

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, February 2, 2016 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Clerk Lee Mathes, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: Anita Grove, Bill McCartney, Ginny Griner, Jarrod Wester, Linda Stanton, Elinor Mount-Simmons, Caty Greene, Augusta West, Richard Rushmore, Kathy Rushmore, David Adlerstein, Barry Hand, Uta Hardy, Joe Taylor, Holly Brown, Creighton Brown, David Meyer, Cindy Clark, Ashley Teat, Jim Bachrach

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

RECOGNITION OF VISITORS

1. Augusta West – Main Street Project Update

Ms. West stated a donor has given the City property on the corner of Commerce Street and Avenue F to be utilized as some sort of park area. The owner of the donor property had suggested a history or archaeological theme for the park. Main Street has taken the initiative to make this a project, and is asking City support to help provide earth moving equipment to make this possible. Although Main Street is submitting Visit Florida grants, City financial assistance may be needed later, but at this time, all that is needed is permission to proceed with archaeological dig.

Jim Bachrach stated this will be a City project led by Main Street. Main Street is hoping funds can be obtained for the archaeological dig. Any artifacts or anything found on the site will be property of the City.

Attorney Floyd clarified that the use of the equipment would be just for the archaeological dig, not for development, and City personnel will operate the equipment.

Commissioner Ash asked if there is a need for a hold harmless agreement.

Attorney Floyd stated one would be needed stating the artifacts are property of the City, and persons doing dig holds the City harmless during the dig.

Mr. Bachrach stated there will be a few people helping with this project.

Motion to approve the use of City heavy equipment with City personnel operating equipment for archaeological dig at donor property located at Commerce Street and Avenue F made by Commissioner Cook, second by Commissioner Bartley.

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Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

2. Linda Stanton – Mardi Gras Dog Parade

Ms. Stanton outlined activities relating to Mardi Gras Dog Parade to be held Saturday, February 6th at 1:00 PM. Ms. Stanton invited Commission to participate in parade and will get with Chief Varnes and Ms. Mathes to finalize details.

3. Ginny Griner – Weems Hospital

Ms. Griner announced to the Commission the addition of Dr. Stohl who will be serving Weems East and Weems West. Ms. Griner also introduced Jarrod Wester, Weems new EMS director.

4. Elinor Mount-Simmons – African-American History Festival

Ms. Mount-Simmons stated the 13th Annual African-American History Festival will be held Friday, February 19th through Sunday, February 21st. H'COLA is requesting the use of Franklin Square which includes Recreation Center, tennis courts, and basketball courts; blocking of roads on Avenue L from 6th Street to 7th Street for entire festival; and blocking of roads for parade route.

Motion to approve H'COLA requests for the 13th Annual African-American History Festival made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

5. Caty Greene announced public forums will be held every Thursday for the next four weeks at the Apalachicola Museum of Art.

APPROVAL OF BILL LIST

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

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

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PLANNING & ZONING

1. Richard Rushmore Fence Encroachment – 59 17th Street

Mr. Rushmore stated he needs an encroachment to move a fence out about 2 feet to put behind a palm tree. Fence would not affect alley traffic, and all City utilities are on the other side of the alley.

Mayor Johnson asked if the sewer pit would be outside the fence.

Mr. Rushmore stated sewer pit it located outside the fence.

Motion to approve fence encroachment for Richard Rushmore located at 59 7th Street contingent upon signing encroachment agreement made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

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

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

CITY CLERK

Motion to approve Attorney Floyd invoice made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

ATTORNEY FLOYD

Attorney Floyd updated Commission on litigations regarding water quality, Family Dollar, and ACOE. Attorney Floyd stated Scenic Byway Agreement is completed and submitted to proper individuals. Also, building permit has been obtained by property owners to start demolition of burn house located on Hwy 98 and 17th Street.

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OTHER VISITORS & COMMENTS

1. Elinor Mount-Simmons stated that Dolores Croom requested at last meeting if it was possible to make the City parks tobacco free facilities.

Attorney Floyd stated he has not yet researched the matter, but will get in touch with Ms. Croom with an answer.

MAYOR & COMMISSIONERS COMMENTS

1. Mayor Johnson explained that he envisioned Bill McCartney's role as working with BP, but he doesn't have the authority to do this since he is limited to waste water at this time. Mayor Johnson stated he recommends the Commission broaden the contract to work on BP matters, not grants. Mayor Johnson stated the County has a RESTORE Act meeting on February 16th, and would like to put necessary actions in place for Mr. McCartney to be there representing the City. In the existing contract, Mr. McCartney is to be paid a percentage of what funds he gets for the City, but this is unrealistic dealing with BP funds, so Mr. McCartney is asking for a minimum amount of \$85/Hour.

Commissioner Bartley commented that \$85/Hour is to handle only BP matters.

Mr. McCartney stated he was active in raising money for the City for a lone time when he was with BDI. Mr. McCartney stated he has a personal service agreement with the City that provides him to report to the City Administrator. The agreement was last amended in 2011. Mr. McCartney stated he would like to be a special assistant to the Mayor with approval of the City Administrator for BP funding.

Mr. McCartney outlined RESTORE Act funds, and how they will be distributed.

Mr. McCartney stated he would like to work with the Mayor on any concerns, and just add BP Project Funding as another line to the current one page contract agreement.

Attorney Floyd stated he has not approved any new contract adding BP Projects and the \$85/Hour rate.

Mr. McCartney stated he was referring to the old contract, but the change would be to reflect the \$85/Hour and add the BP Project funding.

Commissioner Ash stated she would like to see Mr. McCartney's current contract.

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Mr. McCartney stated he will provide a copy to Ms. Mathes. Mr. McCartney stated he is familiar with what projects will and will not get funded with the BP funds, and is looking forward to working with the City if approved.

Mayor Johnson stated the City needs somebody familiar with the BP funding process. Mayor Johnson reiterated that the RESTORE meeting is February 16th, and the City needs to get up to speed.

Commissioner Bartley asked if the Commission needs to wait on approval until Attorney Floyd can review the agreement.

Motion to allow Mr. McCartney to represent City at the February 16th RESTORE meeting but come back before the Commission for contract approval made by Commissioner Ash.

Motion died for lack of second.

Commissioner Cook stated he is comfortable with the agreement. Commissioner Cook stated the City needs someone familiar with the process and looking out for the City's best interest, and Mr. McCartney can do this.

Mayor Johnson stated that there are not only BP monies, but it has come to his knowledge there are other funds out there like the Enterprise Florida Fund and Strike Force.

Motion to expand Bill McCartney's contract to include BP Project Funding, Enterprise Florida Fund, and Strike Force Fund contingent on review and approval of Mr. McCartney's contract made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 3 to 1.

Voting Aye: Bartley, Cook, Mayor Johnson

Voting Nay: Ash

Mr. McCartney clarified this is in addition to what is currently authorized.

Attorney Floyd stated there are certain projects that Mr. McCartney mentioned that he has on a contingency basis and now there will be some that will be on an hourly basis.

2. Mayor Johnson stated that he would like the City to give Ms. Webb a very nice retirement party.

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3. Mayor Johnson stated that about 8 months ago, Ms. Webb recommended that Lee Mathes start taking more of the role of City Administrator. Mayor Johnson stated he would like to recommend that Lee Mathes be appointed City Administrator and Deborah Guillotte be appointed City Clerk upon Betty Webb's retirement date of March 31, 2016.

Motion to appoint Lee Mathes as City Administrator and Deborah Guillotte as City Clerk effective April 1, 2016 made by Commissioner made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

Uta Hardy if Ms. Webb had a contract with the City to perform duties after retirement date.

Mayor Johnson stated no contract is in place at this time.

4. Mayor Johnson updated Commission on College of Marine Science initiative.

5. Mayor Johnson updated Commission on cross border project. Apalachicola Fish Company, LLC has already been established to start process. Mayor Johnson stated he would like to have a lease agreement on cross board project next month for approval to lease Harbor Master building at Mill Pond for \$1.00/year for the first 3 years, and after 3 years then charge a rental fee on the lines of what FWC was paying. Mayor Johnson would like for Mr. McCartney to help find grant funds for both the College of Marine Science and Apalachicola Fish Company ventures.

6. Ashley Teat gave presentation regarding fire inspector position.

Commissioner Bartley asked how the City was to fund this position.

Mayor Johnson stated if the Commission agreed, then the position would have to go through the budget process to see where funds would be obtained and also the position would have to be advertised to receive applications for all those interested.

No action taken by Commission.

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There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk