

A special meeting of the City Commission of the City of Apalachicola was held on Thursday, December 14, 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 Mitchell Bartley, Commissioner Anita Grove, City Clerk Deborah Guillotte, Attorney Pat Floyd

Visitors: Mike Vroegop, Robin Vroegop, Ron Dierolf, Gail Dierolf,, Christana Moore, Fran Edwards, Despina George, Holly Brown, Caty Greene, David Adlerstein, David Meyer

Special meeting opened by Mayor Johnson.

FIRST READING – ORDINANCE 2017-14 – COMMERCIAL WATER & SEWER RATES

Attorney Floyd read Ordinance 2017-14 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-35 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL WATER RATES; AMENDING SECTION 20-35 SUBSECTION (G) REGARDING WATER ONLY WATER RATES; AMENDING SECTION 20-48 SUBSECTIONS (E) AND (F) REGARDING COMMERCIAL SEWER RATES OF ORDINANCE 2008-02 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance 2017-14 and proceed with adoption process made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 5 to 0.

Voting Aye: Grove, Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

FILL AND DRAINAGE PERMITTING DISCUSSION

a) 51 8th Street

Attorney Floyd reviewed 2 addresses (51 8th St. and 45 8th St.) on flood plain issues, specifically the storm management plan.

Attorney Floyd stated the City Engineer can't make statement until he gets attenuation statement on push back and what had been provided was water quality which is part of the issue but it didn't deal with push back. The City Engineer stated this will take more time to research.

Mayor Johnson clarified City Engineer didn't confirm this will stop flooding and we can't move forward until he gets further information on push back.

Dan Garlick stated his client is withdrawing the application.

Attorney Floyd stated Mrs. Moore had put five loads of dirt on property and took the 5 loads of dirt off the property before a permit was applied for, therefore withdrawing the application means they are going to leave what is on the property, plant plants and do whatever they want to do.

Mr. Garlick stated that there were only 3 loads of dirt and feels there is no more fill than before and hope we can work with the city in the alley.

Attorney Floyd asked Mr. Garlick what was the purpose of application if you are going to continue with landscape?

Mr. Garlick stated this was to create a berm and help storm water, but we are withdrawing our certificate of appropriateness and going forward.
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Mr. Garlick stated we are not doing the berm, pre and post are the same, therefore, we are withdrawing and proceeding with landscaping.

Attorney Floyd clarified to that the only thing Mrs. Moore will not be doing is the berm and she will continue with the landscaping and leave fill.

Attorney Floyd stated the berm is not the only process in the attenuation, the study determines what you have to do.

Mr. Garlick stated what the City is trying to do is make it user friendly and in this, it also talks about sediment control, rain barrels etc., and we are going to do this.

Attorney Floyd stated this is not solving the problem, just your problem.

Mr. Garlick stated the big problem is the alley the flooding has happened for years.

Attorney Floyd commented he is talking about additional flooding caused by fill on property that will put flooding on adjacent properties.

Attorney Floyd stated we don't know what attenuation is and we have to go by the city engineer and he says there is not enough information to determine if attenuation is sufficient or if there is any attenuation.

Attorney Floyd commented that there was a stop work order on this property.

Mr. Garlick stated it had been removed when the fill was taken out. Mr. Garlick stated that is why the city needs a plan and he does realize this is in the process and being dealt with.

Attorney Floyd stated since he withdrew the application, it may be necessary for city to do an appeal to deal with what was done, even back to that point. Attorney Floyd notified the city board that this may not be the end of this issue since he is withdrawing application and there are violations.

Mayor Johnson inquired what exactly did P&Z approve and how the city commission approve this in our course of action.

Attorney Floyd stated is was a plan showing that it was not causing a discharge of flood water. This does not deal with push back.

Mr. Garlick stated we have the same elevation now as we did before work started.

Mrs. Moore stated the water doesn't drain onto anyone's property it goes into the alley and stays there.

Commissioner Ash inquired if Mrs. Moore had a landscape plan and if it has been provided to P&Z.

Mrs. Moore stated yes she does have a landscape plan.

Mr. Garlick stated she does not have to bring this before P&Z.

Mayor Johnson stated a landscape plan is required. This policy was voted on and approved by the city board at the October meeting.

Mr. Garlick stated if this policy was approved that he would get Mrs. Moore's landscape plan to the building department for P&Z approval.

Mayor Johnson would like Ms. Moore to take her landscape plan to P&Z.
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Mayor Johnson stated we don't want any excess water flowing onto adjacent properties.

Mrs. Moore stated she would like to go ahead with landscaping and if there is flooding I will make it good.

Commissioner Ash suggests Mrs. Moore provide a before and after topographical survey along with landscape plans, the amount being brought in and if this is approved by P&Z, is this a step towards implementing the landscape procedure. I am asking for confirmation on this since it is a couple of months before P&Z issues make it to city meetings and I want to be fair in this matter, I am just looking for a solution.

Attorney Floyd stated we had asked them to give us the information for the city engineer to check to if this certifies and establish there will be no additional flooding on adjacent lands and this is what we are waiting for.

Mr. Garlick stated we are at a point we do not want to do anymore, so we want to go back to where we were and the house was built, so if there is a policy that has been adopted about landscaping, we will bring this before P&Z. I would also like to see this policy.

Mayor Johnson emphasized that whatever plans they want to do needs to go back before P&Z which is the process.

Mrs. Moore stated she is not okay with this, that it seems to her things keep changing without notification.

Attorney Floyd stated for Mrs. Moore to get the city engineer conclude that there is not going to be any additional flooding onto adjacent properties and provide whatever information you can to him to achieve this, which he stated is not difficult, and is commonly done, and he says yes, then this is what we need to conclude.

Attorney Floyd stated if you provide your landscape plan, the topographical survey that shows before and after and any information about the loads of dirt you put in and took out and get the attenuation information, they city engineer can tell you, look these are the additions items needed.

Mayor Johnson commented that at the October meeting we voted on this contingent upon whether or not the city engineer confirmed and we are now at a point where he will not confirm this without additional information.

Mayor Johnson re-stated we will go back to original motion and if the city engineer confirms what you want to do, its passed. This was approved at the regular meeting contingent upon whether the city engineer confirmed the information you provided and what I am hearing tonight, it was not certified.

b) 45 8th Street

Attorney Floyd reviewed issues of 45 8th Street property where property owner put in sod. Mr. Bellew was informed later they put in a truck load of dirt, part on city right of way and part on property and spread dirt without a permit. Mr. Bellew informed the property owner there was no permit issued for this project and they went back to P&Z, where it is now a flood issue also.

Attorney Floyd suggests getting the landscape plans to P&Z and if the city engineer says it qualifies, then they are good.

HARBOR MASTER HOUSE LEASE AGREEMENT

Attorney Floyd stated we are trying to reach a compromise between turning the building over and letting go and having some protections and rights of the city and the Vroegop's have a proposal they would like to present.

Robin Vroegop reviewed Geotourism Proposal and what repairs they have done to date and what their business is about. Mrs. Vroegop requested packet be entered into minutes.

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Attorney Floyd stated no-one questioned how this will be a good project and will be great except it will affect the commercial fisherman even though we haven't at this time had any input from them. And I question, how do I get this into a lease to accommodate their concerns and the city's at the same time?

Attorney Floyd reviewed the past proposal and newest proposal. Attorney Floyd will now review the spreadsheet of the proposals and their differences, each board member having a copy to review.

Commissioner Elliott would like to stress the importance that commercial shrimpers are still going to use the bottom pad.

Attorney Floyd will draft proposal agreement per discussion and agreement by the board and prepare for Mrs. Vroegop to review by Monday.

RESCHEDULE JANUARY REGULAR CITY COMMISSION MEETING FROM JANUARY 2ND TO JANUARY 9TH

Motion to reschedule January Regular City Commissioner Meeting from Tuesday, January 2nd to Tuesday, January 9th made by Commissioner Bartley, second by Commissioner Grove.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Grove, Mayor Johnson

Voting Nay: None

LIBRARY FLAG POLE

Motion to approve Mark Willis donation of \$1000 to the Apalachicola Margaret Key Library in exchange for the flag pole made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 5 to 0

Voting Aye: Grove, Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk

