

Two Public Hearings and a Regular Meeting of the Apalachicola City Commission was held on Tuesday, May 2, 2023, at 4:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Anita Grove, Commissioner Adriane Elliott, City Attorney Dan Hartman, City Manager Travis Wade, Lee Mathes, Finance Director Mark Gerspacher

Meeting called to order by Mayor Ash followed by Invocation and Pledge of Allegiance.

### **AGENDA ADOPTION**

Motion to amend agenda to add item #7 under Unfinished Business – Phase 3 Old City Hall Historic Preservation Grant Application; and item #4 under New Business – DEO Technical Assistance Grant Application made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

### **PUBLIC HEARING – ORDINANCE 2023-01 – ELECTION ORDINANCE**

Attorney Hartman read Ordinance 2023-01 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR THE AMENDMENT OF APALACHICOLA CODE OF ORDINANCES, PART II – CODE, CHAPTER 16 – ELECTIONS, SECTION 16-1, AND PART I, CHARTER, ARTICLE II, SECTION 9 CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSIONERS FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN NUMBERED YEAR; PROVIDING FOR REDUCTION OF THE TERMS OF INCOMING MAYOR AND COMMISSIONERS IN THE NEXT TWO ELECTION CYCLES IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR AMENDMENT OF SECTION 9 TO CONFORM WITH THESE CHANGES AND PROVIDING FOR MANNER OF ELECTION AND RUNOFF ELECTIONS; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

No public comment.

### **PUBLIC HEARING – ORDINANCE 2023-02 – HEIGHT ORDINANCE**

Attorney Hartman read Ordinance 2023-02 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA REGARDING VOTING REQUIREMENTS APPLICABLE TO ANY ORDINANCE THAT WOULD INCREASE THE MAXIMUM PERMISSABLE BUILDING HEIGHT IN ALL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Mollie Hill, representing HAPPI, stated the organization is in support of this ordinance.

No further public comments.

**PUBLIC COMMENT**

Bob Lautner, Sabrina Forbes, Chris Presnell, Bert Carpenter, and Tony Leigh each spoke in support of holding a workshop to discuss the issue of whether decks are considered a pervious or an impervious surface.

**FLORIDA SEAFOOD FESTIVAL COMMITTEE – RENTAL AGREEMENT DISCUSSION**

John Solomon, President of FSF, stated the FSF currently pays \$2,400/year for two rooms in the Community Center. The new proposed rental agreement raises the rent to \$6400/year. The FSF is asking the Commission to allow them to keep the current rental rate at \$2,400/year.

Mayor Ash asked Mr. Solomon if he knew how much the FSF spent each year for improvements to Battery Park.

Mr. Solomon stated the repairs after Hurricane Michael were numerous, and the electric bill for the park runs about \$525/month.

Discussion held concerning rental increase, current power bill paid by FSF, park improvements, and nonprofits renting space in City buildings.

Commissioner George and Commissioner Duncan would like a current list of all organizations who rent space in City buildings along with their current rental rate.

Mayor Ash stated each organization is different, and each lease must be looked at individually. Mayor Ash recommends that a FSF representative meet with City Manager Wade and City Attorney Hartman, provide the in-kind information requested (power bill amounts and any park improvements), and come back before the Commission.

Motion to table approval of Florida Seafood Festival Committee rental agreement at this time made by Commissioner Duncan, seconded by Commissioner Grove. Motion carried 5 to 0.

**PERVIOUS/IMPERVIOUS DECK SURFACES DEFINITION**

Attorney Hartman stated this item has come up before, but no action was taken. Currently all decks are treated as impervious and is counted towards lot coverage.

Commissioner Duncan stated she supports addressing this issue.

Commissioner Grove stated this item needs to be workshopped.

Commissioner George stated currently the Commission has a backlog of needed workshops and recommends addressing the encroachment issue first, then workshopping issues relating to the LDC.

Attorney Hartman stated the Commission has hold one workshop that addresses several issues.

Mayor Ash recommends training for the Planning & Zoning Board.

Cindy Clark stated she feels a workshop addressing this matter is well advised.

Motion to schedule a workshop to discuss whether decks should be counted as a pervious or impervious surface made by Commissioner Grove.

Attorney Hartman recommends this go through the policy procedure in which Planning & Zoning hold two workshops, then a joint workshop with Planning & Zoning and City Commission.

Motion amended to follow policy allowing Planning & Zoning to hold workshops first, followed by a joint workshop with Planning & Zoning and City Commission made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

#### **ELECTION SERVICES AGREEMENT**

Attorney Hartman reviewed Election Services Agreement received from Supervisor of Elections.

Commissioner George stated agreement does not include the run off election and early voting under scope of services.

Motion to approve Election Services Agreement with addition of run off election and early voting added under Scope of Services made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

#### **DEO TECHNICAL ASSISTANCE GRANT APPLICATION**

Commissioner Grove stated she would like to get approval to apply for the next \$75,000 DEO Technical Assistance Grant. Application should be out next week and deadline is early June. Commissioner Grove stated this grant could help address items addressed in the ACSC workshops.

Cindy Clark stated she would like to include Julie Dennis in this process.

Commissioner Grove stated she would like Kendall Falkner, Cindy Clark, and Julie Dennis part of the grant application.

Commissioner George stated she would like Cindy Clark to come to next meeting to outline what is included in the grant.

Discussion held.

Commissioner Elliott stated the Grants Coordinator should have know about this agenda item prior to the meeting.

Motion to approve to apply for the \$75,000 DEO Technical Assistance Grant to address items discussed in ACSC workshops made by Commissioner Duncan, seconded by Commissioner Grove. Motion carried 5 to 0.

### **EVERGREEN SALARY STUDY**

Commissioner Elliott stated this study was conducted during last budget cycle. The Commission needs to readdress this study and find ways to implement what was recommended. Commissioner Elliott stated maybe the Commission should consider workshops.

Commissioner Grove stated she thought the plan was adopted and pay increases would happen over a 3 year period.

Finance Director Mark Gerspacher stated nothing was approved in the budget regarding increases outlined in the compensation study.

Commissioner Grove stated the Commission needs to move forward, but updated financial information is needed beforehand. Pay increases should be given progressively.

Commissioner Duncan stated the Commission needs to readdress the study and recommends that City Manager Wade and Mr. Gerspacher come up with recommendations on the best way to implement the study and bring back before the Commission.

Commissioner George stated the Commission tabled the pay increases during the budget process because the City could not afford the increases at the time. The Commission opted to do across the board pay increases which was funded by cutting other areas. Commissioner George recommends tabling matter until a full set of financial records can be provided.

### **BLACK HISTORY TRAIL SIGN DESIGN APPROVAL**

Motion to approve of the general graphic design for the signage creation of the Black History Trail, contingent upon Citizen/City comments obtained from workshops being taken into account made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**UTILITY ADJUSTMENT POLICY APPROVAL**

Commissioner George stated adjustments relating to water meter misreading, posting errors, and contractor/City use during system maintenance is no fault to customer and should not be limited to the one adjustment in a twelve month period.

Motion to approve Utility Adjustment Policy with the correction that adjustments made that pertain to water meter misreading, posting errors, and contractor/City use during system maintenance be allowed more than one adjustment within a twelve month period made by Commissioner George, seconded by Commissioner Elliott. Motion carried 5 to 0.

**ELECTION ORDINANCE 2023-01 – SECOND READING & ADOPTION DECISION**

Attorney Hartman read Ordinance 2023-01 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR THE AMENDMENT OF APALACHICOLA CODE OF ORDINANCES, PART II – CODE, CHAPTER 16 – ELECTIONS, SECTION 16-1, AND PART I, CHARTER, ARTICLE II, SECTION 9 CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSIONERS FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN-NUMBERED YEAR; PROVIDING FOR REDUCTION OF THE TERMS OF INCOMING MAYOR AND COMMISSIONERS IN THE NEXT TWO ELECTION CYCLES IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR AMENDMENT OF SECTION 9 TO CONFORM WITH THESE CHANGES AND PROVIDING FOR MANNER OF ELECTION AND RUNOFF ELECTIONS; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILIT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to adopt Election Ordinance 2023-01 made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 1 with Commissioner George opposed.

**HEIGHT ORDINANCE 2023-02 – SECOND READING AND ADOPTION DECISION**

Attorney Hartman read Ordinance 2023-02 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA REGARDING VOTING REQUIREMENTS APPLICABLE TO ANY ORDINANCE THAT WOULD INCREASE THE MAXIMUM PERMISSABLE BUIDLING HEIGHT IN ALL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Motion to adopt Height Ordinance 2023-02 made by Commissioner George, seconded by Commissioner Elliott. Motion carried 5 to 0.

**ELECTION PROCLAMATION**

Attorney Hartman read Election Proclamation in its entirety.

Attorney Hartman stated proclamation needs to be corrected to reflect that Run Off Election date will be determined by the Supervisor of Elections.

Motion to approve Election Proclamation with correction to delete Run Off Election Date of September 19, 2023 and insert Run Off Election date to be determined by Supervisor of Elections made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**PHASE 3 – OLD CITY HALL HISTORIC PRESERVATION GRANT APPLICATION**

Cindy Clark recommends the City apply for Phase 3 of Old City Hall Historic Preservation Grant in the amount of \$340,000.

Motion to approve authorization for the City to apply for Phase 3 of Old City Hall Historic Preservation Grant in the amount of \$340,000 made by Commissioner Grove, seconded by Commissioner Elliott.

Mayor Ash stated grant requires a 25% match.

City Manager Wade stated the City can apply for a DEO grant for the matching funds.

Mark Gerspacher stated the City can use ARPA funds also for the matching funds.

Commissioner Grove amended motion to include applying for DEO grant for matching funds or using ARPA funds if needed. Motion carried 5 to 0.

**MAYOR & COMMISSIONER’S COMMENTS**

Commissioner Elliott no comments.

Commissioner Grove congratulated City Manager Wade and Employees for getting the City out of the DEP consent order, and thanked Police Department and First Responders for help on the boating accident that took place over the weekend.

Commissioner Duncan no comments.

Commissioner George stated she would like the City to send a letter to DEP addressing the Apalachicola Trading Company’s application for a dock and 64 slip commercial marina facility specifically that the marina facility could exacerbate the hazardous navigational conditions of the Apalachicola River at this location.

Motion to authorize Attorney Hartman to draft letter to DEP regarding Apalachicola Trading Company's application for a dock and 64 slip commercial marina facility and authorize Mayor Ash to sign letter made by Commissioner Duncan, seconded by Commissioner George. Motion carried 5 to 0.

Mayor Ash commended City Manager Wade in working with DEP and his work during the legislative process, and recommends that Commission look at the leadership that is on staff when reviewing the Evergreen Study.

#### **CITY MANAGER COMMUNICATIONS**

City Manager Wade updated Commission on ACSC Stewardship Act, Florida League of Cities Legislative Days, sunken boats at Scipio Creek, conversion of old Library space to new meeting space, and TRIUMPH meeting conducted with Franklin County and City of Carrabelle.

Discussion held concerning pilings at Scipio Creek, Pickle Ball court, downtown parking mitigation, TRIUMPH projects, IGA lift station repairs, and fire hydrant RFP.

#### **GRANTS COORDINATOR COMMUNICATIONS**

Report Attached.

#### **FINANCE DIRECTOR COMMUNICATIONS**

Mark Gerspacher stated financial information has been converted into Banyan, but utility billing did not convert correctly.

Discussion concerning 2021-2022 audit schedule, updated financial statements, and Banyan conversion.

Report Attached.

#### **ATTORNEY COMMUNICATIONS**

No report given.

#### **CONSENT AGENDA**

Motion to approve consent agenda made by Commissioner George, seconded by Commissioner Elliott. Motion carried 5 to 0.

#### **DEPARTMENT REPORTS**

Included in agenda packet.

**ADJOURNMENT**

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

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Brenda Ash, Mayor

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Lee Mathes, Assistant City Clerk



