

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY,
Tuesday, December 3, 2019 at 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

PRESENT: Mayor Kevin Begos Ron Nalley, City Manager
Commissioner Brenda Ash Deborah Guillotte, City Clerk
Commissioner Despina George Kristy Banks, City Attorney
Commissioner Adriane Elliott
Commissioner Anita Grove

CALL TO ORDER

Mayor Begos called the meeting to order at 6:00 PM and Valentina Webb gave the invocation. Council members led the pledge of allegiance.

AGENDA ADOPTION

Mayor Begos called for a motion to approve the agenda.

Commissioner Ash made a motion to approve the agenda as revised. Commissioner George seconded and the motion carried 5-0.

MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS

A. Mayor Begos and Commission had discussions on the Asset Management Plan with Florida Water Rural Association, the Stewardship Bill, the City Manager Position title conflict between the personnel policies and City Charter, the AWAAD & Associates Accounting Agreement and our current CPA, Moran & Associates, Community Redevelopment Agency meeting January 21st, the current City Manager's Contract, the Allen, Norton and Blue retainer agreement, the audit and audit committee, the water use audit, the recognitions of Mike Freeman and Russell Cumbie, the online web services and Waste Pro Agreement.

CITY MANAGER COMMUNICATIONS

- Census 2020 Complete Count Committee – Mr. Nalley gave an update, reminding how important this is for our community.
- DEP Revolving Loan Repayment Plan Update - Mr. Nalley gave a brief update on the loan payments over the past year, stating as of December 1st the City has paid \$171,333, with a remaining estimated balance of \$583,000. The payments should be completed in four and a half years, instead of the projected seven years. DEP would like for us to consider selling off property in order to pay in one lump sum.

ATTORNEY KRISTY BRANCH BANKS COMMUNICATION

- Attorney Banks gave brief updates on DEP's recommendation to sell city property to liquidate the default debt, the evaluation of the city manager contract and requesting permission to contact Mr. Larkin, the attorney with employment law experience, and the Moore and Jackson litigation.

Commissioner Grove made a motion to authorize Attorney Banks to enter into negotiations of the Moore and Jackson litigation and have Mayor Begos represent the City in the negotiations. Commissioner Elliott seconded and the motion carried 5-0.

PRESENTATIONS

- A. Presentation of Service Award – Former Commissioner John Mitchell Bartley – Mark Sittig, Membership Services Manager, Florida League of Cities, presented Former Commissioner John Mitchell Bartley with the John Land Regular Meeting – 12-3-19 – Page 2

Years of Service Award, for 20 years of service.

- B. Resolution 2019-26 Thanking the Apalachicola Volunteer Fire Department for Improving the ISO Rating and Protecting the City - Commissioner Grove read and presented Resolution 2019-26, thanking the Apalachicola Volunteer Fire Department for improving the ISO rating and for protecting the city. Fire Chief George Watkins thanked the Commission and gave a brief update on the current ISO rating standards.

Commissioner Grove made a motion to approve Resolution 2019-28 thanking the Apalachicola Volunteer Fire Department for improving the ISO rating and protecting the City. Commissioner Elliot seconded and the motion carried 5-0.

PUBLIC HEARING

A. ORDINANCE 2019-02 - DUKE ENERGY ELECTRIC FRANCHISE AGREEMENT – PUBLIC HEARING AND SECOND READING

Mayor Begos read Ordinance 2019-02 by title as follows:

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF APALACHICOLA, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Begos opened the floor for public comment.

Pete Whitesell expressed concerns of herbicides being sprayed on the West side to kill off vegetation and the chemical run-off going into the Apalachicola Bay, and also Duke Energy cutting down trees to put in new power poles.

John Alber stated that other cities charge utilities a percentage of gross revenues to use public rights of way, also application fees in addition to any franchise fees. Mr. Nalley stated that some of these concerns have already been resolved with Duke Energy, such as tree trimming notices that go through the Tree Committee, spraying was not discussed.

Discussion ensued about the chemicals used, the dangers of Roundup, and spraying next to the bay.

Mayor Begos closed the public hearing.

PUBLIC COMMENT

Mayor Begos opened the floor for public comment.

- Augusta West, Apalachicola Main Street expressed her concerns with Resolution 2019-27.
- Elinor Mount-Simmons from HCOLA expressed concerns of stop signs and where they will be installed.
- Pete Whitesell expressed his concerns of the forensic audit.

CONSENT AGENDA

A) Commissioner Elliott requested that an error in the October 8, 2019 minutes, Page 6, New Business –Item H, be stricken, stating that the sentence states the opposite of what she actually said. Commissioner Elliott made a motion to

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amend the minutes, striking the phrase that Commissioner Elliott mentioned. Commissioner George seconded and the motion carried 5-0.

Mr. Nalley requested that Consent Agenda Item “A” the October 17, 2019 Special Meeting and the November 5 2019, Regular Meeting Minutes Adoption be removed.

B) CareerSource Gulf Coast Lease Agreement - Community Center - Commissioner George expressed her concerns with the agreement and requested that Attorney Banks review the Lease Agreement and make the adequate changes.

Commissioner George made a motion that we table the Lease Agreement with CareerSource, pending the review of the lease by the City Attorney. Commissioner Elliott seconded followed by discussion. Mayor Begos suggested modifying the motion to direct the city attorney to review the lease and if she approves the lease, then the mayor would be allowed to sign it. Discussion ensued.

Commissioner George made a motion to table the CareerSource Lease pending review by the City Attorney and that it be presented at the January meeting. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. ORDINANCE 2019-02 - DUKE ENERGY ELECTRIC FRANCHISE AGREEMENT – PUBLIC HEARING AND SECOND READING

Mayor Begos read Ordinance 2019-02 by title as follows:

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF APALACHICOLA, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Ash made a motion to adopt Ordinance 2019-02 granting Duke Energy of Florida an Electric Franchise with the City of Apalachicola. There was no second made. Mayor Begos passed the chair to Commissioner Ash.

Mayor Begos made a motion to adopt Ordinance 2019-02 granting Duke Energy of Florida an Electric Franchise with the City of Apalachicola. Discussion ensued. Attorney Banks stated she has reviewed the Duke Energy Franchise Agreement. Commissioner Elliott seconded and the motion carried 5-0.

Commissioner Ash passed the chair back to Mayor Begos.

UNFINISHED BUSINESS

B. RESOLUTION 2019-25- REQUESTING FRANKLIN COUNTY HONOR THE INTENT OF THE INTER-LOCAL AGREEMENT WITH THE CITY OF APALACHICOLA FOR SMALL COUNTY SURTAX AND REQUEST ADDITIONAL INFORMATION

Mayor Begos gave a brief review of the Weem’s Hospital issue, stating he is getting different feedback from the Hospital Board and County Commissioners. Commissioner’s expressed concern with the wording “healthcare facility” stating it

should be worded "Hospital" and to specify that a new public hospital facility remain in the City of Apalachicola. Mayor Begos suggested that the wording read "and insist that a new public hospital facility remain in the City of Apalachicola. Discussion ensued.

Commissioner Ash made a motion to amend this resolution in the next to the last paragraph to read, "and insist that a new public hospital facility remain in the City of Apalachicola." Commissioner George seconded and the motion carried 5-0.

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UNFINISHED BUSINESS
C. SALE OF CITY OWNED PROPERTY DISCUSSION

Mr. Nalley gave a brief update of the November meeting, stating that the Commission had expressed interest in moving forward with the possible sale of the City Hall building and the old Fire Station, and requested that Attorney Banks research the matter and bring back a proposal for Commissions review and consideration. Attorney Banks reviewed the information about the sale of the City properties, and asked for feedback and guidance. Discussion ensued.

Commissioner Ash made a motion to seek broker opinion of the old Fire Station, the City Hall building, and all other city owned parcels identified in 2018. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
D. RESOLUTION 2019-27 RESCINDING THE ECONOMIC DEVELOPMENT PARTNERSHIP WITH APALACHICOLA MAIN STREET

Attorney Branch reviewed and read parts of the 2011 Resolution, and suggested that the City adopt a new resolution in order to clarify or change the terms discussed by this Commission. Discussion ensued.

Commissioner Grove made a motion to table the Main Street Resolution 2019-27, and do more research. Commissioner Ash seconded and the motion carried 5-0.

UNFINISHED BUSINESS
E. APALACHICOLA COMMUNITY REDEVELOPMENT ASSOCIATION DISCUSSION

Mayor Begos gave a brief review stating that the County is assuming they are giving the City \$48,000 this year. The CRA still exists at this time, but the Plan would need to be amended. Mr. Nalley stated that there are three scenarios, fully funded to 95%, 70%, and 50%. The City needs to provide some level of debt payment to the CRA, as well as the allocation levels. Mayor Begos stated that the City can try to reduce the TIF, but we should move forward. Discussion ensued.

Commissioner George made a motion to reduce the TIF percentage for the 2019-20 fiscal year to 75%, and that the City pay \$10,000 toward the prior debt to the CRA, and enter into a new Inter-local Agreement with the County to revise TIF percentage. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
A. ORDINANCE 2019-10 DESIGNATING THE OFFICIAL SEAL OF THE CITY – FIRST READING

Mayor Begos read by title.

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

Commissioner Grove made a motion to approve the first reading of Ordinance 2019-10 and to proceed with the adoption process. Commissioner George seconded and the motion carried 5-0.

NEW BUSINESS

B. PROFESSIONAL SERVICES – FORENSIC AUDIT

Mayor Begos stated no one submitted a RFP for the forensic audit before the submission deadline. Discussion ensued.

Commissioner Ash made a motion to re-submit the RFP and have returned to City Hall by the 16th of December. Commissioner Elliott seconded and the motion carried 5-0.

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NEW BUSINESS

C. ENCROACHMENT AGREEMENT FOR LINDLEY 71 MARKET STREET

Commissioner Elliott made a motion to approve the agreement with Lindley Development, LLC. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS

D. SCIPIO CREEK MAINTENANCE MANAGEMENT AGREEMENT

Mayor Begos stated that the City Attorney will bring forth an agreement at a later date. No action is presently taken.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk