

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, August 8, 2017 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 Frank Cook, City Administrator Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes

Visitors: Geoffrey Hewell, Kathy Rushmon, Diane Brewer, Dennis Winterringer, Celia Winterringer, Jan Thomas, P. Richardson, Riely O'Connor, Molly Moon, Dan Coucoran, Terry Coucoran, Charles Kienzle, Joe Taylor, Mark Milliken, Elizabeth Milliken, Holly Brown, Creighton Brown, George Coon, Anita Grove, Karen Ventimiglia, Uta Hardy, Willoughby Marshall, Marie Marshall, C. J. Weyrich, Brent Mabrey, Ramon Valenzula, Bob Brier, Leigh Coble, Judi Stokowski, Charles Elliott, Augusta West, Elizabeth Wright, Fran Edwards, Cindy Clark, David Adlerstein, David Meyer, Carol Barfield, John Lee, Nancy Hodgson, John Solomon, Margene Off, Falon Goff, Bonnie Davis, Bobby Miller, Matt Nemec

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

PUBLIC HEARING – ORDINANCE 2017-07 – TRANSIENT LODGING

Attorney Floyd read Ordinance 2017-07 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Cindy Clark outlined contents of ordinance.

Judi Stokowski expressed concern how ordinance would affect current transient lodging establishments.

No further public comment, public hearing closed.

REGULAR MEETING

ADOPTION DECISION – ORDINANCE 2017-07 – TRANSIENT LODGING

Attorney Floyd read Ordinance 2017-07 by title as follows:

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Ordinance 2017-07 made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

RECOGNITION OF VISITORS

1. Bobby Miller – Building Height Ordinance

Mr. Miller requests the Commission, in relation with the current height restriction rules, enact an ordinance that would require anyone, including the Commission, who want to obtain a variance or change the existing height regulations in any way, to first, at the petitioner's expense, obtain a 75% majority vote from the registered voters of Apalachicola. 75% majority vote would be 75% of the total votes cast, not 75% of the total registered voters. Mr. Miller request vote be held at polls, and not mail in ballot style vote, and would also requests that this recommendation be made part of the City's Comprehensive Plan. Mr. Miller stated this will give the citizens of Apalachicola the opportunity to determine what Apalachicola will look like down the road.

Mayor Johnson asked Cindy Clark if the City has any teeth in the City's existing codes that would prevent anyone from asking for a variance.

Ms. Clark stated no, anyone can petition the Board of Adjustment for a variance for height upon demonstrating hardship.

Mayor Johnson stated he agrees with Mr. Miller.

Commissioner Ash asked Attorney Floyd what would be the legal process for this request.

Attorney Floyd stated there would be an ordinance, but it would have to be protected to make sure the ordinance could not be changed but there are provisions and ways to require a super majority on certain items, and I will check to see how far legally the City can go with that. The objective would be to make sure the ordinance is put in place that anyone requesting a variance or anyone requesting to change the ordinance would require 75% of the vote of those casting ballots.

Mr. Miller reviewed state standards regarding super majority vote. Mr. Miller stated enacting this ordinance would put protection for Apalachicola and if Commission sees fit to proceed then he will then address the County Commission asking for the same.

Mayor Johnson stated he would entertain a motion to start the process to put this request into ordinance form.

Motion to authorize Attorney Floyd to start ordinance process that would require, at petitioner's expense, approval from 75% of the registered voters of those casting ballots to change height requirement made by Commissioner Elliott, second by Commissioner Cook.

Beth Wright expressed concern regarding the voting process.

Attorney Floyd asked Commissioner Elliott to amend motion to begin the process to formulate the research on restrictions on variances or changes to the 35 foot height limit as it exists at this time within the legal limits.

Commissioner Elliott amended motion. Commissioner Ash seconded amended motion.

Ms. Clark stated there is already a height variance scheduled to go before Board of Adjustment.

Attorney Floyd stated the starting point will have to be after adoption.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

2. Matt Nemeč – Waterstreet Inn's 10th Anniversary Celebration

Mr. Nemeč is requesting permission to block the street in front of Water Street Hotel on September 23rd for the 10th Anniversary Celebration.

Mayor Johnson informed Mr. Nemeč to coordinate with the Police and Public Works Departments.

Motion to authorize blocking off street on September 23rd in front of Water Street Hotel to hold celebration made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

FAMU – MONTHLY REPORT

Falon Goff presented monthly report.

Bill McCartney gave update on RESTORE project application. Mr. McCartney stated the County has postponed the project submission deadline until January 2018.

Mayor Johnson stated the RESTORE Act Committee has not been notified of the postponement.

PADDLE JAM

Nancy Hodgson outlined events of the fall Paddle Jam to be held October 6 – 8 at Battery Park.

Mayor Johnson asked if boat ramps would be closed during launch period.

Ms. Hodgson stated the event will use 2 ramps, leaving one open for public use.

Motion to authorize Paddle Jam to be held October 6 – 8 in Battery Park made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF MINUTES

Motion to approve July minutes made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

APPROVAL OF BILL LIST

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

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

FIRST READING – ORDINANCE 2017-03 – SIDEWALKS AND RIGHTS-OF-WAYS

Attorney Floyd read Ordinance 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 PROVISION 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.

Mayor Johnson pointed out that there will be fees associated with sidewalk usage.

Motion to approve first reading and proceed with adoption process of Ordinance 2017-03 made by Commissioner Elliott, second by Commissioner Cook.

Attorney Floyd stated this ordinance is written with the committee wording and recommends Commission read and make changes if necessary.

Commissioner Ash asked Chief Varnes if he had any issues with this ordinance.

Chief Varnes stated he does not.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

FIRST READING – ORDINANCE 2017-08 – ALCOHOLIC BEVERAGES

Attorney Floyd read Ordinance 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 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.

Mayor Johnson referred to special events in Section 1.5 recommending adding statement that all special single day events will only be allowed after City Commission approval.

Motion to approve first reading of Ordinance 2017-08 adding statement to Section 1.5 that all special single day events will be allowed after City Commission approval and to proceed with adoption process made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Ash, Elliott, Cook, Mayor Johnson

Voting Nay: None

FIRST READING – ORDINANCE 2017-09 – DOGS IN OUTDOOR PUBLIC FOOD SERVICE AREAS

Attorney Floyd read Ordinance 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 approve first reading of Ordinance 2017-09 and proceed with adoption process made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

SAWYER LANE & ELLIS VAN VLEET PAVING DISCUSSION

Motion to approve paving of Sawyer Lane, Ellis Van Vleet, and one block of 17th Street made by Commissioner Elliott, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

REQUEST TO NAME DRIVEWAY IN BATTERY PARK “DENNIS MARTINA WAY”

Ms. Mathes stated that Ben Coogle would like to name the driveway in Battery Park “Dennis Martina Way.” Mr. Coogle will provide all the signage and materials to erect the signs.

Diane Brewer stated she feels this request should come before the Recreation Committee before a decision is made.

Mayor Johnson stated it is a driveway, not an official street, and it honors one of the longtime residents of this community.

Discussion held.

Motion to name Battery Park driveway Dennis “Squeaky” Martina Way made by Commissioner Ash, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

PLANNING & ZONING

Motion to confirm June Planning & Zoning minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

CINDY CLARK – CITY PLANNER MONTHLY REPORT

Cindy Clark updated Commission on CVS development stating project is inconsistent in lot coverage, land use, and stormwater. A demolition permit will be coming before Planning & Zoning, and if Planning & Zoning confers with demo, that approval does not approve the development in any way.

Attorney Floyd stated demolition approval is not to be implied as approval for development but just approval for demolition only.

Bonnie Davis asked if the demo permit gave developer authorization to proceed.

Ms. Clark stated in the City’s perspective it does not, but she can’t speak for the applicant.

Attorney Floyd stated any action taken by Planning & Zoning, it will be conditioned that approval is for demolition only, not approval to proceed with development.

CITY ADMINISTRATOR

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

Motion carried 4 to 0.

Voting Aye: Elliott, Cook, Ash, Mayor Johnson

Voting Nay: None

ATTORNEY FLOYD

Attorney Floyd updated Commission on TTHM water litigation and FL v. GA litigation.

OTHER VISITORS & COMMENTS

Beth Wright stated in the past, the Paddle Jam event disturbed the nesting at Bird Island and would like some contact information so this problem can be avoided this year.

Mayor Johnson stated the City can only regulate the use of the City facilities.

Commissioner Ash stated she will give Ms. Wright Nancy Hodgson contact information.

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee Mathes, City Administrator

