

**REGULAR MEETING  
CITY COMMISSION  
CITY OF APALACHICOLA, FLORIDA  
TUESDAY, FEBRUARY 4, 2020 – 6:00 PM  
APALACHICOLA COMMUNITY CENTER  
#1 BAY AVENUE  
APALACHICOLA, FLORIDA**

**AGENDA**

You are welcome to speak or comment on any matter under consideration by the Apalachicola Board of City Commissioners when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the five minute time limit for public comment. Those wishing to speak concerning an item on the agenda shall complete a speaker card and give it to the City Clerk before the meeting starts.

- I. Call to Order
  - Invocation (Please rise and remain standing)
  - Pledge of Allegiance
  
- II. Agenda Adoption
  
- III. Mayor's and Commissioners Reports and Communications
  - City Commission Conduct
  - USDA Filter Grant Update
  - Water Loss Audit
  - Street Lights
  - Denton Cove
  - Airbnb Discussion
  
- IV. City Manager Communications
  - Finance Update
  - Budget Calendar
  - Annual Board Retreat
  - USDA Small Project Grant Request
  - Joint Meeting – Fill Ordinance – February 10, 2020 at 5:00 PM
  - Census 2020 Complete Count Committee
  
- V. Attorney Kristy Branch Banks Communication
  - Board of Adjustment Decision – McLemore
  
- VI. Presentations
  - A. Municode Project Update – Rebecca Jetton
  - B. Recreation Committee Update – Riverfront Park – Elinor Mount-Simmons, Chair

VII. Public Comment

The public is invited to speak on any agenda, non-agenda and/or consent agenda topics. Comments should be less than “five” minutes.

*All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.*

VIII. Consent Agenda

A. Meeting Minutes Adoption

- **Suggested Motion:** Adopt the October 14, 2019 Special Meeting, October 17, 2019 Special Meeting, November 5, 2019 Regular Meeting and November 19, 2019 Special Meeting Minutes.

IX. Unfinished Business

- A. Resolution 2020-02 – Apalachicola Main Street
- **Suggested Motion:** To Adopt Resolution 2020-02
- B. City Manager Discussion
- **Suggested Motion:** None at this time pending further discussion by the City Commission.

X. New Business

- A. Proposed FDOT Sidewalk Project Along Highway 98
- **Suggested Motion:** To Support Franklin County's Application to FDOT for the Construction of a Sidewalk Along Highway 98 and Once Completed Agree to Maintain the Portion of Sidewalk Located Within the City Limits.
- B. Resolution 2020-03 Adopting the Franklin Comprehensive Emergency Management Plan for the City of Apalachicola.
- **Suggested Motion:** To Adopt Resolution 2020-03 Adopting Franklin County Comprehensive Emergency Management Plan for the City of Apalachicola.
- C. Philaco Lease Agreement – Old Library Building
- **Suggested Motion:** None at this time pending further discussion by the City Commission.
- D. Ordinance 2020-01 Amending Article 17 – Elections of the City of Apalachicola Charter
- **Suggested Motion:** To Approve the First Reading of Ordinance 2020-01 Amending Article 17 – Elections of the City of Apalachicola Charter and Proceed with the Adoption Process.
- E. Website Update
- **Suggested Motion:** To Develop a Request for Proposals for Professional Services to Create a New Website or Update the Existing Website.
- F. Board and Committee Discussion
- **Suggested Motion:** None at this time pending further discussion by the City Commission.

XI. Adjournment

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.





# CITY OF APALACHICOLA

192 Coach Wagoner Boulevard • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205  
www.cityofapalachicola.com

February 4, 2020

Mayor

Kevin Begos

TO: Mayor and City Commission

Commissioners

Brenda Ash

Adriane Elliott

Despina George

Anita Grove

FR: Ron Nalley, City Manager *RN*

RE: City Manager Communications – February City Commission Meeting

City Manager

Ron Nalley

During your meeting on February 4<sup>th</sup>, I will be giving a brief update on several matters. Below is a summary of those topics:

City Clerk

Deborah Guillotte, CMC

- 1) Finance Update – Conversion work to QuickBooks is very close to being completed. Training continues on completing payroll and processing payables. The finance report will be distributed at your meeting.
- 2) 2020-2021 Budget Calendar – The 2020-2021 Budget Calendar will be distributed at your meeting. In March, staff will begin preparing the Capital Improvement Plan in preparation for Commission review in May and adoption in July. In July, staff will begin preparing the Annual Budget for the initial presentation to the Commission in August and final adoption in September. Workshops can be scheduled by the Commission throughout the calendar period in order to receive regular updates, receive public input and to provide any further direction to staff.
- 3) Commission Retreat – As we move towards budget season, I would like to propose that the Commission set a time and date for a one-day retreat to discuss existing projects and to allow the development of immediate, intermediate and long-range goals for the next fiscal year. These goals are then used by staff to develop a realistic working budget for the City and to accomplish the annual priorities of the Commission.
- 4) USDA Small Project Grant Request – The City has been notified by USDA that additional money is available to fund a small project through their grant program. The Police vehicle replacement was funded for this fiscal year. The three projects that were specifically mentioned by the USDA Area Specialist were the Accounting Software Project - \$40,000; the Inspections Vehicle Replacement - \$34,000; the Public Access Computer Replacement Project at the Library - \$10,000; and the Backhoe Replacement - \$90,000. The grant program will fund 75% of the cost of the project and the City will be responsible for the remaining 25%. I will ask the Commission for guidance on which project they would like to submit to USDA for possible funding.

City Attorney

Kristy Branch Banks

- 5) Joint Meeting – Fill Ordinance - The Commission will be holding a joint workshop with the Planning and Zoning Board on February 10, 2020 at 5:00 p.m. at the Community Center. The purpose of the workshop is to discuss the proposed Fill Ordinance.
  
- 6) Census 2020 Complete Count Committee – The “Apalachicola Counts” Complete Count Committee continues to meet with the Franklin County Complete Count Committee. Committee members attended the Oyster Cook-Off and the Butts and Clucks events and handed out information regarding the Census. The Committee has plans to attend the HCOLA event and the Mardi Gras Pet Parade in February. It is important to remember that help is needed to encourage everyone to complete and respond to the 2020 Census. An increase response rate means increased dollars for the community.

If you questions or have other topics that you would like for me to update you on, please do not hesitate to contact me.

CITY OF APALACHICOLA  
ADMINISTRATION DEPARTMENT  
JANUARY 2020

- Updated meeting calendar on website
- Complete all quarterly Payroll Reports. W2's and 1099's
- Posting and Learning New Payroll Quick Books Program
- Posted October revenues and expenses
- Assisted staff with tree applications, utility bill issues, and payroll processing
- Staff assisted with Cemetery, utility bills, garbage, permitting issues, city property rentals and other miscellaneous duties
- Billing Clerk has taken on the responsibility of managing the front office, taking bills, answering phones, assisting customer with permit applications in the absence of our permit clerk in addition to her own duties. Her duties fall behind due to this increased load and she manages to stay on task and meet deadlines. She has assisted me with the preparation of Agenda packets and fills in during my absence.
- Completed tasks as assigned by the City Manager
- Continue working on FEMA issues
- Public Records Request 1

85 work orders issued and 69 work orders completed  
1986 payments processed  
1929 bills processed  
74 cuts-off – unpaid water bills  
Approximately 150 accounts payable checks processed

## Apalachicola Margaret Key Library Monthly Report -- January 2020

### Statistics:

- 18 new cards issued
- 92 new items added to the collection
- 580 items checked out
- 317 computer & 355 Wi-Fi use
- 2 programs for youth with 17 participants
- 28 information inquiries & assists
- 0 archival inquiries
- 0 archival documents added to database

### Activities:

- January started with a bang as Snow Birds have come flocking back to town and to the library. It's great to see familiar faces and introduce the library to new ones. After a sleepy December, circulation of materials is on the increase. Love it that people read.
- The library hosted the final Tween & Teen Tech Takeover in mid-January. This program was moderately successful but it has become apparent that in-house expertise will be much more cost efficient. This is something to consider as we move forward with summer reading plans.
- With the resignation of the library director, operations are in "hold steady" mode as there haven't been any discussions with the City as to the direction the Commissioners might want to head. Information should be forthcoming soon.
- Classical Guitarist Peter Fletcher will be performing February 15, 5 p.m. at the Community Room located at Battery Park. Crowd response has been so high there is a need for a bigger venue. This is the second time Mr. Fletcher has performed in Apalachicola.

**Police Department  
January 2020**

Traffic Stops/ Warnings/ citations	32
Arrests/ Warrant Requests	6
Traffic Accidents	4
Burglary/Theft calls	9
Assist Citizens/ Complaints/investigations	251
Trespass Warnings/agreements	9
Business alarm calls/building checks/welfare checks	460
Assist county call/other agencies	25
Domestic cases involving violence/disturbance calls	12
Drugs	0
Total calls from dispatch	1030

Happy New Year! January brings extra patrol and much activity. The downtown bars and businesses were patrolled extra on New Years eve, with no major problems reported. We continue to put extra patrol in the areas where reports have been made of speeding and running stop signs. Extra attention has been placed on speeding, especially near the foot of the bridge. Three warrants were cut this month and three arrests were made. APD had special detail this month, lending security for the annual oyster cook off and Butts and Clucks event. Both went over with no problems. APD assisted the FCSO this month with a special drug investigation/bust. Domestic calls are increased this month, but no arrests were made and most calls were unfounded or subjects gone upon arrival. The gun range continues to grow with 34 members.

Lizzette Dearing  
Apalachicola Police Department  
127 Ave E  
Apalachicola, FL 32320  
850-653-9755  
Lizzette@gtcom.net



## City of Apalachicola Public Works Monthly Report February 2020

The public works department, services all city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed. And set community center up for monthly meetings.

Serviced 3 vehicles.

We collected 92 bags of garbage down town and parks.

We put up 2 stop signs on Avenue M, and 15<sup>th</sup> Street making it a four-way stop.

We cut Lafayette, Riverfront, Scipio, and Battery parks, twice this month.

We installed new gate at firing range.

We cut and cleaned ditches on 22<sup>nd</sup> and 23<sup>rd</sup> Street

On 1-3-20 cut and cleaned between 5<sup>th</sup> and 6<sup>th</sup> and F and G.

On 1-6-20 cut and cleaned alley between 9<sup>th</sup> and 10<sup>th</sup> and avenue H and I.

We removed cement side walk slabs at Battery Park and filled with dirt.

We put no dumping signs up at 5<sup>th</sup> street barn.

We cut and cleaned several ditches for storm water runoff.

On 1-22-20 replaced stop signs at 25<sup>th</sup> timothy Simmons, Bobby Cato, ave m and 15<sup>th</sup> st.

We completed 11 work orders.

We had 3 funerals open and close.

We cut tree down on alley between 25<sup>th</sup> and 24<sup>th</sup> st.

We removed old recliner out of water at slip 51.

Cleaned and cut back alley between napa and center st.

Ordered culvert pipe to drain water on 8<sup>th</sup> st. and ave. d.

public works monthly work load indicators 2019/2020

	signs replaced	work orders	trash bags	culverts replaced	veh. Serviced	funerals
oct	1	11	137	0	1	4
nov	2	13	140	1	1	3
dec	1	9	128	0	2	3
jan	5	11	92		3	3
feb						
march						
april						
may						
june						
july						
aug						
sept						
total	9	44	497	1	7	13

## Water and Wastewater Department Monthly Report

Jan 2020

### Water Plant

- . We treated 10,890,000 gal of Drinking Water
- . Greased the stripper blowers
- . Replaced Level transmitter for #2 ET tank ( 14<sup>th</sup> ST.)

### Wastewater Plant

- . We treated 7,150,000 gal of wastewater
- . Repaired 4" line going to Geo Tubes and Drying beds
- . Replaced fuse for #2 Reuse pump
- . Greased all 3 Reuse pumps

### Distribution and Collections

- . We did 1 water tap
- . Completed 39 Work orders from City Hall
- . Repaired 4 small water leaks
- . Did 20 Line locates
- . Started a new Hydrant flushing program every Tuesday
- . Handled 20 after hours call outs



**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, NOVEMBER 5, 2019, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

**PRESENT:** Mayor Kevin Begos  
Commissioner Brenda Ash  
Commissioner Anita Grove  
Commissioner Despina George  
Commissioner Adriane Elliott  
  
Ron Nalley, City Manager  
Deborah Guillotte, City Clerk  
Kristy Banks, City Attorney

**CALL TO ORDER**

Mayor Begos called the meeting to order at 6:05 PM and Dolores Croom gave the invocation. Council members led the pledge of allegiance.

**AGENDA ADOPTION**

Mayor Begos called for a motion to approve the agenda.

Attorney Kristy Banks requested under Section Five that a third Special Meeting – Shade Meeting for the lawsuit regarding Smith and Nall be held November 12, 2019 at 1:40 PM and that a Special Meeting – Shade Meeting for the Grieg Lawsuit for – November 26, 2019 at 2:00 PM be moved to December 3, 2019 at 4:00 PM at City Hall.

Mr. Nalley requested that Consent Agenda Item A – Meeting Minutes Adoption be removed.

Commissioner Ash made a motion to approve the agenda as revised. Commissioner Grove seconded and the motion carried 5-0.

**MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS**

**A. Resolution 2019-23 – Thanking Mike Kinnett for his Dedication to the City and to Orman House State Park.**

Mayor Begos read Resolution 2019-23 in its entirety.

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA THANKING PARK RANGER MICHAEL KINNETT FOR HIS DEDICATION TO THE CITY AND TO ORMAN HOUSE STATE PARK.**

Commissioner Grove made a motion to adopt Resolution 2019-23 thanking Park Ranger Michael Kinnett for his dedication to the City and to Orman House State Park. Commissioner George seconded and the motion carried 5-0.

**B. Proclamation Declaring November 30, 2019 as Small Business Saturday**

Mayor Begos read Proclamation declaring November 30, 2019 as Small Business Saturday in its entirety.

Commissioner Grove made a motion to adopt the Proclamation declaring November 30, 2019 a Small Business Saturday. Commissioner George seconded and the motion carried 5-0.

**C. Florida Department of Environmental Protection (DEP) Meeting Update**

Mayor Begos gave an update on his meeting with the Department of Environmental Protection and the revolving loan stating that they are pleased with the progress the City has made. DEP suggested that the City complete an Asset Management Plan through the Florida Rural Water Association. The Plan is an analysis of the water and sewer system and will address the highest priority needs based upon condition and criticality of the component.

Mayor Begos then gave an update concerning the Environmental Stewardship Bill stating that it has a chance this year moving forward in the legislature.

Mayor Begos also gave a brief review of his meetings regarding Weems Hospital and stated he has been appointed to the hospital board as well as the Tourist Development Council.

Commissioner Ash commented on the current political atmosphere of disrespect, meanness, and rudeness and how overwhelming it has been to both citizens and staff. She reminded everyone that we are a team and only need to be concerned with what is best for the City and its citizens and not tear down colleagues and staff. Commissioner Ash gave her point of view of the City Manager and that the strong Mayor form of government would be totally political and open disruption for the City. Commissioner Ash stated that if we were to terminate the City Manager, that the City would be obligated to pay severance. Commissioner Ash also stated her concerns with having so many meetings a month and staff not being able complete their day to day work along with the concern that staff should not be micromanaged.

Commissioner Grove announced that she has been appointed to the Apalachicola Systems Initiative Advisory Board as liaison to the City. Commissioner Grove expressed her concern with an item removed from the proposed Agenda recognizing the fire department for improving the ISO rating from a probationary ten to a five and would like this to be reschedule for the December agenda.

#### **CITY MANAGER COMMUNICATIONS**

- **Census 2020 Complete Count Committee** – Mr. Nalley reported that the Complete Count Committee met on October 24<sup>th</sup> and participated in the training provided by the US Census Bureau. The initial committee will be looking for additional volunteers to assist them as they begin their work. If anyone is interested in serving on this committee please notify Mr. Nalley or the City Clerk. It is important to remember that help is needed to encourage everyone to complete and respond to the 2020 Census. Mr. Nalley stated that the next meeting is scheduled for November 18<sup>th</sup> at 3:00 p.m. at City Hall.
- **Financial Update** – The 2018-2019 fiscal year end financial statements were included in the agenda packet, however upon further review staff discovered some errors and the statements will need to be revised. Mr. Nalley pointed out that the City ended the year with a positive cash balance in both the general and enterprise funds.
- **Project Impact Grant Award** – Mr. Nalley congratulated Nadine Kahn and the Project Impact staff for funding of their program through the 21<sup>st</sup> Century Community Learning Centers Grant. This \$2,556,600 award will extend Project Impact for an additional five years.
- **Exploratory Oil Drilling Proposal in Calhoun and Gulf Counties** – Mr. Nalley reported that recently the Commission received information from Georgia Ackerman with Apalachicola Riverkeeper’s regarding exploratory oil drilling proposals in Calhoun and Gulf Counties. In speaking with Mrs. Ackerman, there is still time for the City to take action in the form of written comments to DEP if the Commission directs staff to move forward in that direction. Mrs. Ackerman gave a brief review of the exploratory oil drilling and her concerns with not opposing this action, stating all the information is on their website for citizen review. Mrs. Ackerman stated that the Commission and interested citizens could find the information opposing the exploratory oil drilling on the DEP website. Commissioner Grove stated she is not in favor and suggests writing a letter opposing the oil drilling. Commissioner Elliott suggested developing a resolution opposing the oil drilling for consideration at the next meeting.
- **In a response to a question from Commissioner Elliott**, Mr. Nalley stated that the City is contracting out zoning and building inspections services with EPCI and are in the process of preparing advertisements for the Planning and Zoning Director and Code Enforcement positions. In a response to a question from Uta Hardy, Mr. Nalley stated that if anyone has concerns with ongoing code enforcement violations to please notify the Police Department or City Hall.

**ATTORNEY KRISTY BANKS COMMUNICATIONS**

Attorney Banks read the following Notice of Request for Special Meeting - Shade Meeting for Moore & Jackson Lawsuit - November 12, 2019 at 2:00 p.m:

"An Open meeting of the City of Apalachicola City Commission will convene on Tuesday, November 12, 2019 at 2:00 PM at the City Hall, 192 Coach Wagoner Blvd., Apalachicola, FL 32320. Upon calling the meeting to order, Mayor Begos will announce the commencement of a private meeting in re pending litigation City of Apalachicola vs Moore & Jackson. The estimated amount of time for the meeting will be between 1 and 2 hours and the following persons are attending: Mayor Kevin Begos, Commissioners Anita Grove, Adriane Elliott, Despina George, and Brenda Ash, City Manager Ron Nalley and City Attorney Kristy Banks and Attorney of record William Warner." Upon conclusion of the attorney-client session, the meeting shall be reopened and the Mayor shall announce the termination of the session."

Commissioner Grove made a motion to approve the Notice of Special Meeting - Shade Meeting for Moore & Jackson Lawsuit - November 12, 2019 at 2:00 p.m. at City Hall. Commissioner Elliott seconded and the motion carried 5-0.

Attorney Banks read the following Notice of Request for Special Meeting - Shade Meeting for Smith, Smith & Nall Lawsuit - November 12, 2019 at 1:40 p.m:

"An Open meeting of the City of Apalachicola City Commission will convene on Tuesday, November 12, 2019 at 1:40 PM at the City Hall, 192 Coach Wagoner Blvd., Apalachicola, FL 32320. Upon calling the meeting to order, Mayor Begos will announce the commencement of a private meeting in re pending litigation City of Apalachicola vs Smith, Smith & Nall. The estimated amount of time for the meeting will be 20 minutes and the following persons are attending: Mayor Kevin Begos, Commissioners Anita Grove, Adriane Elliott, Despina George, and Brenda Ash, City Manager Ron Nalley and City Attorney Kristy Banks." Upon conclusion of the attorney-client session, the meeting shall be reopened and the Mayor shall announce the termination of the session."

Commissioner Grove made a motion to approve the Notice of the Special Meeting - Shade Meeting for Smith, Smith and Nall Lawsuit - November 12, 2019 at 1:40 p.m. at City Hall. Commissioner George seconded and the motion carried 5-0.

Attorney Banks read the following Notice of Request for Special Meeting - Shade Meeting for Grieg and Bacon Me Crazy, LLC Lawsuit - December 3, 2019 at 4:00 p.m.

"An Open meeting of the City of Apalachicola City Commission will convene on Tuesday, December 3, 2019 at 4:00 PM at the City Hall, 192 Coach Wagoner Blvd., Apalachicola, FL 32320. Upon calling the meeting to order, Mayor Begos will announce the commencement of a private meeting in re pending litigation Grieg and Bacon Me Crazy, LLC vs. City of Apalachicola. The estimated amount of time for the meeting will be between 1 and 2 hours and the following persons are attending: Mayor Kevin Begos, Commissioners Anita Grove, Adriane Elliott, Despina George, and Brenda Ash, City Manager Ron Nalley and City Attorney Kristy Banks and Attorney of record William Graham and Jeffrey Foster." Upon conclusion of the attorney-client session, the meeting shall be reopened and the Mayor shall announce the termination of the session."

Commissioner Grove made a motion to approve the Notice of the Special Meeting - Shade Meeting for Grieg and Bacon Me Crazy, LLC Lawsuit - December 3, 2019 at 4:00 p.m. at City Hall. Commissioner George seconded and the motion carried 5-0.

**PUBLIC COMMENT**

Mayor Begos opened the floor for public comment.

- George Coon expressed his concern with right-of-way encroachments.
- Bonnie Davis expressed her desire for the properties on 24<sup>th</sup> and 25<sup>th</sup> Avenues owned by the City to be used for workforce housing.
- Rich Hall expressed his concern with the shade meeting that was added to the agenda. Mayor Begos stated that the City is in litigation and that the Commission will not discuss this issue at this time.

**CONSENT AGENDA**

Mayor Begos presented the Consent Agenda and asked if any items should be removed before consideration of a motion.

- National Fish and Wildlife Foundation Emergency Coastal Resilience Fund - To approve submittal of the grant proposal to National Fish and Wildlife Foundation Emergency Coastal Resilience Fund on behalf of the City of Apalachicola. Mr. Nalley reported this is a \$3.256 million grant proposal to the NFWF to repair and/or replace failing stormwater infrastructure outfalls along the Apalachicola Riverfront, to initiate water quality monitoring and resource restoration along the riverfront and to incorporate site specific public education materials about the project and to promote the City's long-term resiliency efforts. The deadline is November 12, 2019. Mr. Nalley stated that the City has applied for this grant previously but did not get approved. There is no local match requirement for this grant.

Commissioner Grove made a motion to approve the Consent Agenda. Commissioner Elliott seconded and the motion carried 5-0.

**UNFINISHED BUSINESS**

**A. DUKE ENERGY ELECTRIC FRANCHISE AGREEMENT - FIRST READING**

Mr. Nalley gave a brief review of the Duke Energy Franchise Agreement with recent revisions and the changes to a proposed ten year term.

Mayor Begos read Ordinance 2019-02 by title as follows:

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF APALACHICOLA, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Elliott made a motion to approve the first reading of Ordinance 2019-02 granting Duke Energy of Florida an Electric Franchise with the City of Apalachicola and to proceed with the adoption process. Commissioner Ash seconded and the motion carried 5-0.

**UNFINISHED BUSINESS**

**B. SALE OF CITY OWNED PROPERTY AND TRIUMPH HOUSING GRANT INITIATIVE DISCUSSION**

Mr. Nalley gave a brief update on the list of surplus property to be marketed and sold by the former City Commission as a method of reducing the default debt for the water and sewer fund. In October Hurricane Michael hit and the matter was delayed and it was suggested that we postpone the auction of City owned property. Mr. Nalley stated that since the hurricane, there is a desperate need for affordable housing, both rental and owner occupied, for all segments of our population. Since March, a group of stakeholders involved in different aspects of the local housing industry have been

meeting to discuss the housing and infrastructure initiative submitted to Triumph for funding. The grant proposed 1) leveraging city owned property and tax incentives for workforce housing; 2) expanding infrastructure to support an area targeted for workforce housing; and 3) providing trades-related education and career options through apprenticeships.

The project also engages the services of industry leaders in workforce and disaster recovery to address the affordable workforce housing crisis in the region. Through the successful community land trust model, this project would connect public, private and nonprofit partners to supply energy efficient and modular cottage homes at an attractive price-point to meet workforce housing needs.

Based on the need, interest and excitement in the project, the housing stakeholders group generally endorsed the above concept and in August 2019 the former City Commission determined that it would be beneficial for the City Commission to rescind their decision of marketing and selling the list of surplus lots in order to allow time for more specific development and financial planning to take place. If it is determined that the housing initiative is not financially viable at some point in the future, the current Commission can reevaluate the need to sell the surplus parcels.

Initially discussed at their Board Retreat, the former Commission discussed the possibility of selling or leasing the City Hall building at 1 Avenue E. Combining City Hall, the lot next to it and the Old Fire Station offers a valid alternative to paying off the debt default amount in the water and sewer fund rather than using the individual lots. At their August 2019 meeting, the former Commission voted to permanently relocate City Hall to the Van Johnson Complex freeing up the possibility of moving forward with the sale of the City Hall. Mayor Begos stated that at the time the County did not endorse the Triumph Workforce Housing Grant which leaves it in limbo, even though it was pre-approved through the Triumph Committee. All Triumph grants must now have the endorsement of the County to be able to move forward. Commissioner Elliott commented that the City has property that can be used for affordable housing and the City should consider drafting an inter-local agreement with the County. Mayor Begos feels that the old City Hall and the old Fire Station would be the best property to sell and a private investor would have the means to bring it up to code. Commissioner Grove stated the property behind the fire station is mitigation for High Cotton parking. Commissioner George suggested selling the properties that would not be used for the affordable housing initiative and recommended using local real estate brokers. Commissioner Grove requested Attorney Banks research this matter and make sure that the City goes through the correct process to sell the property. Commissioner Ash and Commissioner Elliott agreed with selling the old City Hall and old Fire Station for the maximum amount of value. Numerous real estate brokers expressed their concerns with real estate brokers listing the properties and how they thought the City should proceed with the sale of the properties. Commissioner Ash recommended that staff and the city attorney work on a proposal and bring it back to the Commission for review and consideration. Attorney Banks stated she will research this matter further and report back with the Commission. Following further discussion, the Board expressed interest in holding a special meeting concerning the sale of City owned property.

**NEW BUSINESS**

**A. APALACHICOLA MAIN STREET DISCUSSION**

Commissioner Elliott gave a brief review of the partnership between the Community Redevelopment Agency and Main Street and the background of what each entity does for the City. Commissioner Elliott expressed her concerns with the Chairman of the CRA and Main Street being the same person which raises the possibility of a conflict of interest. Commissioner Elliott suggested terminating the Main Street partnership and stated that the CRA Board should have representation from the Hill, Mill Pond, Battery Park Marina and a Downtown Business Affiliate to make sure everyone is represented. Mayor Begos also expressed concerns on whether Main Street should be listed on the City's website. Commissioner George gave additional background information on the City and Main Street partnership and referenced a City Resolution from August 2010. Commissioner Grove stated that the City needs to discuss each group separately since they are two separate entities. Commissioner Ash commented that the CRA and Main Street are separate entities and that Main Street has contributed and provided economic development to the City, with their main event being the 3<sup>rd</sup> of July. The event brings in tourism and additional revenues which helps the community tremendously.

Following further discussion, Commissioner Elliott made a motion to rescind Resolution 2010-10 with Main Street and the City of Apalachicola. Attorney Banks stated there is a process for properly rescinding resolutions and that she requests this item be tabled for further review.



**NEW BUSINESS**  
**B. AUDIT DISCUSSION**

Mayor Begos stated he has talked with Senator Montford and Representative Shoaf and that they will explore the possibility of a joint legislative audit by the State of Florida at no cost to the City. Mayor Begos also talked with Roberson & Associates and Carr, Riggs & Ingram and stated they were interested and would send in a RFP when advertised by the City. Mayor Begos requested this be tabled for further review.

**NEW BUSINESS**  
**C. CITY MANAGER DISCUSSION**

Mayor Begos stated his concerns that the citizens were not aware that the form of government had been changed when a City Manager was hired last year. Commissioner Grove reviewed the process the City Commission followed for hiring the City Manager, stating that everything that was done was transparent and legal. Mayor Begos stated the Commission has a choice to leave as is, or to revise the City Charter to make the power more equal between the City Manager and Commission. Discussion followed by the City Commission and numerous citizen comments were received on the matter.

Commissioner George made a motion to direct the City Attorney to review the City Manager contract and the City Charter to determine the feasibility of changing the job description from City Manager to City Administrator and that the Commission have individual meetings with the City Manager on what he would be interested in. Commissioner Elliott seconded and the motion carried 3-2, with Commissioners Ash and Grove voting against the motion.

**NEW BUSINESS**  
**D. ORDINANCE 2019-09 AMENDING THE FISCAL YEAR 2018-2019 AND PROCEED WITH THE ADOPTION PROCESS - FIRST READING**

Mayor Begos read Ordinance 2019-09 in its entirety.

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA AMENDING THE FISCAL YEAR 2018-2019 BUDGET**

Commissioner Grove made a motion to approve the first reading of Ordinance 2019-09 and proceed with the adoption process. Commissioner Ash seconded and the motion carried 5-0.

**NEW BUSINESS**  
**E. ORDINANCE 2019-10 DESIGNATING THE OFFICIAL SEAL OF THE CITY - FIRST READING**

Commissioner Ash asked that Ordinance 2019-10 Designating the Official Seal of the City be tabled until next month. Commissioner Elliott seconded and the motion carried 5-0.

**NEW BUSINESS**  
**F. APPROVAL OF LOAN COMMITMENT FROM CENTENNIAL BANK FOR INTERIM FINANCING FOR THE DRINKING WATER IMPROVEMENTS PROJECT**

Mayor Begos reviewed the interim financing loan with Centennial Bank for the USDA Rural Development Project.

Commissioner Ash made a motion to approve the loan Commitment Letter from Centennial Bank for interim financing for the USDA Rural Development Project and authorize Mayor to execute any necessary documents. Commissioner Grove seconded and the motion carried 5-0.

**NEW BUSINESS**

**G. BOARD PRIORITIES DISCUSSION**

Mr. Nalley stated that the board priorities for the 2019-2020 Budget and Capital Improvement Plan were in the agenda packet and that if the Commission had any questions or concerns to please contact him.

**ADJOURNMENT**

With no further business, Commissioner George made a motion to adjourn the meeting at 10:45 pm. Commissioner Elliott seconded and the motion carried 5-0.

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Kevin Begos, Mayor

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Deborah Guillotte, City Clerk



**APALACHICOLA CITY COMMISSION**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: February 4, 2020**

**SUBJECT:** Municode Project Update

**AGENDA INFORMATION:**

**Agenda Location:** Presentations  
**Item Number:** A  
**Department:** Administration  
**Contact:** Ron Nalley, City Manager  
**Presenter:** Rebecca Jetton

**BRIEF SUMMARY:** The City contracted the Municipal Code Corporation to codify the City Charter, the Comprehensive Plan, the City Code and land development regulations. The documents have now been reviewed by attorneys to determine which sections are obsolete and inconsistent with the Florida Statutes, the Constitution, and case law. Municode provides long-term security for City records; access to other local government regulations and blogs concerning emerging issues; and provides links to established formats to enable revisions to documents. Once approved, the documents will be available for on-line use by the public and staff and available in book format for the City Commission.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** None at this time.  
Following the presentation, the Commission may wish to set a workshop to continue discussion of this matter.

**FUNDING SOURCE:** General Fund – Codification Project

**ATTACHMENTS:** Summary of Proposed Revisions

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Rebecca Jetton, along with the Municode staff, has worked many hours on codifying the City Charter and Codes. This project was started over a year ago and it is now ready to be presented to the Commission. Ms. Jetton will provide a brief summary of the project and ask the Commission for direction on how to proceed with the update process.

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

<sup>1</sup> **Legal Analysis: Charter.** The original Charter, Special Acts, ch. 24374 (1947) was in existence in that form on July 1, 1973. As you know, cities were granted home rule powers by the Florida Constitution in article VIII, § 2(b) as implemented by F.S. ch. 166, the Municipal Home Rule Powers Act. F.S. § 166.021(4) provided that municipalities may exercise all powers for municipal governmental, corporate or proprietary purposes not expressly prohibited by the Constitution, general or special law, and repealed all limitations on the exercise of that power in any Charter or special act in existence on July 1, 1973 except for those provisions which may only be amended by referendum (R) or Florida Legislature act (L) as indicated regarding the following areas:

- (1) Creation or existence of the municipality (R);
- (2) Establishment of the form of government (R);
- (3) Establishment of terms of elected officials and the manner of their election (R);
- (4) Distribution of power among elected officials (R);
- (5) Matters relating to appointive boards (R);
- (6) Any rights of municipal employees (R);
- (7) Annexation (L);
- (8) Merger (L);
- (9) Exercise of extraterritorial power (L).

Those sections of the 1947 Charter NOT one of the areas listed, by operation of F.S. § 166.021 were converted to ordinances and any limitations on the exercise of the home rule powers in said Charter were repealed on the effective date of the act, October 1, 1973. However, if any section of a Charter was amended by referendum after October 1, 1973, then it must be subsequently amended by referendum as stated in Attorney General Opinion 75-223. Therefore, the provisions of the 1947 Charter were either converted to an ordinance, repealed as a limitation on the exercise of home rule powers or is one of the categories which may only be amended by referendum. *Per 4/25/18 revised memo from Rebecca Jetton, no amendments to charter.*

1. <sup>1</sup> **Legal Analysis: Charter, § 7. Powers of the City.** Add editor's note that this was repealed as a limitation on municipal power pursuant to F.S. § 166.021(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
2. <sup>2</sup> **Legal Analysis: Charter § 9. Creation of Commission.** Deleted language as repealed and added editors note to explain. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
3. <sup>1</sup> **Legal Analysis: Charter § 10. Powers.** Deleted language as obsolete and added editors note to explain. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
4. <sup>1</sup> **Legal Analysis: Charter § 11. Qualifications of candidates and members.** Deleted freeholders language. See *Turner v. Fouche*, 396 U.S. 346 (1970). Added editors note to explain revision. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

5. <sup>1</sup> **Legal Analysis: Charter § 12. Candidates for Commission prohibited from making certain promises.** Deleted as repealed by F.S. § 104.061. Added editors note to explain deletion. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
6. <sup>1</sup> **Legal Analysis: Charter, § 17. Meetings.** Ord. No. 87-5 revised the meeting times provided by this section, but was codified as Code § 2-3. The terms of office were not addressed so that language remains. Added editors note. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
7. <sup>1</sup> **Legal Analysis: Charter § 20. Legislative procedure.** Deleted as covered by F.S. § 166.041. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
8. <sup>1</sup> **Legal Analysis: Charter § 21. Ordinances and resolutions.** Deleted as covered by F.S. § 166.041. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
9. <sup>1</sup> **Legal Analysis: Charter § 28. How constituted.** Deleted reference to Municipal Judge as municipal courts have been abolished. See. Fla. Const. art. V, § 20(d)(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
10. <sup>1</sup> **Legal Analysis: Charter art. VI. Municipal Judge.** Deleted this article as municipal courts are now abolished. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
11. <sup>1</sup> **Legal Analysis: Charter § 37. Duties of City Manager [Department of Public Safety and Welfare and Public Works].** Review and advise as to changes necessary to make current. *Per 4/25/18 revised memo from Rebecca Jetton, no changes needed.*
12. <sup>1</sup> **Legal Analysis: Charter § 38. Police and Public Safety.** Deleted the Municipal Judge language as Municipal Court has been abolished. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
13. <sup>1</sup> **Legal Analysis: Charter § 40. Chief of Police.** Deleted the Municipal Court language as Municipal Court has been abolished. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
14. <sup>1</sup> **Legal Analysis: Charter § 41. Public Safety.** The first sentence of section 41 has assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and its inclusion in the Apalachicola Code. See Code, § 2-6. Review and advise as to changes necessary to make current. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
15. <sup>1</sup> **Legal Analysis: Charter § 42. The public works department which shall include the management of the waterworks and sewage facilities.** The first sentence of section 42 has assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and its inclusion in the Apalachicola Code. See Code, § 2-6. Review and advise as to changes necessary to make current. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

16. <sup>1</sup> **Legal Analysis: Charter § 43. Streets, parks and docks department, which shall include the management of cemeteries.** Review and advise as to changes necessary to make current. Editors Note: The first sentence of section 43 has assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and its inclusion in the Apalachicola Code. See Code, § 2-6. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
17. <sup>1</sup> **Legal Analysis: Charter § 44. Fire protection, health and sanitation.** The provisions of section 44 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Apalachicola Code. See Code, § 2-6. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
18. <sup>1</sup> **Legal Analysis: Charter § 46. Public health.** Review and advise as to changes necessary to make current. Per 4/25/18 revised memo from Rebecca Jetton, delete – These duties are covered by the County Health Department, the FL DEP, Public Works and by the local Code enforcement.
19. <sup>1</sup> **Legal Analysis: Charter § 47. Department of finance, records and audit.** The provisions of section 47 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Apalachicola Code. See Code, § 2-6. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
20. <sup>1</sup> **Legal Analysis: Charter § 58. Assessor of Taxes.** Deleted obsolete language. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
21. <sup>1</sup> **Legal Analysis: Charter § 59. Other duties.** Added editor's note. The provisions in this section relative to the duties of the city tax assessor are obsolete insofar as they apply to ad valorem taxation, as such functions are now performed by the county property appraiser. See F.S. §§ 193.116, 166.211. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
22. <sup>1</sup> **Legal Analysis: Charter § 71. Fiscal year.** Deleted per F.S. 166.241. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
23. <sup>1</sup> **Legal Analysis: Code 1976, § 73. Appropriation ordinance.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. See also F.S. § 200.065(2)(d). Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
24. <sup>1</sup> **Legal Analysis: Charter § 75. Transfer of funds.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. Per 4/25/18 revised memo from Rebecca Jetton, city agrees.
25. <sup>1</sup> **Legal Analysis: Charter § 86. Personal property.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 86 are adequately

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

covered by such act. See F.S. § 166.211. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

26. <sup>1</sup> **Legal Analysis: Charter § 87. Licenses.** Deleted as having assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and inclusion in the City Code. See Code, §§ 13-11--13-30 and §§ 4-36 et seq. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
27. <sup>1</sup> **Legal Analysis: Charter, § 88. Excise taxes.** Deleted as Florida Constitution preempts all forms of taxation (ad valorem excepted) to general law (see Fla. Const. art. VII, § 1(a); Fla. Const. art. VIII, § 9; City of Tampa v. Birdsong Motors, Inc., 261 So. 2d 1 (Fla. 1972)). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
28. <sup>1</sup> **Legal Analysis: Charter, art. XII. Equalizing board.** Throughout this article, delete the language in the sections but leave the section captions. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
29. <sup>1</sup> **Legal Analysis: Charter art. XIII. Foreclosure of tax liens.** Throughout this article, delete the language in the sections but leave the section captions. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
30. <sup>1</sup> **Legal Analysis: Charter, § 123. Sidewalks.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 123 are adequately covered by the act and F.S. ch. 170. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
31. <sup>1</sup> **Legal Analysis: Charter, § 124. Paving, curbing and grading streets.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 124 are adequately covered by the act and F.S. ch. 170. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
32. <sup>1</sup> **Legal Analysis: Charter, § 125. Sewer, water and gas connections.** Pursuant to Municipal Home Rule Powers Act (F.S. ch. 166), this section was converted into an ordinance - move to Code ch. 20? *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
33. <sup>1</sup> **Legal Analysis: Charter, § 126. Certificates of indebtedness to be issued constitute a lien.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 126 are adequately covered by the act and F.S. ch. 170. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
34. <sup>1</sup> **Legal Analysis: Charter, § 127. Enforcement of lien by suit.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 127



Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

are adequately covered by the act and F.S. ch. 170. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

35. <sup>1</sup> **Legal Analysis: Charter, § 128. Authority to use balance of fund derived from bond.** Deleted as either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 128 are adequately covered by the act and F.S. ch. 170. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
36. <sup>1</sup> **Legal Analysis: Charter, § 129. Public Works.** Added editors note regarding extraterritorial jurisdiction. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
37. <sup>1</sup> **Legal Analysis: Charter, § 130. Lights, heat and water.** Added editors note regarding extraterritorial jurisdiction. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
38. <sup>1</sup> **Legal Analysis: Charter, § 131. Powers of the City.** Add editor's note that this was repealed as a limitation on municipal power pursuant to F.S. § 166.021(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
39. <sup>1</sup> **Legal Analysis: Charter, § 133. Street railways.** Add editor's note that this was repealed as a limitation on municipal power pursuant to F.S. § 166.021(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
40. <sup>1</sup> **Legal Analysis: Charter, § 135. Forfeitures.** Shouldn't this be repealed too? Wasn't included in Ord. No. 83-6.
41. <sup>1</sup> **Legal Analysis: Charter, § 135. General provision.** Shouldn't this be repealed too? Wasn't included in Ord. No. 83-6.
42. <sup>1</sup> **Legal Analysis: Charter, § 137. Salaries and compensation.** Added editor's note that Municipal courts were abolished. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
43. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
44. <sup>1</sup> **Legal Analysis: Charter, § 140. Elections.** Added editor's note that provisions were repealed as covered by the state election code or were converted to an ordinance - See Code §§ 9-4 et seq. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
45. <sup>1</sup> **Legal Analysis: Charter, § 141. Registration of voters.** Add editor's note that this was repealed as a limitation on municipal power pursuant to F.S. § 166.021(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
46. <sup>1</sup> **Legal Analysis: Charter, § 143. Canvass of returns.** Added editor's note that provisions were repealed as covered F.S. § 100.011 or were converted to an ordinance - See Code §§ 9-4 et seq. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

47. <sup>1</sup> **Legal Analysis: Charter, art. XVIII. The Recall.** Deleted article as repealed by F.S. 100.361. Editors note added. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
48. <sup>1</sup> **Legal Analysis: Charter, § 156. Police Powers.** Add editor's note that this was repealed as a limitation on municipal power pursuant to F.S. § 166.021(4). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
49. <sup>1</sup> **Legal Analysis: Charter, § 157. General laws to apply.** Add editor's note that this was either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
50. <sup>1</sup> **Legal Analysis: Code 1976, Chapter 1. General Provisions.** Revised to add sections to conform to MCC to standard General Provisions chapter. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
51. <sup>1</sup> **Legal Analysis: Code 1976, § 1-2. Definitions and Rules of construction.** Revised to conform to MCC language for a construction/definitions section - also added language so that this chapter can apply to the LDC. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
52. <sup>1</sup> Definitions for 65 years of age, department of revenue, household income, and property appraiser were moved here from code section 38-20.
53. <sup>1</sup> Definitions regarding sewer system protection & pollution control came from Ord. No. 82-4, art. I, § 1, 11-4-1982 in current code chapter 40.
54. <sup>1</sup> Several definitions relating to nuisances were moved here from the nuisance chapter section 28-3.
55. <sup>1</sup> All definitions regarding cross-connection control were moved here from ch. 10 (section 10-138 or appendix D sec. D-3).
56. <sup>1</sup> Definitions for the terms animal, animal control officer, animal establishment, animal shelter, at large, confined, humane manner, kennel, licensing authority, neutered, restraint, and vicious were moved from code section 6-55 to chapter 1.
57. <sup>1</sup> All definitions regarding sound, plus the terms commercial area, construction activity, emergency, emergency work, industrial area, multifamily dwelling, park land, person, public right-of-way, public space, real property, receiving land, residential, and short duration were moved here from code section 24-65.
58. <sup>1</sup> This stricken definition of City Commission came from Ch. 30, Parks and Recreation, Sec. 30-2.
59. <sup>1</sup> Definitions for code, code enforcement board secretary, code inspector, and enforcement board were moved from code section 28-124.
60. <sup>1</sup> The definitions for commercial section and residential section were moved here from code section 28-40.
61. <sup>1</sup> The terms discrimination, housing, lending institution, mortgage broker, open market, real estate broker, real property, and to rent were moved here from code section 18-2.

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

62. <sup>1</sup> The terms egress, ingress, loitering, public place, and regress were moved here from code section 24-8.
63. <sup>1</sup> The definition of the term golf cart was moved here from chapter 26.
64. <sup>1</sup> All definitions regarding litter, plus definitions for handbill, private premises, refuse, and vehicle, were moved here from code section 24-106.
65. <sup>1</sup> This stricken definition of Person came from Code sec. 8-6.
66. <sup>1</sup> This stricken definition of Person came from Code sec. 24-65.
67. <sup>1</sup> This stricken definition of Person came from Code sec. 30-2.
68. <sup>1</sup> This stricken definition of Person came from Ord. No. 82-4, art. I, § 1, 11-4-1982.
69. <sup>1</sup> This stricken definition of Refuse came from Code section 28-3.
70. <sup>1</sup> Definitions for slow down/minimum wake, vessel, and wake were moved from code section 8-6.
71. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. I, § 1. Specific definitions - Toxics.** The term "toxics" isn't used in the ordinance – change to "toxic materials"? *Per 4/25/18 e-mail from Jetton, ok.*
72. <sup>1</sup> This stricken definition of Water Purveyor came from Code ch. 10, appendix D, sec. D-3.
73. <sup>1</sup> **Legal Analysis: Code 1976, § 2-1. City seal established.** Review and advise as to changes necessary to make current. *Per 4/25/18 revised memo from Rebecca Jetton, description is current.*
74. <sup>1</sup> **Legal Analysis: Code 1976, § 2-3. Time of regular commission meeting established.** Updated this section based on Ord. No. 87-5, which did not specifically amend this section. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
75. <sup>1</sup> **Legal Analysis: Code 1976, § 2-7. Mayor and commissioners— Compensation; qualifications; filing fees.** In (b), deleted filing fee language as covered by and in conflict with F.S. § 99.093; deleted freeholders language. See *Turner v. Fouche, 396 U.S. 346 (1970)*. Deleted (c) as not needed. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
76. <sup>1</sup> **Legal Analysis: Code 1976, § 2-33. Created; title.** Deleted obsolete and unnecessary language. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees. Also changed to Planning and Zoning Board throughout*
77. <sup>1</sup> **Legal Analysis: Code 1976, § 2-34. Membership.** Revise to include representative of school district? See F.S. 163.3174 (1). . Revised to reflect 7 members including school board appointee, no ex officio.
78. <sup>1</sup> **Legal Analysis: Code 1976, § 2-38. Meeting time.** Are the times and location set by the Planning commission or the city commission? Revise to clarify. Throughout have made clarifying additions of the word "planning" without footnote. *Per 4/25/18 revised memo from Rebecca Jetton, PZB.*
79. <sup>1</sup> **Legal Analysis: Code 1976, § 2-39. Public meetings, records.** Deleted as covered by F.S. 163.3174 (5). *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
80. <sup>1</sup> **Legal Analysis: Code 1976, § 2-40. Responsibility for comprehensive plan; oversight; consideration of plan by city.** Updated act name and added citation.

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

This was done throughout the article without notation by footnote. *Per 4/25/18 revised memo from Rebecca Jetton, revised.*

81. <sup>1</sup> **Legal Analysis: Code 1976, § 2-43. Rules of order.** Please advise which edition the city uses - Robert's Rules of Order is no longer in print. Robert's Rules of Order Newly Revised (11th edition) is the most current edition *Per 4/25/18 revised memo from Rebecca Jetton, city uses most current.*
82. <sup>1</sup> **Legal Analysis: Code 1976, § 2-44. Public participation.** Revise to conform to F.S. § 163.3181, to include broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings as provided by § 163.3181, provisions for open discussion, communications programs, information services, and consideration of and response to public comments. *Per 4/25/18 revised memo from Rebecca Jetton, revised – and deleted § 2-46.*
83. <sup>1</sup> **Legal Analysis: Code 1976, § 3-1. Hours of sale.** Deleted (c) as covered by Code § 1-8. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
84. <sup>1</sup> **Legal Analysis: Ord No. 82-3. Florida Seafood Festival – one day or special license holder.** Deleted as repealed by Ord No 83-4. In addition, city can only regulate the time for selling. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
85. <sup>1</sup> **Legal Analysis: Ord No. 83-4. Florida Seafood Festival – temporary permit holder.** Still valid? If not, delete. If retained, update "occupational license" language in subsection 2 to current terminology. Delete subsection 3 and use Code § 1-8? *Per 4/25/18 revised memo from Rebecca Jetton, update terminology and city agrees with deletion of (3).*
86. <sup>1</sup> **Legal Analysis: Ord. No. 90-2. Consumption in rights-of-way.** Deleted unnecessary language in subsection 1. Deleted subsection 2 as covered by Code § 1-8. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
87. <sup>1</sup> **Legal Analysis: Code 1976, § 4-1. Keeping horses and cattle within city prohibited; exceptions.** Are there "sanitary rules and regulations?" *Per 4/25/18 revised memo from Rebecca Jetton, No regs.*
88. <sup>1</sup> **Legal Analysis: Code 1976, ch. 4, art. II. Dogs.** Update article to reflect more modern language; for example impounder or dogcatcher > animal control officer; hydrophobia > rabies *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
89. <sup>1</sup> **Legal Analysis: Code 1976, § 4-14. Responsibility of dog owner for damage by dog.** Deleted as covered by F.S. § 767.01. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
90. <sup>1</sup> **Legal Analysis: Code 1976, § 4-15. Authority of mayor to issue proclamation of quarantine upon possible spread of hydrophobia.** Delete as obsolete? *Per 4/25/18 revised memo from Rebecca Jetton, delete.*
91. <sup>1</sup> **Legal Analysis: Code 1976, § 4-16. Same--Authority of police to kill dogs at large during hydrophobia outbreak.** Delete as obsolete? *Per 4/25/18 revised memo from Rebecca Jetton, delete.*
92. <sup>1</sup> **Legal Analysis: Code 1976, § 4-17. Power of mayor to issue proclamation that dogs be muzzled.** Delete as obsolete? *Per 4/25/18 revised memo from Rebecca Jetton, delete.*
93. <sup>1</sup> **Legal Analysis: Code 1976, § 4-18. Vaccination and tagging.** Deleted as repealed by Ord. No. 92-2. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
94. <sup>1</sup> **Legal Analysis: Code 1976, § 4-19. Control of dogs off owner's premises.** Subsection (c) doesn't seem to fit this section – recommend moving it to art. I. In

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

- addition, add a reasonable person standard to (c) to avoid vagueness challenge. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
95. <sup>1</sup> **Legal Analysis: Code 1976, § 4-20. Impounding.** Deleted as repealed by Ord. No. 92-2. *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*
96. <sup>1</sup> **Legal Analysis: Code 1976, § 4-21. Not allowed in public places; penalty.** Was this deleted by Ord. No. 92-2? If so, delete. If not, add provisions allowing for an exemption for service animals and service animals in training. *Per 4/25/18 revised memo from Rebecca Jetton, add provisions.*
97. <sup>1</sup> **Legal Analysis: Code 1976, § 4-22. Rabid dogs quarantined.** Is there a city health officer? Review and advise as to changes necessary to make current. *Per 4/25/18 revised memo from Rebecca Jetton, revised.*
98. <sup>1</sup> **Legal Analysis: Code 1976, § 4-24. Noisy or vicious dogs.** Delete noise/disturbance language in first sentence as adequately covered by Code § 4-19 (c)? In second sentence, update language, "vicious" should be "dangerous." *Per 4/25/18 revised memo from Rebecca Jetton, revised.*
99. <sup>1</sup> **Legal Analysis: Code 1976, § 4-26. Seeing-eye dogs.** Delete this section and add language in each § that "service animals" are exempt. As written, cruelty to service animals would be okay – is that the city's intent? *Per 4/25/18 revised memo from Rebecca Jetton, revised.*
100. <sup>1</sup> **Legal Analysis: Code 1976, § 4-27. Penalty for violation of sections 4-3, 4-18 through 4-26.** Delete and use Code § 1-8? *Per 4/25/18 revised memo from Rebecca Jetton, deleted.*
101. <sup>1</sup> **Legal Analysis: Code 1976, ch. 4, art II, div. 2. License.** Deleted as repealed by Ord No 92-2 (Article III). *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
102. <sup>1</sup> **Legal Analysis: Ord No. 92-2, § 2. Licensing and rabies vaccination.** F.S. 828.30 refers to "vaccine that is licensed by the U.S. Dept. of Agriculture" and "conform to the vaccine manufacturer's directions." Revise to that? *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
103. <sup>1</sup> **Legal Analysis: Ord. No. 92-2, § 3. Owner responsibility.** In subsection a), add provisions allowing for an exemption for service animals and service animals in training. Deleted e) to use Code § 1-8. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
104. <sup>1</sup> **Legal Analysis: Ord. No. 92-2, § 8. Interference.** Deleted second sentence – use Code § 1-8. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
105. <sup>1</sup> **Legal Analysis: Code 1976, § 5-2. Bulkhead line established.** Still valid? If not delete as obsolete. *Per 4/25/18 revised memo from Rebecca Jetton, keep.*
106. <sup>1</sup> **Legal Analysis: Code 1976, § 5-4. Wakes of boats restricted in certain areas; penalty.** Was this repealed by Ord. No. 2013-06? If not, revise (d) as indicated to correct reference and use general penalty of Code § 1-8. *Per 4/25/18 revised memo from Rebecca Jetton, revised.*
107. <sup>1</sup> **Legal Analysis: Ord. No. 2013-06. Minimum Wake Zone.** Deleted unnecessary language. Also, please provide title of map and where it is kept in § 3. *Per 4/25/18 revised memo from Rebecca Jetton, revised.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

108. <sup>1</sup> **Legal Analysis: Code 1976, ch. 5, art. II. City Docks.** Was this article repealed by Ord. No. 88-4? If so, delete. *Per 4/25/18 revised memo from Rebecca Jetton, revised.*
109. <sup>1</sup> **Legal Analysis: Code 1976, Art. III. Battery Park Boat Basin.** It appears that the following sections in this article were repealed by Ord. Nos. 79-5, 81-3, 91-9 and 2001-3: §§ 5-32, 5-33.1, 5-33.2, 5-33.3, 5-35, 5-36, 5-37, 5-40, 5-44 and 5-45. Please confirm. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
110. <sup>1</sup> The global returned check fee (in Administration chapter of code) is \$20. Please advise if the city wants a \$10 returned check fee for dockage fees or if we can use the \$20 NSF.
111. <sup>1</sup> **Legal Analysis: Ord No. 81-3. Harbor master.** Was this repealed by Ord. No. 91-9? If so, delete. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
112. <sup>1</sup> **Legal Analysis: Ord. No. 91-9. Receipt book.** Is agreement still in effect? If not, delete that language. *Per 4/25/18 revised memo from Rebecca Jetton, delete.*
113. <sup>1</sup> **Legal Analysis: Ord. No. 88-4, § 3-B. Scipio Creek Mooring Basin.** Delete subsection a as obsolete? *Per 4/25/18 revised memo from Rebecca Jetton, deleted.*
114. <sup>1</sup> **Legal Analysis: Ord. No. 88-4, § 6-A. Contract Provisions.** Delete as obsolete? In the alternative, reference a boat dockage agreement and rules and regulations for Scipio Creek Mooring Basin on file in the office of the ????
115. <sup>1</sup> **Legal Analysis: Code 1976, § 6-1. Building code adopted.** Revised to reference current Florida Building Code. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
116. <sup>1</sup> **Legal Analysis: Code 1976, § 6-1. Amendments to building code.** Review in light of the new reference to Florida Building Code and note that local amendments need to conform to F.S. 553.73 procedure for adoption and any local amendments properly adopted by the city are effective only until the adoption by the Florida Building Commission of the new edition of the FBC every third year. Include permit fees as its own section and update amounts. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
117. <sup>1</sup> **Legal Analysis: Code 1976, § 6.4–6.6. Housing/Electrical/Plumbing Codes adopted.** Deleted as included in FBC. *Per 4/25/18 revised memo from Rebecca Jetton, agrees.*
118. <sup>1</sup> **Legal Analysis: Code 1976, ch. 6, art. II. Unsafe Buildings.** Was this article repealed by Ord. No. 93-1? *Per 4/25/18 revised memo from Rebecca Jetton, there is some overlap but no conflicts and not repealed.*
119. <sup>1</sup> **Legal Analysis: Ord. No. 89-3. Cross-connection.** This ordinance was included here as a new Article in ch. 6. The copy of Ord. No. 89-3 was very hard to read – the top line of a few pages was unreadable. Please supply the missing language where indicated by highlight. *Reviewed other cities' ordinances to fill in the blanks.*
120. <sup>1</sup> **Legal Analysis: Ord. No. 89-3, App. D. Standard Plumbing Code. Cross-connection, backflow and back-siphonage control.** What is this? It

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

wasn't referenced in the Ordinance. Delete? Superseded by FBC? *Per 4/25/18 revised memo from Rebecca Jetton, keep.*

121. <sup>1</sup> **Legal Analysis: Code 1976, § 7-4. Duties of sexton.** Is there still a sexton or are these duties done by another employee? *Per 4/25/18 e-mail from Jetton, revised.*
122. <sup>1</sup> **Legal Analysis: Code 1976, § 9-16. Conformity with state election laws.** Deleted as not needed. Covered by F.S. § 100.3605. *Per 4/25/18 e-mail from Jetton, ok.*
123. <sup>1</sup> **Legal Analysis: Ord. Nos. 84-9, 90-2 and 97-1 Housing.** These ordinances have been added as a new chapter – Fair Housing. *Per 4/25/18 e-mail from Jetton, ok.*
124. <sup>1</sup> **Legal Analysis: Ord. Nos. 84-9, 90-2 and 97-1 Housing, § 4. Exemptions.** Because the city has added “protected classes” to the fair housing provisions above what the State Fair Housing Act has (F.S. 760.20 et seq), deleted exemptions that are not allowed in F.S. § 760.29. *Per 4/25/18 e-mail from Jetton, ok.*
125. <sup>1</sup> **Legal Analysis: Ord. Nos. 84-9, 90-2 and 97-1 Housing, § 11. Criminal Penalties.** Revised - see F.S. § 775.08(2). *Per 4/25/18 e-mail from Jetton, ok.*
126. <sup>1</sup> **Legal Analysis: Code 1976, § 10-1. Fire Prevention Code adopted.** Updated to current statutory language. *Per 4/25/18 e-mail from Jetton, ok.*
127. <sup>1</sup> **Legal Analysis: Code 1976, § 10-2. Outside burning within fire limits.** Is there still a “fire limit” in the city? If not, revise or delete. *Per 4/25/18 e-mail from Jetton, delete.*
128. <sup>1</sup> **Legal Analysis: Code 1976, §13-2—13-20. Occupational licenses.** Deleted as obsolete – repealed by Ord. No. 88-5. *Per 4/25/18 e-mail from Jetton, ok.*
129. <sup>1</sup> **Legal Analysis: Code 1976, §** In 2007, the Florida legislature changed the term “local occupational license tax” to “local business tax.” In addition, rather than a license, the city issues a receipt since there is no regulatory jurisdiction related to the tax. See Laws of Florida ch. 2006-52. These sections have been updated to change the name throughout. *Per 4/25/18 e-mail from Jetton, ok – and revised (c).*
130. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 2. Dates due.** Updated date to conform to F.S. § 205.053. *Per 4/25/18 e-mail from Jetton, ok.*
131. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 6. Penalty.** Does the city use the 30 days imprisonment penalty? If not, delete. (The language before that tracks the statute) *Per 4/25/18 e-mail from Jetton, delete.*
132. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 7. Enforcement.** Revise to conform to language in F.S. § 205.053? This would include referring to 150 days after initial notice due (rather than 12/10), and to reflect subject to civil actions and penalties, including court costs, reasonable attorney fees, additional administrative costs incurred as a result of collection efforts and a penalty of up to \$250 – rather than warrant for arrest. *Per 4/25/18 e-mail from Jetton, revised.*
133. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 8. Exemptions.** Deleted as not necessary. The allowable exemptions are self-executing – in other words, do not require city action to allow. was worded this way when enterprise zones were eligible for exemptions if county or municipality adopted ordinance – enterprise zone statute was repealed as of December 31, 2015. *Per 4/25/18 e-mail from Jetton, ok.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

134. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 9. Charitable Organizations.** Updated statutory reference. *Per 4/25/18 e-mail from Jetton, ok.*
135. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 12. Exemptions; motor vehicles.** Deleted as not necessary – covered by statute. *Per 4/25/18 e-mail from Jetton, ok.*
136. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 13. License tax schedule, subsection (92) Vehicles for hire, vehicle rentals.** Review and advise as to changes necessary to make current. *Becky requested fee update from Courtney 4/22/18. Per Becky - The ordinance needs to be amended and is on our priority list. 2005-11 is the most recent version*
137. Deleted § 3 about metal tags.
138. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 16. Conflict.** Deleted as not needed. *Per 4/25/18 e-mail from Jetton, ok.*
139. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, § 17. State law.** Deleted as not needed. *Per 4/25/18 e-mail from Jetton, ok.*
140. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13, art. III. Youth entertainment establishments.** Still enforced? If not, delete as obsolete. If valid, add reasonable person standard to § 13-36. *Keep and add reas person standard – per Becky's direction.*
141. <sup>1</sup> **Legal Analysis: Code 1976, § 13-52. Issuance of permit.** Revise to provide nondiscretionary criteria for issuance of permits based on protection of the public rather than worthiness of organizations – reliance on definitions in F.S. ch. 496.404 is a good start. *Per 4/25/18 e-mail from Jetton, revised.*
142. <sup>1</sup> **Legal Analysis: Code 1976, ch. 13. Art. V. Tobacco Products.** Delete article as adequately covered by F.S. ch. 569? If retained, it is recommended that §§ 4, 5(a), 5(b), 6 and 7 be deleted as not needed. *Per 4/25/18 e-mail from Jetton, delete.*
143. <sup>1</sup> **Legal Analysis: Code 1976, § 14-3. Authority of city commission to enforce covenants running with the land.** Deleted (a) as not necessary based on the Municipal Home Rule Act (ch. 166). Does the city enforce private restrictions as stated in (b)? If not, delete. *Per 4/25/18 e-mail from Jetton, deleted.*
144. <sup>1</sup> **Legal Analysis: Code 1976, § 14-4. Abandoned refrigerators, etc., prohibited, declared a nuisance; authority of police to remove.** Deleted as this is a misdemeanor under F.S. §§ 823.07–823.09, and the city adopted state misdemeanors in Code § 14-1. *Per 4/25/18 e-mail from Jetton, ok.*
145. <sup>1</sup> **Legal Analysis: Code 1976, § 14-5. Disturbing noises.** Added a reasonableness standard to avoid constitutional problems. *Per 4/25/18 e-mail from Jetton, ok.*
146. <sup>1</sup> **Legal Analysis: Code 1976, § 14-9. Location of filling station pumps restricted.** Deleted by the adoption of the city's zoning code. *Per 4/25/18 e-mail from Jetton, ok.*
147. <sup>1</sup> **Legal Analysis: Code 1976, § 14-10. Duty of filling station operators to keep adjacent sidewalks in good repair.** Deleted as covered by Code § 18-26. *Per 4/25/18 e-mail from Jetton, ok.*
148. <sup>1</sup> **Legal Analysis: Ord. No. 96-1, §§ 1, 2. Dumping of garbage.** Deleted initial term language and revised to use Code § 1-8. *Per 4/25/18 e-mail from Jetton, ok.*



Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

149. <sup>1</sup> **Legal Analysis: Ord. No. 2010-04. Loitering; penalty.** Revised based on *Papachristou v. City of Jacksonville*, 405 U.S. 156, 164, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972). *Per 4/25/18 e-mail from Jetton, ok.*
150. <sup>1</sup> **Legal Analysis: Code 1976, ch. 14, art. II. Parades, demonstrations and assemblies.** Parades, demonstrations, assemblies and picketing constitute methods of expression, entitled to First Amendment protection. Was this repealed by Ord No. 92-3 and the outdoor public assembly provisions therein? If so, delete. If not, revise § 14-21 and 14-22 to include legitimate municipal regulation of the public streets and sidewalks - see *Shuttlesworth v. Birmingham*, 394 U.S. 147, 89 S. Ct. 935, 22 L. Ed. 2d 162 (1969). *Per 4/25/18 e-mail from Jetton, ok - revised.*
151. <sup>1</sup> **Legal Analysis: Ord. No. 2015-01, art. I, § 4. Prohibited acts.** Deleted subsection (a) 10 as content based. *Per 4/25/18 e-mail from Jetton, ok.*
152. <sup>1</sup> **Legal Analysis: Ord. No. 92-3, § 7. Outdoor Public Assembly; Permits Required; Application Process; Contents of Application; Standards for Issuance of Permit; Notice of Rejection of Application; Appeals Procedure; Alternative Permit; Contents of Permit; Duties of Permit; Public Conduct During Assemblies; Revocation of Permit; Indemnification Penalties.** Revised subsection J. See *Weidner v. State*, 380 So. 2d 1286 (Fla. 1980). *Per 4/25/18 e-mail from Jetton, ok.*
153. <sup>1</sup> **Legal Analysis: Code 1976, §** Revise to remove distinction between commercial and non-commercial handbills so as to avoid content based, unconstitutional restriction. See *Bates v. State Bar of Arizona*, 433 U.S. 350, 93 S. Ct. 2691, 53 L. Ed. 2d 810 (1977), reh. denied 434 U.S. 881, 98 S. Ct. 242, 54 L. Ed. 2d 164. It is also unconstitutionally overbroad. See *Schneider v. State*, 308 U.S. 147, 60 S. Ct. 146, 84 L. Ed. 155 (1939); *Lovell v. City of Griffin*, 303 U.S. 444, 58 S. Ct. 666, 82 L. Ed. 949 (1938). Revise so as to prohibit distribution on sidewalks of circulars, handbills cards or posters to persons not willing to accept same.
154. <sup>1</sup> **Legal Analysis: Code 1976, § 11-36. Political signs excluded.** Review in light of *Reed v. Town of Gilbert, Arizona*, 576 U.S. \_\_\_\_\_, 135 S.Ct. 2218, 192 L.Ed2d 236 (2015). *Per 4/25/18 e-mail from Jetton, deleted.*
155. <sup>1</sup> **Legal Analysis: Code 1976, § 11-37. Littering public place, use of receptacles required.** Deleted as covered by Ord. No. 96-1, § 1. (included in Code ch. 14) *Per 4/25/18 e-mail from Jetton, ok.*
156. <sup>1</sup> **Legal Analysis: Code 1976, § 11-41. Distributing handbills.** Revised. See *Bates v. State Bar of Arizona*, 433 U.S. 350, 93 S. Ct. 2691, 53 L. Ed. 2d 810 (1977), reh. denied 434 U.S. 881, 98 S. Ct. 242, 54 L. Ed. 2d 164; *Schneider v. State*, 308 U.S. 147, 60 S. Ct. 146, 84 L. Ed. 155 (1939); *Lovell v. City of Griffin*, 303 U.S. 444, 58 S. Ct. 666, 82 L. Ed. 949 (1938). *Per 4/25/18 e-mail from Jetton, ok.*
157. <sup>1</sup> **Legal Analysis: Ord. No. 2005-01, § 2. Definition.** Conformed definition to statutory language. *Per 4/25/18 e-mail from Jetton, ok.*
158. <sup>1</sup> **Legal Analysis: Ord. No. 2005-01, § 3. Authorization.** Revised to use citation (the language in the parenthetical is already out of date). *Per 4/25/18 e-mail from Jetton, ok.*
159. <sup>1</sup> **Legal Analysis: Ord. No. 2005-01, § 7. Compliance with traffic laws and registration fee.** The last sentence is confusing – should it read: “. . . as specified on said decal, the The cost of said annual decal to be purchased from the city shall be specified by Resolution of the city.” *Per 4/25/18 e-mail from Jetton, ok.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

160. <sup>1</sup> **Legal Analysis: Ord. No. 2005-01, § 8. Operator to assume risk and indemnify ad hold harmless.** Move next to last sentence to § 7. *Per 4/25/18 e-mail from Jetton, ok.*
161. <sup>1</sup> **Legal Analysis: Ord. No. 93-1. Nuisances.** This ordinance was included here as a new chapter. Updated reference to Florida Building Code throughout. *Per 4/25/18 e-mail from Jetton, ok.*
162. <sup>1</sup> **Legal Analysis: Ord No. 93-1, Art. I, div. 2, § 5. Excessive undergrowth, etc., declared a public nuisance; prohibited; exemption.** Added language to make more readily ascertainable by the average person as to its meaning and limitations. See *Flesch v. Metropolitan Dade County*, 240 So. 2d 504 (Fla. 3<sup>rd</sup> D.C.A. 1970). *Per 4/25/18 e-mail from Jetton, ok.*
163. <sup>1</sup> **Legal Analysis: Ord. No. 93-1, art. I, div. 2, § 8. Storage of inoperative vehicles, junk or scrap metal in residential or commercial sections prohibited.** Revised (b) for readability. For vehicles or vessels, added language to comply with F.S. 715.07.
164. <sup>1</sup> **Legal Analysis: Code 1976, §** Review use of the term “special assessment” for code enforcement in light of ch. 170 and the following cases: *City of North Lauderdale v. SMM Props., Inc.*, 825 So. 2d 343 (Fla. 2002); *Collier County v. State*, 733 So. 2d 1012 (Fla. 1999); *State v. City of Port Orange*, 650 So. 2d 1 (Fla. 1994); *Fisher v. Board of County Com'rs of Dade County*, 84 So. 2d 572 (Fla. 1956); *Whisnant v. String fellow*, 50 So. 2d 885 (Fla. 1951); *Crowder v. Phillips*, 1 So. 2d 629 (Fla. 1941); *Desiderio Corporation v. City of Boyton Beach*, 39 So. 3d 487, 494 (Fla. 4th D.C.A. 2010); *Donnelly v. Marion County*, 851 So. 2d 256 (Fla. 5th D.C.A. 2003); *Hanna v. City of Palm Bay*, 579 So. 2d 320 (Fla. 5th D.C.A. 1991). *Per Becky's 4/25/18 revised report, Delete the term special assessment and have the process remain as a cost reimbursement fee.*
165. <sup>1</sup>**Legal Analysis: Ord. No. 92-3, § 3. Definitions.** Definition of Outdoor public assembly encompasses area outside of parks and recreation as well. Recommend moving the applicable definition and § 7 to Miscellaneous offenses since it applies beyond just parks and recreation areas. *OK per 4/25/18 e-mail from Becky.*
166. <sup>1</sup>**Legal Analysis: Ord. No. 92-3, § 5. Prohibited Activities in Parks and Recreational Facilities Owned or Controlled by the City; Non-Criminal Violations; Criminal Violations; Penalties.** Review and revise to provide criteria to distinguish between conduct that is calculated to harm and that which is essentially innocent. Child asleep in arms of parent sitting on a bench would violate subsection A1. See *Papachristou v. City of Jacksonville*, 405 U.S. 156, 164, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972) and *State v. Penley*, 276 So. 2d 180 (Fla. 2<sup>nd</sup> D.C.A. 1973). In addition, B. 4 is deleted as preempted to the Fish and Wildlife Conservation Commission. See Fla. Constitution. Art. IV, § 9. In B.5, discharging of firearms is regulated by F.S. § 790.15. There are exceptions for use. F.S. § 790.33 preempts the field as to possession, etc., of firearms. Deleted B.6 as unconstitutionally vague. Deleted B.7 as covered by Code § 11-38. *Agreed per Becky's 4/25 e-mail – revised.*
167. <sup>1</sup> **Legal Analysis: Ord. No. 92-3, § 6 Alcoholic Beverages and Controlled Substance Prohibited in Parks and Recreational Facilities Owned or Controlled by the City; Penalty.** Deleted regulation of sale (manufacture and

## Apalachicola Summary of changes to charter, City Code, land development regulations

- purchase and offer) as preempted by Fla. Const. art. VIII, § 5. See AGO 83-83. *Per 4/25/18 e-mail from Jetton, ok.*
- <sup>1</sup> **Legal Analysis: Code 1976, § 16-11. Created; composition; terms; filling vacancies.** Deleted initial term language as obsolete. *Per 4/25/18 e-mail from Jetton, ok.*
168. <sup>1</sup> **Legal Analysis: Code 1976, § 16-12. Organizational meeting.** How often does this happen? Revise to reflect current practice. *Per 4/25/18 e-mail from Jetton, keep as written.*
169. <sup>1</sup> **Legal Analysis: Code 1976, ch. 17, art. II. Social Security.** Deleted as not needed. *Per 4/25/18 e-mail from Jetton, ok.*
170. <sup>1</sup> **Legal Analysis: Code 1976, § ch. 17. Art. III, Retirement.** Deleted language that is covered by F.S. ch. 121 or not needed. Did the referendum in § 17-31 occur and pass? If so, delete § 17-30 and 17-31. *Per 4/25/18 e-mail from Jetton, ok – referendum passed.*
171. <sup>1</sup> **Legal Analysis: Code 1976, § 18-28. Private property not to remain on streets or sidewalks without permit.** Can you leave private property overnight on streets and sidewalks for less than 1 week without a permit? If not, revise to clarify intent. *Per 4/25/18 e-mail from Jetton, ok as written.*
172. <sup>1</sup> **Legal Analysis: Code 1976, ch. 19, art II. Utilities Purchase Tax.** No authority for a "Utilities purchase tax" – there is authority for public service tax on purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service (F.S. 166.231 et seq.) and a discretionary communications services tax (F.S. § 202.19). The state has levied a municipal fuel tax pursuant to F.S. § 206.41. See also F.S. 206.61. Delete as obsolete? *Per 4/25/18 e-mail from Jetton, delete.*
173. <sup>1</sup> **Legal Analysis: Ord. No. 2001-07. Additional homestead for senior citizens. § 2. Definitions.** Deleted definitions contained in Code § 1-2. *Per 4/25/18 e-mail from Jetton, ok.*
174. <sup>1</sup> **Legal Analysis: Ord. No. 2001-07. § 3. Entitlement to additional homestead exemption.** Using the Florida Department of Revenue's guidance, in 2007 the amount would be \$24,214. Not sure how the city got the \$22,000 number. For 2016, the adjusted income limitation is \$28,482. See <http://dor.myflorida.com/dor/property/resources/limitations.html>
175. <sup>1</sup> **Legal Analysis: Ord. No. 2001-07. Additional homestead for senior citizens. § 4. Annual Adjustment of Income.** See footnote 3.
176. <sup>1</sup> **Legal Analysis: Ord. No. 2001-07. Additional homestead for senior citizens. § 6. Notice requirements.** Deleted as not needed.
177. <sup>1</sup> **Legal Analysis: Code 1976, § 20-7. Compilation of Ordinances regarding garbage/trash and refuse collection.** Deleted as unnecessary. We'll combine with garbage/trash provisions of ch. 11 during recodification. *Per 4/25/18 e-mail from Jetton, ok.* Also revised 20-6.
178. <sup>1</sup> **Legal Analysis: Charter, § 125. Sewer, water and gas connections.** Pursuant to Municipal Home Rule Powers Act (F.S. ch. 166), this section was converted into an ordinance - move to Code ch. 20? *Per 4/25/18 revised memo from Rebecca Jetton, city agrees.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

179. <sup>1</sup> **Legal Analysis: Code 1976, § 20-17. Interdependency of water, sewer and garbage and trash charges.** Revised for readability. *Per 4/25/18 e-mail from Jetton, ok.*
180. <sup>1</sup> **Legal Analysis: Code 1976, § 20-22. Re-reads.** Clarified language. *Per 4/25/18 e-mail from Jetton, ok.*
181. <sup>1</sup> **Legal Analysis: Code 1976, § 20-32. Application for water service; deposit required.** Review and advise as to changes necessary to make current. *Per 4/25/18 e-mail from Jetton, new ordinance.* Per 9/19/18 e-mail - No connection fee increases since 2008-02
182. <sup>1</sup> **Legal Analysis: Code 1976, § 20-34. Connection fees.** Review and advise as to changes necessary to make current. *Per 4/25/18 e-mail from Jetton, new ord.* Per 9/19/18 e-mail - Latest ordinance sent is 2008-02, which is included in the code. No connection fee increases since 2008-02
183. <sup>1</sup> **Legal Analysis: Code 1976, § 20-35. Water rates.** Review and advise as to changes necessary to make current. *Revised per ord. no. 2017-12.*
184. <sup>1</sup> **Legal Analysis: Code 1976, § 20-48. Sewer rates.** Review and advise as to changes necessary to make current. *Revised per ord. no. 2017-12.*
185. <sup>1</sup> **Legal Analysis: Code 1976, § 20-49. Separate service, minimum charge and user charge required for each place using City sewer.** Has this been updated since FY 13-14? Revised to allow for annual rate review by resolution. *Revised per 4/25/18 e-mail from Jetton.*
186. <sup>1</sup> **Legal Analysis: Code 1976, § 20-51. Toxic Waste and/or Industrial Waste.** Is there a measure for what "causes interference or overloading"? Revised per discussion with Becky.
187. <sup>1</sup> **Legal Analysis: Ord. No. 82-4.** The ordinance didn't specify where it amended the code. We included it as art. III of ch. 20. *Per 4/25/18 e-mail from Jetton, ok.*
188. <sup>1</sup> **Legal Analysis: Ord No. 82-4, art. I, § 1. Specific Definitions.** Deleted definitions covered by general provisions. *Per 4/25/18 e-mail from Jetton, ok.*
189. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. I, § 2. General Definitions.** Review and advise as to changes necessary to make current. *Per 4/25/18 e-mail from Jetton, revised.*
190. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II § 2. Scope.** Deleted (a) as not needed. *Per 4/25/18 e-mail from Jetton, ok.*
191. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II § 5. Violations.** Deleted – use general penalty of Code § 1-8. *Per 4/25/18 e-mail from Jetton, ok.*
192. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II, § 6. Fees and charges.** Deleted (a) as not needed. In (c), is the "City's Wastewater User Charge Ordinance" what is now Code §§ 46-48? If so, revise or delete as covered by those sections.
193. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II, § 7. Inspections.** Review (d) in light of F.S. § 768.28. *Per 4/25/18 e-mail from Jetton, delete.*
194. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II, § 8. Vandalism.** Revised to use Code § 1-8. *Per 4/25/18 e-mail from Jetton, ok.*
195. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II, § 9. Severability.** Deleted as not needed. *Per 4/25/18 e-mail from Jetton, ok.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

196. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. II, § 10. Amendments of the Ordinance.** Deleted as not needed. *Per 4/25/18 e-mail from Jetton, ok.*
197. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. III, § 4. Connection to Wastewater Sewer Required.** Delete as covered by Code § 20-3? *Per 4/25/18 e-mail from Jetton, keep.*
198. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. V, § 1. Connection Permit.** Was this repealed by Code §§ 20-2 and 20-47? *Per 4/25/18 e-mail from Jetton, keep.*
199. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. V, § 5. Building Sewer Design.** Deleted as not needed. See Code ch. 6. *Per 4/25/18 e-mail from Jetton, ok.*
200. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. V, § 6. Building Sewer Elevation.** Delete as covered by Department of Health rules? *Per 4/25/18 e-mail from Jetton, keep.*
201. <sup>1</sup> **Legal Analysis: Ord. No. 82-4, art. V, § 8. Conformance to applicable codes.** Deleted as not needed. See Code ch. 6. *Per 4/25/18 e-mail from Jetton, ok.*
202. <sup>1</sup> **Legal Analysis: Code 1976, ch. 11, art. II. Collections.** This article will be moved to the water/sewer chapter pursuant to Ord. No. 2001-02. Will combine some sections and revise others in the move. *Per 4/25/18 e-mail from Jetton, ok.*
203. <sup>1</sup> **Legal Analysis: Code 1976, § 11-13. Specifications for containers.** Still valid? *Per 4/25/18 e-mail from Jetton, revised.*
204. <sup>1</sup> **Legal Analysis: Code 1976, § 11-14. Rates for trash and garbage removal and disposal.** Review and advise as to changes necessary to make current. *This section and the rest of this article superseded by Ord No. 2008-02- there are no garbage rates in 2008-02, so if we delete this section and article, are rates set somewhere else? Revised per 5/25 e-mail from Becky – rates on file at city hall. OK*
205. <sup>1</sup> **Legal Analysis: Ord. Nos. 2000-01 and 2006-07. Water Conservation.** These ordinances have been made a chapter – Water Conservation and Drought Management. *Per 4/25/18 e-mail from Jetton, ok.*
206. <sup>1</sup> **Legal Analysis: Ord. No. 2000-01, §§ 1 and 2. Water Conservation.** Deleted as repealed by Ord. No. 2006-07. *Per 4/25/18 e-mail from Jetton, ok – and revised 3b as indicated.*
207. <sup>1</sup> **Legal Analysis: Code 1976, ch. 8. Civil Defense.** Review this chapter in light of the current provisions of F.S. ch. 252. The updated term for "civil defense" is emergency management. In addition, the city's website does not list a "Department of civil defense" – has the city adopted an emergency management program? If not, the city will be served by the Franklin County agencies. Delete chapter as obsolete? *Per 4/25/18 email from Jetton, delete chapter.*
208. <sup>1</sup> **Legal Analysis: Code 1976, § 12-1. State sanitary code adopted.** Deleted as obsolete. *Per 4/25/18 email from Jetton, ok.*
209. <sup>1</sup> **Legal Analysis: Code 1976, ch. 12, art. II. Land Clearance.** Deleted as covered by Code § 11-4 (litter) and Ord. No 93-1 (nuisances). *Per 4/25/18 email from Jetton, ok.*
210. <sup>1</sup> **Legal Analysis: LDC, art. II, § 8. Alley.** Deleted the last sentence – isn't a definition – covered by art. IV, § E. Supplementary regulations. *Moved last 2 sentences to supplementary regs per 3/16/17 conference.*
211. <sup>1</sup> **Legal Analysis: LDC, art. II, § 14. Area of Critical State Concern.** Corrected citation. *Ok per 3/16/17 conference.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

212. <sup>1</sup> **Legal Analysis: LDC, art. II, § 58. Congregate living facility (adult).** In 1995, the terminology changed from "adult congregate living facility" to "assisted living facility." Revise to use definition in F.S. 429.02? *Ok per 3/16/17 conference.*
213. <sup>1</sup> **Legal Analysis: LDC, art. II, § 20. Best management Practices (BMP).** Review list of manuals and update as needed. *Updated per city at 3/16 conference*
214. <sup>1</sup> *Use definition from subdivision ordinance, per city at 3/16 conference.*
215. <sup>1</sup> Deleted per direction from Becky – 11/13/18
216. <sup>1</sup> **Legal Analysis: LDC, art. II, § 20. Bond.** Deleted as not used in LDC except in the Subdivision ordinance and there is a definition in that article. *moved language to subdivision code per 3/16/17 conference.*
217. <sup>1</sup> **Legal Analysis: LDC, art. II, § 29. Building.** Updated building code. *Ok per 3/16/17 conference.*
218. <sup>1</sup> **Legal Analysis: LDC, art. II, § 49. Cluster Development.** Deleted non-definitional language which is covered by art. IX. *Moved to art IX per 3/16/17 conference.*
219. <sup>1</sup> **Legal Analysis: LDC, art. II, § 50. Coastal High Hazard Area.** Where is this term used in the LDC? The restrictions should be moved from the definitions to a development standard if enforced. *Moved to floodplain per 3/16/17 conference.*
220. <sup>1</sup> Deleted per direction from Becky – 11/13/18
221. <sup>1</sup> **Legal Analysis: LDC, art. II, § 55. Complaint.** Deleted non definition language covered by art. III. *Moved to art III per 3/16/17 conference.*
222. <sup>1</sup> **Legal Analysis: LDC, art. II, § 57. Conditional Use.** Deleted non definition language covered by art. IV. *Moved to art III per 3/16/17 conference.*
223. <sup>1</sup> **Legal Analysis: LDC, art. II, § 61. Convalescent home.** See footnote 11. *Ok per 3/16/17 conference.*
224. <sup>1</sup> **Legal Analysis: LDC, art. II, § 64. DCA approved manufactured building.** Department of Community Affairs was repealed – duties assumed by DBPR. *Ok per 3/16/17 conference.*
225. <sup>1</sup> **Legal Analysis: LDC, art. II, § 75. Dwelling (one-) Single family.** Delete the last sentence from definition and move the size restrictions to a development standard if enforced *Cindy will send new language to add to each residential zoning district per 3/16/17 conference.*
226. <sup>1</sup> Deleted per direction from Rebecca – 11/13/18
227. <sup>1</sup> Deleted per direction from Becky – 11/13/18
228. <sup>1</sup> **Legal Analysis: LDC, art. II, § 100. Guest cottage.** Revised for clarity. *Ok per 3/16/17 conference.*
229. <sup>1</sup> **Legal Analysis: LDC, art. II, § 102. Handicapped requirements.** Revised with current terminology. *Ok per 3/16/17 conference.*
230. <sup>1</sup> **Legal Analysis: LDC, art. II, § 106. Home occupations.** Revise to move all but the first sentence to the supplementary regulations of art. IV. *Ok per 3/16/17 conference.*
231. <sup>1</sup> Deleted per direction from Rebecca 11/13/18
232. <sup>1</sup> **Legal Analysis: LDC, art. II, § 116. Land Development Code.** Deleted as covered by LDC Art. I *Ok per 3/16/17 conference.*

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

233. <sup>1</sup> **Legal Analysis: LDC, art. II, § 141. Mobile home.** Revised for clarity. *Cindy will send new definition per 3/16/17 conference. Email from Cindy 4/13/17 – saying there's a new ordinance to be adopted in June 2017 – did it get adopted? Per 9/16/18 email - Ordinance 2016-04 has never had a final reading. The definition that you have currently is the one we will use until this ordinance is finalized. I am trying to make that happen in October*
234. <sup>1</sup> **Legal Analysis: LDC, art. II, § 148. Nursing Home.** See footnote 11. *Ok per 3/16/17 conference.*
235. <sup>1</sup> **Legal Analysis: Plat** - different definition – keep or use LDC art. II definition? *Keep per city at 3/16 conference.*
236. <sup>1</sup> **Legal Analysis: LDC, art. , § 172. Residential apartment units.** Moved last sentence of previous definition to supplemental regulations of art. IV. *Ok per 3/16/17 conference.*
237. <sup>1</sup> *Use definition from art V, per city at 3/16 conference.*
238. <sup>1</sup> **Legal Analysis: LDC, art. II, § 185. Special waterfront district.** Revised for clarity. *Ok per 3/16/17 conference.*
239. <sup>1</sup> **Legal Analysis: LDC, art. II, § 204. Variance.** Move the last sentence to the variance procedures as it is not part of the definition. *Ok per 3/16/17 conference.*
240. <sup>1</sup> **Legal Analysis: LDC, art. II, § 209. Wetland.** F.A.C. 62-3.022 is no longer valid – use 62-340.300 instead? *Ok per 3/16/17 conference. And why a definition for wetland and a definition for wetlands? Combine? Delete wetlands per 3/16/17 conference.*
241. <sup>1</sup> **Legal Analysis: LDC, art. II, § 210. Wetlands.** F.S. 403.817 was repealed by Laws of Florida, ch. 94-122, and F.A.C. 3.022 is no longer valid. Use F.A.C. 62-340.300 instead? *Deleted wetlands per 3/16/17 conference.*
242. <sup>1</sup> **Legal Analysis: LDC, art. III, § A.1. city commission.** Deleted language referencing Charter as repealed by the Home Rule Act and unneeded. Recommend deleting subsections a and b as not needed and covered by Florida laws. Review and advise as to changes necessary to make current. Recommend revising and reorganizing to clearly set out who does what with regard to interpretation and enforcement of each part of the LDCs. Deleted language in subsection 3 as city cannot specify how to obtain judicial relief. *Revised per city direction at 3/16/17 conference.*
243. <sup>1</sup> **Legal Analysis: LDC, art. III, § A.2. Planning and Zoning Board.** Review and advise as to changes necessary to make current. *Revised per city direction at 3/16/17 conference.*
244. <sup>1</sup> **Legal Analysis: LDC, Art. III, § A.3. Board of Adjustment.** Deleted language in subsection g as city cannot specify how to obtain judicial relief. When the LDC was adopted by Ord. No. 86-3, the Zoning Code as it had been adopted in Appendix A of the Code was repealed. The references to the Board of Adjustment were included in that Appendix and should be retained. The added provisions are from the Zoning Code prior to when Ord. No. 86-3 was adopted. *Revised per city direction at 3/16/17 conference.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

245. <sup>1</sup> **Legal Analysis: LDC, art. III, § A.4. Building Inspector.** Review and advise as to changes necessary to make current. *Revised per city direction at 3/16/17 conference.*
246. <sup>1</sup> **Legal Analysis: Ord. No. 2011-01. Tree Protection and Preservation.** This ordinance was included as a new article in the LDC. *OK per city at 3/16 conference.*
247. <sup>1</sup> **Legal Analysis: Ord. No. 91-3. Wellfield Protection.** This ordinance was made a new article of the LDC – Wellfield Protection. There was a memorandum dated January 21, 1992 to Mark Currenton from Mike McDaniel that was part of the .pdf. It spelled out some amendments to the Wellfield Protection ordinance – are these the amendments referenced in F.A.C. 28-22.206 that were adopted by the Administration Commission on March 3, 1992? The language in the memorandum is not reflected in this draft. *OK per city at 3/16 conference.*
248. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 400. Hazardous Substances Regulated.** Deleted subsection 2 - F.S. ch. 442 was repealed effective July 3, 2001. The cited chapter, the Florida Occupational Safety and Health Act, was expressly repealed effective July 1, 2000, by ch. 99-240, Laws of Florida. Since the chapter was not repealed by a "current session" of the Legislature, it had to be omitted from the Florida Statutes through a reviser's bill duly enacted by the Legislature (ch. 2001-65, Laws of Florida), which was effective July 3, 2001. In addition, the Department of Labor and Employment Security was dissolved pursuant to Ch. 2002-194, Laws of Florida. *OK per city at 3/16 conference.*
249. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 500. Restrictions within the well field protection zone.** Updated F.A.C. citation. *OK per city at 3/16 conference.*
250. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 600. Exemptions.** The Florida Pesticide Application Act was repealed by Laws of Florida ch. 92-115, eff. July 1, 1992. Updated F.A.C. citations. *OK per city at 3/16 conference.*
251. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 800. Inspections.** Updated F.A.C. citation *OK per city at 3/16 conference.*
252. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 900. Enforcement.** Revised to use general penalty. *OK per city at 3/16 conference.*
253. <sup>1</sup> **Legal Analysis: Ord No. 91-3, § 1000. Effective Date and Severability.** Deleted as not needed. *OK per city at 3/16 conference.*
254. <sup>1</sup> **Legal Analysis: Ord. No. 2013-02 – Floodplain Management.** This chapter has been added as a new article to the LDC – Floodplain Management. During recodification, it will be renumbered and organized so that it conforms to the style of the rest of the LDC. *OK per city at 3/16 conference.*
255. <sup>1</sup> **Legal Analysis: Ord. No. 2013-02, § 201.2 Terms defined in the Florida Building Code.** Throughout the definitions in § 202, there are many terms that are defined herein, but include the following language: [Also defined in FBC . . .]. Recommend deleting those bracketed provisions to avoid confusion. *OK per city at 3/16 conference.*
256. <sup>1</sup> **Legal Analysis: Ord. No. 2013-02, § 7. Fiscal Impact Statement.** Deleted as not needed. *OK per city at 3/16 conference.*
257. <sup>1</sup> **Legal Analysis: Ord. No. 2013-02, § 8. Applicability.** Deleted as not needed. *OK per city at 3/16 conference.*
258. <sup>1</sup> **Legal Analysis: Ord. No. 87-1. Historic and Cultural Preservation.** Was not provided the attachment to Ord No. 87-1. Did Ord. No. 2013-03 repeal Ord.



# Apalachicola

## Summary of changes to charter, City Code, land development regulations

No. 87-1? *Replaced with art VI from Cindy 3/20/17 email and clarification later that day.*

259. <sup>1</sup> **Legal Analysis: Ord. No. 2013-03.** Historic Guidelines. How much of Ord. No. 2013-03 does the city want to include in LDC? Deleted most of the historical background and retained only the development standards and requirements. *Replaced with art VI from Cindy 3/20/17 email and clarification later that day.*
260. <sup>1</sup> **Legal Analysis: Ord No. 2013-03. Apalachicola Architectural Review Committee Guidelines and Procedures.** Says "as found in the City of Apalachicola Land Use Regulations." Could not find these provisions elsewhere in the LDC – need to include. *Delete language per city at 3/16 conference. PandZ Commission is AARC.*
261. <sup>1</sup> *Corrected art VI from Cindy 3/20/17 email and clarification later that day.*
262. <sup>1</sup> Deleted per direction from Becky 11/13/18
263. <sup>1</sup> Deleted per direction from Becky – 11/13/18
264. <sup>1</sup> Deleted per direction from Becky – 11/13/18
265. <sup>1</sup> **Legal Analysis: LDC, art. VII, § F. Site Plan Requirements.** Added language to subsection 2.a.12 for clarity. Updated citation in subsection 2.h. *OK per city at 3/16 conference.*
266. <sup>1</sup> **Legal Analysis: Subdivision Ordinance. § 1.6.** Will be an article in the LDC, not an appendix. *OK per city at 3/16 conference. OK per city at 3/16 conference.*
267. <sup>1</sup> **Legal Analysis: Subdivision Ordinance, art. II. Definitions.** Deleted terms defined in LDC art. II. *OK per city at 3/16 conference.*
268. <sup>1</sup> **Legal Analysis: Abutting property** – different definition – keep or use LDC art. II definition? *Use definition from art II, per city at 3/16 conference.*
269. <sup>1</sup> **Legal Analysis: Block** - different definition – keep or use LDC art. II definition? *Move this definition to art II, per city at 3/16 conference*
270. <sup>1</sup> Deleted per direction from Becky – 11/13/18
271. <sup>1</sup> **Legal Analysis: Construction plans** - different definition – keep or use LDC art. II definition? *Use definition from art II, per city at 3/16 conference.*
272. <sup>1</sup> **Legal Analysis: Right of way** - different definition – keep or use LDC art. II definition? *Use definition from art II, per city at 3/16 conference.*
273. <sup>1</sup> **Legal Analysis: Easement** - different definition – keep or use LDC art. II definition? *Keep per city at 3/16 conference.*
274. <sup>1</sup> **Legal Analysis: Lot** - different definition – keep or use LDC art. II definition? *Keep per city at 3/16 conference.*
275. <sup>1</sup> **Legal Analysis: Street** - different definition – keep or use LDC art. II definition? *Cindy will check per 3/16 conference. Per 4/13/17 email from Cindy – keep this one.*
276. <sup>1</sup> **Legal Analysis: Subdivision** - different definition – keep or use LDC art. II definition? *Cindy will check per 3/16 conference. . Per 4/13/17 email from Cindy – keep this one.*

# Apalachicola

## Summary of changes to charter, City Code, land development regulations

277. <sup>1</sup> **Legal Analysis: Subdivision Ordinance, § 6.3. Penalties.** Deleted – use LDC general penalty. *OK per city at 3/16 conference.*
278. <sup>1</sup> **Legal Analysis: LDC, art. IV, § A. Establishing district.** Deleted the next to last sentence as covered by F.S. § 839.13. *ok per city direction at 3/16/17 conference.*
279. <sup>1</sup> Added per 3/20/17 email from Cindy.
280. <sup>1</sup> Added per 3/20/17 email from Cindy.
281. <sup>1</sup> Added per 3/20/17 email from Cindy.
282. <sup>1</sup> Added per 3/20/17 email from Cindy.
283. <sup>1</sup> Added per 3/20/17 email from Cindy.
284. <sup>1</sup> Added per 3/20/17 email from Cindy.
285. <sup>1</sup> **Legal Analysis: LDC, art. IV, C-4 District.** In the section on building setbacks – this sentence doesn't make sense – the use of the word "built" doesn't fit – "It is understood that elevation requirements vary within the district and may not allow for adequate access to built to the front lot line -- thereby this provision would allow development to be set back the minimum required to provide such access." *Should be Build per city at 3/16 conference.*
286. <sup>1</sup> Added per 3/20/17 email from Cindy.
287. <sup>1</sup> **Legal Analysis: LDC, art. IV, § E. Supplementary regulations.** What is a "latter yard" at the end of subsection 1? Deleted extra language in subsection 3. e. Updated statutory language and reference in subsection 5. Updated department name in subsection 7. Review 7 e – the cited statute doesn't match up with the language in the subsection. Updated name of department. Updated statutory reference in subsection 8. *Per 3/16 conference, Cindy will rewrite this section. Revised per 4/13/17 email.*
288. <sup>1</sup> **Legal Analysis: LDC, art. IV, § F. Schedule of Fees, Charge and Expenses.** Review and advise as to changes necessary to make current. Deleted subsection 4 as amended by sign regulations. *Revised per direction of city at 3/16 conference.*
289. <sup>1</sup> **Legal Analysis: LDC, art. IV, § G. Penalties.** Deleted the last sentence as municipal code violations are not misdemeanors. *OK plus added language per city at 3/16 conference.*
290. <sup>1</sup> **Legal Analysis: LDC, art. IV, § H. Interpretation and validity.** Deleted as covered by LDC art. II (Language and definitions) *OK per city at 3/16 conference.*
291. <sup>1</sup> **Legal Analysis: LDC, art. XI, Transient Lodging.** Updated (7) to reflect current name. *OK per city at 3/16 conference.*
292. <sup>1</sup> **Legal Analysis: LDC, art. V, § B. Definitions and interpretation.** Deleted definitions covered in art. II. *OK per city at 3/16 conference.*
293. <sup>1</sup> **Legal Analysis: LDC, art. V, § Banner** - different definition – keep or use LDC art. II definition? *Use art II definition per city at 3/16 conference.*
294. <sup>1</sup> **Legal Analysis: LDC, art. V, § Frontage** -different definition – keep or use LDC art. II definition? *Keep per city at 3/16 conference.*
295. <sup>1</sup> **Legal Analysis: LDC, art. V, § Sign** - different definition – keep or use LDC art. II definition? *Move this definition to art II, per city at 3/16 conference*
296. <sup>1</sup> **Legal Analysis: LDC, art. V, § D. Computations.** Added language to subsection 1 for clarity. *OK per city at 3/16 conference.*

Apalachicola  
Summary of changes to charter, City Code, land development  
regulations

297. <sup>1</sup> **Legal Analysis: LDC, art. V, § K. Design, construction and maintenance.** The electrical code is included in the Florida Building Code. *OK per city at 3/16 conference.*
298. <sup>1</sup> **Legal Analysis: LDC, art. VIII, Stormwater Management Plans.** DER is now DEP. Updated F.A.C. references throughout. *OK per city at 3/16 conference.*
299. <sup>1</sup> **Legal Analysis: LDC, art. VIII, §B. General Design Requirements.** Deleted extraneous language in subsection 10. *OK per city at 3/16 conference.*
300. <sup>1</sup> **Legal Analysis: Code 1976, Appendix A. Zoning.** Delete as repealed by the LDC as adopted by Ord. No 86-3 and subsequently amended. HOWEVER – the provisions of §§ 7 – 10 should be retained dealing with the Board of Adjustment, and included in the LDC in Art III.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Recreation Committee Update – Riverfront Park

**AGENDA INFORMATION:**

**Agenda Location:** Presentations  
**Item Number:** B  
**Department:** Recreation  
**Contact:** Elinor Mount-Simmons, Committee Chair  
**Presenter:** Elinor Mount-Simmons, Committee Chair and Donna Ingle

**BRIEF SUMMARY:** As the Recreation Committee, we are tasked with the responsibility of reviewing the City parks and recreational areas and open spaces, evaluating them and offering recommendations for their improved and future use in the City. The Committee will update the Commission on their Riverfront Park review and recommendations.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** None at this time.

**FUNDING SOURCE:** Not Applicable at this time.

**ATTACHMENTS:** Recreation Committee PowerPoint Presentation

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Included in the report are recommendations that the Committee would like the Commission to consider as future planning and budgeting efforts are undertaken.

