

A Regular Meeting of the Apalachicola City Commission was held on July 8, 2025 at 6:00 PM at the Commission Meeting Room located at 74 6<sup>th</sup> Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Adriane Elliott, Interim City Manager Chris Holley, City Attorney Hartman, and City Clerk Sheneidra Cummings

Meeting was called to order by Mayor Ash followed by invocation and pledge of allegiance.

### **Agenda Adoption**

A motion was made by Commissioner Grove to adopt the agenda, seconded by Commissioner Elliott. Motion carried, 5-0.

### **Public Comment**

Willie Tolliver commented.

Delores Hayward-Croom commented.

Shan Raetzloff commented.

Kathleen Binder commented.

### **New Business: Ratification of Expenses Associated with the Local State of Emergency**

Interim City Manager Holley explained that these expenses were related to assets put in place during the water crisis, totaling \$224,479.82. He noted efforts were being made to reach out to state agencies for assistance but Commission approval was needed to process the invoices. During discussion, Commissioner Elliott asked for clarification about the funding source, noting previous discussions about using either the revolving loan fund account or ARPA funds.

Finance Director Lee recommended using the revolving loan fund since it has been defederalized and contains approximately \$384,000. Commissioner George noted that the previous month's approval of \$159,700 was to be taken from ARPA funds, so the motion needed to supersede the previous vote.

Motion to approve payment of \$207,400 from the revolving loan fund account was made by Commissioner Duncan, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0. The approval was noted to be subject to possible reimbursement from the state.

### **New Business: Extension of Continuing FDEP Compliance Services with Dewberry**

Interim City Manager Holley explained that they had reached the end of the previous task order approved by the Commission for general engineering support. He requested approval for another \$25,000 task order, noting that he would be as frugal as possible with these services. He explained that they had stopped having daily calls that occurred during the crisis and would only call Dewberry when truly needed.

Motion to approve the extension of Dewberry Engineering FDEP compliance services was made by Commissioner Grove, seconded by Commissioner Elliott, and carried unanimously.

### **Unfinished Business: Final Approval of the Evergreen Solutions City Employee Compensation and Classification Study**

Interim City Manager Holley emphasized the importance of having a proper pay classification system, particularly for recruiting positions, including his replacement. Regarding the city manager position specifically, Holley recommended moving to the midpoint of the salary range (\$100,000) for recruiting purposes, noting that according to a recent League of Cities salary survey, a city of this size and budget should offer a six-figure salary to attract qualified candidates.

During discussion, Commissioner Grove stated she believed the overall plan had been previously approved but there was uncertainty about whether it had been officially adopted in a formal meeting. Commissioner George recalled that the study was presented in July 2022 but was tabled because it wasn't available until the actual meeting. He noted that it was incorporated into budget drafts but never officially voted on in a meeting. He suggested addressing the city manager salary separately as an immediate need and dealing with the adoption of the survey during the budget process.

Interim City Manager Holley also emphasized the need to have the plan approved to address personnel challenges, including upcoming retirements of key staff members and

the need for mid-level managers. He noted that Evergreen is a well-respected company nationally for this type of work.

Motion to approve the Evergreen study and salary ranges, including authorization to post the City Manager position at the midpoint salary level of \$100,000, was made by Commissioner Grove, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

### **Unfinished Business: Forgotten Coast Fitness and Wellness Center Proposal**

Pete Whitesell requested to speak on this item when it came up. The representative for Forgotten Coast Fitness reported they had just received (about two hours prior to the meeting) a positive report from Chris Presnell, a licensed professional engineer, who was doing the work pro bono. The report indicated that sequestering and segregating the north wing of the facility could be accomplished, with several options provided. Since the Commission had not had a chance to review this information, they were not requesting any immediate action and would forward the documentation to the city manager.

The item was tabled.

### **Unfinished Business: Denton Cove-Mediation Settlement Agreement**

City Attorney Dan Hartman explained that the Commission had authorized a lawsuit against Denton Cove regarding a promised contribution to IGA lift station upgrades. At mediation, they reached a settlement agreement under which Denton Cove would pay \$70,000 within 30 days. Subsequently, Denton Cove proposed an amendment to provide a 60-day period during which they would seek funding for all IGA lift station upgrades (estimated to exceed \$150,000) as well as an aerator on the ground storage tank through the Florida Job Growth Grant Fund.

Attorney Hartman explained that if the funding is not granted within 60 days, Denton Cove would still pay the \$70,000. The amendment would delay receipt of funds by 30 days but introduces the possibility of significantly more funding. He recommended approving the amended agreement.

Motion to approve the amended mediation agreement was made by Commissioner Grove, seconded by Commissioner Duncan. Motion carried, 4-1, with Commissioner George opposing.

A subsequent motion was also considered:

Motion to approve submittal of grant application to Section 288.101 of the Florida Statutes seeking funding for IGA lift station upgrades and aerator replacement was made by Commissioner Grove, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

### **Unfinished Business: 25 17th Street Abandonment request**

Pete Whitesell, representing Historic Apalachicola Partnerships Preservation, submitted a letter outlining reasons not to approve the abandonment request.

Attorney Kitzmiller, representing the applicant (Dennis Cox family), explained that Florida Statute Section 336.09 gives local governments the ability to vacate streets, alleys, and rights of way within their jurisdiction as a discretionary matter. She noted that the parcel in question was uniquely positioned as a single parcel ID number split across the right of way. The area in question was approximately 0.2 acres, which would increase the taxable value significantly. She argued that abandoning this right of way would not block any public access to water, was not a storm water or drainage easement, had no infrastructure, and had limited ability for infrastructure construction on the south side due to wetlands.

Discussion held.

During discussion, Commissioner Grove stated that in his nearly 30 years of experience, the city has not approved these types of requests as it's in the public interest to keep this land. She noted that neighboring properties would likely want the same ability.

Commissioner Elliott expressed concern about the city's liability since the entirety of the parcel in question is on private property, and noted the taxable value that would be added to the rolls.

Commissioner George argued that this situation was not unique in Apalachicola, as many original parcels along Bay Avenue have similar configurations. She opposed vacating public property where it doesn't serve a public purpose or benefit all citizens, and noted that the roadway is part of the original 1831 city plat that has had few revisions over the years.

Motion to deny the 2500 17th Street abandonment request was made by Commissioner George, seconded by Commissioner Grove, and carried 4-1, with Commissioner Elliott opposing.

### **Consent Agenda: Ratify Approval of the Interim City Manager Employment Agreement**

Motion to approve the consent agenda was made by Commissioner George, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

### **Mayor and Commissioner Comments**

The Mayor noted that an election was approaching and congratulated all qualified candidates. She mentioned the need for two alternates on the canvassing board, as Commissioner Elliott, the Mayor, and Commissioner George were already on the board.

Motion to approve Commissioner Grove and Pete Whitsell as canvassing board alternates for the upcoming election was made by Commissioner George, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

Commissioner Grove inquired about the status of the easement process for encroachments, which Attorney Hartman indicated he was working on and would bring back in August or September. Commissioner Grove also requested attention to flooding issues on the Prado, especially on the east side and 22nd Avenue. She suggested enlisting Lynn Wyler's help with water testing and communication.

Commissioner Elliott stressed the need to focus on personnel, pay, and department structuring during the upcoming budget process, as well as prioritizing water and sewer infrastructure. She also recommended finding room in the budget for a public relations or communications person.

Commissioner Duncan also supported the idea of a public information officer and inquired about the status of public records requests. The City Clerk explained she was backed up with about six extensive requests due to additional tasks she had taken on.

The Mayor mentioned that one of the administrative staff members had given two weeks' notice, and the clerk would be taking on those duties as well.

A request was made for a special meeting on Tuesday, July 22nd at 9 AM to discuss the FY2025/2026 budget and set tentative millage rates. After discussion about meeting times

and Commissioner Duncan's unavailability in the morning, an alternate time was proposed.

Motion to schedule a special meeting on Tuesday, July 22nd at 3 PM to discuss development of the FY2025/2026 annual budget and set a tentative millage rate was made by Commissioner Duncan, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

### **City Attorney Report**

Attorney Hartman reported on a recent change to Florida statutes regarding platting and replatting. He explained that the legislature has decided that plats and replats will now be administrative matters, requiring cities and counties to appoint an administrative authority (such as a city manager or department head) rather than having them go through governing bodies or planning and zoning boards. He asked the Commission to consider who should be designated for this role, suggesting the city manager or city planner as potential options.

### **Adjournment**

A motion to adjourn made by Commissioner Elliott, seconded by Commissioner Duncan. None opposed. Motion carried, 5-0.

**Meeting adjourned.**

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**Brenda Ash, Mayor**

**ATTEST:**

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**Sheneidra Cummings, City Clerk**