

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, April 5, 2016 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, Attorney Pat Floyd, Officer Pam Lewis

Visitors: David Walker, Marsha Lindeman, Cindy Clark, Pete Olson, Dennis Winterringer, Celia Winterringer, Tom Daly, Diane Brewer, Melissa Hand, David Adlerstein, Fred Vogt, Jody Rosenbaum, P. Richardson, Creighton Brown, Holly Brown, Anita Grove, Charles Maniscalco, Mindy Parker, Cindy Summerhill, Jan Thomas, Margene Off, Ron Dierolf, Caty Greene, Nadine Kahn, E. D. Watson, Tim Mills, Jerry Hall, Reshard Robinson, Sr., David Meyer

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

**PUBLIC HEARING - 2<sup>nd</sup> READING ORDINANCE NO. 2016-01 – LAND DEVELOPMENT CODE AMENDMENTS**

Attorney Floyd read Ordinance No. 2016-01 by title as follows:

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA AMENDING THE LAND DEVELOPMENT CODE OF THE CITY MAKING FINDINGS OF FACT AND ESTABLISHING MINIMUM ARCHITECTURAL, AESTHETIC AND SAFETY STANDARDS FOR SINGLE-FAMILY DWELLINGS WITHIN THE CITY; PROVIDING FOR IMPLEMENTATION OF RESTRICTIONS IN SUBDIVISIONS AND THE HISTORIC DISTRICT TO THE EXTENT RESTRICTIONS AND/OR COVENANTS ARE LESS RESTRICTIVE THAN THOSE PROVIDED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Dennis Winterringer suggested changes due to safety issues in E. [12] a and E. [12] b.

Attorney Floyd reviewed the suggested safety changes and they were accepted as requested.

Public hearing closed and regular meeting opened by Mayor Johnson.

**REGULAR MEETING:**

**Presentation of Resolution 2016-06 – Honoring Betty Webb's Retirement**

Attorney Floyd read Resolution 2016-06 in its entirety honoring Betty Webb on her retirement and presented her with resolution.

Motion to adopt Resolution 2016-06 made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Nay: none

Mayor Johnson read and honored Betty Webb with retirement plaque.

**RECOGNITION OF VISITORS:**

**A. David Walker & Marsha Lindeman – Presentation of Community Healthy Champion Certificate.**

Marsha Lindeman presented the City of Apalachicola with a Community Healthy Champion Certificate promoting community health.

**Adoption Decision – Ordinance No.2016-01 – Land Development Code Amendments**

Attorney Floyd read Ordinance No. 2016-01 by title as follows:

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA AMENDING THE LAND DEVELOPMENT CODE OF THE CITY MAKING FINDINGS OF FACT AND ESTABLISHING MINIMUM ARCHITECTURAL, AESTHETIC AND SAFETY STANDARDS FOR SINGLE-FAMILY DWELLINGS WITHIN THE CITY; PROVIDING FOR IMPLEMENTATION OF RESTRICTIONS IN SUBDIVISIONS AND THE HISTORIC DISTRICT TO THE EXTENT RESTRICTIONS AND/OR COVENANTS ARE LESS RESTRICTIVE THAN THOSE PROVIDED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Motion to adopt Ordinance No.2016-01 with suggested safety changes made by Mr. Winterringer and approved by Attorney Floyd made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Nay: none

**APPROVAL OF MARCH MINUTES**

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

Motion carried: 5 to 0

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

Voting Aye: None

**APPROVAL OF FEBRUARY BILL LIST**

Motion to approve February bill list made by Commissioner Ash, second Commissioner Cook.

Motion carried: 5 to 0

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

Voting Aye: None

**ADOPTION DECISION RESOLUTION 2016-07 – AMTRAK SUNSET LIMITED SERVICE RESTORATION**

Attorney Floyd read Resolution No. 2016-07 in its entirety.

Motion to adopt Resolution No. 2016-07 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Aye: None

**MEMORANDUM OF AGREEMENT – DEPARTMENT OF ECONOMIC OPPORTUNITY**

Attorney Floyd stated that the Rural Area of Opportunity designation must be renewed every 5 years and the City has to execute a Memorandum of Agreement outlining the municipality's responsibilities under the RAO designation. The City has to appoint two representatives. One would be an elected or appointed official from the City of Apalachicola and the second person from a non-profit organization engaged in economic development.

Mayor Johnson volunteered for the City elected official and Jim Bachrach agreed to be the non-profit designee.

Motion to Approve Memorandum of Agreement – Department of Economic Opportunity and the appointments of Mayor Johnson and Jim Bachrach as the City of Apalachicola's representatives made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 5 to 0

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

Voting Aye: None

**PLANNING & ZONING**

**A. Confirm February Minutes**

Motion to approve February Planning & Zoning minutes made by Commissioner Cook, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Aye: None

## **B. Discussion – Variances for Historic Structures**

Tom Daly stated there are some items Planning & Zoning needs guidance on particularly on how to proceed with issues as it relates to the rehabilitation of non-conforming historic structures.

Cindy Clark explained that individuals seeking variances to restore historic structures are having a hard time getting permanent financing and insurance due to the nonconformities. Ms. Clark further explained that some structures do not sit on conforming lots and Planning & Zoning cannot issue a variance to sub-divide a lot. It is within Planning & Zoning's purview to draft recommendations for consideration that would alleviate that and make that hardship a little less visible, and this is where Planning & Zoning needs guidance from the City Commission. Ms. Clark recommends having a workshop that would involve representatives from the banking and insurance industry and also the State to discuss how to deal with issues relating to nonconforming historic structures.

Mayor Johnson agrees that a workshop should be held to discuss this matter.

Commissioner Bartley stated he would like to have a state representative, preferably Rebecca Jetton from DEO, at the workshop.

Motion to approve for Planning & Zoning to hold a workshop to discuss variances for historic structures and have a State Representative present at workshop made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Aye: None

C. Tom Daly stated he is researching two items – one being room rentals in people's homes and the other is advantages of annexing property outside the City limits.

## **CITY ADMINISTRATOR**

1. Ms. Mathes stated Ms. Webb's retirement was effective 3/31/2016. Ms. Mathes is recommending a monthly retainer fee in the amount of \$1,850 for the remainder of FY 15/16 with automatic renewal unless a change is requested. Ms. Mathes stated retainer fee would include consulting as requested by staff, Commission, and City Attorney, grant services, and

other services as needed by the City Administrator. Ms. Mathes further explained that grant admin could be done by task order, and that this contract does not include any BP related work.

Attorney Floyd stated this would be a contract with an entity like a LLC.

Commissioner Ash stated she would like a budget study conducted before entering into any other contracts.

Mayor Johnson recommends a month to month basis contract contingent upon completion of budget study.

Diane Brewer stated the State of Florida Governmental Sunshine Law states former appointed officers and employees of counties, municipals, schools and districts, may be subjected to a similar restriction to not receive compensation for two years following their departure. Ms. Brewer continued stating the City may or may not have a resolution that applies in this area; therefore, this should be addressed and investigated before City considers this contract.

Attorney Floyd thanked Ms. Brewer for her suggestion and stated this is not the first time the City or County has dealt with this matter in the past and insured Ms. Brewer that the City always wants to comply with every law. Attorney Floyd stated the Commission needs to consider that the City is dealing with time sensitive litigations, and some of it requires Ms. Webb's knowledge and expertise. Attorney Floyd suggests approving Ms. Webb's contract services on a month to month basis until budget study is complete.

Ms. Mathes stated Ms. Webb is doing work for the City this month at a rate of \$42/50/hour, and asked for authorization to pay Ms. Webb for her time.

Mayor Johnson approved Ms. Mathes to take care of this at the City's Administrator's discretion.

2. Ms. Mathes stated that the original guaranteed maximum price for Library construction was set and not to exceed \$837,122. After final review, Allstate reduced base price for building to \$789,684. Ms. Mathes requests approval for a notice to proceed with project.

Motion to accept GMP of \$789,684 for Library construction and approve notice to proceed made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 5 to 0

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

Voting Aye: None

3. Ms. Mathes gave update on Battery Park playground and Community Center. Ms. Mathes commended Conservation Corp for a job well done on the Community Center stairs, ramp and railings. Ms. Mathes also commended the Conservation Corp for helping with the Meals on Wheels program.

4. Ms. Mathes announced that the computers have arrived and will be installed at Holy Family within the next week. Ms. Mathes stated the seniors are really excited about the computer lab and we hope to expand the program as we move forward.

5. Ms. Mathes stated she has met with Danny Collins with Duke Energy regarding replacing the old halogen lights with LED lights. There is also a new technology that allows lights to dim at a certain hour, so bright lights won't remain on all night in residential areas. Ms. Mathes stated that when we make this change it will be done in stages and that Mr. Collins is working up a cost estimate per phase to show what our cost will be.

Commissioner Ash stated that a light needs to be put at Avenue L and 14<sup>th</sup> Street intersection by the Skate Park.

Ms. Jody Rosenbaum requests the City get lights that comply with the dark sky communities program.

Ms. Mathes stated we are trying about 3 different heads on the LED lights to see which ones would work best.

Mr. David Walker asked while working on the light issues could the City do a study to see where lighting needs to be worked on first and prioritize.

Mayor Johnson stated that Ms. Mathes had just talked with him about this today and that she is riding around town on streets and alleys after dark to see just what needs to be done.

5. Ms. Mathes gave update on the TTHM project stating that John Pope with DEP was contacted to see if a permit modification is required to install aerator and mixer into the ground storage tank at the Water Treatment Plant. Mr. Pope stated no permit modification is required and City may proceed. The total costs for the TTHM project is approximately \$180,000 to \$200,000 which includes installation of aerator, mixer and switching chlorine from gas to hypochlorite.

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

Motion carried 5 to 0.

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

Voting Nay: None

### **ATTORNEY FLOYD**

1) Attorney Floyd addressed shortage on the state revolving loan payment.

Bill McCartney stated there are several different avenues the City can look into since we are an Area of Critical State Concern.

2) Attorney Floyd gave update on Denton Cove and Family Dollar litigation.

### **OTHER VISITORS & COMMENTS**

1) Diane Brewer inquired if the water report she just received was the latest update and Ms. Mathes stated yes it is.

2) Minnie Parker offered her services for the City's splash pad in getting it online and going.

### **MAYOR & COMMISSIONER COMMENTS**

1) Commissioner Bartley requests reducing the Planning & Zoning Board and Board of Adjustment from a 7 member board to a 5 member board with 1 alternate for each board. Commissioner Bartley also requests the quasi-judicial fee be raised to cover the City's expenses.

Ms. Mathes stated building permit fees have to be readdressed, so that fee can be addressed at the same time.

Mayor Johnson stated he has a citizen he would like to serve on the CRA Board and that he will be coming by City Hall to get an application.

Commissioner Bartley stated the board reduction could take place as people resign from the boards, the Commission would not replace the members until each board has reached 5 members with 1 alternate.

Motion to reduce the Planning & Zoning Board and Board of Adjustment from a 7 member 1 alternate to a 5 member 1 alternate board only when each board gets down to 5 members pending review of proper procedures made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried: 3 – 2

Voting Aye: Ash, Bartley, Elliott

Voting Aye: Cook, Mayor Johnson

2) Commissioner Elliott inquired as to the contract with Mr. Thrasher and the City's liability insurance for the Scipio Creek lift. Commissioner Elliott stated there are individuals needing to use the lift.

Attorney Floyd stated he will get in touch with the City's insurance representative tomorrow and see what coverage the City has on the lift.

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There being no further business meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Deborah Guillotte, City Clerk