

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, December 8, 2015 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, Attorney Pat Floyd

Visitors: David Meyer, William Cox, Anita Grove, Joe Taylor, Holly Brown, Creighton Brown, Scooter Hodges, Bo Creel, George Watkins, Beth Wright, Tom Daly, Dolores Croom, Bonnie Davis, Diane Brewer, Despina George, Rhett Butler, Robin Vroegop, Dennis Winterringer, Fred Vogt, Jan Thomas, Susan Clementson, Marie Marshall, Willoughby Marshall, Ralph Richards, Carrie Kienzle, Charlie Kienzle, Paul Arnaldo, Terry Corcoran, Jerry Cooper, Dorothy Cooper, Paul Richardson, David Adlerstein

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

RECOGNITION OF VISITORS

1. Diane Brewer – Restoration and Preservation of Gorrie Square. Ms. Brewer read the following statement:

You have heard me speak before about the importance of preserving the City's unique 1830 plat with its blocks, squares and alleys. We now have a golden opportunity to take another very positive step on this. I am asking that you pass a resolution that will preserve the options for restoring Gorrie Square. This means making no long term commitments for the to-be vacated library building until a final decision on Gorrie Square is made.

1. Prior Work

Along with this resolution, you received a copy of an ordinance you passed in 2013, City Ordinance 2013-1, which expressed the City's desire and commitment to preserve our historic squares by amending the Comprehensive Plan to include policies for denying permits for new buildings on City owned historic squares and prioritizing square design and planning in seeking grants for them. It is evident that the City and we are of the same mind with regard to our squares. We thank you and applaud your taking that important step.

2. Timely Opportunity

The project to build our new City library at a different location is now underway. This gives us all a chance to look ahead and continue the process you began when you passed that ordinance. While we don't know how long the process may take to restore Gorrie Square, it's important to have as many options as possible which is the purpose of passing this resolution tonight.

The original size, configuration and intention of City squares is to be open greenspace, a kind of sort of pocket park as you see in Savannah, Georgia, a place for passive recreation and public enjoyment. Over time the original layout of our squares has been obscured. It is our hope that the City and interested citizens will explore options for restoring Gorrie Square and ultimately settle on a design, secure funding and accomplish it. It will give our City, and its many visitors a chance to see what a restored square is like, and give impetus to restoring others. This will be another very positive step in ensuring our economic prosperity from heritage tourism and help keep Apalachicola pristine for future generations to enjoy.

3. Solely A Place Holder

The purpose of this resolution is solely a place holder to allow the time to let the process of planning, design and fund raising to take place for the restoration of Gorrie Square. This is the same goal as expressed in City Ordinance 2013-1 and will give assurance to those who will be working on it. We ask for your favorable vote to approve this resolution.

Mayor Johnson stated preserving and restoring Gorrie Square is something the Commission has discussed previously and encourages the Commission to pass the proposed resolution.

Commissioner Bartley asked does passing this resolution mean the City can't rent out the building or anything like that.

Ms. Brewer stated all she is asking for is for the City to make no long term commitments regarding the use of the building.

Attorney Floyd read Resolution 2015-16 in its entirety.

Motion to adopt Resolution 2015-16 regarding the restoration and preservation of Gorrie Square made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

2. Dolores Croom – Franklin County MLK Celebration

Ms. Croom stated the 8th Annual MLK Celebration will be held in the Chapman Auditorium. The MLK Celebration advisory board is asking the City to co-sponsor the event and help in a monetary manner. Ms. Croom stated she went before the County Commission asking the same request, and the County directed her to TDC. Ms. Croom stated she discussed this with Curt Blair and TDC has agreed to help.

Mayor Johnson stated that a portion of the TDC funds includes the City's portion so TDC should raise the financial obligation.

Commissioner Cook stated he will bring this matter before the TDC Board at the next meeting.

APPROVAL OF MINUTES

Motion to approve October 29th and November minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve October bill list made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

BUILDING OFFICIAL CONTRACT

Attorney Floyd stated a draft contract was presented at November meeting. Changes have been made and details have been finalized and are now ready for approval.

Mayor Johnson stated fine enforcement should be incorporated into the contract.

Attorney Floyd stated the City's Code Enforcement Officer will issue all fines and monies will be collected by the City.

Discussion held concerning inspection schedule, emergency situations, and permitting process.

Attorney Floyd stated that Michael Hodges will be the inspector/building official that will be assigned to this area.

Motion to approve building official/building services contract with EPCI as outlined by Attorney Floyd made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

HIRING FOR WATER & SEWER POSITION

William Cox stated he interviewed 6 applicants, and recommends Chris Pouncey to fill the water & sewer position.

Motion to hire Chris Pouncey to fill water & sewer position made by Commissioner Bartley, second by Commissioner Cook.

Commissioner Ash if there was any relation between Mr. Cox and Mr. Pouncey.

Mr. Cox stated Chris Pouncey is his wife's half-sister's husband.

Commissioner Ash if there was going to be any problem with Mr. Cox being Mr. Pouncey's supervisor.

Mr. Cox stated absolutely not.

Charlie Kienzle stated Mr. Pouncey will be working directly under his brother-in-law, and that could constitute nepotism.

Ms. Webb stated that supervisors cannot supervise an immediate family member.

Attorney Floyd stated that Rhett Butler can supervise Mr. Pouncey if it's a violation of personnel policies.

Mayor Johnson recommends amending motion to hire Mr. Pouncey contingent upon review of the personnel policies and procedures.

Commissioner Bartley amended motion to hire Mr. Pouncey contingent upon review of the personnel policies and procedures.

Motion carried 4 to 1.

Voting Aye: Elliott, Bartley, Cook, Mayor Johnson

Voting Nay: Ash

CAREERSOURCE GULF COAST CONTRACT – AMENDMENT 2

Attorney Floyd stated he has reviewed the contract and the only change that has been made is the rate per yard has changed from \$62.50 to \$50.00 and contract date is extended to March 31, 2016.

Motion to approve CareerSource Gulf Coast Contract Amendment 2 made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

APPOINTMENT TO APALACHICOLA HOUSING AUTHORITY BOARD

Motion to appoint Nedra Jefferson to Apalachicola Housing Authority Board made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

PLANNING & ZONING

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

Motion carried 5 to 0.

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

Voting Nay: None

CITY CLERK

Ms. Mathes stated the County Representative seat on the Apalachee Regional Planning Council has been vacated by Brenda LaPaz. Carrabelle City Commissioner Calvin Allen is willing to serve if no one from Apalachicola Commission wants the seat.

Commissioner Ash stated she would consider the appointment, but would like more information before she commits to a final decision.

Ms. Mathes stated she will get more information for Commissioner Ash.

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

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD

1. Attorney Floyd updated Commission on Denton Cove litigation.

2. Attorney Floyd stated Library Construction Manager Contract is ready for approval.

Motion to approve Library Construction Manager Contract with Allstate Construction made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb stated a special meeting will need to be held to accept the guaranteed maximum price.

Susan Clementson stated EMO presented a design that had a change in roof design. Ms. Clementson is requesting an additional \$70,000 from Key Funds to incorporate the roof design change into the final plans. Ms. Clementson stated the total from the Key Funds would be \$370,000.

Motion to authorize \$70,000 to be drawn from Key Funds to incorporate roof design change made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Commission set special meeting for Wednesday, December 16th at 12:00 Noon.

David Adlerstein asked Attorney Floyd if the breach of contract with Denton Cove come up if they wish to pursue it.

Attorney Floyd stated one would think Denton Cove would not bring it up after dismissal, but it is possible.

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3. Attorney Floyd stated that Resolution 2015-17 was submitted by Rebecca Jetton. Attorney Floyd outlined Resolution 2015-17.

Ms. Webb stated that currently changes to the LDC and Comp Plan have to go before the Administration Commission. An amendment to the Florida Statutes would allow DEO to review and approve changes and amendments to the LDC and Comp Plan instead of going before the Administration Commission. Ms. Webb stated this change would be to the City's benefit.

Attorney Floyd read Resolution 2015-17 in its entirety.

Motion to adopt Resolution 2015-17 made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

OTHER VISITORS & COMMENTS

1. Charlie Kienzle stated he would hope that the City's Personnel Policy would address nepotism. Mr. Kienzle encouraged people to go to Apalachicola Riverkeepers website and submit comments before January 15th regarding the Corps of Engineers Water Management Plan. Mr. Kienzle encouraged the Commission to put the old fire station property on the market to sell.

Mayor Johnson stated the City has plans for the old fire station.

2. Anita Grove announced a Living Shorelines Workshop for Residents will be held on December 9th from 2:00 – 4:30 PM at the ANEER Nature Center.

3. Creighton Brown stated BOA approved a variance for renovation for Block 165 ½ of lot 2, lot 3, and 17.5 feet of lot 4 (228 8th Street). Mr. Brown stated BOA does not have the authority to split lots so he is here requesting the Commission split the lots into full size lots.

Attorney Floyd stating splitting lots would require a change to the Land Development Code. BOA does not have that authority.

Ms. Webb stated the Commission has already adopted a policy in which to make changes to the LDC.

Mayor Johnson asked what is needed to start the process.

Attorney Floyd stated a recommendation should be made to Planning & Zoning Board to investigate the process to create a special category for historic structures.

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Mr. Brown asked what board he goes before to ask for a special exception.

Attorney Floyd stated Planning & Zoning is the board for special exceptions, but dividing lots is not a special exception.

Carrie Kienzle, BOA Chair, stated the lots in question is non-conforming, and right now is the time to change these historic regulations to address these historic structures that are on non-conforming lots.

Mayor Johnson stated the Commission needs to direct Planning & Zoning to start that process.

Attorney Floyd stated dividing a lot into two pieces is considered a LDC change under the current code.

Discussion held concerning process of changing LDC and length of time it takes to make the changes.

Attorney Floyd stated the Commission can make a motion to start the process to change the LDC to better protect historic buildings and lots.

Commissioner Ash clarified that the Commission is making a motion to change the LDC for the purpose of protecting historical houses and land, to start the process to change or alter the LDC protecting historical structures and land which entails public hearings and the whole process.

Motion to start the process to change or alter the Land Development Code for the purpose of protecting historic buildings and land made by Commissioner Ash, second by Commissioner Cook.

Discussion continued.

Motion carried 5 to 0.

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

Voting Nay: None

4. Dorothy Cooper asked about the status of the Sanchez appeal.

Mayor Johnson stated for the record that it is a modular home.

Attorney Floyd stated he responded to a letter sent by the Sanchez attorney, but hasn't received a response yet.

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5. Susan Clementson stated the Library and Historical Society is having a gathering at the Raney House for author Dick Wahl this Thursday.

6. George Watkins asked about the status of the travel lift repairs.

Commissioner Elliott stated Mike Thrasher still does not have contract.

Attorney Floyd stated he is seeking contracts from other places that have a contractor operate their travel lift to make sure everything is incorporated into the contract.

Commissioner Elliott stated Mr. Thrasher will come up with the terms and Attorney Floyd will incorporate the language into the contract. Commissioner Elliott stated a part has been found for the fly wheel.

Mr. Watkins stated Arthur Hollenbeck put in his application to operate the lift.

Ralph Richards asked about the Harbor Master position.

Mayor Johnson stated that Chief Varnes is the best man for the Harbor Master position.

7. Commissioner Ash expressed concern about there being no outside lights around the project impact site.

Ms. Mathes stated she will investigate what areas need outside lighting.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk