

A Special Meeting and Budget Workshop of the City Commission of the City of Apalachicola was held on Tuesday, August 25, 2009 at 6:00 PM in 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, Chief of Police Bobby Varnes, Public Works Foreman Wilbur Bellew

Visitors: Gerald Garlick, Steven Rash, Dieter Ambos, Karla Ambos, Brenda Ash, Beverly Hewitt, Joe Taylor, Clarice Powell, Susan Clementson, Caty Greene, David Adlerstein, Gail Johnson

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

### **SPECIAL MEETING**

#### **STEVE RASH – SCIPIO CREEK MARINA EDA GRANT PARTICIPATING PARTNER**

Steve Rash, owner of Water Street Seafood, spoke in favor of Scipio Creek Marina project. Mr. Rash stated it is vital to this community and the fishing industry, and will support the project as much as possible.

Commissioner Cook commended Mr. Rash for stepping up to the plate and agreeing to take on the responsibility of being the participating partner for this project.

Motion to accept Steve Rash as the participating partner for the Scipio Creek Marina EDA Grant made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

#### **JERRY GARLICK – BLUES FESTIVAL**

Mr. Garlick stated this is the 5<sup>th</sup> year for the festival. The concert is free, and signage will include no alcohol beverages because it is on City property.

Commissioner Bartley asked if Mr. Garlick will be accepting donations.

Mr. Garlick stated the proceeds from the food will be given to the Fire Department/First Responders.

Commissioner Webb asked Mr. Garlick if this was a non-profit organization.

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Mr. Garlick stated he is not a non-profit organization.

Beverly Hewitt asked if there were sponsors.

Mr. Garlick stated there are sponsors, but that money goes towards paying the bands, signage, and other expenses.

Commissioner Webb asked what happens to the excess funds that are left over.

Mr. Garlick stated after all expenses are paid, the excess funds can go towards the Fire Department/First Responders.

Ms. Hewitt stated that when people bought a sponsorship, they thought that all proceeds were going towards the Fire Department. People need to be made aware that all the sponsorship money does not go towards the Fire Department.

Mr. Garlick stated money from the sponsorships goes towards the bands, stage, signage, and other expenses. If any money is left over it will go towards the Fire Department/First Responders. Fire Chief George Watkins is very excited about this event.

Commissioner Webb stated the Food Pantry is also holding a Blues Festival at the end of October.

Mr. Garlick stated the event will be held on Saturday, October 17<sup>th</sup> from 12:00 Noon till 6:00 PM.

Clarice Powell stated the Food Pantry went ahead and scheduled a Blues Festival on October 30<sup>th</sup> because they were under the assumption that Mr. Garlick was not having his Blues Festival. Maybe next year, the Food Pantry and Mr. Garlick could work together and hold just one festival.

Joe Taylor stated that if proceeds were going towards a non-profit organization, checks could be written to the non-profit organization and sponsors could take the donation as a tax deduction.

Mr. Garlick stated if the Commission feels his Blues Festival will interfere with the Food Pantry's Blues Festival, then he will not hold his event.

Mayor Johnson stated the only question before this Board is to approve or disapprove the closing of the road on Avenue E between Commerce Street and Water Street.

Commissioner Webb asked Mr. Garlick if he has checked with all the businesses to see if they have a problem with the festival.

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Mr. Garlick stated he has done nothing at this point because he did not know if the Commission was going to approve or disapprove.

Mr. Taylor stated he has no conflict with the closing of the road or the concert, but he does feel that checks should be made out to the Fire Department/First Responders.

Mayor Johnson stated the Board does not need to make any decisions about how the concert is run without Attorney Floyd being present.

Ms. Webb stated it is the sponsors' choice if they want to support the Fire Department

Mayor Johnson stated the question still at hand is whether to approve or disapprove the concert on public property.

Ms. Hewitt stated people want to be able to take a tax deduction for non-profit organizations.

Mayor Johnson stated the Board cannot dictate how the festival will be run.

Mr. Taylor stated that he is required to give away the ice cream at the July 4<sup>th</sup> festival at Riverfront Park. He was told he could not charge for the ice cream.

Ms. Webb stated that Riverfront Park was purchased through FCT, and that is a FCT requirement.

Chief Varnes stated he does not foresee any problems with traffic.

Commissioner Cook stated he feels it would be a good event if proceeds went towards the Fire Department/First Responders.

Motion to approve Blues Festival on October 17, 2009 from 12:00 Noon till 6:00 PM, authorize the closing of Avenue E between Commerce Street and Water Street for the event, and all proceeds after expenses are paid go towards the Fire Department/First Responders made by Commissioner Cook.

Mr. Garlick asked if he could get paid for his time he devotes towards the festival.

Commissioner Cook stated recommends that Ms. Webb, Attorney Floyd, and George Watkins meet to discuss details. Commissioner Cook stated that whatever is decided, it is going to set a precedence from here on out. Commissioner Cook stated the festival must benefit the Fire Department/First Responders. Commissioner Cook stated that Attorney Floyd and Ms. Webb would have to determine what Mr. Garlick's time is worth.

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David Adlerstein asked Mr. Garlick if he made any money personally off the festival.

Mr. Garlick stated he makes no profit from the festival.

Dieter Ambos stated the Commission can make the stipulation that the street will be closed for non-profit use only.

Commissioner Cook stated it has to be non-profit because it is being held on City property.

Mayor Johnson advises the Board to not vote at this time and let Attorney Floyd render a legal opinion. Mayor Johnson stated he feels this is no different than vendors selling for profit at the Seafood Festival.

Commissioner Cook withdrew motion.

Mayor Johnson stated festival will be put on the September 8, 2009 agenda.

**STEVE JAMES LAWSUIT DISMISSAL**

Ms. Webb stated the attorney for Steve James has dismissed the case.

Motion to approve dismissal of Steve James lawsuit with prejudice, give the City a full release, and each party be responsible for their own legal fees made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**BUDGET WORKSHOP**

Lee Mathes went over some changes that were made in the budget. Ms. Mathes gave the Board the amounts of ¼ mill reduction, and also employee bonus information.

Commissioner Cook stated he thought we could take out the purchase of a new police car, but that won't be possible. Commissioner Cook stated everything has been cut about as much as it can be cut, and everybody is going to have to take good care of their equipment and vehicles.

Commissioner Webb stated the Police Department needs to buy a car big enough to transport because the Impala is too small.

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Mayor Johnson recommends the millage be reduced by  $\frac{1}{4}$  mill to 7.31, but is not in favor of giving employee bonuses this year due to current economic situation.

Ms. Webb stated that the employees already know that probably no raises or bonuses would be given this year.

Mr. Ambos stated the City would be sending out a bad message if bonuses were given.

Ms. Hewitt stated that social security is not giving the cost of living increase for the next two years.

Ms. Webb stated that employees would rather keep everybody employed.

Ms. Hewitt asked if the City could charge for the use of Lafayette Park. There are some things that need to be repaired in the park, and a usage fee could help pay for the maintenance.

Commissioner Cook stated that marina charges also needed to be increased.

There being no further discussion, workshop adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk