

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, June 3, 2008 at 6:00 PM in 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, Grants Manager Cindi Giametta, Building Official Gene Osburn, City Attorney Pat Floyd, Chief of Police Bobby Varnes, ESG William Cox, BDI Ken Hatcher & Kate Hartman

Visitors: Wilbur Bellew, Beverly Hewitt, Sally Williamson, George Mahr, Pam Mahr, Robert Davis, David Adlerstein, Anita Grove, Joe Taylor, Bob Dieter, Diane Dieter, Bobby Miller, Geoffrey Hewell, Ed Tilley, Marjorie Solomon, Roy Solomon, William Poloronis, Tammy Hutchinson, Scott Tucker, Laurie Tucker, Casey Tucker, Karlie Tucker, Anna Marie Cannatella

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

RECOGNITION OF VISITORS

* Joe Taylor – Visual Arts Center & Museum – Mr. Taylor outlined the proposed program. Mr. Taylor stated the Board of History, Culture and Arts would consist of a seven person board to be appointed by the City Commission, and the community visual arts center would be a function of the City of Apalachicola. Mr. Taylor stated the ideal location for the visual arts center would be the Cotton Exchange because of the downtown central location, and the building has the required amount of space. The visual arts center would be self sustained. The City would not be required to provide any funds for operation, just provide the building. Mr. Taylor stated that fundraisers and workshop fees would provide most of the operating income needed to support the program.

Motion to allow visual arts center to be located at Cotton Exchange, and to appoint Commissioner Val Webb, Bill Spohrer, Marie Marshall, Ed Springer, Teresa Martin, Anita Grove, Pam Mahr, and Joe Taylor to the Board of History, Culture and Arts made by Commissioner Webb, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve May minutes made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILLS

Motion to approve May bill list made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

Bob Dieter stated that a DOT representative has indicated that if the City wants to continue to get grant funding through DOT, then the City would need to join with Franklin County on projects. Mr. Dieter stated it is his understanding that the County level has better means of obtaining DOT grant funds than working on the City level. Mr. Dieter stated the he and Ms. Webb is going to have a meeting with Alan Pierce next week to discuss how all of this will work.

Mayor Johnson asked if Carrabelle has to join with the County also.

Mr. Dieter stated this would include the entire County. Mr. Dieter stated he will keep the City informed as more information is obtained.

Mr. Dieter stated that Mark Friedman has requested a 4 way stop at the corner of Avenue C & 16th Street. Mr. Dieter stated he is not sure about a 4 way stop, but something needs to be done to slow traffic down in that area.

Mayor Johnson recommends to have police department patrol area more frequently, and have Chief Varnes make recommendation at July meeting to see if 4 way stop is needed.

Chief Varnes stated he will take care of this matter, and have recommendation at next meeting.

Bobby Miller stated he has talked with the surrounding neighbors, and no one is in favor of a 4 way stop. Area just needs to be patrolled more frequently.

Mayor Johnson stated the Chief of Police is going to have area patrolled more frequently, and he will have a report at the July meeting.

Mayor Johnson asked Ms. Webb if some Children at Play signed could be installed in that area.

Ms. Webb stated she will order some signs, and have them installed in the area.

CHAMBER OF COMMERCE REPORT

Anita Grove presented monthly report. Ms. Grove stated the annual meeting will be held on June 4th at 12:00 Noon at Caroline's if anyone would like to attend. Ms. Grove asked about the status of TDC funds for Lafayette Park and a new City sign, and also about the removal of empty real estate publication boxes on the City sidewalk.

Ms. Webb stated she has just recently been informed that the City has been awarded the funds from TDC.

Attorney Floyd stated if the empty boxes are on the State right of way, that falls in the jurisdiction of DOT and the City will have to coordinate with DOT to remove the boxes. If the boxes are on the City right of way, then the City can just remove the boxes.

Joe Taylor stated he thought obstructions on the sidewalks was incorporated in the sidewalk ordinance.

Ms. Webb stated she will review the ordinance and have a report at July meeting.

POLICE DEPARTMENT REPORT

Chief Varnes stated the Police Policy & Procedure Manual needs to be adopted so officers have a guideline to go by.

Mayor Johnson stated that Attorney Floyd has not finished reviewing the manual, but can hold a special meeting if necessary to adopt manual.

Ms. Webb stated the City will be having a joint workshop around the 23rd with Planning & Zoning if the Commission wanted to hold a special meeting following the workshop.

Mayor Johnson stated he feels the 23rd will be too late. He would like for a special meeting to be scheduled around the 16th.

Ms. Webb stated she will inform Commission of definite meeting and workshop dates.

Beverly Hewitt stated the officers are not leaving the pink slips at businesses to let the owners know the officers have checked the security of the business. Ms. Hewitt stated a shop owner did not lock their door, and was not notified that their business was not secured. Ms. Hewitt asked if there was some way the officers can contact the business owners.

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Chief Varnes stated the officers can contact the sheriff's department and get a number and address of the business owner. Chief Varnes stated that officers try to check all businesses, but if the officer gets tied up on a case, it can't be guaranteed the businesses will be checked every night.

CITY ADMINISTRATOR REPORT

Ms. Webb reported on the following items:

- * The old waterworks building on 5th Street will be discussed at the June 9th Planning & Zoning Meeting to get a decision on what they recommend for the future of the building. Building may be beyond the point of being saved.
- * RFQ's have been completed and procurement process is underway for engineering advertisement.
- * DEP has accepted the use of the \$500,000 allocation for WWTP capital improvements.
- * An emergency repair at the Raney House came in around \$12,000. The back wall of the Carriage House has major damage, and an immediate repair had to be done to save the building. The Oven Trust funds will be used as far as allowable for the repair.
- * Ms. Webb presented itineraries to the Commission for the RiverWay South Group activities that will be held in Apalachicola next week. Ms. Webb stated that David Adlerstein at the Times will be doing an article to let people know about the town meeting, and all boards will be notified.

Mayor Johnson asked if this group was targeting the waterfront.

Ms. Webb stated they are going to present some designs for the parks, waterfront area, and board walk, just basically present overall visioning ideas.

Ms. Webb asked if she could be the City liaison to the Board of History, Culture and Arts.

Motion to appoint Ms. Webb as City liaison to the Board of History, Culture and Arts made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Mayor Johnson asked if the City was ready for the ESG transition.

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Ms. Webb stated her biggest challenge is finding a Class B operator. Ms. Webb stated she has been in contact with DEP about having an operator on call, not necessarily on site. Ms. Webb stated that most of the ESG personnel is staying and will be working for the City. Ms. Webb stated she feels confident that everything will be ready to go by the end of the month.

ESG REPORT

William Cox gave the monthly report. Mr. Cox stated everything has been running smoothly, and they are working towards getting prepared for hurricane season.

BUILDING DEPARTMENT REPORT

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

Motion carried 5 to 0.

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

Voting Nay: None

Gene Osburn stated the building permits have increased a little with 2 permits issued for new construction. Mr. Osburn he will start issuing citations to repeat offenders for not obtaining building permits prior to construction.

Mayor Johnson asked if the new permits were given to the property appraiser's office in a timely manner.

Mr. Osburn stated he prepares copies for them every 2 to 3 months.

Mayor Johnson stated he wanted to talk with Mr. Osburn about this matter.

GRANTS MANAGER REPORT

Cindi Giametta stated that Ken Hatcher has information on the Veteran's Park bid.

Ken Hatcher stated that 3 bids came in for Veteran's Park. The original bids are Marine Contracting Group - \$2,642,612.00; Davis Marine - \$1,671,902.00; and Poloronis Construction - \$2,208,700.00. All of these bids were overbid, so the project was rebid. The rebid bids are Marine Contracting - \$859,701.80; Davis Marine 0 \$850,000.00; and Poloronis Construction - \$1,325,562.00. Upon negotiations, BDI recommends to accept the final bid of Marine Contracting Group at \$832,701.80.

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Commissioner Elliott asked if Polaronis Construction bid was too high for funds to cover.

Mr. Hatcher stated his bid came in around 40% higher.

Motion to accept Marine Contract Group bid for \$832,701.80 for Veteran's Park subject to approval of all funding agencies made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

REPORT ON PROJECT ACTIVITY

Mr. Hatcher presented Commission with project status report.

Ms. Webb stated that request for additional funds have been submitted to complete work at Battery Park Marina. Ms. Webb stated she is trying to coordinate a meeting with Smokey Parrish and Waterfront Committee to discuss an alternate site for Scipio Creek Haul Out Slip.

Mr. Hatcher stated that DEP is working up some amortization schedules for Reuse Project.

Katie Hartman stated she is the engineer that has been working on the application for the police/fire station. Application will be submitted this week.

Marjorie Solomon asked about the derelict vessel across from Grady Market.

Ms. Webb stated there are funds left over in the Derelict Vessel Grant for additional vessels to be removed. She and Cindi Giametta are working with the local FWC Officer on getting additional vessels tagged.

Geoffrey Hewell asked if there was a start date for Veteran's Park.

Mr. Hatcher stated they are waiting to see what the schedule is for Lafayette Park.

ATTORNEY FLOYD REPORT

* Attorney Floyd stated that the appraisal for the police/fire station came in at \$522,000. The appraisal expense needs to be included in the grant budget. Attorney Floyd stated the legal services agreement and an attachment to the legal services agreement need to be approved to complete grant application to USDA.

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Motion to approve legal services agreement and attachment to legal services agreement to complete USDA grant application for police/fire station made by Commissioner Webb, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

* Attorney Floyd stated the management agreement between Three Serviceman Statute and the City and the lease agreement between Florida Department of Environmental Protection Division of Recreation and Parks and the City is ready for approval. Attorney Floyd reviewed the management agreement and lease agreement.

Ms. Webb stated the management agreement was not discussed at the previous meeting with the State, and it might not be a bad idea to hold public hearings for the management agreement.

Motion to approve management agreement between Three Serviceman Statute and City and the lease agreement between Florida Department of Environmental Protection Division of Recreation of Parks and the City contingent upon any changes per review of Attorney Floyd, Commission, and Ms. Webb made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Attorney Floyd updated Commission on Corps of Engineers litigation.

* Attorney Floyd stated he has not had an opportunity to research the hunting issue on City property at Airport as requested by Mayor Johnson.

* Attorney Floyd stated that Robert Davis is requesting to reopen the Game Room. The business was forced to close previously due to complaints. If Mr. Davis wants to reopen the business, it would require a special exception if applicable or a land use change.

OTHER BUSINESS

* Joe Taylor asked if the Board of History, Culture and Arts needed to fill out application forms.

Ms. Webb stated she will make copies of the form for Mr. Taylor.

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* Ms. Webb stated there are 2 vacancies on the Waterfront Committee. Mark Rodgers has resigned and the slot of waterfront business owner is vacant.

* Beverly Hewitt asked if some of the City Recreation funds could be used for the art program at Cotton Exchange.

Commissioner Webb stated the recreation funds will be used to fund summer recreation program. Art will be included in the City's summer program.

Ms. Webb stated that some of the funds have been used for upgrades to the ball field per Commissioner Elliott, and the rest of the funds will be used on the summer program.

* Joe Taylor stated he has asked George Mahr to attend the meeting to see if he could be appointed to the Waterfront Committee.

Ms. Webb read section from Code of Ordinances pertaining to qualifications for committee members.

Motion to appoint George Mahr to Waterfront Committee made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb stated she still has the at large resident slot to fill if anyone is interested.

* Mayor Johnson stated he has received a letter from the Supervisor's of Elections Office regarding runoff elections in the City. Mayor Johnson stated that Ms. Gibbs is stating that she does not have ample time to prepare the ballots and get machines programmed within the two week time frame after the general election. Ms. Gibbs is suggesting the City back up the runoff election 30 days or do away with the runoff election entirely.

Attorney Floyd stated that changing the election procedures will require a charter change. Attorney Floyd stated he will check with the State to see what needs to be done to make sure the procedure is done properly.

Motion to authorize Attorney Floyd to proceed with process changing the election procedures in the City of Apalachicola Charter made by Commissioner Bartley, second by Commissioner Webb.

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Motion carried 5 to 0.

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

Voting Nay: None

* Mayor Johnson stated there will be a community wide health screening and blood drive on June 23rd. Mayor Johnson stated a proclamation needs to be approved declaring June 23rd as Home is Where the Heart is Community Wide Blood Drive day.

Motion to approve proclamation as outlined by Mayor Johnson made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Commissioner Elliott stated he has talked with Polaronis Construction, and they are planning to start paving in front of the boat ramps tomorrow. Would it be legal to launch boats from 1 ramp while work on the seawall is underway or does the project need to be completely finished?

Ms. Webb stated when work starts on the seawall, it might be possible to launch boats on the far dock.

Mr. Hatcher stated there are times when this is allowed.

Commissioner Elliott asked when Polaronis was finished with the boat ramp part of the project, will he be released from liability for that part of the project.

Mr. Hatcher stated he thinks he would be released from liability for the part of the project.

* Commissioner Elliott announced his little girls softball team won the County title.

There being no further business, meeting adjourned.

Van W. Johnson, SR., Mayor

Lee H. Mathes, City Clerk

