

MINUTES OF THE WORKSHOP OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY,
NOVEMBER 16, 2021, 3:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash
Commissioner Anita Grove
Commissioner Despina George
Commissioner Adriane Elliott
Commissioner Donna Duncan

Travis Wade, City Manager
Deborah Guillotte, City Clerk
Leo Bebeau, Finance Director
Dan Hartman, Attorney

CALL TO ORDER

Mayor Brenda Ash called the meeting to order gave the Invocation, followed by the Pledge of Allegiance. Mayor Ash reviewed the following Ordinances brought before the Board for discussion of future changes:

1) **Fair Housing Ordinance** – Finance Director Leo Bebeau stated that the City needs to proceed with adopting this Ordinance for our CDBG-DR Grants through Florida Department of Economic Opportunity (FDEO). Mr. Bebeau stated that we will have to appoint a Fair Housing Director and a Fair Housing Committee. Attorney Dan Hartman will work with Mr. Bebeau to update as a priority of Ordinances.

2) **Sign Ordinance** – lighting and size of signs - lights illumination of signs – watts vs lumens – historic look of signs – Attorney Hartman gave a brief update of the application by the ABC School for an illuminated sign. Attorney Hartman stated that the ABC School did fall under the exempt clause; however, the sign they applied for was 16 feet, and they cannot be larger than fifteen feet. Planning and Zoning had one workshop on the size and lighting of signs, and are looking at having second workshop. Attorney Hartman and staff will review the entire sign regulations; including the size; lighting (brightness); definitions and historic determination depending on the area of the sign.

3) **Nuisance Sound Ordinance 2015-01** – Discussed as follows: 1) Section 3 – Exceptions (2) music or amplified sound clarified, and (8) businesses with entertainment doors and windows not left open; 2) Section 4 –Prohibited Acts (2-a) Permissible Sound Levels, and (2-d) Methods of Measurements – what is considered harmful sound and the measurement point. Attorney Hartman will research definition of amplified music or sound. In response to a question by Mayor Ash, Attorney Hartman stated our ordinance is focused more towards fixed buildings, other than moving vehicles; however, there are state laws where law enforcement deals with handling of moving vehicles.

Rob Zingarelli stated he worked with acoustic research in the US Navy and reviewed strategies of sound levels. Mr. Zingarelli suggested un-weighted so it is not rolling off the base or c-weighted measurement, and he offered to help the City in any way to resolve this sound issue.

City Manager Travis Wade stated after talking with Chief Bobby Varnes the most important resolutions are getting the correct tools for measuring sound and enforcement of moving vehicle sound violations. Mr. Wade, Chief Varnes and Mr. Zingarelli will get together and discuss this issue and get their ideas and suggestions to Attorney Hartman.

4) **Sidewalk and ROW Ordinance 2017-03** – Discussed as follows: 1) busking - someone singing acoustic on sidewalks during business hours – don't want busking banned from sidewalks and define classifying the amplification of voice differently than instruments; 2) Section 2 - encroachment – create another version and separate commercial sidewalk district and Right-of-Way encroachments; and 3) Sec 7 (1) – space on sidewalks (ADA accessible), and having a penalty section if business doesn't have sidewalk permit.

Mr. Wade discussed underground maintenance by utility companies, and landscaping on City R-O-W not being allowed and this should be added to our ordinance. Commissioner Elliott stated in Section 4, there is a blank space for the amount of hours without a permit from the City and this should be corrected. Attorney Hartman stated by law, anything on the City R-O-W can be removed by the City. Attorney Hartman stated that he can add to Section 4, an additional paragraph not to place vegetation, trees, shrubs, landscape, etc. on City R-O-W, subject to immediate removal by the City.

In response to a question by Ms. Wilder, Mr. Wade stated that the City has a Fill Ordinance that allows a certain amount of fill in certain flood zones, and also rules regarding impermeable service on properties.

ADJOURNMENT

Commissioner Elliott made a motion to adjourn the meeting. Commissioner George seconded and the motion carried 4-0.

Brenda Ash, Mayor

Deborah Guillotte, City Clerk