

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, February 6, 2018 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 Anita Grove, City Administrator Lee Mathes, City Clerk Deborah Guillotte, City Attorney Pat Floyd

Visitors: David Meyer, Augusta West, David Adlerstein, Joe Taylor, Jim Bachrach, Bill McCartney, Chris Langston, Lynn Wilson-Spohrer, Ashley Teat, Diane Brewer, Jan Thomas, Chris Moore, Officer Pam Lewis, Charlie Kienzle, Carrie Kienzle, John Alber, Briana Wheatley, Craig Gibson, Creighton Brown, Holly Brown, Terry Weaver, Terry Corcoran, Pam Corcoran, Lillie Turrell, Albert Turrell

Regular meeting opened by Mayor Johnson followed by Prayer and Pledge.

REGULAR MEETING

RECOGNITION OF VISITORS

John Alber – Farmers Market – Participating in EBT Program

Mr. Alber gave update from last meeting in reference to requesting that the Farmers Market be authorized by the City to accept SNAP Funds and this requires use of EBT machine. I was asked at last meeting to research and confirm this process with Commissioner Ash and Attorney Floyd and have done this and think we have come up with a process that will protect the City's general liability.

Commissioner Ash thanked Mr. Alber for his input and stated she is comfortable with information provided by Mr. Alber. Commissioner Ash reviewed the process of the EBT machine and stated it will be kept at the City office, to be checked out on Friday and returned on Monday morning. With each check out and check in of machine there will be a log at City Hall for signature. I have a issue with how the vendor will be reimbursed for their sale for the day and checked with Attorney Floyd about opening an account for the EBT only so these funds will be deposited directly into account and one or two of the volunteers for the farmers market would have access to this account to write these checks to vendor at end of day.

Attorney Floyd stated the safety factor of the EBT machine is that it's not credit card capable and is only good for the SNAP. Also, with this register and the tokens taken out, these are the ones brought back in so we can keep count of them. If someone steals tokens they can only be used at the Apalachicola Farmers Market and they are going to be registered so we will know what is coming back and forth. Attorney Floyd stated if someone's SNAP card was stolen there is really nothing that can be done about this and also, if anyone tried to tamper with EBT machine, this would have to be dealt with when happened. Attorney Floyd stated there really are no bad risks.

Attorney Floyd requests authorization to approve EBT machine for SNAP funds at the Farmers Market in the City of Apalachicola and if a problem comes up in the future, it will be revisited.

Motion to accept proposal to obtain EBT machine solely for the use of the Farmers Market for SNAP funds and is based on the conditions previously discussed regarding the EBT separate account, EBT machine locked at City Hall with staff, tokens being registered, made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Grove, Ash, Elliott, Mayor Johnson

Voting Nay: None

Lynn Wilson-Spohrer- Raney House Progress Report

Lynn Wilson gave update on her volunteer participation for quest of money for the Raney House to secure the maintenance and upkeep of this building.

Ms. Wilson would like to get approval from the Commission to continue to apply for the Florida Trust Grant around \$350,000 and requests the Raney House be taken off the City's commercial properties to be sold since state funding is being sought for restoration purposes.

Mayor Johnson reiterated to Ms. Wilson that there are major issues with the Randy House including the windows, doors and foundation. Mayor Johnson stated if the Historical Society removes the financial burden from the City then he feels it can be removed from the sale list.

Commissioner Ash inquired when the grant is due and Ms. Wilson told her it is due in April 2018.

Mayor Johnson inquired when the Raney House expense can be deleted from the current budget.

Ms. Wilson stated she has met with Ms. Mathes and at the current time she is paying what City has agreed upon.

Attorney Floyd stated that is the condition previously voted on.

Chris Langston – Barge Proposal Battery Park

Chris Langston reviewed a proposal to lease a space at Battery Park point approximately 300' long and 200' wide, with option to expand if need arises, for the purpose of loading shell onto barges. Monthly rental fee would be \$5,000/month with no rent paid for months site is not utilized. Area will be used for stockpiling and loading of fossilized shell material onto hopper barges for oyster habitat restoration locally and out of state. Mr. Langston stated he will carry a \$2million umbrella insurance policy and sign a hold harmless agreement with the City for the duration of this project. Mr. Langston stated they will install barricades, fencing and other precautionary steps to implement the safety of the citizens of Apalachicola. This project will not block the public's access to the public boat ramp, trailer parking nor access to the public pier and walkway. This project will be for approximately 24 months, which will only be actively working 8 to 9 months out of each year. Mr. Langston stated he would like to move the informational monument to the inside of the pier, but will get the City Commission a layout of the whole site and what we plan to do. Mr. Langston is asking that during the site prep work period that no rent be charged.

Commissioner Ash inquired if this is the same kind of operation that the City had leased to barges in the past.

Mayor Johnson stated yes.

Mr. Langston distributed informational material on what the fossilized shell material would look like.

Commissioner Grove inquired what kind of work the site prep would entail.

Mr. Langston stated this would include moving the monument and prepping and leveling the property where the conveyor belt will be, to make it safe for the City and look nice.

Commissioner Ash inquired how Mr. Langston will protect the Bay of the run-off from the fossilized shell.

Mr. Langston stated they would put up a silk fence with a bale of hay against the fence for the run-off.

Discussion held and citizen comments received regarding noise of the operation and dump trucks damaging roads.

Attorney Floyd inquired if Mr. Langston has done this type of operation before where he leased and loaded shell before.

Mr. Langston stated he had in Carrabelle off Timber Island.

Attorney Floyd stated that Mr. Langston would need to get up a drawing/site plan of the complete operation.

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Mr. Langston distributed a short view of this to the board.

Attorney Floyd stated the Commission needs to know what kind of site work will be done, what type trucks, weight of loaded trucks, routes, type of equipment to be used like the conveyor belt, etc.

Commissioner Ash inquired if Mr. Langston is asking for a letter of intent at this time.

Mr. Langston stated a letter of intent with City supporting the project would be sufficient.

Attorney Floyd stated the City needs a copy of the County's support letter. Attorney Floyd suggests letter stating the City of Apalachicola has been approached about Leasing Battery Park Area for offloading fossilized shell onto barges and the City Commission is reviewing this and getting together the terms of the lease.

Mr. Langston stated the main goal tonight is approval that the capability is here to be able to load barges at Battery Park and the City is in approval of this.

Commissioner Grove stated she would like to see agreements between Mr. Langston and other parties. Also there has to be a storm plan in place for the barges.

Attorney Floyd read letter of intent: The City of Apalachicola has been presented with a request by Chris Langston of Coastline Environmental Materials for the lease of a parcel of city property along the Apalachicola River in Battery Park for stockpiling and loading fossilized shell for oyster-bed replanting. This will serve as confirmation from the City that we are interested in working with Mr. Langston and his company to determine the terms and enter into a lease for this purpose.

Motion to approve letter of intent as outlined by Attorney Floyd made by Commissioner Elliott, second by Commissioner Ash.

Motion carried: 4 to 0

Voting Aye: Grove, Ash, Elliott, Mayor Johnson

Voting Nay: None

Restore Act Update – Bill McCartney

Bill McCartney gave update of Restore Act and stated Alan Pierce recommended to the County Commissioners they postpone indefinitely the RESTORE process until such time as the TRIUMPH process has moved forward.

Mr. McCartney stated Cori Henderson and Rick Harper have requested a meeting with the City on February 9th at 1:30 to discuss the City's applications and answer any questions because we have been approved to submit full applications on all 5 TRIUMPH projects. Also, in the TRIUMPH application there is a question asking if this project was submitted and approved by the County Commissioners. It is not mandatory this happen but strongly suggested this happens and I suggest we submit them individually to the County Commissioners and the TRIUMPH board will help us make this decision.

Attorney Floyd asked Mr. McCartney if the application submitted to the County was already the same five as submitted to the TRIUMPH board.

Mr. McCartney stated the application submitted to the RESTORE program was exactly duplicated in the application prepared for the TRIUMPH fund. The other four applications Cindy Clark coordinated and you would have to talk with her.

