

**CITY OF MARIANNA
SPECIAL CITY COMMISSION MEETING**

**APRIL 23, 2019
4:30 P.M.**

**CITY HALL
2898 GREEN STREET, MARIANNA, FL**

1. Call To Order

2. Roll Call

Mayor and Commissioners

John E. Roberts, Mayor/Commissioner
Rico Williams, Mayor Pro Tem/Commissioner
Allen Ward, Commissioner
Kenneth Hamilton, Commissioner
Travis H. Ephriam, Commissioner

3. Invocation And Pledge To The Flag

4. Approval Of Agenda (Additions Or Deletions)

5. Review & Approval Of Minutes

6. Public Meeting/Forum

7. Presentations

7.A. Wheeler Emergency Management Consulting

8. Public Hearing

8.A. SRF Wastewater Treatment Plant Upgrades Project

9. Planning/Development

9.A. Variance Request - 2831 Washington Street

Documents:

[AGENDA424.PDF](#)
[AGENDA4219.PDF](#)
[PLANNINGSTAFFREPORT.PDF](#)
[REQUEST.PDF](#)

10. Other Policy Matters

10.A. Waste Water Treatment Plant - SRF Facility Plan Adoption Resolution
2019 15

Documents:

[AGENDA WWTP FDEP SRF FACILITY PLAN ADOPTION RESOLUTION 2019
15.PDF](#)

10.B. Police Department Purchase Of Body Wire And Antenna

Documents:

[AGENDA POLICE DEPARTMENT PURCHASE OF BODY WIRE AND
ANTENNA.PDF](#)

11. Mayor & Commission Report

12. City Attorney

13. City Manager/Administrative Reports

13.A. Request For Proposals - Continuing Contract For Licensed Contractor

14. Adjourn

The City of Marianna is an Equal Opportunity Employer and a Drug-Free Workplace. In accordance with the adopted Section 504 Policy, the City will take affirmative steps to reasonably accommodate the disabled and ensure their needs are equitably represented in City programs and activities. Pursuant to Title VI and the Civil Rights Act of 1964, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, language, income or family status. For assistance with EEO, Title VI or Section 504 matters contact Julie Chance at 850-482-4353. The City also has a Fair Housing Ordinance. For assistance with Fair Housing matters contact Kay Dennis at 850-482-2786. In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the City Clerk's Office at 850-482-4353 no later than 3 days prior to the meeting. City Hall is located at 2898 Green Street, Marianna, FL.

CITY OF MARIANNA
COMMISSION AGENDA MEMO
DATE: 04/23/2019

ADMINISTRATIVE STAFF REPORT

- Subject:** Request for a variance from *Marianna City Code, Land Development Code, Sections 2-6.3, 4-1.7(3) and 4-8.3 (1) and (2)* due to single-wide mobile home damage from Hurricane Michael. Applicant wishes to replace with a newer single-wide home that is approximately thirty years old.
- Subject Background:** The applicants' property is located within the Residential-3 zoning district, which allows for the placement of Residential Design Manufactured Homes (RDMH) or otherwise known as double-wide trailers meeting the following requirements (*Marianna City Code, Land Development Code, Section 1.7(3)*). Residential Design Manufactured Homes must be a minimum of 20 feet wide, and have a light reflective exterior, 1:4 roof pitch and six inch roof overhang (*Marianna City Code, Land Development Code, Section 4-8.3 (1)(b)*). Manufactured homes not meeting these requirements are only allowed in manufactured home parks (*Marianna City Code, Land Development Code, Section 4-8.3 (2)*).
- The applicant's rental property, a single-wide mobile home was damaged during Hurricane Michael. Due to the length of time the home had been located on the R-3 zoned property, it was considered a legal nonconforming use. However, pursuant to *Marianna City Code, Land Development Code, Section 2-6.3 (5)*, this status is lost when the use is substantially damaged or destroyed. Therefore, if the mobile home requires replacement, it must meet the current standards for a Residential Design Manufactured Home listed above. Staff has determined there is adequate room to accommodate a home meeting current standards (see attachments).
- Detail:** The Planning and Zoning Board met in regular session on March 25, 2019 and recommended denial of the request. The Marianna City Commission met in regular session April 2, 2019 and voted to table the variance request so site visits could be conducted.
- Recommendation:** City staff is recommending denial because: 1) the request is not in general harmony with the City of Marianna Land Development Code; 2) the request is not being made due to practical difficulties in carrying out the law; 3) the request is not related to unique physical surroundings; and 4) there are many sites in the Residential-3 Zoning District to which the same conditions are common resulting in numerous similar variance requests.
- Potential Motion:** I recommend denial of the variance request.

Prepared by: Kay Dennis, Director

KD

CITY OF MARIANNA
COMMISSION AGENDA MEMO
DATE: 04/02/2019

ADMINISTRATIVE STAFF REPORT

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- The applicant's rental property, a single-wide mobile home was damaged during Hurricane Michael. Due to the length of time the home had been located on the R-3 zoned property, it was considered a legal nonconforming use. However, pursuant to *Marianna City Code, Land Development Code, Section 2-6.3 (5)*, this status is lost when the use is substantially damaged or destroyed. Therefore, if the mobile home requires replacement, it must meet the current standards for a Residential Design Manufactured Home listed above. Staff has determined there is adequate room to accommodate a home meeting current standards (see attachments).
- Detail:** The Planning and Zoning Board met in regular session on March 25, 2019 and recommended denial of the request.
- Recommendation:** City staff is recommending denial because: 1) the request is not in general harmony with the City of Marianna Land Development Code; 2) the request is not being made due to practical difficulties in carrying out the law; 3) the request is not related to unique physical surroundings; and 4) there are many sites in the Residential-3 Zoning District to which the same conditions are common resulting in numerous similar variance requests.
- Potential Motion:** I recommend denial of the variance request.

Prepared by: Kay Dennis, Director





CITY OF MARIANNA
MUNICIPAL DEVELOPMENT DEPARTMENT
Post Office Box 936
Marianna, FL 32447
(850) 482-2786
Email: kdennis@mariannafl.city

Memo

To: Planning & Zoning Board
From: Kay Dennis, Director 
Date: 02/25/2019
Re: Variance Request

Summary: The applicants are requesting a variance from *Marianna City Code, Land Development Code, Sections 2-6.3, 4-1.7(3) and 4-8.3 (1) and (2)* for single wide mobile home placement at 2831 Washington Street.

Nature of Variance Requests: The applicants' property is located within the Residential-3 zoning district, which allows for the placement of Residential Design Manufactured Homes (RDMH) (*Marianna City Code, Land Development Code, Section 4-1.7(3)*). Residential Design Manufactured Homes must be a minimum of 20 feet wide, and have a light reflective exterior, 1:4 roof pitch and six inch roof overhang (*Marianna City Code, Land Development Code, Section 4-8.3 (1)(b)*). Manufactured homes not meeting these requirements are only allowed in manufactured home parks (*Marianna City Code, Land Development Code, Section 4-8.3 (2)*).

It is difficult to determine when the damaged mobile home was placed on the property. Jackson County Property Appraiser records indicate that a home was located on the property sometime between 1983 and 1992, which would make the damaged single-wide mobile home a legal non-conforming use that would not be currently allowed, but was in existence prior to the adoption of the Land Development Code (*Marianna City Code, Land Development Code, Section 2-6.3*). However, a

legal non-conforming use can lose this status under the following circumstances.

1. The use becomes a public hazard or nuisance;
2. There is a lack of maintenance and upkeep on the use;
3. Expansion or extension beyond 10% of the floor or lot coverage, whichever is less;
4. The use is abandoned or discontinued; and/or
5. The use is substantially damaged or destroyed.

According to *Marianna City Code, Land Development Code, Sections 2-6.3 (5)*, “[w]here a nonconforming development is substantially damaged or destroyed, reconstruction of such development shall be in compliance with the provisions of this Code.” Therefore, if the mobile home requires replacement, it must meet the current standards for a Residential Design Manufactured Home.

History:

The owners of the property located at 2831 Washington Street are requesting a variance to replace a 1975 single wide mobile home that was severely damaged by Hurricane Michael with a 1989 14’x70’ single-wide mobile home. The owners point out that the variance will not affect adjacent property values, especially since there are other mobile homes in the immediate area. Additionally, the property owners will not adversely impact the health, safety or general welfare of the area, but would instead provide housing when there is a shortage. Finally, a replacement mobile home will provide revenue for the City in the form of utilities and taxes. (See attached letter).

Determination:

Marianna City Code, Land Development Code, Sec. 2-6.6 states “[t]he planning board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific properties involved. If so, the planning board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the planning board shall make the required findings based on the cumulative effect of granting the variance to all who may apply. The Planning Board shall not vary the requirements of any provision of this code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

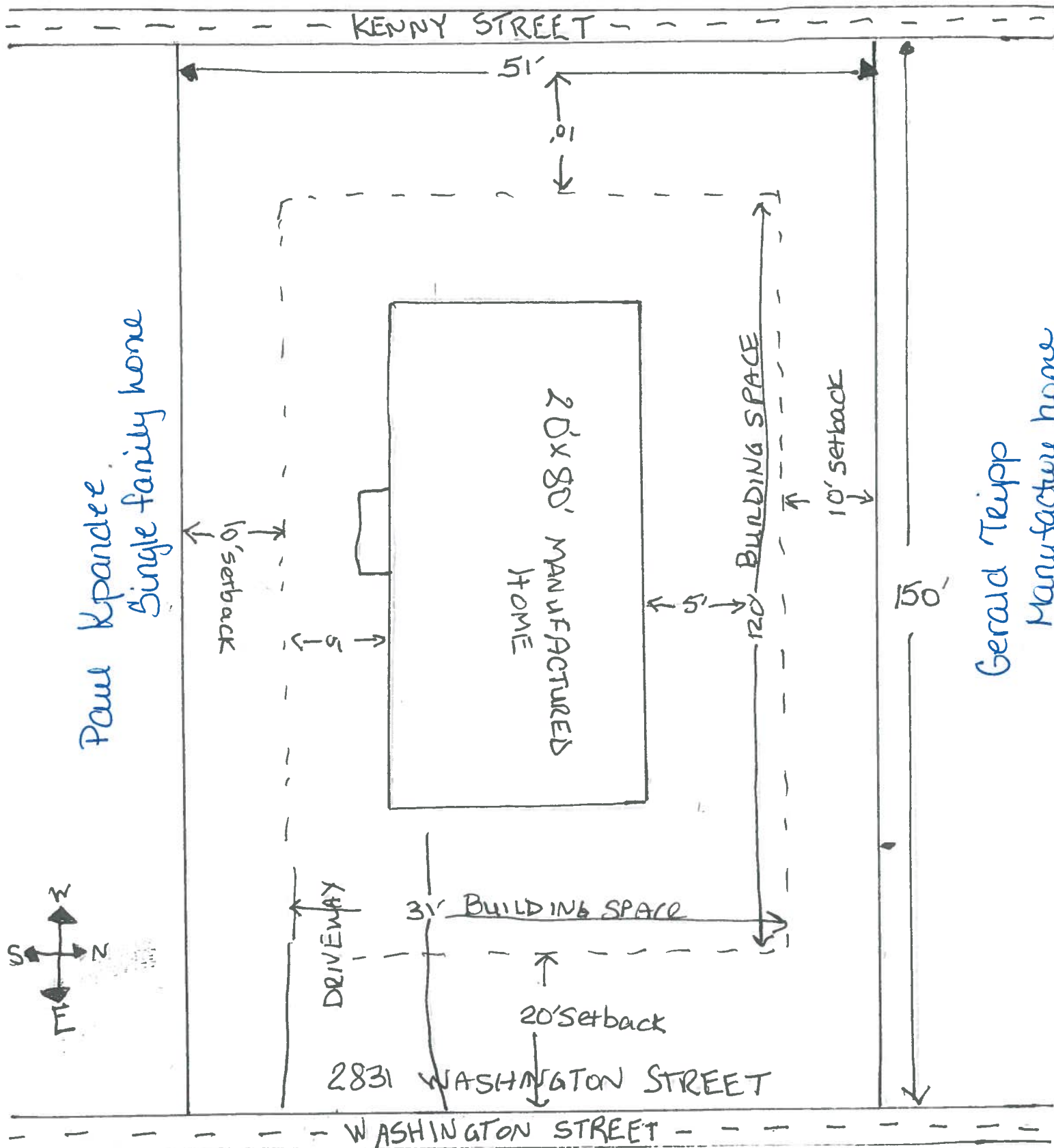
- a. [t]here are extreme practical or economic difficulties in carrying out the strict letter of this code;
- b. [c]onditions for which the variance is being applied are unique or unusual to the site or structure in questions;
- c. [t]he variance request is not based exclusively upon a desire to reduce the cost of developing the site;
- d. [t]he proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public;
- e. [t]he proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
- f. [t]he proposed variance will not decrease the level of service standards as established in the Comprehensive Plan; and
- g. [t]he effect of the proposed variance is in harmony with the general intent of the code and the specific intent of the relevant subject area(s) therein.”

Planning staff has reviewed the application and determined the variance request arises out of a desire to reduce the cost of developing the site in the aftermath of Hurricane Michael. The proposed variance will not substantially increase congestion on surrounding public streets, decrease the level of service standards as established in the comprehensive plan, not diminish property values. However, the site has ample room for a Residential Design Manufactured Home. (See Exhibit A). The effect of the proposed variance is not in harmony with the general intent of the code and is common to numerous sites which could result in similar variance requests.

Proposed Recommendation:

Recommend denial of the variance request due to the appeal not being in general harmony with the City of Marianna Land Development Code, not being based on extreme practical difficulties in carrying out the law, not being related to unique physical surroundings, and being common to many sites within the City of Marianna, possibly resulting in numerous variances.

Exhibit A



Paul Kpandee
Single family home

Gerald Tripp
Manufacture home

KENNY STREET

2831 WASHINGTON STREET

WASHINGTON STREET

51'

150'

20x80' MANUFACTURED HOME

20x80' BUILDING SPACE

31' BUILDING SPACE

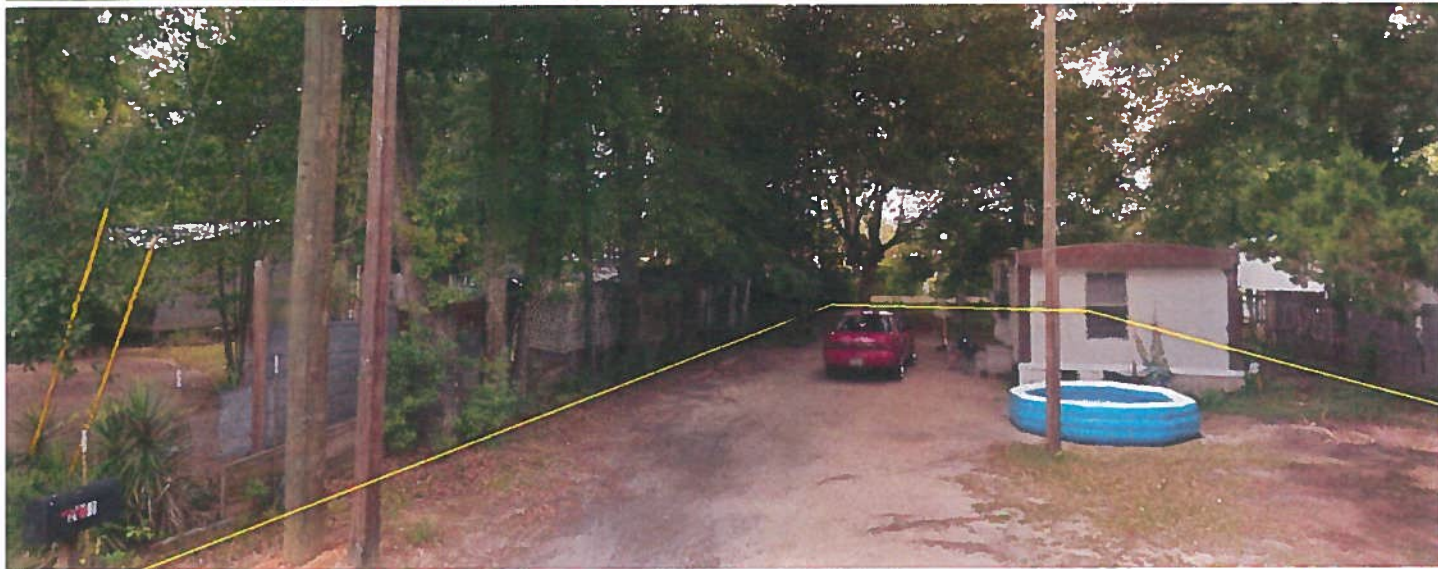
10' setback

10' setback

20' setback

DRIVEWAY





2831 Washington Street

Google Earth



View from Washington Street



Overview



Legend

-  Parcels
-  Roads
-  City Labels

Parcel ID	04-4N-10-0157-0020-0070	Alternate ID	10 N 404015700200070	Owner Address	LOVETT NAKEYAR
Sec/Twp/Rng	04-4N-10	Class	MOBILE HOM		3511 OLD U S RD
Property Address	2831 WASHINGTON ST Marianna	Acreage	n/a		MARIANNA, FL 324467958
District	10				
Brief Tax Description	LOTS 7,23 BLK 2 IN FOLSOM ADD (Note: Not to be used on legal documents)				

Date created: 3/27/2019

Developed by  **Schneider**
GEOSPATIAL

Lovett Properties, LLC
3511 Old US Road
Marianna, Fl. 32446
Phone: 850-557-2831
850-557-0664
Fax: 850-526-2033
Email: lovettproperties@yahoo.com

LOVETT PROPERTIES, LLC



Affordable Housing Today At Yesterday's Prices!

Letter Of Intent

In Support Of Request for Variance

Property Address: 2831 Washington St. Marianna, FL 32446

RECEIVED
JAN 23 2019
CITY OF MARIANNA
MUNICIPAL DEVELOPMENT DEPT.

Dear Board of Appeals,

This letter is in support of my request for a variance to replace a damaged (1975) modeled mobile home that is located on the property of 2831 Washington St. in Marianna, FL with a (1989) modeled mobile home. The (1975) modeled mobile home was severely damaged as a result of the "Catastrophic Category 4 Hurricane Michael Storm", the severity of the damage sustained left the (1975) modeled mobile home in an unlivable condition. Therefore, the need of the variance is to replace the damaged mobile home with a 14 x 70 (1989) modeled mobile home that meets more of a modern day code of livable standards by approximately 15 years and it is approximately 2ft shorter than the damaged (1975) modeled mobile home.

As such based on the current code, in particular section 2-6.5 (E), the proposed variance will not substantially diminish the property values in, nor alter the essential character of the area surrounding the site. Granting of this variance to replace the (1975) modeled mobile home with a (1989) modeled mobile home would not affect the rights of adjacent property owners nor residents. The property is

surrounded by mobile homes on all four sides, a double wide in the front, a single wide on the right side, a double wide on the left side, and a double wide on the backside.

As the owner of the property on 2831 Washington St., it is my belief that the granting of the variance to replace the damaged (1975) modeled mobile home with a (1989) modeled mobile home would not adversely affect the public's health, safety, morals, order, convenience, the prosperity nor the overall general welfare. As the owner of the property, It is also my belief that replacing the damaged (1975) modeled mobile home with the (1989) modeled mobile home would not affect the safety of the traveling public in any way nor obscure the view of any residents that resides nearby.

In my opinion, this will be an enhancement to our city due to the housing shortage. This will also aid in revenue for the city because a household will be paying utilities and taxes. Thank you for your consideration of this needed variance.

Sincerely,

Nakeya R. Lovett



Lovett Properties LLC, Owner

**CITY OF MARIANNA
COMMISSION AGENDA MEMO
SPECIAL MEETING
April 23, 2019**

ADMINISTRATIVE STAFF REPORT

Subject: City of Marianna – Waste Water Treatment Plant (WWTP)
Florida Department of Environmental Protection (FDEP)
State Revolving Fund (SRF) Grant/Loan
SRF Facility Plan Adoption - Resolution 2019 -15

Subject Background: The City of Marianna is in need of upgrades to its WWTP. The City has determined it is in the best interest of the City to seek funding from FDEP SRF.

One of the initial steps is to formally adopt a Facility Plan which has been prepared by Mott MacDonald (MM). MM has prepared and it is available for public review at City Hall.

Recommendation: In conjunction with the SRF Grant / Loan Program MM has prepared and staff has reviewed the proposed Facility Plan. It is recommended the City Commission approve Resolution 2019-15, adopting the Facility Plan for the Marianna WWTP.

Potential Motion: I move to approve Resolution 2019-15.

Approved for agenda by:

RESOLUTION NUMBER 2019-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARIANNA, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), ADOPTION OF THE WASTEWATER FACILITY PLAN FOR THE IMPLEMENTATION OF WASTEWATER IMPROVEMENTS, EFFECTIVE THIS DATE

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater facilities; and Florida Administrative Code requires the formal authorization by City Council to formally adopt a facility plan outlining necessary wastewater facility improvements to comply with State of Florida funding requirements;

WHEREAS, formal adoption of the proposed Facility Plan is required for the City of Marianna to participate in the State Revolving Loan Fund Program;

WHEREAS, the City Council of the City of Marianna, Florida agrees with the findings and summary of necessary improvements as outlined in the Facility Plan for the purpose of upgrading the City's Wastewater Treatment Facility;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marianna, Florida formally approves and adopts the City of Marianna Facility Plan as written and presented to the City Council on this date;

SECTION 1. FINDINGS

The foregoing findings are incorporated herein by reference and made a part hereof.

The City of Marianna, Florida, is authorized to approve the proposed Facility Plan.

The City Manager is hereby designated as the authorized representative to provide the assurances and commitments that will be required by the Facility Plan.

The Mayor is hereby designated as the authorized representative to execute the Facility Plan which will become the foundation of all activities related to the wastewater facility improvements. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the Facility Plan. The Mayor is authorized to delegate responsibility to appropriate City Staff to carry out technical, financial, and administrative activities associated with the Facility Plan.

The legal authority for adoption of this facility plan is pursuant to the City Charter, City Code of Ordinances, and the Laws of the State of Florida.

All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidated or impair the validity, force, or effect or any other section or part of this Resolution.

SECTION 2. EFFECTIVE DATE

This Resolution shall take effect upon its approval and adoption by the City Commission.

APPROVED AND ADOPTION THIS 23RD DAY OF APRIL, 2019.

**CITY COUNCIL
CITY OF MARIANNA, FLORIDA**

**JOHN E. ROBERTS
MAYOR-COMMISSIONER (SEAL)**

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS:**

**KIMBERLY J. APPLEWHITE
CITY CLERK**

**H. MATTHEW FUQUA
CITY ATTORNEY**

City of Marianna
Commission Agenda Memo
Date: April 23 , 2019

ADMINISTRATIVE STAFF REPORT

Subject: Purchase of one (1) Body Wire 1300-NR, Tiny Tot 3-1300 and one (1) stick antenna used to conduct covert operations.

Detail:

In order to conduct covert operations, the Department is requesting to use funds from the Forfeiture Account to purchase one (1) Body Wire ACT 1300-NW, Tiny Tot 3-1300 with three (3) power settings, fully programmable, internal lithium rechargeable battery, two (2) preset frequency channels, internal and external microphone and one (1) stick antenna from Advanced Covert Technologies (Sole Provider) for a total of \$1,600.00.

Advanced Covert Technologies is a Sole Provider due to it being the chief company that sells this type of equipment. Also this equipment works in conjunction with covert equipment that is currently use.

Recommendation: It is recommend the approval of the purchase of One (1) Body Wire 1300-NR, Tiny Tot 3-1300 and one (1) Stick Antenna from Advanced Covert Technologies (Sole Provider) for \$1,600.00.

Potential Motion: I move to approve the purchase of One (1) Body Wire 1300-NR, Tiny Tot 3-1300 and One (1) Stick Antenna from Advanced Covert Technologies (Sole Provider) for \$1,600.00

Prepared by: Hayes Baggett/RP





Advanced Covert Technology
 P.O. Box 3234
 Evans, GA 30809
 (706) 496-8275
 info@act-sales.com
 Visit us at www.act-sales.com

Quote 190388

ADDRESS	SHIP TO	DATE	TOTAL	EXPIRATION DATE
Marianna Police Department ATTN: ACCTS PAYABLE 2890 Green Street Marianna, FL 32446	Marianna Police Department ATTN: CAPT GEORGE OWENS 2890 Green Street Marianna, FL 32446	04/15/2019	\$1,600.00	07/15/2019

SALES REP
 Hayden Cormier

DATE	ACTIVITY	QTY	RATE	AMOUNT
04/15/2019	Body Wires:ACT 1300-NR Tiny Tot 3 - The 1300 has 3 power settings: 1/4,1/2 and 1 watt, fully programmable, internal lithium rechargeable battery, two preset frequency channels, internal or external microphone	1	1,495.00	1,495.00
04/15/2019	Antennas:ACT AR-703 Stick Antenna	1	85.00	85.00
SUBTOTAL				1,580.00
SHIPPING				20.00
TOTAL				\$1,600.00

THANK YOU.

Accepted By

Accepted Date