

A regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, August 4, 2015 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 Betty Webb, City Clerk Lee Mathes, Assistant City Clerk Deborah Guillotte, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: David Meyer, Joe Taylor, Tom Daly, Clarice Powell, Caty Greene, George Coon, Diane Brewer, Jan Thomas, George Watkins, Mike Vroegop, Robin Vroegop, Margene Off, Shirley Taylor, Charlie Kienzle, Carrie Kienzle, David Adlerstein, Uta Hardy, Anita Grove, Greg Wynot, Callie Nichols, Jaime Liang, Creighton Brown, Holly Brown, Beth Wright, Jann Kirkland, Margie Solomon, Dennis Winterringer

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

### **RECOGNITION OF VISITORS**

1. Shirley Taylor – Ms. Taylor stated there is a vacancy on the Apalachicola Municipal Library Board and recommends Bob Lindsley be appointed.

Motion to appoint Bob Lindsley to the Apalachicola Municipal Library Board made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 5 to 0.

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

Voting Nay: None

### **APPROVAL OF MINUTES**

Motion to approve July minutes made by Commissioner Bartley, second by Commissioner Cook.

Diane Brewer stated she spoke at the July 7<sup>th</sup> meeting, but the minutes do not accurately reflect her comments. Ms. Brewer stated she would like this expanded to more accurately reflect her comments.

Ms. Brewer's full statement as read at the July 7, 2015 City Commission meeting is as follows:

My name is Diane Brewer. I have been working with some friends and neighbors and am speaking tonight because we believe a fundamental part of Apalachicola is at risk. While we respect all the work that has been done on Denton Cove, we wish to offer the following comments.

As the City Commission considers the issues before it, it is worth remembering that Apalachicola was laid out in a planned design in 1835, commissioned by the Apalachicola Land Company, whose title can be traced back to the Spanish crown. The streets, alleys, and squares that you see today were part of

this original plat. In 1974 Willoughby Marshall documented the historical elements of the town, including the plat, and argued persuasively that sustained long term economic growth would come through historic preservation of the town's architectural legacy. His argument has proven correct. Apalachicola would not have new friends and families moving here or the flourishing tourism and trade that it does without the charm and ambience that is embodied and preserved in the town's historical design. The City emphasized the value of historic preservation in its Comprehensive Plan established in the late 1980's.

Much has been said about the need for new development for housing, jobs, and tax revenue for the City. We welcome these. We want them. All of these can be achieved WITHOUT sacrificing what we already have here but capitalizing on it. Our streets, alleys and squares are an essential component of our success.

Authoritative studies bear this out. A 2010 Technical Report titled "Economic Impacts of Historic Preservation in Florida" we are providing as part of the record tonight prepared by University of Florida College of Law shows the tremendous positive impact on our economy including

- greater than average appreciation of historic property values
- over 28,000 jobs, \$153 million in State and local taxes from historic building rehabilitation
- "heritage tourism constituted 6.3% of all tourism spending in Florida....: And \$321 million in State and local taxes and more than 75,000 jobs in retail and services. Findings indicate that heritage travelers on average stay longer, travel farther and spend nearly 2 ½ times more than non-heritage travelers per overnight trip."
- historic preservation has been an important driver of community and neighborhood revitalization... and can be the catalyst for subsequent rehabilitations in the surrounding neighborhood".

You need not look very far for examples of communities that have successfully capitalized on their historic heritage: Pensacola, Fernandina Beach, St. Augustine, St. Pete, and Savannah. They didn't achieve their success by violating their town's historic features. Savannah, platted in 1733 by James Oglethorpe, still has 21 of its original 24 City Squares and has achieved almost unprecedented economic growth through preservation of its historic plat.

Communities have an obligation to see that its citizens have decent, affordable housing. If housing is a problem, the solution does not lie in destroying the historic plat of the city. It lies in finding a solution that provides BOTH decent, affordable housing and preserves the City's unique cultural legacy. The

point is you do not need to make a choice between these two goals. We believe the City should have a long-term vision that accomplishes BOTH. The City can meet the needs of the people who live here without killing the goose that laid the golden egg.

