

Public hearings and a regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, November 7, 2017 at 6:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Mitchell Bartley, Commissioner Anita Grove, City Clerk Deborah Guillotte, Deputy Clerk Janelle Paul, Chief Bobby Varnes, Attorney Pat Floyd

Visitors: David Meyer, Augusta West, Tom Morgan, Jim Bachrach, Carol Westmoreland, Glynn Neville, Dreamal Worthen, Charles Elliott, Jerry Hall, Vanda Richardson, Betsy Norziger, Elinor Mount-Simmons, Creighton Brown, Peter Gallant, Pam Richardson, Carrie Kienzle, Donna Duncan, Despina George, Bonnie Fulmer, Holly Brown, Patricia Murphy, Bill McCartney, Cindy Clark, Scotty Lolley, Jeff Fisher, Franklin King, Ronnie Davis, Ron Jenkins, Larry Clark, James Kennedy, Joe Taylor

Prayer and pledge.

Carol Westmoreland representing the Florida League of Cities presented Mayor Johnson with the John Land Years of Service Award for his 20 plus years serving on the Apalachicola City Commission.

Public hearings opened by Mayor Johnson.

**PUBLIC HEARING – ORDINANCE 2017-03**

Attorney Floyd read Ordinance No. 2017-03 by title as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 2007-01 AND PREVIOUS ORDINANCE NO. 61-4 TO ADD A FEE FOR SIDEWALK USAGE BY ADJACENT BUSINESSES IN THE CITY OF APALACHICOLA; ADDING INSURANCE REQUIREMENTS NAMING THE CITY OF APALACHICOLA AS ADDITIONAL INSURED; PROVIDING FOR DOGS TO BE LEGAL TO ACCOMPANY PATRONS ON A PERMITTED SIDEWALK AREA OF THE ADJACENT BUSINESS; ADDING PROVISIONS FOR ENFORCEMENT AS A CIVIL INFRACTION; PROVIDING FOR PLACEMENT OF SIGNS IN SIDEWALK AREA LICENSED BY PERMIT TO BE LIMITED TO THOSE OF THE ADJACENT BUSINESS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISION OF OTHER ORDINANCES, CORRECTION OF SCRIVENERS ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Public comments received.

**PUBLIC HEARING – ORDINANCE 2017-08**

Attorney Floyd read Ordinance No. 2017-08 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA RELATING TO ALCOHOLIC BEVERAGES; AMENDING ORDINANCE NO. 75-4 TO ADD A PROVISION REFERRING TO ALLOWING AND LIMITING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE SIDEWALKS OF THE CITY DIRECTLY ADJACENT TO THE LICENSED PREMISES DURING HOURS OF OPERATION IN ACCORDANCE WITH CITY ORDINANCE NO. 2007-01; PROVIDING AN EFFECTIVE DATE.

No public comment.

**PUBLIC HEARING – ORDINANCE 2017-09**

Attorney Floyd read Ordinance No. 2017-09 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA REGULATING, LIMITING AND ALLOWING UNDER CERTAIN CONDITIONS THE PRESENCE OF DOGS IN OUTDOOR PUBLIC FOOD SERVICE AREAS; PROVIDING FOR AN EFFECTIVE DATE.

No public comment.  
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**PUBLIC HEARING – ORDINANCE 2017-11**

Attorney Floyd read Ordinance No. 2017-11 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THE FISCAL YEAR 2016-2017 BUDGET.

No public comment.

Public hearings closed and regular meeting opened by Mayor Johnson.

**REGULAR MEETING**

**ADOPTION DECISION – ORDINANCE 2017-03**

Attorney Floyd read Ordinance No. 2017-03 by title as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 2007-01 AND PREVIOUS ORDINANCE NO. 61-4 TO ADD A FEE FOR SIDEWALK USAGE BY ADJACENT BUSINESSES IN THE CITY OF APALACHICOLA; ADDING INSURANCE REQUIREMENTS NAMING THE CITY OF APALACHICOLA AS ADDITIONAL INSURED; PROVIDING FOR DOGS TO BE LEGAL TO ACCOMPANY PATRONS ON A PERMITTED SIDEWALK AREA OF THE ADJACENT BUSINESS; ADDING PROVISIONS FOR ENFORCEMENT AS A CIVIL INFRACTION; PROVIDING FOR PLACEMENT OF SIGNS IN SIDEWALK AREA LICENSED BY PERMIT TO BE LIMITED TO THOSE OF THE ADJACENT BUSINESS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISION OF OTHER ORDINANCES, CORRECTION OF SCRIVENERS ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance 2017-03 made by Commissioner Elliott, second by Commissioner Grove.

Motion carried 3 to 1  
Voting Aye: Elliott, Grove, Mayor Johnson  
Voting Nay: Bartley

**ADOPTION DECISION – ORDINANCE 2017-08**

Attorney Floyd read Ordinance No. 2017-08 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA RELATING TO ALCOHOLIC BEVERAGES; AMENDING ORDINANCE NO. 75-4 TO ADD A PROVISION REFERRING TO ALLOWING AND LIMITING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE SIDEWALKS OF THE CITY DIRECTLY ADJACENT TO THE LICENSED PREMISES DURING HOURS OF OPERATION IN ACCORDANCE WITH CITY ORDINANCE NO. 2007-01; PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance 2017-08 made by Commissioner Elliott, second by Commissioner Grove

Motion carried 3 to 1  
Voting Aye: Elliott, Grove, Mayor Johnson  
Voting Nay: Bartley

**ADOPTION DECISION – ORDINANCE 2017-09**

Attorney Floyd read Ordinance No. 2017-09 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA REGULATING, LIMITING AND ALLOWING UNDER CERTAIN CONDITIONS THE PRESENCE OF DOGS IN OUTDOOR PUBLIC FOOD SERVICE AREAS; PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Ordinance 2017-09 made by Commissioner Elliott, second by Commissioner Grove

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

**ADOPTION DECISION – ORDINANCE 2017-11**

Attorney Floyd read Ordinance No. 2017-11 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THE FISCAL YEAR 2016-2017 BUDGET.

Motion to adopt Ordinance 2017-11 made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

**RECOGNITION OF VISITORS:**

**1. Glynn Neville – United Parcel Service – Use of Pod for Holidays – Golf Cart Deliveries**

Glynn Neville stated UPS is seeking approval to place a pod and golf cart at the Johnson Complex from October 15<sup>th</sup> to December 24<sup>th</sup> to assist with holiday deliveries.

Attorney Floyd stated the City of Apalachicola would need to be additional insured on UPS insurance.

Motion to allow UPS to place a pod and golf cart at the Johnson Complex from October 15<sup>th</sup> to December 24<sup>th</sup> to assist with holiday deliveries made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

**2. Scotty Lolley – Living Waters Assembly of God – Magnolia Cemetery Pavilion for Funeral Services**

Pastor Scotty Lolley requests permission to allow Living Waters Assembly of God to build a pavilion, at no cost to the City, at Magnolia Cemetery for grave side services. Mr. Lolley stated the pavilion would be placed on the property located at the front of the cemetery by 12<sup>th</sup> Street and will apply for permits and go before Planning & Zoning if approved by City Commission.

Motion to allow a pavilion be placed at Magnolia Cemetery contingent upon Planning & Zoning approval made by Commissioner Elliott, second by Commissioner Bartley.

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Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

### **3. Bonnie Fulmer – Elder Care Community Services**

Bonnie Fulmer outlined ECCC's goals, highlighted accomplishments from March 2016 to October 2017, and reviewed upcoming events in 2018. Ms. Fulmer continued stating that Erica Head was hired as a coordinator for the lunches and activities at Holy Family between 10am – 2pm by Franklin's Promise, but they are not going to be able to continue funding her salary and we need to find a way to continue her funding.

Mayor Johnson brought up the budgeted amount allocated for senior services and said this would be an appropriate use of these funds.

Commissioner Grove stated that a grant could be possibly looked into by Augusta West.

Joe Taylor stated Franklin's Promise will continue to support the team with food, Senior Christmas gifts and home repairs, but help is needed on a long term solution with the agreement for services. Mr. Taylor stated that Erica Head is paid \$300/week per her contract.

### **FAMU – MONTHLY REPORT**

Vonda Richardson gave monthly report stating that currently staff is here one day a week, but hope to expand that soon. Ms. Richardson also stated a local 4H group will be established soon.

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

Motion to approve September bill list made by Commissioner Elliott, Second by Commissioner Bartley.

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

### **ADOPTION DECISION – RESOLUTION 2017-16**

Attorney Floyd read Resolution 2017-16 by title as follows:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA TO EXPRESS THE CITY COMMISSION'S OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING

Motion to adopt Resolution 2017-16 made by Commissioner Bartley, second by Commissioner Grove.

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

### **TREE COMMITTEE APPOINTMENT**

Motion to appoint Holly Brown and Pam Richardson to Tree Committee made by Commissioner Elliott, second by Commissioner Bartley.

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Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

### **CRA – EXECUTIVE DIRECTOR AGREEMENT**

Mayor Johnson reported the CRA board hired Augusta West as the Executive Director and requests approval of the Personal Services Agreement. Mayor Johnson stated it is recommended that Ms. West be hired as a full City employee receiving benefits, with salary and benefits being split between CRA and Main Street.

Motion to approve Personal Services Agreement hiring August West as a full City employee with salary and benefits being funded by CRA and Main Street funds made by Commissioner Elliott, second by Commissioner Bartley.

Attorney Floyd re-emphasized that this is CRA and Main Street funds and not funded by City of Apalachicola.

Discussion held regarding wording of the Personal Services Agreement.

Commissioner Grove expressed her concern over the wording of funding in the Personal Services Agreement.

With consent and agreement from Augusta West, Attorney Floyd clarified Item 2 of the Personal Services Agreement to read as follows:

2. Revenues of the CRA and Main Street and other sources as applicable, will be jointly employed to support and provide the pay and benefits for the position of the executive director, and each contribution will be established in the CRA annual budget without any use of or contribution from budgeted City of Apalachicola funds or finances.

Motion amended to Personal Services Agreement to include: 2. Revenues of the CRA and Main Street and other sources as applicable, will be jointly employed to support and provide the pay and benefits for the position of the executive director, and each contribution will be established in the CRA annual budget without any use of or contribution from budgeted City of Apalachicola funds or finances made by Commissioner Elliott, second by Commissioner Bartley

Motion carried 4 to 0

Voting Aye: Elliott, Bartley, Grove, Mayor Johnson

Voting Nay: None

### **COMMISSIONER APPOINTMENT TO THE APALACHEE REGIONAL PLANNING COUNCIL**

Mayor Johnson requested we defer this appointment to City of Carrabelle, as no one is able to serve at this time.

### **PLANNING & ZONING REPORT**

a. Confirm September Minutes

Motion to confirm September Minutes made by Commissioner Elliott, Second by Commissioner Bartley

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

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**b. Cindy Clark - City Planner - Monthly Report**

Ms. Clark requests the Commission to consider becoming a third party to all DEP and NFWFMD permitting in the City so the City would have the opportunity to review and comment on application consistency with the City's comp plan and infrastructure capacity.

Motion to authorize Cindy Clark to draft a letter to DEP and NFWFMD requesting to become a third party to review and comment on application consistency with the City's comp plan and infrastructure capacity made by Commissioner Bartley, second by Commissioner Grove.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

Ms. Clark requests City to require City engineer review all requests for drainage culverts in areas of special flood hazard and within sensitive drainage basins. Cost to be borne by applicant.

Motion to authorize staff to begin drafting fill regulations to better regulate potential flooding situations associated with unauthorized fill/landscaping activities made by Commissioner Grove, second by Commissioner Elliott.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

Commissioner Anita Grove read letter from Debra Miller and requests it be included in minutes as "Attachment 1".

**CITY ADMINISTRATOR REPORT**

Motion to authorize payment for Attorney Floyd invoice made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

Motion to approve Commissioner Bartley be added to City bank accounts as additional check signer made by Commissioner Elliott, second by Commissioner Grove.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

**ATTORNEY FLOYD REPORT**

Attorney Floyd updated Commission on Johnson Complex lease agreements, ordinances, and the CVS appeal.

## **OTHER VISITORS & COMMENTS**

Carrie Kienzle asked if we had sold any properties.

Mayor Johnson stated we are still in the process.  
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## **MAYOR & COMMISSIONER'S COMMENTS**

1) Mayor Johnson commended Cindy Clark, Kevin Begos, Bill McCartney, Michaelin Watts, Bonnie Davis, Augusta West and Jim Bachrach -TRIUMPH committee for putting the pre-application together over the weekend.

Mayor Johnson requests authorization for the above named TRIUMPH Committee continue to work on the pre-application up to point where County says we can present a full application and name Cindy Clark as TRIUMPH Coordinator.

Motion to authorize the TRIUMPH Committee continue working on the pre-application until we get to point of full application submittal and Cindy Clark be TRIUMPH Coordinator made by Commissioner Grove, second by Commissioner Bartley.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

2) Mayor Johnson recommends forming a committee to develop a plan to initiate growth, jobs and generating more economy. Mayor Johnson requested Bonnie Davis bring her City Plan she had written at an earlier date.

Bonnie Davis stated she would be glad to do this.

3) Commissioner Grove questioned fees for city buildings and parks and asked if we could we look at the possibility of a sliding scale.

Mayor Johnson referred to rental fees in place.

4) Commissioner Grove asked for update on City Firing Range.

Chief Bobby Varnes will have Sgt. Richards bring an update before the Board.

5) Commissioner Grove said Broad Spectrum rushed a permit to trim trees along Hwy 98. Commissioner Grove said she felt the company strong armed the Tree Committee by rushing the cutting, referring to DOT jurisdiction. Commissioner Grove recommended to draft a letter to Broad Spectrum outlining the process, and also requests an arborist be contacted to cut trees correctly.

Motion made to authorize Commissioner Grove draft letter made by Commissioner Bartley, second by Commissioner Elliott.

Motion carried 4 to 0  
Voting Aye: Elliott, Bartley, Grove, Mayor Johnson  
Voting Nay: None

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Janelle C. Paul, Deputy Clerk