

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, June 8, 2010 at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott (arrived at 6:55 PM), Commissioner Brenda Ash, Commissioner Frank Cook, City Administrator Betty Webb, City Attorney Pat Floyd, Grants Manager Cindi Giametta, Police Officer Pam Lewis, Building Official Gene Osburn, Public Works Foreman Wilbur Bellew

Visitors: Mark Curenton, Li z Kelsey, Steve Bonifay, Joe Taylor, Jim Waddell, Dieter Ambos, Karla Ambos, Beverly Hewitt, Anita Grove, Leon Bloodworth, Caty Greene, Lois Swoboda, Mark Tauney, Clarice Powell, Gayle Johnson, Susan Clementson, John Solomon, John Hankins, George Watkins, Margin Solomon, Mary Alice Neylon, Robin Vroegop

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

**PUBLIC HEARING – ORDINANCE 2010-01 – GOLF CART**

Attorney Floyd read Ordinance 2010-01 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE NO. 2009-05 IN PART WITH REFERENCE TO THE AGE AND DRIVER'S LICENSE PROVISIONS TO PROVIDE THAT THE PRIVILEGE EXTENDED BY THE CITY OF APALACHICOLA TO THE OPERATION OF GOLF CARTS UNDER THE OTHER CONDITIONS OF THE ORDINANCE IS NOT EXTENDED TO, AND SHALL NOT APPLY TO PERSONS WHO DO NOT HOLD A VALID, CURRENT DRIVER'S LICENSE UNLESS SAID DRIVER IS EIGHTEEN (18) YEARS OF AGE OR OLDER AND HAS NOT HAD HIS OR HER DRIVER'S LICENSE SUSPENDED OR REVOKED; PROVIDING FOR A REPLACEMENT OF SECTION 6 OF ORDINANCE NO. 2009-05 WITH THE PROVISIONS OF THIS AMENDMENT REGARDING AGE AND DRIVERS LICENSE OF OPERATORS; AND PROVIDING THAT IT SHALL BE PRESUMED FOR ENFORCEMENT PURPOSES THAT IF A DRIVER IS UNABLE TO PROVIDE PROOF OF SUCH VALID CURRENT DRIVER'S LICENSE AT THE TIME OF BEING STOPPED OR OBSERVED WHILE IN THE OPERATION OF A GOLF CART WITHIN THE CITY THAT THAT PERSON DOES NOT HOLD A VALID CURRENT DRIVERS LICENSE WHICH PRESUMPTION MAY LATER BE REBUTTED BY PRODUCTION OF SUCH LICENSE TO THE CHARGING OFFICER OR COURT AS PROOF OF COMPLIANCE WITH THIS PROVISION; PROVIDING FOR THE CONTINUED VALIDITY AND ENFORCEMENT OF ALL OTHER PROVISIONS OF SECTION 2009-05; AND PROVIDING THAT TO THE EXTENT OF CONFLICT THIS ORDINANCE SHALL SUPERSEDE AND TAKE PRIORITY OVER CONFLICTING PROVISIONS OF OTHER ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

No public comment. Public hearing closed.

**REGULAR MEETING**

**RECOGNITION OF VISITORS**

\* John Croom – Extend Bar Hours on Holidays and Special Occasions – Mr. Croom unable to attend meeting.

Dieter Ambos asked if the holidays and special occasions would be defined.

Motion to table item until Mr. Croom is able to attend meeting made by Commissioner Cook, second by Commissioner Ash.

Motion carried 3 to 0.

Voting Aye: Cook, Ash, Mayor Johnson

Voting Nay: None

**2<sup>ND</sup> READING AND ADOPTION DECISION – ORDINANCE 2010-01**

Motion to approve reading of Ordinance 2010-01 in public hearing made by Commissioner Ash, second by Commissioner Cook.

Motion carried 3 to 0.

Voting Aye: Ash, Cook, Mayor Johnson

Voting Nay: None

**APPROVAL OF MINUTES**

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

Motion carried 3 to 0.

Voting Aye: Cook, Ash, Mayor Johnson

Voting Nay: None

**APPROVAL OF BILL LIST**

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

Motion carried 3 to 0.

Voting Aye: Ash, Cook, Mayor Johnson

Voting Nay: None

**CHAMBER OF COMMERCE REPORT**

Anita Grove submitted written report.

**TRAFFIC SAFETY TEAM REPORT**

Jim Waddell submitted verbal report.

**LIBRARY REPORT**

Caty Greene submitted written report.

**PLANNING & ZONING REPORT**

Leon Bloodworth requests permission to put selected architects to work. Mr. Bloodworth stated that Planning and Zoning has held two public hearings regarding this matter.

Motion to allow Planning and Zoning to start utilizing selected architects and review at end of year made by Commissioner Cook, second by Commissioner Ash.

Motion carried 3 to 0.

Voting Aye: Cook, Ash, Mayor Johnson

Voting Nay: None

**FIRE DEPARTMENT REPORT**

Fire Chief George Watkins submitted verbal report.

**POLICE DEPARTMENT REPORT**

Officer Pam Lewis submitted verbal report.

**CITY ADMINISTRATOR REPORT**

Ms. Webb stated the workshop to discuss the Florida Main Street Program has been scheduled for June 15, 2010 at 5:30 PM.

Motion to approve and authorize payment for Attorney Floyd invoice made by Commissioner Ash, second by Commissioner Cook.

Motion carried 3 to 0.

Voting Aye: Ash, Cook, Mayor Johnson

Voting Nay: None

**WATER & SEWER DEPARTMENT REPORT**

William Cox not present. No report given.

**STREET DEPARTMENT REPORT**

Marvin Croom not present. No report given.