# Riverfront Park

CITY OF APALACHICOLA

# Criteria Used

- EASE OF MAINTENANCE
- HURRICANE RESILIENCE
- SALT TOLERANCE
- RESPONSIBILITY
- COST

# Southern Boundary

- Overgrown in need of weeding and edging
- Dog poop box could be emptied more often
- Electrical/Water meter? box needs cover
- Fence and railing between home owner and Park in need of repair/replacement
- Sprinkler System in Need of Repair





# Action items for southern boundary

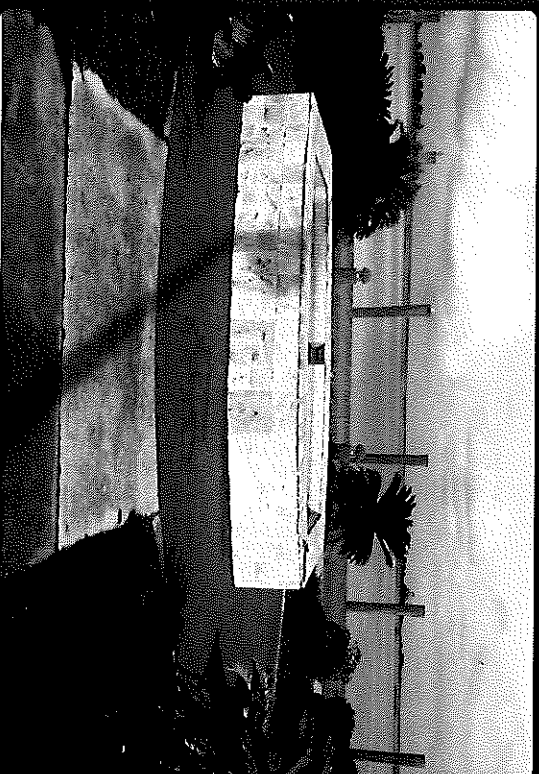
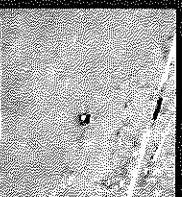
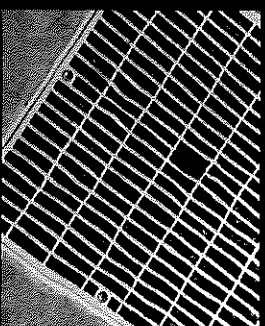
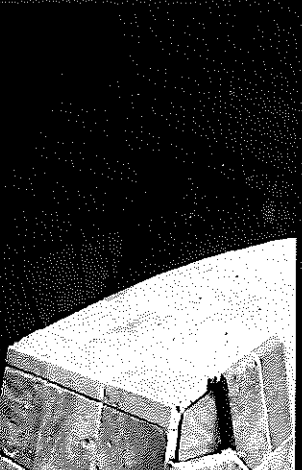
- ▶ Trim palms, remove dead plants and overhanging dead limbs
- ▶ Weed bamboo so it can regrow
- ▶ Maintain or remove sprinkler system
- ▶ Level ground and replace shrubbery with native plants that do not require sprinkler system such as coastal rosemary, saw palmetto, milkweed or coral bean
- ▶ Add dog Poop and garbage cans to regular pick up schedule
- ▶ Repair/Replace Southern fence boundary
- ▶ Replace cover on electrical/water meter box

## SOUTHERN BOUNDARY WORK PLAN

	Ease of Maintenance	Hurricane Resilient	Salt Tolerant	Responsibility	Cost
Trim and Remove Dead Plants	Medium	Yes	Yes	Volunteers	?
Weed/Trim Bamboo	Medium	Yes	Yes	Volunteers	?
Maintain or Remove Sprinkler system	High	Yes	n/a	City of Apalachicola	?
Level ground and replace shrubbery with Native plants	Medium	Yes	Yes	Volunteers	?
Add Dog Poop and Garbage cans to regular pick up schedule	Medium	Yes	n/a	City of Apalachicola	?
Repair/Replace Southern Fence Boundary	Medium	Maybe	n/a	Ownership?	?
Replace Box Cover	Low	Yes	n/a	City of Apalachicola	?

# Park Center fountain area

- Overgrown and dead plants in need of weeding and edging
- Fountain has many issues:
  - Caving in on southwest corner
  - Coins clog Drain
  - Filter wrong size
  - Fountain Part Inoperative
- Has self leveler which adds to city water leakage problem
- Has many cracks and tiles missing



# Action items for Fountain Area

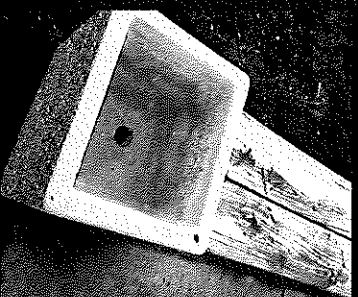
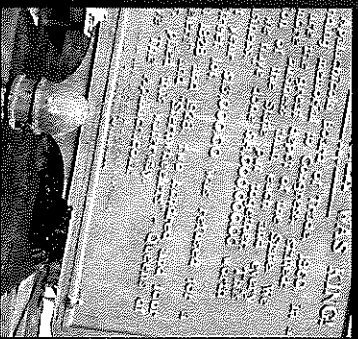
- ▶ Fountain needs Maintenance
  - ▶ Tiles Need to be Replaced
  - ▶ Another option would be to have fountain tiles replaced with mosaic scene around the fountain
- ▶ Remove dead plantings from the fountain area, weed and mulch.
- ▶ Maintain sprinkler system
- ▶ Move all 'Charleston Type' benches to center park paved area

**FOUNTAIN AREA  
WORK PLAN**

	Ease of Maintenance	Hurricane Resilient	Salt Tolerant	Responsibility	Cost
Maintain the Fountain	High	Yes	n/a	City of Appalachicola	?
Remove dead and diseased plantings from the fountain area	Medium	Yes	Yes	Volunteers	?
Maintain Sprinkler system	High	Yes	n/a	City of Appalachicola	?
Move all Charleston Type Benches to Center Area	High	Yes	n/a	Volunteers	?

# General Park Area

- Overgrown in need of weeding and edging
- Short Light Post Inoperative for extended period of time
- "Planter Style" benches not maintained and boards are warped in need of replacing
- One of four tall street side lamps stays on 24 hrs.
- Signage from Fourth of July Remains up 360 days a year
- Other signage in various stages of decay
  - Historical Cast Iron sign
  - Park "Creation Date" Sign
  - Apalachicola "Cotton Era" Sign



# Action items for GENERAL PARK AREA

- ▶ Edge general park area
- ▶ Remove the inoperative light posts near river
- ▶ Repair street lamp that is on 24hrs/day
- ▶ Remove and replace the 'Planter Benches' "Memorial Benches"
- ▶ Remove the "Fourth of July" sign after the event
- ▶ Refurbish or upgrade information signage so it is an inviting and informative spot for visitors

**GENERAL PARK AREA  
WORK PLAN**

	Ease of Maintenance	Hurricane Resilient	Salt Tolerant	Responsibility	Cost
Edge general park area	Medium	Yes	n/a	City of Apalachicola	?
Remove the inoperative light posts near river	High	Yes	n/a	City of Apalachicola	?
Repair one street side lamp post	Medium	Yes	n/a	City of Apalachicola	?
Remove and replace the 'Planter Benches' with Memorial Benches	Medium	Yes	n/a	Volunteers	Donations
Remove the "Fourth of July" sign after the event	High	Yes	n/a	Mainstreet	?
Refurbish or upgrade Information Signage - Cast Iron sign, Park "Creation Date" sign, Wooden Apalachicola Cotton Era Sign	Medium	Yes	n/a	Unknown	?



Sample Memorial Bench



# Other considerations

- ▶ Power source only at Northern boundary
- ▶ Overflow from Scipio Creek docks here
  - ▶ How can you collect fees? This is a similar issue to ten foot hole collection issues
  - ▶ Can those fees be used in the future for maintenance of this park
- ▶ These suggestions do not take into account any major structural issues, it is a way to begin the process of cleaning up our parks that have been neglected.
- ▶ How can we move forward? Is it possible for one of the commissioners to act as a liaison between the recreation committee and the commission to work on a true action plan for the Riverfront Park.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Resolution 2020-02 - Apalachicola Main Street

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** A  
**Department:** Administration  
**Contact:** Kevin Begos, Mayor  
**Presenter:** Kevin Begos, Mayor

**BRIEF SUMMARY:** Following discussion at their January 21<sup>st</sup> special meeting, the City Commission requested that the City Attorney draft a Resolution to treat Main Street like all other non-profit organizations. Resolution 2020-02 is being drafted and will be presented to the Commission for their consideration.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To Adopt Resolution 2020-02

**FUNDING SOURCE:** Not Applicable

**ATTACHMENTS:** Resolution 2020-02 is being drafted by the City Attorney and will be presented to the Commission at their meeting.

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Apalachicola Main Street is a non-profit organization dedicated to enhancing downtown Apalachicola through sound economic development which promotes our future while preserving our past. The Main Street downtown district is defined as Ten Foot Hole (the City Marina) to Scipio Creek, and 6th Street to Water Street.



**APALACHICOLA CITY COMMISSION**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date:** February 4, 2020

**SUBJECT:** City Manager Discussion

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** B  
**Department:** Administration  
**Contact:** Ron Nalley, City Manager  
**Presenter:** Ron Nalley, City Manager

**BRIEF SUMMARY:** Over several months, the City Commission has discussed the City Manager position and the associated duties and responsibilities as it relates to the City Charter, Personnel Policy and the Employment Agreement with current City Manager Ron Nalley. At their meeting on January 15<sup>th</sup>, the Commission voted to continue discussion on this matter at a future workshop and the Mayor encouraged each of the Commissioners to discuss the position its responsibilities, and the future needs of the City with Mr. Nalley. Following a few of these individual meetings, Mr. Nalley is requesting that this matter be placed back on the agenda for the February meeting.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** None at this time pending further discussion by the City Commission.

**FUNDING SOURCE:** Administration – Salaries and Benefits

**ATTACHMENTS:** A revised Severance Agreement is being drafted by the City Attorney and will be distributed to the City Commission once completed.

**STAFF'S COMMENTS AND RECOMMENDATIONS:** None at this time.



**APALACHICOLA CITY COMMISSION**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date:** February 4, 2020

**SUBJECT:** Proposed FDOT Sidewalk Project Along Highway 98

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** A  
**Department:** Administration  
**Contact:** Ron Nalley, City Manager  
**Presenter:** Ron Nalley, City Manager

**BRIEF SUMMARY:** Franklin County is proposing to apply to the Florida Department of Transportation for funding under the Transportation Alternatives Set-Aside to build a sidewalk along the north side of Highway 98 from Prado Street westward to the Ace Hardware Store. The length of the project is 0.72 miles and because 88% of the project is located in the City of Apalachicola, Franklin County is requesting the City's support for this project. While normally requiring a local match, the match is waived because both the city and county are part of the designated Rural Area of Opportunity. Once construction is completed, the City of Apalachicola will have to agree to maintain the portion of the sidewalk located within the city limits.

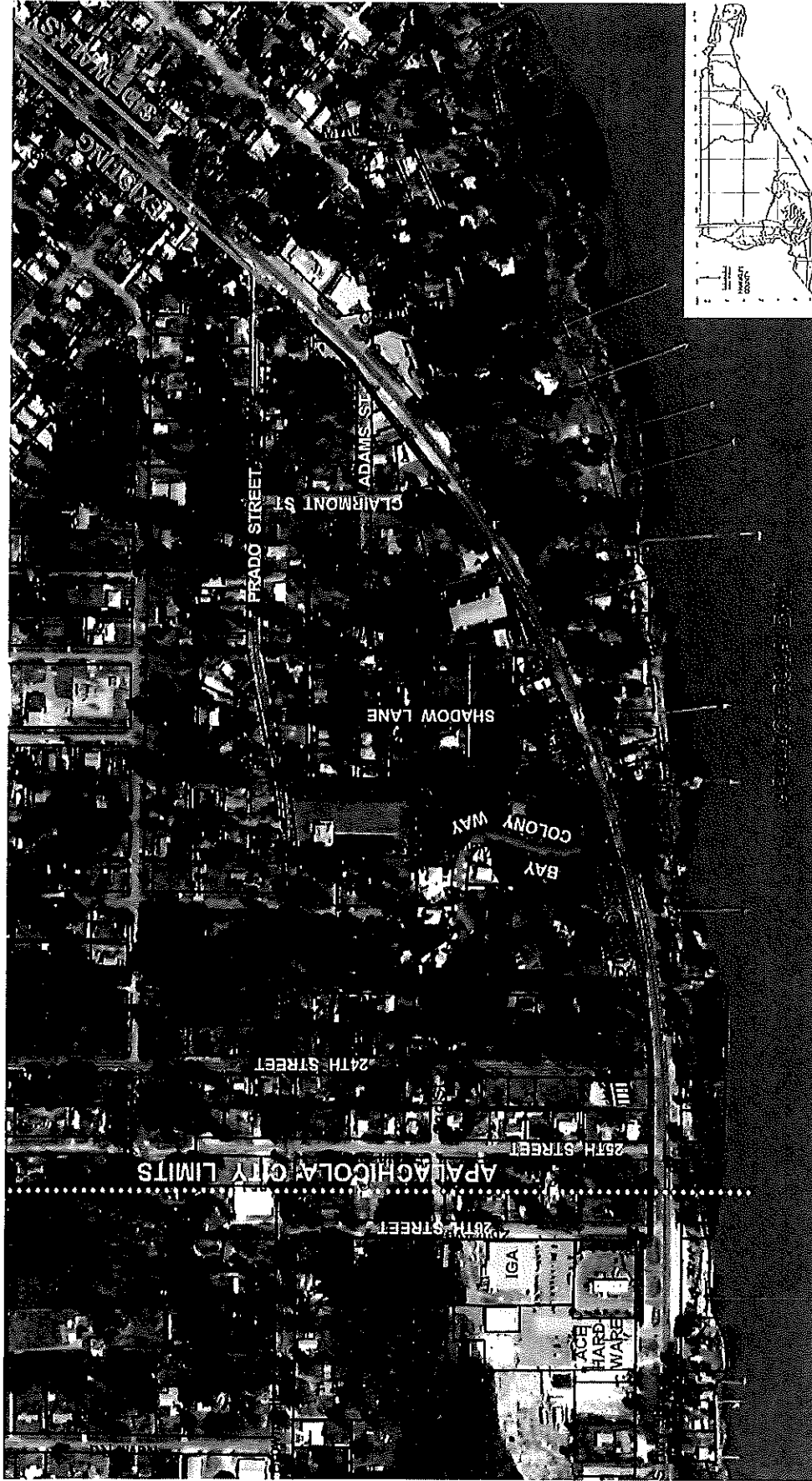
**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To Support Franklin County's Application to FDOT for the Construction of a Sidewalk along Highway 98 and Once Completed Agree to Maintain the Portion of Sidewalk Located Within the City Limits.

**FUNDING SOURCE:** Maintenance and Repair to Streets – Public Works Department

**ATTACHMENTS:** Aerial Map Showing Sidewalk Route and Description of Project.

**STAFF'S COMMENTS AND RECOMMENDATIONS:** The proposed sidewalk project completes a much needed pedestrian link from the Prado Street commercial area to the IGA commercial area. Once completed, all of Highway 98 within the City limits from our downtown westward will be served by sidewalks. While the maintenance costs of a new sidewalk will be minimal, the Commission will need to set aside additional funds for future maintenance and repairs to these sidewalks.





2019 TRANSPORTATION ALTERNATIVES

APALACHICOLA SIDEWALK  
FRANKLIN COUNTY AND THE CITY OF APALACHICOLA

## PROPOSED APALACHICOLA SIDEWALK 2019 TRANSPORTATION ALTERNATIVES

The proposed sidewalk to be constructed under the Transportation Alternatives program will be along the northwest and north side of Avenue E/Highway 98 and will run from Prado Street to the driveway of the Ace Hardware store, approximately 0.73 miles. Of this length approximately 0.64 miles, or 88% of the length, is located within the City of Apalachicola. The portion of the sidewalk located outside the city limits in Franklin County amounts to 0.08 miles or 12% of the length.

This will be a 4' wide concrete sidewalk, just like the existing sidewalk along Avenue E. The existing sidewalk has a crosswalk across Prado Street and a short 13' section of sidewalk on the south side of Prado Street. The new sidewalk will begin at this sidewalk and run west to the driveway of the Ace Hardware store. Businesses that will benefit from this new sidewalk include the Best Western Motel, the IGA Grocery and Ace Hardware. There is a Burger King restaurant that was damaged by Hurricane Michael and is still closed, but will probably reopen in the future.

Also along the route of the sidewalk are at least 6 storm drainage inlets and three drainage ditches flowing from the north that flow beneath Highway 98. There are seven streets that will have to be crossed along with approximately 7 driveways, both residential and commercial. There are three large paved commercial parking areas that extend to the edge of the pavement on Highway 98 that will have to be crossed, as well as roadside ditches in the right-of-way along a considerable section of the proposed sidewalk.

The existing right-of-way width along this section of Highway 98 in the City of Apalachicola is 100'. West of 26<sup>th</sup> Street the right-of-way expands to 200' in width.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Resolution 2020-03 Adopting the Franklin County Comprehensive Emergency Management Plan for the City of Apalachicola

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** B  
**Department:** Administration  
**Contact:** Ron Nalley, City Manager  
**Presenter:** Ron Nalley, City Manager

**BRIEF SUMMARY:** Tress Dameron, Franklin County Emergency Management Coordinator, requested that the City adopt the most recent revision to the Franklin County Comprehensive Emergency Management Plan. The Overview of the Plan is attached and a complete copy of the Plan can be found at City Hall.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To Adopt Resolution 2020-03 Adopting Franklin County Comprehensive Emergency Management Plan for the City of Apalachicola.

**FUNDING SOURCE:** Not Applicable

**ATTACHMENTS:** Resolution 2020-03 and Overview of the Comprehensive Emergency Management Plan

**STAFF'S COMMENTS AND RECOMMENDATIONS:** In the event of emergencies and natural disasters, the City has operated through the Franklin County Emergency Management Plan. A recent revision to the Plan has been approved by the State and now requires the County and each municipality to readopt the Plan. If the City does not adopt the revisions to the County Plan, the City will be responsible for preparing its own plan.

**RESOLUTION #2020-03**

**RESOLUTION ADOPTING THE FRANKLIN COUNTY COMPREHENSIVE  
EMERGENCY MANAGEMENT PLAN FOR THE CITY OF APALACHICOLA**

**WHEREAS**, Chapter 252 of the Florida Statutes, assigns to the Board of County Commissioners and City Commission responsibility for disaster preparedness, response, recovery and mitigation; and,

**WHEREAS**, being prepared for disasters means being ready to respond promptly as danger threatens, to save life and protect property and to provide relief from suffering and privation; and,

**WHEREAS**, local services may be overburdened or inadequate and local government will have to operate effectively in different ways than in normal times to provide timely relief and minimize hardships in the event of natural and technological disasters in Franklin County and the City of Apalachicola; and,

**WHEREAS**, many populated areas and parts of communities may require evacuation, shelter and food until the disaster ends, services are restored and needed supplies and materials are available; and,

**WHEREAS**, this plan is intended to provide the framework for the development of detailed operating procedures for all County and City forces charged with responsibility of protecting the public's health and safety from natural and technological disaster; and,

**WHEREAS**, Chapter 9G-6, Florida Administrative Code, requires each County and City to develop a Comprehensive Emergency Management Plan; and,

**WHEREAS**, Chapter 9G-6, Florida Administrative Code, furthermore, requires the governing body of City of Apalachicola to adopt by resolution, the Franklin County Comprehensive Emergency Management Plan or their own Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Apalachicola, Florida that the City of Apalachicola adopts the Franklin County Comprehensive Emergency Management Plan.

**READ, APPROVED AND ADOPTED** this 4<sup>th</sup> day of February 2020.

**ATTEST:**

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Deborah Guillotte, City Clerk

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Kevin Begos, Mayor

## Overview

*As stated by FEMA. "The elected and appointed leader in each jurisdiction are responsible for ensuring that necessary and appropriate actions are taken to protect people and property from any threat or hazard. When threatened by any hazard, citizens expect elected or appointed leaders to take immediate action to help them resolve the problem."*



*Citizens expect the government to marshal its resources, channel the efforts of the whole community- including voluntary organizations and the private sector and, if the necessary, solicit assistance from outside the jurisdiction. Residents and all sectors of the community have a critical role and shared responsibility to take appropriate actions to protect themselves, their families and organizations and their properties. Planning that included the whole community builds a resilient community.*

The Basic Plan for the Franklin County CEMP outlines the general purpose, scope and methodology and planning assumptions of the plan. Specific hazards that present vulnerability for the jurisdictions within the county are analyzed and reported. Coordination, control and organizational structure; concept of operations, and responsibilities are defined for the agencies and resources mobilized by the county to assist in recovering from a disaster.

The CEMP enables the Franklin County Board of County Commissioners to discharge their responsibility for providing direction and control during any large-scale disaster. The Basic Plan is divided into the following sections:

- Introduction
- Situation
- Concept of Operations
- Preparedness Activities
- Financial Management
- References and Authorities
- Direction and Control

man- made, or technological emergencies;

- b. Preparing for prompt and efficient response and recovery activities to protect lives and property impacted by emergencies;
- c. Responding to emergencies with the effective use of all relevant plans and resources deemed appropriate;
- d. Recovering from emergencies by providing for the rapid and orderly implementation of restoration and rehabilitation programs for persons and properties affected by emergencies; and
- e. Assisting in awareness, recognition, education, prevention and mitigation of emergencies that may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

## **B. Scope**

The scope of the plan describes the types of emergencies that can occur within Franklin County. It identifies selected tasks for response, establishes direction and control, the coordination between municipal, county, state and federal agencies, and outlines the actions necessary for recovery and mitigation efforts following a disaster.

The CEMP provides the following by:

- a. Establishing the basic policies, assumptions and strategies for a comprehensive all-hazards countywide emergency management program.
- b. Prioritizing the protection of citizens as a first priority, with the preservation and protection of property as being the second.
- c. Identifying it can be applicable to minor, major or catastrophic disasters. It is flexible and expandable, depending on the emergency situation and needs. Any part or section of the plan may be utilized separately if required by the situation.
- d. Establishing the procedures to coordinate with Local, Regional, State and Federal emergency management agencies, organizations and programs operating under the National Response Plan (NRP) and the National Incident Management System (NIMS).
- e. Providing a unified direction and control structure is described and identifies staff roles and resource allocation, as well as decision-making criteria. It delineates lines of authority, responsibilities and working relations of various entities.
- f. Providing a unified direction and control structure is described and identifies



**Recovery:** Recovery may actually begin before the response phase is complete. The emergency management organization initiates procedures to assess needs and resources, establish priorities, review state and federal aid criteria and coordinate with representatives from both levels of government. Once the extent of the recovery effort is determined, the appointed recovery team members determine how best to manage the specific activities, what resources and personnel will be required and what other actions are needed to return the impacted areas to normal operations as quickly as possible. Assessment of both short and long-term mitigation measures takes place during this phase and the "after action" evaluation process is conducted.



**Mitigation:** This phase involves identifying preventative and/or corrective measures and actions to prevent or limit bodily injury, loss of life or property damage from disasters. It includes policy issues as well as structural projects within government and the private sector. The County Local Mitigation Strategy (LMS) serves as the guidance document for both pre-disaster mitigation planning and post-disaster recovery.

There are varying types of emergencies that can occur within each jurisdiction of Franklin County. The emergencies are situations that pose an immediate risk to health, life, property or the environment. They are categorized as natural, technological, and human-caused hazards.

### 1. Natural Hazards

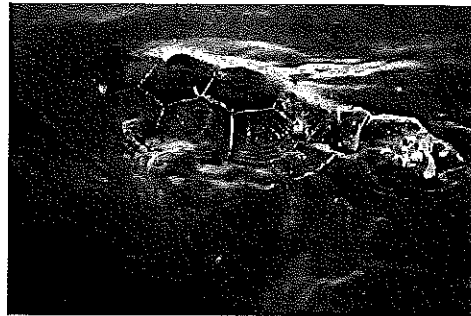


A natural hazard can have a negative impact on people and/or the environment. There are two broad categories of natural hazards, geophysical and biological. Biological hazards refer to a diverse array of diseases and infestation. Geophysical hazards can result from a combination of geological, hydrological and climatic factors, such as storm surge, drought and tropical storm events.



### 3. Human-caused Hazards

These incidents can rise from deliberate, intentional human actions to threaten or harm the wellbeing of others. The human-caused incidents profiled for Franklin County didn't reveal any incidents that could have a moderate to high vulnerability to the County.



- Coastal Oil Spill

### C. Methodology

The methodology provides the formulation of the plan, the planning process, and the dedicated team that contributed the details in producing the County CEMP. The State and Federal statutes, regulations and priorities guide in the improvement of the document.

The development of the CEMP requires involvement of representatives from the government, private and public sectors. The CEMP planning team analyzes and evaluates the specifics in each section of the previous CEMP.

The CEMP planning teams includes the following agencies, departments, and organizations (i.e., public a, private and volunteers) that participate in the development of this plan.

- Franklin County Board of County Commissioners
- Franklin County Director of Administrative Services
- Franklin County UF Extension Services
- Franklin County Animal Control
- Franklin County Planning & Building Department
- Franklin County Clerk of Court
- Franklin County Emergency Management
- Franklin County Property Appraiser
- Franklin County Public Health Department
- Franklin County Road Department
- Franklin County Solid Waste
- Franklin County School Board
- Franklin County Sheriff's Office
- Franklin County Emergency Medical Services (EMS)
- Franklin County State Housing Initiatives Partnership (SHIP)
- Apalachicola Volunteer Fire Department (AVFD)
- Eastpoint Volunteer Fire Department (EVFD)
- St George Island Volunteer Fire Department (SGIVFD)
- Carrabelle Volunteer Fire Department (CVFD)
- St. James-Lanark Volunteer Fire Department



The CEMP is considered a living document that adapts to changes in policy, priorities and needs. The Franklin County Emergency Management (EM) is responsible for maintaining and updating the CEMP.

The procedures or process to ensure that the plan is maintained, evaluated and reviewed with current and regular updates or changes and is distributed and documented for the local planning team are as follows:

- A promulgation letter from the Chairperson of the Board displayed at the front of this document. An Example is located in Appendix A
- Signed Concurrence acknowledging and accepting plan responsibilities displayed at the front of this document.
- A distribution list of the CEMP planning team is displayed at the front of this document. This list is used to verify that all appropriate persons/offices are copied.
- The Emergency Management Director is responsible for ensuring that all changes or revisions will be distributed to recipients of the CEMP.
- Record of Changes or Revisions Log displayed at the front of this document is used to record all published changes as those holding copies of the CEMP receive them. The EM Department is responsible for making the appropriate changes and updating the Log.
- A master copy of the CEMP, with a master Record of Changes or Revisions Log, is maintained in the Franklin County Emergency Management office. A comparison of the master copy with any other will allow a determination to be made as to whether or not the copy in question has been posted to it with all appropriate changes.
- Franklin County Emergency Management will review and maintain changes to the CEMP on an annual basis.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Philaco Lease Agreement – Old Library Building

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C  
**Department:** Administration  
**Contact:** Kevin Begos, Mayor  
**Presenter:** Kevin Begos, Mayor

**BRIEF SUMMARY:** In 2018, the Commission authorized the discussion of a five year lease term with the Philaco Club for the use of the old library building as a clubhouse. The lease agreement never materialized. Further work will be needed to develop lease terms with the Philaco Club if the current Commission wishes to move forward with a lease arrangement for the building.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** None at this time pending further discussion by the City Commission.

**FUNDING SOURCE:** General Fund - Property Rent

**ATTACHMENTS:** None

**STAFF'S COMMENTS AND RECOMMENDATIONS:** None at this time.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Ordinance 2020-01 Amending Article 17 – Elections of the City of Apalachicola Charter

**AGENDA INFORMATION:**

**Agenda Location:** New  
**Item Number:** D  
**Department:** Administration  
**Contact:** Heather C. Riley, Franklin County Supervisor of Elections  
Ron Nalley, City Manager  
**Presenter:** Ron Nalley, City Manager

**BRIEF SUMMARY:** At the February 2019 Commission meeting, Franklin County Supervisor of Elections Heather C. Riley presented information to the City Commission regarding a proposal to move Apalachicola’s municipal elections to the first Tuesday in November in even-numbered years to coincide with the State of Florida General Elections. The proposal is similar to a proposal approved by the City of Carrabelle. It is estimated that this change will save the City money and increase voter turnout. Following the presentation, the City Commission requested that the City Manager work with Supervisor Riley to present options for making such a change to the Commission. At the March 2019 meeting, the City Attorney and City Manager reported that additional legal work was needed to determine if the other suggested changes updating Article 17 could be made by Ordinance or if they would require being made through a Referendum. Following that research, it was determined that a Referendum would be needed to make all the proposed changes to the Charter. A revised Ordinance pursuant to Florida Statutes Section 100.3605 and 166.021(4) where the governing body of a municipality may by Ordinance change the dates for election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes was presented to the Commission for their consideration. In May 2019, the former Commission agreed to move forward with the 2019 election, but leave any future decision on a special election and changes to the Charter up to the new Commission. If the Commission decides to move forward with changing the municipal election date to November 2020, adoption of the Ordinance will need to be made by March of 2020.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To Approve the First Reading of Ordinance 2020-01 Amending Article 17 – Elections of the City of Apalachicola Charter and Proceed with the Adoption Process.

**FUNDING SOURCE:** Election Expense – Governing Body

**ATTACHMENTS:** Ordinance 2020-01

**STAFF’S COMMENTS AND RECOMMENDATIONS:** Clearly the Florida Statutes allow adoption of Ordinances to change municipal election dates, qualifying periods for candidates and for the adjustment of terms of office necessitated by such date changes in a City Charter. If the Commission decides to move forward, it is recommended that this area be changed now by Ordinance and that any other updates to the Charter to conform to the Florida Election Code are made by Referendum at a later date.

**CITY OF APALACHICOLA, FLORIDA  
ORDINANCE NO. 2020-01**

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR AN AMENDMENT TO ARTICLE 17 OF THE CHARTER OF THE CITY OF APALACHICOLA, FLORIDA; CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSION FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN-NUMBERED YEAR; PROVIDING REVISED TERMS OF SITTING COMMISSIONERS IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Franklin County Board of Elections approached the City of Apalachicola about conducting its elections in November to coincide with the County, State and National election dates; and

**WHEREAS**, the City of Apalachicola could realize cost savings by conducting its elections in November on even numbered years in order to coincide with the County, State and National election dates; and

**WHEREAS**, moving the City election date to coincide with County, State and National election dates is anticipated to increase voter participation; and

**WHEREAS**, Article 17, of the City Charter states that the biannual election of offices for the City shall be held on the first Tuesday after the first Monday in September of odd-numbered years; and

**WHEREAS**, the City Commission deems it appropriate to change the month of the elections from September of odd-numbered years to November of even-numbered years in order to coincide with other Local, State and National elections; and

**WHEREAS**, pursuant to Florida Statutes Section 100.3605 and 166.021(4) the governing body of a municipality may by Ordinance change the dates for election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

**NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE PROVISIONS REGARDING ARTICLE 17 OF THE CHARTER FOR THE CITY OF APALACHICOLA:**

**Section 1. Adoption of Representations.**

The foregoing Whereas clauses are hereby ratified and confirmed as being true and the same are hereby made part of this Ordinance.

**Section 2. Approval.**

The City Commission hereby amends Article 17 of the City Charter as follows:

**Section 140. Elections.**

The first municipal election under this Act shall be held on the first Tuesday after the first Monday in September of the year 1947, and the regular municipal elections shall be held annually thereafter on the first Tuesday after the first Monday in ~~September of each odd-numbered year~~ November of each even-numbered year. No person shall be allowed to vote at any election for the purpose of electing a Mayor or Commissioners of the City Commission for said City, who is not a qualified voter under the State

law, and who has not resided in the City of Apalachicola for six months next preceding such an election, and who has not registered as a voter of said City in such manner as may be prescribed by ordinance. The City Commission shall, by ordinance prescribe the method and manner of holding all elections in said City, and shall provide when and how special elections shall be called and held, which may not be provided for by the terms of this Act, and all elections shall be conducted substantially on the principles adopted for State elections insofar as there is no conflict with the terms of this Act; that the City Commission may by ordinance prescribe the method, manner and conduct of all elections of said City not in conflict with this Act.

**Section 3. Extension of Terms of Office for Current Mayor and Commissioners.**

The terms of office for the sitting Commissioners are hereby reduced to 2020 and 2022 as necessary to provide for an orderly transition to the election dates set forth herein.

**Section 4. Conflict.**

All Ordinances or Code provisions in conflict herewith are hereby repealed.

**Section 5. Severability.**

If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the City of Apalachicola, Florida.

**CITY OF APALACHICOLA**

**BY:** \_\_\_\_\_  
Kevin Begos, Mayor

**ATTEST:**

\_\_\_\_\_  
Deborah Guillotte  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kristy Banks  
City Attorney





**APALACHICOLA CITY COMMISSION**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date:** February 4, 2020

**SUBJECT:** Website Update

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** E  
**Department:** Administration  
**Contact:** Ron Nalley, City Manager  
**Presenter:** Ron Nalley, City Manager

**BRIEF SUMMARY:** Commissioner Elliott requested that the update of the City Website be added to the agenda for discussion by the City Commission. More than half of the web traffic on the City website now views their content from a handheld device. Unfortunately, the City's web design is not mobile or user friendly and an update or new website is needed to improve its use and accessibility. The current annual budget allocates \$10,000 for the project.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To Develop a Request for Proposals for Professional Services to Create a New Website or Update the Existing Website

**FUNDING SOURCE:** General Fund – Governing Body

**ATTACHMENTS:** None

**STAFF'S COMMENTS AND RECOMMENDATIONS:** In less than a decade, the way Americans communicate has changed dramatically. More than 90% own a cell phone. Mobile apps first introduced in 2008, have become an essential tool for how citizens interact with local government. Newer technology offers a wide range of opportunities for delivering services, such as managing service requests, paying water bills to providing important information about the City. Updating the website will help continue the Commission's desire to provide more helpful and open means of communicating with residents and visitors.



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: February 4, 2020**

**SUBJECT:** Board and Committee Discussion

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** F  
**Department:** Administration  
**Contact:** Kevin Begos, Mayor  
**Presenter:** Kevin Begos, Mayor

**BRIEF SUMMARY:** Mayor Begos requested that the City Commission have an opportunity to discuss this matter at their February meeting.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** None at this time pending further discussion by the City Commission.

**FUNDING SOURCE:** Not Applicable

**ATTACHMENTS:** None

**STAFF'S COMMENTS AND RECOMMENDATIONS:** None at this time.