

**MINUTES OF THE SPECIAL MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, NOVEMBER 19, 2019, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

PRESENT: Mayor Kevin Begos
Commissioner Brenda Ash
Commissioner Despina George
Commissioner Adriane Elliott

ABSENT: Commissioner Anita Grove

Ron Nalley, City Manager
Deborah Guillotte, City Clerk
Kristy Banks, City Attorney

CALL TO ORDER

Mayor Kevin Begos called the meeting to order at 6:08 PM and David Adlerstein gave the invocation. Council members led the pledge of allegiance.

AGENDA ADOPTION

Mayor Begos called for a motion to approve the agenda.

Mr. Nalley requested that Consent Agenda Item "A" – Meeting Minutes Adoption be removed.

Commissioner Adriane Elliott made a motion to approve the Agenda as revised. Commissioner Brenda Ash seconded and the motion carried 4-0.

MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS

- A. Mayor Begos announced that if anyone is interested in giving the invocation at future meetings to contact the Mayor or Mr. Nalley.
- B. Mayor Begos announced that TRIUMP staff is discouraging the City against moving forward with the affordable housing grant requests but thinks that the restoration of the Popham building as an aquaculture project has merit.
- C. Mayor Begos stated that he and staff has met with staff from the Florida Rural Water Association to discuss the Asset Management Plan.
- D. Conduct at Meetings – Mayor Begos discussed in general the use of Roberts Rules of Order and the City of Apalachicola Rules of Procedures and stated that these need to be followed during meetings.

E. Accounting Software Update – Commissioner George stated she had reviewed the product brochure for the software and the city doesn't have the accounting staff to work such a sophisticated software system. Commissioner George feels that the City should hire someone with an accounting background. Commissioner George suggested moving forward with using Quick Books.

F. Commissioner Elliott also expressed concern with conduct at meetings and asked that everyone please be considerate. Commissioner Elliott reviewed a recent case from a concerned citizen who suffered property damage from a neighbor, and the possibility of a lawsuit with the City.

G. Commissioner George expressed her concern with the short amount of time that the agenda goes out to when the meeting is held.

CITY MANAGER COMMUNICATIONS

Mr. Nalley replied to Commissioner Elliott's concern stating that the issue was turned over to Kelly Simpson with EPCI for review. Mr. Nalley believes that the situation will be resolved and that EPCI conducts inspections and that when made aware of something they follow up in a timely manner.

ATTORNEY KRISTY BANKS COMMUNICATIONS

- Attorney Banks commented that in reference to DEP's reference of selling surplus property, that the City has the authority to determine which assets they choose to be liquidated and which manner that this will be done.
- Attorney Banks stated she has reviewed the requirements of selling/disposing of city property found in FS Chapter 166 along with the City Charter, and that the sale of City surplus property is at the discretion of the governing board.
- In a response to a question by Commissioner George, Attorney Banks reviewed the matter of City Manger's contract in comparison to the City Charter and the City Personnel Policies and Procedures, so there will not be any conflicts with each other.

PUBLIC HEARING

**A. ORDINANCE NO. 2019-09 AMENDING THE FISCAL YEAR 2018-2019 ANNUAL BUDGET
– PUBLIC HEARING AND SECOND READING**

Mayor Begos read Ordinance 2019-09 in its entirety.

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THE FISCAL YEAR 2018-2019 BUDGET.

Mayor Begos opened the floor for public comment.
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Mr. Nalley stated that Budget Amendments 3 through 9 are budget amendments reallocating amounts from one department to another, and that Amendment 10 are interdepartmental budget amendments where the monies are reallocated within the department from one budget line item to another.

There being no public comment the public hearing has closed.

PUBLIC COMMENT

No Public comments were received.

CONSENT AGENDA

- Community Planning Technical Assistance Grant Subcontract Approval – To approve the Professional Services Agreement with Ovid Solutions, LLC and the Southern Group in the amount of \$20,000 each and authorize the City Manager to execute the Agreements.

Mr. Nalley stated that the City received a Community Planning Technical Assistance Grant through the Florida Department of Economic Opportunity. The \$40,000 planning grant will develop a plan that identifies projects and actions that the City can undertake to meet the priorities outlined in the Area of Critical State Concern statute. This grant will reimburse the City for professional planning services in the amount of \$20,000 each from Ovid Solutions, LLC and the Southern Group. Mayor Begos stated that there will be a steering committee established of twelve to fifteen people to give feedback from the community and suggested that each Commissioner give three names they would like to serve on this committee.

Commissioner Ash made a motion to approve the Professional Services Agreement with Ovid Solutions, LLC and the Southern Group in the amount of \$20,000 each and authorize the City Manager to execute the Agreement. Commissioner George seconded and the motion carried 4-0.

UNFINISHED BUSINESS

A. ORDINANCE NO. 2019-09 AMENDING THE FISCAL YEAR 2018-2019 ANNUAL BUDGET

Mayor Begos read Ordinance 2019-09 in its entirety.

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THE FISCAL YEAR 2018-2019 BUDGET.

Commissioner Ash made a motion to adopt Ordinance 2019-19 amending the Fiscal Year 2018-2019 Annual Budget. Commissioner Elliott seconded and the motion carried 4-0.

Mr. Nalley reviewed the budget and stated that it is available for review on the City website.

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UNFINISHED BUSINESS

B. AUDIT DISCUSSION

Mayor Begos stated that he met with Senator Mumford’s staff about a Joint State Legislative Audit and doesn’t recommend that route. Mayor Begos stated he has received preliminary estimates from Robertson and Associates and Carter, Riggs and Ingram, and that the City has received a donation from Harry Arnold to help with the forensic audit.

Commissioner Elliott made a motion for Mr. Nalley to prepare a Request for Proposals to proceed with the Forensic Examination Services Audit and that the firms participating, present their proposals at the December 3, 2019 meeting. Commissioner George seconded and the motion carried 4-0.

Mr. Nalley expressed concerns with the upcoming holiday season and that a December 3rd proposal deadline and that it would be too short a period to submit an RFP.

Attorney Banks expressed concerns with citizens donating funds to the City for certain projects. Mayor Begos stated that this was done in the past and that it does not seem to be a problem.

UNFINISHED BUSINESS

C. APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY DISCUSSION

Mayor Begos gave a brief review of the monies that the Apalachicola Community Redevelopment Agency would receive from Franklin County, and also gave budget options on how we could resolve this issue which include: 1) Contribute \$75,000 to 2019/20 CRA and \$10,000 to past debt with a total cost of \$85,000; 2) Do nothing and lose the County CRA contribution this year with a total cost of a \$35,000 debt payment; and 3) Lower CRA TIF rate by 25%, so 2019/20 contribution is \$56,250 (County contribution would thus be reduced to approximately \$36,000) with a total cost of \$56,250, plus any debt payment. Commissioner George expressed concern over the management of the CRA in the past, and that the City needs to research ways to restructure the organization for the future. Mayor Begos requested that Mr. Nalley prepare a presentation for the December 3, 2019 meeting, on how the reduced TIF rate numbers would affect the budget. Mr. Nalley stated he will bring the Inter-local Agreement along with the numbers from the budget if the County agrees with the 25% TIF decrease. In a response to a question by Commissioner Ash, Mayor Begos stated that the CRA Director resigned in November, so that Agreement is now null and void.

Commissioner Elliott made a motion for staff to prepare an Inter-local Agreement to lower the CRA TIF rate by 25% and present to the board a complete budget of funding sources and how the CRA would fit into the budget projections. Commissioner George seconded and the motion carried 4-0.

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George Mahr stated he supports the CRA and disagrees with lowering the City payments, but to look at revenues and not just expenses and commit to the \$75,000 this year. Commissioner George stated in January, we need to proceed with getting new board members, having monthly CRA board meetings, revisions to the CRA Plan and have a public workshop.

NEW BUSINESS

A. UTILITY EASEMENT ENCROACHMENT AND ALTERATIONS – AL AND DONNA INGLE

Mr. Nalley stated that staffs recommendation is to turn this matter over to the City Attorney for further review and recommendation. Mr. Ingle gave a brief review of the drainage and encroachment issues existing with regard to the City utility easement between Drew Morgan and Al and Donna Ingle, and as of this date it still continues. David Meyer stated this affects his property as well.

Commissioner George made a motion for Attorney Banks to research this issue and bring a recommendation back to the Commission. Commissioner Elliott seconded and the motion carried 4-0.

NEW BUSINESS

B. PUBLIC RIGHTS-OF-WAY ENCROACHMENT POLICY

Mr. Nalley gave a brief review of the importance of public rights-of-way. Mr. Nalley recommends the development of a Public Rights-of-Way Encroachment Policy/Ordinance, which will provide guidelines for review of private and public structures in the public rights-of-ways and consist of general policy statements and standards for the construction of above-grade, at-grade, and below-grade structures in the public rights-of-way. Mr. Nalley stated that encroachments of rights-of-way have become more frequent through the years and the City is in need of guidelines. Mayor Begos stated that staff could work on this policy, but that the Commission can also grant encroachments to certain people if the Commission feels it is appropriate, and that have already gone through the approval process. Mayor Begos stated he doesn't think it is necessary for the public or businesses to wait if they have already gone through a large portion of the approval process. Mayor Begos then asked George Coon to review the encroachment process he has gone through with Planning and Zoning. George Coon reviewed his encroachment request for Robert Lindsley at 71 Market Street for a balcony. Mr. Coon stated he received approval from P&Z, and was then told he had to get approval from the Commission. Commissioner Ash expressed her concerns

with approving encroachments and that once we start allowing them without a set policy in place, that the City could get itself in trouble. Attorney Banks clarified that property owners feel more secure about what process to take when there are policies that are to be followed and they know exactly what they can and can't do on their properties. Commissioner's George and Elliott expressed their concerns of the lengthy process of obtaining an encroachment agreement.

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Commissioner George made a motion to have Attorney Banks review Mr. Coon's encroachment agreement and that it be presented at the December 3, 2019 meeting. Commissioner Elliott seconded and the motion carried 4-0.

Numerous citizens expressed concerns about encroachments within rights-of-ways.

<p>NEW BUSINESS</p> <p>C. RESOLUTION 2019-24 EXPRESSING OPPOSITION TO DRILLING ACTIVITIES IN THE APALACHICOLA RIVER BASIS</p>

Commissioner Elliott read Resolution 2019-24 in its entirety.

A RESOLUTION BY THE CITY COMMISSIONER OF THE CITY OF APALACHICOLA, FLORIDA TO EXPRESS THE CITY COMMISSION'S OPPOSITION TO DRILLING ACTIVITIES IN THE APALACHICOLA RIVER BASIN.

Commissioner Elliott made a motion to adopt Resolution 2019-24 Expressing Opposition to Drilling Activities in the Apalachicola River Basin. Commissioner George seconded and the motion carried 4-0.

<p>NEW BUSINESS</p> <p>D. RESOLUTION 2019-25 REQUESTING FRANKLIN COUNTY HONOR THE INTENT OF THE INTER-LOCAL AGREEMENT WITH THE CITY OF APALACHICOLA FOR SMALL COUNTY SURTAX AND REQUESTING ADDITIONAL INFORMATION</p>

Mayor Begos stated that the County and Weems Hospital Board, requested that the City get more involved and give their input as to our interests in local healthcare decisions. Commissioner Ash expressed her concerns with Weems operating as a Hospital, Emergency Room and not a healthcare facility and that it should stay in Apalachicola. Mr. Nalley stated the Resolution is a draft and that if changes are needed to let him know.

Commissioner Ash made a motion that Resolution 2019-25 be tabled until the December 3, 2019 meeting. Commissioner George seconded and the motion carried 4-0.

<p>NEW BUSINESS</p>

E. SCIPIO CREEK MAINTENANCE MANAGEMENT DISCUSSION

Mayor Begos distributed photos of the docks at Scipio Creek and discussion followed on how repairs and rent can be handled by the Scipio Creek Committee members. Kevin Martina gave a brief review of the projects and repairs that are needed at the marina, and that they feel they are qualified to try and make this work.

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Commissioner Elliott made a motion for Attorney Banks to draft a management agreement with the Scipio Creek Committee to be presented at the December 3, 2019 meeting. Commissioner George seconded and the motion carried 4-0.

ADJOURNMENT

With no further business, Commissioner Ash made a motion to adjourn the meeting at 8:15 pm. Commissioner Elliott seconded and the motion carried 4-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk