

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY,
January 7, 2020 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 the adoption of the agenda and it was adopted without opposition.
Mr. Nalley requested that Consent Agenda Item "A" – Meeting Minutes Adoption be removed.

MAYOR’S AND COMMISSIONERS’ REPORTS AND COMMUNICATIONS

A. Mayor Begos gave an update about the Sale of City Owned Property. Numerous realtors gave advice and the general consensus was to start with an asking price of \$825,000. Commissioner Grove suggests we have a special meeting just for City Hall, since there is so much controversy surrounding its possible sell, and sell the easy lots first. Commissioner Elliott and Commissioner Ash suggested we list it and see how much we can get for it. Attorney Banks distributed a package listing city properties that included real estate figures. Commissioner Grove said no one wants to buy a building they can’t do anything with it, and there are issues that are still in question. Attorney Banks said Lot 2 is parking mitigation and that it is possible that Lot 5 could be allocated for parking mitigation, so Lot 2 can be used. Attorney Banks stated there is no obligation to accept any offer and that Contingencies of Use can be included in the sell. Mr. Nalley and staff still endorse selling City Hall.

Commissioner Ash made a motion to Sale City Hall, 1 Avenue E, at the asking price of \$875,000, or above. Commissioner Elliott seconded and the motion passed 3-2. Commissioner Grove and Commissioner George opposed. Commissioner Grove raised concerns about the building being in a flood zone, if the property were to sell.

B. Mayor Begos gave update about the City Manager position. Discussion ensued. Mayor Begos called to have a special meeting on Wednesday, January 15, 2020, at 6:00p.m, to discuss the City Manager position, the charter, and the personnel policy.

C. Mayor Begos gave an update on the following: Florida Rural Water Association (water loss audit); Denton Cove Development; AWWAD & Associates; City Committee Board Volunteers; Department of Agriculture (oyster aquaculture leases); Stewardship Bill; Revolving Loan Committee (Possibly reactivating); and the Popham Building (Emergency grant declined).

D. Commissioner Grove reviewed complaints about traffic coming off the bridge; Water Filtration System cost; Appointment to the Apalachicola Bay Initiative Project; and the February 4, 2020 meeting, stating she will be absent due to a training opportunity.

CITY MANAGER COMMUNICATIONS

- Census 2020 Complete Count Committee - Mr. Nalley said “Apalachicola Counts” is the slogan used by the Census 2020 Complete County Committee. Mr. Nalley stressed the importance of completing the census because it brings revenues into our community.

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- Mr. Nalley reported that before the discussion about hiring and firing, he had hired Cody Garrett for the Water and Sewer Department. Cody Garrett was formally with water system of St. George Island, and will be a nice addition to our City staff.
- Mr. Nalley introduced Tracy Awwad, from Awwad and Associates in Tallahassee, to give an update about the new financial software update. Mrs. Awwad stated that the City’s current accounting system is very antiquated, paper heavy and obtaining reports is not easy. Mrs. Awwad stated that the Quick Books program will be so much easier. Mrs. Awwad reported October is presently being entered and once completed, it will greatly simplify future financials. Commissioner George stated this transition is underway, but the commission never approved it. Mayor Begos pointed out that it will most likely cost more than the \$11,000 for six months that was originally agreed upon, because we didn’t follow the bid process in the city charter. Mr. Nalley said he followed the policy that was adopted by the Board of what the City Manager could approve, and that the smaller job of converting was budgeted. Mr. Nalley also stated that there was no need to have it bid on. The city charter said there must be an opportunity to bid, but the policy conflicts with this. Mayor Begos said this ties into a bigger question about how spending is authorized. Mayor Begos asked that Commissioner George monitor their work and stay on top of this. We need to know if we are getting tied into a \$22,000/year support person. Mayor Begos stated he would rather the money go to a local accounting firm.

ATTORNEY KRISTY BRANCH-BANKS COMMUNICATION

A. Utility Easement Encroachment and Alterations update - Attorney Banks stated she was asked to look at the Agreement that the City has with Al and Donna Ingle on the city’s alleyway easement, and reviewed previous activity with this issue. Attorney Banks is not aware if anyone from the City has had communication with the adjacent property owner, but hopes to return to the next meeting with an amicable settlement of the easement. Attorney Banks also stated if she is not successful, then she will return to the City with a recommendation.

B. Attorney Banks requested approval of the mediation settlement decision in the Christiana Moore case and asked if any of the commissioners wanted to further review the settlement.

Commissioner Grove made a motion to approve the Settlement in the Christiana Moore Case. Commissioner Grove seconded and the motion carried 5-0.

PUBLIC HEARING

**A. ORDINANCE NO. 2019-10 DESIGNATING THE OFFICIAL SEAL OF THE CITY
PUBLIC HEARING AND SECOND READING**

Mayor Begos read ordinance 2019-10 by title.

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA, FLORIDA, DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES AND CONFLICTS, AND PROVIDING AN EFFECTIVE DAY.

Mayor Begos opened the floor for public comments.

David Adlerstein asked if the City Seal can be used in a newspaper article. Commissioner Elliott stated that as long as permission is granted, it can.

There being no further comments, Mayor Begos closed the public hearing.

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PRESENTATIONS

Elinor Mount-Simmons, Recreation Committee Chair, updated the Commission on their accomplishments and reviewed the recommendations the Committee would like the Commission to consider as future planning, which are: 1) Explore options for providing public restroom facilities at Battery Park and, 2) Complete a Recreation Facility Master Plan Inventory. Ms. Simmons stated they still have an alternate committee vacancy. Ms. Simmons requested six copies of City Park Map. Ms. Simmons also announced that the Recreation Committee meets the third Thursday at the City Library.

PUBLIC COMMENT

Mayor Begos opened the floor for public comment.

- Jody Rosenbaum asked how they determined that the community wanted change and doesn't want a City Manager. Mayor Begos said he spoke with many people about this issue.
- Leslie Coon expressed concerns about a dumping area on 5th Street and asked that it be looked into.
- Beth Wright gave an update about the Census. Ms. Wright also expressed concerns she has with the Tree Ordinance, stating she feels the Tree Ordinance is used to raise money.
- Doloris Croom, representing the Dr. Martin Luther King Advisory Board, announced the upcoming Dr. Martin Luther King Celebration. Mrs. Croom asked that the City Commissioners please try to attend.
- Augusta West responded to Riverkeepers lack of support to the Stewardship Bill, stating that the Riverkeepers' funds are only to be used for land acquisitions.
- Amy Hersey expressed concerns about the dead trees at the ABC School playground. Principal Johnson reviewed issues with the trees on the playground, stating five trees appear to be dead and need to be removed ASAP.

Commissioner Grove made a motion to allow the Apalachicola Bay Charter School to have the five trees cut down at no fee. Commissioner George seconded and the motion carried 5-0.

CONSENT AGENDA

Mayor Begos called for a motion to approve the Consent agenda.

B) Proclamation Proclaiming January 25th, 2020 as Arbor Day.

Commissioner Grove made a motion to approve Proclamation Proclaiming January 25th, 2020 as Arbor Day. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. **Ordinance No. 2019-10 Designating the Official Seal of the City – Second Reading**

Mayor Begos read ordinance 2019-10 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA, FLORIDA, DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES AND CONFLICTS, AND PROVIDING AN EFFECTIVE DAY.

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Commissioner Grove made a motion to adopt Ordinance 2019-10 designating the Official Seal of the City of Apalachicola. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
B. CareerSource Gulf Coast Lease Agreement – Community Center

Commissioner Elliott asked how much revenue we make when renting the Community Center. Mr. Nalley didn't know at the time, but will research.

Commissioner Grove made a motion to approve the Lease Agreement for a portion of the Community Center with CareerSource Gulf Coast (correct Agreement to Legal Name) and Authorize the Mayor to execute the Agreement. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
C. Memorandum of Understanding – Mill Pond Maintenance and Management

Mr. Nalley stated that he has read through the contract, which was prepared by Attorney Banks. This basically gives 40% Mill Pond revenue to a fund that the Mill Pond Committee will use for repairs, but the money stays within the city. The Contract stipulates that all the invoices must be kept for work completed, so the city has an opportunity to review them. Mr. Nalley also stated this Agreement basically gives the Mill Pond Committee immediate access to a portion of the money.

Commissioner Grove and Commissioner Ash spoke about the need for a city committee to be posted on the website and held, due to the Sunshine Law. There was also discussion about the clear roles. Either party can terminate in 10 days. Mayor Begos answered questions on behalf of the Mill Pond Committee.

Commissioner George made a motion to approve the Memorandum of Understanding between the City of Apalachicola and the Mill Pond Committee for the management, maintenance and upkeep of the Scipio Creek Boat Basin. Commissioner Grove seconded and the motion carried 5-0.

UNFINISHED BUSINESS
D. PUBLIC RIGHTS-OF-WAY ENCROACHMENT POLICY

The Board talked about encroachments, stating further discussion can be held at a workshop. Mr. Nalley stated that the City needs a policy more than an ordinance.

UNFINISHED BUSINESS
E. PROFESSIONAL SERVICES – FORENSIC EXAMINATION SERVICES

Mayor Begos stated that the City received bids from two firms, with a significant difference in price from CRI and Roberson & Associates, PA. Commissioner George would like to make sure the BP Settlement transactions were included.

Commissioner George made a motion to accept the proposal from Roberson & Associates and asked for a quote on the fourth item (review of the transactions of the BP settlement) and to authorize the City Manager and Mayor to negotiate a Services Contract with Roberson and Associates for Forensic Services in the amount of \$8,000. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
A. USDA APPLICATION FOR SIDEWALK AND LIGHTING ON WATER STREET AND AVE. G

Augusta West, Main Street Director, requested that the City give authorization for her to continue her work to provide continuity on the project in order to see it through and to create an updated submittal and bring back to the City Commission for final approval. Ms. West also requested that Main Street be granted permission to then file this Grant on behalf of the City. Mayor Begos stated that he has started the process for this USDA Grant himself, and that he has had volunteers with grant experience offer to help the City with grant writing. Mayor Begos also stated that this grant should be requested by the City, and not Main Street. Commission discussion ensued.

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Commissioner George made a motion to reject Main Street’s proposal. Commissioner Elliott seconded and the motion carried 3-2. The motion was opposed by Commissioner Ash and Commissioner Grove.

NEW BUSINESS
B. JOINT WORKSHOP WITH PLANNING BOARD – FILL ORDINANCE

Commissioner Elliott made a motion to have a Joint Workshop with Planning and Zoning on February 10, 2020 at 5:00 P.M. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS
C. AUDIT COMMITTEE DISCUSSION

Commissioner George gave an update for the Audit Committee, stating we need to remove Mr. Nalley, to be in compliance with the Florida Statutes and replace with either two citizens or another commissioner. Commissioner George recommends Rose McCoy and Joan Stanton. Commissioner Ash and Commissioner Grove stated they would like to step down.

Commissioner George made a motion to remove the City Manager as a member of the Audit Committee to be in compliance with the Florida Statutes and that we add Commissioner Elliott, Rose McCoy and Joan Stanton to the Audit Committee. She then amended it to add Mayor Begos also. Elliott seconded and the motion carried 5-0.

D. HOME DEMOLITION WITHOUT A PERMIT

Commissioner Elliott gave an update on a home that was destroyed and carted away without a permit during the holidays.

E. WORKSHOP OF AFFORDABLE HOUSING

Commissioner Elliott made a motion to set a joint workshop with the Planning and Zoning Board on February 10, 2020 at 5:00 PM for the presentation and discussion of the proposed Fill Ordinance. Commissioner Grove seconded and the motion carried 5-0.

F. CRA WORKSHOP

Mayor Begos stated that the City needs to have a CRA workshop soon.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 9:45 pm. Commissioner George seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk