A Public Hearing and Special Meeting of the City Commission of the City of Apalachicola were held on Tuesday, September 9, 2008 at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Frank Cook, Commissioner Jimmy Elliott, Commissioner Mitchell Bartley, Commissioner Val Webb, City Administrator Betty Webb, City Clerk Lee Mathes, Chief of Police Bobby Varnes, Attorney Pat Floyd

Visitors: Jerry Hall, Wilbur Bellew, Dixie Partington, Geoffrey Hewell, Beverly Hewitt, Joe Taylor, Hollis Vail, Richard Dosik, Jim Waddell, Ann Sizemore, Anita Grove, Clarice Powell, Susan Clementson, Carol Kienzle, Lee Ann Poloronis, Timmy Poloronis, Thelma Creamer, Tracy Moses, Ron Harrison, Craig Gibson, Marisa Getter, Kathy Robinson, Charley Kienzle, Gina Taranto, Rita Sawyer, Leslie Lemieux, Sally Williamson, Debbie Poloronis, Daphne Davis

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

PUBLIC HEARING – FY 2008/2009 MILAGE RATE & BUDGET

Commissioner Cook read the 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 second public hearing and special meeting for final adoption of the 2008-2009 fiscal year budget is being held on Tuesday, September 23, 2008 at 6:00 PM in the Community Center.

No public comment.

Public hearing closed.

SPECIAL MEETING

ADOPTION DECISION – TENTATIVE FY 2008-2009 MILAGE RATE (RESOLUTION 2008-06)

Attorney Floyd read Resolution 2008-06 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 tentatively adopt FY 2008/2009 milage rate at 6.125 made by Commissioner Cook, second by Commissioner Webb.

Motion carried.
Voting Aye: Elliott, Webb, Bartley, Cook, Mayor Johnson
Voting Nay: None

ADOPTION DECISION – TENTATIVE FY 2008-2009 BUDGET (ORDINANCE NO. 2008-04)

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

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

Motion to tentatively adopt FY 2008/2009 budget made by Commissioner Cook, second by Commissioner Webb.

Motion carried.
Voting Aye: Webb, Bartley, Cook, Elliott, Mayor Johnson
Voting Nay: None

EMPLOYEE DECISION – TIMOTHY POLORONIS

Mayor Johnson stated a decision needs to be made regarding Timothy Poloronis who has lost his certification to watch inmates.

Attorney Floyd read section of Personnel Policies and Procedures that was added on November 13, 2007 dealing with loss of licensure or certification.

Mayor Johnson stated in the past similar instances happened with employees, and those employees were terminated.

Attorney Floyd stated those were instances where employees admitted to wrong doing or other employees saw the employee doing the wrong.

Daphne Davis spoke regarding incident, and presented Commission with a copy of the DOC report.

Mayor Johnson stated that at this time, Mr. Poloronis has lost his certification to watch inmates. That is what the City is dealing with at this time, not to prove his innocence or guilt. It was discussed at the previous Board meeting to transfer him to another department with no consequences, but Mr. Poloronis was hired to supervise inmates, and he can no longer serve the City in the capacity for which he was hired. That is the only thing the City is dealing with.

Ms. Davis stated you are innocent until proven guilty, and the City has the responsibility to do what is right.

Mayor Johnson stated the City can't continue to move employees to another department.

Discussion held.

Commissioner Webb reviewed how Mr. Poloronis lost certification.

Commissioner Elliott stated that there was such a small amount of evidence that the test destroyed the evidence. The Work Camp has no concrete evidence against Mr. Poloronis, and they can't even determine if the evidence was on his shoe.

Mayor Johnson stated that we are not here to prove his innocence or guilt. Mr. Poloronis has lost his certification, and that is what we are here to discuss.

Commissioner Elliott stated he does not like it that the Major has this power over our City workers. Commissioner Elliott stated he would like to terminate Mr. Poloronis' position in Public Works Department and move him to Street Department.

Discussion continued.

Commissioner Cook stated the main problem the City faces right now, is that the City does have a well thought out procedure for this. The City does not have a good procedure in place, and the City does not need to punish someone until that procedure is worked out.

Ms. Webb stated if the Commission approves to transfer to another department, she recommends transferring to Water & Sewer Department and having someone move from Water & Sewer Department to Public Works Department to work inmate crew.

Commissioner Cook if the City hired someone for a particular job and they can't carry out their duties for that job, then they can no longer work for the City, but in this case, the employee can be transferred to another department.

Mayor Johnson stated a policy was adopted in November 2007, and the City should follow the policy.

Commissioner Elliott asked Ms. Webb if one of the Water & Sewer employees that want to transfer has a spouse that works for DOC.

Ms. Webb stated on the employee's spouse works for DOC, the other one does not.

Motion to move Timothy Poloronis from Public Works Department to Street Department made by Commissioner Elliott, second by Commissioner Bartley.

Commissioner Webb stated there is no opening on the Street Department.

Ms. Webb stated putting the employee in the Street Department is not the best move for the employee, and there is no guarantee that the City will get another work crew.

Motion not carried.
Voting Aye: Elliott, Bartley
Voting Nay: Cook, Webb, Mayor Johnson

Motion to move Timothy Poloronis from Public Works Department and move to Water & Sewer Department, and move an employee from Water & Sewer Department to Public Works Department, with employee that gets moved is at Ms. Webb's discretion made by Commissioner Cook, second by Commissioner Webb.

Motion carried 4 to 1.
Voting Aye: Cook, Elliott, Webb, Bartley
Voting Nay: Mayor Johnson

Ms. Webb stated with a transfer, a new probation period applies.

Motion for City to investigate personnel policy in accordance with termination and reassignment and that a copy of the amendment adopted November 2007 be distributed among employees made by Commissioner Cook, second by Commissioner Webb.

Motion carried.
Voting Aye: Webb, Bartley, Elliott, Cook, Mayor Johnson
Voting Nay: None

Attorney Floyd stated the City has a drug policy, but we need to make sure it is like the State's.

OYSTER ROAST ROAD CLOSING

Commissioner Cook asked if the decision could be delayed until the September 23rd meeting.

Beverly Hewitt stated merchants can't sell tickets until this is settled.

Jerry Hall stated a lot of people have come here tonight because they thought a decision would be made.

Anita Grove, Jerry Hall, Tamara's Café, Kathy Robinson, Joe Taylor, and Dixie Partington spoke in favor of having Oyster Roast in the same place as in the past.

Hollis Vail stated she is willing to negotiate this year, but feels it need to be moved next year, and a policy needs to be adopted notifying people of road closures.

Joe Taylor stated the Chamber tried to find another location downtown, but there is no other place that has access to restrooms and a kitchen.

Anita Grove stated that Artemis is not blocked. People can still get to her business.

Discussion held.

Ms. Vail stated she is opposed to closing the road, and she feels discriminated against.

Ms. Grove stated if the Chamber were totally blocking businesses she would understand it, but all sidewalks are open and people can still park and walk on both sides of Commerce Street.

Jerry Hall stated the majority with exception of one person wants to have the Oyster Roast.

Mayor Johnson stated he feels there is enough information to make a decision tonight.

Motion to allow Oyster Roast and close road from corner of Avenue E & Commerce Street to Chamber of Commerce building with sidewalks remaining open until 5:30PM made by Commissioner Webb.

Motion died for lack of second.

Commissioner Elliott stated the Commission should do what is best for the community. Commissioner Elliott recommends proceeding with Oyster Roast this year and monitoring foot traffic.

Motion to allow Oyster Roast and close road from corner of Avenue E & Commerce Street to Chamber of Commerce building for this year, and readdress issue next year made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried.
Voting Aye: Webb, Cook, Elliott, Bartley, Mayor Johnson
Voting Nay: None

RECOMMENDATIONS FOR STREET PAVING

Ms. Webb presented list to Commission for street paving recommendations. Ms. Webb stated this is just a list; it is not a priority list of what gets paved first.

Motion to approve street paving recommendations made by Commissioner Elliott, second by Commissioner Cook.

Motion carried.
Voting Aye: Cook, Elliott, Bartley, Webb, Mayor Johnson
Voting Nay: None

LEAVINS SEAFOOD VARIANCE ONTO CITY ROW

Ms. Webb stated that Planning & Zoning approved the design at the June 9th meeting. The design was approved for a freezer unit. The unit encroaches on City ROW approximately 12'.

Ron Harrison stated adding this additional freezer unit would employ an additional 20 people from around November to March.

Ms. Webb stated there is already a concrete slap there now where the freezer is going to go.

Motion to approve Leavins Seafood encroachment on City ROW for freezer unit contingent upon Leavins Seafood signing encroachment agreement made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.
Voting Aye: Elliott, Bartley, Webb, Cook, Mayor Johnson
Voting Nay: None

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