

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, April 7, 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, Assistant City Clerk Deborah Guillotte, Officer Pam Lewis, City Attorney Pat Floyd

Visitors: Loretta Costin, George K. Floyd, E. D. Watson, Robin Smith, Richard Delp, Jim Philyaw, Patsy Philyaw, Liz Kelsey, Krystal Hernandez, Rick Hernandez, Walter Robinson, Fred Vogt, Beverly Coxwell, Paulette Moss, Beth Wright, George Coon, Diane Woodall, Robin Stevenson, Jody Rosenbaum, C. Wilson, Anita Grove, Tom Daly, Susan Clementson, A. L. Speed, Darius Johnson, Uta Hardy, Joe Taylor, Janelle Paul, Ginger Creamer, Lynn Wilson-Spohrer

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

PUBLIC HEARING - 2nd READING ORDINANCE NO. 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.

No public comment.

Public hearing closed and regular meeting opened by Mayor Johnson.

REGULAR MEETING

Adoption Decision – Ordinance No 2015-01

Mayor Johnson stated he would like to meet with Chief Varnes to address concerns he has relating to the ordinance before final adoption.

Motion to postpone adoption of Ordinance No. 2015-01 until next regular meeting made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

RECOGNITION OF VISITORS:

1. Mayor Johnson presented Deborah Guillotte and Janelle Paul with CMC plaques and pins.
2. Krystal Shuler Hernandez – Ms. Hernandez, representing the Women’s League of Franklin County, presented proposed plans for Battery Park playground. Ms. Hernandez addressed cost of this project and hopes fund raisers would generate needed revenues. Ms. Hernandez stated she would appreciate any help the City could provide.

Mayor Johnson recommends Ms. Webb meet with Ms. Hernandez to discuss this project further.

3. Mayor Johnson introduced Robin Smith as the new warden at the Franklin County Correction Institute.
4. Loretta Costin – Gulf Coast State College – Ms. Costin stated Gulf Coast State College’s goal is to provide needed education opportunities for everyone. Ms. Costin outlined plans to make educational opportunities more readily available for Franklin County residents. Ms. Costin stated if anyone has any suggestions for classes that need to be offered or concerns please don’t hesitate to contact her.

ADOPTION DECISION – POLICY NO. 2015-008 – CONDUCT OF QUASI-JUDICIAL HEARINGS

Attorney Floyd stated the Family Dollar hearing will be held on May 11th at the regular scheduled Planning & Zoning meeting. Attorney Floyd stated he presented the Procedures for Conduct of Quasi-Judicial Hearing at last month’s meeting for Commission to review. Attorney Floyd outlined procedure.

Tom Daly and Lynn Wilson Spohrer addressed concerns regarding proper procedure.

Attorney Floyd stated he will work with Planning & Zoning and City Commission to outline the Quasi-Judicial procedure.

Discussion continued.

Motion to adopt Policy No. 2015-008 – Conduct of Quasi -Judicial Hearing made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: none

NATIONAL VOLUNTEER WEEK PROCLAMATION

Attorney Floyd read National Volunteer Week Proclamation in its entirety.

Motion to adopt National Volunteer Week Proclamation 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 March minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Aye: None

APPROVAL OF BILL LIST

Motion to approve February and March bill list made by Commissioner Ash, second Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Aye: None

1st READING TREE ORDINANCE 2015-02

Attorney Floyd read Ordinance No. 2015-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING AND OMITTING CERTAIN SECTIONS OF ORDINANCE 2011-01; ADOPTING ORDINANCE 2015-02 TO REPLACE ORDINANCE 2011-01 IN ITS ENTIRETY; PROVIDING FOR IT'S INCLUSION IN THE LAND DEVELOPMENT

CODE OF THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ash expressed concern how Tree Ordinance puts extra financial hardship on homeowners.

Commissioner Bartley addressed amount of fines and proposed changes.

Beth Wright stated the original Tree Ordinance did not specifically outline all the species that needed to be addressed.

Discussion held.

Ms. Webb stated the Commission can address their concerns and have the Tree Committee readdress the issues before final adoption.

Motion to proceed with adoption process for Ordinance 2015-02 made by Commissioner Cook.

Motion died for lack of second.

REPLACEMENT OF LIBRARY PART-TIME POSITION

Ms. Mathes stated that Michele Boston is no longer working at the Library, and Caty Greene recommends Audie Piper to fill the part-time Library position.

Motion to hire Audie Piper for part-time library position made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Aye: None

APPROVAL OF PROCLAMATION – WORLD LUPUS DAY

Attorney Floyd read World Lupus Day 2015 Proclamation in its entirety.

Motion to adopt World Lupus Day 2015 Proclamation made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: none

ADOPTION DECISION – RESOLUTION 2015-01 – FLORIDA TRAILS PROGRAM

Attorney Floyd read Resolution No. 2015-01 in its entirety.

Motion to adopt Resolution No. 2015-01 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

ADOPTION DECISION – RESOLUTION 2015-02 – FLORIDA BOATING IMPROVEMENT PROGRAM

Attorney Floyd read Resolution No. 2015-02 in its entirety.

Motion to adopt Resolution No. 2015-02 made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

PLANNING AND ZONING

1. Ms. Webb stated that Nancy Allee (Gypsy River – 115 Market Street) was approved for an awning and that an encroachment was needed for the 3’ overhang over the sidewalk.

Motion to approve 3’ awning encroachment at 115 Market Street made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

2. Motion to confirm February Planning and Zoning minutes made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

CITY CLERK

1. Ms. Mathes stated that as of January 2015 the Legislature requires all elected officials complete a yearly 4 hour ethics training class. Ms. Mathes stated a class will be held in Panama City or Marianna or classes may be taken on line. Ms. Mathes asked that each Commissioner get with her to discuss which option they may want to do so arrangements can be made.

2. Ms. Mathes stated Waste Pro contract ends June 2015 and recommends the City advertise for RFPs for garbage and trash service. Ms. Mathes stated that bidders will have the option to bid on both services or bid individually for garbage or trash.

Motion to advertise for RFPs for garbage and trash service made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

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

Voting Nay: None

3. Ms. Mathes stated Uta Hardy was appointed to Planning & Zoning Board which left a vacancy on Board of Adjustment. Ms. Mathes recommends Atul Patel fill BOA vacancy.

Motion to appoint Atul Patel to Board of Adjustment made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

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

Motion carried 5 to 0.

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

Voting Nay: None

ATTORNEY FLOYD

1. Attorney Floyd stated he is working on lease agreement between City and George Floyd for paddle boat parked at Riverfront Park. Attorney Floyd stated he will present lease agreement to Commission for approval when it is completed.

Attorney Floyd updated Commission on St. Of FL vs. Georgia litigation.

OTHER VISITORS & COMMENTS

1. Uta Hardy stated she would like to be kept informed on the status of the relocation of the Dog Park.

Mayor Johnson stated he has discussed possible locations of the Dog Park with Ms. Webb, but nothing has been finalized at this point.

Ms. Mathes will keep Ms. Hardy informed of the status.

2. Ginger Creamer inquired about the status of the noise ordinance.

Mayor Johnson stated changes needed to be made, and will be readdressed at next regular meeting.

3. Walter Robinson stated that the City alleys and right-of-ways needed cut and cleaned between 4th Street and 14th Street. Mr. Robinson stated that Avenue F and 6th Street heading east has a blind spot and needs cut back.

Ms. Mathes will address issue with Public Works.

CITY ADMINISTRATOR

1. Ms. Webb updated Commission on location of Library. Negotiations have continued but it would be in best interest of the City to not pursue the Chapman Auditorium and proceed with building a new Library on the property deeded to the City from the Franklin County School Board.

2. Ms. Webb stated the CDBG Task Force is scheduled to meet to discuss the options for the upcoming CDBG funding cycle. Ms. Webb stated it would be best if the City pursue either the housing option or sewer extension for 14th Street and Avenue M area with upgrades to Bobby Cato lift station. Ms. Webb stated engineering fees are not included in the grant for the sewer project extension but feels this can be worked out with current funds available. Ms. Webb stated a public hearing and special meeting will need to be held later in the month to approve the CDBG application.

Commission agreed.

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, Assist. City Clerk