

A Regular Meeting of the City Commission of the City of Apalachicola was held on Tuesday, July 11, 2017 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 Mitchell Bartley, Commissioner Frank Cook, City Administrator Lee Mathes, City Clerk Deborah Guillotte, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: David Meyer, Joe Taylor, Bo Creel, Dan Cox , Brent Mabrey, Dennis & Celia Winterringer, Diane Brewer, Elinor Mount-Simmons, Cindy Clark, Erica Head, Bill McCartney, Willoughby & Marie Marshall, Jerry Hall, Dixie Partington, Anita Grove, Bobby Miller, Lori Switzer, Valentina Webb, Augusta West, Cathy Buell, Karen Kessel, Bonnie Steward, Beverly Coxwell, Danny Itzkovitz, Jessica Gary, Bo Walker, Margene Off, P. Richardson, Bonnie Fulmer, Helen Willis Escobar, Creighton & Holly Brown, Catherine Christie, George Coon, JoEllen Silva-Hall, Mindy Parker, Bonnie Davis, Kay Carson, Paul McAber, Kathy Robinson, Despina George, Beth Wright, Torben & Sarah Madson, David Adlerstein, Caroline Weiler, Dave & Michaelin Watts, Michael Bailey, Meagan Lively, Terry Corcoran, Helen Golgowski, John Solomon, Carrie Kienzle, B. Wheatley, Jann Kirkland, Robert & Marlene Seaborn, Bob Lindsley, Fran Edwards, Jeremy Dickenson, Holden & Tristen Foley, Karl Sanders, Kathy Rushmore, Lowell Thomas

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

REGULAR MEETING

RECOGNITION OF VISITORS

1. Reallocation of City Approved Funds from Lafayette Park to Head Start Renovations - Michaelin Watts requested approved funds (\$25,000) allocated for Lafayette Park be reallocated to help with renovations for Early Head Start at the Johnson Complex.

Motion to reallocate the \$25,000 funds from Lafayette Park to the Early Head Start renovation project at Johnson Complex made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

2. Name Correction for Penton Street to Panton Street – Lowell Thomas requests to correct name spelling of Penton Street to Panton Street.

Motion to approve name correction from Penton to Panton 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

3. Themo Patriotis – Paddle Jam Event and Paddle Park Concept – Not present

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4. Franklin Promise Coalition Presentation of Services – Joe Taylor distributed to the Commission information outlining all services that Franklin Promise Coalition provides.

Mr. Taylor also invited the Commission and citizens to the opening of Resilience Through the Lens July 13 – August 31, 2017.

BUILDING PERMITTING FEE SCHEDULE

Bo Creel stated the current building permit fee schedule is outdated and requests authorization to start working with City staff to revamp fee schedule for building permits and developmental fees.

Motion to authorize to proceed in revamping building permit fee schedule made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

FAMU

Falan Goff – Not present

CITIES FACILITIES MANAGEMENT DISCUSSION

Mayor Johnson requests authorization for the City's auditing firm to conduct a special audit on the accounts receivable due to the City of Apalachicola for the rentals at the Johnson Complex.

Motion to authorize Carr, Riggs, & Ingram to conduct a special audit on the accounts receivable due to the City of Apalachicola for the rentals at the Johnson Complex made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF JUNE MINUTES

Commissioner Ash stated she has a correction on the June 6th minutes – Commissioner Ash stated she voted “nay” on the 142 4th Street encroachment request.

Motion to approve June 6th minutes with above correction and June 27th minutes made by Commissioner Ash, second by Commissioner Bartley.

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Motion carried: 5 to 0

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

Voting Nay: None

Motion to approve June 2nd minutes made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF MAY BILL LIST

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

Motion carried: 5 to 0

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

Voting Nay: None

CVS APPROVAL FOR CONSENT TO IMPROVE ALLEY

Dan Cox, representing CVS, requests approval for consent to improve alley for new CVS project. Mr. Cox gave examples of individuals in the City that have improved the alleyways.

Mayor Johnson commented this cannot be decided by the Commission. Applicant has to go through Planning & Zoning Board first and they will then give the City their reviews.

RECOMMENDATION FOR POLICE OFFICER POSITION

Chief Bobby Varnes recommends Larry Smith to fill the vacant police officer position.

Motion to approve Larry Smith to fill vacant police officer position made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

FIRST READING – ORDINANCE 2017-07 – TRANSIENT LODGING

Attorney Floyd read Ordinance 2017-07 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01;

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AMENDING ORDINANCE 2006-05; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve first reading of Ordinance 2017-07 and proceed with adoption process made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Nay: none

TENTATIVE ADOPTION OF FY 17/18 MILLAGE RATE

Motion to tentatively set FY 16/17 millage rate at 10 mills 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 2017-10 – FACILITY FEE SCHEDULE

Attorney Floyd read Resolution 2017-10 in its entirety.

Commissioner Ash requests that the effective date of 6-6-17 be put on attached Facility Fee Schedule.

Motion to adopt Resolution 2017-10 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 2017-11 – LIBRARY BOARD

Attorney Floyd read Resolution 2017-11 in its entirety.

Motion to adopt Resolution 2017-11 made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

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REQUEST FOR LINE OF CREDIT FOR REIMBURSABLE PROJECTS

Ms. Mathes outlined reimbursable projects that will require a line of credit for funding. Projects are Library - \$240,000, FRDAP - \$100,000, Battery Park Engineering - \$44,846.

Motion to authorize City Administrator to proceed in applying for \$385,000 line of credit for outlined reimbursable projects made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF DEO GRANT AGREEMENT – MATCHBOX ROOF

Motion to authorize Mayor Johnson to sign DEO Agreement for legislature appropriation in the amount of \$34,435 for Matchbox Roof made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF LEASE AGREEMENT – Head Start

Ms. Mathes requests approval of a one (1) year Lease Agreement between the City of Apalachicola and Capital Area Community Action Agency, Inc. (CACAA), for the 6th Street Recreational Center at 222 6th Street.

Commissioner Ash inquired if CACAA has insurance or a hold harmless agreement with the City.

Attorney Floyd stated insurance is covered in agreement.

Motion to approve One (1) year Lease Agreement between City of Apalachicola and Capital Area Community Action Agency, Inc., made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

RECREATION COMMITTEE APPOINTMENTS

Motion to appoint Torben Madson and Alisa Hendels to Recreation Committee and Tasia Jones and Mark Milliken as Recreation Committee alternates made by Commissioner Ash, second by Commissioner Elliott.

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Motion carried: 5 to 0

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

Voting Nay: None

SIDEWALK CAFÉ AND ACTIVITIES ORDINANCE DISCUSSION

Attorney Floyd outlined proposed ordinance with recommended changes made by the Sidewalk Committee.

Discussion held.

Mayor Johnson inquired what needs to be done to have first reading at August meeting.

Attorney Floyd recommends Commissioners and anyone interested to review the proposed ordinance and maybe hold a workshop to discuss issues before the August meeting.

Commissioner Bartley stated he has concerns with the number of tables allowed on the sidewalks.

Attorney Floyd commented this has been talked about in earlier discussions.

Mayor Johnson stated this could be an enforcement issue and asked business owners what would make it simpler for them.

Jerry Hall commented he agrees with Attorney Floyd that this needs to be discussed before August meeting.

Mayor Johnson commented that the Chief has a concern with the alcohol and hours of bars being open.

Discussion concerning dogs on sidewalks at restaurants.

Attorney Floyd stated this will be reviewed further, but that other cities have allowed this in their Ordinance.

Mayor Johnson stated he had been approached by residents complaining of the noise at the Bowery Station.

PLANNING & ZONING

1. Confirm June Minutes

Ms. Mathes stated Planning & Zoning hasn't approved minutes.

2. Cindy Clark – City Planner – Monthly Report

1) Cindy Clark commented they have had ongoing conversation with FEMA with regard to some community area visit deficiencies from 2014. Ms. Clark had a meeting with FEMA June 21st and reviewed remaining deficiencies the City must resolve in order to become a CRS community. Ms. Clark reviewed CRS standards and possibility of the

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community being eligible for flood insurance discounts. Staff is in the process of correcting these deficiencies so we can get our community eligible.

2) Ms. Clark stated the City has tentatively been granted a vulnerability analysis grant from DEO which allows the City to study our vulnerability areas in times of coastal flooding which will be very valuable information to the City. This also gives City points in the CRS rating.

Motion to authorize Ms. Clark to contact Dr. Andrew Chin at FAMU for assistance with grant made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

3) Ms. Clark stated regarding CVS, plans have been submitted to a stormwater engineer for review for consistency with the City's storm water regulations and plans have also been submitted to DEO as part of our technical assistance agreement.

Attorney Floyd asked Ms. Clark if all the needed information and evaluations have been submitted at this time to go forward with this request by CVS to making specific improvements to the alley.

Ms. Clark stated she thinks it is pre-mature at the time. Ms. Clark stated she feels there are some site specific conditions that have a bearing on the type of materials that are being proposed for construction of both the parking and alley. Ms. Clark stated she thinks that there is a presumption that if the board granted an easement agreement, there is a presumption that the development that goes along with it is consistent, and I am not sure we are at that stage yet.

Attorney Floyd clarified from Ms. Clark's standpoint that there are some issues that have to be resolved before getting to the decision of the type and extent of improvements in the alley.

Ms. Clark stated it would be pre-mature to move forward until better directed.

Attorney Floyd commented that if Dan Cox had not left the meeting after his item discussion that he would have heard this information.

Mayor Johnson inquired if there are any zoning concerns with CVS.

Ms. Clark stated yes there are.

Commissioner Bartley inquired from Ms. Clark about the Zingarelli Project.

Ms. Clark stated there is an issue with acquiring a quorum for the Board of Adjustment Quasi-Judicial hearing.

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CITY ADMINISTRATOR

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

Motion carried: 5 to 0

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

Voting Nay: none

ATTORNEY FLOYD

1) Attorney Floyd reviewed and outlined criteria of the Senior Management Positions and stated it is the board discretion to appoint and designate Senior Management positions.

Discussion held.

Mayor Johnson commented this will be looked into further before any decisions are made.

2) Attorney Floyd commented he is still working on citation for the building department. Attorney Floyd also wanted to announce the burned down house on Hwy 98 and 11th St. has been demolished and removed and that Mr. Bellew is doing a great job.

OTHER VISITORS & COMMENTS

1) Walter Robinson commented on some concerns he has with the City.

Mayor Johnson suggests Mr. Robinson get with him and Ms. Mathes to discuss the issues and concerns he is having.

MAYOR & COMMISSIONER'S COMMENTS

1) Commissioner Elliott stated he was approached by a restaurant owner that has concerns about the downtown sewer problem with it rains.

Mayor Johnson stated when the air vac system was installed, downtown area was mostly retail shops. Downtown area now has numerous restaurants, a brewery, and a public restroom facility. Until an additional lift station can be installed, staff is aware of the problem, and stays on top of it when it rains.

Utah Hardy inquired why the City doesn't charge impact fees.

Ms. Clark stated we are taking a step in that direction with the storm water utility ordinance where this relates to storm water.

Attorney Floyd stated there is a way to legally impose an impact fee and this will be reviewed.

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2) Commissioner Bartley wanted to thank Main Street and Volunteers for a great July 3rd event.

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk