

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, NOVEMBER 2, 2021, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash
Commissioner Anita Grove
Commissioner Despina George
Commissioner Adriane Elliott
Commissioner Donna Duncan

Travis Wade, City Manager
Deborah Guillotte, City Clerk
Leo Bebeau, Finance Director
Dan Hartman, Attorney

CALL TO ORDER

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

AGENDA ADOPTION

Commissioner Anita Grove made a motion to adopt the Agenda amending Agenda to add Resolution 2021-16 the CDBG-CV Application under the Financial Report. Commissioner Despina George seconded and the motion carried 5-0.

PRESENTATIONS

1) Audit Report – Chris Moran specifically reviewed from the Audit report the following: Pages 3-6 Management Discussion and Analysis which is a NB&A summary of the City as a whole, highlights and what was accomplished, etc.; Page 10 Statement of Net Position; Page 12 Balance Sheet Governmental Fund; Page 14 Revenues and Expenditures and changes in Fund Balances, Page 29 Notes to Basic Financial Statement Balances is the capital asset footnotes which shows everything owned and purchased during the year; Page 30 Notes to Basic Financial Statement shows all the debts by type that the City has; and Pages 53-61 is the completed Independent Audit Report and comments. Mr. Moran discussed the CRA stand-alone financial statement.

2) Apalachicola Bay Systems Initiative – Sandra Brooke gave a brief six month update of the program. The City Commission thanked Ms. Brooke’s for her presentation. **See Attachment “A”**

PUBLIC COMMENT

Public comment consisted of the following: 1) Support of the Moses Roper Marker; 2) Battery Park Ordinance – houseboats; and 3) possibility of removing the sewer usage surcharge fee.

UNFINISHED BUSINESS

**1. PROPOSE DATE IN DECEMBER FOR TRIUMPH GULF
COAST WORKSHOP**

Commissioner Grove made a motion to have a Visioning session Tuesday, December 21st at 9am, and a Triumph workshop Tuesday, January 11th at 3pm. Commissioner Adriane Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS

2. RESILIENT FLORIDA LEGISLATION

Commissioner Grove reviewed the Resilient Florida program and requested board approval to apply for the funds (\$75,000) to update the vulnerability study.

Commissioner George made a motion to authorize to apply for funds to update the vulnerability study so that the City is eligible to apply for funds to improve infrastructure. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS

CRA BUDGET APPROVAL – RESOLUTION 2021-15

Mayor Ash stated on right side column of the budget worksheet there is verbiage requesting that the CRA Director be under the auspice of the Human Resources department; however, the City does not have an HR department, so I would like this stricken from the from budget.

Finance Director Bebeau read Resolution 2021-15 in its entirety.

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA, ADOPTING THE COMMUNITY REDEVELOPMENT AUTORITY (CRA) BUDGET FOR THE YEAR 2021-2022 AND FOR THE BUDGET TO BE INCLUDED IN THE 2021-2022 ANNUAL BUDGET FOR THE CITY OF APALACHICOLA.

Commissioner Elliott made a motion to approve the CRA Budget (with the above mentioned change) and Resolution 2021-15. Commissioner Donna Duncan seconded and the motion carried 5-0.

MAYOR AND COMMISSIONER COMMENTS
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Mayor and Commissioner Comments – Report - Attachment “B”

Mayor Ash announced that on Friday, November 5th, 2021, there will be a commemoration honoring Dr. Frederick Humphries, in which she will be doing a presentation. This will be held at the Holy Family Center.

Moses Roper Marker - Commissioner Grove made a motion to approve the installation of the Moses Roper Marker. Commissioner Elliott seconded and the motion carried 4-1.

Opposed: George

USDA De-Obligations: Mayor Ash reviewed the de-obligation of two USDA Grant Projects, stating that these funds have not been used; therefore, USDA is requesting de-obligation of these funds.

Commissioner Grove made a motion to de-obligate the \$1,705M Carbon Filtration System (\$1.231M Grant/\$474K Loan), and the \$148K Business Support (FAMU Partnership) Grant. Commissioner George seconded and the motion carried 5-0.

Ordinance & Committee Review Workshop – Mayor Ash requests having an Ordinance and Committee Workshop on November 16th at 3pm.

Commissioner Grove made a motion to have a workshop for Tuesday, November 16th at 3pm. Commissioner Elliott seconded and the motion carried 5-0.

Commissioner Grove amended her above motion asking that the Commission submit two ordinances each with their reason for being updated to Manager Wade for review, and he will send them out to the Commission. Commissioner Elliott seconded and the motion carried 5-0.

City Commission Meeting Time – Mayor Ash recommended that the City Commission meeting time be changed to from 6pm to 4pm.

Commissioner Elliott made a motion to change the City Commission Regular meeting time from 6pm to 4pm on the second Tuesday after the first Monday of each month.

Commissioner Duncan seconded and the motion carried 4-1. Opposed: George

HCA program and Committee board update – Commissioner Grove gave her concerns with the HCA program and the Committee board members that have resigned. Commissioner Grove will work with Mr. Wade on how to handle this issue and get an HCA Director and the HCA building up and working again.

Manager Wade Communications – See Report – Attachment “C”

Stormwater Maintenance Plan – Mr. Wade stated the Stormwater Maintenance Plan has been developed, which consists of inspections of the stormwater system on a quarterly and bi-annual schedule, which are the ditches, culverts, catch basins and baffle boxes.

Mr. Wade let the Commission know that Edna Stanley, spouse of Phillip “Tracy” Stanley sent a thank you to staff for all they did for the family.

Website – In a response to a question by Mayor Ash, Mr. Wade stated he has a meeting set with 2KWeb Group next week to get the process moving forward.

Evergreen Solutions – Mr. Wade announced that all employees will be meeting with the representative next week, so that we can get started on the salary analysis study.

ATTORNEY COMMUNICATIONS

Attorney Communications - See Report Attachment “D”

1) Referendum Height Restrictions – Attorney Hartman stated there are several ways to proceed that would include adding this to the Charter to only be changed by referendum. Mayor Ash requested that Attorney Hartman give the pros and cons of the different processes in writing. Mayor Ash would like to have at least three workshops beginning in February on the height issue. Bobby Miller requested that the City have their workshops and have this issue put on the General Election in August 2022.

2) Chris Moore – Chris Moore stated she had wrote a letter in September to the Commission and Attorney Hartman’s is awaiting a response. Attorney Hartman states

since this is a legal case, the Commission and Attorney Hartman cannot at this time talk with Ms. Moore on the issue of the two foot fence.

FINANCE DIRECTOR COMMUNICATIONS
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Finance Director – See Attachment “E”

Finance Director Leo Bebeau requested after the February 16th workshop, that the City needs to have a Special Meeting at 5:01pm to have a first reading on Ordinance 2021-05, 2021-06 Budget Amendments and a Grant for the African-American Museum.

Mr. Bebeau states we have received a grant of \$7000 from the Florida Humanities American Rescue Plan, a reimbursement grant for all funds spent for HCA.

Mr. Bebeau stated that he is not in agreement to this sewer usage fee being removed, due to being used for upkeep of the treatment plant.

2) National Park Service Grants for Repair and Restoration of the Montgomery Cotton Warehouse (old City Hall) and the Harrison-Raney Cotton Warehouse (HCA)

Commissioner Grove made a motion to authorize Finance Director Bebeau and Attorney Hartment to negotiate a contract with 4M Design Group PA of Tallahassee as the architect of record for the above project. Commissioner George seconded and the motion carried 5-0.

4) Permitting, Planning and Zoning and Code Enforcement

a) Commissioner Grove made a motion to authorize City Manager Wade, Finance Director Bebeau and City Attorney Hartman to negotiate termination of the EPCI contract with requirements on EPCI or payment from EPCI for services upon which EPCI has already received compensation. Commissioner George seconded and the motion carried 5-0.

b) Commissioner Grove made a motion for Zoning and Code Enforcement to be renamed Permitting, Planning & Zoning, and Code Enforcement Department. Commissioner George seconded and the motion carried 5-0.

c) Commissioner Grove made a motion to approve Budget Amendment #0001 for Fiscal Year 2021-2022. Commissioner George seconded with discussion. Commissioner George

expressed her concern that the budget is approved as an Ordinance, and do we need to go through the same process or can it be made through Resolution. Attorney Hartman and Mr. Bebeau will research and follow-up on the Budget Amendment. Commissioner Grove and Commissioner George rescinded their motion on the Budget Action.

Commissioner George made a motion to table Budget Amendment #0001 for Fiscal Year 2021-2022. Commissioner Grove seconded and the motion carried 5-0.

Resolution 2021-16 – CDBG-CV Grant

Mr. Bebeau read Resolution 2021-16 in its entirety:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA,
AUTHORIZING THE CITY TO APPLY FOR A CDBG-CV GRANT

Commissioner George made a motion to adopt Resolution 2021-16 for the City to make application for a CDBG-CV Grant to replace HVAC units and air purifiers to certain facilities which are not used for government purposes. Commissioner Elliott seconded and the motion carried 5-0.

CONSENT AGENDA

A. Meeting Minutes Adoption – September 30, 2021 Special Meeting; October 5, 2021 Regular Meeting; and September 19, 2021 Special Meeting Minutes

B. Planning and Zoning Minutes – October

C. Hayes Marine Contract Renewal for 5 years

D. Small Business Proclamation

Commissioner George made a motion to approve the Consent Agenda. Commissioner Grove seconded and the motion carried 5-0.

DEPARTMENT REPORTS

ADJOURNMENT

Commissioner Elliott made a motion to adjourn the meeting. Commissioner George seconded and the motion carried 5-0.

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

APALACHICOLA BAY SYSTEM INITIATIVE UPDATE
SANDRA BROOKE, FSU COASTAL AND MARINE LAB

NOVEMBER 2ND, 2021

RESEARCH

Early this year ABSI staff completed a survey of the sub-tidal oyster habitats. We worked with Shannon Hartsfield to sample 132 sites throughout the Bay using oyster tongs, which is much faster than diving and less limited by weather. We measured type and volume of rock, fossil shell, and live oysters, and counted and measured live oysters at each site. This study showed there are oysters in small areas of the Bay, but good habitat seems to be in short supply.

One of the greatest accomplishments this year was the installation of our restoration experiment. We deployed 15 mini-reefs (30 ft x 30 ft x 1.5 ft) at Dry Bar and another 15 at Peanut Ridge. These reefs were made from oyster shell, small limerock or large limerock. The objective was to see which materials were most stable and performed the best. We had the help of several local oystermen that we employed to deploy the materials. They all worked extremely hard to put the materials out, sometimes in difficult conditions. Early surveys showed lots of spat settlement, especially on the natural shell reefs, but some of the material at Peanut Ridge has been dispersed by the strong currents, particularly the shell reefs

Another success story comes from our research hatchery. The staff managed two great spawning events from Apalachicola Bay broodstock. The resulting oyster larvae were set on shells and placed in cages on the experimental reefs to assess their survival and growth. The hatchery had some water quality problems, which are being resolved and we are in the process of building our permanent hatchery. Next year we hope to have larger spawns to test whether the putting hatchery spat-on-shell will help 'kick-start' the oyster recovery in Apalachicola Bay.

COMMUNITY ADVISORY BOARD (CAB)

We were hoping that 2021 would see the end of Covid and we could return to in-person meetings this year. Unfortunately this was no the case, but the CAB gamely continued with monthly zoom meetings and worked their way through establishing goals, strategies and actions for the '*Apalachicola Bay Ecosystem-based Adaptive Management and Restoration Plan*'. During the October CAB meeting, members prioritized these strategies. Final revisions to the draft Plan will be approved by the CAB in November, and Phase IV will begin early in 2022.

For more information visit <https://marinelab.fsu.edu/absi>

Mayor's Report

Happy Thanksgiving! We are officially in the Holiday Season! A season to express gratitude and appreciation for all things. A season to express love and forgiveness. A season to give back. I take this opportunity to **THANK STAFF** for all your hard work, for enduring the attacks and criticisms, and bouncing back.

I offer to Edna, Jeremy, and the entire Stanley family my sincerest condolences on the loss of a very special man-Tracy Stanley, a 30+year faithful and reliable City employee. We grieve with you. May God, comfort you like only HE can.

The Mayor-Commission Board is comprised of five (5) members with five (5) individual perspectives. This governing body must strive to show ourselves conscientious and impartial; not allowing personal feelings to dictate the economic advancement of our city. Remembering that it takes a diverse community to make an unabridged community. As Mayor, I am grateful for the feedback, the positive and the constructive criticism received from you. Thank you for participating. *"If you don't try to create the future you want, you must endure the future you get."* -John C. Maxwell.

- **Moses Roper Marker:** I hope all questions have been submitted and answered. Request approval for the installation of the Moses Roper Marker. (ACTION)
- **USDA De-Obligations:** De-obligation of 2 requests: (ACTION)
 - \$1.705M Carbon Filtration System (\$1.231M Grant/\$474K Loan)
 - \$148K Business Support (FAMU Partnership)
- **Ordinance & Committee Review Workshop:** Commissioners are asked to submit the Ordinance(s) she would like to have reviewed for amendment discussion. Request approval for 3:30 pm November 16th Workshop (ACTION)
- **Meeting time:** Consideration in changing the meeting time from 6 pm to 4 pm. (ACTION)
- **November 13th:** USNS Apalachicola christening in Mobile, AL
- **Work Orders/Complaints:** There is a system in place for residents to make complaints and work order requests:
 - **Requests/Work orders:** Submit all work orders to City Staff-Administration office only. Janelle Paul at janellepaul@cityofapalachicola.com or Melissa Hand at melissahand@cityofapalachicola.com
 - **Complaints/Concerns:** Submit all complaint and concerns to the City Staff-Administration office in writing at complaints@cityofapalachicola.com.
 - **Response Time:** Allow 24-48 hours for non-emergency requests.

October 2021 City Manager Updates

Trolley: The trolley is now in the City's name. It was signed over to the City on Friday, October 22, 2021. It is now ready to be included in the next City auction. I have not been told the date of that auction because we are still sending property to be added to that auction. I will make a Facebook post when the auction is scheduled.

Derelict Vessel Removal: I met with the Operations Director from a derelict vessel recovery company and approved their use of the north end of the Mill Pond property to stage their boats and equipment. They are being funded by the FWC to remove several derelict vessels in the area. The Operations Manager and the company owner will meet with me to discuss removing the sunken shrimp boat, Lady Louise, in exchange (partially) for their slip rental and use of City property.

Website: The agreement has been signed and the initial payment has been made I have a meeting scheduled with 2KWeb Group to discuss the specifics and begin the website development process.

Stormwater Maintenance: I met with Alan Hart from Baskerville Donovan Engineering and made visits to the sites of stormwater problem areas. Mr. Hart is assisting in the preparation of our Legislative Appropriations Request for a stormwater study, and he made suggestions for possible temporary repairs to the system in those problem areas.

Legislative Appropriation Requests: As of the date of this update (October 28, 2021) I am preparing the narratives for the appropriation requests. I was advised to combine the stormwater study and the sewer I&I study (\$600 total) into one request, and file the engineering request (\$1 million) separately. The deadline is November 10, but I intend to have them filed by November 2 at the latest. Traci Buzbee has offered to assist me in this process.

Leslie Street: Dewberry engineers are in the process of scheduling a meeting with Florida Department of Transportation officials next week to discuss Leslie Street and determine if FDOT can assist the City with the repairs.

ATTORNEY REPORT

TO: City Commission, City of Apalachicola
FROM: Daniel W. Hartman, Esq.
DATE: November 2021
SUBJ: City Attorney Report for Commission Meeting

1. Referendum on Height Restriction

As directed by the Commission I worked with Bobby Miller to identify the legally appropriate method for establishing a maximum permissible building height restriction through a vote of the electors. Currently the Land Development Code provides a maximum permissible height in each zoning district. This is a consistent 35 feet. A current exception is historic buildings that exceed the 35' height restriction. In the event of damage an owner may rebuild to the previous non-conforming height. In order to accomplish the goal presented to the Commission by Mr. Miller – to remove the ability of the City Commission to amend the current height restriction and instead place such a decision in the hands of the City voters. Amendment of the Charter by referendum would be required to establish a maximum permissible height which can only be changed through another referendum (vote of the citizens of Apalachicola). The process to be followed is set forth in section 166.031, F.S. and would be implemented by an Ordinance establish ballot language and date for a referendum election. This could efficiently be placed on the ballot for the next regular election.

2. Code Enforcement Matters

a. Smith/Hall SW Floodplain matter

Efforts to settle both cases are ongoing. Kimley Horn has proposed performing an engineering study to determine stormwater improvements required to resolve the dispute between Hall, Smith and the City. The City is being asked to participate in the cost of the

study up to \$1,333.00. The improvements are anticipated to include improvements to City stormwater structures.

b. *Moore*

A citation has been issued following up on the August 2021 Notice to Violation. The violation relates to installation of one (1) fence panel which exceeds permitted height in the Code.

3. **Litigation**

The City has been sued in three wrongful death cases. Case No.(s): 2014 CA 298 – Estate of Cameron; 2015 CA 15 - Estate of Hall and 2016 CA 246 - Butler. I was contacted by insurance counsel (Stephen Cozart, Esq.) who actively represents the City in one of the cases. He asked that I actively participate in two of the cases, as the insurance carrier has initially declined coverage. Case Management Conferences are scheduled for November 1, 2021 in all three cases. I will attend and get up to speed in order to advise the Commission on next steps.

Finance Director – Leo Bebeau

City Commission Meeting – November 2, 2021 – 4:00

1. ***Leslie Street***

On Friday, October 29, 2021, the city received copy of letter from the Florida Division of Emergency Management (FDEM) to the Federal Emergency Management Agency (FEMA) concerning the appeal filed by Leo Bebeau concerning FEMA's decision to declare the City's claim for repair of damages to Leslie Street as a result of Hurricane Sally in 2020.

The **Relief Requested and Conclusion** is as follows:

For the reasons stated in the Applicant's appeal and accompanying documentation, as well as in this letter, the Recipient (FDEM) respectfully recommends that FEMA grant the Applicant's appeal as it relates to the above referenced project and fully fund the claimed costs.

HOORAY!

2. ***National Park Service Grants for Repair and Restoration of the Montgomery Cotton Warehouse (Old City Hall) and the Harrison-Raney Cotton Warehouse (HCA)***

Responses were received from two (2) firms for the Historical Architect / Engineering Services. While both firms are qualified for the projects, the review committee of Leo Bebeau, Bree Robinson and Cindy Clark decided that the best firm for our projects is 4M Design Group PA of Tallahassee. Pricing for their services does not exceed the allowed charges of the grants so no funds are required from the City. **Commission Action** – Authorize Finance Director Bebeau and City Attorney Hartman to negotiate a contract with 4M Design Group PA.

3. *Fire Hydrants*

Installation of 30 new fire hydrants will be completed on Tuesday, November 2, 2021. Documentation will be submitted to the DEP to satisfy the in-kind expenditure by the City to satisfy \$63,400 of outstanding fines. The hydrants for the Phase I of the 2021-2022 Capital Investment Plan outlined in the 2021-2022 Budget will be ordered in December with installation in Calendar Q1, 2022.

4. *Permitting, Planning, Zoning and Code Enforcement*

In Fiscal 2020-2021, the City of Apalachicola recorded \$35,105.26 in receipts from EPCI for services provided for Permitting and Planning Assistance. EPCI provided qualified personnel for 25 hours per week. EPCI received \$234,035.06 as their contract provided for them to keep 85% of all permitting fees collected. EPCI also retained 100% of all plan reviews, fire inspections and numerous other fees which property owners and contractors. After review and analysis, City Manager Wade and Finance Director Bebeau believe that it would be advantageous to bring this function in-house and officially create a department responsible for Permitting, Planning, Zoning and Code Enforcement. City staff has had discussions with Tammy Owens with whom a tentative agreement has been reached to join the City of Apalachicola. She will have management responsibilities for the department. City will have a full time personnel for permitting, certified fire inspection, building inspections etc. Owens is also proceeding with her FLOOD MANAGEMENT CERTIFICATIONS. It was also the expectation of EPCI that the City would pay design review and permitting fees for the numerous grant projects that are beginning. There is an exemption in the contract concerning CBDG, however, that is only about 40% of the projects. Several discussions have been had with Bo Creel of EPCI related to the desire of the City to bring this department in-house. Contract has a 30 cancellation clause.

Commission Action – Direct City Manager Wade, Finance Director Bebeau and City Attorney Hartman to negotiate termination of EPCI contract with requirements on EPCI or payment from EPCI for services upon which EPCI has already received compensation. **Commission Action** – Zoning and Code Enforcement to be renamed Permitting, Planning & Zoning and Code Enforcement Department. **Commission Action** – Approve Budget Amendment #0001 for FISCAL 2021-2022

5. Grants Update

- a. CDBG-DR Infrastructure – Awaiting Scope of Work Request from DEO
- b. CDBG-DR Hometown Revitalization – Submitted Scope of Works for both the Riverfront and Hill Projects.
- c. HMGP Emergency Generators – Documents received and executed. Awaiting CDBG-DR Award for Matching Funds.
- d. HMGP Market Street Vacuum Station Documents received and executed. Awaiting CDBG-DR Award for Matching Funds.
- e. Michael FEMA Projects – Finance Director must file a quarterly report that indicated little or no progress on many funded claims.
 - i. Lafayette Park Pier Pavilion, Work Begins 12/4/2021
 - ii. New documents are filed with the US Corps of Engineers. FEMA requested documentation on communication and certain approvals or permits from the Corps of Engineers. Finding documents old documents would help.
 - iii. Dewberry working on documentation for Scopes on Bodiford Park and the Mill Pond Mooring Basin.
 - iv. Battery Park V Pier has sparked interest at FEMA even though there has been no determination from NFWS concerning the habitat of the endangered sawfish. Three pages of questions have been answered.
 - v. Lafayette Park Pier Pavilion, Work Begins 12/4/2021

6. Community Center

Roof Waterproofing and Replacement – Work Begins Monday 11/8/2021

7. Holy Family

Roof and Building Envelope repairs – Work Begins Monday 11/8/2021. Completion within 30 days of start.

8. DEP Grant Applications

Grant #2 is an application for the WWTP totaling \$14.5 million. This grant application has been moved forward and the DEP request what this time is a complete document. It was submitted on Monday, October 25th.

Grant #1 on the vulnerability study is still awaiting action DEP confirmed that it was still in process and that they had only sent out documentation and requests on infrastructure projects.

9. New DEP Grant Application

WWTP Tack cleaning. US Submergent to start work. On November 15, 2021.

10. Disaster Recovery Refuse Removal

Contracts completed. SDR and TetraTech.

11. **Battery Park** – 10 Foot Hole Seawall – Now mired in the Endangered Miniature Sawfish Dilemma.

12. **USDA Water Street Permeable Parking Sidewalk and Lighting** – Ad running again without mandatory meeting. USDA requested the City do this the third time as we have had only one interested contractor. New submission date 11/18/2021

All information included in this report is accurate as of October 29, 2021 4:00pm. After that time, information is subject to change.