A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on April 8, 2025 at 6:00 PM at the Commission Meeting Room located at 74 6th Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Adriane Elliott, City Manager Michael Brillhart, Planner 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 Ash requested an amendment to the agenda to add under New Business, Item 4: Resolution CDBG Small City Application. Commissioner George requested moving the Parks and Recreation Committee's presentation from Unfinished Business Item 1 to after Public Comment, noting the presenter's daughter was visiting from South Korea for a short period.

Motion to amend the agenda to add under New Business, Item 4: Resolution CDBG Small City Application and to move Unfinished Business Item 1 to after Public Comment was made by Commissioner Grove, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

Mayor Ash introduced and welcomed the new City Manager, Michael Brillhart, noting that a meet and greet would be hosted in the near future.

Public Hearing: Cemetery Ordinance 2025-01

Attorney Hartman presented Ordinance 2025-01 by title, an ordinance providing for the regulation of activity in city-owned cemeteries and amending the Apalachicola Code of Ordinances.

During discussion, Commissioner Grove asked about provisions prohibiting commercial activity. Attorney Hartman clarified that the ordinance prohibits certain types of commercial activities rather than implementing a blanket prohibition, specifically noting

Section 12-7 prohibiting tours, events, marketers, and paranormal activity involving ghosts, spiritualists, or mediums.

No public comments were received regarding the cemetery ordinance.

Public Comment

Linda White commented.

Ken Essex from the Historical Society commended Linda White on her work in securing the Lou Hill artifact collection and the exhibits being planned for Raney House. He informed the Commission that the Historical Society would be applying for a Phase 2 grant with the state to address structural and foundation issues at Raney House. The grant application is due by June 1st and would require a 25% match. He explained that depending on the grant amount, which could range from $300,000 to $1,000,000, the match would be between $18,750 and $62,500. Essex requested the City Commission consider providing a guarantee for the matching funds, as was done with the Phase 1 grant for approximately $40,000.

Unfinished Business: Parks & Recreation Committee Presentation & Requests – Riverfront Park

Mark Milliken, Vice Chair of Parks and Recreation Committee, reviewed issues at Riverfront Park. He identified two primary concerns: the non-functioning fountain in the middle of the park and the safety/access issue created by the removal of the floating dock.

Regarding the fountain, Milliken explained that mechanical and electrical controls have been destroyed by water infiltration, creating a safety hazard. The Committee held a forum for citizens to offer opinions, with the majority supporting removal or repurposing of the fountain. Six options were considered: 1) removing the fountain to create green space, 2) replacing it with raised beds, 3) digging it out to plant large trees, 4) capping it to use as a stage, 5) installing various structures (A for Apalachicola, kinetic sculpture, oyster shell structure, blocks spelling Apalachicola, or community relics), or 6) installing an archway with the city's name.

The Committee determined that the most viable and least expensive option was to convert the fountain into a flower bed by drilling out the internal space for drainage, filling it with

soil, and planting low-lying flowers. They would also remove the mechanical box and examine the surrounding tiles for potential replacement or artistic enhancement.

Regarding the floating dock, Milliken emphasized this was a safety hazard as there was no way for boaters to access the city from the water or for anyone who might fall into the water. He requested approval to move forward with getting quotes for both the fountain conversion and floating dock replacement.

After discussion, the Commission directed the Parks and Recreation Committee to work with the City Manager on developing a plan to convert the fountain at Riverfront Park into a planter.

Motion to direct the Parks and Recreation Committee to work with the City Manager for developing a plan to convert the fountain at Riverfront Park into a planter by removing the fountain equipment and electrical equipment and bringing cost estimates back to the City Commission if the cost exceeds the spending authority of the City Manager was made by Commissioner George, seconded by Commissioner Elliott, none opposed. Motion carried, 5-0.

The Commission also directed the City Manager to investigate the status of the former floating dock.

Motion to direct City Manager Brillhart to engage with Hayes Marine and provide a report to the City Commission on the former floating dock and pathways forward for obtaining a new one was made by Commissioner Elliott, seconded by Commissioner George. None opposed. Motion carried, 5-0.

New Business: Easement Extension Request – 400 Kevin Road

Noble Davidson presented a request for an easement extension adjacent to a property he purchased and subdivided in the county. The 5-acre parcel was subdivided into two parcels, and he was requesting to add a new easement on the south side of the power lines on city property for ingress and egress to the new 1.3-acre parcel on the left. He explained that the easement would encompass a pre-existing road that goes to a utility gate.

Attorney Hartman confirmed it was possible for the city to grant the easement and offered to draft an easement document. He noted that the easement only needed to cover the portion necessary to access the property, not the entire area shown in red on the drawing.

Motion to direct City Attorney Hartman to engage with Mr. Noble Davidson and determine via survey the necessary amount of easement to connect his parcel to the existing

easement was made by Commissioner Elliott, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

New Business: Planning and Zoning Request to Workshop Stormwater Best Management Practices Incentives

Bree Robinson, on behalf of the Planning and Zoning Board, requested the Commission direct them to workshop potential land development code changes to incentivize stormwater best management practices. She explained that homeowners might be allowed additional lot coverage if they installed stormwater management practices to treat runoff.

After discussion about process and workshop requirements, the Commission decided to hold a joint workshop with Planning and Zoning.

Motion to conduct a joint workshop with Planning and Zoning regarding stormwater best management practice incentives on Monday, May 12th at 5:00 PM, proceeding the Planning and Zoning regular meeting, was made by Commissioner Elliott, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

New Business: Planning and Zoning Request to Workshop Event Space Definition

The Commission discussed a request from Planning and Zoning to develop a definition for event space, particularly as it relates to parking requirements. Attorney Hartman explained this arose from the Gibson parking issue, as there is currently no parking requirement for event spaces and no definition of "event space" in the city code.

Commissioner Elliott suggested this was part of a broader issue that should include other downtown considerations and input from existing event space owners. Commissioner Duncan proposed having Planning and Zoning begin work on the definition before scheduling a joint workshop.

Motion to direct Planning and Zoning to begin work on the definition of event space, and then schedule a joint workshop was made by Commissioner Duncan, seconded by Commissioner George. Motion carried 3-2, Commissioners Elliott and Grove opposed.

Commissioner Elliott then proposed holding a separate workshop to discuss broader downtown Apalachicola issues.

Motion to hold a workshop about downtown Apalachicola preceding the June 3, 2025 regular Commission meeting at 5:00 PM, focusing on event spaces, event parking, and

allowing public comment was made by Commissioner Elliott, seconded by Commissioner Grove. None opposed. Motion carried, 5-0.

New Business: Resolution CDBG Small Cities Application

Bree Robinson presented Resolution 2025-02 for a Community Development Block Grant Small Cities application to rehabilitate the city's three wells. She explained that while the city doesn't meet the initial LMI requirements, it qualifies under the "urgent need" provision due to regulatory action against the water system. The resolution would authorize application for funding.

Attorney Hartman read the resolution, which detailed the city's need for reliable potable water supply, particularly after a boil water notice was issued in January 2025.

Motion to approve Resolution 2025-02 for the Water Well Restoration Project was made by Commissioner Grove, seconded by Commissioner George. None opposed. Motion carried, 5-0.

Unfinished Business: 1st Reading – Tree Ordinance 2025-02

Dennis Winterringer from the Tree Committee addressed two issues regarding the tree ordinance. First, he noted a contradiction in the land development code regarding timelines: the site plan regulations being moved from Chapter 109 to Chapter 111 specify that applicants have one year to commence construction after site plan approval, but building permit regulations in Section 11-20 state that work must commence within 180 days. He recommended proceeding with the ordinance but directing staff to address this inconsistency later.

Second, he mentioned utility trimming requirements in Section 105.28, noting that Duke Energy's contractor was trimming along power lines without submitting a plan to the city as required by code. He confirmed with staff that Duke Energy had now submitted plans.

Attorney Hartman conducted the first reading of Ordinance 2025-02, explaining that it implements the Tree Committee's additions to the tree ordinance and relocates site plan regulations from Chapter 109 to Chapter 111.

Motion to approve the first reading of Ordinance 2025-02 and proceed with the adoption process was made by Commissioner Grove, seconded by Commissioner George. None opposed. Motion carried, 5-0.

Unfinished Business: Award Recommendation – Avenue D Pedestrian Safety/Parking Project

Attorney Hartman presented staff's recommendation to award the Avenue D pedestrian safety and parking project to Urban Catalyst Consultants under the engineering continuous service contract at a cost of $13,750. The project would study traffic safety issues at the intersection of Avenue D and Market Street.

Funding options included $10,000 from the Public Works sidewalk/street repair budget, with the remaining $3,750 from the general fund reserve. The Commission discussed whether the study was necessary or if simply removing parking spaces at the corner would address safety concerns.

A motion was made by Commissioner George to award the project to Urban Catalyst and take the overage from the general fund reserve and the $10,000 from the public works sidewalk street repair. Motion seconded by Commissioner Duncan. Motion carried, 3-2.

Following this, Commissioner Elliott made a recommendation to address traffic safety more broadly.

Motion that the City Commission move forward with having an annual traffic workshop as dictated by the land development code was made by Commissioner Elliott, seconded by Commissioner Duncan. Discussion held. Motion carried, 4-1. Commissioner George opposed.

Unfinished Business: Award Recommendation – Community Center As-Builts & Schematic Design

Bree Robinson presented the recommendation to award Hammond Design the contract for preliminary design work for the Battery Park Community Center, including as-built drawings and schematic conceptual plans at a cost of $7,900. This work would help determine the feasibility of relocating City Hall to the Community Center.

Motion to approve the award to Hammond Design was made by Commissioner Grove, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

Unfinished Business: 2nd Reading- Cemetery Ordinance 2025-01

Attorney Hartman conducted the second reading of Ordinance 2025-01, regulating activities in city-owned cemeteries.

Motion to approve Ordinance 2025-01 was made by Commissioner Grove, seconded by Commissioner George. None opposed. Motion carried, 5-0.

Mayor and Commissioner Comments

Mayor Ash reported that the Stewardship Act funding was looking promising, with the House budgeting $2.5 million and the Senate at $5 million. She emphasized the need for the Commission to workshop and prioritize projects based on the work plan. Mayor Ash also mentioned the Leslie Street project was complete and inquired about implementing weight limits to prolong the life of the road. Attorney Hartman confirmed the city has the legal authority to regulate traffic for safety purposes and would research appropriate weight limits.

Commissioner Grove provided updates on the Partnership meeting focused on the Bay restoration project, noting poaching issues and the need for public outreach about the extensive restoration work still needed. She also discussed ongoing efforts to remove oyster licensing from city responsibility, reporting that he had contacted FWC and Representative Robinson's office about House Bill 4003. Commissioner Grove also clarified that residents on septic tanks are not charged the SUF fee, correcting misinformation that had been circulating on social media.

Commissioner George raised concerns about the city's response to the Florida DOGE Committee regarding financial distress or emergency situations, objecting to the exclusion of the city's failure to fund its Community Reinvestment Association obligation from the report.

Commissioner Elliott mentioned requests from the public about discounting water bills due to the water smell issue but acknowledged the difficulty in calculating appropriate compensation based on varying impacts throughout the system.

Commissioner Duncan reported on her meeting with Chief Barnes, Mr. Butler, and Chase regarding impact fees for events. She noted that compared to other municipalities, Apalachicola charges less for many services and is planning to prepare a report for the May meeting with recommendations for potential fee adjustments to help fund city services and maintenance.

City Manager Communications

Bree Robinson reported that the splash pad was temporarily closed due to the odor scrubber issues, as the additional water usage of 30,000-40,000 gallons per day could deplete the wells while they were conducting necessary hydrant flushing. She also updated the Commission on DEP's surprise visit regarding water odor complaints, noting no regulatory action was taken as DEP understood it was just a smell issue. Regarding timeline for the odor scrubber replacement, Robinson stated the estimate was 16-20 weeks from the order date but hoped it would be less.

City Manager Brillhart mentioned that staff does a great job helping with ongoing issues and is working diligently to test specific areas where odor may be more prevalent.

Discussion followed about insurance on the odor scrubber and funding sources for the $500,000 expenditure.

Regarding the Coast Guard property, Robinson explained that the property was still in the Coast Guard's name, which could impact the CDBG Doctor loan. She reported that the process to transfer the property to the city had not been officially started and could take two years, though a short-term solution was being pursued.

The Commission also discussed a lease renewal with the Nest program at City Hall, with general agreement to extend the lease for the next school year given the timeline for potential relocation of City Hall to the Community Center.

No further comments.

Finance Director Communications

Finance Director Lee Mathes reported that the financials for 2023-24 are 80% complete, with bank statements balanced from October 2023 to June 2024. She stated the audit would begin later in the month, and the finance clerk had input all expenses for 24-25 that were done in QuickBooks Online and was nearly caught up on deposits.

Attorney Communications

Attorney Hartman provided an update on the Denton Cove litigation regarding the lift station upgrade, noting depositions later in the month and mediation scheduled for May 27th. He also reported on discussions with Waste Pro regarding yard debris pickup, with a Zoom meeting planned to address interpretation issues in the contract. Attorney Hartman

requested ratification of the DOGE letter that was sent out before the meeting due to timeline constraints.

Motion to ratify the DOGE response letter was made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried, 4-1. Commissioner George opposed.

Consent Agenda

Motion to approve the Consent Agenda was made by Commissioner George, seconded by Commissioner Elliott. None opposed. Motion carried, 5-0.

Adjournment

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner Grove. None Opposed. Motion carried, 5-0.

Meeting adjourned.

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Brenda Ash, Mayor

ATTEST:

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Sheneidra Cummings, City Clerk