A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, April 7, 2009 at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Val Webb, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, Grants Manager Cindi Giametta, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Public Works Supervisor Wilbur Bellew

Visitors: George Coon, Leslie Coon, Anita Grove, Pam Mahr, George Mahr, Dixie Partington, Dieter Ambos, Mike Shepard, Beverly Connors, Bob Connors, David Wamsley, David Adlerstein, Jerry Weber, D. Mills, Shaun Donahoe, Geoffrey Hewell, Karla Ambos, Beverly Hewett, Carol Goodwin, Dolores Spears, Allene Kent, Nancy Horton, Joe Taylor, Clarice Powell, Sally Williamson, Caty Greene, Carrie Kienzle, Charley Kienzle, Mark Tarmey, Gayle Gerrard, Leon Bloodworth, Martha Pace, Jerry Hall, Daryl McKinley, Evelin Ramirez, Faye Johnson

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

RECOGNITION OF VISITORS

* Pam Mahr – Awning over Sidewalk (Commerce Street) – Ms. Mahr stated she would like permission to construct an awning over the sidewalk at her building on Commerce Street.

Attorney Floyd stated the awning has already been approved by Planning & Zoning, and Ms. Mahr is asking for an encroachment to place awning over City sidewalk.

Motion to approve encroachment to allow Ms. Mahr to place awning over City sidewalk at building on Commerce Street made by Commissioner Cook, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

* Carol Goodwin thanked the City for all their help during the heavy rains.

Ms. Webb stated Ms. Goodwin had severe problems during the heavy rains. VMS is going to clean out manholes around the 16^{th} Street area and hopefully that will relieve some of the pressure. Ms. Webb stated the flooding problem in the 16^{th} and 17^{th} Street area is the number one project in the City's storm water management plan.

APPROVAL OF MINUTES

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

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

Voting Nay: None

APPROVAL OF BILL LIST

Approval of February and March bill list made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

Ms. Webb stated Mr. Dieter could not be present tonight, but has submitted a letter addressing several issues:

* Reduction of Speed Limit – the CTST recommends that the speed limit be reduced to 25 MPH, unless otherwise posted, in the interest of safety of drivers and pedestrians.

Motion to lower speed limit from 30 MPH to 25 MPH throughout the City, unless otherwise posted, made by Commissioner Webb, second by Commissioner Cook.

Geoffrey Hewell stated the speed limit needs to be lower than that.

Ms. Webb stated CTST did not discuss reducing the speed limit to 20 MPH.

Dixie Partington stated she is a member of CTST, and citizens need to come to the meetings if they have traffic and safety concerns.

Jerry Weber stated people are going to exceed the speed limit. The speed limit should be lower than 25 MPH.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

* 4-way stop at intersection of Avenue G & 7th Street – the CTST recommends that no 4-way stop be provided at that location, but does recommend the City install signage in all four directions indicating "Slow – Children at Play" and law enforcement should pay close attention to speeders, or persons failing to stop at the two-way stop signs in that area.

Motion to accept recommendation of CTST that no 4-way stop be provided at Avenue G & 7th Street and "Children at Plan" signs be installed in area made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

- * Establish additional 4-way stops throughout the City the CTST does not recommend approval of any additional 4-way stops in the City at this time. This recommendation against additional 4-way stops comes as a result of a complete survey of the City, and the existing number of 4-way stops currently in place.
- * Speed bumps on 7th Street between Avenue M and the State of Florida Aquaculture Facility The CTST recommends the following actions be considered for approval:
- a. Remove all but one set of speed bumps. Leave speed bumps installed near the gate to the State of Florida property. Install speed bump warning signs.
- b. Install signage restricting the usage of the 7th Street to "Passenger Vehicles Only No Commercial Traffic." These should be installed in both directions of the 7th Street extension.
- c. The street leading from the main entrance to the State property to Market Street should be kept in good condition so that State owned trucks can exit the State property without the need of using 7th Street exit.
- d. Advise management of State of Florida Aquaculture Department that it is the desire of City to work with State, and hope they will abide by the controlled usage of 7th Street.

Jerry Weber stated the speed bumps need to stay in place.

Discussion held.

Motion to accept recommendation of Sherman Wilhelm and leave speed bumps as is made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

The CTST recommends that law enforcement immediately step us the enforcement of traffic and vehicular laws in the City, paying particular attention to speeding, failing to stop at stop signs, and under age drivers or overloaded golf carts.

Ms. Webb stated that Chief Varnes was handling this recommendation.

CHAMBER OF COMMERCE REPORT

Anita Grove presented monthly Chamber of Commerce report to Commission.

LIBRARY REPORT

Ms. Webb introduced Caty Greene, the City's new librarian.

Ms. Greene presented monthly Library report to Commission.

U. S. CENSUS

Evelin Ramirez, Partnership Specialist with the United States Census Bureau, explained the Census Program.

Motion to approve partnership with U. S. Census Bureau and put Census link on the City's website made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

POLICE DEPARTMENT REPORT

Chief Varnes presented monthly report to Commission.

Chief Varnes recommends Timmy Davis to fill vacant police position.

Motion to hire Timmy Davis to fill vacant police position made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

Voting Nay: None

Chief Varnes stated he has been receiving several complaints about drugs in the community, and would like to start a community watch program.

Ms. Webb stated that could be incorporated into the Community Pride Program.

Commissioner Webb commended Chief Varnes on the fine job he is doing with the police department.

CITY ADMINISTRATOR REPORT

Ms. Webb presented monthly report to Commission.

No actions needed.

WATER & SEWER DEPARTMENT

William Cox not present. Written report submitted in City Administrator's report package.

PUBLIC WORKS DEPARTMENT

Wilbur Bellew presented monthly report to Commission.

BUILDING DEPARTMENT REPORT

Gene Osburn not present.

PLANNING & ZONING ARCHITECT DISCUSSION

Leon Bloodworth stated maybe now is the time the City have an architect on board. The City can put out RFQs like was done with the engineers. Mr. Bloodworth stated that Planning & Zoning needs an architect for review purposes.

Commissioner Webb asked if the citizens would be charged additional fees on their permits.

Mr. Bloodworth stated the fees would be attached to the permit, but the fees are not a concrete price.

Ms. Webb stated if the City had two or three on board, you would need to put it out for proposals.

Mr. Bloodworth stated the City really needs to have more than one architect available.

Mayor Johnson stated he agrees an architect is needed, but hates the additional fees that would have to be paid by the applicant.

Mr. Bloodworth stated the Planning & Zoning Board is not capable of handling some of the issues, and needs some expert advice.

Ms. Webb stated there is a vacant position on the Planning & Zoning Board, and the Commission might want to consider appointing an architect on the Board.

Mayor Johnson stated we are talking about doing something similar to what we did with the engineers.

Mr. Bloodworth it gives the Planning & Zoning Board a level of expertise we don't have right now.

Commissioner Cook stated an architect would look at an overall project. An architect can tell what a project would look like finished and can tell if design is good and will blend in with the surroundings.

Commissioner Webb stated she agrees that an architect is needed, but just don't like to have additional fees imposed on the applicant. Commissioner Webb stated the City needs a group of architects to choose from, and needs something in writing.

Mr. Bloodworth stated the City could do this on a trial basis, and just focus on commercial buildings at this time.

Attorney Floyd stated he recommends the City advertise for architectural proposals and then how the architects are use can be determined at a later time. Attorney Floyd stated the City needs an architect for the police/fire station now.

Dieter Ambos stated the architecture review should go towards the entire City, not just historic district.

Mr. Bloodworth stated he was just trying to start with the historical district first to see how things go.

Geoffrey Hewell stated the architect should review both commercial and residential.

Motion to advertise for architect proposals and create architect pool like the City created the engineering pool made by Commissioner Cook, second by Commissioner Webb.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

Mayor Johnson stated fees will have to be addressed at a later time.

GRANTS MANAGER REPORT

Motion to apply for COPS Grant made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Webb, Bartley, Cook, Mayor Johnson

Voting Nay: None

Ms. Giametta stated the Project Impact Grant cycle is coming up.

Faye Johnson stated the program is working great.

Mayor Johnson asked Ms. Johnson if she thought FCAT scores could be improved by applying for this grant.

Ms. Johnson stated she hopes so.

Mayor Johnson stated he will measure the success of the program by the increase in FCAT scores.

Motion to apply for Project Impact Grant made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Webb, Mayor Johnson

Voting Nay: None

PROJECT ACTIVITY

Ms. Webb gave update on BDI ongoing projects.

VISITOR'S COMMENTS

* Jerry Hall stated he is opposed to changing the zoning of the Pierce house to make it into a Library.

Jerry Weber asked why the City wants to acquire more property that has to be maintained, and why would the City want to take the Pierce house off the tax rolls. The City doesn't need any more property.

* Daryl McKinley stated that someone has parked a boat in the slip that was promised to him at Battery Park. Mr. McKinley addressed boats and cars that are stored on City property at Battery Park, and live aboards that are allowed.

Ms. Webb stated the City had an inspection on the submerged land lease, and the City had one boat that extended out too far. Mr. Silva was supposed to have explained this to Mr. McKinley, but the space should be available in about a month.

Commissioner Webb asked why the other tenant could not move, and let Mr. McKinley have the slip that was promised.

Ms. Webb stated it seemed like the better solution at the time, but the other tenant could move.

Attorney Floyd stated the whole Battery Park ordinance is being revamped. At this time, the ordinance allows live aboards.

Ms. Webb stated that Mr. Silva has not seen any pumping of sewage overboard, and the Coastguard has been notified to come give inspections of live aboard sewage facilities.

Mayor Johnson stated he, Ms. Webb, and Mr. McKinley will meet to discuss this further.

Geoffrey Hewell asked what is the rule for parking the boats and cars at the marina.

Ms. Webb stated she can provide Mr. Hewell a copy of the current ordinance. The Commission will have to address the live aboard issue.

Mayor Johnsons stated a public discussion will be needed to talk about the Battery Park ordinance.

ATTORNEY'S REPORT

* Motion to confirm Andy Williams' settlement proposal as outlined in attorney client session made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Webb, Bartley, Mayor Johnson

Voting Nay: None

* Library Purchase of Pierce House – Attorney Floyd stated the contract has been prepared - \$100,000 down and \$250,000 to be paid at the end of 5 years with 5% interest to be paid. The City has 90 days to back out of contract, and the City would have to pay recording and doc stamp fees.

Mayor Johnson stated it is his understanding that the Library Board is still considering other locations.

Ms. Webb stated they have looked at the former Florida Power building, the former telephone office building, and have looked into expanding the current library but the Library Board did not want to go into that direction.

Clarice Powell asked if the Library Board has considered the high school.

Ms. Webb stated she has a proposal that would work, but moving the library to the high school has not been brought up as an option.

Caty Greene stated it would be nice if Library Board members were present to address questions, but it is her understanding that the Library Board wants to move forward with the Pierce property.

Carrie Kienzle stated she is just a volunteer at the Library, but at the Board meeting Commissioner Webb and Cindi Giametta informed the Library that the high school would be a good place to move the Library.

Discussion held.

Attorney Floyd recommends to table issue until the Library Board has the opportunity to examine the school. The contract can be withdrawn any time within 90 days.

Ms. Webb stated we can have Planning & Zoning hold public hearing for special exception, but make no decision.

Attorney Floyd recommends to continue with contract and let it set there as an offer; let Planning & Zoning move forward with the special exception, and have Library Board members air out recommendation for location.

Ms. Webb asked does she need to inform Planning & Zoning to hold off on a decision to grant special exception because a special exception stays with the property.

Commissioner Webb stated the Library Board wants to continue with the process with Planning & Zoning.

- * Attorney Floyd updated Commission on Reuse Project meeting.
- * Attorney Floyd stated he has written trespass letters to the owners of the Captain Fuzz and Kitty Ann. Attorney Floyd stated he received a call from Deborah Marion, owner of the Kitty Ann, but has not heard from the owner of the Captain Fuzz.

Ms. Webb stated she is trying to get FEMA to remove the Kitty Ann as debris removal because it was a storm that put in on the dock.

- * Attorney Floyd updated Commission on Franklin County School MOU.
- * Attorney Floyd stated engineer contracts have been prepared and are ready.
- * Attorney Floyd updated Commission on ACOE litigation.

MAYOR'S AND COMMISSIONER'S COMMENTS

* Commissioner I	Bartley thanked Jerry Weber and	d Jerry Hall for their input.
Van W. Johnson, S	r., Mayor	_
 Lee H. Mathes, Cit	y Clerk	_