

A workshop, public hearing, and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, December 7, 2010 starting at 5:30 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Water & Sewer Foreman William Cox

Visitors: Caroline Weiler, George Coon, Fred Vogt, Robin Vroegop, Lisa Spooner, Joseph O'Quinn, Joe Taylor, Geoffrey Hewell, Mike Standley, Liz Kelsey, Anita Grove, Jim Waddell, Susan Clementson, Mark Tarmey, Clarice Powell, Travis Osburn, Chris Moreno, Emily Powlen, Caroline Ilardi, Jeff Ilardi, Norma Hewell, Kayla Solomon, Dixie Partington, Lois Swoboda, Caty Greene, Sandy Hengle, Mary Ann Osburn, Gene Osburn, David Adlertstein, Jack Carbone, Dona Carbone, George Watkins, Bobby Miller, Cora Russ, Mark Browne, Dieter Ambos, Sally Williamson, Tom Daly

### **WORKSHOP – PROPOSED TREE ORDINANCE**

Workshop opened by Mayor Johnson.

Mayor Johnson stated this is a joint workshop with Planning & Zoning to discuss proposed tree ordinance.

Tom Daly reviewed proposed tree ordinance.

Commissioner Bartley expressed concern about people being able to cut trees on private property.

Commissioner Ash asked the procedure for obtaining a permit to cut down a tree.

Mr. Daly stated that Planning & Zoning is just trying to set some sort of guidelines.

Discussion held.

Workshop adjourned.

### **PUBLIC HEARING – ORDINANCE 2010-04 – LOITERING ORDINANCE**

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

Attorney Floyd read Ordinance 2010-04 by title as follows:

AN ORDINANCE BY THE CITY OF APALACHICOLA, FLORIDA, CITY COMMISSION PROVIDING FOR THE DEFINITION OF LOITERING THAT RESULTS IN AN OBSTRUCTION OR INTERFERENCE WITH THE PASSAGE OF

VEHICLE, TRAFFIC OR PEDESTRIANS IN DEFINED LOCATIONS THAT IS PROHIBITED BY THIS ORDINANCE, PROVIDING FOR DEFINITIONS, PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

No public comment.

Public hearing closed.

## **REGULAR MEETING**

### **RECOGNITION OF VISITORS**

\* Caroline Ilardi – Doggie Park – Ms. Ilardi is seeking approval for a doggie park to be located at the old high school site on 17<sup>th</sup> Street and Avenue L.

Commissioner Cook states the doggie park meets all the criteria and it is not out of the city range to maintain.

Motion to approve Doggie Park made by Commissioner Cook.

Commissioner Bartley asked how much City maintenance would be required.

Commissioner Cook stated just grass cutting and other general maintenance items.

Ms. Webb stated that letters were sent out to surrounding neighbors, and no responses were received.

Attorney Floyd stated he would like to review the rules and regulations of the doggie park.

Motion seconded by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

\* Chris Moreno & Emily Powlen – HDR and Southeastern Archaeological Research – Mr. Moreno and Ms. Powlen introduced themselves to the Commission and explained the ethnographical work they are conducting within the City. Ms. Powlen stated they have been contracted by BP to find places of historical value and cultural heritage that may have been impacted by the oil spill.

Discussion held and public comment received.

Ms. Powlen stated they will give updates to the Commission on progress.

Mayor Johnson stated that Mr. Moreno and Ms. Powlen will keep the Board updated as the study progresses forward.

\* Sandi Hengle – Address Franklin County Homeless Issue – Ms. Hengle stated she is working with the school system and her job is to address the Franklin County homeless student issue. Ms. Hengle stated that it is important that everyone who falls into the homeless category be counted. Ms. Hengle gave her contact information to the Commission.

**ADOPTION DECISION – ORDINANCE 2010-04 – LOITERING ORDINANCE**

Motion to authorize Attorney Floyd to read Ordinance 2010-04 for second reading made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

Attorney Floyd read Ordinance 2010-04 by title as follows:

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Motion to adopt Ordinance 2010-04 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

**APPROVAL OF MINUTES**

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

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

**APPROVAL OF BILL LIST**

Motion to approve October bill list made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

**CHAMBER OF COMMERCE REPORT**

Anita Grove submitted written report to Commission.

**TRAFFIC SAFETY TEAM REPORT**

Jim Waddell updated Commission on Board actions.

Mayor Johnson asked when the public hearing for Phase 2 of the sidewalk was going to be held.

Ms. Webb stated she hopes to have it scheduled for January meeting.

**LIBRARY REPORT**

Caty Greene submitted written report to Commission.

**PLANNING & ZONING REPORT**

Tom Daly updated Board on recent actions. Mr. Daly stated topics recently discussed have been museums in OR district and funeral home issue located at old Dr. Nichols office building across from CVS.

Mayor Johnson asked the status of George Kirvin Floyd project.

Mr. Daly stated original plans were submitted to all the architects and recommended changes were made to the design. Mr. Floyd has not submitted design changes.

Mayor Johnson asked if the original plans were up to code.

Mark Tarmey stated there were violations in height.

**FIRE DEPARTMENT REPORT**

George Watkins submitted verbal report.

**POLICE DEPARTMENT REPORT**

Chief Bobby Varnes submitted verbal report.

**CITY ADMINISTRATOR REPORT**

\* Ms. Webb stated that Commissioner Ash has to step down as City liaison on the TDC Board. Ms. Webb recommends reappointing Commissioner Cook.

Motion to appoint Commissioner Cook to TDC Board as City liaison made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated the Commission placed a moratorium on tree trimming within the City. Ms. Webb stated she needs clarification on whether the moratorium was for City right of way only or did it include private property.

Mayor Johnson stated he understood that the moratorium was to prevent Progress Energy from doing any more tree trimming on City right of way. Mayor Johnson stated the moratorium was not to impede someone from making a living from trimming trees. He was understood it was just for utilities and safety reasons.

Attorney Floyd stated a motion needs to be made to clarify that the moratorium only dealt with utility trimming on City right of way for non emergency situations.

Motion to clarify that the tree trimming moratorium only deals with utility trimming on City right of way for non emergency situations made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

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

Motion carried 4 to 0.

Voting Aye: Bartley, Cook, Ash, Mayor Johnson

Voting Nay: None

David Adlerstein asked the Commission if they have had communication with Progress Energy regarding the moratorium.

Ms. Webb stated Progress Energy is going to honor the moratorium.

Mayor Johnson stated the moratorium is for 5 months.

\* George Coon gave update on New Transmission Line Committee recent meeting.

Mr. Coon stated the Committee would like the Commission to approve the following:

1. The committee request the City allow and support when possible future citizen efforts to address the Progress Energy transmission line new construction expected to begin late March 2011.
2. The committee recommends that the City avoid entering further agreements or to extend the terms of the existing electric franchise agreement with Progress Energy.
3. The committee recommends that the City request Progress Energy to work with the City to find a way to bury the transmission line along Water Street using its own funds and to relocate its pole placement along Avenue F as indicated in the diagram showing "recommended alternative placements."

Motion to accept the New Transmission Line Committee recommendations as outlined by Mr. Coon made by Commissioner Bartley, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Cook, Ash, Bartley, Mayor Johnson

Voting Nay: None

Bobby Miller stated he can take weeks to get repairs done for underground service.

Mayor Johnson suggested the City follow the committee's recommendations and see what happens.

\* Mark Tarmey and James Waddell gave update on CDBG projects. Mr. Tarmey outlined the public restroom design that has been incorporated into the Commercial Revitalization Project.

Motion to authorize \$10,000 payment to 4M Design Group for design work on public restrooms to be paid from TDC funds made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 4 to 0.

Voting Aye: Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

#### **WATER & SEWER DEPARTMENT REPORT**

William Cox had nothing to report.

#### **STREET DEPARTMENT REPORT**

Marvin Croom not present.

#### **PUBLIC WORKS DEPARTMENT REPORT**

Wilbur Bellew not present.

#### **CITY CLERK REPORT**

Lee Mathes had nothing to report.

#### **ATTORNEY FLOYD REPORT**

Attorney Floyd updated Commission on ACOE litigation.

#### **OTHER VISITORS AND COMMENTS**

Clarice Powell stated the toy drive will be held on December 16<sup>th</sup> & 17<sup>th</sup>. Donations are running short this year, so if anyone can donate it would be greatly appreciated.

#### **MAYOR & COMMISSIONER'S COMMENTS**

Commissioner Bartley asked when the Scipio Creek project is going to start.

Mr. Waddell stated next week will be the formal kickoff with the design team.

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk