

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, March 3, 2009 at 6:00 PM at 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, City Attorney Pat Floyd, Grants Manager Cindi Giametta, Building Official Gene Osburn, Chief of Police Bobby Varnes, Water & Sewer Foreman William Cox, Public Works Foreman Wilbur Bellew, Harbor Master Jim Silva

Visitors: Sally Williamson, Craig Gibson, Shirley Taylor, Diane Dieter, Bob Dieter, Martha Pace, Charles Pace, Nancy Horton, Susan Clementson, Carrie Kienzle, George Watkins, Anita Grove, Shawn Donahoe, Walter Roberts, Bert Simmons, Palmer Philyaw, Lynn Wilson, Bill Spohrer, Candace Sminzer, Dolores Spears, James Marshall, George Coon, Anna Cannatella, Erin Rodriguez, Janice Mathis, Evech Van Mathis, Willoughby Marshall, Marie Marshall, Joe Taylor, Clarice Powell, Beverly Hewitt, Phyllis Blan, Jim Waddell, Nellree Layne, Kate Hartman, Faye Johnson

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

RECOGNITION OF VISITORS

* Phyllis Blan – Ms. Blan is requesting that Veteran’s Park be named after Robert L. Howell, III. Ms. Blan outlined history of Veteran’s Park, and also outlined for what she would like to see put in the park.

Mayor Johnson stated that River Way South has incorporated Veteran’s Park in their visioning project.

Ms. Webb stated that the City has some remaining FRDAP funds for Veteran’s Park, and she will check into how the City can incorporate some of Ms. Blan’s requests with the remaining funds.

ERIN RODRIQUEZ – FOUR WAY STOP AT AVENUE G & 7TH STREET **SPEED LIMIT AND SPEED BUMPS – NORTH OF AVENUE M**

Mr. Rodriguez is requesting a four way stop at Avenue G & 7th Street.

Ms. Webb stated this has been discussed at the Traffic Safety meeting.

Chief Varnes stated there is a four way stop sign on 6th and 8th Street, but he can monitor the area to see if one is needed at Avenue G & 7th Street.

Mayor Johnson stated there are other things that can be done to combat the speeding problem. Speeding is a problem in the residential areas. The City has installed speed bumps in certain areas to try to solve some of the speeding problems.

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Bob Dieter stated there is a four way stop at 6th Street, but 7th Street is not a continuous street because it dead ends at Chestnut Cemetery. Mr. Dieter stated you can put four way stops on every corner, but people are going to ignore them anyway.

Mayor Johnson asked if the Traffic Safety Team has addressed the speed limits in the residential areas.

Mr. Dieter stated he feels the speed limit should be lowered to 25 mph in the residential areas. There are a lot of areas in town where a 25 mph speed limit would be a more sensible speed limit.

Mayor Johnson suggests having the Traffic Safety Team investigate the speed limits throughout town and make a recommendation to the Commission.

Mr. Dieter stated it will be discussed at the next Traffic Safety meeting, and he will have a recommendation for the Commission at the next regular meeting.

Anna Cannatella stated the area between Avenue G and Avenue H on 7th Street needs to be monitored more frequently. There is always a lot of trash and loitering in the area.

Clarice Powell stated that speeders fly by the Community Gardens on Avenue F as well, and maybe installing speed bumps would help solve the problem.

Commissioner Elliott asked about installing low impact speed bumps.

Ms. Webb stated you have to have hot asphalt to form those speed bumps, and the City does not have access to hot asphalt.

Citizens spoke against the speed bumps located 7th Street north of Avenue M.

Mayor Johnson stated the Traffic Safety Team will investigate speed bumps and lowering speed limit in residential area and report back to the Commission.

Mr. Dieter stated the speed bumps on 7th Street & Avenue M could be removed if people would slow down. There are currently four speed bumps, and maybe the City could take out the two center speed bumps and see if people will adhere to the speed limit.

Various citizens spoke concerning the speed bumps on 7th Street & Avenue M.

Jim Waddell stated he will be happy to work with Mr. Dieter and supply information regarding speed humps instead of speed bumps.

FIRE TRUCK PURCHASE

Ms. Webb stated that the City has one payment left on the fire truck, and it is time to place the order for the new fire truck.

Mayor Johnson asked if there were any grants available to purchase equipment.

Ms. Webb stated the City could not afford the payment with MSBU funds for a ladder truck, but is looking into a grant to purchase a ladder truck.

Motion to purchase new fire truck from Ten-8 Equipment for \$217,710.00 made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

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

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

Ms. Mathes stated bill list is not yet completed.

CRA MEMBER VACANCY

Ms. Webb stated that Kathy Robinson has stepped off the board, and board is recommending Mark Friedman.

Motion to appoint Mark Friedman to CRA Board made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPT RESOLUTION 2009-02 (AMENDED)

Attorney Floyd outlined changes needed in resolution.

Attorney Floyd read amended resolution 2009-02 by title as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Motion to adopt amended resolution 2009-02 made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

Bob Dieter presented report to Commission. Mr. Dieter stated that there was some participation from Franklin County at the meeting, and that he will be meeting with Ms. Webb next week concerning the sidewalk from Bay Avenue to Avenue E.

CHAMBER OF COMMERCE REPORT

Anita Grove presented monthly report to the Commission.

LIBRARY REPORT

Susan Clementson presented monthly report to the Commission. Ms. Clementson stated the Library Board has voted to pursue a contract with Alan Pierce to purchase his house at 87 Avenue D. Ms. Clementson stated the current library backs up to the Pierce property which would offer the library the opportunity to utilize both properties, and would more than double the existing space.

Mayor Johnson stated the City plans to restructure the City squares.

Ms. Clementson stated the Pierce property is on two lots and offers room for expansion.

Beverly Hewitt asked about parking.

Lynn Wilson stated parking is available along the side of the existing library and at Gorrie Museum.

Ms. Webb stated the library may have to go through the special exception process because it is a public facility in R-1 unless it is determined that it will be an expansion of the existing library.

POLICE DEPARTMENT REPORT

Chief Bobby Varnes presented monthly report to Commission.

Phyllis Blan stated that children are being dropped off by the school buses in front of sexual predator's houses.

Chief Varnes stated that he and Ms. Blan will talk with Mr. Coursey to investigate changing bus routes.

Chief Varnes stated he possibly has an officer leaving and would like to advertise to fill his position at the time he submits his resignation.

Motion to advertise for police position at the time officer submits resignation made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

CITY ADMINISTRATOR REPORT

* Ms. Webb submitted monthly report from departments.

* Ms. Webb stated a motion is needed from the Commission to pursue purchase contract for Pierce property.

Attorney Floyd stated the City starts with standard negotiating procedures first.

Ms. Webb stated the library will have to follow the special exception process.

Motion to authorize Ms. Webb to proceed with special exception process and Attorney Floyd to start negotiations with Shawn Donahoe (representing Alan Pierce) made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

* Ms. Webb stated that Project Impact has started. Faye Johnson gave update to the Commission, and stated that an open house will be soon be held.

* Property Transfer from School Board – Ms. Webb stated is waiting for final deed transfer. Current plan by School Board is to transfer entire complex including the bus barn area at their March 10th meeting.

PUBLIC WORKS DEPARTMENT REPORT

Wilbur Bellew presented report to Commission.

Anita Grove thanked Mr. Bellew for keeping the trash picked up in downtown area.

Carrie Kienzle thanked Mr. Bellew for installing library signs.

Joe Taylor thanked the City for keeping everything running smoothly.

WATER & SEWER DEPARTMENT REPORT

William Cox presented monthly report to Commission. Mr. Cox stated the City was in compliance in water and wastewater for February.

Ms. Webb stated it is required to perform maintenance on the water tank every five years. The cost is approximately \$7,000 from Utility Services.

Motion to approve Utility Services to perform water tank maintenance at a cost of approximately \$7,000 made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

BUILDING DEPARTMENT REPORT

Gene Osburn presented report to Commission.

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

Motion carried.

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

Voting Nay: None

Mayor Johnson stated the Nuisance Ordinance needs to be completed as soon as possible.

Attorney Floyd stated all the terms have been corrected, but there are still some mechanics that need to be changed. Attorney Floyd stated he will meet with Mr. Osburn to finish the ordinance.

Mayor Johnson asked about the status of Code Enforcement Certification.

Ms. Webb stated there are some classes that Mr. Osburn needs to attend for Code Enforcement Certification. Mr. Osburn is currently working on his Building Official Certification.

Mr. Dieter stated there are some new building codes that will go into effect in March.

Mr. Osburn stated he has already attended classes for the new building codes.

GRANTS MANAGER REPORT

* Cindi Giametta stated the documents for Holy Family are ready for signature.

Motion to approve Holy Family documents for signature made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated she has reviewed all the engineer proposals, and she recommends Bailey Bishop & Lane to handle this project.

Ms. Webb stated they were strong in the Historic Preservation department.

* Ms. Giametta stated the FCT Confidentiality Agreement for the McLemore property is ready for signature.

Motion to authorize signing the FCT Confidentiality Agreement for McLemore property made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

* Commissioner Webb asked what kind of grant would be sought for a ladder fire truck.

Ms. Giametta stated it is an Assistance to Fire Fighters Grant, and she will be applying for the grant next month.

PROJECT ACTIVITY

Ms. Webb updated Commission on ongoing BDI projects. Ms. Webb stated CDBG funds will be utilized first for the police/fire station.

Ms. Giametta stated she needs approval to apply for the LSTA Grant. This grant is a library operations grant and the deadline to apply is March 15th.

Motion to authorize Ms. Giametta to apply for LSTA Grant made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

OTHER PROJECTS

* Jim Silva stated that someone put new lines on the Captain Fuzz.

Ms. Webb stated that because the City moved it from its original location, the City is now responsible for the vessel.

Walter Robinson stated there are live aboards that don't pump out their sewage.

Ms. Webb stated some boats have a system that doesn't require pumping out.

Battery Park Marina rental fee and live aboard fee discussed.

Mayor Johnson stated the fees need to be readdressed.

Ms. Webb stated she can set up a meeting with the Battery Park Marina Committee, and let them make a recommendation about the fees.

ATTORNEY FLOYD REPORT

* Benches – Attorney Floyd stated he contacted the company's president and the president stated the benches were in the process of being replaced. Attorney Floyd stated he informed the president that the benches must be removed due to violations of contract or a court injunction would force the benches be removed.

Mayor Johnson stated he has been approached by local businesses that pay for advertising on the benches, and they would like for them to stay.

Attorney Floyd stated if the company wants the benches to stay, then they need to come before the Commission with a new contract.

* Captain Fuzz & Boat on Dock at Scipio Creek – Attorney Floyd stated he has talked with the State Attorney's Office, and they are going to assist the City in pursuing this from a trespassing standpoint. Citation will be issued and processed in criminal court if boats are not removed.

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* ACOE – Attorney Floyd updated Commission on case.

* Police/Fire Station Engineers - Attorney Floyd stated no agreement can be reached with Baskerville Donovan. Attorney Floyd stated he recommends obtaining an engineering firm with an architect on board.

Kate Hartman stated the City should get an architect.

Ms. Webb stated this does not affect the CDBG portion of the project.

Motion to authorize Ms. Webb to look through engineering proposals and obtain an engineering firm for Police/Fire Station Project made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

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

Motion carried 5 to 0.

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

Voting Nay: None

OTHER VISITORS & COMMENTS

* Beverly Hewitt asked about status of removing the Cox Pool sign.

Attorney Floyd stated the sign is on private property, and the property owner has allowed the sign to be on their property.

Ms. Webb stated she has approached the property owner, and they told her it is no different than the advertising on the benches.

Attorney Floyd stated that Mr. Osburn should address this issue to have sign removed because it does not follow the sign ordinance.

Mayor Johnson stated that Mr. Osburn should be making decisions like this when it comes to ordinance violations.

MAYOR & COMMISSIONER’S COMMENTS

* Commissioner Bartley asked if the City has applied for any stimulus funds.

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Ms. Webb stated the City has applied for about \$20 million.

* Commissioner Cook stated that he has received complaints that graffiti was painted on the new piers.

Ms. Webb stated the City is trying to keep on top of that.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk