

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, January 8, 2013 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 Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd

Visitors: Mike Standley, Anita Grove, Ashley Teat, Geoffrey Hewell, Tami Ray Hutchinson, Joe Taylor, Paulette Moss, Dolores Croom, Carrie Kienzle, Beverly Colwell, Robin Vroegop, David Adlerstein, Jim Philyaw, Clarice Powell, Susan Richardson, Leslie Coon, George Coon, Cindy Clark, Carol Barfield, Patsy Philyaw

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

RECOGNITION OF VISITORS

1. Dolores Croom – Ms. Croom invited Commission to participate in the annual banquet celebration for Dr. Martin Luther King, Jr. to be held on Monday, January 21st at 11:00 AM.

2. Tamie Ray Hutchinson – Ms. Hutchinson, representing H'COLA, asked permission for use of Franklin Square area for annual African American History Festival to be held February 15-17. Ms. Hutchinson also request permission to block streets as done in the past.

Motion to authorize use of Franklin Square area and block streets for annual African American History Festival on February 15-17 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve December minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve November bill list made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

PLANNING & ZONING REPORT

Jim Philyaw expressed concern about the Family Dollar Store permit process. Mr. Philyaw stated he is under the impression that a permit is already in the works for this project without it going thru the proper channels. Mr. Philyaw requested an update on the project.

Ms. Webb stated that Family Dollar Store came before Planning & Zoning Board in April to get approval for signage. Family Dollar Store proceeded to move forward based on information received in April. At November Planning & Zoning meeting, Family Dollar was told that they would have to go through the special exception process. Family Dollar is on Monday's Planning & Zoning agenda. Ms. Webb stated that Planning & Zoning has not approved a permit.

Attorney Floyd stated that Planning & Zoning is still handling this matter, and Planning & Zoning should continue to handle this matter before it comes to the Commission. Attorney Floyd stated a letter has been received from Family Dollar regarding the delay, but Family Dollar purchased the property based on past actions of Planning & Zoning.

Geoffrey Hewell stated it was pointed out that a special exception was needed and that is the way Planning & Zoning left it, but there is nothing in the Land Development Code that lines up to give them a special exception. All Planning & Zoning approved was the size of a sign. Mr. Hewell requested that Attorney Floyd be present at Monday's Planning & Zoning meeting for legal direction.

Attorney Floyd stated that attorneys for Family Dollar are reviewing this matter. It is not correct procedurally for the Commission to make a decision until Planning & Zoning gives a decision.

Mr. Philyaw stated this must go to the Board of Adjustment. Mr. Philyaw stated he doesn't want to be put in the position of Family Dollar getting approved for a permit then him having to go through the appeal process.

Ms. Webb stated if Planning & Zoning approves a permit then there is an appeal process, but construction has not been approved at this point.

Attorney Floyd stated that Mr. Philyaw has made an appeal to the City because he feels past Planning & Zoning actions were incorrect, so Mr. Philyaw will file the correct paperwork to start appeal process.

Ms. Webb stated the appeal time for April actions might be past the allotted time but she will check into it.

Mr. Philyaw stated Family Dollar has to start the process over because no permit has been approved.

Ms. Webb stated that there are 3 neighbors that are opposing the Family Dollar Store for this location.

Attorney Floyd stated the Commission will not make a decision on this matter tonight. Concerned citizens need to attend the Planning & Zoning meeting.

Discussion held.

Mayor Johnson asked when this problem began.

Ms. Webb stated that Family Dollar came before Planning & Zoning in April. Ms. Webb stated it is not uncommon for a developer to present an idea to Planning & Zoning in advance before approval.

Carrie Kienzle stated that Family Dollar only asked about a sign.

Ms. Webb stated that Family Dollar talked about a sign they wanted for development on that property.

Ms. Kienzle stated that Family Dollar asked for sign approval and they made it clear it was for this property.

Ms. Webb stated that she and Mr. Wilbur were approached by Family Dollar to remove trees on property. They were informed a tree survey was needed, and that is the reason the trees are marked.

Attorney Floyd read past Planning & Zoning minutes regarding Family Dollar issue.

Ms. Kienzle requested that Monday's Planning & Zoning meeting be recorded. Ms. Kienzle stated she feels all meeting should be recorded.

Commissioner Cook stated the project has not been approved, and there are several more steps that need to be taken before it can or can't be approved.

Attorney Floyd stated Planning & Zoning needs to do their job first. There are a lot of steps that have to be approved by Planning & Zoning.

Motion for Attorney Floyd to attend January 14th Planning & Zoning meeting and to record this meeting made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

CITY ADMINISTRATOR REPORT

1. Ms. Webb outlined Grants & Projects Timeline report.

Commissioner Ash stated she would feel more comfortable if the City has a Plan B for the Scipio Creek Haul-Out Project.

Ms. Webb stated this project has to come back before the Commission to award bid. Ms. Webb stated additional funding is needed for Haul-Out Slip. By the time the bid is awarded, the City has to have a plan. The City has to stay within the timeframe to spend what funding is available now.

2. Ms. Webb stated the following bids were received for the CDBG Restroom Project:

Poloronis Construction, Inc.	\$300,036.68
North Florida Construction, Inc.	\$390,227.00
PSBI	\$406,460.00

Motion to award bid to Poloronis Construction for \$300,036.68 contingent on outcome of soil samples made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

Commissioner Ash stated that there are some line items in Poloronis bid that seem excessive.

Ms. Webb stated that engineers did a projected estimate for this type project, and they feel this is what the project will cost. Ms. Webb stated January 16th is projected start date.

3. Ms. Webb stated that GSA will be here on Thursday to look at ANERR building. GSA is requesting a one year extension rather than 6 month.

4. Ms. Webb stated the Work Force Program has asked if the City would want to pick up some workers under the program. Ms. Webb stated she has requested 5 workers. Ms. Webb stated she needs authorization to proceed.

Motion to authorize Ms. Webb to proceed with Work Force Program employees made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

Commissioner Ash asked the employment time frame.

Ms. Webb states it will end June 30th.

Anita Grove stated that she has been trying to get the Gorrie Museum and Orman House to remain open. Ms. Grove stated it would be wise for the City to want to keep the St. Vincent attraction open.

Ms. Webb stated it was never the City's intent to get rid of St. Vincent. The City is just trying to get them to relocate to the ANERR building.

5. Ms. Webb stated Ashley Teat is present to discuss fire inspection service. Mr. Teat has calculated approximately \$25,000/year in revenue he can generate. Ms. Webb stated she informed Mr. Teat that it would be more beneficial for the County to pick this up, but not receiving a lot of response from the County. Ms. Webb stated she is looking at other options like offering service through the Fire Department, and is also going to bring up for discussion at Planning & Zoning to see if they want to add this as part of the building requirement. Ms. Webb stated that this time she will continue discussion with County, and bring to Planning & Zoning so people will know that Mr. Teat is available to do this type of service.

Mayor Johnson asked if Planning & Zoning makes this part of permit requirement, the individual would contract with Mr. Teat.

Ms. Webb stated that is correct. Ms. Webb stated at some point the City will either have to make it mandatory or voluntary.

Mr. Teat stated there are some grants that may fund the position. Mr. Teat stated his goal is to educate business and home owners on fire safety.

Ms. Webb stated it would benefit the City to adopt the National Fire Standard Codes.

6. Ms. Webb stated the annual Oyster Cook Off is the fundraiser for the Fire Department and will be held on January 19th.

7. Ms. Webb presented Commission a list of three-way and four-way stops to be created. Ms. Webb asked Commission to review list and note which ones should be addressed for Phase 2.

Clarice Powell stated that speeding is a problem on 9th Street on Avenue G & Avenue F.

Ms. Webb stated that intersection has not been advertised.

Ms. Powell stated a stop sign is not necessary, but maybe just a sign to slow traffic.

Phase 2 three-way stops are 22nd Avenue & Cornelius Rizer and 22nd Avenue & Bobby Cato. Phase 2 four-way stops are 8th Street & Avenue H; 10th Street & Martin Luther King, Jr.; 22nd Avenue & James Clay; 22nd Avenue & Earl King.

8. Motion to authorize payment for Attorney Floyd invoice made by Commissioner Elliott, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

9. Ms. Webb stated she has received notice from DOT for Beautification Project and it appears the City has been awarded the funds.

Susan Richardson stated that some stop signs are faded and can't been seen.

Ms. Webb stated that is on the winter project list.

ATTORNEY FLOYD REPORT

Attorney Floyd updated Commission on Restore Act. Attorney Floyd stated a workshop is scheduled for January 15th at 6:00 PM to discuss Restore Act applications and to receive public comments.

Ms. Webb stated that applications can be picked up at City Hall and is also available on the City's website.

Attorney Floyd reviewed how monies will be distributed.

Discussion held concerning Restore Act Committee appointment.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk