

A joint workshop between the City Commission of the City of Apalachicola and Planning and Zoning Board was held on Tuesday, February 2, 2017 at 5:00 PM followed by the regular meeting of the City Commission held 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, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: Joe Taylor, Lynn Wilson-Spohrer, Fred Vogt, Tom Daly, Jim Bachrach, Chris Clark, Cindy Clark, Creighton Brown, Holley Brown, Anita Grove, Mel Livingston, Bill McCartney, Falan Goff, Bonnie Davis, Ashley Teat, Wilbur Bellew, Diane Brewer, Caty Greene, Dennis Winterringer, David Meyer, John Lee, Charlotte Schneider, Peter Gallant, Carol Weyrich, Warren Emo, Peter Olson, Deborah Belcher, Augusta West, Debbie Poloronis, Jerry Hall, Catherine Beck, John Solomon, Willoughby Marshall, Marie Marshall, Vonda Richardson, George Coon, Charles Elliott, Daniel Itzkovitz, Jessica Garry,

Joint workshop opened by Mayor Johnson followed by prayer and pledge.

JOINT WORKSHOP – 5:00 PM – CITY COMMISSION AND PLANNING & ZONING BOARD – BUILDING HEIGHT DISCUSSION

1) **Non-Conforming Structures Uses and Lots** – Cindy Clark stated the first topic is the non-conforming uses and structures and this applies primarily to the historic structures. P&Z discussed non-conforming uses and structures, and stated it is hard to get loans, etc. P&Z brought into workshops insurance and banker representatives to see what the City could do through the LDC regulations to help with this issue. P&Z and myself have a number of changes the City can make to the LDC to make its preservation and restoration development possible. Ms. Clark distributed, reviewed and read the Proposed Revisions to Land Development Code and Historic Apalachicola Design Guidelines with changes in Language, Definitions and Regulations.

Public comments received.

Ms. Bonnie Davis addressed changes she had sent to the City Commission prior to this meeting and reviewed the changes she had recommended.

Ms. Clark stated she has the letter with changes from Bonnie Davis and if the board agrees, we will incorporate these changes.

Creighton Brown addressed his concern of changes with zoning and uses of smaller lots (special districts).

Ms. Clark recommends going forward with above changes and if it is the will of the board to create a special overlay district that addresses this settlement district, that specific development standards can be created and applied to just this and incorporated into a later ordinance.

Mayor Johnson requests Ms. Clark to go back to P&Z and clarify Mr. Brown's concerns with zoning and special districts.

2) **Building Height Issue** – Ms Clark stated that P&Z recommended at the first workshop to leave the building height at 35 feet and there are some clarifications we want to make to the code to eliminate conflicts and confusion. Ms. Clark read and reviewed the changes to the Commission and recommends start counting 35 feet from natural grade or the crown of the road adjacent to the property.

Public comments received.

Joint workshop closed and regular meeting opened.

REGULAR MEETING

1) **Lafayette Park Landscaping and Restoration** – Dave Watt's announced that he and his wife Michaelin Watt's would like to donate a maximum \$50,000 towards a new children's playground. Mr. Watt's request that the City donate expense for the landscaping of trees and plants.

Marie Marshall informed the Commission that the Apalachicola Historic Foundation would like to donate around \$100,000 and attempt to take original plans and work on items that didn't get completed the first time.

Mayor Johnson thanked Mr. & Mrs. Watt's, Mr. & Mrs. Marshall and the Apalachicola Historic Foundation for their generous donation and stated that the Commission would try to find funds to help with this project.

2) **Apalachicola Margaret Key Library** – Ms. Caty Greene gave update on the new library and asked that the City purchase the new bookshelves estimating around \$25,000 for the new library.

Mayor Johnson asks for approval of \$50,000 for the landscaping and plants at Lafayette Park and bookshelves at the new Apalachicola Margaret Key Library.

Motion to approve funding of \$25,000 towards Lafayette Park Project and \$25,000 towards bookshelves for the Apalachicola Margaret Key Library made by Commissioner Elliott, second by Commissioner Cook.

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Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF JANUARY MINUTES

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

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

Diane Brewer questioned why Attorney's Floyd's comments regarding CVS were not in the minutes.

Mayor Johnson stated minutes are not verbatim and that meeting audios are available on the website.

APPROVAL OF DECEMBER BILL LIST

Motion to approve December Bill list made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

HIRING FOR BUILDING DEPARTMENT POSITION

Ms. Mathes requests approval to hire Cortni Bankston for this position.

Motion to approve Cortni Bankston for the building department position made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPOINTMENT TO APALACHICOLA HOUSING AUTHORITY BOARD – RESIDENT COMMISSIONER SEAT

Motion to appoint Pete Adams to fill vacant resident commissioner seat on the Apalachicola Housing Authority Board made by Commissioner Elliott, second by Commissioner Ash.

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Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF CDBG GRANT MODIFICATION #1

Deborah Belcher stated DEO is modifying contract agreements. Ms. Belcher continued stating that contracts were not received until this morning, and recommends the Commission approve contingent upon Attorney Floyd's review. Ms. Belcher reminded the Commission that DEO will withhold funds until modified contract is approved and signed.

Motion to authorize Mayor's signature on CDBG Grant Modification #1 contingent upon Attorney Floyd review made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

PROBLEM GAMBLING AWARENESS PROCLAMATION

Attorney Floyd read Problem Gambling Awareness Proclamation in its entirety.

Motion to approve Problem Gambling Awareness Proclamation made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2017-01 – QUASI-JUDICIAL PROCESS FEE

Attorney Floyd read Resolution 2017-01 in its entirety.

Commissioner Ash inquired if amount recommended is adequate to cover expenses.

Ms. Mathes went over court costs, etc. and stated fee requested is adequate to cover all expenses.

Public comments received.

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Bonnie Davis stated her concerns of homeowners not being able to pay this fee and inquired if fees could be set by development size and not flat fee. Ms. Davis suggested board consider another public workshop before approving this decision.

Attorney Floyd stated we have been trying to define the process, but currently the city is consuming all the QJ costs.

Commissioner Ash inquired is QJ hearings only for variances and special exceptions.

Ms. Mathes stated that is all we have had hearings for at this time.

Mayor Johnson commented if individuals didn't want to pay the fee then they need to build within the LDC regulations.

Motion to adopt Resolution 2017-01 made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2017-02 – COMMENDING FACC

Attorney Floyd read Resolution 2017-02 in its entirety.

Mayor Johnson stated this Resolution is to acknowledge membership into FACC for Lee Mathes, Deborah Guillotte, Cindy Summerhill and Janelle Paul and we are very proud of them.

Motion to adopt Resolution 2017-02 made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF AMENDMENT #2 – NFWFMD APALACHICOLA BAY WATER QUALITY IMPROVEMENTS PROJECTS

Ms. Mathes stated NFWFMD is reducing original funding from \$2,535,000 to \$1,835,000 which is a decrease of \$700,000. There are still ample funds to complete the current project with possibly some excess to fund another small project.

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Mayor Johnson stated that before project is closed out; all areas should be restored back to original state.

Ms. Mathes stated it is required in the contract that areas affected be restored.

APPROVAL OF DACS CONTRACT – OYSTERMEN CULTCH PLANTING PROJECT – SHELLING

Ms. Mathes requested approval for the Oystermen Cultch Planting Project contract. Ms. Mathes stated new contract is required because DACS used up all extensions allowed in old contract. Ms. Mathes stated contract is the same as original contract with expiration date of June 30, 2017.

Motion to approve Oystermen Cultch Planting Project contract made by Commissioner Elliott, second by Commissioner Ash.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

FIRST READING ORDINANCE 2017-01 – CRA RESTRUCTURING

Attorney Floyd read Ordinance No. 2017-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA PERTAINING TO RESTRUCTURING AND APPOINTMENT OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Ash stated there needs to a representative from the north side of town to see that funds are utilized on both sides.

Mayor Johnson feels confident that the City Commission is adequate for this matter.

Motion to approve first reading of Ordinance No. 2017-01 and proceed with adoption process made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

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FIRST READING ORDINANCE 2017-02 – SUPPLEMENTAL CODE/ORDINANCE ENFORCEMENT

Attorney Floyd read Ordinance No. 2017-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING

ADDITIONAL AND SUPPLEMENTAL MEANS OF ENFORCING CITY CODES OR ORDINANCES OR BOTH INCLUDING THE LAND DEVELOPMENT CODE; PROVIDING FOR THE CODE ENFORCEMENT OFFICER DESIGNATED BY THE CITY TO HAVE CERTAIN POWERS AND RESTRICTIONS; PROVIDING FOR THE CODE ENFORCEMENT OFFICER TO ISSUE CITATIONS; PROVIDING A SYSTEM OF NOTICES FOR VIOLATION OF CODES OR ORDINANCES OF THE CITY AND PROVIDING FOR THE FORM OF THE CITATION; PROVIDING FOR THE VIOLATION ENFORCED THROUGH THIS PROCEDURE TO BE A CIVIL INFRACTION; PROVIDING FOR PENALTIES TO BE ASSESSED; PROVIDING FOR THE CITATION TO BE PRESENTED TO AND UPON CONTEST, DETERMINED BY THE COUNTY COURT; PROVIDING FOR PENALTIES FOR FAILURE TO PAY THE FEE AND FOR REPEAT VIOLATION AND REFUSAL TO SIGN; PROVIDING FOR THE REPEAL OF PARTS OF ORDINANCES AND ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance No. 2017-01 and proceed with adoption process made by Commissioner Cook, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

FIRST READING ORDINANCE 2017-03 – PUBLIC SIDEWALK & ROW USE

Attorney Floyd read Ordinance No. 2017-03 by title as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 2007-01 AND PREVIOUS ORDINANCE NO. 61-4 TO THE EXTENT NECESSARY, TO ADD REGULATIONS AND PERMITTING RELATING TO SIDEWALK CAFES ON THE PUBLIC SIDEWALK AND RIGHT OF WAY AND CONDUCTION BUSINESS WITHIN SAID PUBLIC SIDEWALKS AND RIGHT OF WAY; PROVIDING PROVISIONS FOR SIDEWALK CAFÉ APPLICATIONS; PERMIT CONDITIONS AND THE SUBSTANTIVE PROVISIONS COVERING THE MAINTENANCE AND LAYOUT OF SIDEWALK CAFES; AND PROVIDING FOR AMENDMENT TO ORDINANCE NO. 2007-01 TO ADD THE AUTHORITY FOR THE CITY OF APALACHICOLA TO SET THE PERMIT FEES FOR PERMITS APPLIED FOR UNDER THAT ORDINANCE AND TO REQUIRE LIABILITY INSURANCE FROM THE PERMIT APPLICANT NAMING THE CITY OF APALACHICOLA AS AN ADDITIONAL INSURED AND PROVIDING SPECIFICATIONS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTION PROVISION OF OTHER ORDINANCES, CORRECTION OF SCRIVERNERS ERRORS, AND AN EFFECTIVE DATE.

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Public comments received.

Attorney Floyd stated Ordinance is geared to take care of liability risks for the City.

Commissioner Elliott would like to have a meeting with business owners to get their suggestions and come back before the Commission.

Motion to table first reading of Ordinance No. 2017-03 made by Commissioner Elliott, second by Commissioner Ash.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

PLANNING & ZONING

Motion to confirm December Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

Cindy Clark commented P&Z will hold workshop regarding air B&B issue that hopefully will include representatives from other communities and other planners to get the good and bad concepts of this issue. The goal of the workshop would be to determine on whether to recommend denying or allowing this concept.

Cindy Clark stated peddlers license has come up a couple times at the P&Z meetings, but there is no written language concerning this issue. Ms. Clark stated that the County wants to abolish their current peddler's license ordinance and P&Z needs guidance on how to proceed.

Attorney Floyd stated it should adhere to the zoning, if residential area it should not be allowed, if commercial it would be allowed in connection to that commercial property but not on city ROW.

Mayor Johnson recommends holding workshops to receive public input, then readdress back to Commission.

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FALAN GOFF – FAMU JOB INCUBATOR/ACCELERATOR PROGRAM COORDINATOR – MONTHLY UPDATE

Vonda Richardson and Falan Goff distributed and reviewed written monthly report to Commission.

Bill McCartney stated we are pursuing a pre-operative agreement with FAMU that will have terms and conditions of this joint participation by both organizations and to apply for a joint application if and when the county gets the BP program.

Mayor Johnson reviewed a program that would involve growing seeds without water that FAMU is looking at pursuing with the Incubator Accelerator Program that would bring jobs in the City.

CITY ADMINISTRATOR

a) Ms. Mathes reported radio read meter system is up and running; mixer at water plant has been installed; and new requirements regarding County trash pickup is available at City Hall.

b) Ms. Mathes asked the Commission for direction on how many days a school may use City facilities for free before charging them.

Discussion held.

Mayor Johnson stated he would recommend 2 days before charging.

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

Motion carried: 4 to 0

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

ATTORNEY FLOYD

a) Attorney Floyd updated Commission on FL/GA litigation and CVS status.

OTHER VISITORS & COMMENTS

a) Joe Taylor addressed flooding concern at proposed CVS site.

Mayor Johnson asked Cindy Clark if the developers are aware of this problem.

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Cindy Clark stated CVS prepared an environmental assessment but didn't take the flooding issues into consideration beyond saying it had a seasonably high water table.

b) Joe Taylor announced that Franklins Promise will have about 400 youth in Apalachicola in March. They will be split into two groups of 200 the first group which is the traditional youth from Georgia will do volunteer work for senior's homes and yard work. The second group from Missouri will be working with the City working on the six parks and doing clean-up.

MAYOR & COMMISSIONER'S COMMENTS

- a) Mayor Johnson instructed Attorney Floyd to finalize Bill McCartney's contract.
- b) Commissioner Elliott stated he had a citizen request we install 15 MPH signs on Sawyer Lane.
- c) Commissioner Elliott stated contractors need to smooth the asphalt on 16th Street at Avenues C & D.
- d) Commissioner Elliott asked that the vines at Lafayette Park be cut and trimmed

Mayor Johnson commented that this issue is already being taken care of.

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk