

Two public hearings and a regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, January 5, 2010 starting at 6:00 PM in 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, Chief of Police Bobby Varnes, Street Superintendent Marvin Croom, Public Works Foreman Wilbur Bellew, Water & Sewer Foreman William Cox, Building Inspector Gene Osburn

Visitors: Bill McCartney, Bob Dieter, Diane Dieter, James Waddell, George Coon, Carolyn Wilson, Charles Wilson, Bruce Ballister, Gayle Johnson, Anita Grove, Geoffrey Hewell, Clarice Powell, Sally Williamson, Steve Bonifay, Dieter Ambos, Liz Kelsey, Joe Taylor, Craig Gibson, Caty Greene, Lisa Hooker, Wesley Creamer, David Adlerstein, Leon Bloodworth, G. Lether, John Sink, Jimmy Lashley, Mark Tarmey, Sherman Thomas, Tami Ray-Hutchinson, Amanda Allen, Michael Allen, Lillie Turrell, Stephen Tino, George Watkins, D. T. Simmons, Tanicia Pugh, Santana Myers, Brittney Simmons, Felicia Cummings, Beverly Connors, Perry Floyd, Becky Floyd, Kenneth Wilson

Public hearings opened by Mayor Johnson followed by prayer and pledge.

PUBLIC HEARING – SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT – SCIPIO CREEK REVITALIZATION PROJECT

Bruce Ballister stated the City is resubmitting grant for Scipio Creek Revitalization Project. Mr. Ballister explained problems with first application and stated this is the first public hearing for reapplication for this funding cycle.

Jim Waddell reviewed preliminary engineering report regarding Scipio Creek.

Mr. Ballister outlined repairs that are fundable through the grant and that a second public hearing will be held in the future. Mr. Ballister stated he is still waiting for final comments from EDA and that the City will need to hold citizen advisory committee meetings.

Mayor Johnson asked how long construction will take once funding is in place.

Mr. Ballister stating at this time, funding is still available from 2008 but application will have to be submitted before March. The 2009 cycle opens in March.

No further comments. Public hearing closed.

PUBLIC HEARING – ORDINANCE 2009-05 – GOLF CART ORDINANCE

Attorney Floyd reviewed changes made to proposed ordinance.

Sally Williamson asked if this ordinance applied to every golf cart operator.

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Attorney Floyd stated this applies to all golf cart operators.

Geoffrey Hewell asked how the City can guarantee that every operator has insurance coverage to cover accidents.

Attorney Floyd stated that section applies only to rentals, not personally owned golf carts.

No further comments. Public hearing closed.

REGULAR MEETING

Mayor Johnson presented award to Kenneth Wilson for Public Works Employee of the Month.

Mayor Johnson presented Charles Wilson with award of appreciation for work he does with Franklin County Veterans.

RECOGNITION OF VISITORS

* John Croom – Cocktail Lounge Hours – Mr. Croom stated under the current ordinance, bars are required to close at 1:00 AM on Friday and Saturday nights. Mr. Croom is requesting ordinance change that would extend bar hours until 2:00 AM on Friday and Saturday nights. Mr. Croom stated he could add on employment if time was extended one hour.

Mayor Johnson stated he would like for Planning & Zoning to evaluate this request first because it is in the C2 area.

Leon Bloodworth stated he will address this request with the Planning & Zoning Board.

* Sherman Thomas – Mr. Thomas addressed several community issues involving hill area.

ADOPTION DECISION – ORDINANCE NO. 2009-05 – GOLF CART ORDINANCE

Motion to adopt Ordinance No. 2009-05 made by Commissioner Elliott, second by Commissioner Cook.

Attorney Floyd read Ordinance No. 2009-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA PROVIDING FOR THE USE OF GOLF CARTS UNDER CERTAIN CONDITIONS AND RESTRICTIONS PURSUANT TO FLORIDA STATUTES SECTION 316.212 (FLA. STAT. 2003); PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF STREETS AND ROADS WITHIN THE CITY OF APALACHICOLA AND CHANGES IN SAID DESIGNATION FOR THE USE OF SAID GOLF CARTS BY THE CITY COMMISSION BY RESOLUTION FROM TIME TO TIME; PROVIDING FOR LIMITED EXCEPTION FOR THE RENTAL, SHORT TERM LEASE OR USE OF GOLF CARTS IN CONNECTIONS WITH COMMERCIAL OR BUSINESS PURPOSES BY PERSON(S) WHO ARE NOT THE OWNER

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OF THE GOLF CART; PROVIDING FOR AN ANNUAL REGISTRATION FEES ESTABLISHED BY RESOLUTION FROM THE CITY, PROVIDING THAT GOLF CARTS ARE NOT ALLOWED OR PERMITTED TO BE LOCATED OR OPERATED ON THE SIDEWALKS, PARKS, PIERS, DOCKS, OR OTHER PROPERTY OF THE CITY OF APALACHICOLA; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ORDINANCE NUMBER 2005-01 AND THAT THE PROVISIONS OF THIS ORDINANCE SHALL SUPERCEDE AND TAKE PRIORITY OVER CONFLICT PROVISIONS OF OTHER ORDINANCES.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2009-17 – POLICE/FIRE STATION AWARD BOND

Attorney Floyd read Resolution No. 2009-17 by title as follows:

A RESOLUTION APPROVING THE NEGOTIATED AND PRIVATE SALE OF NOT TO EXCEED \$506,500 PRINCIPAL AMOUNT OF THE CITY OF APALACHICOLA, FLORIDA CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2010; AWARDDING SAID SERIES 2010 BONDS TO THE PRUCHASERS THEREOF; APPROVING THE TERMS OF SAID SERIES 2010 BONDS; PROVIDING FOR THE DELIVERY OF SAID SERIES 2010 BONDS TO THE PURCHASER; PROVIDNG CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND SETTING FORTH THE EFFECTIVE DATE OF THIS RESOLUTION.

Motion to adopt Resolution 2009-17 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

Motion to authorize Mayor Johnson to sign closing documents and any other necessary documents in connection with police/fire station bond closing made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2009-18 – GOLF CART REGISTRATION FEE

Attorney Floyd read Resolution 2009-18 by title as follows:

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A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ESTABLISHING A FEE FOR GOLF CART USE WITHIN THE CORPORATE LIMITS OF THE CITY OF APALACHICOLA AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Resolution 2009-18 made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

Commissioner Elliott asked if a notice could be printed on the water bill.

Ms. Webb stated that could be done.

Ms. Williamson asked if rental fee amount would be prorated for the remainder of the year.

Commissioner Ash asked how golf cart owners would be contacted.

Ms. Webb stated the process would work like the occupational license billing and collections. People would receive a bill for renewal, and amount would be prorated per month.

Mr. Croom asks why bar hour extension request had to go before the Planning & Zoning Board.

Mayor Johnson stated Planning & Zoning Board will conduct public hearings regarding this issue because the area is a mixed use zoning.

APPROVAL OF MINUTES

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

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 Cook, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

ADOPTION OF COMMUNITY REDEVELOPMENT AGENCY PLAN

Dieter Ambos explained function of CRA Board, contents of CRA Plan, and board member appointments.

Ms. Webb stated that this plan has been approved by CRA Board, Cindy Clark, and Planning & Zoning Board.

Motion to approve for adoption the Community Redevelopment Agency Plan made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

SELECTION OF ARCHITECTS

Ms. Webb stated that she, Commissioner Cook, and Leon Bloodworth reviewed all the proposals. Planning & Zoning Board ranked architects as follows:

4M Design Group

EMO Architects, Inc.

CRA Architects

Willoughby Marshall – Category 1 – City Commission Work

Ms. Webb stated the top three will be for both categories.

Mr. Bloodworth stated the next step would be to hold meeting with architects and set up fee structure.

Ms. Webb stated that Planning & Zoning will have a pool of 3, and City Commission will have a pool of 4.

Attorney Floyd stated Commission needs to make motion to approve top 4 architects for City Commission, and top 3 for Planning & Zoning and architects will be chosen on what type of work is needed and that each architect will have a continuing service contract.

Motion to approve 4M Design Group, EMO Architects, CRA Architects, and Willoughby Marshall as architects for City Commission, approve 4M Design Group, EMO Architects, and CRA Architects and architects for Planning & Zoning Board, with architects being chosen based on what type of work is needed and that each architect firm will have a continuing service contract made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Cook, Elliott, Mayor Johnson

Voting Nay: None

CHAMBER OF COMMERCE REPORT

Anita Grove submitted written report to Commission.

TRAFFIC SAFETY TEAM REPORT

Bob Dieter submitted verbal report. Mr. Dieter stated the FDOT representative informed the Traffic Safety Board that request for funding for sidewalk along Bay Avenue has been approved. Round-A-Bout discussion has been tabled at this time due to lack of public approval.

Mr. Hewell asked where the money goes that was going to be used for this project.

Mr. Dieter stated that FDOT keeps the money.

James Waddell stated the project will stay dormant. FDOT updates projects at the end of every year.

Mr. Bloodworth stated the round-a-bout issue will have to be addressed at some point and time because as it stands now, the current intersection and pedestrian flow does not comply with the current comp plan.

LIBRARY REPORT

Caty Greene submitted written report.

Sherman Thomas asked why the City can't build a new library.

Mayor Johnson stated funds are not available at this time to construct a new library.

PLANNING & ZONING REPORT

No report given.

FIRE DEPARTMENT REPORT

Chief George Watkins submitted verbal report. Mr. Watkins asked on fire station progress.

Attorney Floyd stated that hopefully closing should be within 2 weeks.

Mr. Thomas stated he saw in the paper that the City was accepting bids for the old fire station.

Ms. Webb stated she was not aware of such an ad, but would check into it.

POLICE DEPARTMENT REPORT

Chief Bobby Varnes submitted verbal report.

CITY ADMINISTRATOR REPORT

* Ms. Webb submitted written department reports and BDI project status report to the Commission.

Mayor Johnson asked if local labor would be hired for Reuse Project.

Steve Bonifay stated that was discussed at the meeting held this afternoon. Mr. Bonifay updated Commission on Reuse Project progress.

Mr. Hewell asked where the reuse lines would be located.

Mr. Bonifay explained route for reuse lines.

* Ms. Webb stated the AWT project has come in lower than anticipated. Carl Mayo and Manuel Sanchez are looking for small projects at WWTP to spend the remainder of the funds.

* Ms. Webb announced that herself, Cindi Giametta, Cindy Summerhill, and Gene Osburn have moved back to the old City Hall building at 1 Avenue E. This office will be called the Administrative Office Buildin

* Ms. Webb stated she needs authorization to pay Attorney Floyd's invoice in the amount of \$8,056.00.

Motion to authorize payment of Attorney Floyd's invoice in the amount of \$8,056.00 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

WATER & SEWER REPORT

William Cox submitted verbal report. Mr. Cox stated the City had no compliance issues for December.

STREET DEPARTMENT REPORT

Marvin Croom submitted verbal report.

Ms. Webb stated the Street Department has started on storm water work.

PUBLIC WORKS DEPARTMENT REPORT

Wilbur Bellew submitted verbal report.

Mayor Johnson stated he would like to see the Employee of the Month expanded to other departments.

BUILDING DEPARTMENT

No report given.

GRANTS MANAGER

Cindi Giametta not present.

ATTORNEY FLOYD REPORT

* Apalach Boat Works – acquisition is completed

* B & S Utilities – analyzing for settlement

* Adoption Decision – Resolution 2009-19 – Attorney Floyd stated this resolution is for the Reuse Project . The resolution seeks permission from TIITF to install a proposed effluent pipeline within the easement. Land is owned by St. Joe Company and Progress Energy has approved use of the easement.

Attorney Floyd read Resolution No. 2009-19 in its entirety.

Commissioner Ash asked where this property is located.

Attorney Floyd this property is located by the WWTP. The City is running down the boundary of the easement.

Motion to adopt Resolution 2009-19 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

* ACOE – updated Commission on litigation.

OTHER VISITORS & COMMENTS

* Sherman Thomas stated hiring a city manager would help eliminate problems in hill area.

MAYOR & COMMISSIONER'S COMMENTS

* Commissioner Ash asked the procedure for ordinance amendments. Procedure needs to be publicized so citizens know the process.

Attorney Floyd explained ordinance adoption process. Attorney Floyd stated ordinance adoption process is usually two months.

Ms. Webb stated in the ordinance adoption process, you are required to hold one public hearing, but the Commission can hold as many public hearings as they feel necessary.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk