

A Regular Meeting of the Apalachicola City Commission was held on March 4, 2025 at 6:00 PM at the Commission Meeting Room located at 74 6<sup>th</sup> Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Adriane Elliott, City Planner/Interim City Manager Bree Robinson, Finance Director Lee Mathes, Chief of Police Bobby Varnes, City Clerk Sheneidra Cummings, Attorney Dan Hartman

Meeting was called to order by Mayor Ash followed by invocation and pledge of allegiance.

### **Agenda Adoption**

Mayor requested an amendment to the agenda to add under new business an emergency expenditure to replace the older scrubber equipment and installation. Commissioner Grove requested to make an agenda amendment to the consent agenda to remove the City Commission Regular Meeting Minutes from October 8, 2024, and January 7, 2025, citing edits that need review for the April agenda.

Motion by Commissioner Grove to approve the agenda as amended. Motion was seconded by Commissioner George, none opposed. Motion carried, 5-0.

### **Public Comment**

Mr. Torben Matson commented.

Mr. Greg Perkins commented.

Ms. Dolores Crum withdrew her comment as it was similar to Mr. Perkins' concerns about the water quality.

Ms. Barbara McNair spoke on behalf of the Game Room regarding the CDBG grant from 2021. She requested a separate meeting to discuss the project as the allocated funds were insufficient for necessary repairs.

Mr. Willie McNair commented.

Ms. Jeanine Gedman commented.

### **New Business: Inflow and Infiltration Study Engineering Award Approval**

The city was awarded a legislative appropriation for an inflow and infiltration study on the city sewer lines. Staff requested approval to award the project to Dewberry Engineers Inc. under their continuing services agreement. The project includes various testing methods including smoke testing to identify intrusion points. The awarded amount was \$300,000.

A motion was made by Commissioner Grove, seconded by Commissioner Elliott, to approve the inflow and infiltration study engineering award to Dewberry Engineers Inc. None opposed. Motion carried, 5-0.

### **New Business: City Hall Repair Phase 3 Construction Bid Award**

Bree, speaking on behalf of Cindy Clark (Project Administrator), explained that an Invitation to Negotiate was advertised for Phase 3 of the City Hall repair project. Oliver Sperry was the sole respondent. After confirming with the state that proceeding with one response was permissible, staff requested authorization to begin negotiations.

Commissioner Elliott asked whether this was the final phase of the project and about limitations from the Department of State Division of Historic Resources grant. Bree clarified that this phase would make the building occupiable but would be a "blank slate." The only restriction was that it could not be used for municipal operations, though it could potentially house a business incubator or other city partnerships.

A Motion was made by Commissioner Grove to begin negotiations with Oliver Sperry to perform the Phase 3 city hall repair and reconstruction work. Motion was seconded by Commissioner Elliott, none opposed. Motion carried, 5-0.

### **New Business: Parking and Pedestrian Access on Avenue D**

Attorney Hartman explained that the recent Gibson parking plan approval highlighted safety concerns regarding parking and pedestrian access on Avenue D between Fourth Street and Market Street. Staff recommended hiring a consultant to review the existing angled parking arrangement and consider changing to parallel parking for safety reasons.

Commissioner Elliott advocated for expanding the study to include the entire downtown corridor, noting that she had previously highlighted traffic issues in a workshop last year. Commissioner George preferred keeping the motion focused only on the Avenue D section due to time constraints with the Gibson project.

A motion was made by Commissioner George to direct the City Manager to hire a consultant to review the parking and access on Avenue D between Market Street and Fourth Street, and to provide recommendations concerning pedestrian accessibility, parking, and visibility. Motion seconded by Commissioner Grove. Motion carried 4-1, Commissioner Elliott opposed.

### **New Business: FDOT M-SCOP Grant Resolution**

Bree presented the Municipal Small County Outreach Program (M-SCOP) grant application for resurfacing one block of Commerce Street. The city had applied unsuccessfully last year and was trying again with the same resolution updated for the new application cycle.

Commissioner George noted that in the previous year's discussion, the Commission had voted to apply for the grant for the block between Avenue G and Avenue F, identified as the worst section. There was discussion about which block should be prioritized, with Commissioner Grove stating her preference for the block between Avenues D and E because it's more heavily utilized.

Attorney Hartman read Resolution Number 2025-01, authorizing the mayor or city planner to apply for FDOT funding through the M-SCOP program for resurfacing Commerce Street.

A motion was made by Commissioner Grove to approve Resolution 2025-01 as presented, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

### **New Business: 1st Reading Cemetery Ordinance 2025-01**

Attorney Hartman presented Ordinance 2025-01 providing for the regulation of activity in city-owned cemeteries, amending the Apalachicola Code of Ordinances Part 2, Chapter 12 to add sections twelve-six through twelve-seventeen. He noted that a clerical edit would be made to section twelve-ten to remove alternative language related to commercial activities.

A motion was made by Commissioner George to approve the first reading of Ordinance 2025-01 and proceed with advertising for second reading and public hearing. Motion was seconded by Commissioner Grove, none opposed. Motion carried, 5-0.

### **New Business: National Volunteer Week Proclamation**

Attorney Hartman read the proclamation designating April 20-26, 2025 as National Volunteer Week in Apalachicola. The proclamation highlighted that 20.4% of Floridians volunteered in 2024, saving organizations an average of \$31.61 per hour in Florida.

A motion was made by Commissioner Elliott, seconded by Commissioner George, to accept the National Volunteer Week Proclamation. None opposed. Motion carried, 5-0.

### **New Business: Team Franklin Interlocal Agreement**

Commissioner Elliott explained that a new cooperative group had been formed, initiated by the Franklin County Sheriff's Office. The group includes the Franklin County Sheriff's Office, Franklin County School Board, City of Apalachicola, City of Carabelle, Franklin County Board, and East Point Water and Sewer District. On advice from legal counsel provided through Franklin County, they decided to form an interlocal agreement rather than incorporating as a 501(c)(3).

The interlocal agreement indemnifies each organization and allows the group to pursue economic development and affordable housing initiatives as a separate governmental entity. Commissioner Elliott noted that the school board had already approved the agreement. Attorney Hartman reviewed the standard Chapter 163 format and confirmed that paragraph 2 of the agreement allows the city to withdraw if desired.

Commissioner George questioned whether the agreement created any obligations for the city and noted a shift from the original focus on workforce housing to economic development. Commissioner Elliott explained that the language was chosen to align with state terminology, as Florida doesn't differentiate between affordable housing and workforce housing. She also highlighted Senate Bill 110 (Flores Rural Renaissance) which would provide significant support to rural communities.

No further discussion.

A motion was made by Commissioner Elliott to approve the Team Franklin interlocal agreement, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

### **New Business: Housing Authority Board Appointment**

The Housing Authority Board, at their February 5th meeting, recommended tenant Billy Shire to serve as the resident commissioner on the board.

A motion was made by Commissioner Elliott, seconded by Commissioner Grove, to appoint Billy Shire as the resident commissioner on the Housing Authority Board. None opposed. Motion carried, 5-0.

### **New Business: 1st Reading Tree Ordinance 2025-02**

Mr. Dennis Winterringer noted that he had drafted an amendment to the tree protection requirements and requested that site plan revision requirements be moved from the historic preservation section to the land use section. He pointed out that while this change was made, the document did not show other additions or deletions that were in the previous package.

Attorney Hartman agreed that there were issues with the document formatting and the redline version did not properly display all changes. He recommended tabling the item to the next meeting so the correct version could be prepared.

A motion was made by Commissioner Grove to table the tree ordinance until the next meeting. Motion seconded by Commissioner George. None opposed. Motion carried, 5-0.

### **New Business: Emergency Expenditure for Older Scrubber**

The Mayor explained that the odor scrubber at the city's drinking water ground storage tank was damaged during Hurricane Helene and collapsed, causing the sulfur smell in the city water. The Florida Department of Environmental Protection confirmed that a boil water notice was not necessary, but residents were reporting a severe sulfur smell. Water department staff had been flushing lines, but replacement equipment was urgently needed.

The equipment must be fabricated to city specifications, and installation must be scheduled at the time of ordering. The city had filed an insurance claim and was working with FEMA, but needed to make repairs immediately. The equipment quote was \$275,000, with installation estimated between \$175,000 and \$220,000, with an updated labor proposal of \$198,000.

John Marshall, assistant supervisor for the water department, explained that the equipment was initially damaged during Hurricane Helene on October 26, which weakened it before it collapsed. He emphasized the urgency of the replacement to maintain chlorination and avoid a boil water notice.

Commissioner George raised concerns about the lack of prior updates on this issue and questioned the funding source. Lee Mathis, Finance Director, explained that funds in the State Board of Administration account from Hurricane Michael insurance proceeds could cover the expenditure until reimbursement.

A motion was made by Commissioner Grove, seconded by Commissioner George, to approve an emergency sole source expenditure up to \$500,000 for replacement of the older scrubber and installation, with the addition of completing a sole source document in compliance with the city's procurement policy. None opposed. Motion carried, 5-0.

### **Unfinished Business: DEP Storm Water Mitigation & Repair Project - Inovia Consulting Group**

Bree, presenting on behalf of Cindy Clark, explained that the city received a \$2,400,000 grant for stormwater infrastructure. After an unsuccessful first procurement, the project was re-advertised with a clarified scope. Inovia Engineering was the highest scoring firm after the evaluation process. Staff requested authorization to begin negotiations with Inovia.

Commissioner George asked whether former manager Travis Wade was on the selection committee. Bree confirmed he was not involved in the process, as he had delegated that responsibility to her.

A motion was made by Commissioner Elliott, seconded by Commissioner Duncan, to authorize staff to begin negotiations with Inovia to prepare a proposal to complete the work in accordance with the scope of work. None opposed. Motion carried, 5-0.

### **Unfinished Business: Gibson Parking**

Attorney Hartman presented an update on the Gibson parking issue. The Gibson had proposed a new parking plan that reduced the intensity of use by removing tables and bar stools, thereby reducing the overall total required parking to 100 spots. With the 45 Avenue D property being used as an off-site parking facility, they could meet their parking requirements without needing waivers or mitigation.

Ms. Bonnie Davis, 111 Avenue D, agreed that parking plans normally go to Planning & Zoning for approval but noted this case was unusual because it included a binding dedication of an adjacent property. She requested clarification on whether this fell under P&Z's purview or required Commission approval. She also expressed concerns about future changes to the use of 45 Avenue D and urged that commitments be made in a recordable format.

Mr. Edwards, representing the Gibson, expressed agreement with ensuring that any changes to 45 Avenue D would require review and approval by both the Gibson owners and the city.

Commissioner George stated that the plan should have gone to P&Z from the beginning and credited the Commission and public for identifying needed corrections.

A motion was made by Commissioner Elliott, seconded by Commissioner Grove, to send the Gibson parking plan to the Planning and Zoning Board March meeting for final review and approval of the parking plan and inclusion of 45 Avenue D. None opposed. Motion carried, 5-0.

### **Mayor and Commissioner Comments**

Mayor noted that Leslie Street was nearing completion and would be a one-way street.

Commissioner Grove distributed information about Senate President Ben Albritton's rural development bill and updates from the Partnership for Resilient Apalachicola Bay. She highlighted the bill's potential benefits for rural counties including funding for roads, revolving loan programs, broadband, small business development, and economic help. She also discussed the oyster restoration efforts, noting that only 77 acres of the original 10,000 historical harvestable acres had been restored. Commissioner Grove also raised concerns about the city's trash pickup schedule and issues with accumulating debris, requesting a meeting with Waste One to address these problems.

Commissioner Duncan requested information about a freshwater tournament and asked the City Clerk to research whether an ordinance prohibiting boat launches downtown was still in effect. She also expressed interest in attending a grant writing workshop being offered by Bay Emergency Services.

Commissioner George reminded the Commission about the potential need for city elections this year and the requirement for an election proclamation in June. She noted

that amendments to election ordinances were needed and requested that these be addressed with a first reading in April and second reading in May.

Commissioner Elliott discussed House Bill 247 regarding accessory dwelling units, which requires local governments to allow these units in areas zoned for single-family use, with an attestation that they will be rented at affordable rates.

### **Finance Director Communications**

Finance Director Lee Mathis provided an update on the transition to QuickBooks. She reported that they were operating on the new system as of February 1, with the chart of accounts completed and AP entries caught up from October to January. She anticipated financial reports would be available by April, pending a meeting with consultant Megan, Moran & Associates to balance October accounts.

### **Consent Agenda**

Motion by Commissioner Elliott, seconded by Commissioner Grove, to approve the consent agenda as outlined at the adoption of the agenda (with the removal of the City Commission Regular Meeting Minutes from 10/8/2024 and 1/7/2025). None opposed. Motion carried, 5-0.

### **Adjournment**

A motion was made by Commissioner Elliott to adjourn the meeting, seconded by Commissioner Grove. Motion carried, 5-0.

**Meeting adjourned.**

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**Brenda Ash, Mayor**

**ATTEST:**

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**Sheneidra Cummings, City Clerk**