

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, December 8, 2009 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, Grants Manager Gene Osburn, Chief of Police Bobby Varnes, Public Works Foreman Wilbur Bellew, City Attorney Pat Floyd

Visitors: George Watkins, Cora Russ, Bill McCartney, Liz Kelsey, Steve Bonifay, Richard Delp, Bob Dieter, Diane Dieter, Lisa Hooker, Sally Williamson, Anita Grove, Craig Gibson, Susan Clementson, Caty Greene, Wesley Creamer, Dieter Ambos, Cindy Clark, Faye Johnson, Joe Taylor, David Adlerstein

Prayer and pledge.

Mayor Johnson stated the City wanted to recognize Mr. Moody for his community service as Santa Clause. Mr. Moody could not attend the meeting, but Anita Grove will present Mr. Moody with Certificate of Appreciation.

PUBLIC HEARING – ORDINANCE NO. 2009-04 – WATER SUPPLY PLAN

Cindy Clark stated this is required second reading of this ordinance. Rebecca Jetton and DCA have both reviewed ordinance, but no major changes were made.

No public comment. Public hearing closed and regular meeting opened.

RECOGNITION OF VISITORS

* Sherman Thomas – community issues – not present.

2ND READING & ADOPTION DECISION – ORDINANCE 2009-04

Attorney Floyd read Ordinance No. 2009-04 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THE CITY OF APALACHICOLA WATER SUPPLY FACILITIES WORK PLAN (WORK PLAN); AUTHORIZING THE WORK PLAN TO BE INCORPORATED AS AN AMENDMENT TO THE APALACHICOLA COMPREHENSIVE PLAN, AS ADOPTED PURSUANT TO ORDINANCE NUMBER 91-7 AND ALL SUBSEQUENT AMENDMENTS THEREOF; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance 2009-04 made by Commissioner Cook, second by Commissioner Bartley.

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Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve November minutes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 5 to 0.

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

Voting Nay: None

1ST READING – ORDINANCE 2009-05 – GOLF CART ORDINANCE

Attorney Floyd stated this ordinance is an amendment to the original golf cart ordinance. Attorney Floyd read Ordinance 2009-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA PROVIDING FOR THE USE OF GOLF CARTS UNDER CERTAIN CONDITIONS AND RESTRICTIONS PURSUANT TO FLORIDA STATUTES SECTION 316.212 (FLA. STAT. 2003); PROVIDING THOSE RESTRICTIONS AND CONDITIONS; PROVIDING FOR THE DESIGNATION OF STREETS AND ROADS WITHIN THE CITY OF APALACHICOLA AND CHANGES IN SAID DESIGNATION FOR THE USE OF SAID GOLF CARTS BY THE CITY COMMISSION BY RESOLUTION FROM TIME TO TIME; PROVIDING FOR LIMITED EXCEPTION FOR THE RENTAL, SHORT TERM LEASE OR USE OF GOLF CARTS IN CONNECTION WITH COMMERCIAL OR BUSINESS PURPOSES BY PERSON(S) WHO ARE NOT THE OWNER OF THE GOLF CART; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ORDINANCE NUMBER 2005-01 AND THAT THE PROVISIONS OF THIS ORDINANCE SHALL SUPERCEDE AND TAKE PRIORITY OVER CONFLICTING PROVISIONS OF OTHER ORDINANCES.

Ms. Webb stated that Traffic Safety Team member Dixie Partington was in favor of the golf cart rental business, and that all elements have been addressed.

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Attorney Floyd stated the Commission needs to decide how many golf carts would be allowed per rental business.

Motion to proceed with advertisement for public hearing made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

Attorney Floyd stated he needs all comments from the Commission before ordinance is advertised for public hearing.

Commissioner Ash stated the City should impose a registration fee for golf carts.

Attorney Floyd asked if this would be for any golf cart in the City.

Ms. Webb stated the fee should be an annual fee.

Commissioner Ash stated the fee would apply to all golf carts.

Commissioner Cook asked Lisa Hooker how many golf carts she wanted to have in her rental business.

Ms. Hooker stated she would like to have 10 golf carts for rent.

Ms. Webb stated that golf carts are also not allowed on sidewalks. If this is not included in the proposed ordinance, that verbiage needs to be added.

Attorney Floyd stated golf cart registration fee, no golf carts allowed on sidewalks, and golf cart limit per business are things that need to be added to the proposed ordinance.

Commissioner Cook stated a registration fee needs to be addressed in the ordinance, but the actual registration fee amount needs to be set by resolution. If the Commission chooses to change the registration fee amount, another resolution just needs to be adopted, not the whole ordinance.

Mayor Johnson agrees that registration fee amount should be set by resolution.

Commissioner Elliott asked about how many golf carts are registered with the City.

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Ms. Mathes stated there are about 75 registered golf carts.

Ms. Webb stated a resolution can be ready for adoption at January meeting.

Attorney Floyd stated the Board needs to decide on the maximum number of golf carts that will be allowed, and how many will be allowed per business.

Commissioner Elliott recommends that 30 golf carts be allowed for rentals, with no more than 10 golf carts per business.

Attorney Floyd stated he will insert verbiage into ordinance.

CHAMBER OF COMMERCE REPORT

Anita Grove submitted written report to Board.

TRAFFIC SAFETY TEAM REPORT

Bob Dieter commented on proposed golf cart ordinance. Mr. Dieter stated a decision needs to be made on the redevelopment of Market Street and Avenue E intersection and the sidewalk that runs down Market Street. FDOT needs to be told if the City is for or against the redevelopment. Mr. Dieter stated the redevelopment consists of a round-a-bout at Market Street & Avenue E intersection, make Market Street downtown sidewalk handicap accessible, and provide proper pedestrian signage.

Commissioner Elliott stated he was originally opposed to the idea of a round-a-bout, but became familiar with the idea. Commissioner Elliott stated that from what he has heard, there are more people against it than for it.

Mr. Dieter stated traffic does not have to stop unless there are pedestrians or another vehicle in the circle.

Commissioner Elliott stated log trucks are a big concern.

Commissioner Ash stated from what she has heard the people are against it.

Mr. Dieter stated the redevelopment will add value to the downtown area.

Commissioner Ash stated the redevelopment will also change the look of the downtown area.

Ms. Webb asked if the Traffic Safety Team could hold public workshops to educate citizens.

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Mayor Johnson stated public workshops need to be conducted to educate citizens before a decision is made.

LIBRARY REPORT

Caty Greene submitted written report to Board.

PLANNING & ZONING REPORT

Sally Williamson presented verbal report to the Board.

FIRE DEPARTMENT REPORT

George Watkins submitted written report to Board.

Cindi Giametta stated Police/Fire Station bids were opened on December 3rd. CRA is recommending awarding bid to Poloronis Construction.

Motion to award Police/Fire Station bid to Poloronis Construction made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated construction should start in January.

POLICE DEPARTMENT REPORT

Chief Bobby Varnes submitted verbal report.

Mayor Johnson asked if the police department could focus more on golf carts.

Chief Varnes stated the department will get the issues solved regarding the golf carts. Chief Varnes also stated the police department will be getting a new vehicle through stimulus funds.

Commissioner Elliott stated there are entirely too many golf carts driving on the sidewalks.

Attorney Floyd stated verbiage will include in the proposed ordinance to prohibit golf carts driving in parks, on piers, on docks, on sidewalks, etc. unless otherwise approved.

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Mayor Johnson stated there needs to be a fine imposed, not just a notice to appear in court issued when a citation is issued.

CITY ADMINISTRATOR REPORT

* Ms. Webb submitted written report to Board.

* Ms. Webb outlined storm water issues

* Ms. Webb stated she is getting quotes from CW Roberts on installing speed bumps already approved by the Board.

Commissioner Elliott stated a speed bump is needed at 17th Street & Avenue H.

Ms. Webb stated she will have to coordinate that request with the Traffic Safety Team.

Mayor Johnson stated all speed bump requests should be cleared through the Traffic Safety Team first.

Ms. Webb stated CW Roberts is already in town doing the County's paving job, and they can install the speed bumps while they are here.

* Ms. Webb stated that Alan Pierce has contacted the City regarding the City contributing funds towards the paving project. Ms. Webb stated the City could put \$50,000 towards the paving project – this would allow the City to get a portion of Scipio Creek road done.

Mayor Johnson stated he has concerns that the County is paving roads that don't need to be paved, and not paving roads that need to be paved.

Ms. Webb stated the County has paved every road the City has requested with the exception of 24th Avenue and Scipio Creek.

Board agreed to provide no paving funds to the County.

* Ms. Webb reviewed project activities.

* Ms. Webb stated Commissioner Ash's position on the CRA board needs to be filled, and she recommends Stephanie Turrell.

Motion to appoint Stephanie Turrell to CRA Board made by Commissioner Bartley, second by Commissioner Ash.

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Motion carried 5 to 0.

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

Voting Nay: None

* Ms. Webb stated the task order for Holy Family is being finalized and hopefully project will be going out to bid by February

* Motion to approve payment for Attorney Floyd's invoice made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

PROJECT IMPACT REPORT

Faye Johnson reported on Project Impact. Ms. Johnson stated she wants to start a scholarship program for high school seniors. A citizen has already donated \$200 towards the scholarship fund. Scholarship will be awarded to a participant of the program.

Commissioner Bartley asked about the qualifications for the scholarship.

Ms. Johnson stated the details of the scholarship criteria have not been established yet.

BILL MCCARTNEY REPORT

Mr. McCartney submitted verbal report. Mr. McCartney stated that he and the Mayor had a productive meeting the Al Lawson.

Mayor Johnson stated the City needs to conduct a revenue enhancement study.

Ms. Webb stated that she, Mr. McCartney, Commissioner Ash, and Ms. Mathes will get together to discuss study.

Commissioner Ash asked about the status on downtown directional signage.

Ms. Webb stated money has been allocated through TDC, but has not proceeded further at this point.

WATER & SEWER REPORT

William Cox not present.

PUBLIC WORKS DEPARTMENT REPORT

Wilbur Bellew presented verbal report.

STREET DEPARTMENT REPORT

Marvin Croom not present.

BUILDING DEPARTMENT REPORT

Gene Osburn not present.

GRANTS MANAGER REPORT

Ms. Giametta stated she has nothing further to report.

Mayor Johnson asked about the status of fire truck grant.

Ms. Giametta stated she has not received any word at this point.

ATTORNEY FLOYD REPORT

* Attorney Floyd stated USDA is requiring updated Fire Department Protection (MSBU) contract.

Motion to approve continuation of Fire Department Protection Contract with confirmation in writing made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Attorney Floyd updated Board on ACOE litigation.

* Attorney Floyd stated the Williamson Property purchase through FCT funds should be finalized by the end of the year

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* Attorney Floyd stated the bond validation hearing was held for the Police/Fire Station. Closing should be after the first of the year.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk