

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday, December 5, 2023, at 4PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Anita Grove, Commissioner Donna Duncan, City Manager Travis Wade, City Clerk Lee Mathes, City Attorney Dan Hartman, Code Enforcement Officer PJ Erwin, Chief of Police Bobby Varnes

Mayor Ash called meeting to order followed by prayer and Pledge of Allegiance.

AGENDA ADOPTION

Mayor Ash stated item #2 under new business (1st Reading – Ordinance 2023-08 – MuniCode) and item #4 under new business (Project Impact Request for Loan/Funding) are deleted from agenda.

Motion to approve agenda with deletion of items 2 and 4 under new business made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

Mayor Ash welcomed back Chief Varnes.

PRESENTATION – PROCLAMATION FOR COUNTY COMMISSIONER NOAH LOCKLEY, JR.

Mayor Ash read proclamation honoring the life of County Commissioner Noah Lockley, Jr.

PRESENTATION – PROCLAMATION FOR SMALL BUSINESS SATURDAY

Mayor Ash read proclamation declaring November 25, 2023 as Small Business Saturday.

PUBLIC HEARING – 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 ADOPT 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 AMINISTRATIVE PROVISION; 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 111-92 – 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.

No public comments.

PUBLIC COMMENT

None.

2ND READING AND ADOPTION DECISION – ORDINANCE 2023-07 – COMP PLAN AMENDMENT

Attorney Hartman read Ordinance 2023-07 by title as follows:

AN ORDINANCE AMENDING THE CITY OF APALACHICOLA COMPREHENSIVE PLAN TO REVISE SEVERAL ELEMENTS TO BE CONSISTENT WITH LEGISLATIVE REQUIREMENTS RELATING TO PLANNING HORIZONS, CAPITAL IMPROVEMENTS, PERIL OF FLOOD, PRIVATE PROPERTY RIGHTS, POPULATION PROJECTIONS AND GENERAL UPDATES TO POLICIES AND OBJECTIVES DEEMED NECESSARY.

Motion adopt Ordinance 2023-07 and transmit to DOC made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

EV CHARGING STATION AGREEMENT

City Manager Wade stated Duke Energy has reached out to the City and asked if the City would like to take ownership of the Electric Vehicle Charging Stations on Avenue D and Avenue F. After reviewing the annual usage of both stations, along with the cost of electricity vs the amount charged by surrounding areas for using charging stations, the stations would not generate revenue and would cost the City money to own/operate. Additionally, there would be no warranty and cost of future repairs/maintenance and a \$200 annual fee for using the Shell Recharge system would be a responsibility of the City.

Commissioner Elliott stated she is not in favor of giving them back and offered suggestions on how it might work if the City took ownership.

Commissioner Grove stated she feels there is value in keeping the stations.

Commissioner George stated she is not in favor of keeping the stations.

Mayor Ash stated there are other charging stations around the City and is not in favor of keeping the stations.

Motion to reject Duke Energy's offer for City to take ownership of EV charging stations located on Avenue D and Avenue F made by Commissioner George.

Mayor Ash passed gavel to Mayor Pro-Tem Grove and seconded motion.

City Manager Wade stated that Duke Energy is expecting an answer tomorrow.

Motion tied 2 to 2 with Mayor Ash and Commissioner George voting Aye, and Commissioner Elliott and Mayor Pro-Tem Grove voting Nay.

Mayor Pro-Tem Grove passed gavel to Mayor Ash.

Motion to table approving Duke Energy Agreement until January meeting to allow City Manager Wade to gather additional information made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Commissioner Duncan joined meeting.

2ND READING & ADOPTION DECISION – 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 ADOPT 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 PROVISION; 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 111-92 – 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.

Motion to approve 2nd reading and adopt Ordinance 2023-06 made by Commissioner George, seconded by Commissioner Grove. Motion carried 5 to 0.

BACKFLOW PREVENTER TESTING POLICY

Motion to adopt Backflow Preventer Testing Policy made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

PARKS & RECREATION COMMITTEE TO DISCUSS PROPOSED BUILDING IN BOTANICAL GARDENS

Faye Gibson discussed proposed Botanical Gardens restrooms and pavilion, Parks & Recreation Committee involvement as liaisons, the lease, management plan, revenue potential, botanical gardens components and design, pavilion uses, and location of proposed restrooms and pavilion. Ms. Gibson would like the plans to be put on hold to allow public hearings to receive public comments.

Commission thanked Ms. Gibson for her time and research.

Discussion held concerning public workshops, Botanical Gardens history, DEP approval involvement, and Parks & Recreation Committee written recommendations for Botanical Gardens.

MAYOR & COMMISSIONER COMMENTS

Mayor Ash addressed concern over the delay in utility bills getting delivered to customers after the utility bills have left City Hall.

City Manager Wade stated penalties have been waived in some instances because customers are not receiving their bills by the due date.

Mayor Ash asked for Commission consensus in moving the January regular meeting from the 2nd to the 9th.

Motion to move the January regular meeting from January 2nd to January 9th made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 1 with Commissioner George opposing.

Mayor Ash stated she is proud of the many things that have been accomplished and encouraged everyone to enjoy the holiday season.

Commissioner Grove discussed Fire Department radios, Oyster Management and Restoration Plan, and RV parking in Market Street parking lot.

Chief Varnes stated there are signs for no overnight parking, and issues have been discussed with Water Street Hotel.

CITY MANAGER COMMUNICATIONS

City Manager Wade stated he hopes to have the January meeting in the new meeting space, hiring a wastewater operator apprentice, FCT Stewardship reports have been completed, and updated Commission on radio repeater.

FINANCE DIRECTOR COMMUNICATIONS

Included in agenda packet.

ATTORNEY COMMUNICATIONS

No report.

CONSENT AGENDA

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

DEPARTMENT REPORTS

Included in agenda packet.

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

Brenda Ash, Mayor

Lee Mathes, City Clerk

