

A Public Hearing and Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, July 8, 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 Inspector Gene Osburn, Chief of Police Bobby Varnes, Attorney Pat Floyd

Visitors: Bob Dieter, Diane Dieter, Sally Williamson, Beverly Hewitt, Anna Carmichael, Jim Philyaw, Geoffrey Hewell, Jim Waddell, Todd Baldwin, Police Officer Anthony Croom, Craig Gibson, Anita Grove, Charles Kienzle, Caroline Kienzle, Susan Clemenson, Joe Taylor, Lynn Wilson, Ella Mosconis, Ginger Creamer, Bill Spohrer, David Adlerstein, Curt Blair

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

PUBLIC HEARING – USDA RURAL DEVELOPMENT FUNDING FIRE/POLICE STATION

Cindi Giametta explained that this public hearing was called to discuss the proposed funding by USDA Rural Development for an Apalachicola Police Department and Volunteer Fire Department facility and to give the citizens of Apalachicola an opportunity to become acquainted with the project and give comments.

Proposed location and dual use facility discussed.

No citizens' comments received.

Public hearing closed.

REGULAR MEETING

Regular meeting opened by Mayor Johnson.

Mayor Johnson presented Officer Anthony Croom with 2008 Valor Award for his heroism at a house fire.

RECOGNITION OF VISITORS

* Callie Nichols recognized by the Commission. Ms. Nichols addressed the Board about replacing or tearing down the awning that is over the sidewalk at the building at the corner of Avenue G and Commerce Street and about also breaking up and repairing the sidewalk in front of the building.

Ms. Webb stated the Ms. Nichols wants the assurance that if she tears down the awning over the sidewalk that she will be allowed to put the awning back.

Ms. Nichols stated she is trying to replace the awning to preserve the structure of the building.

Motion to approve awning overhang over sidewalk with Planning & Zoning reviewing awning construction made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Joe Taylor – Board of History, Culture & Arts – Mr. Taylor gave Commission update on June 30th meeting. Mr. Taylor stated there is one vacancy on the board that needs to be filled, and he recommends appointing Lynn Wilson to the board.

Motion to appoint Lynn Wilson to the Board of History, Culture & Arts made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

* Ella Mosconis – Road Closure Approval for Three Serviceman Statute Dedication – Ms. Mosconis stated the Three Serviceman Statute Dedication is July 12th and would like authorization to close Market Street from Avenue G to Scipio Creek Marina and also Avenue I and Avenue J where it enters Market Street for the dedication.

Ms. Webb stated that Chief Varnes will be in charge of all road closings and directing traffic for the event.

Motion to approve road closings as outlined by Ella Mosconis for Three Serviceman Statute dedication on July 12th made by Commissioner Webb, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Orman House State Park Roadway & Alleyway Closures – Attorney Floyd stated that Resolution 2008-05 outlines the roadway and alleyway closures for the Orman House State Park lease agreement.

Motion to adopt Resolution 2008-05 made by Commissioner Cook, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve June minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILLS

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

Motion carried 5 to 0.

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

Voting Nay: None

TRAFFIC SAFETY TEAM REPORT

Bob Dieter stated he is continuing working with Franklin County to form countywide Traffic Safety Team. Countywide Traffic Safety Team would qualify for more funding.

CHAMBER OF COMMERCE REPORT

Anita Grove presented monthly report. Ms. Grove addressed magazine boxes on City ROW.

Ms. Webb stated she contacted VMS, and the City can remove the boxes that are on DOT ROW within the City limits. Ms. Webb suggests removing the boxes from downtown sidewalk and putting the active boxes in a central location.

Attorney Floyd stated to call the owners of the boxes and let them know the City has the authority to remove the boxes. If they want their boxes, they need to pick them up; otherwise the City will remove them.

Motion to contact magazine box owners to let them know box will be removed from City ROW made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Grove stated the Corps of Engineers was in town and toured areas of the Apalachicola River.

Attorney Floyd stated the he and Mayor Johnson met with them while they were in town.

Commissioner Webb asked about status of Lafayette Park beautification.

Ms. Webb stated she was waiting until the pier was completed before beautification was done.

Commissioner Webb stated upon completion of pier, beautification needs to move as quickly as possible.

POLICE DEPARTMENT REPORT

Chief Varnes stated radar was run on 16th Street and no high speeders were detected. Marked and unmarked units patrolled the area.

Mayor Johnson asked if Chief Varnes could continue to patrol the area and report back to Board.

Attorney Floyd stated Police Policy and Procedure Manual is ready for adoption.

Motion to adopt Police Policy and Procedure Manual made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

CITY ADMINISTRATOR'S REPORT

Ms. Webb submitted monthly report to Board.

Ms. Webb reported on water and sewer turn over. DEP came in today and did inspection. Ms. Webb stated there is a possibility that ESG is going to let the City purchase vacuum truck at a low price.

Ms. Webb stated Commission needs to approve new Water and Sewer Department employees. They are Manuel Aguilar-Sanchez, William Cox, Rhett Butler, Edward Burke, Kenneth Wilson, Fred Babb, and Robert Osburn. Carl Mayo is transferring from Public Works Department to Water and Sewer Department.

Mayor Johnson asked if any employees are related to current e

Ms. Webb stated that Robert Osburn is the brother to Gene Osburn.

Attorney Floyd stated the personnel policy is against that if it is direct supervision.

Mayor Johnson stated he has a problem with hiring family members.

Ms. Webb stated she thoroughly understands that.

Motion to hire Water and Sewer employees with probation period made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 3 to 2.

Voting Aye: Webb, Cook, Bartley

Voting Nay: Elliott, Mayor Johnson

Ms. Webb stated the City has an opportunity to resubmit grant with Elder Care Services to conduct senior citizen activity at Holy Family.

Motion to authorize Ms. Giametta to resubmit grant with Elder Care Services made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb stated the summer recreation program is going very well.

Ms. Webb stated a meeting will be held on July 10th regarding relocation of State barge currently located at Scipio Creek. There is \$250,000 available funds to relocate barge.

Ms. Webb stated Community Pride signs are available and encouraged citizens to take a sign and participate in the program.

Commissioner Webb asked when Library monthly checks are deposited.

Ms. Mathes stated checks are normally deposited before the 15th of each month, but there have been occasions where checks may have been deposited at a later time.

BUILDING DEPARTMENT REPORT

Motion to confirm Board of Adjustment and Planning & Zoning minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried.

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

Voting Nay: None

GRANTS MANAGER REPORT

Ms. Giametta stated has received the FCT contract for property across Nichols on highway. Everyone needs to sign contract.

Attorney Floyd stated he needs to review contract before signing.

Beverly Hewitt asked why the City is purchasing property if the lots are not buildable lots.

Ms. Giametta stated the City purchased five lots next to it last year through FCT funds and these are the next two lots.

Ms. Webb stated the whole purpose of FCT is to provide public access to waterfront property.

Mayor Johnson stated the public needs to be involved when the City compiles the list of properties to be purchased through FCT.

REPORT ON PROJECT ACTIVITY

Ms. Webb submitted project status report.

Attorney Floyd discussed general services contract with BDI for fire/police station. Attorney Floyd stated needs approval of task order under the general services contract with BDI and approve submittal of AIA contract under BDI task order to Rural Development.

Motion to approve task order under the general services contract with BDI and approve submittal of AIA contract under BDI task order to Rural Development made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

ESG FINAL REPORT

Todd Baldwin presented ESG final report.

Mayor Johnson presented Todd Baldwin with Certificate of Appreciation.

OTHER (ADMINISTRATOR'S REPORT)

* Ms. Webb stated the work crew is to be commended for cleaning detail on weekends and holidays.

* Beverly Hewitt asked if Veteran's Park could be renamed because of Veteran's Memorial Plaza.

Ms. Webb stated Veteran's Park used to be called Apalachicola Riverfront Park.

Commissioner Elliott stated maybe park should honor seafood workers.

Ms. Webb stated that Ronnie Martina is pulling his boat out, and the Waterfront Committee is talking about displaying boat at Veteran's Park.

Commissioner Bartley stated the original intent of naming the Veteran's Park was to honor veterans and he is not in favor of renaming the park until input is received from the veterans.

Ms. Webb stated the Sineath and Andris properties need to be renamed, and the property on Hwy 98 recently purchased needs to be named. Ms. Webb stated she could get input from a couple of groups and report back to the Board.

* Carrie Kienzle commended recreation program on bringing children to Library.

Mayor Johnson commended Commissioner Webb for recreational program.

Commissioner Webb stated there is a team of people that has helped on a day to day basis, but many people have helped set up and run the program.

* Bill Spohrer asked about status of Margaret Key Estate to repair the Library.

Attorney Floyd outlined status of Margaret Key Estate.

* Joe Taylor stated citizens should attend Community Pride meetings. Mr. Taylor commended Ms. Webb on her efforts with community pride.

* Mayor Johnson asked if someone could find out of status of the library repairs with Rick Barnett and report back to the Board.

ATTORNEY REPORT

* Steve James Lawsuit – Attorney Floyd stated Steve James has filed suit for him not being promoted to Chief position. Attorney Floyd stated the City is not covered for this type of complaint. Attorney Floyd stated he needs authority to consult an attorney specializing in civil rights, but will bring back before the Board before any funds are spent.

Mayor Johnson stated the City is having to spend tax payers dollars to defend this case while Steve James is still receiving a pay check.

Attorney Floyd stated Steve James is still an employ of the City.

Attorney Floyd stated no new person was hired when Andy Williams retired. Bobby Varnes was promoted to Chief position at the discretion of Andy Williams.

Motion to consult with civil rights attorney, with Attorney Floyd coming back before the Board before any funds are spent made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

* FCT – Ellen Cunningham – would like for her to attend next month meeting to discuss monies that are available for preserving working waterfront.

* Updated Board on Corps of Engineers litigation.

* Need Board to approve lease with park services and management agreement with Three Serviceman Statute South.

Motion to approve lease with State of Florida Park Services made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Motion to approve management agreement with Three Serviceman Statute South made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

OTHER VISITORS AND COMMENTS

David Adlerstein asked if the State will be responsible for maintenance for Botanical Gardens.

Mayor Johnson stated lease agreement is for 50 years.

MAYOR AND COMMISSIONER'S COMMENTS

* Mayor Johnson asked if the City was covered for environmental insurance for WWTP.

Ms. Webb stated Attorney Floyd is looking into that.

Attorney Floyd stated someone will be contacting him in the morning. It is a separate coverage you have to buy.

* Mayor Johnson asked Attorney Floyd about status of Supervisor of Elections request regarding elections.

Attorney Floyd stated he will have report at next meeting.

* Mayor Johnson stated the City needed to ratify Joe Taylor as Chair and Brenda Ash as Vice Chair of CRA.

Motion to ratify Joe Taylor as Chair and Brenda Ash as Vice Chair of CRA made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

* Mayor Johnson stated he would like to appoint Commissioner Cook as the City's liaison to CRA.

Motion to appoint Commissioner Cook as City's liaison to CRA made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

* Mayor Johnson stated he would like to appoint four people and Commissioner Cook to a Budget Committee. Two people would serve two year terms and two people would serve four year terms. The proposed appointees are Jim Philyaw, Rose McCoy, Rita Sawyer, and Richard Dosik.

Motion to appoint Commissioner Cook, Jim Philyaw, Rose McCoy, Rita Sawyer, and Richard Dosik to the Budget Committee made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

Mayor Johnson stated that he would like the Budget Committee to meet before next regular meeting.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk