

A regular meeting of the Apalachicola City Commission was held on Tuesday April 2, 2024, at 4PM, at the former Apalachicola Municipal Library located at 74 6<sup>th</sup> St., Apalachicola, FL.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Donna Duncan, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Sheneidra Cummings, City Planner Bre Robinson, Grant Coordinator Sarah Borque, Code Enforcement Officer Pamela Erwin, Chief of Police Bobby Varnes

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

### **AGENDA ADOPTION**

Motion to approve agenda made by Commissioner Elliott and seconded by Commissioner Grove

### **PRESENTATION: Capital Area Community Action Agency (CACAA)**

Tim Center, Director of CACAA informed the Commission that the agency has secured another location and will be vacating the 6<sup>th</sup> Street Rec. Center located at 222 6<sup>th</sup> Street, by mid-June. Mr. Center thanked the Commission for their generosity, and stated that the Head Start Program will be moving to the Chapman Building, located at 155 Ave E.

Commissioner George thanked Director Center for his commitment to Franklin County and acknowledged the importance of the Head Start Program.

Mayor Ash concurred with Commissioner George.

### **PUBLIC COMMENT**

Caty Greene spoke on behalf of the Apalachicola historical Society and the grant the society is working on for the Chestnut Cemetery. Ms. Greene presented the Commission with documentation regarding the grant opportunity and looks forward to the Commission's input.

Torben Madson voiced concern regarding the proposed removal of eighteen oak trees located in Chestnut Cemetery. Mr. Madsen requested that the Commission does not allow any trees to be removed until an additional arborist report has been presented to the Commission at the May 7<sup>th</sup> meeting.

Jimmy Gander spoke about the ongoing repairs and restrictions happening on Leslie Street and shared concerns regarding water coming up from the cement slabs and the safety of his building located on Leslie Street. Mr. Gander is concerned that the standing water is coming from the City water lines and asked if the source of the leak can be identified, and this issue resolved promptly.

Discussion held.

Travis ensured the Commission that our Water Field Crew would resolve this issue and have an update by the May 7<sup>th</sup> meeting.

LaRaela Coxwell spoke about CDBG-DR Grant and the reallocation of funding for businesses who no longer wish to participate. Coxwell also expressed concern regarding the lack of transparency and not being updated regularly about the grant process they are participating in.

**FEMA SCIPPIO CREEK MARINA AWARD**

Grant Coordinator Sarah Bourque provided an update on the bid closing for Scipio Creek Marina Dock Repair Project and asked the Commission to approve the recommendation to award the repair project to Coastline Clearing for \$74,090.00.

Motion to approve and award Coastline Clearing with the \$74,090.00 Scipio Creek Marina project was made by Commissioner Grove, seconded by Commissioner Elliott. No discussion. Motion carried 5-0.

**FEMA BODIFORD PARK AWARD**

Grant Coordinator Sarah Bourque provided an update on the bid closing for Bodiford Park Dock Repair Project and asked the Commission to approve the recommendation to award the repair project to Coastline Clearing for \$53,824.00.

Motion to approve and award Coastline Clearing with the \$53,824.00 Bodiford Park Dock Repair Project was made by Commissioner Grove, seconded by Commissioner Elliott. No discussion. Motion carried 5-0.

**GRANT ADMINISTRATION: CONTINUING SERVICES AWARD(S)**

Grant Coordinator Sarah Bourque presented five firms for continuing services based on the review and recommendation of City Manager and requested that the Commission to approve Staff's recommendation to award the five firms with Grant Administration Continuing Service(s) contracts. The five firms are Ovid Solutions, Gouras & Associates, Bay Media Anchor CEI, and HAFF.

Motion to approve continuing services contracts for Ovid Solutions, Gouras & Associates, Bay Media Anchor CEI, and HAFF was made by Commissioner Grove, seconded by Commissioner Elliott. No discussion. Motion carried 5-0.

**PUBLIC COMMENT (continued)**

Jim Elliott spoke about the importance of maintaining Veteran's Park and the benefit of having restrooms on-site. Elliott was in support of the Chapman Botanical Gardens restroom proposal from DEP.

Myrtis Wynn expressed full support for the Botanical Gardens pavilion and restroom project. Wynn expressed the importance of having the restrooms and the establishing connectivity from Veteran's Park to the African American History Museum which would be located on 6<sup>th</sup> Street. Ms. Wynn also presented the Commission with a petition consisting mainly of long-time Hill residents' who were also in support of the DEP's proposal for a pavilion and restrooms to be constructed in Chapman Botanical Gardens.

Mark Shields expressed full support for the pavilion and restrooms proposed by DEP.

Thomas Becknell presented information on Dr. Chapman and expressed full support of the restroom and pavilion proposal offered by DEP.

Al Mirabella expressed full support of the restroom and pavilion project for Chapman Gardens.

Liz Fitzhugh supports the partnership between the City and DEP and expressed concern about the City allowing DEP to start building despite having a landscaping plan presented.

Al Douglas supports the restrooms, however, does not see a benefit of having a pavilion in the botanical gardens. Mr. Douglas suggests having smaller seating areas positioned along the sidewalk.

Ottis Amison expressed support for the restroom and pavilion project and commented on the need for ADA accessible restrooms for veterans as well as local visitors. Mr. Amison, being a County Commissioner, related similar concerns that the county is facing in regard to the maintenance and upkeep of County parks and open spaces and urged the Commission to consider accepting assistance from the DEP and allow them to continue to maintain Veteran's Park and the Gardens.

Katy Davis expressed concern regarding DEP's proposal and expressed that she supports the restrooms however, questioned the proposed location and the potential harm to the existing trees. Ms. Davis also opposed the size of the pavilion and suggested a few smaller pavilions.

Ted Mastiller expressed full support of the DEP's proposal for restrooms and pavilion.

Pamela Irwin commented on the importance of connectivity between the C-1 and C-2 districts and the revitalization of the Hillside community. Ms. Erwin expressed full support for DEP's proposal and urged the Commission to approve the State's plan for Chapman botanical Gardens and consider the benefit and opportunity of having a pavilion and restrooms to accommodate various groups of people, organizations, and events.

Pete Whitesell expressed support for the veterans and mentioned his concern in regard to the maintenance of the proposed structure and restroom facilities. Mr. Whitesell urged the Commission to take caution with moving forward with DEP's plan and consider the staff and resources to maintain.

Greg Perkins expressed support for improvements in the botanical gardens and commented on the benefit of having the pavilion and restrooms.

Donna Ingle expressed support for having restrooms however, opposed the proposed location of the restrooms and pavilion.

Faye Gibson expressed appreciation to the Commission and support for their decision to not move forward with the DEP's plan at previous meetings. Mrs. Gibson stated that restrooms are necessary however, the proposed location would endanger the existing live oak trees.

Cutler Edwards expressed support with the restroom and pavilion project proposed by DEP and encouraged the Commission to think broadly about the botanical gardens and its potential use(s).

Mayor Ash acknowledged a list of names who are also in support of the DEP's restroom and pavilion project for the botanical gardens. The list will be placed on record.

Walter Robinson expressed full support for restrooms.

Commissioner Elliott summarized the latest DEP proposal and expressed appreciation to the public for their participation and civic engagement. Commissioner Elliott clarified that the DEP proposal was tabled from Feb 16<sup>th</sup> regular meeting and that no decision has been made by the Commission to approve or deny their proposal. Commissioner Elliott commented on the vast resources that the State provides and encouraged fellow board members to continue to build a strong working relationship with DEP for environmental protection and historical preservation within the City. Commissioner Elliott recommend approving the improvements for Chapman Botanical Gardens.

A motion was made to approve the proposed improvements to Chapman Botanical Gardens submitted by DEP at the March 5<sup>th</sup> regular commission meeting, seconded by Mayor Ash, after passing gavel to Mayor Pro-Tem, Commissioner Grove. Discussion held.

Commissioner Duncan expressed concerns regarding the DEP's refusal to move forward if a decision was not being made by this meeting.

Mayor Ash spoke about the Hill Community and the long-standing neglect of that community referencing previous opportunities for improvements and/or development which has been met with tremendous opposition. Mayor Ash expressed sentiments for the residents of the Hill Community and recognized that there were an overwhelming majority who was in favor of the improvements i.e. restrooms and pavilion at the gardens.

Commissioner George expressed concern about perceived information that the DEP would potentially abandon their lease with the City and/or re-allocate funds if the City did not make a decision at the April 2nd meeting. Commissioner George expressed support with establishing connectivity between C-1 and C-2 commercial districts, and development and improvements in the Hill Community, and developing the gardens to honor Dr. Chapman's work and contribution.

Commissioner George asked Joshua Hodgson, Manager of the Orman House State Park, Gorrie Museum and St. George Island State Park, to clarify and provide any update and/or information in regard to the State re-allocating funds and ending their lease with the City. Mr. Hodgson

Discussion continued.

Mayor Ash clarified through her conversation with Chuck Hatcher, Director of the Florida Park Service, that DEP would not come back before the Commission if the project was not approved.

Commissioner Grove commented.

Commissioner George commented.

Discussion concluded.

Motion made by Commissioner Elliott was restated and carried 3-2. With Commissioner Grove and Commissioner George Opposed.

#### **BUSINESS/OCCUPATIONAL LIC. TAX ORDINANCE AMENDMENT**

City Staff and Cutler Edwards, Business Lic. Committee Chair presented the committee's recommendation for revised business/occupational license categories and rate structure.

A motion to approve the occupational license rate and category recommendations (Exhibit 1, 5 pages) made by Commissioner Grove seconded by Commissioner Elliott. Discussion held. Motion carried 4-0, Commissioner George opposed.

Attorney Hartman presented the first reading of Ordinance 2024-01 and read aloud for the record. Ordinance 2024-01 amend the existing Occupational Lic Ordinance 2005-11 for the record.

A motion to advertised for the 2<sup>nd</sup> reading of Business/Occupational Tax Lic Ordinance 2024-01 was made by Commissioner Elliott, seconded by Commissioner Grove. Discussion held. Motion carried 4-1, Commissioner George opposed.

#### **TASKS DIRECTED BY COMMISSION**

Commissioner George recommended that tasks given to Staff be appropriately tracked and followed up on and be brought back before the Commission to be resolved publicly.

Attorney Hartman provided updates the Commission on the list of tasks. Discussion held.

Commissioner Grove suggest that Pamela Erwin, Code Enforcement Officer and Bree Robinson, City Planner, compile a list of what procedures has been implemented within the last eight months that has helped improve processes in their department.

Mayor Ash concurred with Commissioner Grove, and instructed Staff to present to the Commission what processes and procedures that they've already created and present the list to City Manager Wade and Attorney Hartman to ensure that their procedures are in line with State statues.

Commissioner Elliott noted that the Building Department with the assistance of the Planner, Code Enforcement Officer, and Permit Clerk, has been able to drastically reduce the number of complaints and are working more efficiently. Commissioner Elliot also suggested recognizing them

for their hard work and dedication to improving their processes and procedures in their respective departments. Lastly, Commissioner Elliott suggested that the Commission receives feedback from Staff regarding any deficiencies in their respective departments.

A motion was made by Commissioner Grove to forward the task of developing a checklist of department processes and bring to the June 4<sup>th</sup> meeting, seconded by Commissioner Elliott. Discussion held. Motion carried 4-1, Commissioner George opposed.

Attorney Hartman proceeded updating the Commission on tasks previously directed to Staff.

Discussion held.

Commissioner George concluded by urging Staff to provide follow up to the Commission on all tasks directed and that the completion of tasks are progressing on a timely basis.

#### **MAYOR AND COMMISSIONER COMMENTS**

Mayor Ash recommended that City Clerk keep up with tasks that the Commission direct to Staff by creating a monthly task list that identify the task and the department/Staff that the task was given. City Clerk was also instructed to send the task list to the Commission.

Mayor Ash introduced Mr. Banks, Member of The Republican Party of Franklin County, a non-civic, non-profit organization, to the Commission based on his interest in renting space in the high school building. Mr. Banks presented a counteroffer to the lease amount quoted by City Manager Wade. Manager Wade recommended Mr. Banks to present his offer to the Commission.

Discussion held. Mayor Ash directed Attorney Hartman to present his legal opinion on this and present it to the Commission at the May 7<sup>th</sup> mtg.

Mayor Ash spoke about a meeting with representatives from Congressman Dunn's office and the opportunity to request grants through various State Departments and agencies that may be beneficial to the City. Mayor Ash stated that she forwarded the information to Kate Deloach and asked the Board for their approval to have Kate Deloach apply for said grant opportunities.

A motion was made by Commissioner Grove to approve Kate Deloach to work with Travis utilizing the Area of Critical State Concern Work Plan to identify and apply for appropriate grant opportunities presented to Mayor Ash by Congressman Dunn's representative, seconded by Commissioner Elliott. Discussion held. Commissioner George commented. Motion carried 5-0.

Commissioner Grove updated the Board and public about the partnership with Resilient Apalachicola Bay, a group of individuals who will oversee the management restoration plan of the oysters that are in the Bay. Commissioner Grove inquired about the status of a potential partnership with the County to address workforce housing, and the possibility of re-zoning prospective areas within the City to allow for multifamily structures. Commissioner Grove would like to see this issue be placed on the agenda and move forward with viable solutions. Commissioner Grove also suggested that regular grant updates be posted on the website and also be included in the agenda.

Commissioner Duncan, no comment.

Commissioner George spoke about the grant that the Commission allowed the Apalachicola Historical Society to apply for and hopes to resolve any lingering issues or misinformation at the May 7<sup>th</sup> meeting. Commissioner George referenced the CDBG Grant for the Hillside and asked for an update to be presented to the Commission. Commissioner George inquired about the status of filling the P&Z Alternate. City Manager clarified and informed the Commission that applicants for the open P&Z Alternate Member will be on the May 7<sup>th</sup> meeting agenda for their review and selection. Commissioner George inquired about the status of the Inflation Reduction Act Grant opportunity and follow-up from the ARPA Workshop meeting.

Discussion held.

Commissioner Elliott followed up on the Chestnut Cemetery topic and expressed concern about proper procurement procedure. Commissioner Grove acknowledged that the City has not been privy or had any involvement in the placing of bids, approving advertisement(s), or procurement of professionals that are being used for the grant. Commissioner Grove also stated that she is unaware of any special designation on record, given to Chestnut Cemetery and the families of those buried there retain the rights to those plots. Commissioner Elliott would like to see the City have more involvement in the decision-making process when it comes to this grant, the removal of trees, any proposed maintenance and to avoid any potential disturbance of grave sites in this cemetery.

Mayor Ash directed Manager Wade to provide a CDBG-DR Hillside Grant update/summary to the Commission specifically addressing Ms. Coxwell's concerns.

#### **CITY MANAGER REPORT**

Manager Wade commented on updates provided in his report. Manager asked the Commission for guidance on an ongoing situation regarding a Special Event request to use the Chestnut Cemetery for a for-profit business.

Discussion held.

#### **ATTORNEY COMMENTS**

Presented the Commission with the draft for the access ordinance and asked the Commission to review and if no corrections, he would have the Access Ordinance ready for 1<sup>st</sup> reading at the May 7<sup>th</sup> meeting. Attorney Hartman also provided an update on Robert Davis and the potential surplus property stating that Mr. Davis has not been able to pool enough finance to make his offer to the City however, he still has an interest in working with the City to come to a viable solution for both parties. Attorney Hartman also spoke about the City's flood zone substantial improvement model and asked the Commission if they were interested in amending the existing ordinance to reduce the lookback period from ten years to a maximum of five years being that the former can stifle improvements in a floodzone.

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Discussion held.

CONSENT AGENDA

A motion was made by Commissioner Elliott to approve the consent agenda, seconded by Commissioner Grove. No comments. Motion carried 5-0.

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner Grove. None opposed. Motion carries 5-0.



Brenda Ash, Mayor



Sheneidra Cummings, City Clerk