Attorney Floyd asked Mr. McCartney the applications he is talking with the County, have they already been approved by the County

Mr. McCartney stated they haven't even been addressed yet.
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Mr. McCartney stated the County had wanted to approve the pre-application and approved all pre-apps to anyone wanting to submit one, but the full detailed application has a place for the county to approve or disapprove project.

Attorney Floyd asked will we be able to get this approved by the County and get to TRIUMPH on time.

Mr. McCartney stated yes.

APPROVAL OF JANUARY MINUTES

Motion to approve January Meeting minutes made by Commissioner Grove, second by Commissioner Elliott.

Motion carried: 4 to 0
Voting Aye: Grove, Ash, Elliott, Mayor Johnson
Voting Nay: None

APPROVAL OF DECEMBER BILL LIST

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

Motion carried: 4 to 0
Voting Aye: Grove, Ash, Elliott, Mayor Johnson
Voting Nay: None

APPROVAL OF GRANT SUBMISSION – AUGUSTA WEST

Augusta West stated she is requesting approval to submit grants on behalf of the City. Grant applications are due sometimes before the City Commission meetings.

Commissioner Grove stated she doesn't want to apply for grants in which the City has to match funds.

Commissioner Ash stated she isn't comfortable giving a blanket approval to apply for grants, that in the past anyone submitting a grant comes to meeting each time to get approval before submittal.

Ms. West stated that she will submit to the Board as needed to get approval before each application is due.

SENIOR & DISABILITY UTILITY REDUCTION RATE DISCUSSION

Commissioner Ash stated last month the board approved the ordinances increasing the water and sewer rates and also deleting the senior discount. Commissioner Ash asked Ms. Mathes to review the suggested utility discount criteria plan.

Ms. Mathes outlined the suggested criteria to allow senior discounts. Ms. Mathes stated the seniors were hit hard because they were already receiving a discounted rate, and now they have to pay the same rate as all residential customers.

Mayor Johnson reiterated that DEP recommended the rate study and the Commission has to seriously take into account the SRF loan balance. Mayor Johnson stated Rural Water suggested to eliminate all the different rates which the City did. Mayor Johnson continued stated that if we change rates now, DEP will certainly not be pleased.

Commissioner Ash stated Mr. Mearns mentioned there were a couple communities that offer the senior citizen discount. Commissioner Ash stated she is just trying to find a way to help the seniors.

Mayor Johnson stated that those communities may not have a \$4 million debt.

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Commissioner Grove stated she is also concerned about the seniors and them getting a discount.

Lillie Turrell expressed concern about her increased utility bill.

Mayor Johnson stated the Commission is aware of this burden and that is why in the past the Commission refused to increase water bills, but if the Commission doesn't do something the State will come in and change rates and there will be nothing the City can do.

Commissioner Grove stated her bill went up a bit when we went to radio read meters and that she also had other citizens state the same.

Ms. Mathes stated this is because the radio read meters read very accurately.

Mayor Johnson stated a lot of the difference was old calibrated meters and dead meters that are now working meters getting accurate readings.

Commissioner Ash stated she would like to revisit this issue after further reviews.

CONFIRMATION OF STAFF SALARY INCREASE

Ms. Mathes requests approval for a \$2,000 increase to each City Hall staff member due to taking on extra duties and not replacing 2 City Hall positions.

No action taken.

PLANNING & ZONING

a) Confirm December Minutes

Motion to confirm December Planning & Zoning Minutes made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Grove, Ash, Elliott, Mayor Johnson

Voting Nay: None

b) Cindy Clark – City Planner – Monthly Report - Not present.

CITY ADMINISTRATOR

1) Ms. Mathes stated the Commission needs to hold a CDBG public hearing at the March 6th meeting to start the grant application process.

- 2) Ms. Mathes reminded the Board of the workshop and special meeting on February 13th at 6:30 PM for the solar presentation.
- 3) Ms. Mathes reminded the Board of the TRIUMPH meeting on February 9th at 1:30 at City Hall.
- 4) Ms. Mathes stated utility bills will be due February 16th due to printing problems.

ATTORNEY FLOYD

- 1) Attorney Floyd updated Commission on ongoing Planning & Zoning matters.

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- 2) Attorney Floyd stated Ms. Mathes has tried to make contact with Mike and Robin Vroegop twice about the Harbor Master House lease agreement but has been unsuccessful in contacting them and getting a response.

Mayor Johnson instructed Ms. Mathes return the rental checks until a signed lease is received.

- 3) Attorney Floyd stated he received documentation from Mr. Hall's attorney today stating he is providing the engineers and building experts analysis to confirm the house was constructed according to all requirements.

Commissioner Grove stated she doesn't think any building codes will allow you to permit anyone to pour cement under your house.

- 4) Attorney Floyd gave update on Chris Moore, stating he sent a letter on Friday, requesting the attenuation calculations, so the engineers can get together. The essential part of it is that the City Engineer stated this is a simple matter, these are available, where they have to get the data to us so we can do the calculations, so that there are no more flood waters put on the adjacent properties. Ms. Moore's Attorney has been sick but is suppose to get back with me tomorrow, and we will then get the two engineers together and try to solve this issue.

Attorney Floyd stated Ms. Moore is represented by an attorney, she is not on the agenda tonight, she has an appeal on this issue, and neither myself or the Board are not in the position to talk with her at this time. Ms. Moore has additional documentation that has already been forward to our engineer.

Ms. Moore proceeded to speak outlining what her engineer provided her with on this issue. Ms. Moore further states that she is not aware of any appeal in reference to this issue, that she is speaking as a citizen, and has provided everything the Planning and Zoning and Cindy Clark has requested.

Attorney Floyd stated there are multiple letters, emails and details in what Ms. Moore is trying to discuss and would take about 45 minutes to recite, and we are in the process of dealing with this issue with the engineers as instructed by the Board.

Mayor Johnson stated we are going through the process and Ms. Moore is certainly able to speak, but the Board will not be able to respond at this time.

Ms. Moore stated there is a stop work order that she doesn't know how to get this removed and would like to get this issue resolved. Ms. Moore stated she doesn't have an appeal and asked why the board can't address this matter.

Mayor Johnson stated the Commission has an attorney and it is advised the Commission follow his recommendations.

Attorney Floyd stated the Board can't address this matter because the Board would be the appeal board, the Board would need all evidence involved, not just Ms. Moore's documents, this would be a very timely matter and I sent a letter Friday. Attorney Floyd read letter.

Ms. Moore stated she doesn't think there is anything more to provide to the City and that there is no appeal and why the Board can't talk with her.

OTHER VISITORS & COMMENTS

1) Charlie Kienzle stated if the Harbor Master rental falls through, the Apalachicola River Keepers would be interested to talk about renting it.

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2) Charlie Kienzle commented the City should strongly consider selling the old Fire Station. Mr. Kienzle stated the City should ask Franklin County for Library funds now that the City has a full time certified librarian on staff.

3) Lynn Wilson-Spohrer stated she is not sure if the Chapman Museum is paying city taxes and maybe this needs researching.

4) Joe Taylor gave update on Fire Department fund raising and how funds would be utilized to assist with equipment and training.

MAYOR & COMMISSIONER'S COMMENTS

1) Commissioner Grove gave update on Fire Department stating they are in the process of updating their roster and getting everyone the required training. The Fire Department fundraising group is working towards getting everyone certified and up to speed on the proper training and also updating the equipment.

Mayor Johnson asked if the City is required to have a paid person on the Fire Department.

Commissioner Grove stated no.

2) Commissioner Grove asked the status of selling of City properties, water audit, and enhancement plan.

Ms. Mathes is waiting on the response of the water audit.

Mayor Johnson stated the enhancement plan has been taken care of.

3) Joe Taylor gave update on auxiliary fire department on stipends and training and that the auxiliary and the volunteer fire department will be getting together and have a meeting to see what equipment is needed.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk