

A workshop, public hearings, and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, February 8, 2011 starting at 5:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Mitchell Bartley (Public Hearing & Regular Meeting ), City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Public Works Foreman Wilbur Bellew, Water & Sewer Foreman William Cox

Visitors: Dee Crusoe, John Crusoe, Norma Hewell, Geoffrey Hewell, Sally Williamson, Dieter Ambos, Uta Hardy, Anita Grove, Daphne Davis, Lee McLemore, George Watkins, Bobby Miller, Jim Waddell, DT Simmons, Elinor Mount-Simmons, Dolores Croom, Liz Kelsey, Joe Taylor, Evelyn Ogden, Sam Ogden, Pam Lewis, Lavon Tarenitna, Caty Greene, Caroline Weiler, Rosa Tolliver, David Adlerstein, David Walker, Barbara Holmes, Adreenah Wynn, La'Tresa Carr, Teresa Carr, Cindy Clark, Tom Daly, Leon Bloodworth, David Kelley, Tammie Ray Hutchinson, Anna Maria Cannatella, Bill McCartney, Brittney Simmons, George Coon, Steve Bonifay, Denise Roux, Carol Barfield

**5:00 PM – JOINT WORKSHOP – CITY COMMISSION & PLANNING & ZONING BOARD C-2 AND OR ZONING DISCUSSION**

Leon Bloodworth stated that there is interest to put a funeral home in Dr. Nichols' old office building located on the corner of Hwy 98 & 11<sup>th</sup> Street. The building is located in the C-2 zoning. Mr. Bloodworth stated the people could not attend tonight's meeting, but could attend meeting next month. Mr. Bloodworth asked the Commission to postpone a decision until people have a change to present their case before the Commission. Mr. Bloodworth stated the Planning & Zoning Board was split on a decision on this matter.

Mr. Bloodworth stated there is an interest to put a museum in the OR zoning. The Planning & Zoning Board was in agreement to allow a museum in the OR zoning.

Mayor Johnson asked is the Commission required to act on the funeral home issue.

Mr. Bloodworth stated any requests that the affects the Land Development Code has to be approved by the Commission.

Commissioner Ash asked what the issue was concerning the funeral home.

Tom Daly stated there is concern about parking and congestion in that area. Letters were sent to surrounding property owners in the area, and a lot of negative feedback was received.

Mr. Bloodworth stated Planning & Zoning does not want to do anything that will harm the neighborhood. A funeral home in C2 zoning is not included as a principal use or a special exception.

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Commissioner Ash asked the process to determine what is added as a special exception.

Mr. Bloodworth stated public hearings are held to receive citizen's comments. Also, the business has to have a functional use that blends with the City.

Mayor Johnson stated Planning & Zoning would hold public hearings and the appeal would come to the Commission.

Ms. Webb stated that funeral homes are not outlined in the Land Development Code. Planning & Zoning has held public hearings to see it needs to be added as a special exception to C-2 zoning.

Mr. Bloodworth stated people will give presentation at next commission meeting. Planning & Zoning is in favor of a museum in the OR zoning.

Lee McLemore stated allowing a funeral home would create parking problems for the Piggly Wiggly. Mr. McLemore stated he is not in favor of allowing a funeral home because it is not the right location.

Anna Maria Cannatella stated there are a lot of realtors that are not in favor of a funeral home in this location.

Dieter Ambos stated he made the motion to deny the funeral home because of congestion problems.

Mayor Johnson stated the Commission will hear their presentation at the next regular Commission meeting.

Dieter Ambos stated the City has ranked #2 for the CDBG commercial revitalization grant. Initially the CRA recommended making the neighborhood revitalization #1 priority. CRA recommends taking the full \$700,000 commercial revitalization grant. Motion needs to be made to change the priority from neighborhood revitalization to commercial revitalization.

Workshop closed.

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

**6:00 PM – PUBLIC HEARINGS – ORDINANCE NO. 2011-01 (TREE ORDINANCE) AND ORDINANCE NO. 2011-02 (WATER SUPPLY PLAN)**

Attorney Floyd read Ordinance No. 2011-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A TREE ORDINANCE; PROVIDING FOR IT'S INCLUSION IN THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

No public comment.

Attorney Floyd read Ordinance No. 2011-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THE CITY OF APALACHICOLA WATER SUPPLY FACILITIES WORK PLAN (WORK PLAN); AUTHORIZING THE WORK PLAN TO BE INCORPORATED AS AN AMENDMENT TO THE APALACHICOLA COMPREHENSIVE PLAN, AS ADOPTED PURSUANT TO ORDINANCE NUMBER 91-7 AND ALL SUBSEQUENT AMENDMENTS THEREOF; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Webb stated this process began about a year ago. DCA has given final approval and is now ready for adoption.

Cindy Clark stated DCA has made necessary changes, and everything has been updated to reflect the changes.

No public comment.

Public hearings closed.

**RECOGNITION OF VISITORS**

\* Dolores Croom – Students from Franklin County Consolidated School outlined SWAT Program (Students Working Against Tobacco) and made presentation.

D. T. Simmons requests the Commission adopt a resolution prohibiting retailers to sell candy cigarettes to youth.

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Motion to adopt resolution prohibiting retailers to sell candy cigarettes to youth made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Bartley, Mayor Johnson

Voting Nay: None

\* Evelyn Ogden – Water Bill Issue – Ms. Ogden expressed concern regarding the time period when utility bills are due and payable. Ms. Ogden stated utility bills are due by the 10<sup>th</sup> of each month, but this is a problem for those who receive mail outside the local zip code area because this is not adequate time to receive the bill, return it, and then have it back in Apalachicola by the 10<sup>th</sup> of each month. Ms. Ogden requests the due date be expanded and provide adequate notification of when bills are due and payable.

Mayor Johnson stated changing when utility bills are due and payable would require an ordinance change.

Ms. Webb stated she will meet with Ms. Ogden to address her concerns.

Commission asked Cindy Clark to look into the possibility of paying utility bills online.

**ADOPTION DECISION – ORDINANCE NO. 2011-01 – TREE ORDINANCE**

Motion to authorize Attorney Floyd read Ordinance 2011-01 by title for second reading and adopt Ordinance 2011-01 made by Commissioner Elliott, second by Commissioner Ash.

Attorney Floyd read Ordinance 2011-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A TREE ORDINANCE; PROVIDING FOR ITS INCLUSION IN THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 3 to 1.

Voting Aye: Ash, Elliott, Mayor Johnson

Voting Nay: Bartley

**ADOPTION DECISION – ORDINANCE NO. 2011-02 – WATER SUPPLY PLAN**

Motion to authorize Attorney Floyd read Ordinance 2011-02 by title for second reading and adopt Ordinance 2011-02 made by Commissioner Ash, second by Commissioner Bartley.

Attorney Floyd read Ordinance 2011-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING THE CITY OF APALACHICOLA WATER SUPPLY FACILITIES WORK PLAN (WORK PLAN); AUTHORIZING THE WORK PLAN TO BE INCORPORATED AS AN AMENDMENT TO THE APALACHICOLA COMPREHENSIVE PLAN, AS ADOPTED PURSUANT TO ORDINANCE NUMBER 91-7 AND ALL SUBSEQUENT AMENDMENTS THEREOF; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Ash, Mayor Johnson

Voting Nay: None

**CDBG COMMERCIAL REVITALIZATION**

Motion to withdraw the CDBG Neighborhood Revitalization Grant and make the CDBG Commercial Revitalization Grant #1 priority made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

Mayor Johnson asked Bill McCartney to update Commission on sewer project funding status.

Mr. McCartney updated Commission on status and funding sources.

Motion to authorize Bill McCartney to continue to seek funding through the Small Disadvantaged Community Grant to fund the sewer project made by Commission Bartley, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**APPROVAL OF MINUTES**

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

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Ash, Mayor Johnson

Voting Nay: None

**APPROVAL OF BILL LIST**

Motion to approve December bill list made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

**PLANNING & ZONING VACANCY**

Ms. Webb stated Geoffrey Hewell, George Coon, Michael Shuler, and Lynn Wilson Spohrer are the applications that have been submitted.

Mayor Johnson recommends moving Geoffrey Hewell from Board of Adjustment to Planning & Zoning Board.

Ms. Webb stated there are several vacancies on other boards as well, and will advertise those vacancies in hopes of receiving applications to fill those positions.

Motion to move Geoffrey Hewell from Board of Adjustment to Planning & Zoning Board made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**MIRABELLA – REMOVAL OF PINE TREES**

Ms. Webb stated because of the adoption of the tree ordinance, this request will have to go through the process as outlined in the ordinance.

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Motion to lift the tree trimming moratorium due to the adoption of the tree ordinance made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Ash, Mayor Johnson

Voting Nay: None

**CHAMBER OF COMMERCE REPORT**

Anita Grove submitted written report to Commission.

**TRAFFIC SAFETY TEAM REPORT**

Jim Waddell stated that February and March is the time that DOT is taking applications for various grants such as supplying school supplies to kids and such. Also, there is an opportunity for the Police Department to purchase some equipment and informational sign through a grant. Mr. Waddell stated he will get with Chief Varnes and Ms. Webb to discuss details.

**LIBRARY REPORT**

Caty Greene submitted written report to Commission.

Denise Roux read proposed resolution showing Commission support to move the Library to Chapman Building.

Ms. Webb stated she had meeting with Alan Pierce and it was her understanding that the Supervisor of Elections would be moving into this building, but if that's the case then maybe the Library and Elections Office could share the building.

Commissioner Ash asked how funding would become available to pay for the utilities and such.

Ms. Roux stated a foundation might support the Library. The Key funds would be essential in the renovation and configuration of the building.

Tom Daly stated solar panels could be installed on the Chapman Building. Mr. Daly outlined the Community Foundation that would help support the Library.

David Adlerstein asked if the Apalachicola Library has looked into the possibility of being part of the County library system.

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Mr. Daly stated because of the historic designation of the Apalachicola Library, it has been determined to stay separate at this point.

Attorney Floyd stated the grant would be for the Apalachicola Library only, not to include the County.

Dieter Ambos stated the Community Foundation could be the driving force to move the Library into the Chapman Building.

Motion to adopt resolution outlining Commission support to move Apalachicola Library to Chapman Building made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

**PLANNING & ZONING REPORT**

Tom Daly gave verbal report to Commission.

**FIRE DEPARTMENT REPORT**

George Watkins gave verbal report to Commission.

Motion to name fire trucks in honor of firemen who have served on the department made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Bartley, Mayor Johnson

Voting Nay: None

Bobby Miller commended the Commission and City Staff for bringing the City up to standards regarding fire hydrants and the new police/fire station.

Mayor Johnson stated it was City Administrator Betty Webb who got the ball rolling on these projects.

**POLICE DEPARTMENT REPORT**

Chief Varnes gave verbal report to Commission.



**CITY ADMINISTRATOR REPORT**

\* Ms. Webb outlined planned activities to celebrate Black History Month. Ms. Webb stated these activities are outlined on the City's website.

\* Ms. Webb stated the County has agreed to fund the O'Neal ditch project if the funds are repaid by the end of September. The costs would be approximately \$20,000 and would come from LOGT funds.

Motion to take \$20,000 from LOGT funds for O'Neal ditch project made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Bartley, Ash, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated the GPS system is being installed.

\* Ms. Webb stated the Reuse Project is about 1 year ahead of schedule.

\* Motion to approve Attorney Floyd invoice and authorize payment made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Ash, Elliott, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated she has letters addressed to State Representatives concerning the possible closure of Gorrie Museum and Orman House.

\* Attorney Floyd read proclamation to declare March 6-12, 2011 as Problem Gambling Awareness Week.

Motion to adopt proclamation made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Bartley, Mayor Johnson

Voting Nay: None

**WATER & SEWER DEPARTMENT REPORT**

William Cox gave verbal report.

**STREET DEPARTMENT REPORT**

Marvin Croom not present.

**PUBLIC WORKS DEPARTMENT REPORT**

Wilbur Bellew gave verbal report.

**CITY CLERK REPORT**

Lee Mathes stated financial information is submitted with department reports.

**ATTORNEY FLOYD REPORT**

- \* Attorney Floyd updated Commission on Progress Energy transmission line project.
- \* Attorney Floyd updated Commission on Holy Family project contracts.

Ms. Webb stated bids were opened today for Holy Family. The final tally will be submitted tomorrow for all who have submitted bids.

- \* Attorney Floyd updated Commission on St. Joe Company easement and ACOE litigation.

**OTHER VISITORS & COMMENTS**

- \* Carol Barfield stated she would like to use the football field the 1<sup>st</sup> and 3<sup>rd</sup> Sunday for the entire year to hold Church Without Walls of Franklin County services.

Attorney Floyd stated there is a caution that has to be exercised for the use of municipal property by religious organizations. Attorney Floyd stated he would have to do some research on this matter before a decision can be made.

Mayor Johnson stated Attorney Floyd will have an answer for Ms. Barfield at March meeting.

- \* Joe Taylor submitted Franklin Promise written report to Commission.

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There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk