

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, October 7, 2014 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

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

Visitors: John Solomon, Bernard Simmons, Paulette Moss, Rick Delp, Anita Grove, Jimmy Lashley, Ralph Richards, Heath Galloway, Leslie Coon, George Coon, George Watkins, Tom Brocato, Cindy Clark, David Adlerstein, Michael Billings, Jeremy Dickinson, Eric Pfeufer

Regular meeting opened by Mayor Johnson followed by prayer and pledge.

RECOGNITION OF VISITORS

1. Anita Grove – National Estuarine Research Reserve Coastal Training Program

Ms. Grove outlined various training programs that will be offered.

2. Wendy Millette – Florida Council On Crime & Delinquency

Ms. Millette is not present.

3. Fonda Davis, Jr. – 4th Annual Chunky Sunday

Bernard Simmons stated he is requesting permission to hold the 4th Annual Chunky Sunday at 6th Street Recreation site on Sunday, November 2nd. Mr. Simmons stated event will be held from 1pm – 8pm with parade being at 3pm. Mr. Simmons stated he needs approval to hold event, block road at Avenue L between 6th & 7th Street, and approve parade route.

Motion to approve 4th Annual Chunky Sunday event as outlined by Mr. Simmons made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

4. Traci Lemieux – Request Moving “Trick or Treat” to October 30th

Mayor Johnson stated that Ms. Lemieux could not be present tonight, but she is requesting to move “Trick or Treat” to October 30th due to FSF and safety issues.

Motion to move "Trick or Treat" to October 30th made by Commissioner Ash, second by Commissioner Bartley,
Regular Meeting – 10/7/14 – Page 2

Motion carried 5 to 0.

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

Voting Nay: None

5. John Solomon presented Commission with FSF hats and tickets, and thanked the City for all their help.

APPROVAL OF MINUTES

Motion to approve September minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve August bill list made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

FIRST READING ORDINANCE NO. 2014-04 – PRICE INCREASE GRAVE OPENINGS

Attorney Floyd read Ordinance No. 2014-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THOSE PROVISIONS OF ORDINANCE NUMBER 91-11(B) PERTAINING TO THE PRICE FOR OPENING AND CLOSING OF A GRAVE BY THE CITY IN THE CITY CEMETERIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance No. 2014-04 and proceed with adoption process made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION RESOLUTION NO. 2014-05 – FEES & CHARGES FOR CITY FACILITIES

Attorney Floyd read Resolution No. 2014-05 by title as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APALACHICOLA ADOPTING A SCHEDULE OF FEES, CHARGES AND EXPENSES RELATED TO PROGRAMS AND FACILITIES PROVIDED BY THE CITY OF APALACHICOLA, PROVIDING FOR REPEAL OF ANY RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE

Motion to adopt Resolution No. 2014-05 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

PLANNING & ZONING

Mayor Johnson stated there was discussion on the Scipio Creek Project regarding the location of the ice house and bathroom aesthetics. Mayor Johnson asked if the issues had been resolved.

Ms. Webb stated there was a discussion to move the ice house but the ice house will remain in the same location as was originally approved.

Mayor Johnson stated Scipio Creek is a working waterfront, and has to remain a working waterfront.

Mayor Johnson stated the Planning & Zoning Board had a discussion about the Library moving into the Chapman Building. Mayor Johnson stated that is out of the realm of Planning & Zoning's responsibilities.

George Coon stated the building that is being built at Scipio Creek is nothing like what was approved by Planning & Zoning. Mr. Coon stated he objects because his name is on the design.

Ms. Webb stated she has been told by contractors that building will be built to what Planning & Zoning has approved. Ms. Webb recommends that she, Mr. Coon, and contractors meet on site

to discuss issue, but engineer would not sign off on bathroom being at ground level. Ms. Webb stated Mr. Coon submitted a modification to the open air market and that is all Planning & Zoning approved.

Regular Meeting – 10/7/14 – Page 4

Motion to confirm August Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 1.

Voting Aye: Bartley, Cook, Elliott, Ash

Voting Nay: Mayor Johnson

CITY ADMINISTRATOR

1. Ms. Webb stated the City has been awarded \$30,000 from Department of Economic Opportunity to do deliverables for stormwater. Ms. Webb stated the City will be holding workshops and having booklets to assist citizens with stormwater issues.

Cindy Clark stated some regulations in the Land Development Code will also be updated.

Anita Grove stated she will be happy to partner with the City to host a workshop to help citizens with stormwater issues.

Motion to authorize Mayor Johnson to sign contract with Department of Economic Opportunity made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Commissioner Ash what is the deadline for this grant.

Cindy Clark stated the first deliverable is due December 1st.

Ms. Webb stated there will ample time to discuss this further with Commissioners if they have questions.

2. Ms. Webb submitted copy of map for new Library site. Ms. Webb stated the City can acquire land, located on corner of 12th Street and Highway 98, from School Board.

Attorney Floyd stated the School Board fully agrees in deeding this property to the City if property would be used for a new Library. Attorney Floyd continued stating the School Board wants contract to state that land would revert back to School Board if Library is not in process of

construction within two years from date of the deed and if property ceases to be used as a Library for a period of one year then ownership will revert back to the School Board.

Motion to proceed with contract negotiations with School Board regarding land for Library made by Commissioner Bartley, second by Commissioner Elliott.

Regular Meeting – 10/7/14 – Page 5

Ms. Webb stated this will be brought before the School Board for approval on Thursday. The City can select architect from pool to speed up the process.

Motion carried 5 to 0.

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

Voting Nay: None

3. Ms. Webb stated the 90 day hydrogen peroxide pilot study ends October 15th. Ms. Webb stated the Commission needs to determine whether to continue the study.

Motion to continue pilot study made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

4. Ms. Webb stated she has submitted a grant to NFWFMD to obtain funding for radio read water meters and infrastructure for calgon carbon system. Ms. Webb stated she will know if the City was funded or not in December.

5. Ms. Webb stated she needs direction on how the Commission wants to operate Scipio Creek after construction is complete. Ms. Webb stated if the Commission chooses to lease operations out to a company to run the whole operation then she will need to meet with the Scipio Creek Committee.

Commissioner Bartley stating privatizing the Haul Out Slip will cause the rates to increase.

Ms. Webb stated the City can do a RFP for certain elements.

Ralph Richards stated the City needs to keep involved.

George Watkins stated managing the Haul Out Slip and managing the boat slip rentals should be two different things.

Ms. Webb stated the Scipio Creek Committee needs to be involved in determining the decision. Ms. Webb stated the funding for the Haul Out Slip was for both commercial and recreational

use. Ms. Webb stated the Commission can always mandate a cap for the local industry for use of Haul Out Slip.

Motion to authorize Ms. Webb to proceed with discussion with Scipio Creek Committee made by Commissioner Bartley, second by Commissioner Cook.

Regular Meeting – 10/7/14 – Page 6

Motion carried 5 to 0.

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

Voting Nay: None

6. Ms. Webb stated FRDAP grant applications are due by October 31st. Ms. Webb stated she would like to submit two FRDAP grants. One grant for a playground and one grant for a splash area. Both grants will be used to improve area around Project Impact site.

Motion to authorize Ms. Webb to proceed to apply for FRDAP grants made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

7. Rick Delp gave update on sewer extension project that hopes will be funded by CDBG grant. Mr. Delp stated he is currently working on a list of customers that are serviced by the Bobby Cato Lift Station and potential customers that will be serviced once updates are made to the lift station.

Ms. Webb stated if this funding is approved, approximately forty customers will be added onto the sewer system.

Mr. Delp gave update on Wet Weather Holding Pond. Mr. Delp stated no discharge is going into the swamp or creek and all paperwork has been submitted to DEP for close out and certification.

Ms. Webb stated there is approximately \$150,000 left in the Wet Weather Holding Pond project, and they are investigating ways the City can utilize those funds.

Mr. Delp stated the draft for the WWTP permit was received on September 29th and looks very good. Mr. Delp stated the City is no longer required to do the quarterly testing.

Ms. Webb stated with this permit approval, the City will fall under the direction of DEP instead of EPA.

Mr. Delp stated reuse testing has been reduced to four days a week.

8. Motion to approve payment for Attorney Floyd invoice made by Commissioner Bartley, second by Commissioner Cook.

Commissioner Ash asked status of budget amendment.

Regular Meeting – 10/7/14 – Page 7

Ms. Mathes stated per Florida Statutes the City has 60 after end of fiscal year, so it will be done at November meeting.

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD

Attorney Floyd stated the Planning & Zoning hearing for Family Dollar issue will be held on December 8th.

Attorney Floyd updated Commission on RESTORE Act and State of George litigation.

Attorney Floyd updated Commission on Apalach Auto Repair Shop issue. Attorney Floyd stated this was a revolving loan, and they have defaulted. Attorney Floyd stated the City is now in the process of getting back the equipment to offset monies owed.

Ms. Webb stated an inventory has been done and most of everything on the list was there. Ms. Webb stated the equipment was collateral for the loan.

Attorney Floyd stated a letter has been prepared to alert them of how much is owed and what the process will be for repossession.

OTHER VISITORS & COMMENTS

1. Heath Galloway and Jeremy Dickinson submitted plans to Commission for a new CVS store to be located on Avenue E between 8th & 9th Street. Mr. Galloway explained that in order for this new construction to take place, CVS would need to purchase a portion of City property located behind the lift station, authorize for the alley to be vacated, and approve an easement for use of City property.

Jeremy Dickinson stated before CVS goes any further with plans; the City will need to address these issues. Mr. Dickinson stated about 7,000 square feet of property is needed behind the lift

station, and the easement is needed to accommodate a drive in window and about 10 parking spaces.

Commissioner Cook stated this is a historic square.

Ms. Webb stated if it is done correctly, the parking spaces can accommodate the pavilion and community garden.

Regular Meeting – 10/7/14 – Page 8

Mayor Johnson stated they are asking the City to sell the property and close the alley.

Mr. Galloway and Mr. Dickinson outlined the proposed plans further.

Attorney Floyd stated the City can't sell the alley, but can sell the other piece in question. Attorney Floyd stated the Commission wants to make sure the integrity of the City Square remains intact.

Mayor Johnson stated design discussion will take place at Planning & Zoning.

Commission took no action at this time.

2. Eric Pfeifer stated concerning the Scipio Creek Project, the new meter boxes will be underwater and suggest someone look into that.

MAYOR & COMMISSIONER COMMENTS

Commissioner Ash stated it was brought to her attention about Planning & Zoning approved an encroachment, but there was an issue with the water and sewer lines. Commissioner Ash suggested before any encroachments are approved, water and sewer needs to make sure there are no problems.

Ms. Webb stated she and staff are working to settle this issue.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk