREEMENT**

Mr. Nalley reviewed the proposed T-Mobile Site Lease Agreement changes since the last meeting. In a response to a question from Commissioner Ash, Mr. Nalley clarified the difference in those changes.

Commissioner Bartley made a motion to approve the T-Mobile site lease agreement with the addition of paying a rental fee of \$1,800 per month for the Option Period and each month thereafter. Commissioner Elliott seconded and the motion carried 5-0.

**UNFINISHED BUSINESS**

**B. 2019-2024 CAPITAL IMPROVEMENT PLAN**

Mr. Nalley requested to set a Public Hearing on August 6, 2019 at 5:00 PM to discuss the proposed 2019-2024 Capital Improvement Plan.

Commissioner Grove made a motion to have a public hearing on August 6, 2019 at 5:00 PM. Commissioner Bartley seconded and the motion carried 5-0.

**NEW BUSINESS**

**A. ORDINANCE 2019-05 – TRANSITION CORRIDOR OVERLAY DISTRICT – FIRST READING**

Attorney Floyd read Ordinance 2019-05 by title as follows:

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AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, CREATING AN TRANSITION CORRIDOR OVERLAY DISTRICT FOR COMMERCIALY ZONED PROPERTY LOCATED IN BLOCKS 8, 9, 10 AND 11, AS DESCRIBED IN MAP OR PLAT OF APALACHICOLA, FLORIDA, RECORDED IN PLAT BOOK M, PAGE 437, FRANKLIN COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Grove made a motion to approve the first reading of Ordinance 2019-05 City of Apalachicola Transition Corridor Overlay District Ordinance and proceed with the adoption process. Commissioner Bartley seconded and the motion carried 5-0.

**NEW BUSINESS**

**B. ORDINANCE 2019-06 AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO FINANCE A PORTION OF THE COST FOR WATER SYSTEM IMPROVEMENTS**

Attorney Floyd read Ordinance 2019-06 by title as follows:

AN ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY OF APALACHICOLA, FLORIDA; AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO FINANCE A PORTION OF THTE COST THEREOF; PLEDGING A LIEN ON THE NET REVENUES OF THE CITY'S WATER AND SEWER SYSTEM TO SECURE THE PAYMENT THEREOF; PROVIDING FOR THE ISSUANCE OF TEMPORARY BOND ANTICIPATION NOTES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH AND PROVIDING AN EFFECTIVE DATE.

Commissioner Elliott made a motion to approve the first reading of Ordinance 2019-06 authorizing the issuance of Water and Sewer System Revenue Bonds and proceed with the adoption process. Commissioner Bartley seconded and the motion carried 5-0.

**NEW BUSINESS**

**C. RESOLUTION 2019-09 AMENDING THE CITY OF APALACHICOLA PERSONNEL POLICIES AND PROCEDURE MANUAL BY ADOPTING POLICY NO. 27 – CELL PHONE POLICY AND PROCEDURES**

Attorney Floyd read Resolution 2019-09 in its entirety.

Commissioner Elliott made a motion to approve Resolution 2019-09 Amending the City of Apalachicola Personnel Policies and Procedure Manual by Adopting Policy No. 27 – Cell Phone Policy and Procedures. Commissioner Grove seconded and the motion carried 5-0.

**NEW BUSINESS**

**D. APPROVAL OF THE 2019-2020 DEPARTMENTAL GOALS AND OBJECTIVES**

Mr. Nalley reported that the City of Apalachicola Commission held their annual board retreat on March 23, 2019. The retreat provided the Commission an opportunity to express immediate, intermediate and long range goals and objectives for the City administration and the citizens of the City of Apalachicola. In conjunction with department heads, the Commission established goals and objectives on a departmental level. The attached document states in general terms the direction that the Commission has established for the next fiscal year. As far as staff can determine, this will be the first time the Commission has established their departmental goals and objectives prior to the annual budget process. It is important that the Commission approve a set of goals and objectives so that staff can make appropriate funding recommendations to the Commission during the annual budget process. These goals and objectives will provide the

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framework for future funding initiatives. As discussed at the board retreat, new goals can be added and obsolete goals removed or amended throughout the year to better reflect the direction of the Commission.

Commissioner Ash made a motion to approve the 2019-2020 Departmental Goals and Objectives. Commissioner Grove seconded and the motion carried 5-0.

**NEW BUSINESS**

**E. RESOLUTION 2019-10 TENTATIVELY ADOPTING A PROPOSED MILLAGE RATE FOR FISCAL YEAR 2019-2020 AND SETTING A TENTATIVE BUDGET HEARING**

Attorney Floyd read Resolution 2019 in its entirety.

Commissioner Ash made a motion to approve Resolution 2019-10 tentatively adopting a proposed Millage Rate for Fiscal Year 2019-2020 and setting a tentative Budget Hearing for September 10, 2019 at 6:00 PM. Commissioner Elliott seconded and the motion carried 5-0.

**NEW BUSINESS**

**F. CITY ATTORNEY SERVICES REQUEST FOR PROPOSALS**

At the June City Commission meeting, City Attorney Pat Floyd announced that he would be retiring from service with the City of Apalachicola on September 30, 2019. Mr. Nalley stated that due to the tight timeframe, it is important for the Commission to discuss the process they would like to pursue in hiring a new City Attorney. Staff has drafted a proposed Request for Proposals (RFP) that the Commission may use to begin the process for hiring a new City Attorney. The draft is only meant to be used as a starting point, and the Commission can always modify the proposed RFP to better fit the needs of the Commission and the City. Another option the Commission may want to consider is bringing an Attorney on full-time as a staff member. For the next several years, the City will need to revise, update, replace or create many ordinances, resolutions, and codes as it relates to land use development, zoning, personnel, finance, operating procedures, policies, and plans. Mr. Nalley believes, that there will be enough work to keep someone busy and the direct assistance of a staff attorney may result in a cost savings to the City. Each method has its own advantages and disadvantages that should be carefully weighed by the Commission. Mayor Johnson stated with the new City Commission coming in October, he highly recommends advertising and having an attorney in place, so the current and present City Commission is not without an attorney at the October meeting. Commissioner's Ash and Grove agreed with Mayor Johnson as the two remaining Commissioners and would like staff to move forward with this City Attorney Services Request for Proposals. Commissioner Ash suggested adding language to the RFP that would allow the Commission the option of considering a full time staff position.

Commissioner Ash made a motion to move forward with the release of City Attorney Services Request for Proposals as a contract or as a full-time staff Attorney. Commissioner Elliott seconded and the motion carried 5-0.

<b>ADJOURNMENT</b>
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With no further business, Commissioner Ash made a motion to adjourn the meeting at 8:00 pm. Commissioner Elliott seconded and the motion carried 5-0.

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Van W. Johnson, Sr., Mayor

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Deborah Guillotte, City Clerk