

A budget workshop and regular meeting of the Apalachicola City Commission was held on Tuesday, September 5, 2023, at 3:00PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Anita Grove, Commissioner Despina George, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Lee Mathes, Chief of Police Bobby Varnes, Finance Director Mark Gerspacher, Planner Bree Robinson, Code Enforcement Officer PJ Erwin

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

AGENDA ADOPTION

Mayor Ash stated there is one agenda addition – under New Business – Add Item #11 – Well #6 Pump Removal and Repair.

Motion to adopt agenda with amendment made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

BUDGET WORKSHOP – FY 2023-2024 BUDGET DISCUSSION

Commissioner George prepared and outlined a FY 23/24 budget facts and suggestions document.

Discussion held concerning capital outlay projects and projected project overruns.

Commission agreed to remove all vehicles from requested capital outlay items except one public works truck and police truck, remove excavator and trailer, reallocate deleted item amounts to help fund Leslie Street and seawall project overruns, and if there is any remainder left then put those funds towards either fire hydrants or I&I Study.

Discussion held concerning fee schedule, millage rate, and Evergreen Study pay rates.

Commission agreed to insert Evergreen Study pay rates after the COLA adjustment.

Finance Director Mark Gerspacher announced the first budget public hearing will be held on September 13th at 5:01PM.

REGULAR MEETING

PRESENTATION: SOUTHERN GROUP/OVID SOLUTIONS UPDATE

Rescheduled for October Regular Meeting.

PUBLIC COMMENT

1. Lynn Wilder – Updated Commission on Keep Franklin County Beautiful Program.
2. Josh Hodson – Updated Commission on Chapman Botanical Gardens improvements.

Mayor Ash requests that plans be submitted to the Commission.

Commissioner Grove reminded Mr. Hodson that plans will have to go before the Planning & Zoning Board as well.

3. Shane Raetzloff – commented on conditions at City cemeteries.

CERTIFICATE OF APPRECIATION – CINDY CLARK & ROD SCOTT

Commissioner Grove presented a certificate of appreciation to Cindy Clark. Rod Scott could not be present.

ACSC WORK PLAN APPROVAL

Motion to table ACSC Work Plan approval until October regular meeting made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

ENCROACHMENT AGREEMENT – O’STEEN

Mayor Ash outlined encroachment request made by Jason O’Steen for a balcony over City sidewalk at 121 Market Street.

Attorney Hartman stated Mr. O’Steen will need to work out the parking requirements and other issues required by Planning & Zoning, but encroachment agreement will be ready for October agenda.

Motion to authorize Attorney Hartman to draft encroachment agreement for Jason O’Steen for a balcony over City sidewalk at 121 Market Street contingent upon meeting parking requirements and all other items required by Planning & Zoning, and for encroachment agreement to come back before the Commission in October meeting for approval made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

ENCROACHMENT AGREEMENT – CSC REALTY, LLC (CHAPIN)

City Manager Wade explained that CSC Realty owns the property immediately south of Bodiford Park. The property’s survey indicates that a seawall and a small portion of a dock on their property encroaches

into the submerged area leased by the City. An encroachment agreement is requested so that this area can be included in a follow-up survey in order to correct the company's submerged land lease.

Motion to authorize Attorney Hartman to draft encroachment agreement for CSC Realty, LLC for a seawall and a small portion of a dock on their property that encroaches into the City's submerged land lease made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

LIBRARY GRANT APPLICATION REQUEST

Motion to authorize Librarian Lucy Carter to apply for the State Aid to Libraries Operating Grant made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4 to 0.

APPOINTMENT OF BOARD OF ADJUSTMENT ALTERNATE MEMBER

Motion to appoint Diane Brewer as the Board of Adjustment alternate member made Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

ELECTRICAL ENGINEERING AGREEMENT APPROVAL – SCIPIO CREEK

Motion to approve CDG for the electrical engineering services for Scipio Creek electrical system damaged during Hurricane Michael at a price of \$27,000 made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4 to 0.

AIR SCRUBBER REPLACEMENT AT DRINKING WATER PLANT

Approve to approve after the fact \$29,076 expenditure for air scrubber replacement at Water Plant made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Commissioner Elliott suggested discussing a policy to allow enterprise fund emergency expenditures.

City Manager Wade stated the procurement policy allows for emergency expenditures.

RESOLUTION 2023-05 – FDEP VULNERABILITY ASSESSMENT GRANT APPLICATION

Cindy Clark stated this is a request for a resolution of support for a \$55,000 (non-matching) Florida Resilience application that would fund an effort to scan and geo-reference the City's water and sewer paper maps dating back to 1979. The result would allow the City staff to access utility issues quicker in the field, would provide a valuable and editable planning tool for infrastructure location, repair and expansion and would help resolve a data gap noted during the preliminary review of the City's critical assets as part of the vulnerability assessment currently underway.

Attorney Hartman read Resolution 2023-05 in its entirety.

Commissioner Elliott expressed concern about the City forgoing the RFP process.

Motion to adopt Resolution 2023-05 supporting FDEP Vulnerability Assessment Grant Application made by Commissioner George, seconded by Commissioner Grove. Motion carried 3 to 1. Commissioner Elliott opposed.

RESOLUTION 2023-06 – FDEP ADAPTATION ACTION PLAN GRANT APPLICATION

Cindy Clark stated this is a request for a resolution of support for a \$67,000 (non-matching) Florida Resilience application that would fund a planning project that builds upon the vulnerability assessments completed in 2017 and an update in 2023. The project would involve developing a Coastal Resilience Adaption Plan for Apalachicola.

Attorney Hartman read Resolution 2023-06 in its entirety.

Motion to adopt Resolution 2023-06 supporting FDEP Adaptation Action Plan Grant Application made by Commissioner Grove, seconded by Commissioner George. Motion carried 3 to 1. Commissioner Elliott opposed.

LAFAYETTE PARK LANDSCAPING PLAN & REQUEST TO APPLY FOR STATE GRANT

Dennis Winterringer outlined Lafayette Park landscaping plan. Mr. Winterringer stated the Parks and Recreation Committee had endorsed the plan and would like authorization to apply for tree planting grant and use Reforestation Funds as matching funds.

Motion to approve Lafayette Park landscaping plan, authority to apply for tree planting grant and use \$16,000 Reforestation Funds as matching funds and authorize City Manager Wade to work with Tree and Parks & Recreation Committees on plantings around the gazebo and south facing slope on the southeast end of the park made by Commissioner George, seconded by Commissioner Grove.

Code Enforcement Officer PJ Erwin expressed concern that if all the funds are used for the match, then there will be no funds left for replanting around other areas.

Mayor Ash recommends amending motion to apply for grant with a match to be determined once the grant has been awarded.

Commissioner George stated she would like to leave motion as is because Lafayette Park has been in disarray for many years.

Motion carried 4 to 0.

WELL #6 PUMP REMOVAL AND REPAIR

Motion to authorize \$39,000 expenditure payable to Clarks Well Drilling and Pump Repair to remove the pump on well #6 to determine the cause for the production of white sulfur made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

FIRST READING ORDINANCE 2023-03 – SIGN ORDINANCE

Attorney Hartman read Ordinance 2023-03 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR AMENDMENT OF PART II – CODE, SUBPART B – LAND DEVELOPMENT CODE, CHAPTER 113 – SIGN REGULATIONS; PROVIDING FOR ADDITIONAL DEFINITIONS, METHOD OF COMPUTATION, PROVIDING FOR A PUROSE AND SCOPE OF SIGN REGULATIONS, PROVIDING FOR STANDARDS, PROVIDING FOR REGULATION OF MURAL SON PRIVATE PROPERTY, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

Attorney Hartman outlined changes based on recommendations from the last meeting.

Commissioner George requested clarification on page 12, section F3 – Prohibited Murals.

Motion to strike entire mural section of proposed ordinance and proceed with first reading at October regular meeting made by Commissioner Elliott. Motion died for lack of second.

Motion to approve 1st reading of Ordinance 2023-03 and authorize to advertise for public hearing and 2nd reading for adoption made by Commissioner Grove, seconded by Commissioner George.

Discussion held.

Motion carried 3 to 1. Commissioner Elliott opposed.

COMP PLAN AMENDMENT DATA FUNDING

Cindy Clark gave the following brief summary regarding comp plan amendment:

The recent DEO Technical Assistance Grant deliverables relating to the statutorily mandated comp plan amendments have been submitted, approved and accepted by DEO. Once adopted and approved by DEO, the City's comprehensive plan will be in compliance with all statutory requirements that have been put in place since 2013. However, all of the plan data is not up to date or complete. When the document was transmitted to the Comprehensive Plan Review Team, one of the review planners pointed out that the plan's data and analysis did not support the proposed amendments – i.e.: much of the data is outdated. Relevant updated data and analysis was provided to support the planning horizons.

projections but the technical assistance grant scope did not include provisions for updating all of the comp plan data and analysis. In fact, it was made clear on several occasions throughout the workshop and public hearing process that many areas of the plan still needed attention and that these amendments were not intended as a “deep dive overhaul of data” but rather an effort to bring the City’s plan into compliance with current state law. At this point the City has the option to choose to adopt the comp plan as is and risk a finding of not in compliance, adopt with changes (with updated data), or not adopt the proposed amendment. Whatever adoption action is taken, the second adoption public hearing must happen before January 28, 2024. Not adopting will prohibit the City from any future comp plan changes until statutorily required mandates are met. To undertake a complete overhaul to the data and analysis update to the comp plan is not feasible without substantial effort and expense – estimate between \$40,000 - \$75,000 and upwards of two years of research, drafting, and workshops. However, it is conceivable that a minimal update to revise data relating to current infrastructure capacity, conservation status and coastal management assets, public facilities, including the ACSC workplan, a new 10-year planning horizon and housing projections sufficient to satisfy the specific ORC objections could be resolved for between \$15,000 - \$20,000.

Discussion held.

Motion to put Comprehensive Plan update as budgeted line-item expense in the FY 23/24 budget made by Commissioner Grove, seconded by Commissioner George.

Commissioner Elliott stated this project should be put out for RFP.

Motion carried 3 to 1. Commissioner Elliott opposed.

Discussion held concerning steps to get into compliance with DEO.

Motion to table matter until October meeting to allow time for Attorney Hartman to conduct additional research made by Commissioner Elliott, seconded by Commissioner Grove.

Commissioner George stated a decision needs to be made and would hate to delay a response.

Ms. Clark recommends submitting what data has been collected thus far, and if DEO accepts the data, then no further action is required, but at least it gives a starting point.

Commissioner Elliott rescinds her motion. Commissioner Grove rescinds her second.

Discussion continued.

Motion to authorize Cindy Clark to prepare a response to DEO addressing the objections outlined in ORC report using the data analyses that has been gathered and submitted for review made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

HCA BRICK REPAIR FUNDING

Motion to approve additional funding of \$20,150.30 to repair interior first floor wall of HCA made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

MAYOR AND COMMISSIONER'S COMMENTS

Mayor Ash would like to have the ACSC Plan uploaded to the website as a stand-alone document.

Commissioner Grove stated the Black History Trail signs look fantastic, commented on scams coming through the City email, and recommended asking for TDC funds to repair the City's entrance signs at both the east and west ends.

Commissioner George – no comments.

Commissioner Elliott stated she would like to reschedule the Traffic Workshop for September 26th at 4PM.

Commission set Traffic Workshop for September 27th at 4PM.

CITY MANAGER COMMUNICATIONS

Report attached.

GRANTS COORDINATOR COMMUNICAITONS

Report attached.

FINANCE DIRECTOR COMMUNICATIONS

No report.

ATTORNEY COMMUNICATIONS

Attorney Hartman stated the Smith vs. Hall case will be going to trial.

CONSENT AGENDA

Motion to approve consent agenda made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4 to 0.

DEPARTMENT REPORTS

Included in agenda packet.

ADJOURNMENT

Motion to adjourn made by Commissioner George, seconded by Commissioner Grove. Motion carried 4 to 0.

Brenda Ash, Mayor

Lee Mathes, City Clerk