

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, February 4, 2014 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 Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes

Visitors: Sally Williamson, Mike Vroegop, Geoffrey Hewell, Liz Kelsey, R. J. Thompson, Richard Delp, Jim Anderson, Robin Vroegop, Susan Macken, Fran Bauer, Joe Taylor, Ann Seaton, George Coon, Marie Marshall, Billy Coxwell, Patsy Philyaw, Jim Philyaw, Clarice Powell, Jaime Liang, Anita Grove, Carrie Kienzle, Leslie Coon, J. M. Rhett, Marabeth Farmer, Uta Hardy, David Adlerstein, Willoughby Marshall, Anna Keel

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

### **RECOGNITION OF VISITORS**

1. Ann Seaton – CRA Board Appointment – Ms. Seaton read the following to the Commission:

#### **ADDRESS TO CITY COMMISSIONERS**

My name is Ann Seaton. I live on 5<sup>th</sup> Street here in Apalachicola. My address to you directly concerns the next item on your agenda.

I have been a member of the Community Redevelopment Agency Board since September of 2013. Mr. Bachrach and I were appointed to this board at the same time.

At last month's City Commission meeting, Mr. Bachrach brought before you a letter requesting that you add a new member to our 7 member board in order to include a designated member of the Main Street organization.

Mr. Bachrach's letter was not dated.

Mr. Bachrach had not requested to be listed on the agenda.

I certainly can understand taking that request under consideration, however, it is my understating that to take ACTION on that request becomes a violation of the Sunshine Law, Chapter 286 of the Florida Statutes which was enacted 30 years ago.

I am not here to argue the merits of that request at this time.

I AM here to request that, in accordance with Chapter 286, you rescind that vote and allow this request to go through the proper channels.

The request was improperly brought before you and for that reason alone, it should be struck.

In the draft of the minutes for that meeting you will see that Mr. Bachrach's request to you was included under the heading City Administrator Report. My understanding of the word "report" is to provide you with new information on pre-existing issues. Not bring a new issue to your attention.

In my view this not only a legal issue but an ethical one as well.

Respectfully submitted,  
Ann Seaton, Citizen

Commissioner Ash asked Attorney Floyd's opinion on Ms. Seaton's statement.

Attorney Floyd stated he will have to research the matter in order to determine if this is a legal issue. Attorney Floyd stated there are a number of times that topics come up under the City Administrator's report and the Commission is entitled to take action.

Ms. Seaton stated the CRA was bypassed, The CRA had a meeting the night before and this was not brought forward. Ms. Seaton stated if items are not on the agenda then the public can't comment. Ms. Seaton stated the CRA chairman wasn't aware the issue was going to be brought. Ms. Seaton stated she is objecting to the manner in which it was done.

Commissioner Ash stated it seems that this discussion needs to be taken up to the CRA board. Commissioner Ash stated she was not aware that it had not been discussed with the CRA board.

Mayor Johnson stated the CRA is working on a plan on what the City is going to do with the monies once they start coming in. Mayor Johnson stated we should move forward.

Commissioner Ash stated the CRA is instrumental and we just need to make sure we are all working together.

Clarice Powell stated that Main Street should have come to CRA board before it was brought before the Commission.

Anita Grove stated she has been trying to get the CRA board active again. The CRA has bylaws that states it is a 7 member board representing different areas. Ms. Grove stated the CRA bylaws were overlooked.

Mayor Johnson stated that the public can always attend all meetings, and the public can always make comments. Mayor Johnson stated he has never denied anyone from making a comment. Mayor Johnson stated that Anita Grove was in attendance at the last meeting, and she made no comment when this item was being discussed.

Ms. Grove stated she was in attendance but had no idea of what was going on.

Citizen comments received.

Jamie Liang stated that CRA and Main Street have very different functions. Ms. Liang requests that Commission revisit this and give it more thought.

Commissioner Ash stated the CRA board is there for a purpose. Commissioner Ash stated it doesn't appear that the problem is not adding the seat but who the seat would be added for which would be Main Street. The purpose is for everyone to work together.

Anita Grove stated this has nothing to do with Main Street being on the CRA board. This should be brought to CRA first then the Commission.

Citizen comments received.

Robin Vroegop stated the idea of having an item on the agenda is so the public is aware of what will be discussed, and they can give input.

Mayor Johnson stated there are times when items come up that need a vote that is not on the agenda. All motions are made in a public meeting, and the public is always invited to every public meeting to make comments on any issue.

Attorney Floyd stated a motion is needed to delay the first reading of ordinance and ordinance process until next meeting.

Motion to delay first reading of ordinance and ordinance process until next meeting made by Commissioner Ash, second by Commissioner Cook.

Geoffrey Hewell asked what would be the purpose of delaying first reading.

Commissioner Ash stated it will give CRA board an opportunity to discuss this issue.

Sally Williamson stated she just wanted to make sure both boards understand Sunshine Law.

Ms. Seaton stated she wants the Commission to work ethically so that citizen's rights can be respected.

Ms. Webb stated that Ms. Grove can meet with vice chair.

Motion carried 5 to 0.

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

Voting Nay: None

**APALACHICOLA HOUSING AUTHORITY BOARD APPOINTMENT**

Ms. Webb handed out ballots for Commission to vote for either Michael Moron or Gladys Gatlin.

**APPROVAL OF MINUTES**

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

Motion carried 5 to 0.

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

Voting Nay: None

**PLANNING & ZONING REPORT**

Motion to confirm December minutes made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**APALACHICOLA HOUSING AUTHORITY BOARD APPOINTMENT**

Motion to appoint Michael Moron to Apalachicola Housing Authority Board made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

**CITY ADMINISTRATOR REPORT**

Ms. Webb stated the City has put in a budget request through the legislature that includes sewer on Avenue M and 2 mile area and modifications to water system.

Motion to authorize payment for Attorney Floyd invoice made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

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Family Dollar – Ms. Webb stated Family Dollar has paid the \$500 fee and now need to set date for the hearing and get letters out to surrounding property owners.

Attorney Floyd stated appeal hearing must be advertised 2 weeks prior to hearing date.

Ms. Webb stated property owner have to notified in a reasonable amount of time.

Family Dollar appeal hearing is set for Tuesday, March 11, 2014 at 6:00 PM at the Apalachicola Community Center.

Patsy Philyaw asked if property owners will be given the opportunity to vote for or against in the letters.

Attorney Floyd stated he will check but thinks all the letter has to state is the appeal date and time.

Uta Hardy asked how will BOA will be involved in that.

Attorney Floyd stated the appeal goes straight to the Commission.

Geoffrey Hewell asked what Family Dollar was actually appealing.

Attorney Floyd stated violation of due process.

Sally Williamson asked what will be the next step.

Attorney Floyd stated circuit court.

Marie Marshall asked if the public can get a copy of the appeal.

Mayor Johnson stated yes.

### **ATTORNEY FLOYD REPORT**

Attorney Floyd updated Commission on Georgia vs. Florida case and Jimmy Cameron case.

Attorney Floyd stated in the appeal with Family Dollar, there was language stating negligence on Planning & Zoning. Attorney Floyd stated he would like to present this to the insurance company.

Ms. Webb stated the insurance will provide an attorney.

**OTHER VISITORS & COMMENTS**

1. Carrie Kienzle asked if there was an ordinance prohibiting large recreational vehicles being parked in someone's yard.

Ms. Webb stated to her knowledge there is no ordinance in place.

Ms. Kienzle asked about parking them in the street.

Ms. Webb stated the only designated place is Battery Park.

2. Susan Macken asked why the stop signs at Prado and Shadow Lane were removed.

Ms. Webb stated stop signs were installed on Bay Avenue and on Prado and the City was asked to remove them. Shadow Lane is a County road and the County would not take responsibility and we were asked to take them down.

Ms. Macken asked for stormwater update.

Ms. Webb stated that Prebble Rish is the engineer for this project and we are waiting on design work.

Ms. Kienzle asked if the Family Dollar stormwater would be addressed at the March 11<sup>th</sup> appeal hearing.

Ms. Webb stated that is not part of the appeal. That is a building permit issue.

Ms. Vroegop asked if the Family Dollar were to get approved, would they still have to go through the entire process.

Ms. Webb stated yes. They would have to go through the entire process to get plans approved.

3. Ms. Vroegop asked for Scipio Creek update.

Ms. Webb stated EDA funding was approved yesterday.

4. Marie Marshall asked if the public can get a copy of the drinking water problem study.

Ms. Webb stated a copy can be provided.

5. Carrie Kienzle asked for sidewalk project update.

Ms. Webb stated construction was started on Commerce Street first then it will move from there.

**MAYOR & COMMISSIONER'S COMMENTS**

Commissioner Ash stated the intersection of Avenue E and Commerce Street is a safety hazard.

Ms. Webb stated we can start the process to install stop signs.

Commissioner Ash stated either installing stop signs or getting rid of parking space. It is very hard to see at that intersection.

Commissioner Elliott stated you can make it motorcycle parking only.

Commissioner Ash asked about status of revising golf cart ordinance to allow night driving.

Attorney Floyd stated he has not revisited that item yet.

Mayor Johnson instructed Ms. Mathes to put on agenda for next meeting.

Commissioner Bartley asked if the City has purchased the haul out slip.

Ms. Webb stated the City has put down a deposit on it.

Mayor Johnson stated he would like to start receiving his agenda packet via email.

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