

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, September 2, 2008 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 Clerk Lee Mathes, Grants Manager Cindi Giametta, Building Official Gene Osburn, City Attorney Pat Floyd, Chief of Police Bobby Varnes

Visitors: Jim Waddell, Bill Stimmel, Beverly Hewitt, Clarice Powell, Joe Taylor, Sally Williamson, Jimmy Mosconis, Ella Mosconis, George Coon, Geoffrey Hewell, Dieter Ambos, Karla Ambos, Charles Kienzle, Carol Kienzle, Susan Clementson, Ann Sizemore, Bill Spohrer, Kathy Robinson, Jan Gorman, Hollis Vail, David Adlerstein, Sherman Thomas, Roy Solomon, Margie Solomon, Skylch Ober, Charles Kienzle, Kate Hartman, Ken Hatcher, Richard Dosik, Ron Harrison

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

RECOGNITION OF VISITORS

- * Honoring Jimmy Mosconis – Mayor Johnson awarded Jimmy Mosconis a recognition plaque for his work and dedication on the Three Serviceman Statute.
- * Dixie Youth Awards – County Commissioner Noah Lockley and Commissioner Elliott presented awards to the District 2 Dixie Youth Allstar Tournament Belles Division Champs 2008 team and to the District 2 Dixie Youth Allstar Tournament Angels Division Runer-up 2008 team.
- * Rank Engineering Firms – Ms. Webb submitted combined ranking sheets for engineering firms. Ms. Webb stated the Commission could appoint firms by ranking and/or interview.

Top four engineering firms are:

Bailey, Bishop & Lane, Inc.
Environmental Consulting & Technology, Inc.
Inovia Consulting Group
Preble Rish, Inc.

Motion to select above engineering firms along with Baskerville-Donovan, Inc. for City's engineering pool made by Commissioner Cook, second by Commissioner Bartley

Attorney Floyd stated motion should also include for each firm to enter into a professional agreement with the City of Apalachicola.

Commissioner Cook amended motion per Attorney Floyd.

Regular Meeting – 9/2/8 – Page 2

Motion carried.

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

Voting Nay: None

* Timmy Poloronis Employment Status – Ms. Webb stated that Timmy Poloronis was hired to work in Public Works Department as an inmate supervisor. Mr. Poloronis' privilege to watch inmates has been pulled by Bay City Work Camp. Ms. Webb stated Mr. Poloronis can no longer work in Public Works Department, and she doesn't have the authority to transfer him to another department.

Commissioner Bartley stated that he has been approached by Mr. Poloronis about him being transferred to Street Department.

Ms. Webb stated that Mr. Poloronis is needed more in the Water & Sewer Department than the Street Department. When extra help is needed in the Street Department, employees from Public Works and sometimes from Water & Sewer (if needed) are pulled to help.

Motion to transfer Timmy Poloronis from Public Works Department to Water & Sewer Department made by Commissioner Elliott, second by Commissioner Bartley.

Mayor Johnson stated there is a policy that was adopted on November 13, 2007 that addresses this issue. Mayor Johnson stated if an employee can no longer perform the job for which they were hired for, then the employee should be terminated.

Commissioner Elliott stated that the Work Camp has based their decision on assumptions, and the City can't allow the Major from the Work Camp to dictate policy to the City.

Attorney Floyd stated if someone loses the ability to do their job, then they lose their job.

Discussion held.

Commissioner Elliott stated the City needs a better appeals process.

Mayor Johnson stated Attorney Floyd needs to research recently adopted policy to get a better clarification before Commission makes a decision. Mayor Johnson stated he does have a problem switching an employee to a different department because they have lost the right to work in the department for which they were hired.

Ms. Webb stated with the current policy, she does not have the authority to hire or fire.

Regular Meeting – 9/2/08 – Page 3

Attorney Floyd stated the Commission has the power to transfer an employee to a different department.

Commissioner Webb asked if the Commission transfers Mr. Poloronis to Water & Sewer Department would he have to be around inmates.

Ms. Webb stated Mr. Poloronis can't have any interaction with inmates.

Discussion continued.

Motion not carried.

Voting Aye: Elliott, Bartley

Voting Nay: Webb, Cook, Mayor Johnson

Mayor Johnson stated that Attorney Floyd will review policy and Commission will readdress matter at meeting on September 9th.

Commissioner Elliott asked Attorney Floyd if there was a conflict if Commissioner Webb votes.

Attorney Floyd stated there is no conflict.

Commissioner Cook stated he does not have a problem with transferring to another department if there is a position available in another department, but wants to wait until Attorney Floyd researches policy.

Mayor Johnson stated Mr. Poloronis can't perform duty for which he was hired.

Commissioner Elliott stated the City needs a better appeals process.

* Hollis Vail – Road Closing for Oyster Roast – Ms. Vail stated she is opposing to closing the street from the corner of Avenue E and Commerce Street to vehicle traffic during business hours in preparation for the Oyster Roast Event. Ms. Vail stated closing the road affects her business.

Commissioner Webb asked if moving the Oyster Roast would affect business.

Ms. Vail stated the Chamber of Commerce considered moving the event to the North end of Commerce Street, but that would also affect businesses.

Commissioner Cook asked about the old Ford place location.

Ms. Vail stated that location is not safe.

Regular Meeting – 9/2/08 – Page 4

Joe Taylor stated the buildings on Commerce Street help block the traffic and helps with wind control. The businesses on Commerce Street allow public to use restrooms, therefore no portable toilets are needed. Mr. Taylor stated the sidewalks are left open to foot traffic, and the road is blocked from corner of Avenue E & Commerce Street to the Chamber of Commerce building.

Beverly Hewitt stated the Oyster Roast gets a lot of foot traffic.

Motion to readdress issue at September 9th meeting to allow time to investigate street closing made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

* Franklin Promise/Community Pride Partnership – Community Garden – Clarice Powell outlined Community Garden program to be located at corner of 8th Street and Avenue F. Ms. Powell stated Franklin's Promise is asking the City to provide basic utilities, water, and minor lighting.

Joe Taylor outlined how Community Garden plots would work.

Motion to allow Community Garden on North and West corners of Avenue F & 8th Street for period of 1 year with City providing basic utilities made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve July and August minutes made by Commissioner Elliott, second by Commissioner Cook.

Motion carried.

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

Voting Nay: None

APPROVAL OF BILL LIST

Motion to approve July bill list made by Commissioner Cook, second by Commissioner Elliott.

Regular Meeting – 9/2/08 – Page 5

Motion carried.

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

Voting Nay: None

1ST READING CRA REORGANIZATION ORDINANCE – ORD. NO. 2008-04

Ms. Webb stated the seven member board consists of the following members:

Dieter Ambose – Citizen at Large

Kathy Robinson – Chamber of Commerce Member

Anna Maria Cannatella – Real Estate Profession Representative

Joe Taylor – C-1 General Commercial Zoned Business Owner

Tami Ray-Hutchinson – C-2 Neighborhood Commercial Zoned Business Owner

Brenda Ash – Financial Institution Representative

John Gore – Resident Property Owner

Attorney Floyd read ordinance by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THOSE PROVISIONS OF ORDINANCE NUMBER 88-11 PERTAINING TO THE APPOINTMENT OF BOARD MEMBERS OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; REPLACING THE EXISTING FIVE MEMBER BOARD WITH A SEVEN MEMBER BOARD; ESTABLISHING STAGGERED TERMS TO SERVE TWO-YEAR AND FOUR-YEAR TERMS; DESIGNATING BOARD MEMBER SLOTS TO BE FILLED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve 1st reading and advertise for 2nd reading made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

COUNTY REQUEST – ROAD PAVING PROJECT

Ms. Webb stated the County is doing a road paving project, and the Commission needs to compile a list of roads they want paved.

Beverly Hewitt stated that Sunset Circle needs paving, and Geoffrey Hewell stated 5th Street in front of Methodist Church needs repaving.

Regular Meeting – 9/2/08 – Page 6

Mayor Johnson asked that Commission compile list and give to Ms. Webb, and matter will be readdressed at September 9th meeting.

COUNTY REQUEST – CLOSE ROAD BEHIND COURTHOUSE

Ms. Webb stated the County wants to do an extension on the Courthouse, and is requesting the road be closed behind the Courthouse (Commerce Street from Forbes to Leslie). Ms. Webb stated water lined have already been located in that area.

Attorney Floyd stated the City will need to look at plans before a final decision is made.

Commissioner Cook stated that Planning & Zoning should also review the plans.

Ms. Webb will convey information to Alan Pierce.

APPROVAL OF LEWIS & CLARK CIRCUS

Ms. Webb stated no one is here representing the circus, but it is her understanding they would like to hold a circus in Battery Park around November 7th. Ms. Webb stated if the Commission is in favor, she can work out the details and get back to the Board with details.

Motion for Ms. Webb to contact circus for details and readdress at later date made by Commissioner Cook, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

No report.

CHAMBER OF COMMERCE REPORT

Joe Taylor presented Commission with monthly report.

POLICE DEPARTMENT REPORT

Chief Varnes stated he has nothing to report unless the Board has questions.

Regular Meeting – 9/2/08 – Page 7

Mayor Johnson stated that signs have been posted and poles have been inserted at Lafayette Park to prevent golf carts from driving in the park.

Geoffrey Hewell stated golf carts are still getting in the park.

Mayor Johnson asked Ms. Webb about trash cans at Lafayette Park.

Ms. Webb stated years ago the Commission did not want trash cans in the park, but if the Board chooses, the City can install some nice attractive ones.

Ms. Webb stated that signs have been ordered for Battery Park.

CITY ADMINISTRATOR'S REPORT

* Ms. Webb presented Commission with Baskerville-Donovan monthly report.

* Ms. Webb gave update on Scipio Creek Marina Haul out Slip.

* Avenue G Project – Ms. Webb stated that Avenue G project is a consent order project. The City has a \$50,000 engineering fee that must be paid, and Ms. Webb recommends the City try to get the money from Veolia and ESG since this is to fix their problem.

Attorney Floyd stated the City should go after the whole \$167,000, and negotiate from there.

Motion to authorize Attorney Floyd to proceed with suit for \$167,000 against Veolia made by Commissioner Cook, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

Ms. Webb stated in order to get this project moving, the City needs to move forward and pay the engineering fees that have accumulated to Baskerville-Donovan. Ms. Webb stated she will see if Revolving Loan Funds can be used, but if not, then a line of credit will need to be established to pay the fees.

Mayor Johnson asked Attorney Floyd what is the City's chances of getting the money.

Attorney Floyd stated he feels it is better than a 50/50 chance. Attorney Floyd stated he feels good about the case, but the money amount is questionable.

Regular Meeting – 9/2/08 – Page 8

Motion to authorize Ms. Webb to see if engineering funds can be taken from Revolving Loan Funds, and if not then proceed with line of credit made by Commissioner Webb, second by Commissioner Cook.

Motion carried.

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

Voting Nay: None

Geoffrey Hewell asked about the status of Botanical Gardens and Battery Park seawall.

Ms. Webb stated the State is underway with renovations to Botanical Gardens, and the City was not awarded enough funds to finish the seawall at Battery Park, so some electrical work, water lines, and sidewalk work will be done.

Mayor Johnson asked how much money was in the Revolving Loan Fund, and when another cycle can be done.

Ms. Mathes stated there is approximately \$200,000 available.

Ms. Webb stated she will work up advertisement for funding cycle.

BUILDING DEPARTMENT REPORT

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

Motion carried.

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

Voting Nay: None

Mayor Johnson asked about the status of the Nuisance Ordinance.

Mr. Osburn stated he has made some changes, but needs to meet with Attorney Floyd before it is brought before the Board.

Ms. Webb announced that there will be a Community Pride meeting on September 11th. The Adopt-A-Block program will be discussed.

Commissioner Webb asked if Mr. Osburn went to see Ms. Thompson.

Mr. Osburn stated he will meet with her tomorrow.

GRANTS MANAGER REPORT

* DEP Coastal Partnership Initiative Grant – Ms. Giametta stated this is a \$50,000 grant that can be used for an information kiosk. This is a 1 to 1 match, but the City can use in kind services for that match.

Motion to authorize Ms. Giametta to apply for the \$50,000 DEP Coastal Partnership Initiative Grant made by Commissioner Cook, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

FWC Grant – Ms. Giametta stated that FWC has opened up a funding cycle. Funds can be used for additional boat slips at Battery Park or to repair Sineath property dock for recreational purposes.

Mayor Johnson stated he would like to get public input on this before a decision is made.

Ms. Webb stated a town meeting can be held before the deadline.

Motion for Ms. Giametta to proceed with FWC grant and to hold a town meeting before deadline made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

OTHER - ADMINISTRATOR'S REPORT

* Ms. Webb stated the school board has made an offer to the City to take over the premises at Chapman School site. Proposal has been turned over to school attorney for review. Ms. Webb stated the whole vision is to make Chapman site a municipal complex.

Commissioner Elliott stated the ABC School is looking into moving into a bigger area. A new school superintendent may want to move the ABC School to Chapman, and then there is also the old high school.

Mayor Johnson stated someone is trying to start a blind school at the old high school.

Ms. Webb stated that Boys and Girls Club would remain in a pod, but she would like to obtain the gym and auditorium.

Regular Meeting – 9/2/08 – Page 10

Mayor Johnson stated there are unlimited possibilities for the building.

* Ms. Webb stated the Library Board is ready to get renovations underway.

Susan Clementson and Carol Kienzle addressed the Board regarding Library expansion.

ATTORNEY REPORT

* Fire Station Property – everything has been submitted to Rural Development – the only thing left outstanding is the contract between City and Baskerville-Donovan. There are a couple of changes that I recommend be made to the contract, but BDI does not agree.

Ken Hatcher stated he will meet with Attorney Floyd to finalize contract.

OTHER VISITORS & COMMENTS

David Adlerstein asked Attorney Floyd if he had an update on Steve James.

Attorney Floyd stated there is nothing to report at this time.

MAYOR & COMMISSIONER'S COMMENTS

* Commissioner Elliott stated there is nothing available to tie boats to the poles at Battery Park.

Ms. Webb will get with Commissioner Elliott to see where brackets need to be installed for boats.

* Commissioner Webb asked about status of random drug testing policy for employees.

Ms. Webb stated she has not received copy from the State.

* Ann Sizemore stated she is thankful that the Library Board is getting involved, and commended Cindi Giametta on doing a great job on Library grant.

* Commissioner Bartley addressed Battery Park launch fees.

Ms. Webb stated an annual permit for locals has been proposed. Ms. Webb stated she is going to work with the Battery Park Committee to discuss launch fees and increased rental fees.

* Commissioner Webb stated she would like for the Water & Sewer Supervisor attend meeting and present Board with status report.

Regular Meeting – 9/2/08 – Page 11

* Ron Harrison, Leavins' Seafood manager, asked Board for variance to expand existing facility.

Mayor Johnson stated this matter will have to first go to Planning & Zoning.

Mr. Osburn stated this is an encroachment onto City property, not a variance.

Attorney Floyd recommends to readdress at September 9th meeting to give everyone opportunity to review before a decision is made.

* Ken Hatcher introduced Kate Hartman to the Commission.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk