

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD THURSDAY, SEPTEMBER 5, 2019, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Van W. Johnson, Sr.
Commissioner Brenda Ash (Arrived at 6:08)
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.

Attorney Floyd stated he has prepared an Emergency Voting Ordinance that he would like to propose be added to the Agenda under New Business item "F" for a First Reading.

Commissioner Anita Grove made a motion to approve the agenda as revised. Commissioner Mitchell Bartley seconded and the motion carried 4-0.

MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS

A. Resolution 2019-12 – Designating September 28, 2019 as Apalachicola National Estuarine Research Day and Acknowledge the Importance of Estuaries to Apalachicola.

Attorney Floyd read Resolution 2019-12 in its entirety.

RESOLUTION 2019-12 DESIGNATING SEPTEMBER 28, 2019 AS APALACHICOLA NATIONAL ESTUARINE RESEARCH RESERVE DAY AND ACKNOWLEDGING THE IMPORTANCE OF ESTUARIES TO APALACHICOLA

Commissioner Jimmy Elliott made a motion to adopt Resolution 2019-12 designating September 28, 2019, as Apalachicola National Estuarine Research Reserve Day and acknowledging the importance of Estuaries to Apalachicola. Commissioner Bartley seconded and the motion carried 5-0.

CITY MANAGER COMMUNICATIONS

- City Attorney – Request for Proposals – Commissioner Grove gave an update on the City Attorney Selection Committee meetings. Mr. Nalley stated that the committee will follow up and schedule a meeting with the top two firms within the next two weeks and will keep the Board informed of the outcome of these meetings.
- Population Estimate – Mr. Nalley announced that the new population estimate for the City of Apalachicola as of April 1, 2019 is 2,339. This will become an official estimate on October 17, 2019. Mr. Nalley stated that the population count is very important to the City since it is used to set numerous revenue sources.

- USNS Apalachicola – Mr. Nalley stated that the week of September 23rd seems the most convenient time for most of our Commission members to tour the facility building the USNS Apalachicola in Mobile, Alabama. Tentatively, Wednesday, September 25th is being considered and he requested that each commissioner confirm their plans to attend the tour with the City Clerk by the end of the week.
- Hurricane Dorian – Mr. Nalley stated that preparations were under way for the possible arrival of Hurricane Dorian, but thankfully our area was spared. Our thoughts and prayers are with all those who were affected by the storm.
- Environmental Clearance – Mr. Nalley informed the Commission that the environmental clearance for the CDBG project was approved and that a construction contract will be forwarded to the Commission soon for approval.

ATTORNEY PAT FLOYD COMMUNICATIONS

- Attorney Floyd stated he is still working on a couple of contracts and litigations. Attorney Floyd talked about the concerns of the run-off election relating to absentee and early voting rights. Attorney Floyd reviewed the legal rights of both the City and the candidates of the upcoming election. Mayor Johnson reviewed a past meeting when the City Commission was made aware that they could change the City election to coincide with the County’s general elections, and several citizens didn’t want this change, but he feels that any person should have this legal right. Commissioner Grove expressed concern that the candidates in the run-off could possibly sue the City. Attorney Floyd asked if all the candidates were present and if they would each individually agree to extend the date for the run-off election. All verbally agreed during this meeting. Attorney Floyd read a proposed Emergency Ordinance that extends the date for the run-off election to October 1, 2019. Attorney Floyd also stated early voting would be September 21 – 28, 2019 and absentee ballots would be available for mail-outs September 11, 2019 with the last day to request a mail out September 21, 2019. Mayor Johnson highly recommended that City elections be moved to coincide with the County and State general elections.

PRESENTATIONS

A. Restore the Squares Project Presentation – Mrs. Diane Brewer announced that the long awaited brochure with the history and map of Apalachicola’s six Historic Squares is now complete. Copies were distributed to the City Commission and the public. Mrs. Brewer thanked the Commission for their support for this project over the past four years. Mrs. Brewer announced that they are now in the process of applying for a \$50,000 Planning Grant.

PUBLIC COMMENT

Mayor Johnson opened the floor for public comment.

- Robin Vroegop expressed her concerns with the invocations of the City meetings and read a farewell to the retiring Commission.
- Rich Hall gave an update on the stormwater violation case and requested having mediation as stated by the Florida Civil Procedures.
- Despina George expressed her concern with the accounting services that was on the consent agenda.

- Kevin Begos requested that the City Commission hold off on approving any contracts until after the City election.

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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 August 13, 2019 Special Meeting and the August 6, 2019 Regular Meeting Minutes.
- Grant Subcontract Task Order Approval – To authorize the Subcontract Task Orders with Ducky Recovery, LLC in the amount of \$30,000, Mark Tarmey in the amount of \$10,000 and Dewberry, LLC in the amount of \$25,000 and authorize City Manager to execute the contracts. Mr. Nalley clarified that these grant sub-contracts are two separate grants, Ducky Recovery, LLC and Mark Tarmey consist of one grant and Dewberry, LLC is the other.
- Finance and Bookkeeping Services Agreement – Awwad & Associates Tax and Accounting – To approve the finance and bookkeeping services agreement with Awwad & Associates and authorize the City Manager to execute the agreement. Mr. Nalley stated that Melissa Hand had assumed the duties of Finance Clerk and is performing well the day-to-day finance functions. However, further bookkeeping and financial reporting services are needed. Awwad and Associates has assisted other municipalities and was recommended by our auditor as a firm that can provide the government finance and bookkeeping service needs. Mr. Nalley wants to clarify at this time that he is only requesting approval for \$1,800 per month.
- Lease Agreement – Capital Area Community Action Agency – To approve the lease agreement with Capital Area Community Action Agency (CACAA) for the Sixty Street Recreation Center for use as a Head Start Center Facility and authorize the Mayor to execute the lease agreement. Mr. Nalley stated Capital Area Community Action Agency is currently using the Sixth Street Recreation for the Head Start Center facility on a month to month basis. Their original lease ended in June of 2019 but CACAA has requested that the lease be extended for an additional year or until June 2020. All other terms of the lease agreement will remain in place.

Commissioner Elliott made a motion to approve the Consent Agenda. Commissioner Ash seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. PROPOSED LEGISLATIVE AGENDA FOR THE 2019-2020 SESSION

Commissioner Bartley made a motion to approve the City of Apalachicola Legislative Priorities for the 2019-2020 Session. Commissioner Grove seconded and the motion carried 5-0.

UNFINISHED BUSINESS

B. 2019-2020 ANNUAL BUDGET AND CAPITAL IMPROVEMENTS PLAN DISCUSSION

Mr. Nalley reviewed the changes made by the Commission during the two previous budget workshops. The two items carried over from the last budget workshop that required further discussion is funding for the Recreation Committee and repayments to the CRA. It is important that the Commission let staff know if there are any other revisions that they would

like to see made prior to the Budget Presentation at the September 10th Public Hearing. Following the public hearing, the Commission will have an additional two weeks to deliberate and make any final changes to the budget prior to the second public hearing and its scheduled adoption on September 24th. Mr. Nalley reviewed the CRA funding matter and discussed the three options developed in conjunction with Carol Westmoreland and Jack Gaskins. Commissioner Ash suggested suspending payments to the CRA, developing an agreement with the County and begin making payments in the 2019-2020 budget year.

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Commissioner Grove made a motion to suspend payments, develop an Agreement with Franklin County, and give ninety days notice of termination to the CRA Director so that any legal obligations or loose ends can be resolved. Commissioner Ash seconded and the motion carried 5-0.

Mr. Nalley stated that the Recreation Committee had requested \$7,500 to be included in the proposed Budget and direction is need from the Commission on what amount is to be included. Commissioner Grove suggested postponing this request for the 2019-2020 fiscal year.

NEW BUSINESS

A. RESOLUTION 2019-14 – ADOPTING THE STATEWIDE MUTUAL AID AGREEMENT

Mr. Nalley stated that Pam Brownell, Director of Franklin County Emergency Management, requested that the City adopt the most recent revision to the Statewide Mutual Aid Agreement.

Attorney Floyd read Resolution 2019-14 in its entirety.

A RESOLUTION ADOPTING THE STATEWIDE MUTUAL AID AGREEMENT

Commissioner Grove made a motion to adopt Resolution 2019-14 adopting the Statewide Mutual Aid Agreement. Commissioner Ash seconded and the motion carried 5-0.

NEW BUSINESS

B. RESOLUTION 2019-13 – CREATING A CENSUS 2020 COMPLETE COUNT COMMITTEE FOR THE CITY OF APALACHICOLA

Mr. Nalley gave a brief background of the purpose and importance of creating a Complete Count Committee for the City of Apalachicola. Mr. Nalley also stated that there is a flyer on the table and that the Census Bureau is providing great job opportunities for local residents. Mr. Nalley stated volunteers are needed for the Complete Count Committee.

Attorney Floyd read Resolution 2019-13 in its entirety.

A RESOLUTION CREATING A CENSUS 2020 COMPLETE COUNT COMMITTEE TO PLAN AND CONDUCT LOCAL EDUCATIONAL INITIATIVES, PUBLICITY AND PROMOTIONAL ACTIVITIES TO INCREASE COMMUNITY AWARENESS AND PARTICIPATION IN THE 2020 CENSUS

Mayor Johnson asked if there was anyone in the audience that would be interested in serving on this committee. David Adlerstein and Pam Richards volunteered to serve on the committee. The adoption of Resolution 2019-13 was postponed until the City reaches out to other possible volunteers for the Complete Count Committee.

NEW BUSINESS

C. RESOLUTION 2019-15 ADOPTING POLICY NO. 2019-01 – FIXED ASSET ACCOUNTING AND RECORDING POLICY

Attorney Floyd read Resolution 2019-15 in its entirety.

A RESOLUTION ADOPTING POLICY NO. 2019-01 – FIXED ASSET ACCOUNTING AND RECORDING POLICY

Commissioner Ash made a motion to approve Resolution 2019-15 adopting Policy 2019-01 – Fixed Asset Accounting and Recording Policy. Commissioner Bartley seconded and the motion carried 5-0.

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NEW BUSINESS

D. PLANNING AND ZONING AND RECREATION BOARD MEMBER APPOINTMENT

Commissioner Ash announced that the City needs to fill one position on the Planning and Zoning Board and one Position on the Recreation Committee. After further discussion, it was clarified that there were two positions to fill on the Planning and Zoning Board. Commissioner Grove made a motion to appoint Al Ingle and Elizabeth Milliken to the Planning and Zoning Board. Commissioner Ash seconded and the motion carried 5-0. Commissioner Bartley made a motion to appoint Donna Ingle to the Recreation Committee. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS

E. VARIANCE – 101 BAY AVENUE

Lee McLemore gave a brief update of his May 2018 variance request and is requesting that the City Commission address and resolve the issues. Attorney Floyd gave a brief update of the Order from 2018 and how the case has evolved to date, stating that the Order was never signed. Attorney Floyd stated that this issue has to go before the Board of Adjustment, and then to the City Commission if needed. Mr. McLemore stated he has never received a copy of the Appeal. In a response to a question from Commissioner Grove, Attorney Floyd explained what an Order means. In a response to a question from Commissioner Elliott, Attorney Floyd stated that the City needs to fill the alternate positions on the Board of Adjustment.

Commissioner Bartley made a motion to proceed with the advertising process for the McLemore variance, contingent of the BOA meeting outcome and that it be placed on the agenda for the September 24, 2019, Special Meeting at 6:00 pm. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS

F. EMERGENCY VOTING ORDINANCE #2019-07 – FIRST READING

Attorney Floyd requested a motion for a First Reading on the Emergency Voting Ordinance 2019-07 and the second reading and adoption be on September 10, 2019. In response to a question from Commissioner Ash, Attorney Floyd stated that Emergency Ordinance verbage is included in #5 of this Ordinance.

Commissioner Grove made a motion to have the first reading of Emergency Voting Ordinance 2019-07 tonight and that the second reading and adoption be scheduled for September 10, 2019, at 6:00 pm. Commissioner Elliott seconded and the motion carried 5-0.

Attorney Floyd read Emergency Ordinance for Election Run-off Extension 2019-07 in its entirety.

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING ORDINANCE NO. 91-4 AND TO THE EXTENT NECESSARY THE CHARTER OF THE CITY OF APALACHICOLA; ARTICLE II SECTION 9; AND CITY OF APALACHICOLA CODE CHAPTER 9 ELECTIONS TO PROVIDE FOR AND CONFIRM THE AUTHORITY OF THE CITY OF APALACHICOLA TO CHANGE THE RUN OFF ELECTION DATE FROM THE THIRD TUESDAY AFTER THE THIRD MONDAY IN SEPTEMBER TO THE NEXT EARLIEST DATE THAT WILL ALLOW FOR ABSENTEE VOTING AND EARLY VOTING FOR THOSE ENTITLED TO VOTE IN CITY ELECTIONS AND TO EXTEND AND SET THE RUNOFF ELECTION OF 2019 TO OCTOBER 1, 2019 FOR THAT PURPOSE.

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In a response to a question from Commissioner Ash, Attorney Floyd stated there is not enough time to advertise the Ordinance and meet the deadlines for absentee voting for the residents, therefore, an emergency Ordinance, was developed that will provide posting and a few days notice.

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| ADJOURNMENT |
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With no further business, Commissioner Ash made a motion to adjourn the meeting at 8:25 pm. Commissioner Grove seconded and the motion carried 5-0.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk