

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, JUNE 4, 2019,  
6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

**PRESENT:** Mayor Van W. Johnson, Sr.  
Commissioner Brenda Ash  
Commissioner Jimmy Elliott  
Commissioner Anita Grove  
  
Ron Nalley, City Manager  
Deborah Guillotte, City Clerk  
Pat Floyd, City Attorney

**ABSENT:** Commissioner Mitchell Bartley

**CALL TO ORDER**

Mayor Van Johnson called the meeting to order at 6:00 PM and Attorney Floyd gave the invocation. Council members led the pledge of allegiance.

**AGENDA ADOPTION**

Mayor Van Johnson called for a motion to approve the agenda.

Commissioner Brenda Ash made a motion to approve the agenda as presented. Commissioner Anita Grove seconded and the motion carried 4-0.

**MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS**

- In response to a question from Commissioner Elliott concerning Scipio Creek Marina, Mr. Nalley reminded Commission members that Request for Proposals for management of the marinas will be distributed at the end of the summer, and that anyone that is interested in the project can submit a proposal.
- Commissioner Grove requested that staff contact Florida Rural Water about a water use audit for the City.
- Commissioner Grove stated that United Way has raised money for hurricane recovery in this area. She encouraged residents who have had damage and who are qualified to please apply. Commissioner Grove also stated they are looking for citizens to serve on United Way selection committee for the hurricane recovery project, which is conducted online.

**CITY MANAGER COMMUNICATIONS**

- Capital Improvement Plan – Mr. Nalley reported that the Capital Improvement Plan isn't quite complete, but that he will submit the first draft of the Plan to the Commission at their July meeting.
- Election Ordinance – At the last meeting, the Commission requested that the City Manager review options for holding a special election and then voted to proceed with the 2019 election as scheduled with consideration of a special one-year election. Following that meeting, the City Attorney and City Manager discussed the ability of a Board to legally bind a future board in regards to this matter and are recommending that the Commission abide by their vote at the May meeting to hold the 2019 election but leave any future decision on a special election up

to the new Board. The newly elected Commission can then decide what options they would like to consider as far as changing municipal election dates. As a result, a revised ordinance was not prepared as requested.

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- Christiana Moore Case – 51 8<sup>th</sup> Street – Mr. Nalley met with Mrs. Moore and the surrounding property owners regarding the unregulated fill at her home at 51 8<sup>th</sup> Street. At this time, the parties have tentatively reached an agreement on how to resolve this matter. Once the proposed work is complete, which will take approximately thirty (30) to sixty (60) days, staff will then determine if the work has been successful and if so, request formal action of the Commission to resolve this matter. Mr. Nalley will continue to keep the Commission and the City Attorney updated on this as it moves forward. In a response to a question from Commissioner Ash, Mr. Nalley stated that this solution would be weather dependent and staff would look to see if the improvements that were made are working, and if so, a formal resolution recommendation would be brought back to the Board. In a response to a question from Commission Grove, Attorney Floyd clarified that this would be a try and see situation and staff would bring a resolution back to the Board for consideration.
- Apalachicola Municipal Library Building (Sixth Street) Lease Proposal – Recently, the City received a request to lease the Library Building on Sixth Street. In researching this possibility it was determined that the Philaco Club still had an interest in leasing the building. Mr. Nalley stated in keeping with the previous direction provided by the Commission in 2018, Mr. Nalley will work with Ginny Griner their President, to develop a proposed lease for consideration at the July meeting.
- Mr. Nalley announced that a hurricane awareness postcard has been prepared for citizens. With hurricane season starting June 1st, the postcard contains information on how to receive up-to-date Franklin County notifications. Citizens can do this by going online to <https://www.franklinemergencymanagement.com/> or downloading the EverBridge App on your smart phone and texting the word “FRANKLINFL” to 888777. These hurricane awareness postcards will be available at any city facility and on the city website.

#### ATTORNEY PAT FLOYD COMMUNICATIONS

- Attorney Floyd announced that he would be retiring as City Attorney at the end of September 2019. He thanked the Commission for allowing him to work under the current and the past Commission Boards. Mayor Johnson thanked Attorney Floyd for his long tenure with the City.

#### PRESENTATIONS

A. Apalachicola Main Street’s New Marketing Video – Board Chair Jim Bachrach, and Executive Director August West, attempted to present its new 60 second marketing video to the elected officials however, due to an audio issue it was not able to be shown. Ms. West stated the video showcases the ambiance of Apalachicola, with scenes that give viewers a glimpse of the history, nature, lifestyle and amenities of the area and emphasizes Apalachicola as the heart of the Forgotten Coast. The idea for a video was developed by business owners in focus groups organized by Main Street. Main Street board member Carol Guild, who retired here after a career in advertising and marketing that spanned four decades, was the creative force that shaped the project from concept to completion. The video features residents, business owners, actual tourists, and Franklin County Humane Society dogs. On May 17 almost 100 people attended the premiere screening at the Center for History, Culture and Art. Since its release, the video has gone viral on social media. Apalachicola Main Street extends its gratitude to all who participated in this successful project. Ms. West encouraged everyone to please go to their website to view the video.

B. Point of Sale Tobacco Products – Mrs. Mary Whitesell and Hunter Bailey gave a presentation on a point of sale policy initiative that they are considering for possible adoption in the future. The presentation was educational in nature and

helped answer questions regarding what point of sale is, how it affects the tobacco use rates among youth in Apalachicola and how they can help reduce these numbers.

<b>PUBLIC COMMENT</b>
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Mayor Johnson opened the floor for public comment.

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- Rich Hall gave a brief update on his floodplain case, requesting Mr. Nalley pursue a Section 1316 action against the defendants. Mayor Van Johnson called for a motion for Mr. Nalley to write a letter to the property owner and to also contact the State Florida Floodplain Administrator to see if he can advise us on this situation.

Commissioner Anita Grove made a motion for Mr. Nalley to write a letter to the property owner that is in fault of the floodplain management citation and to also contact the State Floodplain Administrator. Commissioner Jimmy Elliott seconded and the motion carried 4-0.

- Elinor Mt-Simmons commended Augusta West on Main Street’s new Marketing video, but requested more diversity in future videos.
- Diane Brewer announced that the History of Apalachicola Historic Squares Presentation was a great success. Ms. Brewer stated her concerns with the T-Mobile Agreement and the leasing of the library to the Philaco Club, asking that the City adhere to the Apalachicola Historic Squares Resolution that was adopted in 2018. Mrs. Brewer also questioned the Weems Memorial Hospital agenda item and requested in the future to please put the date it was first discussed and approved.
- David Walker gave an update on the FAMU small business center project. Mr. Walker stated that they are working with the Wakulla Environmental Institute on an oyster agriculture program and are sponsoring four individuals to take the oyster agriculture class at no charge. At this time, they already have two individuals, but are looking for two more if anyone is interested. The program starts in September, but they would need the names of those interested by the end of June.
- Ms. Dreamel stated that Kimberly Davis, Emergency Management Planner, with the Division of Community Affairs, will be here tomorrow at Holy Family for all those interested in learning about disaster preparedness. Janelle Robinson, Dietician, will also be at Holy Family on June 18<sup>th</sup> to talk with seniors interested in learning about dietary needs.
- Leslie Coon stated her concerns with the Mobile Food Truck Ordinance and with staff having issues with this Ordinance being approved. Commissioner Grove stated that no-one was trying to delay the passing of the Mobile Food Truck Ordinance and that staff not agreeing only means they want to go through the correct process.
- Adriane Elliott stated her concerns with the mobile food truck, trash pickup and the C2 district zoning.
- Pete Whitesell thanked City staff for all their help when he requested information and to say he thinks they are doing a great job.
- Despina George suggested revisions to the Rules of Procedure for the Apalachicola City Commission, more specifically Rules Three, Five and Twenty Six.

- Clarice Powell stated her concerns with responses to public opinions from the dias, when comments are made from the public.
- Elizabeth Thomas expressed her concerns with the Mobile Food Truck Ordinance relating to the six days that the mobile food truck can be on private property. Commissioner Grove suggested Ms. Thomas stay after the meeting and that she and Attorney Floyd could discuss this matter further.

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**CONSENT AGENDA**

Mayor Johnson presented the Consent Agenda and asked if any items should be removed before consideration of a motion. Commissioner Grove had some questions on the May 7, 2019 meeting minutes and asked that it be pulled from the consent agenda.

- Meeting Minutes Adoption - Adopt the April 30, 2019 Special Minutes
- Planning & Zoning Minutes Confirmation - Confirm the April 2019 Planning and Zoning Minutes – Mr. Nalley stated to the City Board that they are just confirming not approving P&Z minutes.
- Grant Agreement – CareerSource Gulf Coast - To Approve the Grant Agreement with CareerSource Gulf Coast in the Amount of \$50,000 for Providing a Summer Enrichment Program and Authorize the City Manager to Execute the Grant Agreement Documents.

Commissioner Ash made a motion to approve the revised consent agenda, after removing the May 7, 2019 Minutes for further discussion. Commissioner Elliott seconded and the motion carried 4-0.

Following discussion, Commissioner Grove made a motion to approve the May 7, 2019 minutes with no changes. Commissioner Ash seconded and the motion carried 4-0.

**UNFINISHED BUSINESS**

**A. RESOLUTION 2019-07 PROVIDING FOR THE ADOPTION OF THE RULES OF PROCEDURE FOR THE APALACHICOLA CITY COMMISSION**

Attorney Floyd read Resolution 2019-07 in its entirety.

A RESOLUTION PROVIDING FOR THE ADOPTION OF THE RULES OF PROCEDURE FOR THE CITY COMMISSION OF THE CITY OF APALACHICOLA

Commissioner Elliott made a motion to adopt Resolution 2019-07. Commissioner Ash seconded and the motion carried 4-0.

**UNFINISHED BUSINESS**

**B. PROPOSED T-MOBILE SITE LEASE AGREEMENT**

In February, a representative of T-Mobile approached the City about leasing a portion of the water tower on Coach Wagoner Boulevard and Avenue L for the location, installation and operation of an antenna facility. T-Mobile provided the City a standard lease agreement for the Commission's consideration. At the March meeting, the Board asked the City Manager and City Attorney to negotiate a proposed lease and present it back to the Commission for their consideration. The revised Agreement now contains an Option Period of one year with two one-year renewals to allow T-Mobile an opportunity to determine if the site is suitable for the proposed use and to obtain all government approvals. The cost of the Option Period remains at \$500 per year. Once T-Mobile decides to exercise its option, the Agreement sets forth the terms and rental payment of \$1,800 per month for the first 5 years, which will increase upon each successive renewal term. If the full term is realized, the lease would extend now for only 15 years. Other revisions have been recommended in Sections 10, 12 15, 18, and 19. The property is located in the R-2 Zoning District and allows the antenna through a Special Exception as a "Public Facility or Structure." The City Attorney and Mr. Nalley reported that the revised Contract removes the ability of the City to terminate the Lease and includes language that would allow the facility to remain or be relocated should something happen to the water tower. The newly added Section 19 from T-Mobile now seems to be in direct conflict with Ordinance 2017-04 which discourages the long term lease or improvement of the historic Madison

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Square property. Commissioner Ash stated she has numerous concerns, specifically with Sections ten, twelve, eighteen and nineteen of the agreement and suggested it be revisited. Attorney Floyd stated that he does not recommend approval of the T-Mobile Agreement as suggested at this time. Commissioner Brenda Ash made a motion to reject the current T-Mobile Lease Agreement. Commissioner Jimmy Elliott seconded and the motion carried 4-0.

Commissioner Brenda Ash then made a motion for staff to renegotiate the T-Mobile Lease Sections 10, 12, 18 and 19 and bring it back before the City Commission. Commissioner Elliott seconded and the motion carried 4-0.

**NEW BUSINESS**

**A. DEDICATION AND NAMING OF OPEN PAVILION AT MAGNOLIA CEMETERY**

In October of 2017, the Living Waters Assemble of God received permission from the City to build a cost-free pavilion at Magnolia Cemetery so members of the community could utilize it for graveside and committal services. This project was a part of the vision of Living Waters Assembly of God to "build bridges into our community." The project offered a way that the church could give back to the community while providing something that could benefit them for many years to come. The Living Waters Assembly of God is now requesting approval from the City Commission to name and dedicate the open-air pavilion at Magnolia Cemetery as follows:

NAMED IN HONOR OF FORMER LOCAL PASTOR'S  
LOIS & LEWIS LONG (1965-2008)  
AND CURRENT CITY MAYOR, VAN W. JOHNSON (2007-2019)

In a response to a question from Commissioner Ash, Pastor Scotty stated that he considered Mayor Johnson a pillar of our community who had accomplished many important projects during his tenure as Mayor and that he respected him both professionally and personally.

Commissioner Elliott made a motion to approve the Naming and Dedication of the Open-Air Pavilion Plaque at Magnolia Cemetery for Local Pastors Lois and Lewis Long and Current City Mayor, Van W. Johnson, Sr. Commissioner Ash seconded and the motion carried 3-1. Mayor Johnson opposed.

**NEW BUSINESS**

**B. DEDICATION AND NAMING OF "GIVE AND TAKE" BOX AT BATTERY PARK MARINA**

Mr. Doug Scarabin requested permission to construct a small box at Battery Park Marina in honor of his brother, Captain Richard F. Scarabin, Jr. The hand crafted box will be designed to hold life preservers and other small items that might be needed before heading out on the water. The box will serve as a “give and take box” to allow residents and tourists the ability to borrow items they may have forgotten to bring with them or allow others to leave things they may no longer need. Donations will cover the cost of construction and the City will not be held liable or responsibly for any upkeep, repairs or replacement if stolen.

In a response to a question by Commissioner Ash, Chief Varnes stated he will work with Mr. Scarabin about the placement details of the “give and take box”, and Mr. Scarabin’s responsibility for the upkeep.

Commissioner Elliott made a motion to approve the Placement, Naming and Dedication of a “Give and Take” Box at the Battery Park Marina in Honor of Captain Richard F. Scarabin, Jr. Commissioner Anita Grove seconded and the motion carried 4-0.

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**NEW BUSINESS**

**C. MOBILE FOOD TRUCKS ORDINANCE REVISION**

Commission Elliott made a motion to allow for six days of operation on private property and that it be a permanent structure. Mr. Nalley reminded the City Commission that this would be in violation of the Land Development Code and that revisions will not have gone through the correct amendment process. Commissioner Ash seconded but, only for discussing purposes as it related to the Land Development Code. Attorney Floyd suggested it be sent to Planning and Zoning in order to review the proposed revisions of the Commission, and if it passes Planning and Zoning would then come back to the City Commission with their recommendation.

Commissioner Elliott rescinded his previous motion. Commissioner Ash rescinded her second. Mr. Nalley stated that at the May meeting, the City Commission adopted Ordinance 2019-03 regulating mobile food trucks. At that meeting, the Commission requested that staff bring back several visions to them for further consideration at the June meeting. These included: the ability to operate six days, allowing the food truck to remain stationary while on private property when the food truck is closed, the ability for the food truck to add table and chairs on private property, and since that time, two other suggested amendments have been brought forward: reconsideration of single service food utensils requirement in Section 6, and the ability to establish a mobile food truck court on public and private property.

Commissioner Grove made a motion to approve staffs recommendation and request that the Planning and Zoning Board consider this matter in accordance with the Land Development Code Amendment Procedure as Outlined in Policy 2 of the Operations and Procedures Manual. Commissioner Ash seconded and the motion carried 4-0.

**NEW BUSINESS**

**D. APALACHICOLA MAIN STREET’S INDEPENDENCE EVE CELEBRATION**

Commissioner Ash made a motion to approve the use of Riverfront Park for the Independence Eve Celebration on July 3, 2019. Commissioner Grove seconded and the motion carried 4-0.

Commissioner Grove asked that Chief Varnes handle the temporary closure of Water Street between Avenues D and E and the temporary closure of Avenue E between Water Street and Commerce Street.

Commissioner Elliott made a motion to authorize the sale of alcohol in accordance with Ordinance 2017-08. Commissioner Ash seconded and the motion carried 4-0.

**NEW BUSINESS**

**E. WASTEWATER TREATMENT PLANT PERMIT RENEWAL ENGINEERING CONTRACT AND VALVE REPLACEMENT**

The Wastewater Treatment Plant Operation Permit expires October 26, 2019. Engineering services associated with the wastewater treatment facility operation permit are needed and the request targets the preparation of the application and supporting reports for its renewal as issued by the Florida Department of Environmental Protection. In addition to the permit renewal, the automatic influent valve for the #3 sequencing batch reactor tank has fully corroded and is not closing properly. During a heavy rain event, this can cause major problems for the system and requires immediate replacement.

Commissioner Jimmy Elliott made a motion to approve the Operation Permit Renewal Scope of Work in the amount of \$52,500 with Baskerville-Donovan, Inc. and authorize the City Manager to Execute an Agreement for Services. Commissioner Brenda Ash seconded and the motion carried 4-0.

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Commissioner Elliott made a motion to approve the proposal by Aqua-Aerobic Systems, Inc. in the amount of \$16,989 and other related project costs and authorize the City Manager to proceed with the purchase. Commissioner Ash seconded and the motion carried 4-0.

**NEW BUSINESS**

**F. PUBLIC USE OF THE FRED BABB SR. MEMORIAL COMPLEX FIRING RANGE**

In 2019, the City of Apalachicola opened the Fred Babb Sr. Memorial Complex (FBSMC). The firing range was originally intended for the training of law enforcement personnel only, however since that time, the City has realized that there is a need for a safe environment for not only law enforcement training but for the public use of firearms as well. During their annual retreat, the Commission discussed the possibility of opening up the Fred Babb Sr. Memorial Complex Firing Range to the public. The Commission requested at that time for the Police Chief to develop a proposed policy for its use and present it back to the Commission for their consideration. The attached policy and accompanying documents recommend opening the range to the public through memberships. The policy details the operations, membership requirements, shooter responsibilities and the right to revoke membership for any violation of the rules of the range.

Chief Varnes recommended that the Commission approve the policy. Chief Varnes stated there will be a fee for public use, and that this money will be used to buy equipment for the police department. Chief Varnes stated that if approved he would like to have the firing range operational by July.

Commissioner Elliott made a motion to approve the Public Shooting Range Proposal, Policy and Procedure Manual Revision and FBMRC Membership Application subject to review and approval by the City Attorney. Commissioner Grove seconded and the motion carried 4-0.

**ADJOURNMENT**

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 8:00 pm. Commissioner Grove seconded and the motion carried 4-0.

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Deborah Guillotte, City Clerk