

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, March 3, 2015 at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: George Watkins, Bobby Miller, Wilbur Bellew, David Walker, Lynn Wilson Spohrer, Bill Spohrer, Joe Taylor, Willoughby Marshall, Carrie Kienzle, Marie Marshall, George Kirvin Floyd, Deborah Guillotte, Janelle Paul, Uta Hardy, John Lee, David Adlerstein, Cindy Clark, Chris Clark, Marsha Lindeman, Dave Watts, Constance Peel, Jody Rosenbaum, Juli Jones, Dan Garlick, Caty Greene, Shannon Lease, Susan Mack, Dan Tonsmeire, Charles Kienzle, Darius Johnson, Themo Patriotis, Beth Wright, Robin Smith, Tim Mills, Holly Brown, Creighton Brown, E. D. Watson, George Stritikus, George Mahr, Jim Bachrach, Ralph Richards

Regular meeting opened by Mayor Johnson followed by prayer and pledge.

RECOGNITION OF VISITORS

1. David Walker – Mr. Walker presented “Healthy Weight Community Champion 2015” certificate to the City in recognition of our efforts to promote healthy weight at the local level.
2. Dan Tonsmeire – Mr. Tonsmeire, representing Apalachicola Riverkeepers, outlined pros and cons of dredging on Apalachicola River, and effects the decline of water flow has had on the Apalachicola River.

George Kirvin Floyd outlined why maintenance of the Apalachicola River is imperative.

Discussion held regarding dredging and water flow in the Apalachicola River.

Mayor Johnson stated the Corps of Engineers will be in Apalachicola March 9 – 12 and a meeting will be held between various officials and the Corps of Engineers on March 9th at 9:00AM at the Mayor’s office.

Discussion continued regarding dredging in the Apalachicola River.

Attorney Floyd stated the Corps of Engineers should be required to maintain the required 9’ depth all the way down the Apalachicola River.

3. Jim Bachrach – Mr. Bachrach presented the Chestnut Cemetery map that was produced with Visit Florida grant funds.

Carrie Kienzle stated the Apalachicola Historical Society applied for the Visit Florida grant. Ms. Kienzle stated Jim Bachrach, Cindy Clark, and Mark Curenton worked very hard in getting this project accomplished.

Mr. Bachrach stated additional grants will be pursued to do restoration projects in Chestnut Cemetery.

4. Themo Patriotis – Mr. Patriotis outlined activities for the Forgotten Coast Paddle Jam that will take place the 3rd weekend in May in Battery Park.

Mayor Johnson asked Chief Varnes if there were any problems last year with the event.

Chief Varnes stated the event went really well last year.

Beth Wright stated last year the birds were disturbed on Bird Island and recommends that Mr. Patriotis work in conjunction with FWC so birds are not disturbed this year.

Ms. Webb stated she will coordinate with Mr. Patriotis to get everything in place for the event.

5. George Mahr – Mr. Mahr stated in June 2014 the City received a grant to construct a Library. Mr. Mahr stated in the original grant application, it was stated the Library would occupy the Chapman School. Mr. Mahr suggested the City approach the County to see what can be done about the City utilizing the Chapman School auditorium for the Library. Mr. Mahr stated that there has been some discussion that the County might want to trade the auditorium for the Library building which would be used for the Supervisor of Elections office.

Commissioner Elliott stated the City could lease the auditorium from the County and the County could lease the Library from the City.

Mayor Johnson stated it was his understanding that the County was leaning more towards deeding the Chapman School property to the City.

Mr. Mahr stated that would be the ultimate goal. Mr. Mahr stated grants could be pursued to upgrade the building.

Carrie Kienzle stated if the Library occupied the auditorium, the chairs would be removed and stored and any changes made would be reversible.

Caty Greene stated if the Library was to occupy the auditorium, the main walls would not be touched, and there would be no walls installed. Ms. Greene stated only bookcases and tables and an office space would be needed.

Ms. Kienzle stated it would be understood that everything in the auditorium space would have to be moveable. Ms. Kienzle stated portable library furniture would be ideal for this situation.

Mayor Johnson stated this could drive economic development within the City and could be a catalyst for historic preservation.

Bobby Miller expressed concern about the possibility of Dr. Sanaullah losing his office space. Mr. Miller stated he is not against the Library occupying the auditorium space, but Dr. Sanaullah needs to be assured that he will not lose his rental lease. Mr. Miller stated before a decision is made on this, the City needs to make sure the grant will even allow the Library to occupy the auditorium space.

Mayor Johnson stated there is enough space in the building to accommodate both the Library and Dr. Sanaullah. Mayor Johnson stated this is an opportunity to get economic development going within the City and maybe create some jobs. Mayor Johnson stated the Commission can make a motion to protect Dr. Sanaullah's lease.

Commissioner Bartley stated the City has already received a grant to construct a new Library.

Mr. Mahr stated maybe the Commission can approve that negotiations be held with the County to see what options are available for the Library to occupy the auditorium space.

Commissioner Ash stated before she is comfortable moving forward with this, she wants to see a financial plan for cost estimates on maintenance and repairs.

Jody Rosenbaum stated one of the key things of moving the Library to the auditorium will be that the prospect of receiving grants will be much richer because of the historic preservation aspect.

Lynn Wilson Spohrer stated if something is not done to the building it will be beyond repair.

Commissioner Cook asked how often the Apalachicola Bay Charter School uses the auditorium.

Mr. Mahr stated he has spoken with the principal and the school rarely uses the auditorium because of its condition.

Commissioner Cook stated the City already owns quite a few old buildings that we have to maintain, and if funds are not acquired to maintain the auditorium, then the Commission may have to raise taxes to maintain it.

Mr. Mahr stated he feels that the community will be behind this effort and help raise funds for the maintenance and support of the Library.

Mayor Johnson stated the Commission needs to give an indication to the County that the City is interested in moving forward.

Discussion held concerning costs of maintenance, current needed repairs to building, construction costs, and options of swapping or deeding property to City.

Commissioner Elliott stated that with whatever option is taken, he wants the City to provide Dr. Sanaullah assurance that he will not be displaced.

Caty Greene stated she thinks all Mr. Mahr is asking for at this point is for some sort of motion to move forward with negotiations with the County.

Commissioner Elliott stated he wants Dr. Sanaullah to know the Commission will support him in maintaining his lease, but the City is under a time restraint to make a decision. Commissioner Elliott stated he is in favor of moving forward with negotiations with the County.

Attorney Floyd recommends a motion to indicate to the County the City's desire to obtain the whole property, to assure Dr. Sanaullah a 10 year lease, and the County helps fund the roof repairs.

Discussion continued.

Commissioner Ash reiterated the need to have a financial plan in place before a sound decision can be made.

Mayor Johnson stated the Commission has already approved to use a portion of the Key funds to construct a new Library.

Commissioner Ash stated there has to be some sort of financial plan regardless if you construct a new building or move into an existing building.

Ms. Webb stated there are a lot of unanswered questions. Ms. Webb recommends the Commission give authority to someone to meet with the County, develop a plan, and then come back before the Commission. Ms. Webb stated there is enough time to pursue that option at this time.

Commissioner Bartley stated he agrees with Commissioner Ash in that a financial plan should be submitted before any decision is made.

Motion to authorize Ms. Webb to meet with the County, develop a plan, and bring matter back before the Commission made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

FIRST READING – ORDINANCE 2015-01 – NOISE ORDINANCE

Attorney Floyd read Ordinance No. 2015-01 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA REGULATING AND PROHIBITING THE EMISSION OF HARMFUL NOISE; DECLARING SAID NOISES TO BE DETRIMENTAL TO THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY OF THE RESIDENTS OF SAID CITY; ESTABLISHING AND DEFINING CERTAIN TERMS; ESTABLISHING AND PROVIDING FOR CERTAIN EXCEPTIONS; PROHIBITING THE MAKING, CAUSING OR ALLOWING OF SAID NOISES WHICH CAUSE A NOISE DISTURBANCE OR EXCEED CERTAIN SOUND LEVELS; PROVIDING FOR TECHNIQUES TO BE USED IN MEASURING LEVELS OF SAID NOISE AND THE ESTABLISHMENT OF SAID LIMITS; PROVIDING FOR PENALTIES; PROVIDING FOR ADDITIONAL CIVIL REMEDIES AND CITATIONS; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SPECIAL PERMITS; PROVIDING FOR APPEALS OF SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

John Lee stated there is a problem in the downtown area with people consuming alcohol on public sidewalks and loitering in the middle of the streets after the legal time for bars to be closed.

Mayor Johnson stated the City does have a specific ordinance that addresses consumption of alcohol.

Chief Varnes stated the legal times for bars to close is 12 midnight during the week and 1:00 AM on weekends.

Mr. Lee stated the people who loiter in the middle of the streets after the bars close have their own alcohol, and they also play loud music.

Chief Varnes stated he will get this issue resolved.

George Stritikus stated the people consuming the alcohol leave the downtown sidewalks full of trash.

Mayor Johnson stated that Chief Varnes will address this issue, and if Mr. Lee or Mr. Stritikus doesn't see an improvement, then come back to the Commission.

Chief Varnes stated his department will hit this hard to resolve this issue.

Motion to approve first reading of Ordinance No. 2015-01 and proceed with adoption process made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF MINUTES

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

Motion carried 5 to 0.

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

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 5 to 0.

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

Voting Nay: None

STORMWATER UTILITY

Cindy Clark stated the City has obtained a Technical Assistance Grant to address stormwater management issues. Ms. Clark stated the Stormwater Utility addresses flooding and operation and maintenance of stormwater. Ms. Clark stated she needs Commission approval to continue workshops, draft Stormwater Utility Plan and present to Planning & Zoning Board, and make changes as needed.

Motion to authorize Ms. Clark to continue stormwater workshops, draft Stormwater Utility Plan and present to Planning & Zoning Board, and make changes as needed made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

PLANNING & ZONING REPORT

Ms. Webb stated the two main issues coming forward is CVS and Family Dollar hearing.

Motion to confirm January Planning & Zoning minutes made by Commissioner Cook, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb presented the Commission with the ranking sheet to fill the Planning & Zoning vacancy and alternate slots. Names submitted are Donna McCoy, Brent Mabrey, Joe Taylor, Uta Hardy, and Dennis Winterringer.

CITY ADMINISTRATOR

1. Ms. Webb stated Juli Jones will now be driving the Senior Citizen's van to provide transportation for those involved in the senior's program from funding provided by Franklin's Promise Coalition. Ms. Webb stated that Ms. Jones has the proper license to drive the van.

2. Ms. Webb stated the Tree Committee has made recommended modifications to the existing tree ordinance. Ms. Webb submitted a draft of the proposed tree ordinance with the modifications. Ms. Webb asked the Commission to review the revised ordinance, and first reading will be next month.

3. Wilbur Bellew stated that the City does not have a 911 ordinance that requires residents post their house number on their residence. Mr. Bellew stated this is a safety issue because the residence has no 911 identification.

Motion to authorize Mr. Bellew to proceed with drafting 911 ordinance made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

4. Ms. Webb stated at last month's Commission meeting Debbie Belcher stated the City needed to appoint a CDBG Task Force. Ms. Webb stated the following people have met the criteria to serve: Tami Ray-Hutchinson, Creighton Brown, Juli Jones, Ryanna Lockley, Meagan Griggs.

Motion to appoint Tami Ray-Hutchinson, Creighton Brown, Juli Jones, Ryanna Lockley, and Meagan Griggs to CDBG Task Force made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

5. Ms. Webb stated she is officially one year from her retirement date and it is time to start the transitioning period. Ms. Webb recommends Lee Mathes move to City Clerk/Director of Operations as of April 1st and start performing some of her duties. Ms. Webb stated she would like to try this for a 6 month period and readdress the Board if needed.

Motion to start transition period by moving Lee Mathes to City Clerk/Director of Operations beginning April 1st made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

6. Motion to approve payment for Attorney Floyd invoice made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

7. Ms. Webb stated ranking sheets have been tallied for Planning & Zoning vacancy and alternate slots. Uta Hardy is the high vote for the vacancy and Joe Taylor is the high vote for alternate.

Motion to appoint Uta Hardy to Planning & Zoning Board and appoint Joe Taylor as Planning & Zoning Board alternate made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Webb stated Uta Hardy will have to resign from Board of Adjustment, so that will leave a vacancy open on that board.

ATTORNEY FLOYD

Attorney Floyd presented to the Commission the procedures for conduct of quasi-judicial hearings. Attorney Floyd asked the Commission to review the procedures so they can be adopted at April meeting.

OTHER VISITORS & COMMENTS

1. George Kirvin Floyd requests permission from the Commission to put a floating dock at the south end of Riverfront Park dock to load and unload passengers for the paddle boat. Mr. Floyd stated he feels it will be a great asset for the boat to be visible.

Ralph Richards stated he doesn't feel that a boat should be able to permanently dock at the City docks.

Mr. Floyd stated that the boats permanent docking space will be behind the Maritime Museum, the Riverfront Park mooring will mainly be used for loading and unloading passengers. Mr. Floyd stated he will make sure the boat will not conflict with events held at Riverfront Park.

Chief Varnes stated that 3 days is the maximum number of days a boat is allowed to dock at City docks.

Mr. Floyd stated the paddle boat will benefit a not for profit charity.

Mayor Johnson stated he feels the paddle boat will benefit the City greatly.

Attorney Floyd stated the City could enter into a lease agreement with the Maritime Museum for dockage.

Ms. Webb stated there were several funding sources for the Riverfront Park project so the covenants of the grants need to be checked before a decision is made.

Motion to allow Mr. Floyd to install floating dock and power station at the south end of Riverfront Park dock to accommodate the loading and unloading of passengers on paddle boat contingent upon meeting all grant covenants made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk