

Two Public Hearings and a Regular Meeting of the City Commission of the City of Apalachicola were held on Tuesday, March 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 Frank Cook, City Administrator Lee Mathes, City Clerk Deborah Guillotte, Chief of Police Bobby Varnes, City Attorney Pat Floyd

Visitors: Tom & Betty Fugate, Anita Grove, David Walker, August West, Ed & Candace Springer, Fred Vogt, Pam Richardson, Peter Gallant, Dennis Winterring, Diane Brewer, Kay Carson, Margene Off, Falan Goff, Carrie Kienzle, Creighton & Holly Brown, David Adlerstein, Bonnie Davis, Peter Olson, Marie Marshall, Chris & Cindy Clark, Dave & Michaelin Watts, Joe Taylor, Jim Bachrach, Gail Johnson, Bill McCartney, David Meyer, Erica Head

Public hearings opened by Mayor Johnson followed by prayer and pledge delivered by David Walker.

## **PUBLIC HEARINGS**

### **1. ORDINANCE NO. 2017-01 – CRA RESTRUCTURING**

Attorney Floyd read Ordinance No. 2017-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA PERTAINING TO RESTRUCTURING AND APPOINTMENT OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

No Public comment.

### **2. ORDINANCE NO. 2017-02 – SUPPLEMENTAL CODE/ORDINANCE ENFORCEMENT**

Attorney Floyd read Ordinance No. 2017-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING ADDITIONAL AND SUPPLEMENTAL MEANS OF ENFORCING CITY CODES OR ORDINANCES OR BOTH INCLUDING THE LAND DEVELOPMENT CODE; PROVIDING FOR THE CODE ENFORCEMENT OFFICER DESIGNATED BY THE CITY TO HAVE CERTAIN POWERS AND RESTRICTIONS; PROVIDING FOR THE CODE ENFORCEMENT OFFICER TO ISSUE CITATIONS; PROVIDING A SYSTEM OF NOTICES FOR VIOLATION OF CODES OR ORDINANCES OF THE CITY AND PROVIDING FOR THE FORM OF THE CITATION; PROVIDING FOR THE VIOLATION ENFORCED THROUGH THIS PROCEDURE TO BE A CIVIL INFRACTION; PROVIDING FOR PENALTIES TO BE ASSESSED; PROVIDING FOR THE CITATION TO BE PRESENTED TO AND UPON CONTEST, DETERMINED BY THE COUNTY COURT; PROVIDING FOR PENALTIES FOR FAILURE TO PAY THE FEE AND FOR REPEAT VIOLATION AND REFUSAL TO SIGN; PROVIDING FOR THE REPEAL OF PARTS OF

ORDINANCES AND ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

No public comment.

Attorney Floyd stated he made a few changes after last month's meeting with the primary change dealing with including citation/notice to appear.

Public hearing closed. Regular meeting opened by Mayor Johnson.

## **REGULAR MEETING**

### **RECOGNITION OF VISITORS**

1) Erica Head – Ms. Head introduced herself stating she was working with Joe Taylor with Franklin's Promise in the upcoming clean-up effort called 1000 Hands of Hope and is very excited and looking forward to working with these young students.

2) Augusta West (Main Street) – Ms. West gave update on the downtown directional signage project and video project promoting City of Apalachicola outlining what Apalachicola has to offer when visiting our town. Main Street will be making a funding request to TDC and is asking the City's support to proceed with projects as outlined.

Ms. West inquired about status of the downtown sidewalk and alcohol ordinances.

Attorney Floyd stated draft should be completed this week with proposed changes.

Motion to support Main Street in making funding request to TDC for projects as outlined made by Commissioner Elliott, second by Commission Bartley.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

3) Bill McCartney – Mr. McCartney updated Commission on SRL DEP loan status and RESTORE Act Project progress.

Mr. McCartney stated there are a number of bills in the Florida legislature that circumvent city and county governments from implementing certain programs and recommends passing a resolution stating the City of Apalachicola is opposed to anything that circumvents or eliminates the city governments for applying for any programs.

**ADOPTION DECISION – ORDINANCE 2017-01 – CRA RESTRUCTURING**

Attorney Floyd read Ordinance No. 2017-01 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA PERTAINING TO RESTRUCTURING AND APPOINTMENT OF THE APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2017-01 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

**ADOPTION DECISION – ORDINANCE 2017-02 – SUPPLEMENTAL CODE/ORDINANCE ENFORCEMENT**

Attorney Floyd read Ordinance No. 2017-02 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING ADDITIONAL AND SUPPLEMENTAL MEANS OF ENFORCING CITY CODES OR ORDINANCES OR BOTH INCLUDING THE LAND DEVELOPMENT CODE; PROVIDING FOR THE CODE ENFORCEMENT OFFICER DESIGNATED BY THE CITY TO HAVE CERTAIN POWERS AND RESTRICTIONS; PROVIDING FOR THE CODE ENFORCEMENT OFFICER TO ISSUE CITATIONS; PROVIDING A SYSTEM OF NOTICES FOR VIOLATION OF CODES OR ORDINANCES OF THE CITY AND PROVIDING FOR THE FORM OF THE CITATION; PROVIDING FOR THE VIOLATION ENFORCED THROUGH THIS PROCEDURE TO BE A CIVIL INFRACTION; PROVIDING FOR PENALTIES TO BE ASSESSED; PROVIDING FOR THE CITATION TO BE PRESENTED TO AND UPON CONTEST, DETERMINED BY THE COUNTY COURT; PROVIDING FOR PENALTIES FOR FAILURE TO PAY THE FEE AND FOR REPEAT VIOLATION AND REFUSAL TO SIGN; PROVIDING FOR THE REPEAL OF PARTS OF ORDINANCES AND ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve Ordinance No 2017-02 made by Commissioner Elliott, second by Commissioner Bartley.

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Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson  
Voting Nay: None

**ADOPTION DECISION – RESOLUTION 2017-03**

David Walker presented the City of Apalachicola with certificate supporting the Healthiest Weight Florida Initiative program.

Attorney Floyd read Resolution 2017-03 in its entirety.

Motion to adopt Resolution 2017-03 made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson  
Voting Nay: None

**FALAN GOFF – FAMU – MONTHLY REPORT**

Ms. Goff gave monthly report highlighting the upcoming workshops and expos.

Attorney Floyd commended FAMU on the job incubator program stating he had seen this in Atlanta and was very impressed.

**APPROVAL OF FEBRUARY MINUTES**

Motion to approve February minutes made by Commissioner Elliott, second by Commission Bartley.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson  
Voting Nay: None

**APPROVAL OF JANUARY BILL LIST**

Motion to approve January bill list made by Commissioner Cook, second by Commissioner Elliott.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson  
Voting Nay: None

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**ADOPTION DECISION – RESOLUTION 2017-04 – RESTORATION OF APALACHICOLA’S HISTORIC CITY SQUARES**

Attorney Floyd read Resolution 2017-04 in its entirety.

Motion to adopt Resolution 2017-04 made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

**ADOPTION DECISION – RESOLUTION 2017-05 - FRANKLIN COUNTY FLOOD MITIGATION PLAN**

Attorney Floyd read Resolution 2017-05 in its entirety.

Motion to adopt Resolution 2017-05 made by Commissioner Bartley, second by Commissioner Cook.

Attorney Floyd recommends approving contingent upon his and City Planner review.

Commissioner Bartley amends motion per Attorney Floyd's recommendation.

Motion to adopt Resolution 2017-05 contingent upon review and approval of City Attorney and City Planner made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

**FIRST READING – ORDINANCE NO. 2017-04 – BUILDING HEIGHT**

Attorney Floyd read Ordinance No. 2017-04 by title as follows:

**AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO BUILDING HEIGHT, GRADE AND PERMISSIBLE BUILDING HEIGHT; PROVIDING FOR REVISIONS IN SECTION IV RELATING TO BUILDING HEIGHT LANGUAGE IN ZONING DISTRICTS R-1, R-2, R-3, R-4, O/R, C-1, C-2, C-3, C-4, AND RC; PROVIDING FOR REVISIONS TO SECTION VII (SITE PLAN REGULATIONS) AND SECTION X (TRANSIENT LODGING); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.**

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Motion to approve first reading of Ordinance No. 2017-04 and proceed with adoption process made by Commissioner Cook, second by Commissioner Bartley.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

**FIRST READING – ORDINANCE NO. 2017-05 – NON-CONFORMING STRUCTURES**

Attorney Floyd read Ordinance 2017-05 by title as follows:

**AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO HISTORIC STRUCTURES, LOTS OF RECORD, NONCONFORMING BUILDINGS, NONCONFORMING LOTS AND VARIANCES; PROVIDING FOR REVISIONS IN SECTION VI (HISTORIC AND CULTURAL PRESERVATION REGULATIONS) RELATING TO HISTORIC AND ALTERED HISTORIC STRUCTURES; PROVIDING FOR REVISIONS IN SECTION III (ENFORCEMENT AND ADMINISTRATION) RELATING TO ADMINISTRATION OF FLOODPLAIN MANAGEMENT ORDINANCE 2013-02 AS IT RELATES TO NONCONFORMING STRUCTURES; PROVIDING FOR REVISIONS IN SECTION IV (ZONING DISTRICTS AND REGULATIONS) RELATING TO DEVELOPMENT STANDARDS FOR NONCONFORMING USE, STRUCTURE AND LOTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.**

Motion to approve first reading of Ordinance No. 2017-05 and proceed with adoption process made by Commissioner Elliott, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

**GARBAGE/TRASH – PICKUP DISCUSSION**

Ms. Mathes stated Franklin County and Waste Pro now have new regulations regarding garbage/trash pickup. New garbage regulations were advertised, but the City is still tasked with picking up debris not covered under Waste Pro contract. Ms. Mathes recommends notifying property owner of garbage/trash debris, and if property owner does not adhere to the regulations, then the City will bill property owner for debris removal.

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Mayor Johnson inquired if this is a fee for all citizens or just the citizens not complying.

Ms. Mathes commented this is for the citizens that do not pick up their trash after notification by the City. Ms. Mathes stated next week we will be doing a citywide clean-up and this will take effect after

this has been done.

Mayor Johnson stated he supports imposing a fee and this can be enforced with help of the code enforcement process.

Ms. Mathes clarified that the fee will only be imposed after proper notification to the property owner. This fee does not relate to the normal yard debris pickup through Waste Pro, but only applies to piles out of the realm of Waste Pro contract. Code enforcement is encouraging citizens to utilize amnesty days.

Carrie Kienzle inquired what to do if a storm takes a tree down and also if a lawn service company cleans your yard.

Ms. Mathes stated that storms fall within FEMA guidelines, and lawn service companies are responsible for disposing of debris after clean-up.

David Adlerstein asked about City's policy of the recycle bins.

Ms. Mathes stated the recycle bins are the County's responsibility.

Mayor Johnson requests approval for Ms. Mathes to draft a resolution imposing a fee for the City removing garbage/trash after proper notification and bring back before the Commission for approval.

Motion to authorize Ms. Mathes draft a resolution imposing fee for the City removing garbage/trash after proper notification made by Commission Bartley, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

## **PLANNING & ZONING**

a) Motion to confirm January Minutes made by Commissioner Bartley, second by Commissioner Cook.

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Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

b) Cindy Clark-City Planner – Cindy Clark reviewed monthly report. Ms. Clark requests approval to

develop procedures for dealing with parking mitigation and storm water utility fees.

Mayor Johnson recommends making a motion for staff to draft and outline recommendations on policies for parking mitigation and storm water utility fees for review. Mayor Johnson clarified that Cindy Clark is drafting these policies and is the City of Apalachicola's City Planner.

Motion for Cindy Clark, City Planner to work with Attorney Floyd and staff to draft policies dealing with parking mitigation and storm water utility fees made by Commissioner Bartley, second by Commissioner Cook.

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

#### **CITY ADMINSTRATOR**

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

Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

#### **ATTORNEY FLOYD**

1) Attorney Floyd updated Commission on FL vs. GA litigation.

2) Attorney Floyd stated Ms. Webb has indicated that it would not be beneficial for the City to continue their membership and participation with ACFS at this time, but needs Commission guidance.

Bill McCartney stated he agrees with Ms. Webb and feels the City would no longer benefit.

Motion to discontinue membership with ACFS made by Commissioner Bartley, second by Commissioner Cook.

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Motion carried: 4 to 0

Voting Aye: Cook, Bartley, Elliott, Mayor Johnson

Voting Nay: None

3) Attorney Floyd commented he is researching a 1% tourist impact tax that is allowed for Areas of Critical State Concern and also another type of tax from businesses to bring funding into the City.



### **OTHER VISITORS & COMMENTS**

1. Carrie Kienzle inquired about the \$25,000 for shelving for the new library and when they could order or collect this money. Ms. Kienzle commented how great the new sign looks and that they are still working on paving and retention pond issues that costs \$75,000 and that they will be asking TDC for their support on this funding.

Mayor Johnson reminded that the City has an agreement with the County that the City will be provide parking for the doctor's office for at least a decade.

Commissioner Elliott commented the City needs to inquire about opening up an entrance from Highway 98 to the doctor's office for ambulance access.

Carrie Kienzle commented she will be meeting with Ms. Webb this week on these issues.

Ms. Mathes stated she will issue a purchase order tomorrow for the shelving.

Cindy Clark reminded the Commission that the City needs to stay within the parking requirements for the new library.

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

1. Commissioner Elliott asked if installing a shower at Battery Park could be considered.

Chief Varnes stated he doesn't see where this would be a benefit but a few people and is not worth all the issues.

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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