

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, January 3, 2017 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: Bill McCartney, George Coon, Tim Mills-FCI, Scott Payne-FCI, Anita Grove, Joe Taylor, Diane Brewer, Tami Ray-Hutchinson, Deborah Belcher, Elinor Mount-Simmons, Mindy Parker, Falan Goff-FAMU, Dreamal Worthen-FAMU, John Lee, Cindy Clark, David Meyer, Jim Bachrach, David Adlerstein

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

Recognition of Visitors

a) **H'Cola – African American History Festival Approval** – Ms. Elinor Mount-Simmons requests permission for the 14th Annual African American History Festival to be held on February 17-19, 2017, at the Franklin Square Recreation Park on 6th Street. Ms. Mount-Simmons invites the Mayor, Commission and all present to please try to attend this event.

Motion to approve the 14th Annual African American History Festival to be held February 17-19, 2017, at the Franklin Square Recreation Park on 6th Street made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Nay: None

b) **New Warden – Franklin CI** – Mayor Johnson introduced Scott Payne, Warden and Gary Hewett, Assistant of the Franklin CI.

c) **FAMU** – Mayor Johnson acknowledged Dr. Dreamal Worthen and Falan Goff, stating they are part of the FAMU team that are in partnership with the City creating the job incubation program. Ms. Falan will be sharing an office with Bill McCartney in the Community Center and is now currently open for business.

d) **Mainstreet** - Jim Bachrach announced that a year ago the City Commission approved a resolution where Historic Mainstreet partnered with the City requesting funds from FDOT for additional beautification for the city. Mr. Bachrach stated he received notice the grant was approved for \$200,000.

e) **Legislative Delegation** – Bill McCartney reminded the City Commission of the legislative delegation hearing being held Thursday night at 7:00 pm at the Courthouse and asked that they all try to attend

to help get funds for the city.

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f) **Historic, Cultural and Ecological Benefits of Trees, Part Two** – Ms. Anita Grove announced there will be a free workshop on Historic, Cultural and Ecological Benefits of Trees, Part Two on Wednesday, January 18, 2017, from 5:30-7:00 PM at the Trinity Episcopal Church, Benedict Hall on 6th Street and Avenue D. Ms. Grove distributed flyers to Commission and asked that all present please try to attend.

APPROVAL OF DECEMBER MINUTES

Motion to approve regular minutes (12-6-16) made by Commissioner Ash, second by Commission Cook.

Motion carried: 5 to 0

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

Voting Nay: None

Motion to approve special minutes (12-13-16) made by Commissioner Ash, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF NOVEMBER BILL LIST

Motion to approve November Bill list made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

APPROVAL OF POLICY# 2016-03 – Amendment 1 – ADA/Section 504/Title VI Accessibility and

Nondiscrimination Policy and Plan – Deborah Belcher read and reviewed Policy#2016-03 and requested approval.

Motion to approve Policy#2016-03 – Amendment 1 – ADA/Section 504/Title VI Accessibility and Nondiscrimination Policy and Plan made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Nay: None

Discussion held about ADA handicap accessibility requirements.

APPROVAL OF REVISED POLICY# 2016-04 – ADA, Section 504 and Title VI Self-Evaluation and Accessibility Transition Plan - Deborah Belcher read and reviewed Revised Policy#2016-04 and requested approval.

Motion to approve Revised Policy# 2016-04 – ADA, Section 504 and Title VI Self-Evaluation and Accessibility Transition Plan made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Nay: None

Deborah Belcher gave update on CDBG Project stating we are on time and under budget.

Debbie Belcher gave update on Change Order #2 - Bobby Cato Street Sewer Extension.

Deborah Belcher stated these are changes the engineers are finalizing now and requests authorization for Mayor Johnson to sign for execution of Change Order #2 – Bobby Cato Sewer Extension.

Motion to authorize Mayor Johnson to sign execution of Change Order #2 for the Bobby Cato Sewer Extension made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Nay: None

PLANNING & ZONING

a) **Encroachment – Peyton Morton – 56 Commerce Street – 6’ Covered Awning** – George Coon stated Mr. Peyton Morton requests approval for a 6’ covered awning over the sidewalk (i.e. Owl Café Awning).

Motion to approve Peyton Morton Encroachment – 56 Commerce Street – 6’ Covered Awning, conditioned on the owner repairing sidewalk along with encroachment papers from the city made by Commissioner Ash, second by Commissioner Bartley.

Joe Taylor stated there is no existing sidewalk this will have to be constructed; it will be a new sidewalk.

Commissioner Ash amended motion to correct wording to reflect new sidewalk will be constructed by city standards, second by Commissioner Bartley.

Motion carried: 5 - 0

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

Voting Nay: None

b) Confirm November Minutes

Motion to confirm November Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 - 0

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

Voting Nay: None

CITY ADMINISTRATOR

a) Ms. Mathes informed that the mixer installation at the water treatment plant will be January 30 and 31, 2017.

b) Ms. Mathes stated that Shelling has been extended to January 31, 2017.

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

Motion carried: 5 - 0

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

Voting Nay: None

ATTORNEY FLOYD

a) Attorney Floyd gave update on the FL/GA water case.

b) Attorney Floyd reminded we have four variances for quasi-judicial hearing coming up next week. Ms. Mathes and I are still working on application changes in the fees, due to amount of expenses incurred by the city.

c) Attorney Floyd stated the Planning Department has concerns that current licensed Bed and

Breakfast establishments will want to expand Bed and Breakfast rooms to inhabit the first floor.
Planning

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Department needs direction to proceed with workshops with P&Z to ensure consistency that bottom floor will be non-habitable.

Cindy Clark reviewed issue of habitable structures on the first floor of a commercial business to not allow lodging on that floor, only second floor. Ms. Clark's concern and question, does the city want to encourage bed and breakfast and transient lodging facilities on the first floor or maintain as we have in the commercial district, strictly a commercial /retail type of environment that encourages pedestrian walking traffic with all transient lodging on the second floor. Ms. Clark would like guidance on how the board feels to restricting transient lodging to the second floor. Ms. Clark then reviewed the current rules to the board.

Commissioner Cook recommends maintaining restrictions as they currently are to not allow transitional lodging on first floor.

Attorney Floyd clarified that Ms. Clark is asking the board for a motion to direct the P&Z and Planning Department proceed with whatever action is necessary to assure the consistency of non-habitable space on the first floor.

Mayor Johnson would like to include in this compensation package about the airb&b, holding a joint workshop with P&Z and City Commission to deal with this and the issues mentioned above.

Ms. Clark would also like direction from the board how we would move forward with parking in the downtown district. Ms. Clark's recommendations are to begin developing parking mitigation strategy, which includes for those particular developments that are not able to meet their parking requirements. We need some very established strategy and fee schedule for litigating with some long term ideas for creating pocket parking in some of the cities easements or parking lots and maybe even a parking garage that was discussed several years ago.

Mayor Johnson stated he would like to add this to the joint workshop with P&Z and City Commission.

Motion to authorize Planning Department and P&Z to hold joint workshops to discuss non-habitable space on first floor commercial business, air B&B and downtown parking mitigation made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 5 - 0

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

Voting Nay: None

MAYOR & COMMISSIONER'S COMMENTS

d) Mayor Johnson commented that the city needs to move forward with the trash and illegal dumping issues.

Discussion held.

Attorney Floyd will look into this issue further and get with code enforcement for further discussion.

OTHER VISITORS & COMMENTS

a) David Adlerstein asked for update on CVS Permit.

Attorney Floyd spoke with CVS representative today and reviewed where they stand at this time.

b) Joe Taylor announced that the Oyster Cook-Off is this weekend, January 7, 2017 and wants to invite everyone.

c) Commissioner Elliott commended Officer Ginger Creamer and Wesley Creamer on a great and speedy response to a first responder call.

There being no further business meeting adjourned.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk