

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday, November 7, 2023, at 4PM 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 Manager Travis Wade, City Attorney Dan Hartman, City Clerk Lee Mathes, Planner Bree Robinson, Code Enforcement Officer PJ Erwin, Grants Coordinator Kendall Falkner

Regular meeting opened by Mayor Ash followed by Invocation and Pledge of Allegiance.

AGENDA ADOPTION

Mayor Ash outlined the following agenda amendments:

1. Add Under New Business – Item #3 – Lead/Copper Study Funding Approval – Adoption of Resolution 2023-08.
2. Add Under New Business – Add Item #11 – Storm Debris (Removal & Monitoring) contract Extension

Motion to adopt agenda with amendments made Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

PRESENTATION RE: PROCLAMATION FOR ELLA SPEED BY MAYOR ASH

Mayor Ash read proclamation honoring the life of Ella Speed.

PUBLIC HEARING – ORDINANCE 2023-05 – DECKS

Attorney Hartman read Ordinance 2023-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 2020-03 THE APALACHICOLA CODE OF ORDINANCES PART II – CODE; SUBPART B – LAND DEVELOPMENT CODE; CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; ARTICLE I – IN GENERAL; SECTION 101-8 PROVIDING FOR AMENDMENTS TO THE DEFINITIONS DEALING WITH DECKIS; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

Attorney Hartman outlined changes made to ordinance.

No public comment. Public hearing closed.

PUBLIC COMMENT

1. Dolores Croom invited everyone to the FCS Veteran’s Day Program to be held November 10th at 9:30AM at the FCS gym.

APPOINT NEW MEMBERS TO PARKS AND RECREATION COMMITTEE

Motion to appoint Julie Bishop and Lynn Wilder to the Parks and Recreation Committee made by Commissioner Grove, seconded by Commissioner George.

Commissioner Elliott stated it would be more appropriate to move the alternate member to the full member, and then appoint a full member and alternate member.

Commissioner Grove rescinded motion. Commissioner Grove rescinded second. Motion carried 5 to 0.

Motion to move alternate member to full member, appoint Lynn Wilder as full member, and appoint Julie Bishop as alternate member made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

FLOODPLAIN VARIANCE REQUEST – 28 AVENUE G

Motion to approve floodplain variance for 28 Avenue G on the basis that it is a historic structure and proposed work will not diminish the historic value made by Commissioner Elliott, seconded by Commissioner Duncan. Motion carried 5 to 0.

LEAD/COPPER STUDY FUNDING APPROVAL

City Manager Wade outlined terms and conditions of State Revolving Loan Fund (SRF) for this project.

Attorney Hartman read Resolution 2023-08 in its entirety.

Motion to approve submittal of SRF loan application to complete a lead service line inventory and replacement by October 15, 2024, and approve Resolution 2023-08 made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

LEAD/COPPER STUDY PROJECT AWARD

Motion to award Lead/Copper Study Project to Dewberry made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

VACUUM STATION PUMP EXPENDITURE APPROVAL

Motion to approve emergency expenditure of \$17,750 to replace a vacuum pump at the 9th Street Vacuum Station made Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

MUTUAL AID AGREEMENT

Attorney Hartman read Resolution 2023-09 in its entirety.

Motion to approve mutual aid agreement between City of Apalachicola and Florida Division of Emergency Management, and approve Resolution 2023-09 made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

BUSINESS LICENSE TAX

Code Enforcement Officer PJ Erwin stated that the Occupational License Tax Ordinance and Fee Schedule was last revised in September 2005, and needs updating to reflect current and applicable occupations as well as bring the tax rates to appropriate amounts. Florida Statutes require that a municipality must establish an equity study commission, appointed by the City Commission, to initiate a revision of the Business License Tax ordinance and update fees. Each member of the study commission must be a representative of the business community within the City of Apalachicola. Staff recommends the study commission be comprised of 5 to 7 members of the business community.

Motion to approve a 5-member equity study commission to update the City’s Business License Tax ordinance and appoint Code Enforcement to commission as a non-voting member made by Commissioner Grove, seconded by Commissioner Duncan.

Commissioner Elliott recommends the equity study commission be comprised of 7 members which consists of members from the following industries: restaurant, retail shops, hotel/vacation rentals, bars, trades and building, non-profit, and business professionals.

Commissioner Duncan stated she supports the concept of having representatives from each service industry to represent on the equity study commission.

Commissioner George stated she is not in favor of revamping the Business License Tax ordinance at this time, but need good representation from the business community if the City moves forward.

Motion amended to approve a 7-member equity study commission to consists of members from the following industries: restaurant, retail shops, hotels/vacation rentals, bar, trades and building, non-profit, and business professionals made by Commissioner Grove. Commissioner Duncan amended second. Motion carried 4 to 1 with Commissioner George opposed.

LIST OF COMMITTEES TO BE CONSIDERED FOR DISSOLUTION

Mayor Ash read list of committees to be considered for dissolution: Millpond Committee, Battery Park Committee, Waterfront Working Advisory Committee, Tree Committee, HCA Board, CDBG Task Force Committee, and Revolving Loan Fund Committee.

Public comments received in support of keeping the Tree Committee.

Discussion held.

Mayor Ash recommends dissolving the above committees, minus the Tree Committee.

Commissioner Grove recommends the HCA Board be reappointed or keep the option open to reappoint the HCA Board at a later time.

Motion to dissolve the Millpond Committee, Battery Park Committee, Waterfront Working Advisory Committee, HCA Board, CDBG Task Force Committee, and Revolving Loan Fund Committee made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

Mayor Ash stated she would like to see a mission statement created for the Tree Committee.

Discussion held concerning Tree Committee.

Motion to authorize City Manager Wade, City Attorney Hartman, and Commissioner Grove to create a scope of work and mission statement for the Tree Committee and report back to Commission made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

OLIVER SPERRY AND 4M ARCHITECT CONTRACT EXTENSION

Cindy Clark requested the City Commission to approve extending the contract for Oliver Sperry Renovation and 4M Architects to continue work on old City Hall with additional funds received from the Department of State of Historical Resources. Extension of the contracts is acceptable to the State because the contractors were originally procured in accordance with State requirements for an existing project.

Motion to extend contracts for Oliver Sperry and 4M Architects made by Commissioner Grove, seconded by Commissioner George.

Discussion held.

Motion amended to extend contracts for Oliver Sperry and 4M Architects contingent upon written approval from State that contracts can be extended made by Commissioner Grove. Commissioner George amended second. Motion carried 5 to 0.

STORM DEBRIS (REMOVAL & MONITORING) CONTRACT EXTENSION

Motion to approve 2-year contract extension to SDR and Tetra Tech for storm debris removal and monitoring made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

2ND READING & ADOPTION DECISION – ORDINANCE 2023-05 – DECKS

Attorney Hartman read Ordinance 2023-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 2020-03 THE APALACHICOLA CODE OF ORDINANCES PART II – CODE; SUBPART B – LAND DEVELOPMENT CODE; CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; ARTICLE I – IN GENERAL; SECTION 101-8 PROVIDING FOR AMENDMENTS TO THE DEFINITIONS DEALING WITH DECKS; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve 2nd reading and adopt Ordinance 2023-05 – Decks made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

PARKING MITIGATION REQUEST – JASON O’STEEN

Motion to approve parking mitigation for 2 parking spots in the amount of \$10,000 to be held in the Apalachicola Parking Mitigation Fund and for 121 Market Street to be placed on the upcoming parking mitigation map/list of mitigation made by Commissioner George, seconded by Commissioner Grove. Motion carried 5 to 0.

1ST READING – ORDINANCE 2023-06 – SHORT TERM RENTAL LDC AMENDMENT

Attorney Hartman read Ordinance 2023-06 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08 ; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-292 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

COMMUNITY RATING SYSTEM

Commissioner Grove gave history of the City's involvement in the CRS Program and recommends the City complete the process to enter the program.

Motion to authorize City Manager to complete necessary tasks outlined by DEO and respond to them within 3 months to finish the process to enter CRS Program made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

ATTORNEY COMMUNICATIONS

1. Robert Davis – Lot 6, Block 161 – Attorney Hartman outlined history regarding property.

Mr. Davis stated he desired the property to be returned to him as the rightful owner and requested that if the property is sold that any excess funds be returned to him as the rightful property owner. Mr. Davis requests to honor the actions of the past Commission and letter issued by Attorney Pat Floyd.

Discussion held.

Attorney Hartman stated the total amount the City has spent on this property is \$66,382.92 and the property is titled in the City's name.

Discussion continued.

Commission agreed for City Manager Wade, Attorney Hartman, and Robert Davis research all options and come back before the Commission.

2. Botanical Garden – Attorney Hartman stated he has spoken with Torben Madsen regarding the proposed improvements, and Mr. Madsen indicated that the Parks & Recreation Committee would review proposed plans and provide input and recommendations to the City Commission.

Planner Bree Robinson stated Botanical Gardens is on the November Planning & Zoning agenda for site plan approval which will be contingent upon City Commission approval.

Discussion held.

Attorney Hartman stated at the Planning & Zoning meeting he will inform the State and make it clear that any plans for the Botanical Gardens must be approved by the City Commission.

Mayor Ash stated all correspondence should be in writing.

3. MuniCode

Bonnie Davis addressed Commission on process to correct MuniCode errors.

Attorney Hartman outlined MuniCode errors and procedures for correcting those errors.

Commission discussed options for correcting errors.

Motion to readopt repealer ordinance then address any and all errors made by Commissioner Elliott, seconded by Commissioner Grove.

Discussion continued.

Commissioner Elliott withdrew motion. Commissioner Grove withdrew second to motion.

Motion to correct any known errors in MuniCode immediately, upload any known omitted ordinances to MuniCode immediately, and then proceed with 1st and 2nd reading of repealer ordinance made by Commissioner Duncan, seconded by Commissioner Grove. Motion carried 5 to 0.

CONSENT AGENDA

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

CITY MANAGER COMMUNICATIONS

City Manager Wade asked for direction on hiring process for Finance Director.

Mayor Ash recommends appointing 2 Commissioners to attend interviews.

Motion to appoint Commissioner George and Commissioner Duncan to attend Finance Director interviews made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

Commission agreed to change December agenda packet distribution date to November 29th.

GRANTS COORDINATOR COMMUNICATIONS

Report attached.

FINANCE DIRECTOR COMMUNICATIONS

Report attached.

DEPARTMENT REPORTS

Included in agenda packet.

ADJOURNMENT

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

Brenda Ash, Mayor

Lee Mathes, City Clerk

