

A special meeting of the City Commission of the City of Apalachicola was held on Thursday, October 22, 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 Clerk Lee Mathes, Assistant City Clerk Deborah Guillotte, Officer Chase Richards, Attorney Pat Floyd

Visitors: David Meyer, Rose McCoy, Mike Shannon, Sabrina Fughett, Serrelyn Clark, Betty Fugate, Joe Taylor, Toni Taranto, Hampton & Jane Howard, Kim Tucker, Krystal Hernandez, Heather Henderson, Pam Nobles, Creighton & Holy Brown, Charles Elliott, Stephen Lanier, Carole Brazsky, Mindy Parker, Gladys Gatlin, Dennis & Celia Winterringer, Robert Ammons, Michael and Jilly Michaels, Tana Kendrick, Denis Kembro, George Watkins, Jeremy Billings, Carol Barfield, Augusta West, Jim Bachrach, Fred Vogt, George Coon, Andrea Register, David Adlerstein, Michael Bailey, S. M. Jones, Caty Greene, Cliff Butler, Beth Wright, J. Gordon Shuler, Val Webb, Juli Jones, Pamela Jones, Zachary Jones, Bernard Simmons, Gina Taranto, Susan Clementson, Karen Ventimiglia, Jim Brown, Shermaine Suddeth, Tom Daly, Shirley Walker, Julie O'Malley,

Special meeting opened by Mayor Van Johnson.

BUILDING OFFICIAL/INSPECTOR SERVICES

Ms. Mathes reported two proposals were received for Building Official/Inspector Services which was EPCI Code Administration Services and SAFEbuilt. Ms. Mathes stated both proposals were reviewed and recommends EPCI for Building Official/Inspector Services. Ms. Mathes requests approval to negotiate a contract with EPCI.

Commissioner Ash inquired how EPCI would be paid for their services.

Ms. Mathes stated based on contracts that EPCI has with other cities, services would be paid based on a percentage of permits collected.

Motion to accept EPCI proposal for Building Official/Inspector Services and authorize Ms. Mathes and Attorney Floyd to negotiate a contract made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

USE OF LIBRARY TRUST FUNDS FOR LIBRARY CONSTRUCTION

Ms. Mathes stated the Library Board is requesting an additional \$100,000 of the Library Trust Fund to be used towards construction of the new library making the total amount \$300,000.

Discussion held.

Special Meeting – 10/22/15 – Page 2

Motion to approve additional \$100,000 of the Library Trust Fund to be used towards library construction making the total \$300,000 made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

BOARD ACTION TO REMOVE A HOUSING AUTHORITY BOARD MEMBER AS REQUESTED BY THE MEMBERS OF THE APALACHICOLA HOUSING AUTHORITY

Mayor Johnson stated the City Commission has received information outlining the specific issues that the Housing Authority board members have with Commissioner Carol Barfield and based on their rights outlined in the Florida Statutes, they have met with Commissioner Barfield to discuss the charges. The Housing Authority sent Mayor Johnson a letter requesting the removal of Commissioner Carol Barfield from the Housing Authority Board. Mayor Van Johnson stated he agrees with the statements of the Housing Authority Board and the Executive Director and would like to entertain a motion to remove Commissioner Carol Barfield from the Housing Authority Board.

Rose McCoy inquired if Ms. Barfield was afforded an opportunity to have representation at a formal or informal hearing prior to this dismissal.

Attorney Floyd stated Ms. Barfield was notified by the Executive Director before it was brought before the Housing Authority Board and then again notified before it came before the City Commission that it was recommended for removal. Before the time of this City Commission meeting Ms. Barfield was again approached by these particular charges by the Housing Authority Board. The Housing Authority Board had an internal hearing themselves to go over these particular charges and present the information and they give their recommendations and this particular one right now is required by Florida Statutes where proper process is the Mayor makes the recommendation and the board has to act in concurrence of it and she is then given opportunity here also. Ms. Barfield was given notice October 9, 2015, in accordance with the statute that notice of hearing and purpose of deciding the request for recommendation of the Apalachicola Housing Authority to have her removed from the board because of the neglect and misconduct listed.

Motion to dismiss Ms. Carol Barfield from the Apalachicola Housing Authority Board made by Commissioner Elliott, second by Commissioner Cook.

Attorney Floyd recommended Ms. Barfield have the opportunity to be heard in person in front of the City Commission with respect to the particular charges.

Special Meeting – 10/22/15 – Page 3

Ms. Carol Barfield stated she had received notice by e-mail that the Housing Authority Board was going to be having a meeting about misconduct of a bad neighbor but it wasn't listed who it was. We had misconduct citing in June where one of the board members had said something to Judge Russell at a park and he had dismissed himself so I am thinking this is what we are going back for and when I went to the meeting this is when I found out it was about me. They listed the charges in the letter and I answered all their charges and I disagreed with all but 3 of them. When I was asked to be on the board I had five family members already staying there. We are always connected somewhere, so five family members were already there, so I disagree with that and as the year has worn on more family members have moved in, some distant and some close relatives. In November, one of the board members paid a tenants rent and it was verified that he could do this, so the Chair suggested I pay one of my family members rent since they were so far behind. I told them no I wouldn't do that because they make enough money to do what needs to be done and that I would talk to the parent concerning that family member. I then talked to the parent of what was going on that eviction proceedings would be taken. In the meantime, another lady asked about her child, so I called Steve Lanier and asked him about the person and he said that if she wanted to pay anything on the daughter's rents we would take it. Parents love their children and do not want them to move back home and parents paid the rent. The tenant didn't have to pay their rent because someone stepped up to the plate and paid that family members rent. In January of last year eviction proceedings had already started on another person so we stepped in and tried to stop it from proceeding, the reason being Mr. Lanier had said the lady told him she would catch up on January 13, 2014, and I said that doesn't sound right for her to say that because she works for the county. I ask Mr. Lanier if he wanted me to call and he said yes I could call her and see. I called her and she said she didn't give him that date, she gave him another date so I told her to call the Chair and see what he has to say.

Mayor Johnson asked Ms. Barfield how this relates to the listed charges.

Ms. Barfield stated this relates to #1 and # 2 charges and what Mr. Lanier had cited is that I did talk with them before talking with tenants because they were subject to being evicted. Mr. Davis, Chair of Housing Authority, gave me a number to contact to get more information. He was aware I did contact HUD concerning more information about my role on the board and how to help the board be more effective.

Ms. Barfield addressed charge #4 stating if you come into a house with four family members and those family members grew up and moved away, you are still paying for a four bedroom house and there is only 1 person living in that house. That is unfair to the waiting list we have because we have young people with kids that need to move in, but there are tenants that occupy multiple bedroom units when there is only one person living in the unit.

Ms. Barfield addressed charge #5 stating she received a call from her niece stating her rent had doubled and we were told at a meeting that two tenants rent would be going up double the amount. My niece checked and found out that her rent didn't go up but was the same. She went to the Springfield Housing Authority who said he did it right but he used the wrong title for her labor and her rent stayed the same. What the issue was when I brought it up at the meeting was that I went out and defended this erroneous report made by the Executive Director. We keep having too many issues with him even with him being on the job two and half years. So because this was a family member, I asked Mr. Davis to call and he said he couldn't call and asked me to call, which I did and I identified who I was as well as connection to the tenant. When she brought the paperwork back to me, I turned it over to Mr. Davis. This is where they are talking about inappropriate contact with Springfield Housing Authority.

Mayor Johnson asked if she contacted Mr. Davis.

Ms. Barfield stated she had the text message to prove it.

Mayor Johnson stated so this is the reason for #7.

Ms. Barfield stated #7 states possible Sunshine Law violation. Ms. Barfield said this wasn't a voting issue, this was her rent and it is already set by HUD. As far as the Sunshine Law, I am very strict on the governing of Sunshine Law. Mr. Michael Moron, when he became a board member said I was too hard, because the way I was trained with the Department of Juvenile Justice Sunshine Law, does not apply to housing. I went back and did some more research and relaxed a little bit on the Sunshine Law because I was sticking it in place of where it actually wasn't supposed to be and that's why they say numerous possible Sunshine Law Violations.

Ms. Barfield stated she is contesting all charges but # 1, 2 and 4.

Ms. Barfield has completed her presentation.

Attorney Floyd read the letter dated October 1, 2015, from the Apalachicola Housing Authority to the Mayor to be put in record.

Attorney Floyd read Apalachicola Housing Authority Resolution #2-2016 to be put in record.

Attorney Floyd asked that Steve Lanier, Housing Authority Executive Director, comment on these charges so City Commission can hear and make their decision.

Steve Lanier stated that the board in a special meeting voted 4 to 0 to remove Commissioner Barfield for various actions she has done. There are seven that are identified in the letter, and Commissioner Barfield admitted she had done some of them.

Special Meeting – 10/22/15 – Page 5

Mr. Lanier continued stating the Board felt she had committed all of them and that is why they voted in a 4 to 0 capacity to tell you they no longer wish to have her as a board member. Mr. Lanier stated that none of the board members are here tonight, I am representing them and I do not have a vote. I am the Executive Director and manage the day to day operations of the housing authority.

Attorney Floyd asked if he could give us some of the information that substantiated the allegations.

Mr. Lanier stated since he is not involved in the Sunshine Law, the board comes and discusses issues with me. One of the board members came to me and was concerned about potential sunshine law violations. Two members of the board are county employees and in their capacity are very familiar with the Sunshine Law. Commissioner Barfield would go to them on occasion and discuss issues that could potentially be voted on at the board and this was on numerous topics. They are concerned about her subverting the board action, any vote that was taken, Commissioner Barfield going out in public and talking to various individuals non-related to the housing authority and stir up certain issues, getting back to the commissioners putting them on the spot and they were not comfortable with that. The board approached her in meeting format requesting her not to do that anymore. Specifically, a tenant approached one of our commissioners and asked him if he and the other board members had considered the tenant to be a drug dealer and that she told me (the commissioner) you all feel this way, basically meaning Commissioner Barfield spoke about how board members felt which is not appropriate and put this particular board member on the spot while he was at his office and he felt it was inappropriate that anything that was discussed at that particular board meeting should not get out to that particular tenant they were talking about. Again, it is an ongoing concern that Commissioner Barfield will not listen to what the others have requested continuously discussing issues outside the parameter of the board.

Attorney Floyd asked if he had an example of inappropriate discussion with housing authority tenants and family members.

Mr. Lanier stated he had a family member call and asked when the board was meeting and I told her the date and time. The family member tenant asked if she could come to present a complaint against Commissioner Barfield. The complaint was this tenant was behind in her rent, it was discussed at a meeting and that Commissioner Barfield took this information and apparently went to this particular tenant's family member, who is also her family member to discuss it, and it caused the tenant embarrassment and she was very unhappy about this. The tenant asked if she could come to the meeting but didn't come, but did voice the complaint. Again, even though the housing authority business is on record, there are certain things you are not allowed to do, you shouldn't go out gossiping or talking, embarrassing the tenants, especially in front of a family member.

Attorney Floyd clarified there was information they had discussed that is private information with respect with the housing authority and not to be shared with other tenants about the business of another tenant.

Mr. Lanier stated that HUD is watching the Apalachicola Housing Authority and that if a commissioner contacts them and it is unauthorized, it shows concern that the board is not discussing and resolving issues. The purpose of the housing authority board is to establish policy and not manage the day to day operation. If there are any problems it is my job to contact HUD and ask them a question for Commissioner Davis and not any other commissioner. Commissioner Barfield went outside of the board as the board had warned and discussed issues with HUD that should have never been discussed and HUD was upset about this. HUD then called and discussed this with me and asks that she not contact them any further.

Ms. Barfield stated that she is not sure where to start with what Mr. Lanier said but Ms. Crawford welcomed her call and that she welcomes all the board members calls because of what they housing authority board had been through. Mr. Lanier was putting on a credit workshop so we could move people who had been tenants for long periods into home ownership, and he fought against this. I asked Mr. Lanier to call Ms. Crawford that she thinks it is a good idea and we have money in the budget for this. Mr. Lanier called Ms. Crawford and she said he is the one who should be facilitating these workshops because we do welcome them for the tenants. One of the things I find with Mr. Lanier is that you don't get all the truth of what he has to say. We voted on Mr. Lanier's increase in income along with two of the employees. I have told Mr. Lanier numerous times but these statements are not in the minutes, because he picks and chooses what he wants in the minutes and that he does not understand affordable housing. When you have that kind of thing going on, me studying the board and getting information and bringing it back and he stonewalls any change, those are the issues the board is facing not just me, we should be a board of one working progressively forward.

Mayor Johnson stated it is her fellow Commissioners, not the executive director that has levied these issues against you.

Ms. Barfield asked where my accusers are. They should have been here because they knew I had a rebuttal for them, because we discussed it at a meeting.

Attorney Floyd asked Ms. Barfield if these same issues and information presented here are the same that were presented to the Apalachicola Housing Authority Board when they had their meeting, and was the same thing Mr. Lanier presented talked about at the Apalachicola Housing Authority Board.

Ms. Barfield said that some of what Mr. Lanier said was presented.

Mayor Johnson stated the other Housing Authority members still voted to have you removed.

Commissioner Elliott thanked Ms. Barfield for volunteering for this committee in helping the community.

Commissioner Elliott stated that if he was in her position, and they voted against me, I would not want to be on that board.

Mayor Johnson stated in the operation of the City that we have to have unity within the board, whether you agree with one another or not, you have to have some type of working relationship where we don't have issues like this happening. I am sensing that you guys don't get along and we don't need this on that board. I don't want to convene into executive session with attorney's figuring out how we are going to come up with money to pay for mistakes made out there.

Attorney Floyd stated Florida Statutes require findings be made including the fact that there are the issues that have been documented and admitted are numbers 1, 2 and 4 of the charges and findings. There have been reference on the others, but these are admitted.

Motion amended to include the fact of finding that Commissioner Barfield disagrees with charges 3) refusal to allow proper procedures in accordance with the Handbook for the Apalachicola Housing Authority Commissioners; 5) inappropriate contact with Springfield Housing Authority concerning your relative who is a tenant of the Apalachicola Housing Authority; 6) continuing potential conflict of interest in your capacity as Commissioner with five family members who are tenants of the Apalachicola Housing Authority; and 7) numerous possible sunshine law violations, but Commissioner Barfield agrees with charges 1) unauthorized discussions of housing authority meeting business directly with affected tenants and others; 2) inappropriate discussions regarding housing authority tenants with family members and non-family members; and 4) unauthorized and non-committee approved contact with HUD, Jacksonville Florida field Office on at least two known occasions, made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

SCIPIO CREEK OPERATIONS DISCUSSION

Commissioner Elliott gave update on lift at Millpond. Commissioner Elliott introduced Mr. Mike Thrasher. Mr. Thrasher is the only application that was received in response to ad for the Scipio Creek Repair Yard Operations.

Mr. Thrasher reviewed his proposal of goals and objectives for Mill Pond and potentially Battery Park and asked that the City Commission please consider him for the contract repair yard position for Mill Pond.

Special Meeting – 10/22/15 – Page 8

Discussion held.

Commissioner Bartley stated that it is his understanding that the Scipio Creek Grant requires the lift operator to be OSHA certified.

Mr. Thrasher stated if the lift operator had to be OSHA certified he had no problem getting certified. Mr. Thrasher stated he has a marine repair business he would like to run out of the Mill Pond such as fiberglass, diesel, gas and welding and you wouldn't have to go anywhere else for this kind of repair.

Jim Brown stated that it is not just commercial boat lift, but also recreational.

George Watkins stated if the City hires a harbor master, he thinks it should be a local person. Mr. Watkins stated that at the last meeting the Mill Pond Committee didn't vote to get a new harbor master and not sure where this is coming from.

Commissioner Elliott stated that we are here at this time to get someone to work the boat lift at the Mill Pond.

Mayor Johnson said he agrees with Mr. Watkins on not turning over the whole operation at this time but just the operation of the boat lift.

Motion to authorize Attorney Floyd to negotiate contract with Mike Thrasher for the boat lift operator at Mill Pond contingent on Mr. Thrasher getting his certification if required by OSHA made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

Commissioner Ash inquired about the fee schedule for haul out of boats.

Discussion held.

Ms. Mathes stated a fee schedule will have to be determined, and brought back before the Commission.

DISCUSSION AND BOARD ACTION ON EXPENDITURE OF BP SETTLEMENT MONEY TOWARD SUBMITTED PROJECTS

Commissioner Ash stated that items 1) TTHM and 2) Ellis VanVleet Sewer Manhole Restoration are necessary and have already been approved. Items 8) Fire Department Restoration, 9) Franklin Square

Special Meeting – 10/22/15 – Page 9

Upgrade, 10) Community Center Upgrade, 11) Johnson Complex Upgrade and also Holy Family are basically City owned buildings needing improvements and I suggest setting aside \$100,000 in a maintenance fund and prioritize the repairs. Allocate \$20,000 for ordinance codification. Allocate \$50,000 for Battery Park playground equipment since we have opportunity to get equipment half price, but also note that other parks in the City will be upgraded when properties are sold as discussed. Allocate \$100,000 into a reserve to use as a match incentive since the Commission has already approved a request to apply for Triumph funding for affordable housing. Main Street Project, I have concerns and issues and would suggest \$50,000 total for this project, however, we will not inject the total \$50,000 into the program, since I have issues with the ability to sustain the program beyond what is injected. If we are not to sustain that program down the road, I have concern injecting monies into this if it can't take care of itself. I would like to see some kind of plan that can show this program can support itself and not be dependent of the City supporting it down the road. Commissioner Ash apologized but forgot the Firing Range Project and recommends cutting the building maintenance to \$75,000 and fund \$25,000 for firing range.

Officer Chase Richards outlined the Firing Range proposed project.

Mayor Johnson stated we could start off with the \$25,000 for the first phase of the firing range.

Citizen comments received.

Motion to allocate \$50,000 for Battery Park Playground equipment made by Commissioner Bartley, second by Commissioner Ash.

Motion carried: 5 to 0

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

Voting Nay: None

Motion to allocate \$20,000 for Ordinance Codification made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

Motion to allocate \$25,000 (Phase 1) to the Police Department Firing Range with research of risk management to cover cost of this project and report to Commission made by Commissioner Ash, second by Commissioner Bartley.

Special Meeting – 10/22/15 – Page 10

Motion carried: 5 to 0

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

Voting Nay: None

Motion to allocate \$100,000 for affordable housing program to be reserved as a match incentive for applying for a grant and other potential funding opportunities not to be used until those opportunities have come forth made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

Motion to allocate \$50,000 to Main Street with \$25,000 injected for year one and \$25,000 to be reserved for year two, then after year one there will be review of proposed sustainability and proposed future of Main Street operations made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

Motion for remaining BP Settlement money to go into a maintenance fund for City properties made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, Assistant City Clerk

