

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLACITY COMMISSION HELD TUESDAY, SEPTEMBER 8, 2020, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Kevin Begos
Commissioner Anita Grove
Commissioner Adrian Elliott
Commissioner Despina George
Commissioner Brenda Ash

Travis Wade, City Manager
Deborah Guillotte, City Clerk
Leo Bebeau, Finance Director
Kristy Branch-Banks, Attorney

CALL OF ORDER

Mayor Begos called the meeting to order and Commissioner Ash gave the invocation, followed by the Pledge of Allegiance.

AGENDA ADOPTION

Commissioner Grove made a motion to amend and approve the Agenda, with the addition of an Application from Tim Peterson, for the Battery Park Marina Committee, to New Business as Item C. Commissioner Elliott seconded and the motion carried 5-0.

Commissioner George requested that we strike Item 9b (Historic Apalachicola Foundation). Commissioner Ash seconded and the motion carried 3-2. Commissioner Elliott and Mayor Begos opposed.

DEP SRF LOAN

A. Revised Loan Agreement – Mayor Begos stated that an agreement has been reached between DEP and the City on the revised DEP SRF Loan Agreement and requests approval. Commissioner George requested that the City post the draft Asset Management Plan to the website, and also to set a special meeting for adoption. Mayor Begos said this revises the DEP Loan, decreasing it to a 0% interest rate, and will save us \$350,000 to \$400,000 over the next six years, which takes the City out of default.

Commissioner Ash made a motion to approve the revised DEP SRF Loan Agreement. Commissioner Grove seconded and the motion carried 5-0.

B. Cross-Connection Control Plan – Approve Resolution 2020-11 – Mayor Begos stated this is a back-flow prevention device for commercial businesses, in order to protect the community water system from contamination caused by cross-connections on customer’s premises.

Commissioner Elliott made a motion to approve Resolution 2020-11 Cross-Connection Control Plan. Commissioner Ash seconded and the motion carried 5-0.

MAYOR AND COMMISSIONERS REPORT AND COMMUNICATIONS

Mayor and Commissioners discussed the following: 1) Consent Order Update – In reference to the Asset Management Plan and revised DEP Loan Agreement, the City has spent \$145,000 on repairs and upgrades in the last few months and hopes to have them completed by the end of September 2020; 2) Area of Critical State Concern – The City is getting feedback that it will be hard to get large funding monies from the State budget, and we should also apply for smaller appropriations. Mayor Begos asked the Commission to work with staff and get a list of what they are interested in applying for in the new fiscal year; 3) McLemore issue where we are at the time – Mayor Begos stated we are waiting for attorneys’ decisions on this matter, and we will then move forward; 4) Meeting times being rescheduled from 6:00 pm to 3:00 or 4:00 pm;

Commissioner Ash made a motion to change the City Commission meeting time from 6:00 pm to 3:00 pm, subject to attorney review. Mayor Begos seconded for discussion. Commissioner Ash made a motion to amend her motion

and change the City Commission meeting time from 6:00 pm to 4:00 pm. Mayor Begos seconded and the motion failed 2-3. Commissioners George, Grove and Elliott opposed.

Mayor and Commissioners discussion continued as follows: 5) RFQ for city website; 6) Fire department calls being tracked by the police department; 7) Storm Teddy over-flow issues, and how the water and sewer department handled and resolved these issues – citizens cutting the candy canes and should not be doing this, it messes up the system; 8) Community Development Block Grant –DR to be placed on the October agenda to discuss our projects and to mitigate for future flooding – re-advertising to meet HUD federal guidelines; 9) Ovid Solutions – Julie Dennis will be speaking in October on the City’s in-frastructural needs; 10) City awarded the Spirit of the Community Project done by the City for historic downtown, to mitigate possible damage; 11) USNS Apalachicola – Mark Milliken inquired on the status of construction of this vessel, and 12) Downtown garbage pickup by Public Works over the holiday weekend – commendation given, and also have a workshop in reference to future sanitation services.

CITY MANAGER COMMUNICATIONS

1) Boat Yard Emergency – Mr. Wade announced the City has a new lease with Robert Hayes, Hayes Marine, LLC, for a 90 day contract, so there is no break in service of the boats. The City will then advertise for a RFP during the ninety days.

Commissioner Elliott made a motion to approve the ninety day contract with Robert Hayes, Hayes Marine, LLC, for the Boat Yard and that staff will advertise a RFP. Commissioner Grove seconded and the motion carried 5-0.

2) City Hall A/C purchase – Mr. Wade stated there are numerous rooms without heat or air condition in the Johnson building. Staff received three quotes, and based on Mr. Osburn’s expertise, he recommends Gunn Heating and Air, with the purchase amount being \$14,425.00.

Commissioner Grove made a motion to award the A/C quote of \$14,425 from Gunn Heating and Air, to install at the Johnson building. Commissioner George seconded and the motion carried 5-0.

3) Pole Barn purchase for Water plant – Mr. Wade stated that a pole barn was needed to cover the water plant equipment that is currently exposed and requests approval to purchase from Better Build Barnes, LLC, with the purchase amount being \$11,700.00.

Commissioner Grove made a motion to approve the purchase of a pole barn from Better Build Barnes, LLC, with the purchase amount being \$11,700.00. Commissioner Elliott seconded and the motion carried 5-0.

ATTORNEY KRISTY BRANCH-BANKS COMMUNICATIONS

1) Smith, Smith and Nall mediation, pending litigation, is scheduled for September 29th at 9:30 am. She requests approval of who will be representing the City as the mediation team.

Commissioner Elliott made a motion that Attorney Banks, Mayor Begos and Manager Wade, attend the Smith, Smith, and Nall mediation on September 29, 2020, at 9:30 am. Commissioner Grove seconded and the motion carried 5-0.

2) Shade Meeting Notice/Grieg v. City of Apalachicola – Attorney Banks stated there will be a private, executive, shade meeting, which is required by Florida law on Thursday, September 10, 2020, at 5:00 pm. Attorney Banks read the Notice of Special Meeting in its entirety, in reference to Ashley Greig and Bacon Me Crazy, LLC v. City of Apalachicola.

PUBLIC COMMENT

1) Concerns of City lots adjacent to City Squares being sold, and feels they should not be sold to be public.

CONSENT AGENDA

Mayor Begos presented the Consent Agenda and asked if any items should be removed before consideration of a motion.

- Meeting Minutes Adoption – To Adopt the February 10, 2020 Special Meeting; March 23, 2020 Special Meeting; June 30, 2020 Special Meeting - Joint Workshop with Planning and Zoning; June 30, 2020 Special Meeting – Budget Workshop; and August 4, 2020 Regular Meeting Minutes.
- Confirmation of Planning and Zoning Minutes

Commissioner Grove made a motion to adopt the Consent Agenda, pulling the August 10, 2020, Planning and Zoning Minutes, for further review. Commissioners George seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. BATTERY PARK MARINA REPORT AND RECOMMENDATION FOR NEW RULES

Jim Brown reviewed proposed recommendations from the Battery Park Marina Committee – See Item IX. Unfinished Business (A) on the 9/8/20 Agenda packet on City website. Discussion held.

UNFINISHED BUSINESS

B. HISTORIC APALACHICOLA FOUNDATION

Item removed from Agenda.

UNFINISHED BUSINESS

C. AMENDMENT TO RESOLUTION NO. 2015-16, REGARDING HISTORIC SQUARES

Mr. Wade stated that Resolution 2015-16, prevented the City from leasing out their buildings for long term lease, or allowing improvements, therefore, the City would like to remove the following stated language which currently reads: “Make no commitment to any person, group or entity, with respect to any long term lease, rental, or improvements to, or of the to be vacated library, pending further planning and consideration of the restoration of Gorrie Square.” Discussion held to amend the Ordinance to define what “long term” and “improvements” mean, and that the lease would contain a provision stating that it would terminate if the City moved forward with restoration of Gorrie Square. Philaco Club lease discussion held. Attorney Banks is of the opinion the City can leave the Resolution as is, as long as the City reserves the right to cancel the lease at any time, at their sole discretion; we are not committing to a long term lease. Discussion held on the differences of Resolution and Ordinances. This item dies for lack of a motion.

UNFINISHED BUSINESS

D. DEP RESILIENCE GRANTS

Cindy Clark has requested that the City approve a DEP Resilience Grant, a grant worth approximately \$500,000, for permeable parking along Commerce Street, past the Bowery. The deadline for this grant application is October 9th. Discussion held to apply for pervious parking at Battery Park Marina, under the bridge, or innovative storm water management across the City.

Commissioner Grove made a motion to approve Cindy Clark to write the DEP Resilience grant for pervious parking at Battery Park Marina under the bridge, if the engineers confirm it is feasible location, but if not, to move forward with the Commerce Street parking location. Commissioner Ash seconded and the motion carried 5-0.

NEW BUSINESS
A. CRA CHAIR AND CO-CHAIR

The CRA recommends that Commissioner Ash be named as CRA Chair and are seeking a citizen representative to be CRA Vice-Chairman.

Commissioner George made a motion to appoint Commissioner Ash as the CRA Chair and Commissioner Grove as the Vice-Chairman. Commissioner Elliott seconded and the motion carried 4-1. Mayor Begos opposed.

NEW BUSINESS
B. COMMUNITY REDEVELOPMENT AGENCY DEBT REPAYMENT PLAN – APPROVE RESOLUTION 2020-12

The City owes its CRA \$151,162, due to payments not being made in past years. Recommendation is for the City to pay off the debt in two (2) equal payments of \$75,581, to be made in FY 2019-20 and one in FY 2020/21. Staff and legal council feel that the formal repayment plan will satisfy concerns of state regulators. Staff requests approval of Resolution 2020-12 for the CRA debt repayment.

Commissioner Elliott made a motion to adopt CRA debt repayment Resolution 2020-12. Commissioner George seconded and the motion carried 5-0.

NEW BUSINESS
C. APPLICATION FOR BATTERY PARK MARINA COMMITTEE – TIM PETERSON

Commissioner Elliott made a motion to appoint Tim Peterson to the Battery Park Marina Committee. Commissioner Grove seconded and the motion carried 5-0.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 7:55 PM. Commissioner George seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk