

A Public Hearing and Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, April 4, 2017 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Frank Cook, City Administrator Lee Mathes, City Clerk Deborah Guillotte, City Attorney Pat Floyd, Code Enforcement Officer Wilbur Bellew, Officer Pam Lewis

Visitors: Anita Grove, Augusta West, Fred Vogt, Pam Richardson, Peter Gallant, Dennis Winterringer, Diane Brewer, Falan Goff, Carrie Kienzle, Creighton Brown, Holly Brown, Peter Olson, Cindy Clark, Joe Taylor, Jim Bachrach, Gail Johnson, Bill McCartney, Jan Thomas, Reshard Robinson, David Meyer

Public hearing opened by Mayor Johnson followed by prayer and pledge.

PUBLIC HEARING

1. ORDINANCE NO. 2017-04 – BUILDING HEIGHT

Attorney Floyd read Ordinance No. 2017-04 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO BUILDING HEIGHT, GRADE AND PERMISSIBLE BUILDING HEIGHT; PROVIDING FOR REVISIONS IN SECTION IV RELATING TO BUILDING HEIGHT LANGUAGE IN ZONING DISTRICTS R-1, R-2, R-3, R-4, O/R, C-1, C-2, C-3, C-4, AND RC; PROVIDING FOR REVISIONS TO SECTION VII (SITE PLAN REGULATIONS) AND SECTION X (TRANSIENT LODGING); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

No Public comment.

2. ORDINANCE NO. 2017-05 – NON-CONFORMING STRUCTURES

Attorney Floyd read Ordinance No. 2017-05 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO HISTORIC STRUCTURES, LOTS OF RECORD, NONCONFORMING BUILDINGS, NONCONFORMING LOTS AND VARIANCES; PROVIDING FOR REVISIONS IN SECTION VI (HISTORIC AND CULTURAL PRESERVATION REGULATIONS) RELATING

TO HISTORIC AND ALTERED HISTORIC STRUCTURES; PROVIDING FOR REVISIONS IN SECTION III (ENFORCEMENT AND ADMINISTRATION) RELATING TO ADMINISTRATION OF FLOODPLAIN MANAGEMENT ORDINANCE 2013-02 AS IT RELATES TO NONCONFORMING STRUCTURES; PROVIDING FOR REVISIONS IN SECTION IV (ZONING DISTRICTS AND REGULATIONS) RELATING TO DEVELOPMENT STANDARDS FOR NONCONFORMING USE, STRUCTURE AND LOTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

No public comment.

Public hearing closed. Regular meeting opened by Mayor Johnson

REGULAR MEETING

ADOPTION DECISION – RESOLUTION 2017-06

John Solomon stated National Volunteer Week is April 24 – 28 and requests adoption of resolution honoring volunteers.

Attorney Floyd read Resolution 2017-06 in its entirety.

Motion to adopt Resolution 2017-06 made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – ORDINANCE NO. 2017-04 – BUILDING HEIGHT

Attorney Floyd read Ordinance No. 2017-04 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO BUILDING HEIGHT, GRADE AND PERMISSIBLE BUILDING HEIGHT; PROVIDING FOR REVISIONS IN SECTION IV RELATING TO BUILDING HEIGHT LANGUAGE IN ZONING DISTRICTS R-1, R-2, R-3, R-4, O/R, C-1, C-2, C-3, C-4, AND RC;

PROVIDING FOR REVISIONS TO SECTION VII (SITE PLAN REGULATIONS) AND SECTION X (TRANSIENT LODGING); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-04 made by Commissioner Cook, second by Commissioner Bartley.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

ADOPTION DECISION - ORDINANCE NO. 2017-05 - NON-CONFORMING STRUCTURES

Attorney Floyd read Ordinance No. 217-05 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO HISTORIC STRUCTURES, LOTS OF RECORD, NONCONFORMING BUILDINGS, NONCONFORMING LOTS AND VARIANCES; PROVIDING FOR REVISIONS IN SECTION VI (HISTORIC AND CULTURAL PRESERVATION REGULATIONS) RELATING TO HISTORIC AND ALTERED HISTORIC STRUCTURES; PROVIDING FOR REVISIONS IN SECTION III (ENFORCEMENT AND ADMINISTRATION) RELATING TO ADMINISTRATION OF FLOODPLAIN MANAGEMENT ORDINANCE 2013-02 AS IT RELATES TO NONCONFORMING STRUCTURES; PROVIDING FOR REVISIONS IN SECTION IV (ZONING DISTRICTS AND REGULATIONS) RELATING TO DEVELOPMENT STANDARDS FOR NONCONFORMING USE, STRUCTURE AND LOTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-05 made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

FAMU - Falan Goff

Falan Goff reviewed monthly report and outlined upcoming events.

APPROVAL OF MARCH MINUTES

Motion to approve March minutes made by Commissioner Cook, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

APPROVAL OF FEBRUARY BILL LIST

Motion to approve February bill list made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2017-07 – OPPOSING HB 17 And SB 1158

Attorney Floyd read Resolution 2017-07 in its entirety.

Motion to adopt Resolution 2017-07 made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

BTW SERVICES, INC. – 3 MONTH CONTRACT EXTENSION

Mayor Johnson stated that projects outlined in Ms. Webb's contract have not yet been completed due to construction and contract delays and is requesting a 3 month contract extension to complete outstanding projects.

Motion to approve to extend BTW Services, Inc. contract for 3 months made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

PLANNING & ZONING

a) Motion to confirm February Minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

b) Cindy Clark - City Planner – Cindy Clark stated written report has been submitted in Commission packets.

CITY ADMINISTRATOR

1) Ms. Mathes requests motion to approve Change Order No. 3 in the amount of \$8,207.20 and Change Order No. 4 in the amount of \$3,435.86 for the CDBG Septic Abatement/Bobby Cato Lift Station Upgrade project. Ms. Mathes stated approximately \$2,000 we will have to be taken from the enterprise fund, but these change orders are necessary to complete the project.

Motion to approve Change Order No. 3 and Change Order No. 4 for the Bobby Cato Lift Station Upgrade made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

2) Ms. Mathes announced the City will be hosting a volunteer lunch on Tuesday, April 18th from 11:30 till 1:30 at Holy Family.

3) Ms. Mathes announced John Layne had resigned his position with the Water Department and would like approval to advertise for this position.

Motion to advertise for water department position made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

4) Motion to approve payment for Attorney Floyd invoice made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

5) Ms. Mathes introduced Joe Taylor with Franklin's Promise Coalition to discuss the Youthbuild USA Grant application.

Joe Taylor is requesting permission for the City to partner with The Conservation Corps of the Forgotten Coast/Franklin's Promise Coalition in applying for the Youthbuild USA Grant. Grant will span a 3 year period to include 2 years of construction education/project work (completing at a minimum the 2 units approved in the agreement with the City) and following the 32 young adults through the employment process in the third year. Grant is up to 1.1 million and application is due May 8th, 2017.

Mayor Johnson inquired what the City's role would be for this project.

Joe Taylor stated this is to assist in the implementation for the Affordable Housing Ownership Program the Commission obligated through the BP funding.

Motion to approve for the City to partner with The Conservation Corps of the Forgotten Coast/Franklin's Promise Coalition in applying for the Youthbuild USA grant as outlined by Joe Taylor made by Commissioner Elliott, second by Commission Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

Attorney Floyd requested copy of application for review before submitting.

ATTORNEY FLOYD

1) Attorney Floyd stated DEO is working with the City regarding updating codes and LDC regulations.

2) Attorney Floyd requests authorization for Attorney Terrell Arline to give assistance when needed with updating the LDC codes and regulations. Attorney Floyd estimates an hour or so a month is all that would be needed.

Mayor Johnson requested the finances be reviewed by Ms. Mathes and followed up on a later date.

3) Attorney Floyd gave update on CVS.

4) Attorney Floyd gave update on the Franklin County/BP monies.

OTHER VISITORS & COMMENTS

1) Bill McCartney reviewed BP scoring criteria and scale progress.

2) Bill McCartney reviewed status of State Revolving Loan stating Commission needs to contact representatives to stress importance to resolve this issue.

MAYOR & COMMISSIONER'S COMMENTS

1) Mayor Johnson requests that staff start researching the possibilities on how the City can restrict certain size buildings and deal with large scale development.

Cindy Clark stated currently there is no definition for large scale development.

Attorney Floyd suggests make a motion directing Planning & Zoning, Staff and Attorney to work on a building size restriction plan and bring back to the Commission with recommendations.

Motion to direct Planning & Zoning, Attorney Floyd, and Staff to work on a building size restriction plan and come back to the Commission with recommendations made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

2) Commissioner Elliott asked Cindy Clark to explain the Storm Water Utility plan.

Cindy Clark reviewed the 2013 Storm Water Utility Resolution Plan. Ms. Clark stated an ordinance initiating fees for the Storm Water Utility services will be presented at next month's meeting.

3) Mayor Johnson commended all those involved regarding the Pearls Shotgun House event. Mayor Johnson stated there will be events all throughout April and encourages the Commission to attend.

4) Mayor Johnson announced he and his wife will be attending a Community Leadership Dinner on May 27th at the Governor's Mansion representing the City.

5) Mayor Johnson stated the current members of the Tree Committee have resigned. Mayor Johnson commented that Anita Grove, Dennis Winterringer and Robert Seaborn are interested in serving on this committee and would like to request approval for a 3 member board for the Tree Committee with the names mentioned.

Motion to appoint Dennis Winterringer, Robert Seaborn and Anita Grove to the 3 member board Tree Committee made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

6) Mayor Johnson asked for clarification on local residents using the City parks for free.

Discussion held.

Commissioner Ash suggested going back and looking at the old minutes for clarification.

Mayor Johnson stated he was approached by someone that there would be a charge for the Isle Newell Foundation to use the park. If there is a fee, I would like to have this corrected and not charge the Isle Newell Foundation or local residents to use the parks.

Attorney Floyd suggested having a resident fee and a non-resident fee.

Mayor Johnson requests a motion for Isle Newell Foundation be waived the rental fee at Lafayette Park for their concert.

Motion to waive the rental fee at Lafayette Park for the Isle Newell Foundation made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

7) Mayor Johnson requests approval to appoint Augusta West to fill the ex-officio position on CRA board.

Motion to appoint Augusta West to fill ex-officio position on CRA board made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Ash, Elliott, Mayor Johnson

Voting Nay: None

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk