

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, November 3, 2009 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 Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Grants Manager Cindi Giametta, Water & Sewer Foreman William Cox, Chief of Police Bobby Varnes, Street Supervisor Marvin Croom

Visitors: Bob Dieter, Diane Dieter, Cindy Clark, George Watkins, Liz Kelsey, Anita Grove, Sally Williamson, Nita Morgan, Geoffrey Hewell, Richard Delp, Jim Anderson, Lisa Hooker, Marjorie Solomon, Joe Taylor, Jimmy Lashley, Beverly Hewitt, Susan Clementson, Dixie Partington, Sherman Thomas, Caty Greene, David Adlerstein, Chris Clark, Carrie Kienzle, Bill McCartney, John Solomon, Michael Shuler

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

RECOGNITION OF VISITORS

* Lisa Hooker – Golf Cart Business – Ms. Hooker stated she addressed the Traffic Safety Board regarding opening a golf cart rental business, and their main concern was the golf carts crossing Hwy 98. Ms. Hooker stated that each rental client will have to sign a contract releasing the City from any liability, and also a rental agreement. Ms. Hooker stated that clients will be given a map to show what streets golf carts are allowed.

Commissioner Ash asked who will be responsible for the hold harmless agreement.

Ms. Hooker stated she will be solely responsible. Ms. Hooker stated she needs to know the pleasure of the Board because she needs to know if she needs to proceed or not.

Attorney Floyd stated any change will require an ordinance change.

Commissioner Ash asked if there will be a registration fee to register the golf carts with City Hall.

Ms. Webb stated that Ms. Hooker will have to register each golf cart with City Hall, but there is no charge for the golf cart decal.

Commissioner Bartley asked how long the process to make the ordinance change is.

Ms. Webb stated the Board has to have a first reading, advertise, and then hold a public hearing before the ordinance can be adopted.

Attorney Floyd stated he needs to look at the proposed changes to see how it is going to affect the ordinance.

Regular Meeting – 11/3/09 – Page 2

Mayor Johnson stated the Board is not trying to hold up Ms. Hooker in opening her business, but the Board is required to go through the proper process for an ordinance change.

Attorney Floyd explained that the Board reviews the ordinance changes, the ordinance is then put on the agenda for the next meeting for the first reading, and then the Board makes a motion to approve the first reading and approves to advertise for a public hearing. The public hearing and adoption decision is then done at the next meeting following the advertisement.

Ms. Webb stated at this point, the Board has not given herself or Attorney Floyd the direction to make changes to the existing ordinance, and at the last meeting the Board directed Ms. Hooker to address this matter before the Traffic Safety Team first.

Bob Dieter stated this matter was discussed at the Traffic Safety Team meeting. Mr. Dieter went over suggestions made by the Traffic Safety Team. Mr. Dieter stated regardless of whether the ordinance changes are approved or not, golf carts are not allowed on Hwy 98 nor or they allowed to cross Hwy 98. Mr. Dieter explained that even though Ms. Hooker assumes all liability, the City can't prevent themselves from being sued if someone gets hurt or gets in an accident. The City would still be at risk.

Attorney Floyd suggested that Ms. Hooker and Mr. Dieter iron out concerns, and then readdress the Board.

Discussion held.

Geoffrey Hewell stated the Commission is holding up Ms. Hooker from opening her business. Ms. Hooker needs to know if the Board is in favor or not, so she will know how to proceed with her building lease.

Commissioner Elliott stated the Board needs to decide if golf cart rentals will be helpful or harmful to our community. Commissioner Elliott stated he is in favor if the rentals bring in more business to the community.

Attorney Floyd recommends contacting area cities that allow golf cart rentals to see how their ordinance is worded. Attorney Floyd stated the Board will not be able to approve or disapprove the ordinance changes at the December meeting.

Board agreed to proceed with process.

* John Solomon presented the Board with Florida Seafood Festival hats and admission tickets.

APPROVAL OF MINUTES

Motion to approve October minutes made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 5 to 0.

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

Voting Nay: None

1ST READING – ORDINANCE 2009-04 – WATER SUPPLY PLAN

Attorney Floyd read Ordinance 2009-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THE CITY OF APALACHICOLA WATER SUPPLY FACILITIES WORK PLAN (WORK PLAN); AUTHORIZING THE WORK PLAN TO BE INCORPORATED AS AN AMENDMENT TO THE APALACHICOLA COMPREHENSIVE PLAN, AS ADOPTED PURSUANT TO ORDINANCE NUMBER 9107 AND ALL SUBSEQUENT AMENDMENTS THEREOF; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Cindy Clark explained purpose of ordinance.

Motion to approve first reading and authorize to advertise for public hearing made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPT RESOLUTION 2009-13 – DIVISION OF RETIREMENT ELECTED OFFICERS CLASS INCLUSION

Title of resolution 2009-13 is as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA DESIGNATING ITS ELECTED POSITIONS FOR INCLUSION IN THE ELECTED OFFICERS' CLASS OF THE FLORIDA RETIREMENT SYSTEM; AND FOR PROVIDING AN EFFECTIVE DATE.

Motion to not adopt resolution 2009-13 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPT RESOLUTION 2009-14 – FRANKLIN COUNTY LOCAL MITIGATION STRATEGY

Title of resolution 2009-14 is as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THE FRANKLIN COUNTY LOCAL MITIGATION STRATEGY TO REFLECT THE CURRENT NEED AND CITIZEN DESIRE TO IDENTIFY AND IMPLEMENT HAZARD MITIGATION INITIATIVES THAT WILL REDUCE THE COUNTY'S SUSCEPTIBILITY TO NUMEROUS HAZARDS.

Motion to adopt resolution 2009-14 made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION OF RESOLUTION 2009-15 – RURAL AREAS OF CRITICAL ECONOMIC CONCERN

Title of resolution 2009-15 is as follows:

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THAT THE DESIGNATION OF RURAL AREAS OF CRITICAL ECONOMIC CONCERN CONTINUE TO APPLY TO CALHOUN, FRANKLIN, GADSDEN, GULF, HOLMES, JACKSON, LIBERTY AND WASHINGTON COUNTIES; THAT ALL EXISTING ENTERPRISE ZONES IN THESE COUNTIES CONTINUE TO EXIST; AND CONTINUE ALL STAFF GRANT FUNDING FOR OPPORTUNITY FLORIDA THROUGH ENTERPRISE FLORIDA.

Regular Meeting – 11/3/09 – Page 5

Motion to adopt resolution 2009-15 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

CHAMBER OF COMMERCE REPORT

Anita Grove submitted written report to Commission.

Motion to adopt resolution supporting opposition of FDA action regarding the closing of Apalachicola Bay for oyster harvesting made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

Mr. Dieter stated the Traffic Safety Team needs to know if the City wants to pursue the proposed traffic pattern change for the Hwy 98 and Market Street intersection. DOT has proposed a round-a-bout for the Hwy 98 and Market Street intersection, and DOT will also make that intersection handicap accessible, and install proper pedestrian crosswalks. DOT will not do part of the plan, it is all or nothing.

Commissioner Bartley asked if the City chooses to make this change, how will this affect businesses.

Mr. Dieter stated the work would be done at the least busy time.

Dixie Partington stated a traffic light is what is needed at that intersection, but there have been fatalities at the intersection, and the traffic flow count is not high enough.

Commission made no decision.

LIBRARY REPORT

Caty Greene submitted written report to Board.

PLANNING & ZONING BOARD

Sally Williamson stated a recommendation for architect consultants should be made soon.

Regular Meeting – 11/3/09 – Page 6

Motion to confirm September Planning & Zoning minutes made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

FIRE DEPARTMENT REPORT

George Watkins submitted written report to the Board.

Ms. Webb announced that she received notification today that the fire station is ready to go out for construction bids.

POLICE DEPARTMENT REPORT

Chief Varnes submitted verbal report.

Commissioner Ash asked if sign could be posted at the skate park to deter night time activity.

Chief Varnes stated the police department has been receiving reports about suspicious activity around that area.

Ms. Webb stated she will get signs ordered.

CITY ADMINISTRATOR REPORT

* Ms. Webb submitted written report to Commission.

* Ms. Webb stated she met with Leon Bloodworth and Commissioner Cook to review architect proposals. Planning & Zoning will conduct interviews with applicants, and make recommendation to the Board. Board will then rank architects and start negotiating process.

* Road Closure Ordinance – Planning & Zoning recommends a road closure application be created. Application would be available in City Hall, and both Ms. Webb and Chief Varnes would have to sign off on application before its final approval. If the application is accepted, the proposed ordinance would not need to be adopted.

Regular Meeting – 11/3/09 – Page 7

Motion to adopt road closure procedure made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Ms. Webb stated Project Impact has been approved and program opened up November 2nd.

* Ms. Webb stated rental leases have started in the AHS building. The rental rate at the present time for daily use is \$250/day and \$125 for storage/occasional office use. These rates may need to be adjusted when we see what the expenses of the building are going to be. A fee has not been set for the cafeteria or the gym.

Commissioner Ash stated that Project Impact has decorated the walls in the cafeteria area, and it would be difficult to rent out this space for formal uses because of the drawings on the walls.

Ms. Webb stated repainting the walls would be a good winter project.

* Motion to approve payment of Attorney Floyd's invoice for \$12,464.00 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Ms. Webb updated Commission on ongoing projects.

Rick Delp, BDI, gave update on Reuse Project.

Attorney Floyd stated that BDI has worked really hard on getting approval of Reuse Project permit.

* Bill McCartney stated he is trying to get funds to make up the short fall in the State Revolving Loan Fund escrow account.

Ms. Webb requests authorization for a 6 month payment extension to the State Revolving Loan Fund.

Ms. Webb stated that if Mr. McCartney can get the shortfall funded, then the City will not have to make any payments to the State Revolving Loan Fund.

Regular Meeting – 11/3/09 – Page 8

Motion to authorize Ms. Webb to request 6 month payment extension to the State Revolving Loan Fund made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

WATER & SEWER REPORT

William Cox submitted verbal report. Mr. Cox stated there were no compliance issues for October.

STREET DEPARTMENT REPORT

Marvin Croom gave verbal report.

PUBLIC WORKS DEPARTMENT REPORT

Wilbur Bellew not present.

BUILDING DEPARTMENT REPORT

Gene Osburn not present.

GRANTS MANAGER REPORT

Cindi Giametta stated she would like authorization to apply for an Energy Grant. This non matching grant is up to \$5 million and can be used to install any kind of renewable energy source in our facilities. Ms. Giametta stated this grant could be used to convert the AHS building to solar power.

Motion to authorize Ms. Giametta to apply for Energy Grant made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD REPORT

* FCT – proceeding with closing of Williamson property

Regular Meeting – 11/3/09 – Page 9

- * Updated Board on ACOE litigation
- * Steve James case has been dismissed
- * Permit challenge regarding Reuse Project has been withdrawn
- * Anderson Williams Workers Comp Case – Judge ordered that Mr. Williams must honor settlement agreement
- * Fire Station – Ready to advertise for construction bid
- * Sherman Thomas – Judge voted in favor of City.

OTHER VISITORS & COMMENTS

* Sherman Thomas – Mr. Thomas stated his case with the City is being appealed in the U.S. Supreme Court. Mr. Thomas stated he wrote Mayor Johnson a letter requesting to be put on tonight's agenda.

Mayor Johnson stated he has not seen a letter from Mr. Thomas requesting to be put on tonight's agenda.

Mr. Thomas asked if Christmas lights were going to be strung across the road as requested in previous years.

Ms. Webb stated that pole ornaments were hung in place of lights across the road. The City no longer strings lights across the road.

Mr. Thomas asked why all the development is being done in the down town area.

Mayor Johnson stated that the City isn't doing any development in the down town area. If any development is being done, private individuals are doing the work.

* Dixie Partington stated the Big Bend Scenic Byway has received national designation. The nationally designated scenic byway starts at Scipio Creek and runs 220 miles through various counties. The official announcement will be made on November 10th at the Tallahassee Museum.

Ms. Partington stated that Ms. Webb or her designee participates at the Scenic Byway meetings, and would like for a Commissioner to also attend the meetings.

Regular Meeting – 11/3/09 – Page 10

Motion to appoint Commissioner Bartley to Scenic Byway Board as Board representative made by Commissioner Cook, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

* Joe Taylor stated that Franklin County has been chosen as the State's model as the first rural area to host the Arts and Medicine Program.

MAYOR & COMMISSIONER'S COMMENTS

* Commissioner Bartley asked Chief Varnes if the Police Department purchased any weights.

Chief Varnes stated most of the weights are personally owned, and the purchase of the new weights did not come out of the City budget.

* Mayor Johnson stated that Bobby Brown is requesting to close off the street in front of the Two Spot on Saturday, November 7th, from 12:00 Noon – 5:00 PM for a street dance.

Ms. Webb stated will have to be cleared with Chief Varnes, and go through the street closing process.

* Mayor Johnson stated that Marie Marshall would like to use the 6th Street Recreation Center on a temporary basis for the Bring Me A Book Program. Mayor Johnson stated she does not have any set dates and times at this point.

Commissioner Ash stated this is a wonderful program that is geared towards getting kids to read. The program does not target just one age group, but is geared towards all ages.

Ms. Webb stated she will coordinate booking dates with Ms. Marshall.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk

