

Two Public Hearings and a Special Meeting of the City Commission of the City of Apalachicola were held on Tuesday, September 29, 2009 starting at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

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

Visitors: Allan Parauka, Dick Dosick, Brenda Ash, Caty Greene, David Adlerstein

Prayer and pledge.

Mayor Johnson opened public hearing.

PUBLIC HEARING – FY 2009/2010 BUDGET

Commissioner Cook read the following announcement to the public:

City of Apalachicola 2009-2010 Fiscal Year Budget Information:

General Fund:	2,088,145
Enterprise Fund:	1,602,250
Total Budget:	3,690,395

Proposed Millage Rate: 7.31

Rolled Back Rate: 7.19

Proposed Millage Rate is a 1.67% increase from the rolled back rate.

This is the second required public hearing for the adoption process of the 2009-2010 budget.

No public comments.

Public hearing closed.

PUBLIC HEARING – ORDINANCE NO. 2009-03 – POLICE/FIRE STATION BOND

Mayor Johnson opened public hearing.

Ms. Webb gave update on police/fire station, and explained reasons for having to obtain the bond.

Mayor Johnson asked how quickly construction can start.

Ms. Webb stated as soon as everything is signed and submitted, closing should be just a matter of weeks.

No public comments.

Public hearing closed.

SPECIAL MEETING

Special meeting opened by Mayor Johnson.

ADOPTION DECISION – RESOLUTION 2009-11 – FY 09/10 MILLAGE RATE

Attorney Floyd read Resolution 2009-11 by title as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA LEVYING THE AD VALOREM PROPERTY TAX MILLAGE RATE FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE CITY FOR THE FISCAL YER BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, STATING THE PERCENTAGE BY WHICH THE MILLAGE RATE TO BE LEVIED EXCEEDS THE ROLLED BACK RATE; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution 2009-11 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – ORDINANCE NO. 2009-02 – FY 09/10 BUDGET

Motion to authorize Attorney Floyd to read Ordinance No. 2009-02 in its entirety made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

Voting Nay: None

Attorney Floyd read Ordinance No. 2009-02 in its entirety.

Motion to adopt Ordinance No. 2009-02 as read by Attorney Floyd made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – ORDINANCE NO. 2009-03 – POLICE/FIRE STATION BOND

Attorney Floyd read Ordinance No. 2009-03 by title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$506,500 CAPITAL IMPROVEMENT REVENUE BONDS TO FINANCE A PORTION OF THE COST THEREOF; PLEDGING A LIEN ON THE PLEDGED REVENUES TO SECURE THE PAYMENT THEREOF; PROVIDING FOR THE ISSUANCE OF TEMPORARY BOND ANTICIPATION NOTES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2009-03 made by Commissioner Cook, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

Voting Nay: None

REUSE CONTRACT BID CHALLENGE

Attorney Floyd updated Commission on reuse contract bid challenge progress.

Motion to adopt the findings set forth in the letter to Allen Excavation, Inc. dated September 22, 2009 including specifically that to stop the contract award process at this time to deal with a hearing on the bid challenge would greatly endanger the reuse project and cause the City and its people to lose grant money as awarded made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

Attorney Floyd stated that Eric and Wanda are challenging the permit issuance for the reuse project. Attorney Floyd updated Commission on reuse project and read addendum that needs to be included into the contract as follows:

ADDENDUM – ADD TO SECTION 5

Notwithstanding any other provision to the contrary, the effectiveness of this contract and any notice to proceed issued in connection therewith is subject to and conditioned upon the City of Apalachicola providing written notice that it has met the requirements of the funding agency for the funding of this project, the State of Florida State Revolving Loan Fund, the Florida Communities Trust regarding the use of the property, and the State of Florida Department of Environmental Protection regarding the permitting of this Re-Use Project that would permit construction of a facility described in the designs,

plans, and specifications of the Reuse Water and Land Application System dated August 2009 for the City of Apalachicola.

Commissioner Cook asked would the City be liable to the contractor if the City can't proceed with this project.

Attorney Floyd stated no because the City has meet the condition of the contract based on the above addendum.

Commissioner Cook asked if the contractor is in agreement with the addendum.

Attorney Floyd stated he has presented the addendum to the contractor, and they have accepted the language.

Motion to add addendum to section 5 (as previously read by Attorney Floyd) to contract and go forth under the conditions and circumstances as outlined by Attorney Floyd made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk