

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, MARCH 2, 2021, 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 TO ORDER**

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

**AGENDA ADOPTION**

Mayor Begos had a request to move the Adopt-A-Park from Item D to Item A, under Unfinished Business.

Commissioner Ash made a motion to approve the Agenda and to move Item D, Adopt-a-Park, to Item A, of Unfinished Business. Commissioner Elliott seconded and the motion carried 5-0.

**CITY MANAGER COMMUNICATIONS**

**Surplus Property List/Disposition of Property** – Mr. Wade requests approval to dispose of the property on the Surplus Property list (which includes the Trolley), and any other property determined as surplus, and obtaining quotes from three auctioneers and choosing the lowest bid.

Commission Elliott made a motion to authorize Mr. Wade to dispose of the property on the Surplus Property list, by locating three auctioneers and choosing the best option. Mayor Begos seconded the motion. Discussion held.

Commissioner Elliott amended the motion to authorize Mr. Wade to dispose of the property on the Surplus Property list, by locating three auctioneers and choosing the best option, and to direct staff to determine the amount of insurance and other expenses paid by the City related to the trolley to be deducted from the proceeds from sale in determining Apalachicola Main Street's share of the net proceeds from the sale. Mayor Begos amended his second and the motion carried 5-0.

**P&Z Alternate Member** – Mr. Wade recommended Lee McLemore for the alternate member of the Planning and Zoning Board.

Commissioner Elliott made a motion to appoint Lee McLemore as the alternate member for the Planning and Zoning Board. Mayor Begos seconded. Motion carried 3-2 with Commissioner's Grove and George opposed.

**FDOT/M SCOP Resolution** – Mr. Wade stated that the City is applying for a grant to resurface Commerce Street (Ave. D, North 200 feet), Phase One, with concrete, and that FDOT requires that a Resolution be passed authorizing the Mayor or City Manager to apply for the grant. There is no match for this grant.

Mr. Wade read Resolution 2021-01 by title.

RESOLUTION NO: 2021-01

A RESOLUTION OF THE CITY COUNCIL MEMBERS OF THE CITY OF APALACHICOLA, FLORIDA, AUTHORIZING THE MAYOR OR CITY MANAGER TO APPLY FOR FDOT FUNDING THROUGH THE “MUNICIPAL SMALL COUNTY OUTREACH PROGRAM (M-SCOP)”, FOR RESURFACING COMMERCE STREET.

Commissioner Grove made a motion to adopt Resolution 2021-01, authorizing the Mayor or City Manager to apply for FDOT funding through the “Municipal Small County Outreach Program” (M-SCOP), for resurfacing Commerce Street. Commissioner George seconded and the motion carried 5-0.

**Local Mitigation Strategies Resolution** – Mr. Wade stated that the Franklin County Board of County Commissioners adopted the updated Local Mitigation Strategy Plan and that Franklin County Emergency Management requested that the City Commission adopt same Resolution.

Mr. Wade read Resolution 2021-02 in its entirety.

Commissioner Grove made a motion to adopt the Local Mitigation Strategy Resolution 2021-02. Commissioner George seconded and the motion carried 5-0.

**Memorial Benches / Riverfront Park** – Mr. Wade had a request from a citizen to place a memorial bench at Riverfront Park. Discussion held. Mr. Wade suggests that Parks and Recreation develop a plan for each park and what we want in each park. Discussion held.

Commissioner Elliott made a motion to table this request pending the development and recommendation for a plan for memorial benches from the Parks and Recreation Committee. Commissioner Ash seconded. Motion fails 2-3 with Mayor Begos, Commissioner George and Commissioner Grove opposed.

In a response to a question from Commissioner Grove, Ms. Mount-Simmons stated that she will have the Plan at the April meeting.

Commissioner Grove made a motion to approve the placement of the bench in Riverfront Park, based on the Parks and Recreation Committee, giving the Commission a location and the designed specification of the bench. Mayor Begos seconded and the motion carried 4-1. Commissioner Ash opposed.

**Tamara’s Outside Dining** – Mr. Wade announced that Tamara’s Hold Harmless agreement expired February 28<sup>th</sup>, and he is requesting an extension of the outside dining. Commissioner Elliott stated she is abstaining from the vote since it is not on the agenda. This issue is to come back before the board if action is desired.

**Fire Hydrants** – Mr. Wade stated that the City has purchased six fire hydrants and will be replacing broken ones.

**MAYOR AND COMMISSIONER COMMENTS**

**Legislative Session update** – Mayor Begos reviewed the following items: 1) short-term rental/lodging; 2) businesses that are permitted in a commercially zoned area that will be able to operate in a residential area; 3) and area of critical state concern.

Discussion held on the following: radio ads for advertisement; pervious paving on Avenue G, between Water Street and Commerce, to block off one side for travel, until completion date of June 30<sup>th</sup>; library sign needs to be relocated; and oyster shell recycling program to help stabilize the shoreline along the highway.

**FINANCE DIRECTOR LEO BEBEAU COMMUNICATIONS**

**Financial report** – Mr. Bebeau presented and reviewed the financial report for October through December of the current fiscal year; half cent sales tax and revenue sharing are ahead of forecast projection; local option gas tax revenue is ahead of forecast projection; water and sewer revenue under estimated projection, and this is due to running one month behind; Senior Relief 10.00 discount has only 9 applications. Mayor Begos asked that a new Senior Relief Plan proposal with a fee increase be brought back next month.

**Grants update** – Mr. Bebeau stated we are moving forward on the three HMGP grants (Market Street Booster Station and Generators for police, fire station, and City Hall, (Phase One grant for design and development, and Phase Two for implementation); Phase One - CDBG Infrastructure Grant (Avenues Stormwater Project – relining stormwater pipes and installing backflow prevention for outfall into the river or bay).

**PRESENTATIONS**

**Wilderness Coast Libraries** – Sondra Taylor-Furbee stated that the Apalachicola Margaret Key Library is pursuing membership with the Wilderness Coast Libraries, which would consist of a three county cooperative that provides services to County libraries serving Wakulla, Jefferson and Franklin, which is funded legislatively to state aided libraries. This was approved by the Library Board, therefore, we are moving forward with the membership. We will be requesting that the City approve an application that would come

from the City, to the Wilderness Coast Board. If this application is approved by the State, the program will begin in October 2021.

**ATTORNEY KRISTY BRANCH BANKS COMMUNICATIONS**

No report.

**PUBLIC COMMENT**

**Mill Pond Fishermen – Triumph Grant** – Mayor Begos reviewed a TRIUMPH Grant application from a few years back pertaining to the Popham building and the Mill Pond. The Mill Pond fishermen would like to have an Ice House at the Mill Pond, so ice can be available to the commercial fisherman at all times and hours. The fishermen would like the City to apply for this under the TRIUMPH grant process.

Commissioner Ash made a motion to explore applying for the TRIUMPH grant for an Ice House at the Mill Pond. Commissioner Grove seconded and the motion carried 5-0.

Public comments included: Solar lights on the north side dock at the Mill Pond; Asbestos in the library roof mentioned in the February minutes not documented in the minutes to be approved – Mr. Bebeau stated the existing roof has asbestos shingles, but not aware of any evidence in the building; Leslie Street closure and estimated time of reopening – Mr. Bebeau stated this will not be opened any time in the near future due to FEM Hurricane Sally Administrative review. Mayor Begos stated this is a storm drain collapse and an enormous washout under the street which is very extensive damage; vehicles parking on Leslie Street need to be notified not to park on Leslie Street – Commissioner Elliott would like letters sent to the property owners not to park on Leslie Street.

**UNFINISHED BUSINESS**

**A. CDBG-DR UPDATE**

Projects discussed to consider for the Hometown Revitalization Grant: a) Old Fire Station demolition; b) rebuilding the docks on the Riverfront; c) portions of the Popham building – porches and stabilize the core building, d) the old 5<sup>th</sup> Street Waterworks brick building and Public Works lots – after discussion, it was decided the 5<sup>th</sup> Street Waterworks property was not damaged by Hurricane Michael, but needs to have demolition and clean up for possible workforce housing; e) rebuild docks and boat launch; the pier; boat yard at the Mill Pond; coast guard dock to help bring in transient boating; and 5<sup>th</sup> Street property clean-up and demo for affordable housing; f) purchase private properties that are not buildable to use as mitigation, to purchase properties within the CRA district to use for affordable housing opportunities. Commissioner George would like to have someone look into the structure integrity of the Popham building and the 5<sup>th</sup> Street

property, and get a report before we actually tear portions of the properties down. Gouras will be here Friday for a meeting with Mr. Wade. Mr. Wade will see if he can also meet with other staff or Commission.

**UNFINISHED BUSINESS**

**B. BATTERY PARK MARINA ORDINANCE UPDATE**

Commissioner Elliott stated that on Tuesday, December 8, 2020, the City Commissioner held a public workshop to discuss revisions to the Battery Park Marina Ordinance (Draft 5) proposed by the Battery Park Marina Committee. Commissioner Elliott’s revisions included adjustments to Section 3 - fee schedule for vessels docked within the marina, as well as recreational and charter vessels using the launch ramp and Section 4: Overnight RV Rental Fees associated with the Battery Park Marina. Commissioner Elliott requests that the Commission review the proposed amendments to the ordinance, and send any questions, comments, concerns, or changes to Mr. Wade. Commissioner Elliott stated these rate increases will take effect on 10/1/21. Bill Avery requested that the City address the following: utilizing existing funds on the seawall; general maintenance and electrical repairs; repair of the railing on pier; installing a boarding dock for charter captains. Commissioner Elliott stated this item will be on the April agenda for a first reading.

**UNFINISHED BUSINESS**

**C. FOOD TRUCK LAWSUIT UPDATE**

Mayor Begos stated that our Attorney’s recommended that this be the first reading of the revised, proposed, Food Truck Ordinance. Mayor Begos would like to know how each Commissioner feels about moving forward with a first reading of this Ordinance tonight.

Commissioner Ash made a motion that the Commission move forward with proposed amendment to the Food Truck Ordinance 2019-03. Commissioner Elliott seconded. Discussion held.

In a response to a question by Commissioner George, Attorney Banks referred to definition in F.S. 166.041, stating that there are two different types of avenues for passing or amending ordinances, and that a more strict and strenuous standard applies to ordinances that propose to change the actual zoning or the use within a particular zone. Attorney Banks stated this ordinance is eligible for F.S. 166.041 Paragraph (3)(a), and would be a proposed first reading of the ordinance. Bill Graham with FMIT, also agreed and deferred to the City Attorney on this decision, and agrees to move forward.

Commission Ash made a motion to approve the first reading of Ordinance 2019-03 “Mobile Food Dispensing Vehicles” and proceed with the adoption process. Commissioner Elliott seconded and the motion carried 4-1. Commissioner George opposed.

Mayor Begos read Ordinance 2019-03 by title:

CITY OF APALACHICOLA, FLORIDA ORDINANCE 2019-03 “MOBILE FOOD DISPENSING VEHICLES” AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING REGULATIONS FOR MOBILE FOOD DISPENSING VEHICLES OPERATING WITHIN THE CITY; ESTABLISHING PROHIBITIONS; ESTABLISHING OPERATING REQUIREMENTS; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

**UNFINISHED BUSINESS**

**D. ADOPT-A-PARK—PARKS & REC COMMITTEE/ELINOR MOUNT-SIMMONS**

Ms. Mount-Simmons presented the third and final draft of the Adopt-A-Park Policy and Hold Harmless agreement to the Commission and requested approval. Ms. Mount-Simmons requested that the City Attorney read and approve the actual Hold Harmless Agreement.

Commissioner Elliott made a motion to adopt the Adopt-A-Park program plan implementation pending Attorney review of the Volunteer Release, Waiver and Indemnification Agreements for Adults/Minors. Commissioner Ash seconded and the motion carried 5-0.

In response to a request by Commissioner George, Mr. Wade stated that Sheneidra Cummings has been assigned to this program as the liaison.

**NEW BUSINESS**

**A. CITY ATTORNEY APPLICATIONS**

Mayor Begos stated that we had only received one application from Dan Hartman. Nabors Giblin & Nickerson, chose not to apply for the official City Attorney position, and after much consideration, believes that their firm could be of best service and deliver the most value to the City by continuing to assist the City in a special counsel capacity.

Commission Ash made a motion to accept Hartman Law firm for the next City of Apalachicola Attorney. Mayor Begos seconded and the motion carried 5-0.

The Commission thanks Attorney Banks for all her work with the City of Apalachicola.

**NEW BUSINESS**

**B. FRANKLIN COUNTY COMMUNITY DEVELOPMENT & LAND TRUST CORPORATION LAND SWAP PROPOSAL**

Cliff Butler reviewed a proposal to swap property owned by the FCCD & LTC at the corner of Avenue M and 17<sup>th</sup> St, valued at approximately \$24,000, for four to six lots (Equal to the value of \$24,000) owned by the City on 25<sup>th</sup> Avenue, to be used for a workforce housing project. The overall census is the Commission was interested in this partnership and requests our Attorney review and see if there are any legal ramifications. Mayor Begos asked if anyone wanted to make a motion to approve contingent upon review and approval by City Attorney. This item was tabled, to be reviewed by City Attorney and placed on the April agenda. Commissioner Ash volunteered to be Ex-officio member of the trust.

**CONSENT AGENDA**

**Meeting Minutes Adoption** – January 28, 2021 Special Meeting (Vision Session); February 1, 2021 Special Meeting (walking tour); and February 2, 2021 Regular Meeting Minutes

**P&Z minutes** – February 8, 2021

Commissioner Elliott made a motion to approve the Consent Agenda. Commissioner Ash seconded and the motion carried 5-0.

**DEPARTMENT REPORTS**

No report.

**ADJOURNMENT**

There being no further business Commissioner Elliott made a motion to adjourn. Commissioner George seconded and the motion carried 5-0.

---

Kevin Begos, Mayor

---

Deborah Guillotte, City Clerk