

A Public Hearing and Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, April 8, 2008 at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Val Webb, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, Grants Manager Cindi Giametta, Building Official Gene Osburn, City Attorney Pat Floyd, Police Chief Bobby Varnes, ESG Project Manager Todd Baldwin, BDI Representative Ken Hatcher

Visitors: Sally Williamson, Beverly Hewitt, Joe Taylor, Jerry Hall, Bob Dieter, Diane Dieter, Dieter Ambos, Geoffrey Hewell, James Waddell, Danny Blevins, Leigh Askew, David Adlerstein, Clarice Powell, O. H. Walker, Ann Sizemore, Anita Grove, Cindy Clark, Craig Gibson, Van Mathis, Janice Mathis, Ethan Mathis, Shirley Walker, Carrie Kienzle, Charley Kienzle, Lynda Adair, Ginger Creamer

Prayer and Pledge.

**PUBLIC HEARING – ORDINANCE NO. 2008-01 (LAND DEVELOPMENT CODE CHANGES)**

Public hearing opened by Mayor Johnson.

Attorney Floyd reviewed proposed Ordinance No. 2008-01 and read by title as follows:

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-7; PROVIDING FOR ESTABLISHING ZONING REGULATIONS AND LAND DEVELOPMENT CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR AMENDMENT OF SECTION III (ENFORCEMENT AND ADMINISTRATION) AND SECTION IV (HISTORICAL AND CULTURAL PRESERVATION REGULATIONS), AND SECTION II (LANGUAGE AND DEFINITIONS) PURSUANT TO THE AUTHORITY CONTAINED IN SECTION 163, F.S.; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

Geoffrey Hewell stated that Board of Adjustment has not seen a draft ordinance. Mr. Hewell asked if the new ordinance completely eliminates BOA from the appeals process.

Cindi Giametta stated that appeals will go to the Commission.

Attorney Floyd stated that adoption can be delayed until BOA has had a chance to review ordinance.

No further comments, public hearing closed.

**REGULAR MEETING**

**RECOGNITION OF VISITORS**

\* RiverWay South Group representatives Danny Blevins and Leigh Askew gave presentation to the Commission regarding Project RiverWay. Mr. Blevins stated that RiverWay South Group would like to be a part of the Riverwalk river design and visioning project.

Mayor Johnson asked Mr. Blevins what is the City's plan for economic redevelopment.

Ms. Webb stated that Mr. Higgins from FSU, Mr. Blevins, Ms. Askew, Rebecca Jetton, and Cindy Clark can all give help with the visioning project.

\* Bert Ivy - Holy Family/Elder Care – not present.

\* Jerry Hall – Garbage Removal – Mr. Hall addressed garbage, trash, and litter problem in the downtown area. Mr. Hall stated that weekend pickup is a must.

Joe Taylor stated a lot of progress has been made on the garbage collection in the downtown area.

Mayor Johnson stated he will meet with staff and try to work out a solution.

Mr. Hall stated the City is going to have to hire someone to pick up the garbage in the park areas, and under the bridge.

Beverly Hewitt asked if inmates could work on weekends.

Commissioner Webb stated that inmate crews are not allowed out on weekends.

Anita Grove asked if empty brochure boxes could be picked up.

O. H. Walker addressed abandoned cars on City right of way.

Dieter Ambos addressed the length of time banners need to be hanging.

Joe Taylor gave update on Main Street meeting that was held on Monday.

Yard trash discussed.

No further visitors wished to be recognized at this time.

**ADOPTION DECISION – ORD. NO. 2008-01**

Motion to table adoption decision on Ordinance No. 2008-01 (Land Development Code Changes) until Board of Adjustment reviews ordinance made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

**1<sup>ST</sup> READING – ORD. NO. 2008-02 (WATER & SEWER RATE INCREASE)**

Attorney Floyd read Ord. No. 2008-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING SECTION 20-1 OF ARTICLE 1; SECTION 20-20 OF ARTICLE II DIVISION 1; SECTION 20-35 OF ARTICLE II DIVISION 2; SECTION 20-48 OF ARTICLE II DIVISION 3; AND SECTION 20-50 OF ARTICLE II DIVISION 3 OF THE CODE OF ORDINANCES, CITY OF APALACHICOLA, FLORIDA; AMENDING ORDINANCE NO. 2005-10 REGARDING WATER, SEWER, AND GARBAGE OPERATIONS AND RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Ms. Webb reviewed changes from old ordinance to new ordinance.

**1<sup>ST</sup> READING – ORD. NO. 2008-03 (REZONING BLK 75, 78, & LOTS 5-7 OF BLK 77 FROM R1 TO OR)**

Attorney Floyd read Ord. No. 2008-03 read by title as follows:

AN ORDINANCE AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE CITY OF APALACHICOLA, FLORIDA PURSUANT TO SECTION IV OF THE APALACHICOLA LAND DEVELOPMENT CODE PROVIDING FOR LOTS 5-7 OF BLOCK 77, LOTS 1-10 OF BLOCK 75 AND LOTS 1-10 OF BLOCK 78 TO BE REZONED FROM R1 (SINGLE FAMILY) TO OR (OFFICE RESIDENTIAL) PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Geoffrey Hewell outlined area to be rezoned.

Sally Williamson stated that Planning & Zoning had held public workshops on this matter.

**LIBRARY APPRECIATION MONTH – RESOLUTION 2008-02**

Attorney Floyd read Resolution 2008-02 in its entirety.

Motion to adopt Resolution 2008-02 made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

**TRAFFIC SAFETY TEAM REPORT**

Bob Dieter gave update on Prado intersection project. Mr. Dieter stated that Steve Frager from BDI will no longer be attending meetings, and would like City Commission to send a letter of appreciation to Mr. Frager. Mr. Dieter stated it will be hard on Traffic Safety Team if no BDI representative is present at meetings. Mr. Dieter would like for the City to send letter to BDI requesting a representative be present at Traffic Safety Team meetings.

Speed bumps addressed.

Mr. Dieter stated that DOT does not have any funds to install speed bumps.

Commissioner Elliott addressed the drainage problem on 16<sup>th</sup> Street.

Mr. Dieter stated that DOT will work with the City to find a solution to the problem.

Ms. Webb stated that DOT is going to try to schedule time to bring back the truck. Ms. Webb stated that this area is at the top of the stormwater priority list when funding becomes available.

Mr. Dieter stated that if the problem is on DOT right of way then they will fix it, but DOT is not sure if the problem is on City right of way or DOT right of way.

**APPROVAL OF MINUTES**

Motion to approve minutes made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

**POLICE DEPARTMENT REPORT**

Chief Varnes stated he can apply for a grant that will possibly pay ½ of the costs of bullet proof vests. Vests will cost approximately \$700 - \$900 per person, and will be custom fitted for each officer.

Mayor Johnson asked if it were mandatory for officers to wear vests.

Chief Varnes stated there will be incidents where wearing the vests will be mandatory. If the officer chooses not to wear the vests all the time, then the officer will sign a waiver of liability.

Ms. Webb stated the procedures for bullet proof vests will be included in the revised police policy manual.

Chief Varnes stated he will have the draft copy of the police policy and procedure manual ready in about two weeks.

Motion to authorize Chief Varnes to proceed to purchase bullet proof vests for each officer made by Commissioner Bartley, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

**CITY ADMINISTRATOR REPORT**

Ms. Webb presented department report packet to Commission. Ms. Webb explained Apalachicola Community Pride Partnership Program. Ms. Webb stated that Cindy Clark is ready to move forward on the EAR. A joint workshop between Planning & Zoning and City Commission needs to be scheduled within a couple of weeks.

Ms. Webb stated that Commissioner Cook has volunteered to be the City representative on the Affordable Housing Board.

Motion to appoint Commissioner Cook as the City's representative on the Affordable Housing Board made by Commissioner Bartley, second by Commissioner Webb.

Motion carried.

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

Voting Nay: None

Motion to approve Attorney Floyd's invoice for \$6,191.50 for payment made by Commissioner Bartley, second by Commissioner Cook.

## **Public Hearing/Regular Meeting – 4/8/08 – Page 6**

Motion carried 5 to 0.

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

Voting Nay: None

### **ESG REPORT**

Todd Baldwin gave monthly report. Mr. Baldwin addressed DEP Notice of Violation. Mr. Baldwin stated that DEP now requires 5 samples instead of 4, and DEP did not notify ESG of the extra sample that is required. Mr. Baldwin stated there is no safety issue, and this was DEP's mistake not the City's or ESG's.

Ms. Webb stated she will give a copy of Mr. Baldwin's letter to the Commission.

### **BUILDING DEPARTMENT REPORT**

Gene Osburn stated building permits were down in March, and 2 stop work orders were issued. Mr. Osburn addressed problem with grease going into sewer system. Mr. Osburn stated that all grease traps in restaurants are being inspected on a quarterly basis. Mr. Osburn addressed O. H. Walker's property at Sylvester Williams Park that was paved in error.

Mayor Johnson stated that a portion of Sylvester Williams Park sits on O. H. Walker's property, and the County has paved a portion of Mr. Walker's property.

Attorney Floyd stated the City needs to find out how much property belongs to Mr. Walker, and report this matter to the insurance company.

O. H. Walker stated the City used his property without any authorization. Mr. Walker stated he is looking at places on the City map to make a property swap.

Attorney Floyd asked if a survey has been done on the property.

Mr. Walker stated the property has not been officially surveyed.

Attorney Floyd stated a survey needs to be done to determine the location and size of the encroachment, and report matter to insurance company.

Ms. Webb stated the park or the bleachers is not on Mr. Walker's property, but the driveway that everyone uses is on his property. The County has paved the driveway.

### **GRANTS MANAGER REPORT**

Ms. Giametta stated approval is needed for encroachment into setbacks for house at 145 Avenue K. Ms. Giametta stated the house has been there for years, and sits right on the property line. The encroachment will allow for the house to remain at location.

**Public Hearing/Regular Meeting – 4/8/08 – Page 7**

Motion to approve encroachment for 145 Avenue K made by Commissioner Elliott, second by Commissioner Webb.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated there is one vacancy on BOA, and Carrie Kienzle is interested in the position.

Motion to appoint Carrie Kienzle to Board of Adjustment made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated it is time to submit FCT applications. Ellen Cunningham is planning on submitting two applications for the City.

Attorney Floyd stated the City needs to leave all the properties on the list even if it is not awarded.

Ms. Giametta stated the FCT grant property list is as follows:

1. Lee McLemore Property – Corner of Avenue I & Market Street, in front of Water Street Hotel
2. Ben Watkins Property – Wharf lots adjacent to Wheelhouse Restaurant and ½ of block across Water Street
3. Bill Sphohrer Property – vacant lot adjacent to Cotton Exchange
4. Dixie Theatre
5. Charlie Williamson Property – on Water Street adjacent to Leavins Seafood
6. Bill Spohrer Property – Sponge Exchange Building
7. Mike Wahl Property – 2 lots on south side of 98 between 24<sup>th</sup> Avenue and the alley

Motion to approve FCT property lists as outlined by Ms. Giametta made by Commissioner Barley, second by Commissioner Cook.

**Public Hearing/Regular Meeting – 4/8/08 – Page 8**

Motion carried 5 to 0.

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

Voting Nay: None

Ms. Giametta stated that Ellen Cunningham has outlined the Recreation & Greenways Map. Map will be further addressed at EAR workshop.

**REPORT ON PROJECT ACTIVITY**

Ms. Webb stated that Battery Park and Lafayette Park is well underway. Prado Project is ahead of schedule. Veteran's Park will be readdressed on May 25<sup>th</sup>. City did not receive funding for Elder Care grant for Holy Family. Ms. Webb stated the City is trying to get funding to repair Holy Family roof.

Mayor Johnson stated it was his intent tonight to recommend advertising for engineers, but BDI has recommitted to the City. Mayor Johnson stated the City will hold a monthly meeting with all BDI engineers to discuss City projects. Mayor Johnson stated he is not going to ask for engineer RFP's at this time because he wants to give BDI another opportunity.

Commissioner Cook stated he feels the City should have more than one engineer on board, and BDI has not provided information in a timely manner on projects.

Motion to advertise for engineer RFP's made by Commissioner Cook, second by Commissioner Webb.

Motion carried 3 to 2.

Voting Aye: Elliott, Cook, Webb

Voting Nay: Bartley, Mayor Johnson

**ATTORNEY FLOYD REPORT**

Attorney Floyd gave update on river system litigation and reviewed meeting in Jacksonville.

Attorney Floyd stated the Florida Parks Service lease agreement should be completed fairly soon. Changes and corrections were made to agreement, and State is trying to incorporate Three Servicemen's Statue into agreement.

Attorney Floyd stated there has not been much activity on B&S litigation.

Attorney Floyd stated that two cell companies have shown interest for a lease for a cell tower. Agreements have been sent out, but no response has been received from either company.

Attorney Floyd stated that an appraisal will be done on Thursday for the new proposed site for the Fire Station on Hwy 98.



**VISITORS AND COMMENTS**

\* Ginger Creamer wanted to thank the City and other supporters for all their help and donations towards the First Responders.

Geoffrey Hewell suggested the community do a couple of BBQ fundraisers for the fire department a couple of times a year.

Anita Grove stated there should be a day designated for the Fire Department.

\* Geoffrey Hewell stated that Board of Adjustment should be invited to all Planning & Zoning workshops.

Ms. Webb stated that workshop materials will be sent to Board of Adjustment members when information is sent out to Planning & Zoning members.

Mayor Johnson stated it is important to keep everyone informed.

There being no further business, meeting adjourned.

---

Van W. Johnson, SR., Mayor

---

Lee H. Mathes, City Clerk