

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, October 8, 2013 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 Administrator Betty Webb, City Clerk Lee Mathes, Chief of Police Bobby Varnes, Attorney Pat Floyd

Visitors: Gail Johnson, Joe Taylor, Robin Vroegrop, Mike Standley, Anita Grove, Roderick Robinson, David Adlerstein, Michael Shuler, John Solomon, Caty Greene, Bernard Simmons, Jim Bachrach, George Coon, Leslie Coon, Carol Barfield, Jessica Harris, Uta Hardy, Irma Bernabe, Clarice Powell, George Kirvin Floyd, George Mahr

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

#### **PUBLIC HEARING – ORDINANCE NO. 2013-04**

Ms. Webb outlined sewer user fee.

Commissioner Ash stated the sewer user fee is not related the work camp closure. This fee will be used to solely repay the DEP loan.

David Adlerstein asked if the current fees will be enough to cover the payment each year.

Ms. Webb stated the fees will be adjusted annually based on what the annual payment will be. Ms. Webb outlined repayment schedule.

Mayor Johnson stated the interest in the state revolving loan fund was supposed to generate enough funds to repay the loan, but the economy collapsed. Therefore, the City is responsible for repayment.

No further public comment, public hearing closed.

#### **REGULAR MEETING – OLD BUSINESS**

#### **ADOPTION DECISION – ORDINANCE NO. 2013-04 – SEWER USER FEE**

Attorney Floyd read Ordinance No. 2013-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA AMENDING SECTION 20-49 OF ORDINANCE NUMBER 2008-02; PROVIDING FOR ADOPTION OF A SEWER USER CHARGE; PROVIDING FOR RPEALED OF ALL ORDINANCES OR PART THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2013-04 to impose sewer user fee made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

**APPROVAL OF MINUTES**

Motion to adopt September minutes made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**APPROVAL OF BILL LIST**

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

Motion carried 5 to 0.

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

Voting Nay: None

**REGULAR MEETING – NEW BUSINESS**

**SWEARING IN OF COMMISSIONERS**

Roderick Robinson sworn in Commissioner Ash with the following Oath of Office:

I, Brenda Ash, do solemnly swear that I will support, protect, and defend the Constitution of the government of the United States and the State of Florida and that I am duly qualified to hold office under the laws of the State of Florida and the Charter of the City of Apalachicola and that I will well and faithfully perform the duties of the City Commissioner Seat 4 of the said City upon which I am about to enter, so help me God.

Attorney Floyd sworn in Commissioner Cook with the following Oath of Office:

I, Frank Cook, do solemnly swear that I will support, protect, and defend the Constitution of the government of the United States and the State of Florida and that I am duly qualified to hold office under the laws of the State of Florida and the Charter of the City of Apalachicola and that I will well and

faithfully perform the duties of City Commissioner Seat 3 of the said City upon which I am about to enter, so help me God.

Mayor Johnson stated he chose to leave each Commissioner in the same departments as follows:

Commissioner Cook – Mayor Pro-Tem, Fire Protection, Health & Sanitation

Commissioner Bartley – Public Works

Commissioner Ash – Finance

Commissioner Elliott – Streets, Parks, Docks, Cemeteries

Mayor – Police & Public Safety

### **RECOGNITION OF VISITORS**

1. Fonda Davis, Jr. – Chunky Sunday – Bernard Simmons, representing Fonda Davis, Jr., asked permission to hold the 3<sup>rd</sup> Annual Chunky Sunday Event on Sunday, November 3, 2013 from 1-8 PM at the 6<sup>th</sup> Street Recreational Park. Mr. Simmons stated that roads will need to be blocked for the event, and there will also be a parade.

Motion to approve Chunky Sunday Event to be held on Sunday, November 3<sup>rd</sup> from 1-8 PM at the 6<sup>th</sup> Street Recreational Park made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Chief Varnes will work out details for street closings and parade route.

2. John Solomon – Florida Seafood Festival – Mr. Solomon updated Commission on Festival event.

Mayor Johnson stated the Commission would like to pass a resolution commemorating the 50<sup>th</sup> annual Florida Seafood Festival.

Attorney Floyd read Resolution 2013-12 in its entirety.

Motion to adopt Resolution 2013-12 commemorating the 50<sup>th</sup> Annual Florida Seafood Festival made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**AWARD BID – DEBRIS REMOVAL**

Ms. Webb presented Commission with debris proposals received and ranking sheet. Ms. Webb asked that Commission review the proposals and will award at a later time. Ms. Webb stated she will be meeting with Pam Bernell to review the proposals and will bring forth any issues to the Commission.

**PLANNING & ZONING REPORT**

Ms. Webb stated Planning & Zoning will be addressing Family Dollar at the November meeting.

Motion to confirm August Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

**CITY ADMINISTRATOR REPORT**

Motion to authorize payment for Attorney Floyd invoice 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**

Attorney Floyd updated Commission on State of Florida vs. City of Atlanta lawsuit.

Attorney Floyd stated there have been some revisions made to the existing resolution regarding snagging. Attorney Floyd outlined the changes.

George Kirvin Floyd outlined reason for revision and gave snagging update. Mr. Floyd outlined boat school program and addressed dredging.

Attorney Floyd read Resolution 2013-13 by title as follows:

A RESOLUTION BY THE CITY OF APALACHICOLA REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS PROCEED TO REMOVE SNAGS IN THE APALACHICOLA RIVER CHANNEL AS NECESSARY TO ENSURE SAFE

AND CONTINUOUS NAVIGATION ALONG THE LENGTH OF THE RIVER; THAT ANY AND ALL PERMITS BE GRANTED AND UTILIZED TO ENSURE THAT THIS ACTION IS INITIATED AND COMPLETED AS SOON AS POSSIBLE; AND, THAT STANDING AND PARTICIPATION IN THE ADMINISTRATIVE HEARING ON SUCH CHALLENGE PETITIONS FILED BY THE “RIVERKEEPERS” AND ANY OTHER(S) DESIGNATED BY COUNSEL FOR THE CITY ON THE CITY’S BEHALF ON CONDITIONS SET FORTH HEREIN IN ORDER TO DEFEAT THE CHALLENGES AND PROCEED WITH THE PERMIT TO REMOVE THE SNAGS AS APPLIED FOR BY THE USACOE AND APPROVED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Motion to adopt Resolution 2013-13 made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

#### **OTHER VISITORS AND COMMENTS**

1. Leslie Coon inquired about the position advertised for HCA.

Ms. Webb stated the ad ran for two weeks and no one applied for the position. Ms. Webb stated the position was for a part time individual to work with HCA. No one has been hired or appointed at this time. Ms. Webb stated the grant started July 1<sup>st</sup>, and the City is trying to keep the grant going at this point.

School of Arts discussed.

2. Uta Hardy inquired about the status of the restrooms.

Ms. Webb stated the restrooms have not been turned over to the City at this time. City is going thru the punch list, and working on a maintenance schedule.

3. George Mahr submitted a draft ordinance allowing Scipio Creek to be included in a minimum wake zone. Mr. Mahr stated Scipio Creek was never included in the original ordinance for minimum wake. Mr. Mahr requests the Commission adopt the Ordinance. Mr. Mahr stated the ordinance will not take effect until FWC has reviewed the ordinance.

Mayor Johnson stated that Attorney Floyd would need to review the ordinance prior to first reading.

Mr. Mahr stated the purpose of the ordinance is to make everything uniform.

George Floyd addressed “No Wake” issue. Mr. Floyd stated it will cost approximately \$23,000 to bring signage into FWC regulation. Mr. Floyd stated he will contribute 1/3 of the funds for the signage and provide staffing for sign installation.

Ms. Webb stated it is the City’s responsibility to replace the “No Wake” signs, but the price Mr. Floyd presented includes additional signage. Ms. Webb stated no motion is needed at this point until a firm cost estimate is received.

Motion to authorize Attorney Floyd to review proposed “No Wake” ordinance for Scipio Creek and proceed forward with adoption process made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

4. Leslie Coon invited everyone to art show on Friday night at her gallery.

5. George Floyd stated he will be proceeding with the \$9,000 boat building program in conjunction with Project Impact.

6. Anita Grove announced the Film Festival will be held on October 12<sup>th</sup>.

**MAYOR & COMMISSIONER’S COMMENTS**

Motion to adopt Resolution 2013-14 appointing and designating a Mayor Pro Tem and a City Commissioner for each of the five departments made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk

