

A budget workshop and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, September 3, 2013 at 5:30 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, Police Officer Pam Lewis, City Attorney Pat Floyd

Visitors: David Adlerstein, Anita Grove, Ginger Creamer, Sally Williamson, Uta Hardy, Clarice Powell, Leslie Coon, Caty Greene, Joe Taylor, Carrie Kienzle, Susan Clementson, Melissa Hand, Michael Shuler, Gail Johnson, Herbert Carter, George Kirvin Floyd, Wesley Creamer

Budget workshop opened by Mayor Johnson followed by prayer and pledge.

### **BUDGET WORKSHOP – 5:30 PM**

Mayor Johnson stated a decision needs to be made on whether or not to include 3% employee raises into tentative budget. Mayor Johnson stated if Commission is not in favor of giving raises, then maybe consider a bonus.

Commissioner Elliott stated the City needs to take the extra money and save it.

Mayor Johnson stated the employee costs are a part of the operation of the City, just like any other expense line item.

Commissioner Elliott stated he feels that most City employees are making more than most people in the County, and if things improve then consider giving a raise.

Commissioner Cook stated he has not made up his mind on raises.

Ms. Webb read text message from Commissioner Ash stating that Commissioner Ash is not in favor of raising legal fee expense line item or giving employee raises.

Commissioner Cook stated he is more in favor of giving a bonus. Commissioner Cook stated he is concerned about the financial obligation if a permanent raise is given.

Commissioner Bartley stated he is not in favor of giving a raise. Monies should be carried over year after year.

Commissioner Cook stated a bonus would give employees an incentive to save money.

Commissioner Elliott stated that employees should be thankful they have jobs.

Mayor Johnson stated it is the consensus of the Commission to go with tentative budget that doesn't include employee raises.

Budget workshop closed, regular meeting opened.

## **REGULAR MEETING**

### **RECOGNITION OF VISITORS**

Herbert Carter stated he would like proclamation to draw awareness to Dixie Phonics.

Motion to approve Mayor Proclamation to proclaim September 3, 2013 at Dixie Phonics Day made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Cook, Mayor Johnson

Voting Nay: None

### **APPROVAL OF MINUTES**

Motion to approve August minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

### **APPROVAL OF BILL LIST**

Motion to approve July bill list made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Bartley, Mayor Johnson

Voting Nay: None

### **1<sup>ST</sup> READING – ORDINANCE NO. 2013-04 – SEWER USER FEE**

Attorney Floyd read Ordinance 2013-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING SECTION 20-49 OF ORDINANCE NUMBER 2008-02; PROVIDING FOR ADOPTION OF A SEWER USER CHARGE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PART THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnson stated the sewer user fee is necessary because the City has to make the DEP payment.

Motion to advertise for public hearing and proceed with adoption made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Cook, Mayor Johnson

Voting Nay: None

**CONFIRM APPROVAL – RESOLUTION 2013-09 – LIBRARY GRANT**

Mayor Johnson stated that Resolution 2013-09 had to be signed by August 31<sup>st</sup> to meet grant deadline. This is the same grant that is applied for year after year.

Motion to confirm approval of Resolution 2013-09 made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

**HIRING NEW POLICE OFFICER**

Ms. Webb read letter from Chief Varnes recommending to promote Wesley Creamer to Sergeant, and to hire Ginger Creamer to fill vacant position.

Motion to approve recommendation to promote Wesley Creamer to Sergeant, and hire Ginger Creamer to fill vacant police officer position made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**BOARD VACANCIES**

Ms. Webb stated that 5 applications were received for CRA to fill resident at large and C-1 business owner vacancies. Applicants are Jim Bachrach, Jackie Itzkovitz, George Mahr, Tom Morgan, and Ann Seaton.

Ms. Webb submitted tally sheets to Commission.

**PLANNING & ZONING BOARD**

Sally Williamson gave verbal report.

Motion to confirm July minutes made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Cook, Mayor Johnson

Voting Nay: None

**CRA BOARD APPOINTMENTS**

Motion to appoint Jim Bachrach to CRA to fill Resident at Large vacancy made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

Motion to appoint Ann Seaton to CRA to fill C-1 Business Owner vacancy made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**CITY ADMINISTRATOR REPORT**

1. Motion to approve change order from Polaronis Construction for the Restroom Project in the amount of \$4,884.75 to be paid from grant funds made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Cook, Mayor Johnson

Voting Nay: None

2. Ms. Webb stated that Preble Rish is ready to move forward with the Battery Park Stormwater Outfall Project. Ms. Webb stated she hopes a workshop can be scheduled after the special meeting on September 10<sup>th</sup>.

3. Motion to authorize payment for Attorney Floyd invoice made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

#### **ATTORNEY FLOYD REPORT**

Attorney Floyd updated Board on ACOE litigation. Attorney Floyd stated he is researching “Inverse Condemnation” proceedings.

George Kirvin Floyd addressed snag removal in the Apalachicola River. Mr. Floyd stated the Corps of Engineers has filed for a permit to remove snags from the Apalachicola River, but the Riverkeepers have filed a petition to challenge the permit. Mr. Floyd stated a City representative should be present at the administrative hearing and he would recommend Dan Garlick.

Discussion held concerning snagging and how it will affect the paddle boat that is to arrive in Apalachicola.

Motion to approve Resolution 2013-10 requesting that the Corps of Engineers proceed to remove snags in the Apalachicola River channel as proposed, that any and all permits be granted and issued to ensure that this activity is initiated and completed as soon as possible and that the challenge petition filed by the Riverkeepers and any others be withdrawn and if not then denied as soon as possible made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**OTHER VISITORS & COMMENTS**

1. Caty Greene announced the Heritage Dinner to be held on Friday, September 27<sup>th</sup> at 7:00 PM at the Owl Café. Tickets are \$60 and proceeds will benefit the Library.

2. Anita Grove stated businesses are now eligible for SBA loans because Franklin County has been declared a fishery disaster.

3. Ms. Grove stated she attended the Air Force meeting last Thursday regarding air strips in Tates Hell. Ms. Grove stated the County is opposing this, and asked a letter be submitted on behalf of Mayor Johnson asking that the public comment period be extended.

Motion to authorize Mayor Johnson to submit letter asking for public comment period be extended made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliot, Bartley, Cook, Mayor Johnson

Voting Nay: None

4. Clarice Powell addressed pot holes on 7<sup>th</sup> Street.

Mayor Johnson stated he forward her email regarding her concerns to staff.

**MAYOR & COMMISSIONER'S COMMENTS**

1. Commissioner Bartley asked about Bill McCartney's role in the Battery Park stormwater issue.

Ms. Webb stated the Commission approved for Mr. McCartney to submit a plan using Restore Act funds. The plan submitted was directly from the stormwater plan without any modifications. Mr. McCartney's plan has been pulled.

2. Leslie Coon asked when the sidewalk would be repaired in front of her business.

Ms. Webb stated the Streetscape ad for bidders has been advertised.

3. Mayor Johnson welcomed Ginger Creamer to the Apalachicola Police Force, and congratulated Wesley Creamer on his promotion to Sergeant.

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