**PUBLIC WORKS DEPARTMENT REPORT**

Wilbur Bellew submitted verbal report. Mr. Bellew stated that Kenneth Wilson was June Public Works Employee of the Month.

**BUILDING DEPARTMENT**

Gene Osburn gave update on meeting he has been attending concerning the oil spill.

**GRANTS MANAGER**

Cindi Giametta asked if Commission had any questions regarding grants or anything.

Commission had no questions.

**CITY CLERK REPORT**

Lee Mathes not present.

Commissioner Elliott arrived at meeting.

**ATTORNEY FLOYD REPORT**

\* 2<sup>nd</sup> phase of ACOE litigation was completed today.

\* BP – Attorney Floyd stated that BP has requested to use Battery Park Point as a staging area. Attorney Floyd stated he has reviewed the lease submitted by Parsons Commercial Technology Group. The lease outlines that Battery Park Point would be used as a decontamination site, and they wanted to limit the liability to \$3 million. Attorney Floyd stated he has not been able to come to an agreement on the lease, and the Commission needs to make the decision if it is worth the risk to have them at Battery Park at the mouth of the river.

Motion to not approve lease as submitted and will possibly reconsider if other alternatives are presented made by Commissioner Cook, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Cook, Ash, Mayor Johnson

Voting Nay: None

Representatives from Parsons Group stated there has been no contact with oil contaminants and local fishermen and boaters are being utilized. Requests to use the grassy area at Battery Park Point and three boat ramps for as long as it takes.

Attorney Floyd and Ms. Webb will discuss legalities with Parsons Group after meeting.

\* Golf Cart Ordinance (2010-01) Final Reading – Attorney Floyd read Ordinance 2010-01 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE NO. 2009-05 IN PART WITH REFERENCE TO THE AGE AND DRIVER'S LICENSE PROVISIONS TO PROVIDE THAT THE PRIVILEGE EXTENDED BY THE CITY OF APALACHICOLA TO THE OPERATION OF GOLF CARTS UNDER THE OTHER CONDITIONS OF THE ORDINANCE IS NOT EXTENDED TO, AND SHALL NOT APPLY TO PERSONS WHO DO NOT HOLD A VALID, CURRENT DRIVER'S LICENSE UNLESS SAID DRIVER IS EIGHTEEN (18) YEARS OF AGE OR OLDER AND HAS NOT HAD HIS OR HER DRIVER'S LICENSE SUSPENDED OR REVOKED; PROVIDING FOR A REPLACEMENT OF SECTION 6 OF ORDINANCE NO. 2009-05 WITH THE PROVISIONS OF THIS AMENDMENT REGARDING AGE AND DRIVERS LICENSE OF OPERATORS; AND PROVIDING THAT IT SHALL BE PRESUMED FOR ENFORCEMENT PUROSES THAT IF A DRIVER IS UNABLE TO PROVIDE PROOF OF SUCH VALID CURRENT DRIVER'S LICENSE AT THE TIME OF BEING STOPPED OR OBSERVED WHILE IN THE OPERATION OF A GOLF CART WITHIN THE CITY THAT PERSON DOES NOT HOLD A VALID CURRENT DRIVERS LICENSE WHICH PRESUMPTION MAY LATER BE REBUTTED BY PRODUCTION OF SUCH LICENSE TO THE CHARGING OFFICER OR COURT AS PROOF OF COMPLIANCE WITH THIS PROVISION; PROVIDING

FOR THE CONTINUED VALIDITY AND ENFORCEMENT OF ALL OTHER PROVISIONS OF SECTION 2009-05; AND PROVIDING THAT TO THE EXTENT OF CONFLICT THIS ORDINANCE SHALL SUPERSEDE AND TAKE PRIORITY OVER CONFLICTING PROVISIONS OF OTHER ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt and approve final reading of Ordinance 2010-01 made by Commissioner Cook, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

**OTHER VISITORS & COMMENTS**

\* Mary Neylon requests permission to put up two crosses where car accident occurred at Scipio Creek boat ramp.

Commissioner Elliott stated that other possible options might need to be explored due to possible grant funds being received to do improvements in Scipio Creek.

Ms. Webb will work with family concerning options.

\* John Solomon stated the Seafood Festival would like to place a sign adjacent to the City welcome signs at each end of the City limits.

Motion to submit Seafood Festival sign design to Planning & Zoning made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Cook, Mayor Johnson

Voting Nay: None

\* Dieter Ambos stated Attorney Floyd needs to address CRA resolution or ordinance.

Attorney Floyd will get with DCA to see if the City has what is needed.

\* Clarice Powell stated the concert in the park was a success and would like permission to hold a two night Halloween event at Riverfront Park and close Water Street between Avenue D and Avenue E for the event.

Motion to approve Halloween event at Riverfront Park and close Water Street between Avenue D and Avenue E for event made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Cook, Ash, Mayor Johnson

Voting Nay: None

\* Anita Grove stated the Florida Humanities Council will be at the Cotton Warehouse on October 30<sup>th</sup>, and requests to waive the rental fee.

Motion to waive Cotton Warehouse rental fee for Florida Humanities Council made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

\* Commissioner Ash stated she would like an update on the Schroeder storm water problem.

Ms. Webb stated she has requested Jim Waddell review the other requests made by Mr. Schroder, and is also waiting on C. W. Roberts. The City is currently working on storm water projects at AJ's Bar & Grill and John Hankins.

Mr. Hankins stated there is a hole in the alley between 14<sup>th</sup> and 15<sup>th</sup> Street.

\* Mayor Johnson stated he has written a letter to President Obama concerning the BP oil spill.

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