

Two Public Hearings and a Regular Meeting of the City Commission of the City of Apalachicola were held on Tuesday, November 4, 2008 at 6:00 PM at 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 Administrator Betty Webb, City Clerk Lee Mathes, Grants Manager Cindi Giametta, Building Official Gene Osburn, Chief of Police Bobby Varnes, City Attorney Pat Floyd, Water & Sewer Supervisor William Cox

Visitors: Anita Grove, Kate Hartman, Beverly Hewitt, Sally Williamson, Joe Taylor, Marie Marshall, Jim Waddell, Leigh Askew, Willoughby Marshall, Geoffrey Hewell, Jimmy Cameron, Ralph Richards, Ronnie Martina, Danny Bivins, David Adlerstein, Marcus Strickland, Shirley Walker, Dieter Ambos, Karla Ambos, Carol Kienzle, Charley Kienzle, Clarice Powell, Richard Dosik, O. H. Walker, George Watkins, Cindy Clark

Mayor Johnson opened public hearing following prayer and pledge.

PUBLIC HEARING – ORDINANCE NO. 2008-06 – FY 2008/2009 BUDGET

Attorney Floyd read Ordinance No. 2008-06 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA ADOPTING THE 2008-2009 FISCAL YEAR BUDGET.

Commissioner Cook read following statement:

2008-2009 Fiscal Year Budget Information:

General Fund:	2,033,250
Enterprise Fund:	1,410,900
Total Budget:	3,444,150

Proposed Milage Rate: 6.125%

Rolled Back Rate: 6.40%

Proposed milage rate is a 4.30% decrease from the rolled back rate.

The City of Apalachicola was found to be in noncompliance by the Department of Revenue thus necessitating this public hearing.

No public comment.

Public hearing closed.

PUBLIC HEARING – ORDINANCE NO. 2008-05 – EAR

Public hearing opened by Mayor Johnson.

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

AN ORDINANCE BY 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 TAMEND 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.

Cindy Clark stated the EAR is a requirement of DCA.

No public comment.

Public hearing closed.

ADOPTION DECISION – RESOLUTION 2008-11 – FY 2008/2009 MILAGE RATE

Attorney Floyd read Resolution 2008-11 by title as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA LEVYING THE AD VALOREM PROPERTY TAX MILAGE RATE FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, STATING THE PERCENTAGE BY WHICH THE MILAGE RATE TO BE LEVIED EXCEEDS THE ROLLED BACK RATE; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution 2008-11 setting the FY 2008/2009 milage rate at 5.96 made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – ORDINANCE NO. 2008-06 – FY 2008/2009 BUDGET

Attorney Floyd read Ordinance No. 2008-06 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA ADOPTING THE 2008-2009 FISCAL YEAR BUDGET.

Motion to adopt Ordinance No. 2008-06 with budget changes as follows: reduce overtime \$2,000, increase Mediacom monthly property rent, reduce General Government vehicle amount to \$8,000, delete lobbyist, delete Dixie Theatre, add \$50,000 administration to General Fund from Enterprise Fund, and include a onetime 3% bonus with minimum of \$1,000 for employees made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – 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.

Motion to adopt Ordinance No. 2008-05 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2008-10 – SCENIC BY WAY

Attorney Floyd read Resolution 2008-10 in its entirety.

Motion to adopt Resolution 2008-10 made by Commissioner Webb, second by Commissioner Bartley.

Public Hearing /Regular Meeting – 11/4/08 – Page 4

Motion carried 5 to 0.

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

Voting Nay: None

RECOGNITION OF VISITORS

Karen Dennis – Ms. Dennis stated she is requesting the street be blocked from Market Street to Commerce Street on Avenue D from 9:00 PM to 12 Midnight for tonight only.

Motion to allow street be blocked from Market Street to Commerce Street on Avenue D from 9:00 PM to 12 Midnight for tonight only made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

PROJECT RIVER WAY PRESENTATION

Leigh Askew, Danny Bivins, and University of Georgia students presented Project River Way presentation.

APPROVAL OF MINUTES

Motion to approve September and October minutes made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

No report given.

Karla Ambos stated that people are not adhering to the rules and regulations of golf carts. Ms. Ambos stated she has noticed a large number of golf carts that are not registered, have underage drivers, and are overloaded with children.

Chief Varnes stated the Police Department has been stopping a lot of golf carts for riding at night.

Public Hearing/Regular Meeting – 11/4/08 – Page 5

Ms. Webb stated that currently when someone registers a golf cart, the person signs the document, puts the sticker on the golf cart, and they don't have to come back. The stickers do not have to be renewed every year like a tag.

Chief Varnes stated he will address the issue with the Police Department.

Mayor Johnson stated people need to be aware of the rules and regulations, and enforcement needs to be increased.

Ms. Webb stated she will work up a proposal for next meeting.

CHAMBER OF COMMERCE REPORT

Anita Grove presented monthly report. Ms. Grove stated she needs approval to block section of Water Street in front on Christmas tree on November 26th for Christmas celebration.

Motion to block section of Water Street in front of Christmas tree on November 26th for Christmas celebration made by Commissioner Webb, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

Ms. Grove asked about the status of encroachment agreement for allowing covering over sidewalk at Chamber building.

Ms. Webb stated agreement will be ready in the morning.

WATER AND SEWER DEPARTMENT REPORT

William Cox gave monthly report. Mr. Cox stated there are no compliance issues in water or wastewater. Mr. Cox also stated he attended Air Vac School and became certified.

POLICE DEPARTMENT REPORT

Chief Varnes stated he had some business owners concerned about nighttime security, so he has started putting two officers on at night. Chief Varnes gave monthly call and arrest report.

Beverly Hewitt stated nighttime security has improved 100%, and business owners are very pleased.

BUILDING DEPARTMENT REPORT

Gene Osburn stated he has submitted report to Ms. Webb. No Planning & Zoning meeting held due to lack of quorum.

Mayor Johnson asked about status of Nuisance Ordinance.

Mr. Osburn stated he needs to meet with Attorney Floyd.

Mayor Johnson stated this needs to be resolved as soon as possible.

Joe Taylor addressed signs on benches and rights of way.

GRANTS MANAGER REPORT

* Adoption Decision – Resolution No. 2008-09 – Application for Library Grant – Attorney Floyd read by title as follows:

A RESOLUTION OF THE APALACHICOLA CITY COMMISSION AUTHORIZING SUBMISSION OF A DEPARTMENT OF STATE LIBRARY CONSTRUCTION GRANT, FINDING THE APPLICATION CONSISTENT WITH THE LOCAL COMPREHENSIVE PLAN, FINDING THAT ALL FUNDS ARE TO BE EXPENDED FOR THE ADDITION AND RENOVATION OF THE CURRENT MUNICIPAL LIBRARY AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CERTAIN DOCUMENTS PERTAINING TO THE GRANT.

Motion to adopt Resolution 2008-09 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

* Historic Preservation Grant - \$50,000 – Ms. Giametta stated this is a small matching grant to finish interior work at City Hall – no cash will be needed for match.

Motion to authorize Ms. Giametta to apply for \$50,000 Historic Preservation Grant to finish interior work at City Hall made by Commissioner Webb, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Public Hearing/Regular Meeting – 11/4/08- Page 7

* Stan Mayfield Grant – Ms. Giametta this is a FCT Working Waterfronts Grant, and would like to apply to purchase Ben Watkins property.

Mayor Johnson asked why City was going after Watkins property.

Ms. Giametta stated this was the next property on FCT list. Property would be used for fishing and parcel across the street would be used for parking.

Commissioner Cook stated FCT is a program that preserves the waterfront, and this essentially allows the City to let people operate the business on the property at a lesser expense.

Ms. Giametta stated the business has to be a waterfront dependent business. The City can apply for up to \$2.5 million to purchase the property.

Mayor Johnson asked if this the best piece of property the City can get.

Ms. Giametta stated the City is having a hard time getting willing owners to sell.

Ms. Webb stated it was also discussed to purchase the Williamson property.

Commissioner Cook stated the City could purchase the property, and have someone restore the building and run the business.

Mayor Johnson asked if the City could pursue the Williamson and Watkins property.

Ms. Giametta stated the City would have to submit two separate applications.

Motion to submit FCT grant request for Watkins property and FCT grant request for Williamson property made Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Geoffrey Hewell asked about status of library grant.

Mayor Johnson asked what is being done with Key Estate Funds.

Commissioner Webb stated those funds are being used to renovate the Library.

Public Hearing /Regular Meeting – 11/4/08 – Page 8

Carrie Kienzle stated the Key funds can be used for library shelving, automation, and other things. Ms. Kienzle stated expansion will be done by grant and Key funds will be used to pick up short fall.

Mr. Hewell stated he does not feel that money should be invested in that building at that location.

CITY ADMINISTRATOR REPORT

* Scipio Creek – Ms. Webb stated she has met with the Scipio Creek Advisory Board and they recommend the City extend the current grandfathered agreement for one year because of the economic situation, and make it mandatory the State pay for the two boat slips they occupy.

Mayor Johnson stated he thought the City was giving the State a trade off for the Relay Program.

George Watkins stated DEP has two vessels parked in the basin that the City is not charging for.

Ms. Webb stated the City is not charging the State land rent for the shells. Ms. Webb stated the Committee has come up with a plan to remove the sunken boat vessels.

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE NUMBER 88-4 BY AMENDING SECTION 3-B:a. AND ADDING SECTION 6-B.; FIXING AND DESIGNATING THE RULES, REGULATIONS AND FEES TO BE CHARGED FOR THE USE OF SCIPIO CREEK MOORING BASIN; ALLOWING A ONE-YEAR EXTENSION TO THE GRANDFATHERED STATUS; AND ALLOWING FOR AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance No. 2008-07 and advertise for second reading made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

* Ms. Webb reviewed BDI project status report.

* Ms. Webb stated there is one vacancy on the Scipio Creek Advisory Board and recommends Ralph Richards be appointed to Board.

Motion to appoint Ralph Richards to Scipio Creek Advisory Board made by Commissioner Bartley, second by Commissioner Cook.

Public Hearing /Regular Meeting – 11/4/08 – Page 9

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD REPORT

* Andy Williams Worker's Comp – Attorney Floyd stated the City needs to extend the agreement with York at \$150/month.

* Steve James – Attorney Floyd stated either Andrew Byrne or Michelle Buckalew are two consultants who deal with cases like this. City needs to hire one of these firms to assist in this case.

Motion to extend agreement with York at \$150/month and hire Michelle Buckalew to assist in Steve James' case made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Motion to approve Attorney Floyd's November invoice made by Commissioner Webb.

Commissioner Cook stated the City needs to determine where litigation funds are coming from.

Mayor Johnson stated the judge will be ruling on case in January.

Motion seconded by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

OTHER VISITORS & COMMENTS

* Karla Ambos stated the Community Gardens ground breaking will be this coming Sunday at 3:00 PM.

* Jim Waddell stated the new nursing home facility at St. James Bay will be up and running in a couple of months.

* Joe Taylor thanked River keepers, Ms. Webb, Mayor Johnson, and Karla Ambos for all their help on Sunday at the Community Gardens.

Public Hearing/Regular Meeting – 11/4/08 – Page 10

- * Carrie Kienzle stated the Library made about \$500 at the book sale during the Seafood Festival.
- * Clarice Powell stated the Food Pantry raised around \$1,000 at a booth during the Seafood Festival.

MAYOR & COMMISSIONER'S COMMENTS

- * Commissioner Elliott addressed straight end parking in front of Health Department.

Ms. Giametta stated she has made several contacts with the County, and they said they were moving the parking to the back and take it off 12th Street.

Commissioner Cook asked if the City needed to send them a letter.

Ms. Giametta stated she did send them an original letter.

Ms. Webb suggested a letter be drafted for all the Commissioners to sign.

- * Commissioner Bartley addressed police/fire station.

Ms. Webb stated the City has been awarded \$250,000 which will be used to install a building for the trucks and if any funds are left over, do some interior work. The USDA funds will be used to solely purchase the building. The City will have to work little by little to renovate the inside.

- * O. H. Walker addressed Joanne Walker case.

Attorney Floyd stated case has been presented to insurance company and they are in the process of investigating claim. Attorney Floyd stated he has received a request from Joanne Walker's attorney for records, and will be sent as soon as records are compiled.

Commissioner Elliott stated that Joanne Walker paid over \$1,000 for something that our police department did erroneously. Commissioner Elliott asked why the City just can't refund Ms. Walker her money.

Mayor Johnson stated the City must go through the insurance process first.

Attorney Floyd stated the City has a procedure we have to go by, and the City has to go through the insurance company first.

Mayor Johnson suggested Attorney Floyd hold an attorney/client session with the Commission so Commission can be briefed on the case.

Public Hearing/Regular Meeting – 11/4/08 – Page 11

* Commissioner Elliott asked about status of cleats for piers at Battery Park.

Ms. Webb stated it will be taken care of this week.

* Commissioner Webb stated because the City changed Halloween to October 30th, there was an abundance of kids that came from Eastpoint and Carrabelle. It was dangerous when children were crossing Hwy 98, and maybe the City should not change the date anymore.

* Mayor Johnson stated the City was found to be in noncompliance on the budget because the Times did not run the budget advertisements. Advertisements were sent into the Times in a timely manner, but ads were not run. Mayor Johnson stated this looks bad on the City, but this was not the City's fault.

David Adlerstein apologized for the mistake. Mr. Adlerstein stated the Apalachicola Times is now handled in Panama City, and management has made a lot of changes.

Commissioner Webb stated that Mr. Adlerstein is very dedicated to this community, but this was a serious mistake.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk

