

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, February 3, 2009 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Val Webb, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Attorney Pat Floyd, City Clerk Lee Mathes, Grants Manager Cindi Giametta, Public Works Director Wilbur Bellew, Police Officer Pam Lewis

Visitors: George Coon, David Adlerstein, Anita Grove, Clarice Powell, Geoffrey Hewell, Sally Williamson, Susan Clementson, Carrie Kienzle, Denise Roux, Marie Marshall, Willie Speed, Ella Speed, Beverly Hewitt, Joe Taylor, Curt Blair, Karla Ambos, Michael Shuler, Kate Hartman, Shirley Walker, David Gilbert, Tammi Ray Hutchinson, Willoughby Marshall

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

### **RECOGNITION OF VISITORS**

- \* Sherman Thomas not present.
- \* Karla Ambos – Ms. Ambos updated Commission on Community Gardens progress.
- \* Tammi Ray Hutchinson – Ms. Hutchinson presented to the Commission the H’Cola events for the African-American History Festival to be held on February 20 – 22.

Motion to approve use of Franklin Square for February 20 – 22; blocking of 6<sup>th</sup> Street from Avenue K to Avenue M and Avenue L from 6<sup>th</sup> Street to 7<sup>th</sup> Street; blocking 14<sup>th</sup> Street (front on AHS building), MLK Avenue south to 6<sup>th</sup> Street, and 6<sup>th</sup> Street west to Avenue M from 9:00 – 11:00 AM for parade made by Commissioner Webb, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

- \* Phyllis Blan – Ms. Blan requests that Veteran’s Park be named after Robert L. Howell, III. Ms. Blan spoke to the Commission regarding Mr. Howell’s military and political involvement.

Mayor Johnson stated the Commission will take request into consideration.

### **APPROVAL OF MINUTES**

Motion to approve January minutes made by Commissioner Elliott, second by Commissioner Webb.

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Motion carried 5 to 0.

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

Voting Nay: None

**APPROVAL OF BILL LIST**

Motion to approve January bill list made by Commissioner Webb, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**MAYOR'S PROCLAMATION SUPPORTING GOVERNOR CRIST'S IN OBSERVING PROBLEM GAMBLING AWARENESS WEEK**

Attorney Floyd read Mayor Proclamation in entirety.

Motion to approve Mayor's Proclamation supporting Governor Crist in observing Problem Gambling Awareness Week March 1 – 7, 2009 made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

**RESOLUTION 2009-01**

Attorney Floyd read Resolution 2009-01 in entirety.

Motion to approve Resolution 2009-01 recognizing the "Building Citizenship in the Community: Back to Basics" initiative of the Florida League of Cities, Inc., and pledging support for this statewide effort made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

**TRAFFIC SAFETY TEAM REPORT**

No report given. No January meeting.

**CHAMBER OF COMMERCE REPORT**

Anita Grove presented monthly report to Commission.

**LIBRARY REPORT**

Denise Roux presented monthly report to Commission.

Susan Clementson requested update on Library signs.

Ms. Webb stated the process has been started.

**POLICE DEPARTMENT REPORT**

Officer Pam Lewis presented monthly report to Commission.

**CITY ADMINISTRATOR REPORT**

\* Open Revolving Loan Program – Ms. Webb stated the City is running the Revolving Loan cycle about every other year, and it might be more helpful to businesses if the City left the cycle open all the time. Funds would be more available to new and existing businesses.

Motion to keep Revolving Loan cycle open at all times made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

\* Create One Way Alley between Avenues E & F and 16<sup>th</sup> and 17<sup>th</sup> Street – Ms. Webb stated she has received a request to make this alley a one way alley.

Geoffrey Hewell stated this is in his alley, and he is not in favor.

Mayor Johnson stated a consensus of the neighbors needs to be taken before the Commission makes a decision.

Commission agreed.

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\* Existing Bench Replacement Contract – Ms. Webb stated she has provided a copy of the contract to Attorney Floyd. Ms. Webb stated the company is violating several clauses in the contract, and she is receiving complaints from property owners.

Mayor Johnson asked the expiration date of the contract.

Attorney Floyd stated the contract expired in 2007, but it has a continuation clause.

Ms. Webb stated that the TDC has provided funds to the City for uniform benches throughout the City.

Attorney Floyd stated he has prepared a letter to the company outlining the violations.

Mayor Johnson stated property owners who object to the benches need to also submit a letter.

Motion to authorize Attorney Floyd to proceed with letter to bench company outlining violations made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

\* Local Economic Status Discussion – Ms. Webb stated she has been trying to find solutions to help local businesses during their slow season. Ms. Webb suggests waiving the 20% utility increase for businesses inside the City for two months.

Motion to waive the 20% utility increase for businesses inside the City for two months made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

\* Scipio Creek – Ms. Webb stated to help the local shrimpers get through this economic hardship, she recommends to reduce their rate to \$30/month expiring on December 31, 2009. Ms. Webb stated that some shrimpers owe back rent, and in order to receive the reduced rate, all the back rent must be paid by March 31, 2009. If the back rent is not paid in full by March 31<sup>st</sup> then the rent will be reverted back to the higher rate.

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Listed below are the local shrimpers recommended for the \$30/month rental fee:

Michael Athorn, Jeff Padgett, Richard Morris, John Sapp, Mary Maniscalco, Tony Phillips, Kevin Martina, Sam Thompson, David Gilbert, George Dasher, Catherine Barber, John Nowling, James Long, Harvey Harrington, Ralph Crosby, and Arthur Hollenbeck.

Phyllis Blan stated there are several boats in the Scipio Creek Marina that are non operating and should be hauled out.

Motion to reduce the rental fee for the above listed names to \$30/month expiring December 31, 2009; require all past due balances be paid in full by March 31, 2009 and if not paid by March 31<sup>st</sup> then revert back to old rate made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Mayor Johnson stated he has heard there are some boats in Battery Park Marina that are dumping raw sewage into the water.

Commissioner Webb stated violators should be notified that there is a fine.

Battery Park Marina discussed.

Mayor Johnson stated the Harbor Master should be present at each meeting to address any questions or concerns.

\* Reuse Project – Ms. Webb stated that currently \$750,000 is allocated each year for this project. Once project is fully underway, it is possible the City will have to borrow funds to pay contractors because \$750,000 per year will not cover construction costs. The City needs to apply for the State Revolving Loan Program to put the City on the list for funding if it comes to that point. There is no obligation and the City can always refuse the loan.

Attorney Floyd read Resolution 2009-02 by title as follows:

A RESOLUTION OF CITY OF APALACHICOLA, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM ; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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Motion to approve submittal of State Revolving Fund Loan Program application and Resolution 2009-02 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

\* Captain Fuzz – Ms. Webb stated she has tried numerous times to contact the boat owner, but gets no response. Boat is not considered vessel any longer, and something legally needs to be done to get boat removed from the dock.

Cindi Giametta stated the boat has slowly started to sink again.

Ms. Webb stated that Marine Contracting had a pump on the boat, but they have removed it.

Motion to authorize Attorney Floyd to start legal proceedings to get boat removed from City dock made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

**WATER & SEWER DEPARTMENT REPORT**

William Cox not present. No report given.

**BUILDING DEPARTMENT**

Gene Osburn not present. No report given.

**GRANTS MANAGER REPORT**

Ms. Giametta stated FWC funding cycle has opened and needs approval to apply for Battery Park Phase IV to finish the seawall and electrical connections.

Motion to authorize Ms. Giametta to apply for FWC Battery Park Phase IV made by Commissioner Bartley, second by Commissioner Elliott.

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Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated the City ranked #3 for the Stan Mayfield Grant.

**PROJECT ACTIVITY**

Ms. Webb updated the Commission on Baskerville Donovan City related projects.

**ATTORNEY FLOYD REPORT**

\* ACOE – Attorney Floyd updated Commission on litigation

\* Property Transfer from Franklin County School Board – Attorney Floyd recommends the City accept the property from the County in the same fashion the City of Carrabelle accepted the property from the County. The initial offer was \$10 less the bus barn.

Marie Marshall asked about the Chapman site.

Mayor Johnson stated the County has requested the use of the auditorium.

Commissioner Webb stated the Charter School is moving into the Chapman school building.

Mayor Johnson stated Project Impact Agreement will pass at the School Board meeting on Thursday.

Motion to enter into an agreement with Franklin County School Board to accept school property (Avenue L to 14<sup>th</sup> Street) for \$10 less the bus barn; property will be used to operate the Project Impact Program; City will accept the Gym, Field House, and AHS building made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

\* Mediacom Lease – Attorney Floyd stated Mediacom wanted to renew lease under same terms, but he will notify Mediacom stating that the rental fee will be increased.

**OTHER VISITORS & COMMENTS**

\* Marie Marshall stated she feels the City should share Chapman Auditorium with the County.

Ms. Webb stated the building has to be offered to the County first before it is offered to the City.

Mayor Johnson asked could the City request the auditorium like the City requested the facilities at AHS School.

Motion to submit request to School Board to obtain Chapman Auditorium made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Commissioner Webb stated she thought the City had also put in a request for the old jail site by the Courthouse.

Ms. Webb stated the City has not put in a request for that site.

\* Phyllis Blan stated there are about 10 lights in Lafayette Park that do not work.

\* Beverly Hewitt stated that Mediacom does not inform citizens of rate increases.

\* Willie Speed spoke about supporting our Community.

\* Shirley Walker stated there are not restroom facilities at 10<sup>th</sup> Street Park.

Mayor Johnson stated there are two restrooms at the park.

Wilbur Bellew will make sure restrooms are operational tomorrow.

\* Shirley Walker stated the trailer behind Dr. Sanala's office is not compatible with the neighborhood.

Geoffrey Hewell stated that trailer has been removed.

\* Shirley Walker asked who collects for RV rent at Battery Park.

Ms. Webb stated the Harbor Master collects rent from all transients.



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\* Joe Taylor stated there is a problem with RVs parking in the parking lot in front of Veteran's Park.

Officer Lewis will address this matter with Chief Varnes.

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