The problem presented by the Denton Cove project is that the developer has presented the City with a project that would obliterate the historical plat in the area it is located in. While the streets and alleys encompassed in the old high school grounds have lain dormant for many years they do still exist and can be revived.

The City should form a task force, and with professional planning assistance, develop a more detailed vision of what the high school grounds could become as a whole rather than consider the proposed Denton Dove project as the only alternative. Denton Cove would close as many doors for that part of the City as it might open. We should thoughtfully nurture and grow our legacy not just discard it.

Pressure for development is only going to continue accentuating the need for planning. There are many resources available to the City to help us develop a comprehensive vision.

We have been in contact with available resources for planning from the Florida and National Trusts for Historic Preservation, and the Apalachee Regional Planning Council. We also know of at least two programs administered by the Florida Department of Economic Opportunity.

One provides technical assistance to small communities and rural counties for planning. The other program is The Competitive Florida Partnership program helps small communities develop and manage economic growth.

Last year, grants in these programs average \$25,000 and \$40,000 respectively.

Our point is that these are entities that know and understand Apalachicola, our unique legacy and want to help us preserve it while meeting the needs of our citizens.

Apalachicola came to my husband's and my attention 25 years ago as a result of The Miami Herald architectural writer Beth Dunlop's 1987 publication and PBS show called "Vanishing Florida". In it she says "...Apalachicola is Florida's last chance to retain a piece of its past, a real one rather than a simulation...Apalachicola is untainted. If we destroy it, we'll never get it back."

A lot of us, newcomers and long term residents alike, believe our 175 year old plat it worth preserving and we are ready roll up our sleeves and carry it forward for ourselves and future generations.

Thank you.

Commissioner Bartley amended motion to include insertion of Ms. Brewer's statement into the minutes, second by Commissioner Cook.

Motion carried 5 to 0.

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

Voting Nay: None

#### **APPROVAL OF BILL LIST**

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

Motion carried 5 to 0

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

Voting Aye: None

Clarice Powell inquired if there were copies of bill list available for public review.

Commissioner Ash stated Ms. Powell could have her copy of the bill list.

Mayor Johnson stated the public has never requested copies in the past but that it is public information if anyone requests.

#### **BOARD OF ADJUSTMENT APPOINTMENT**

Mayor Johnson asked Ms. Mathes if advertisement was placed in paper for board vacancies.

Ms. Mathes stated vacancies are posted on the website, but no advertisement was placed in the paper.

Carrie Kienzle, BOA Chair, stated a quorum was not present at their last meeting and that items on the agenda had to be postponed until a later date in August. Ms. Kienzle stated she did announce at the meeting that there were vacancies open on the Board, and that applications could be picked up at City Hall.

Commissioner Ash asked if we are required to advertise for board member vacancies.

Ms. Mathes stated no advertisement is required, but the City has advertised in the past.

Mayor Johnson recommends that an ad be placed in the paper for all board vacancies in the future.

Discussion held.

Clarice Powell asked if there is a cut-off date to turn applications in to be appointed to a board.

Ms. Kienzle stated vacancies are open until filled.

Diane Brewer stated the City Charter states the City Commission may appoint advisory board members who are residents and real property owners. The application itself which is “Board Candidate Questionnaire” asks if you are a resident of the City of Apalachicola. Residents and real property tax payers are not the same thing.

Attorney Floyd stated that the US Supreme Court and the Florida Supreme Court eliminated the requirement of ownership of any particular property for any particular office in connection with a governmental office. Attorney Floyd stated that the Florida Supreme Court and US Supreme Court laws eliminate parts of the City Charter, and that residency is a legal requirement but ownership of property is not a legal requirement for holding any particular office or appointed office in a governmental entity.

Ms. Brewer inquired if the City Charter will be updated any time soon.

Ms. Webb stated the City Charter has not been updated during the time she has been with the city but federal law supersedes any law outlined in the City Charter. Mrs. Webb stated she is not aware of any grants available for updating city charters, but it has been recommended several times to the City Commission that a codification of the ordinances be completed along with updating the City Charter.

Attorney Floyd stated there is a process that must be followed when updating the City Charter. In that process, out dated information will be updated to reflect current information.

Commissioner Ash recommends advertising for the board member vacancies and vote after all applications have been completed.

Motion to advertise for all board vacancies made by Commissioner Ash, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Aye: None

Motion to table the appointments at this time made by Commissioner Cook, second by Commissioner Ash.

Motion carried: 5 to 0

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

Voting Aye: None

**PLANNING AND ZONING**

No report given.

**CITY CLERK**

1. Ms. Mathes stated Ms. Webb would like to reapply for two FRDAP grants in the amount of \$50,000 each. Both grants would be for Project Impact site, one for a splash pad and one for playground equipment. Application deadline is August 14, 2015.

Motion to authorize City Administrator to reapply for two FRDAP grants in the amount of \$50,000 each and authorize Mayor Johnson to sign all related grant documents made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Aye: None

2. Ms. Mathes stated DOT has allocated \$9,000,000 state wide to allow municipalities and communities in Rural Areas of Opportunity to request funding for qualifying projects under the Small County Outreach Program. This program requires no local match and can be used for paving unpaved roads and road-related drainage improvements. Ms. Webb would like to apply to do additional road improvements at the Mill Pond.

Commissioner Bartley asked how much the City would be requesting.

Ms. Mathes stated a cost analysis has to be done to calculate the amount to apply for, but the application is due by August 17, 2015.

Motion to authorize Ms. Webb to apply for DOT SCOP funds to improve Mill Pond area made by Commissioner Cook, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Aye: None

3. Ms. Mathes stated NFWFMD has submitted an amendment to the Apalachicola Bay Water Quality Improvement Project which is to complete storm water work on Prado, Avenue I, and 16<sup>th</sup> and 98. The amendment extends the agreement to March 31, 2017 and allows for any unspent funds remaining on

task orders for the first increment be applied to new task orders for the second increment consistent with the scope of work for that task order.

Commissioner Ash asked if the issue near tennis court had been resolved.

Ms. Webb stated at this point, proposal is to replace the piping and do a catch basin at the end by Lafayette Park similar to the one by the Community Center. Ms. Webb stated there will not be any holding ponds at the 14<sup>th</sup> Street location.

Motion to approve NFWFMD Amendment No. 1 for the Apalachicola Bay Water Quality Improvement Project as outlined by Ms. Mathes made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Aye: None

4. Ms. Mathes reminded the City Commission of the dates of the upcoming budget workshops.

5. Ms. Mathes stated that the payment boxes are installed at Battery Park and Mill Pond. Approximately \$80 per weekend is being collected at Battery Park, but no fees have been collected at Mill Pond as of today. Signs are being ordered to make people more aware of the payment boxes.

Commissioner Bartley stated the signage will definitely help and also asked that police officers give citation for the \$10 payment if not in vehicles.

Clarice Powell asked if officers can stop vehicles from parking right at the drive and blocking the garbage cans.

Chief Varnes stated he would try to have someone there in the morning during the busy time if possible.

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

Motion carried: 5 to 0

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

Voting Aye: None

**ATTORNEY FLOYD**

No report given.

**OTHER VISITORS AND COMMENTS**

1. Diane Brewer stated she feels applicants for board positions should be familiar with the comprehensive plan, historic guidelines and also the sunshine law manual. The City may want to add this information to the board candidate questionnaire.

2. Uta Hardy asked if she could get copies of permits. Ms. Hardy expressed concern that permits should be published in paper.

Ms. Webb stated building permits are public record, and anyone at any time can look at them, and request copies if they wish.

Ms. Hardy asked about the status of the Sanchez property on 10<sup>th</sup> Street.

Ms. Webb stated she has been out of town for over a week and has not spoken to Ms. Ramsey regarding the status.

Mayor Johnson asked Ms. Webb if any appeals or anything have been filed with P&Z or BOA.

Ms. Webb stated to her knowledge nothing has been filed.

Ms. Mathes stated that Ms. Sanchez had withdrawn her variance request.

Mayor Johnson asked Attorney Floyd what the time frame is to file an appeal.

Attorney Floyd stated 60 days from the time the order was rendered.

Discussion held.

Ms. Liang stated it doesn't seem the proper procedures were followed on this starting from the permit request to Centre Street and then trees cut down that the City was aware of.

Attorney Floyd stated that this board would probably be handling the appeal and therefore discussions should be in a quasi-judicial type setting where it is fair and impartial.

3. George Watkins inquired of the status of getting the boat lift in operation at the Mill Pond.

Ms. Webb stated we had received very little response on the request for bids and that she would like to meet with the Mill Pond Committee to talk about details to follow up from the previous meeting.



Mr. Watkins asked about getting a licensed operator and who would be responsible for insurance to cover the operator.

Mayor Johnson stated if the City can't find a licensed independent contractor then the City would look into hiring an employee to run the boat lift.

Mr. Watkins stated the City needs to get temporary insurance so the area by the lift can be dug out and the lift tested to see if it even works.

Mayor Johnson stated there will be no temporary insurance and that we will look at the budget to see if the City can hire someone if the City can't find an independent contractor.

Discussion held.

Commissioner Elliott asked wasn't the contractor that put the lift in responsible for making sure lift area was deep enough.

Mr. Watkins stated yes but it has been a couple of years and it has now caved in and will probably cost approximately \$6,000 to dig area back out.

Discussion continued.

Mr. Watkins stated when the boat lift gets working it will bring in a lot of money into the City not just from seafood workers but from commercial boaters also.

Attorney Floyd stated we would get with other cities along the coast and get copies of their contracts and documents on how they run their boat lift at their marina.

Discussion continued.

Commissioner Elliott emphasized that right now our first priority is to get the lift area dredged out and do a trial run.

Commissioner Ash suggests Mr. Watkins, Commissioner Elliott, and the Mill Pond Committee get together and put a plan together of what needs to be done in which phase, so we can get the boat lift working and move forward.

Discussion continued.

Mr. Watkins stated he had been asked why the bathrooms were not open during the day, every day.

Ms. Mathes stated that they are open on farmer's market weekends, but that she would have them opened from now on from 8 to 4 each day.

### **MAYOR & COMMISSIONERS COMMENTS**

1. Mayor Johnson stated the dog park committee is still interested in the dog park being moved to the Bodiford property.

Ms. Webb stated there was discussion about relocating and utilizing a portion of Avenue H, between Commerce and Water Street for large dogs and old Bodiford site for small dogs. Ms. Webb stated since that time, I have brought to their attention that a developer has come forth with a proposed project in that area wanting to use Avenue H as access to their property on either side between Water Street and Commerce Street.

Mayor Johnson stated he wants to commit Avenue H (the old Bodiford property) for the dog park.

Discussion held.

Commissioner Ash suggests that the dog committee get together and create cost estimate of what they are going to need to have a nice workable dog park and get to Ms. Webb.

Motion made for the City to investigate concept of moving dog park from Avenue L to Commerce and Avenue H, and also receiving cost estimate and layout of proposed park, be brought back before City Commission for final approval and public notice made within a timely manner made by Commissioner Ash, second by Commissioner Bartley.

Motion carried: 5 to 0

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

Voting Aye: None

2. Mayor Johnson stated he met with Dr. Humphries today concerning the College of Marine Science. Mayor Johnson request to place Dr. Humphries on the agenda for the October meeting to discuss the College of Marine Science.

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Deborah Guillotte, Assistant City Clerk

