

**REGULAR MEETING
CITY COMMISSION
CITY OF APALACHICOLA, FLORIDA
TUESDAY, April 7, 2020 – 6:00 PM
APALACHICOLA COMMUNITY CENTER
#1 BAY AVENUE
APALACHICOLA, FLORIDA**

AGENDA

You are welcome to speak or comment on any matter under consideration by the Apalachicola Board of City Commissioners when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the five minute time limit for public comment. Those wishing to speak concerning an item on the agenda shall complete a speaker card and give it to the City Clerk before the meeting starts.

- I. Call to Order
 - Invocation (Please rise and remain standing)
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Consent Agenda
 - A. Meeting Minutes Adoption
 - **Suggested Motion:** To Adopt the October 7, 2019 Special Meeting, January 7, 2020 Regular Meeting, and March 17, 2020 Special Meeting Minutes.
 - B. Front End Loader Bucket Replacement
 - **Suggested Motion:** To Request Approval to Purchase a Front End Loader Bucket in the amount of \$13,000.00 from State Contract.
- IV. Mayor's and Commissioners Reports and Communications
 - Pandemic Update
- V. City Manager Communications
 - City Manager Selection Process
 - Finance Update – Report, Job Description, Engagement Letter for Interim Financial Services
 - Grants Update – Langton Associates, Inc. Proposal
- VI. Attorney Kristy Branch Banks Communication
- VII. Public Comment

The public is invited to speak on any agenda, non-agenda and/or consent agenda topics. Comments should be less than "five" minutes.

All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.

- VIII. Unfinished Business
 - A. Apalachicola Fill and Stormwater Ordinance 2020-03 – First Reading
 - **Suggested Motion:** To Approve the First Reading of Ordinance 2020-03 and Proceed with the Adoption Process.

IX. New Business

A. City Manager Job Applicants

- **Suggested Motion:** To recommend that each Commission Member interview current applicants by phone.

B. Manhole Replacement and Refurbishment

- **Suggested Motion:** To Award a Contract to North Florida Construction for \$582,869.24 to complete the work subject to DEO Approval.

X. Adjournment

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

**MINUTES OF THE SPECIAL MEETING OF THE APALACHICOLA CITY COMMISSION
HELD MONDAY, OCTOBER 7, 2019, 6:00 PM AT THE APALACHICOLA COMMUNITY
CENTER.**

PRESENT: Mayor Van Johnson,
Commissioner Jimmy Elliott
Commissioner Brenda Ash
Commissioner Anita Grove

Ron Nalley, City Manager
Janelle Paul, Deputy Clerk
Bobby Varnes, Chief of Police
Pat Floyd, City Attorney
Kristy Branch-Banks, Attorney

ABSENT: Commissioner Mitchell Bartley

CALL TO ORDER

Mayor Johnson called the meeting to order and gave the invocation.

APPROVE THE AGENDA

Commissioner Brenda Ash made a motion to adopt the Agenda. Commissioner Jimmy Elliott seconded and the motion carried 4-0.

SPECIAL MEETING

- Quasi-Judicial Hearing & Special Meeting
 - A. Appeal of McLemore Variance Decision - Historic Apalachicola Foundation, Inc., at 101 Bay Avenue held on May 21, 2018 by the Board of Adjustment, regarding the application for a variance from the Apalachicola Land Use Code for an expansion of a non-conforming structure at 101 Bay Avenue.

Attorney Patrick Floyd explained the procedure of a Quasi-Judicial Hearing. Although it is different from that which is usually done in Quasi-Judicial proceedings, this is an Appeal. As an Appeal, there are two questions to be determined by the Board.

1. Was the decision supported by competent substantial evidence in granting a variance?
2. Was due process provided?

Attorney Kristy Branch Banks will represent the Commission Board and Attorney Floyd will represent the staff.

Commissioner Ash requested clarification of the questions the Board was asked to answer, which was answered by Attorney Floyd.

This comes to you as a decision from the Board of Adjustments, signed May 21, 2019.

Diane Brewer will be representing the Historic Apalachicola Foundation, Inc., Robert Gulpe was present as attorney for the appellant.

Manager Ron Nalley stated Staff had two conversations about process; one conversation with Mayor Johnson, and one with Commissioner Anita Grove about process.

Commissioner Grove stated the Board of Adjustments had granted a variance. Decision was made by three members for and one against. Why didn't this go to an appeal at that time?

Discussion held on evidence provided by Attorney Floyd saying no persons offered opposing information at the time of the hearing. Those persons testifying and providing evidence were in favor of it.

Attorney Floyd turned meeting over to the Board and the Board's Attorney.

Attorney Gulpe shared the primary concern of Apalachicola squares and that the variance request allows for an encroachment into the alley way which is a City Square. We are asking that you not allow the variance.

Commissioner Grove asked how we get around the fact that no evidence of a hardship was presented. If rules clearly state that you have to have a unanimous decision, why didn't we impress that a year ago? No one from the Board of Adjustments was present to answer the question.

Commissioner Ash made a motion to return back to the Board of Adjustment to make a clear statement of findings of “hardship”. Commission Grove seconded and motion carried 4-0.

ADJOURN THE MEETING

With no further business, Mayor Johnson adjourned the meeting.

Van W. Johnson, Sr., Mayor

Janelle C. Paul, Deputy Clerk

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY,
Tuesday, Tuesday, January 7, at 6 :00 PM, AT THE APALACHICOLA COMMUNITY CENTER.**

PRESENT: Mayor Kevin Begos Ron Nalley, City Manager
Commissioner Brenda Ash Deborah Guillotte, City Clerk
Commissioner Despina George Kristy Banks, City Attorney
Commissioner Adriane Elliott
Commissioner Anita Grove

CALL TO ORDER

Mayor Begos called the meeting to order at 6:00 PM and Valentina Webb gave the invocation. Council members led the pledge of allegiance.

AGENDA ADOPTION

Mayor Begos called for the adoption of the agenda and it was adopted without opposition.

Mr. Nalley requested that Consent Agenda Item "A" - Meeting Minutes Adoption be removed.

MAYOR'S AND COMMISSIONERS' REPORTS AND COMMUNICATIONS

A. Mayor Begos gave an update about the Sale of City Owned Property. Numerous realtors gave advice and the general consensus was to start with an asking price of \$825,000. Commissioner Grove suggests we have a special meeting just for City Hall, since there is so much controversy surrounding its possible sell, and sell the easy lots first. Commissioner Elliott and Commissioner Ash suggested we list it and see how much we can get for it. Attorney Banks distributed a package listing city properties that included real estate figures. Commissioner Grove said no one wants to buy a building they can't do anything with it, and there are issues that are still in question. Attorney Banks said Lot 2 is parking mitigation and that it is possible that Lot 5 could be allocated for parking mitigation, so Lot 2 can be used. Attorney Banks stated there is no obligation to accept any offer and that Contingencies of Use can be included in the sell. Mr. Nalley and staff still endorse selling City Hall.

Commissioner Ash made a motion to Sale City Hall, 1 Avenue E, at the asking price of \$875,000, or above. Commissioner Elliott seconded and the motion passed 3-2. Commissioner Grove and Commissioner George opposed. Commissioner Grove raised concerns about the building being in a flood zone, if the property were to sell.

B. Mayor Begos gave update about the City Manager position. Discussion ensued. Mayor Begos called to have a special meeting on Wednesday, January 15, 2020, at 6:00p.m, to discuss the City Manager position, the charter, and the personnel policy.

C. Mayor Begos gave an update on the following: Florida Rural Water Association (water loss audit); Denton Cove Development; AWWAD & Associates; City Committee Board Volunteers; Department of Agriculture (oyster aquaculture leases); Stewardship Bill; Revolving Loan Committee (Possibly reactivating); and the Popham Building (Emergency grant declined).

D. Commissioner Grove reviewed complaints about traffic coming off the bridge; Water Filtration System cost; Appointment to the Apalachicola Bay Initiative Project; and the February 4, 2020 meeting, stating she will be absent due to a training opportunity.

CITY MANAGER COMMUNICATIONS

- Census 2020 Complete Count Committee - Mr. Nalley said "Apalachicola Counts" is the slogan used by the Census 2020 Complete County Committee. Mr. Nalley stressed the importance of completing the census because it brings revenues into our community.

- Mr. Nalley reported that before the discussion about hiring and firing, he had hired Cody Garrett for the Water and Sewer Department. Cody Garrett was formally with water system of St. George Island, and will be a nice addition to our City staff.
- Mr. Nalley introduced Tracy Awwad, from Awwad and Associates in Tallahassee, to give an update about the new financial software update. Mrs. Awwad stated that the City's current accounting system is very antiquated, paper heavy and obtaining reports is not easy. Mrs. Awwad stated that the Quick Books program will be so much easier. Mrs. Awwad reported October is presently being entered and once completed, it will greatly simplify future financials. Commissioner George stated this transition is underway, but the commission never approved it. Mayor Begos pointed out that it will most likely cost more than the \$11,000 for six months that was originally agreed upon, because we didn't follow the bid process in the city charter. Mr. Nalley said he followed the policy that was adopted by the Board of what the City Manager could approve, and that the smaller job of converting was budgeted. Mr. Nalley also stated that there was no need to have it bid on. The city charter said there must be an opportunity to bid, but the policy conflicts with this. Mayor Begos said this ties into a bigger question about how spending is authorized. Mayor Begos asked that Commissioner George monitor their work and stay on top of this. We need to know if we are getting tied into a \$22,000/year support person. Mayor Begos stated he would rather the money go to a local accounting firm.

ATTORNEY KRISTY BRANCH-BANKS COMMUNICATION

A. Utility Easement Encroachment and Alterations update - Attorney Banks stated she was asked to look at the Agreement that the City has with Al and Donna Ingle on the city's alleyway easement, and reviewed previous activity with this issue. Attorney Banks is not aware if anyone from the City has had communication with the adjacent property owner, but hopes to return to the next meeting with an amicable settlement of the easement. Attorney Banks also stated if she is not successful, then she will return to the City with a recommendation.

B. Attorney Banks requested approval of the mediation settlement decision in the Christiana Moore case and asked if any of the commissioners wanted to further review the settlement.

Commissioner Grove made a motion to approve the Settlement in the Christiana Moore Case. Commissioner Grove seconded and the motion carried 5-0.

PUBLIC HEARING

**A. ORDINANCE NO. 2019-10 DESIGNATING THE OFFICIAL SEAL OF THE CITY
PUBLIC HEARING AND SECOND READING**

Mayor Begos read ordinance 2019-10 by title.

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA, FLORIDA, DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES AND CONFLICTS, AND PROVIDING AN EFFECTIVE DAY.

Mayor Begos opened the floor for public comments.

David Adlerstein asked if the City Seal can be used in a newspaper article. Commissioner Elliott stated that as long as permission is granted, it can.

There being no further comments, Mayor Begos closed the public hearing.

PRESENTATIONS

Elinor Mount-Simmons, Recreation Committee Chair, updated the Commission on their accomplishments and reviewed the recommendations the Committee would like the Commission to consider as future planning, which are: 1) Explore options for providing public restroom facilities at Battery Park and, 2) Complete a Recreation Facility Master Plan Inventory. Ms. Simmons stated they still have an alternate committee vacancy. Ms. Simmons requested six copies of City Park Map. Ms. Simmons also announced that the Recreation Committee meets the third Thursday at the City Library.

PUBLIC COMMENT

Mayor Begos opened the floor for public comment.

- Jody Rosenbaum asked how they determined that the community wanted change and doesn't want a City Manager. Mayor Begos said he spoke with many people about this issue.
- Leslie Coon expressed concerns about a dumping area on 5th Street and asked that it be looked into.
- Beth Wright gave an update about the Census. Ms. Wright also expressed concerns she has with the Tree Ordinance, stating she feels the Tree Ordinance is used to raise money.
- Doloris Croom, representing the Dr. Martin Luther King Advisory Board, announced the upcoming Dr. Martin Luther King Celebration. Mrs. Croom asked that the City Commissioners please try to attend.
- Augusta West responded to Riverkeepers lack of support to the Stewardship Bill, stating that the Riverkeepers' funds are only to be used for land acquisitions.
- Amy Hersey expressed concerns about the dead trees at the ABC School playground. Principal Johnson reviewed issues with the trees on the playground, stating five trees appear to be dead and need to be removed ASAP.

Commissioner Grove made a motion to allow the Apalachicola Bay Charter School to have the five trees cut down at no fee. Commissioner George seconded and the motion carried 5-0.

CONSENT AGENDA

Mayor Begos called for a motion to approve the Consent agenda.

B) Proclamation Proclaiming January 25th, 2020 as Arbor Day.

Commissioner Grove made a motion to approve Proclamation Proclaiming January 25th, 2020 as Arbor Day. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. Ordinance No. 2019-10 Designating the Official Seal of the City – Second Reading

Mayor Begos read ordinance 2019-10 by title as follows:

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA, FLORIDA, DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF ORDINANCES AND CONFLICTS, AND PROVIDING AN EFFECTIVE DAY.

Commissioner Grove made a motion to adopt Ordinance 2019-10 designating the Official Seal of the City of Apalachicola. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
B. CareerSource Gulf Coast Lease Agreement – Community Center

Commissioner Elliott asked how much revenue we make when renting the Community Center. Mr. Nalley didn't know at the time, but will research.

Commissioner Grove made a motion to approve the Lease Agreement for a portion of the Community Center with CareerSource Gulf Coast (correct Agreement to Legal Name) and Authorize the Mayor to execute the Agreement. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
C. Memorandum of Understanding – Mill Pond Maintenance and Management

Mr. Nalley stated that he has read through the contract, which was prepared by Attorney Banks. This basically gives 40% Mill Pond revenue to a fund that the Mill Pond Committee will use for repairs, but the money stays within the city. The Contract stipulates that all the invoices must be kept for work completed, so the city has an opportunity to review them. Mr. Nalley also stated this Agreement basically gives the Mill Pond Committee immediate access to a portion of the money.

Commissioner Grove and Commissioner Ash spoke about the need for a city committee to be posted on the website and held, due to the Sunshine Law. There was also discussion about the clear roles. Either party can terminate in 10 days. Mayor Begos answered questions on behalf of the Mill Pond Committee.

Commissioner George made a motion to approve the Memorandum of Understanding between the City of Apalachicola and the Mill Pond Committee for the management, maintenance and upkeep of the Scipio Creek Boat Basin. Commissioner Grove seconded and the motion carried 5-0.

UNFINISHED BUSINESS
D. PUBLIC RIGHTS-OF-WAY ENCROACHMENT POLICY

The Board talked about encroachments, stating further discussion can be held at a workshop. Mr. Nalley stated that the City needs a policy more than an ordinance.

UNFINISHED BUSINESS
E. PROFESSIONAL SERVICES – FORENSIC EXAMINATION SERVICES

Mayor Begos stated that the City received bids from two firms, with a significant difference in price from CRI and Roberson & Associates, PA. Commissioner George would like to make sure the Mill Pond Grant and credit cards are included.

Commissioner George made a motion to accept the proposal from Roberson & Associates and asked for a quote on the fourth item (review of the transactions of the BP settlement) and to authorize the City Manager and Mayor to negotiate a Services Contract with Roberson and Associates for Forensic Services in the amount of \$8,000. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
A. USDA APPLICATION FOR SIDEWALK AND LIGHTING ON WATER STREET AND AVE. G

Augusta West requested a meeting with Mayor Begos and Mr. Nalley, stating March 1st is the official deadline for applying for the USDA Grant. Ms. West requested approval to begin working on the application. Mayor Begos stated that he has started the process for this USDA Grant himself, and that he has had volunteers with grant experience offer to help the

City with grant writing. Mayor Begos also stated that this grant should be requested by the City, and not Main Street. Commission discussion ensued.

Commissioner George made a motion to reject Main Street's proposal. Commissioner Elliott seconded and the motion carried 3-2. The motion was opposed by Commissioner Ash and Commissioner Grove.

NEW BUSINESS
B. JOINT WORKSHOP WITH PLANNING BOARD – FILL ORDINANCE

Commissioner Elliott made a motion to have a Joint Workshop with Planning and Zoning on February 10, 2020 at 5:00 P.M. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS
C. AUDIT COMMITTEE DISCUSSION

Commissioner George gave an update for the Audit Committee, stating we need to remove Mr. Nalley, to be in compliance with the Florida Statutes and replace with either two citizens or another commissioner. Commissioner George recommends Rose McCoy and Joan Stanton. Commissioner Ash and Commissioner Grove stated they would like to step down.

Commissioner George made a motion to remove the City Manager as a member of the Audit Committee to be in compliance with the Florida Statutes and that we add Commissioner Elliott, Rose McCoy and Joan Stanton to the Audit Committee. She then amended it to add Mayor Begos also. Elliott seconded and the motion carried 5-0.

D. HOME DEMOLITION WITHOUT A PERMIT

Commissioner Elliott gave an update on a home that was destroyed and carted away without a permit during the holidays.

E. WORKSHOP OF AFFORDABLE HOUSING

Commissioner Elliott made a motion to set a joint workshop with the Planning and Zoning Board on February 10, 2020 at 5:00 PM for the presentation and discussion of the proposed Fill Ordinance. Commissioner Grove seconded and the motion carried 5-0.

F. CRA WORKSHOP

Mayor Begos stated that the City needs to have a CRA workshop soon.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 9:45 pm. Commissioner George seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

MINUTES OF THE SPECIAL/EMERGENCY MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, MARCH 17, 2020, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Kevin Begos
Commissioner Brenda Ash
Commissioner Despina George
Commissioner Adriane Elliott
Chris Holley, Interim City Manager
Deborah Guillotte, City Clerk
Kristy Banks, City Attorney

CALL TO ORDER

Mayor Begos called the meeting to order at 6:00 PM and David Walker gave the invocation. Council members led the pledge of allegiance.

MAYOR'S AND COMMISSIONERS COMMUNICATIONS

Mayor Begos announced that the City Library, City Hall and the Police department will continue to stay open, but Apalachicola Margaret Key Library will be closed to the public for the next two weeks. Mayor Begos stated as of this time he and Mr. Holley will be following the guidance from the Governor's office.

The Commission discussed their concerns with businesses and citizens water bills and talked on solutions of how they can help alleviate some of the financial burdens during this time. Commissioner Elliott talked on the half cent sales tax and inquired if it could be used to help with this situation. There was also discussion held on the closing of bars and night clubs. Attorney Banks will research this and get back with the Commission.

Commissioner Grove encourages everyone to go the Florida Department of Health and Emergency Management website for accurate information. Commissioner Grove also stated that the City would not have inmates for at least the next 30 days.

In a response to a question by Commissioner George, Mr. Holley reported that staff has had several meetings with the guidance from the Health Department and other resources.

Mayor Begos stated that the City will be using Zoom for some of the future meetings and that the citizens can join in on these meetings if this issue continues.

Representative Shoaf commented on the coronavirus issues affecting businesses and stated there are Federal and Government programs available at this time, with new programs coming out in the future. Discussion held on vacation rentals and evacuation of non permanent residents. Representative Shoaf reported that Governor DeSantis has activated a business damage assessment survey, and asked that businesses go online to floridadisaster.biz and complete this survey.

Discussion held on teleconference meetings to conduct City business and if voting would be legal during this time. Representative Shoaf will research this further, and will get back with Mr. Holley.

Commissioner Ash made a motion to adopt Resolution 2020-08 putting a Temporary Halt to all Water and Sewer Bill Late Fees and Disconnect Notices for 30 days, effective March 17, 2020. Commissioner George seconded and the motion carried 5-0.

PUBLIC COMMENT

Sarah Hines and Deanna Simmons with the Franklin County Health Department spoke on the Coronavirus and how to limit the spread of this disease, and they also gave resources where to go online to keep up with this information. Commissioner Grove requested that the Health Department put their press releases on the EOC face book page so they can be shared. Mayor Begos and Deanna Simmons reviewed the definition of flattening the curb of the Coronavirus issue.

David Walker with Weems Memorial Hospital stated that anyone that is uninsured can get tested at the Weems Medical Clinic in Eastpoint. In a response to a question by Commissioner Groves, Mr. Walker stated that if someone needs to be tested, their medical provider should call ahead of time to set up the testing. Beth Wright expressed her concerns with residents that do not have transportation to the clinic for testing. Mrs. Hines stated they have been working with the disadvantaged transportation board in getting these kind of thing arranged. Mrs. Wright also expressed her concern with the library being closed and wifi not being available. David Meyer's stated that free wifi is available at the library if parked outside the building also. Representative Shoaf stated they are working with the Department of Education and that meals are being made available at certain sites in the County and that they are also working on a plan for the children's education with online resources. There were numerous concerns expressed with small businesses being affected, and it was requested that the City consider them during their decisions, even though they are aware that the health and safety of our residents and business owners come first.

Commissioner Grove stated that there has been given an extension given on the Hazard Mitigation Grant and asked that Mr. Holley contact Langton Associates to start this application process. Mr. Holley gave a brief update of the conversation with Mr. Langton, stating this is in the process at this time.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 7:30 pm. Commissioner Ash seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: Front End Loader Bucket Replacement

AGENDA INFORMATION:

Agenda Location: Consent
Item Number:
Department: Public Works
Contact: Robert Osburn – PW Foreman
Presenter: Robert Osburn – PW Foreman

BRIEF SUMMARY: Replace broken Front End Loader Bucket on 544 Loader.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Request Approval to Purchase a Front End Loader Bucket in the of \$13,000.00 from the State Contract.

FUNDING SOURCE: Capital Outlay Line Item# 1530600

ATTACHMENTS: Beard Equipment Quote

STAFF'S COMMENTS AND RECOMMENDATIONS: The bucket of the Front End Loader is worn out and not working and the City needs this equipment operating.



7566 West Tennessee St.
 Tallahassee, FL 32304
 PH(850)575-5600

To : City of Apalachicola

Date : 4/1/2020

Phone No. _____

Fax No. : _____

Equipment Model:

From: Tommy Slay

tslay@beardequipment.com

Quantity	Description	Price
1	New Tag 4 and 1 Bucket for 544K Wheel Loader 2.75 Yard Capacity	\$13,500.00

By: Tommy Slay

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: Monthly Finance Report

AGENDA INFORMATION:

Agenda Location: City Manager Communications
Item Number:
Department: Administration
Contact: Chris Holley – Interim City Manager
Presenter: Adrian Welle - Finance

BRIEF SUMMARY: Monthly Finance Report, Recommendation on Staffing and Engagement Letter for Interim Financial Services.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Review Finance Report, Approve for Finance Officer Job Description and Posting and Approve Engagement Letter for Interim Financial Services.

FUNDING SOURCE: General Fund Revenue budgeted for Planning Position

ATTACHMENTS: 1) Finance Report
2) Job Description
3) Engagement Letter for Interim Financial Services

STAFF'S COMMENTS AND RECOMMENDATIONS:

City of Apalachicola
Financial Report FY 2019/2020
Month Ended February 29, 2020
Unaudited – Intended for Management Purposes Only

GENERAL FUND AT-A-GLANCE

Category	Budget	YTD Actual	% To Date
Revenues	\$4,675,400	\$2,030,181.62	43.42%
Expenditures	\$4,675,400	\$1,225,778.34	26.22%
Revenues Over Expenditures	\$-	\$804,403.28	

GENERAL FUND REVENUES

General Fund Revenues for the month ended February FY 20 were \$2,030,181.62.

GENERAL FUND EXPENDITURES

General Fund expenditures for the month ended February FY 20 were \$1,225,778.34. The breakdown of expenses for FY 20 is: \$477,818.65 for personnel costs, \$594,085.93 in operating costs, and \$11,264.80 in capital.

Description	Fiscal Year 2020 Budget	2020 Actual	% of Budget
Revenue			
Property Taxes	\$1,407,800	\$1,068,231.77	75.88%
Other Taxes	\$565,100	\$298,083.29	52.75%
Licenses & Permits	\$120,000	\$53,729.02	44.77%
Intergovernmental Revenue	\$1,316,500	\$101,039.80	7.67%
Charges for Services	\$636,000	\$258,606.34	40.66%
Fines & Forfeitures	\$2,000	\$232.08	11.60%
Miscellaneous Revenue	\$113,000	\$141,539.12	125.26%
Project Impact	\$515,000	\$108,720.20	21.11%
Revenue Total	\$4,675,400	\$2,030,181.62	43.42%
Expense			
Personnel Services	\$1,377,500	\$477,818.65	34.69%
Operating Expenditures	\$1,392,400	\$594,085.93	42.67%
Capital Outlay Expenditures	\$1,205,000	\$11,264.80	0.93%
Debt Service	\$155,500	\$22,899.25	14.73%
Transfers	\$30,000	\$0	0.00%
Project Impact	\$515,000	\$119,709.71	23.24%
Expense Total	\$4,675,400	\$1,225,778.34	26.22%

Summary

This report is based on detail information available at City Hall. If you would like additional information, or have any questions about this report, please contact Adrian Welle at adrian@4ourseasons.com.

*Items will be confirmed during audit

City of Apalachicola
Financial Report FY 2019/2020
Month Ended February 29, 2020
Unaudited – Intended for Management Purposes Only

ENTERPRISE FUND AT-A-GLANCE

Category	Budget	YTD Actual	% To Date
Revenues	\$2,300,100	\$765,838.80	33.30%
Expenditures	\$2,300,100	\$671,816.27	29.21%
Revenues Over Expenditures	\$-	\$94,022.57	

ENTERPRISE FUND REVENUES

Enterprise Fund Revenues for the month ended February FY 20 were \$765,838.80.

ENTERPRISE FUND EXPENDITURES

Enterprise Fund expenditures for the month ended February FY 20 were \$671,816.27. The breakdown of expenses for FY 20 is: \$141,214.15 for personnel costs, \$241,043.32 in operating costs, and \$12,923.81 in capital.

Description	Fiscal Year 2020 Budget	2020 Actual	% of Budget
Revenue			
Water/Sewer Revenue	\$1,565,000	\$504,119.60	32.12%
Water/Sewer Fund (Taps, Late Charges, etc)	\$631,000	\$214,974.44	34.07%
Scipio Creek	\$40,000	\$22,111.51	55.28%
Battery Park Boat Basin	\$64,100	\$24,633.29	38.43%
Revenue Total	\$2,300,100	\$765,838.80	33.30%
Expense			
Personal Services	\$479,800	\$141,214.15	29.43%
Operating Expenditures	\$624,500	\$241,043.32	38.60%
Capital Outlay Expenditures	\$308,900	\$12,923.81	4.18%
Debt Service	\$886,900	\$206,827.76	23.32%
Transfers	\$0	\$69,807.23	
Expense Total	\$2,300,100	\$671,816.27	29.21%

Summary

This report is based on detail information available at City Hall. If you would like additional information, or have any questions about this report, please contact Adrian Welle at adrian@4ourseasuns.com.

*Items will be confirmed during audit

Cash Account	Feb 29, 2020 Balance
Revolving Loan	\$182,399.43
History Cultural and Ar	\$40,572.40
USDA Police/Fire Sinki	\$13,520.33
Farmers Market	\$17,363.05
Community Garden	\$11,864.82
Water Quality Project	\$12.65
Library Trust	\$34,131.98
Library Money Market	\$1,021.81
Library Cash	\$8,457.30
Firing Range	\$110.44
Redevelopment Trust	\$86,174.29
Fire Department Escro	\$7,969.99
Apalachicola Bay Oyst	\$35,574.73
Police/Fire Station Res	\$31,411.23
General Fund	\$1,444,034.85
Stormwater Utility	\$23,790.60
CDBG Project	\$20.35
Project Impat	\$11,313.41
Battery Park	\$93,996.46
Water/Sewer revenue	\$490,204.80
Deposit Trust	\$132,060.32
Scipio Creek	\$20,245.53
SRF Repayment Rese	\$213,619.90
SRF Debt Service	\$179,319.64
Sinking Fund	\$31,321.71
Sinking 2003 Bond Iss	\$79,300.52
Reserve 2003 Bond Iss	\$144,529.43
Water /Sewer Reserve	\$52,748.60

City of Apalachicola

Job Description

Position: City Treasurer/Finance Director

FLSA Status: Exempt

Job Summary:

Responsible for Budget and Accounting administration of the City of Apalachicola by directing and coordinating all phases of the Finance Officer's administrative responsibilities. Position will also be the primary administrator of Municipal Grants

Major Duties and Responsibilities:

- Overall responsibility for preparing and monitoring the City budget. Performs accounting function for the general fund and conducts general financial function and administration. Compiles fiscal estimates and fiscal projects. Maintains accounts payable and receivable plus the general and subsidiary ledgers. Prepares all financial statements. Overall, act in the capacity of the City treasurer. Reviews financial policies and makes recommendations to the City Commission. Acts as liaison for external auditors. Prepares monthly financial statement to present to City Commission and City Manager.
- Attends commission meetings and supervises the preparation and indexing of financial reports.
- Attends bid opening and assures contracting rules and regulations are followed.
- Performs administrative support and other duties as required.
- Insures the City is in compliance with all State of Florida, GAAP rules, regulations and laws as well as any other legal or accounting requirements.
- Meets with citizens to provide information..
- Responsible for bank reconciliation of all funds and all accounts.
- Responsible for financial oversight and reporting for all grants received by the City.
- Maintains and/or coordinates maintenance, repairs, updates to all information technology systems.
- All other duties, tasks, and responsibilities as assigned by the City Commission.
- Responsible for distributing the City mail.
- Grants administration, reimbursement and submittal.

Job Requirements:

Knowledge, Skills and Abilities:

- Knowledge of governmental accounting principles and practices.
- Knowledge of the ordinances, policies, resolutions and procedures of the City.
- Knowledge of modern management practices and principles.

- Knowledge of archives and records management laws, systems and technology.
- Ability to input and retrieve data via computer.
- Ability to access needs and prioritize and the ability to communicate effectively in writing and orally, laws and administrative policies governing municipal activities and of operations of municipal government.
- Ability to delegate authority and responsibility to subordinate department heads and to maintain an effective organization.
- Ability to express oneself clearly in writing and orally and appear before groups of taxpayers and the Council to present data and program which enhance the efficient operations of the City.
- Knowledge of Financial Software.

Education and/or Training:

- A four year college degree in Public Administration, Governmental Accounting or related field.
- Two years' experience in progressively responsible related accounting work preferably with a government agency.
- Experience can be substituted for education requirements. Experience qualification can be waived or altered provided incumbent has clearly demonstrated experience of a nature that demonstrates capability to quickly perform at a high level.
- CPA designation desirable but not required
- Must be bondable.

Community Relations Functions:

Work Environment:

Physical Demands:

- Acceptable eyesight and hearing (with or without glasses or hearing aids).
- Reasonable accommodations will be made in accordance with existing ADA requirements for otherwise qualified individuals with a disability.
- Ability to access input and retrieve information from a computer.
- Works inside an office environment but must be able to also work outside.

Tools and Equipment:

Supervision Received and Exercised:

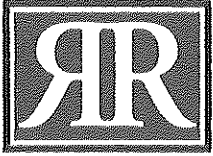
Pay Rate: \$45,000-\$55,000

Disclaimer:

The position description does not constitute an employment agreement between the City and employee and is subject to change as the needs of the City and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the department head.



**ROBERSON &
ASSOCIATES, P.A.**
CERTIFIED PUBLIC ACCOUNTANTS

Port St. Joe, Florida
Apalachicola, Florida

April 2, 2020

Mr. Chris Holley
City of Apalachicola
Apalachicola, Florida

**Re: Addendum Letter
Financial Accounting Services**

This letter is to confirm our understanding of the terms and objectives of our engagement, and the nature and limitations of the services we will continue to provide as an addendum to the proposal previously accepted by the City Commission.

We will provide a financial manager staff person to perform the following services under the direction of City management:

We will assist with guidance and solutions for financial reporting, analysis, and internal control issues.

We will monitor and assist payroll tax and reporting compliance, and report issues to City management.

We will assist in training staff regarding general ledger maintenance, financial reporting, subsidiary ledger controls, bank reconcilements, and compliance with sound accounting procedures.

We will provide, assist with and monitor adjusting journal entries on a monthly basis.

We will provide or review bank reconcilements for all accounts, and assist staff in the preparation of monthly financial reports and schedules as required.

We will be available for meetings and workshops as needed.

We will assist City management in other financial matters as needed.

The City is responsible for all management decisions, and performing all management functions, and for designating an individual with suitable skill and knowledge, or experience to oversee the accounting services we provide. The City is responsible for evaluating the adequacy and results of the services performed, and accepting responsibility for such services. The City is responsible for maintaining internal controls and monitoring ongoing activities.

City of Apalachicola
Engagement letter, *continued*

Our engagement cannot be relied upon to disclose errors, fraud, or illegal acts that may exist. However, we will inform you of any material errors, and any evidence of information that comes to our attention during the performance of our engagement that fraud or other illegal acts may have occurred.

Our fees for these services will be billed at \$60 per hour not to exceed 20 hours per week. We will review with you as needed to determine the level of services required and the time necessary to complete these services. This agreement may be modified or terminated with the mutual agreement of the two parties with a 30-day notice. Our invoices will be rendered bi-weekly and are payable upon receipt.

We appreciate the opportunity to be of service, and believe this letter accurately summarizes the significant terms of our engagement. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,



Roberson & Associates, P.A.
Ralph C. Roberson, CPA

Accepted By:
City of Apalachicola

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: Langton Associates, Inc. – Grant Consulting Agreement

AGENDA INFORMATION:

Agenda Location: City Manager Communications
Item Number:
Department: Administration
Contact: Chris Holley – Interim City Manager
Presenter: Chris Holley – Interim City Manager

BRIEF SUMMARY: The State has extended the deadline for the Hazard Mitigation Grant application to May 1, 2020. City staff had identified three projects that are eligible and would like to pursue. These are: 1) Storm Water Improvement on Water Street; 2) Wastewater – New Pump and Vacuum System for Downtown; and 3) Generators for the Police Station and City Hall.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To get approval for Langton Associates Inc., at a cost of \$16,000, to prepare and submit the three FEMA Hazard Mitigation Grant Program (HMGP) Applications.

FUNDING SOURCE: Water, Sewer and General Fund

ATTACHMENTS: Proposed Contact

STAFF'S COMMENTS AND RECOMMENDATIONS:

GRANT CONSULTING AGREEMENT
Between City of Apalachicola and Langton Associates, Inc

This consulting agreement made on this 1st day of April 2020, by and between Langton Associates, Inc., hereinafter referred to as "Langton", and City of Apalachicola hereinafter referred to as "Client" on the following terms and conditions:

RECITALS

WHEREAS, Langton is a Florida corporation engaged in the business of offering consulting support to municipalities, counties, other governmental bodies and non-profits groups, and

WHEREAS, Client is in need of professional services of consulting for the purpose of obtaining various governmental grants and assistance offered by various governmental agencies and bodies, and

WHEREAS, the parties are desirous to enter into this contract, to establish a contractual relationship and set up the fees to be charged by Langton to Client for the services rendered and to establish the guidelines for consulting work to be performed.

IT IS THEREFORE agreed as follows:

1. Langton agrees to provide professional consulting services to Client for the term commencing April 1, 2020 and ending at award. Langton agrees to exercise its best efforts to obtain governmental grants and benefits for client. It is understood, however, that Langton cannot guarantee results that any certain amount of funds will be obtained for Client.
2. Scope of Work: Pursuant to this agreement Langton agrees to provide specific services as follows:
 - A. Prepare 3 FEMA Hazard Mitigation Grant Program (HMGP) – Hurricane Michael grant applications for the following projects:

	Project Name	Cost
1	Downtown Drainage Project	\$6,500
2	Sewer System Upgrade	\$6,500
3	Generators for City Hall and Police Station	\$3,000

- B. Submit completed HMGP grant applications to Florida Division of Emergency Management on or before the May 1, 2020 deadline.
 - C. Provide copies of all completed and submitted HMGP grant applications to the Client for their records.
 - D. Provide follow-up Liaison services for the Client to the Florida Department of

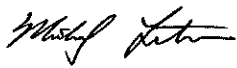
Emergency Management during the application review and question period.

3. In exchange for Langton performing these services as established herein and devoting time, Client agrees to pay Langton professional fees in the amount of \$16,000 to be paid in one (1) installment once grant applications have been submitted.
4. Langton agrees to devote the necessary time and performance of duties for Client. Inasmuch as the professional services rendered are of a subjective nature subject to differences of opinion, mutual confidence and respect are necessary. Accordingly, this contract can be terminated by either party without cause upon giving of a thirty (30) day notice as follows:
 - A. As to Langton.:
5627 Atlantic Boulevard, Suite 4
Jacksonville, Florida 32207
 - B. As to Client:
City of Apalachicola
192 Coach Wagoner Boulevard
Apalachicola, Florida 32320
5. Should litigation be necessary to enforce any provision of this agreement then the prevailing party shall be entitled to recover a reasonable attorney's fee from the other side.

ATTEST:



LANGTON ASSOCIATES, INC


BY: _____
Michael Langton, President

ATTEST:

CITY OF APALACHICOLA

BY: _____

Kevin Begos, Mayor

**ADMINISTRATION DEPARTMENT
MARCH 2020**

- Updated meeting calendar on website
- Complete all quarterly Payroll Reports. W2's and 1099's
- Posting and Learning New Payroll Quick Books Program
- Posted February revenues and expenses
- Assisted staff with tree applications, utility bill issues, and payroll processing
- Staff assisted with Cemetery, utility bills, garbage, permitting issues, city property rentals and other miscellaneous duties
- Billing Clerk assists the City Manager and City Clerk as needed, works front office with water bill collections, cemetery lot sales, assists water and sewer department as needed, helps with most everything.
- Completed tasks as assigned by the City Manager
- Public Records Request 0

66 work orders issued and 66 work orders completed
1965 payments processed
1982 bills processed
136 cuts-off – (not issued due to corona virus per Mayor)
Approximately 110 accounts payable checks processed

Deborah Guillotte

From: Lizzette Dearing [lizzette@gtcom.net]
Sent: Tuesday, March 31, 2020 12:08 PM
To: deborahguillotte@cityofapalachicola.com
Cc: Chief Varnes
Subject: March numbers

March 2020	Totals
Traffic Stops/ Warnings/ citations	40
Arrests/ Warrant Requests	5
Traffic Accidents	5
Burglary/Theft calls	13
Assist Citizens/ Complaints/investigations	452
Trespass Warnings/agreements	12
Business alarm calls/building checks/welfare checks	386
assist county call/other agencies	43
Domestic cases involving violence/disturbance calls	12
Total calls from dispatch	1140

The month of March started us off with high hopes of bringing in a wonderful spring season and the start of a busy tourism season. Month by month by completing our two year mandatory fire arm training. Lt. Lewis and Lizzette represented the Police Department in Care Franklin County School as well as Cops for Kids Day! The latter of the month has brought in an unfortunate halt to our visitors with Corona virus coming near our community, so we don't expect to see the number of visitor related stops and/or citations or calls in continued patrolling of designated areas of concern continue, including the areas of downtown where complaints of speeding from the bridge been made. As always, we continue to patrol neighborhoods and businesses nightly. Our gun range membership is now at 41 members.

Lizzette Dearing
Apalachicola Police Department
127 Ave E
Apalachicola, FL 32320
850-653-9755
Lizzette@gtcom.net

City of Apalachicola public works monthly report

March 2020

The public works department, services all city vehicles and replaces all the tires on city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed. And set community center up for monthly meetings.

Serviced 2 vehicles. Replaced brakes on w/s service truck.

We collected 167 bags of garbage down town and parks.

We cut Laffette, river front, Cipio, battery parks, twice this month.

We cut and cleaned several ditches for storm water runoff.

We replaced stop signs at 14th st and 15th st.

We completed 17 work orders.

We opened and closed 5 funerals.

We pick garbage up that volunteers cleaned up on weekend of 14th and 15th.

On 3/18/20 the prison quarantined state inmates, do to this action we are short on man power, we have three supervisors who are cutting and cleaning the city, we are cutting the areas that are most in need of attention, please be patient, we are cutting and cleaning as much as we possibly can work into our daily schedule.

Replaced tires on three vehicles.

We patch hole at laffette park play ground equipment

Replaced locks on money draws at city hall.

Put drop box up for planning and building permits.

Prepared by ROBERT OSBURN

A	B	C	D	E	F	G
1	public works monthly work load indicators 2019/2020					
2			down town			
3	signs replaced	work orders	trash bags	culverts replaced	veh. Serviced	funerals
4						
5	1	11	137		1	4
6	2	13	140	1	1	3
7	1	9	128	0	2	3
8	5	11	92		3	3
9	1	10	140	1	2	4
10	2	17	167		3	5
11						
12						
13						
14						
15						
16						
17						
18						
19	total	12	71	804	2	22

**Water and Wastewater Department
Monthly Report March 2020**

Water Plant

- . We treated 13,240,000 gal of drinking water
- . We cleaned the Ground storage tank at the Water plant
- . Ran one of the lines we will need for the peroxide test

Wastewater Plant

- . We treated 7,250,000 gal of wastewater
- . Replaced the tube in the Alum pump
- . Cleaned the air filters for the SBR blowers

Distribution and Collections

- . We did 1 water tap and 1 sewer tap
- . Completed 37 work orders from City Hall
- . Repaired 3 small water leaks and 1 median size water leak
- . Repaired 1 small sewer leak
- . Handled 18 after hours call outs
- . Found another 6" water valve that was closed making 2 dead ends out of a looped line

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: Apalachicola Fill and Stormwater Ordinance 2020-03

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Planning & Zoning
Contact: Chris Holley, City Manager
Presenter: Chris Holley, City Manager

BRIEF SUMMARY: The City has struggled for many years to establish clear guidelines related to the deposition of fill materials and grading for new development and redevelopment. The proposed Ordinance was finalized after a great deal of open public discussion over a period of many months. It is crucial that the City take action in adopting clear and concise guidelines for applicants wishing to modify elevation of property and for the city planning department to utilize as a basis for evaluating applications and assuring consistency for the implementation of the City's adopted floodplain regulations.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve the First Reading of the proposed Ordinance# 2020-03 and Proceed with the Adoption Process.

FUNDING SOURCE: NA

ATTACHMENTS: Apalachicola Fill and Stormwater Ordinance 2020-03

ATTORNEY'S COMMENTS AND RECOMMENDATIONS: It is imperative that the City adopt standards by which applications for fill, lot grading and/or landscaping activities may be evaluated by the planning department. The proposed language of the ordinance is clear and concise and establishes what appear to be reasonable thresh holds between: (a) applications/projects as to size/amount/location thereof that warrant requirement of a sealed grading plan prepared by a Florida licensed professional architect, surveyor or engineer; and (b) applications that may be submitted without requirement of a certified professional opinion. The proposed language eliminates uncertainty as to what gives rise to the requirement of a building permit/floodplain management permit and what would otherwise be considered routine maintenance not subject to permit. City attorney recommends adoption of the Ordinance as submitted.

Apalachicola Planning and Zoning Board and City Commission workshop

Apalachicola Fill and Stormwater Ordinance 2020-____

Draft 3 04/03/2020

Whereas, Regulation of fill on lots for the purposes of flood prevention is in the best interests of the public in order to protect public safety, health, and welfare;

Whereas, the provision of guidelines related to the deposition of fill materials and grading for new development and redevelopment provides certainty for applicants wishing to modify the elevation of property and provides consistency for the implementation of the City's adopted floodplain regulations;

Whereas, flood heights and nuisance flooding can be increased by manmade causes; whereas, standards for installation of fill materials and requirements to manage storm water facilitates the protection and enhancement of natural resources, city infrastructure, reduces erosion, and minimizes potential adverse impacts associated with land uses;

Whereas, the adoption of stormwater regulations furthers comprehensive plan policies within the Coastal and Conservation Elements;

NOW THEREFORE, be it ordained by the Board of City Commissioners of Apalachicola, Florida.

Section 1. Recitals: The above recitals are incorporated by reference herein.

Section 2. Creation: There is hereby amended and modified Chapter II Definitions; Chapter VI, Site Plans is repealed and replaced; and Chapter VIII. Stormwater Management is repealed and replaced.

Section 3. Applicability: This section shall be applicable within the City of Apalachicola.

Section 4. Definitions: This ordinance amends or replaces definition within Chapter II, Definitions, as follows:

Repeal Best Management Practice (BMP) and add

Stormwater Best Management Practice (BMP) The term "best management practices (BMP)" means those practices and principles designed to manage water from rainfall events, reduce nonpoint sources of pollution and in some cases, protect wildlife and habitat. Methods may include structural devices or nonstructural practices, such as, but not limited to compensatory storage, swales, gutters, rain barrels and rain gardens. A City of Apalachicola Guide to Site-Specific Stormwater Best Management Practices is available to download from the city's website.

Comment [d1]: Delete.

Comment [d2]: Insert comma after "gutters."

Comment [d3]: Delete. If the guidelines were to be rescinded for whatever reason or the guidelines remained in effect but were removed from the City's website, this statement would have to be removed from the regulations. It's very possible that this would not occur.

The City's application form could direct the applicant to the City webpage.

Repeal and replace:

Channel- A trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water. A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Add:

Fill: Any material, such as, but not limited to, sand, soil, gravel, lime rock, rocks, shell, bricks, concrete, rubble, asphalt, wood or waste of any kind, that is: placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation; deposited on the land surface to fill depressions or contour the land (e.g., soil and sand); used as a landscaping material (e.g., topsoil, organic material, and sod), or used as a surfacing material for walkways, surface drive areas, and patios (e.g., rock, shell, impermeable or permeable concrete, and brick pavers). Exception: sand bags placed on lots in response to the County Emergency Manager shall not be considered fill provided it is removed following the storm event.

Repeal and replace:

Impervious Surface Coverage- Those hard surface man-made areas that do not allow, or minimally allow, the penetration of water, that reduce the natural rate or percolation of water or result in an increase in the natural quantity and rate of storm water runoff. Examples include but are not limited to roof tops, parking, clay, asphalt, concrete, brick, compacted gravel, paved recreational areas such as pools, tennis courts, and landscape pavers. Exception: Items identified on a site plan as a best management practice to treat stormwater shall be allowed within open space and not considered impervious.

Formatted: Font: (Default) +Body, 12 pt

Add:

Land clearing: Any activity that removes the vegetative ground cover. Mowing, trimming, pruning, or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Add:

Landscape plan: A plan, drawn to scale, showing dimensions and details for revegetating an area and may be a part of the site plan.

Comment [d4]: Delete the definition of "landscape plan" because the term is not used in Chapter VII or VIII of this amendment, and it is not used elsewhere in the Land Development Code.

Repeal and replace:

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including, but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Landscaping may be considered "fill" based upon the quantity and location proposed (as defined) is planned as part of the activity.

Add:

Lot Grading: The excavation, filling, clearance or re-contouring of the ground surface of a lot or parcel or combination thereof.

Repeal and Replace:

Open Space- an area open to the sky and free of impervious structures

Add:

Pervious: A surface that presents an opportunity for precipitation to infiltrate into the ground. Area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

Add:

Storm Water- The flow of water that results from, and that occurs immediately following, a rainfall event.

Repeal and Replace:

Storm Water Management System- A surface water system that is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system

Add:

Surface Waters- Waters on the surface of the earth, contained in bounds created naturally or artificially, including bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, springs, creeks, branches, sloughs, tributaries, and other water courses.

Add:

Swale- A man-made trench that features side slopes equal to or greater than three feet horizontal to one foot vertical; Contains contiguous areas of standing or flowing water only following a rainfall event that can be percolated within 72 hours; Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Repeals Chapter VII and replaces

Chapter VII. SITE PLAN

A. PURPOSE AND INTENT

The public health, safety and welfare require the harmonious, orderly and progressive development of land within the City of Apalachicola. The development of the land is a vital step in the process of community development. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by

each new development, involving the maintenance of streets and storm water management systems and the provision of additional public services. As the general health, safety and welfare of the community are thereby affected by the development of land, it is in the direct interest of the public that site development be conveyed, designed and carried out in accordance with sound land and water management principles.

The purpose and intent of this Chapter is to assure that new development within Apalachicola will not adversely affect the public's natural or financial resources, especially Apalachicola Bay or its tributaries.

B. APPLICABILITY

This Chapter establishes procedures and standards for the preparation, review and approval of plans to carry out development.

C. PROCEDURES FOR SITE PLAN APPLICATION, REVIEW AND DECISION

1. Pre-Application Conference. It is recommended that the applicant meet with the City Planner, Building Department and Building Official to discuss the proposed development prior to submitting a formal application. The purpose of this conference is to familiarize the applicant with minimum design guidelines and to minimize any potential adverse impacts of the proposed development on the City's natural or financial resources.
2. Application.
 - a. An approved site plan is required prior to the issuance of a building permit. It shall be considered unlawful for any person to construct, erect or alter a building or structure or to develop, change or improve land for which a site plan is required except in accordance with an approved site plan. Enforcement shall occur pursuant to Chapter III of this Code for failure to obtain a permit or for failure to follow a permit.
 - b. The site plan shall be prepared in accordance with requirements contained in this section. For a plan to be placed on the agenda of the next Planning and Zoning Board meeting, the plan must be received by the Building Department and considered complete no less than 30 days prior to the Planning and Zoning Board meeting.
 - c. The applicant shall submit four copies of all parts of the site plan. Electronic copies of site plans and building plans may also be submitted if available.
3. Review.
 - a. The City Planner and Building Department shall review the site plan to determine whether all required information is included in the application. If any required information is missing, the

Comment [d5]: Change "Commission" to "Board."

Comment [d6]: The Land Development Code amendment concerning historic preservation revised the language of this paragraph. Incorporate that revised language here.

Comment [d7]: Replace the sentence with "Submission of an additional electronic copy is optional but recommended because it facilitates and expedites review."

Building Department shall inform the applicant of any information required to complete the application.

- b. All site plans for architectural compatibility shall be reviewed by the Planning and Zoning Board sitting as the Architectural Review Board.
4. Decision. Based upon the information contained in the site plan application, the Planning and Zoning Board ~~Commission~~ shall approve, approve subject to stated conditions or deny the site plan. Any person aggrieved by the decision of the Planning and Zoning Commission may, in accordance with Chapter III, file a written appeal with the City Commission.
5. Construction. Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site plan regulations. Deviation from the approved site plan shall require the submission of an application for a revised site plan.

Comment [d8]: Insert "The Floodplain Administrator shall review all applications addressing the Floodplain Management Ordinance requirements."

Comment [d9]: Insert "The Floodplain Administrator shall make a decision on the parts of the application concerning Floodplain Management Ordinance requirements."

D. FEES

Application fees for site plan review, as adopted from time to time by the City Commission, must be paid by the applicant at the time of application.

E. TIME LIMIT ON APPROVAL

Following approval of the site plan, the applicant shall have one (1) year, unless to commence construction on the site. Notwithstanding the above time frame, site plans for multifamily development and new non-residential development shall be effective for two years. Any site where development has not commenced shall cause the site plan to be re-evaluated by the appropriate bodies and any newly adopted regulations shall be imposed at the discretion of the City.

Comment [d10]: The Tree Ordinance, which the City Commission adopted on February 5, deleted this section because it contradicted the requirements of section III.C.1.

There is no reason to repeat the requirements of III.C.1 here. Including the requirement here and there only increases the possibility that they will contradict each other. In fact, the proposed requirements here still contradict section III.C.1 to the extent that the III.C.1 requirement gives the building inspector the discretion to extend the building permit beyond 1 year where she finds that construction is occurring on an uninterrupted basis.

F. SITE PLAN REQUIREMENTS

1. Site plans or any portion thereof involving engineering shall be certified, sealed, and prepared by and/or under the direct supervision of a professional engineer, qualified by training and experience into the specific technical field involved and registered or licensed to practice that profession.
2. Site plans shall contain documents and maps indicating:
 - a. General Information
 - i. Name of project.
 - ii. Intended use of site.
 - iii. Legal description of the property, size of parcel in acres or square feet and the linear dimensions of the property.
 - iv. Name, address and telephone number of the owner or owners of record.
 - v. Name, address and telephone number of the owner's designated agent or attorney .

Comment [d11]: Recodify paragraphs 1, 2, 3, 4, 5, and 6 as i, ii, iii, iv, v, and vi.

- vi. Names, addresses, signatures and registrations of the professionals preparing the plan.
- b. Maps
 - i. Vicinity map, showing relationship of proposed development to the surrounding streets, wetlands and surface water bodies at a scale of not less than one (1) inch equals two thousand (2,000) feet.
 - ii. Site plan map with date and north arrow at a scale not smaller than one (1) inch equals fifty (50) feet.
 - iii. Elevation survey and topography at one (1) foot contour intervals, existing and proposed.
 - iv. Building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way, and building setback lines, existing and proposed).
 - v. Location of existing and proposed building and structure footprints.
 - vi. Location, elevation, and dimensions and materials of existing and proposed drive areas, or other paving.
 - vii. Location of existing and proposed fences by type of material (e.g., wood or metal), type of design (open or closed) and height.
 - viii. Location of existing and proposed walls by type of material (e.g., brick or masonry).
 - ix. Location of each proposed, off-street parking space (regular and handicapped) and how they will be identified on site with paint or curb stops, including a diagram showing traffic circulation on site and access and egress to adjacent street.
 - x. Location of proposed, designated loading and unloading zones.
 - xi. Location of temporary and permanent structures and features proposed in the stormwater management plan.
- c. Proposed Buildings and Structures
 - i. Number of stories.
 - ii. Square footage grosses each floor.
 - iii. Building height.
 - iv. Multi-family dwellings.
 - i. Number and square footage of dwelling units and density (dwelling units per acre).
 - ii. Calculation of off-street parking spaces required by supplementary parking section showing the number of dwelling units and spaces.

Comment [d12]: Recodify paragraphs 1 through 11 as i through xi.

Comment [d13]: Recodify 1 as i.

Comment [d14]: Recodify 2 as ii.

Comment [d15]: Recodify 3 as iii.

Comment [d16]: Recodify 4 as iv.

- v. Commercial. Calculation of off-street parking spaces required by Chapter IV Zoning District supplementary parking section showing:
- i. Projected number of employees on peak shift.
 - ii. If an eating and/or drinking establishment, seats and occupancy load and number of tables for service and number of stools at service counter.
 - iii. If an office, studio or financial institution, floor space open to public.
 - iv. If a retail establishment, floor space devoted to merchandising.
 - v. If a child care center, floor space.
- d. Lot Coverage Allowed by the Zone and Calculations Showing Proposed Lot Coverage.
Materials used to cover surface drive areas, walkways, patios and other areas counting as lot coverage.
- e. New Multi-Parcel (e.g., Subdivision), Commercial, and Multi-Family Developments
- i. Existing Infrastructure (On-site, Adjacent to Site, and Across or Opposite Any Public Right-of-Way.)
 - Surface drive areas and median/curb cuts to access driveways.
 - Sidewalks, streets, alleys, and easements (note widths and type).
 - Size and location of nearest water mains, valves, and fire hydrants.
 - Sanitary sewer systems (size and invert elevations).
 - Power, telephone and cable lines.
 - ii. Proposed Streets, Sidewalks, and Surface Drive Areas.
 - If required, engineering plans and specifications including elevation and dimensions for streets, sidewalks, and surface drive areas (driveways, parking areas and storage areas).
 - Cross section of proposed street improvements
 - Fire lanes.
 - Locations of proposed surface drive areas, curb or median cut(s) to access driveways.
 - Internal traffic circulation plan, including directional arrows and signs to direct traffic flow.
 - Location of traffic-control signs and signalization devices.
 - Locations of sidewalks.

Comment [d17]: Recodify 6 as v.

Comment [d18]: I believe the City Commission within the last year adopted a parking ordinance that Cindy prepared. Were the section IV.E.8.b requirements changed?

Comment [d19]: Change "supplementary parking section" to "section IV.E.8.b" unless the adopted ordinance makes this reference incorrect.

If you don't agree with this suggested revision, change "supplementary parking section" to "the Chapter IV zoning district supplementary regulations for parking."

Comment [d20]: Change "showing" to "detailing."

Comment [d21]: Change i through v to solid bullets.

Comment [d22]: Retain "If an eating and/or drinking establishment," unless the adopted ordinance makes this phrase incorrect.

Formatted: Not Strikethrough, Not Highlight

Formatted: Not Strikethrough, Not Highlight

Comment [d23]: Retain "If an office, studio or financial institution," unless the adopted ordinance makes this phrase incorrect.

Formatted: Not Strikethrough, Not Highlight

Formatted: No underline, Strikethrough, Not Highlight

Formatted: Strikethrough, Not Highlight

Comment [d24]: Recodify 1 as i.

Comment [d25]: Change i through v to solid bullets.

Comment [d26]: Recodify 2 as ii.

Comment [d27]: Change i through x to solid bullets.

- Coordination of walkways and driveway and their elevations with facilities in adjacent developments, including the elevation of the crown of the most adjacent road to ensure that lot filling and hardened surfaces are not elevated higher than local streets
- Proposed streets and alleys.
- When applicable, the location of service roads and access roads extended onto the site.

iii. Proposed Water and Sewer Facilities

- Water. Size, material, and location of water mains, valves and fire hydrants. Engineering plans and specifications are required prior to the issuance of a building permit.
- Sanitary Sewer Systems. Size, material, and location of lines. Engineering plans and specifications, with submittal of a profile where required, are required prior to the issuance of a building permit.
- Any commitments, such as contributions to offset public facilities impacts.
- Projected water usage in gallons per day, projected solid waste, projected number of school age children

Comment [d28]: Recodify 3 as iii.

Comment [d29]: Change i through iv to solid bullets.

5. Solid Waste Handling Facilities

The location of the dumpster and access for refuse service collection, including dumpster pad screening, fencing and landscaping shall be identified.

- a. Dredge and Fill. If any dredging or filling is intended in the development, a copy of the complete Environmental Resource permit application Environmental Resource Permit issued proposed by for the Florida Department of Environmental Regulation or the Northwest Florida Water Management District shall be provided.

Comment [d30]: Recodify 5 as iv.

Comment [d31]: After "Solid Waste" insert "Handling Facilities."

Comment [d32]: Recodify a as v, assuming this is a requirement under New Multi-Parcel (e.g., Subdivision), Commercial, and Multi-Family Developments.

Comment [d33]: Change "or" to "and."

Comment [d34]: Change "Regulation" to "Protection."

Comment [d35]: This requirement used to state that the City would not issue a building permit until the State permit was issued.

You have revised the requirement to state that the City would not issue a certificate of occupancy until the State permit was issued.

This does not make sense. The City would not allow an applicant to construct up until the point when the building inspector was ready to issue the certificate of occupancy and then find out whether the State was going to issue the storm water permit.

f. Stormwater Management Plan Requirements
General

1. Sufficient information for the City to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on wetlands and surface water, and the effectiveness and acceptability of those measures proposed for reducing adverse impacts.

Comment [d36]: Codify as I.

Comment [d37]: Delete i, ii, and iii codification and insert solid bullets.

2. If a State stormwater permit is required, the following shall be a part of the stormwater plan submitted to the City.
3. The design contained in any ten-two (10/2) self-certified general permit).
4. A design that treats run off from the 25 year-24-hour duration storm event and ensures that post development runoff rates, volumes and pollutant loads do not exceed pre-development conditions

Comment [d38]: 2Codify as 2.

Comment [d39]: Solid bullet for this and following items.

The design contained in a complete application proposed to a State agency for:

- A general permit or
- An environmental resource permits.

For proposed development not requiring a State stormwater permit, a plan to control surface water runoff including:

- Temporary sediment control barriers and vegetative cover
- Permanent best management practices.

Repeals and Replaces CHAPTER VIII. STORMWATER MANAGEMENT

A. City Requirements

Certain types of residential and commercial development may trigger State stormwater permitting permits depending on size and type of proposed development. As an Area of Critical State Concern, the City has adopted more stringent stormwater standards than state requirements. A more comprehensive overview of state permitting requirements and the relationship to City standards can be found online at Cityofapalachicola.com/building.Dept.cfm.

1. Residential. Applications for all new residential development in Special Waterfront District or Areas of Special Hazard (A&V zone) must include a stormwater management plan which may consist of a Best Management Practice (BMP) as part of their site plan. Proposed improvements that increase lot coverage shall also provide for stormwater treatment by indicating the stormwater treatment Best Management Practice that will be utilized.
2. Non-residential. Applications for all non-residential development exempt from State permitting pursuant to Rule 62-330 FI Administrative Code for more than 4800 square feet must provide a stormwater management system by an engineer to provide for treatment for a 24-hour 25 -year event. Individual lots or combination of lots less than 4800 square feet may treat stormwater with BMPs that include provisions for compensatory storage.

2. Stormwater runoff control

- a. Only those areas necessary for construction activities shall be cleared.
- b. During construction, building debris shall be removed from the stormwater flow path and deposited in trash receptacles and temporary stormwater control barriers shall be installed and maintained.

Temporary stormwater controls shall be maintained until permanent controls are installed. Permanent controls, when required, shall be constructed prior to the issuance of a Certificate of Occupancy.

- e. Direct connection between building gutters and downspouts and onsite stormwater systems into the City's stormwater conveyances is not allowed.

3. Stormwater Best management practices (BMP's)

- 1-3. Stormwater impacts shall be minimized by using site-suitable BMP's that maximize infiltration of stormwater and prevent or minimize offsite discharge.

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: (Default) +Body

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Not Highlight

Formatted: Not Highlight

Comment [d40]: The following paragraphs require the use of BMP's, but they do not specify the sizing of BMP's.

How will the City staff and the Planning and Zoning Board decide whether proposed BMP's are adequate?

For instance, if a new house is proposed, will rain barrels on gutter downspouts be considered adequate? Would a swale also be required? In the absence of design criteria, how can the City and Board enforce the BMP provisions without being arbitrary?

Should the use of BMP's be **strongly encouraged but not required**?

Comment [d41]: Use of permanent BMP's in the Special Waterfront District is problematic because there is little open space in which to site them.

For instance, general commercial zone C-1 allows up to 80 percent lot coverage on a standard 30 foot by 80 foot lot. Required off-street parking will occur on part or all of the remaining 20 percent.

Other than using porous paving materials for parking areas, what kind of BMP's could be used and where would they be sited?

Comment [SJB42]: Does the City want to Clarify that these are BMP for Stormwater Management? A. 1 and A. 2 both state that this is for Stormwater Management consider changing the title to Stormwater Best Management practices or Best Management Practices for Stormwater Management

Stormwater flow paths for property as it is planned to be developed shall be determined and berms, shallow depressions, swales, contouring, terracing, landscaping, rain gardens, rain barrels, paving materials, concrete pavers and other stormwater management practices shall be included in the plan to intercept, infiltrate and treat stormwater before it reaches wetlands, surface waters or the City's stormwater conveyances.

Comment [SJB43]: The BMP's listed are encourages to maximize infiltration of stormwaer and minimize offsite discharge. The definition of impervious surface coverage would restrict what BMP's could be considered open space. example. Pourous and Permeable paying material are considered impervious material based on the definition of impervious surface listed in Chapter II definition. This definition may be more inline with stormwater managnmet, the city may want to consider revising the definition of Open space.

2.4. Minimize soil exposure through organized scheduling of grading and construction activities; retain existing vegetation whenever feasible; stabilize all denuded areas after final grading; temporarily stabilize disturbed areas that are inactive and will be exposed to rain for 30 days or more utilizing stabilization techniques such as mulches, vegetation and sod. Control runoff by diverting stormwater away from stripped areas or newly seeded slopes; minimize the length and steepness of slopes, protect outlets to prevent erosion. Install sediment trapping structures such as silt traps, sediment basins, filter fabric, perimeter dikes. Inspect and maintain control measures regularly.

b. Best Management Practice methods may be in required open spaces.

Comment [SJB44]: see previous comment related to BMP, impervious surface, and Open space

c. Guidance regarding state permitting requirements and exemptions may be found at the City's Web site. Examples of BMP's and low impact development practices are provided in the City's May 2015 Guide to Site Specific Stormwater Best Management Practices can also be found on the City's web site.

4. General Design Requirements

a. The storm water system shall be designed in accordance with Rule 62-330 F.A.C., and City Standards for a 25- year, 24- hour event except that detention with filtration systems shall not be allowed and that off-line retention systems shall be used whenever the soil conditions will allow percolation of the treatment volume within 72 hours. When soil conditions will not allow infiltration practices to be used, the storm water system shall consist of a wet detention system with a vegetated littoral zone. To enhance the effectiveness of the wet detention system, landscape retention pretreatment practices such as the placement of storm sewer inlets in grassed areas shall be employed in combination with the detention system.

b. To provide flood protection, the additional volume generated by the development from a 25-year storm event 24-hour duration shall be controlled by a detention facility and released at a rate of discharge not to exceed the peak discharge rate from the site in its undeveloped condition. Special engineering features all be incorporated in minimize the transport of pollutants remaining in the detention facility.

a. All detention facilities shall discharge design flow through structural discharge facilities. When direct discharge will degrade waters of natural streams, marshes,

environmentally sensitive areas shellfish classification waters, or lands naturally receiving sheet flow, the discharge structure shall direct the flow to an intermediate spreader swale system.

- b. No new untreated point sources of discharge will be permitted

3. General Information for Engineered Plans

- a. The location of areas on the site where storm water collects or percolates into the ground; and the size, location and land use of any off-site areas which drain onto, through or from the project area.
- b. A map showing topography at a minimum contour interval of one-foot, vegetative cover, soils and seasonally high-water table elevations. Also show the location of any soils boring or percolation tests.
- c. details of hydrograph, side slopes, depths, elevations of all system components including wetlands, a topographical map with a minimum contour interval of one foot.
- d. An erosion and sediment control plan to retain sediment on-site. The plan shall describe, in detail, the type and location of control measures the stage of development at which they will be put into place and provisions for maintenance
- e. A description of scheduled maintenance, if applicable, ~~needs~~ of the storm water system.

Calculations to be Submitted

- a. All runoff calculations used in the design of the storm water system including a description of the methodology, assumptions and parameters. include calculations showing discharges, elevations and volumes retained or detained and the volume of storm water treated for applicable design storm events. If a computer program is used for analysis, a copy of the printout shall be submitted.
- b. Computations of state-storage and stage-discharge for all structures.
- c. Computation of off-site Inflows.
- d. Actual acreages and percentage of the project area for impervious surfaces, natural water bodies and wetlands, artificial lakes, retention or detention area, swales, pervious surfaces and total project area.
- e. Computation of pre-development and post-development runoff and storage.
- f. Identification of the entity responsible for the perpetual care, operation, maintenance, and associated liabilities of the system. If the entity is to be a public body such as a county, municipality, or special district, a letter or other evidence of acceptance must be included. If the entity is a non-public body such as a homeowner's association or private corporation or person, documentation of its existence, fiscal and legal ability, and willingness to accept the responsibility must be included.

Comment [d45]: Delete. The State standards that apply are contained in the State regulations and the Environmental Resource Permit Handbooks.

Comment [Office46]: [REDACTED]

Chapter VIII

Add

D. Fill and lot grading Requirements

1. Areas of Special Flood Hazard (rated A and V zones) and Water Front District

Fill, lot grading or landscaping involving up to 10 cubic yards of fill. Fill as defined, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 10 cubic yards of fill on an individual lot or parcel shall require a building permit and floodplain management permit. In a V zone, the use of earthen fill to elevate buildings and structures shall not be permitted. Note" 20 cubic yards is approximately 2.5 pick-up truck- loads of fill

At a minimum, the floodplain management permit shall include the following:

- a. Site plan showing proposed location of proposed fill; and
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite. (See city website).

Comment [d47]: Delete for the reasons I stated in comments above.

Fill involving more than 10 cubic yards: Fill or lot grading involving more than the deposition of 10 cubic yards of fill shall a building permit and floodplain management permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill , the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding. The plan shall provide existing site details including the existing and proposed elevation of structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade elevation and proposed grade elevation at property corners and the street centerline and must detail how drainage will be affected and how grade changes will impact stormwater run- off from the site to adjacent lots. The plan shall show the location of existing structures or features of the site. The plan shall detail drainage swales including design high points; intermediate grade points; and the location, height, width and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at any discharge point. The plan shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development or redevelopment conditions.

Comment [d48]: A grading plan and as-built certification by a licensed architect, surveyor, or engineer for fill of just over 10 cubic yards are costly and time-consuming requirements.

The cost is not a big deal for commercial properties, but it is for residential properties. If a homeowner wants to do some landscaping and bring in just over 10 cubic yards of soil and sod (1 1/4 pickup truck loads, which is not much spread over an area), she could have to pay a few thousand dollars to get the certifications. When she finds out the cost, she's probably going to have a meltdown.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, when applicable, an "As Built" Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the centerline of the road and the adjacent lot on all sides.

Note: In designated V zones, fill may not be placed for use as structural support.

2. Areas Outside the Area of Special Flood Protection (A and V Zones) and Waterfront District

Fill, lot grading or landscaping involving up to 20 cubic yards of fill. Fill, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 20 cubic yards of fill on an individual lot or parcel shall require a building permit. At a minimum, the building permit shall include the following:

- a. Site plan showing proposed location of proposed fill
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite.

Fill involving more than 20 cubic yards: Fill or lot grading involving more than the deposition of 20 cubic yards of fill shall require a building permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill, the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding. and include existing site details including structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade and proposed grade in contour intervals of enough clarity to indicate the nature and extent of the work, including the type and amount of fill material that will be used. The plan shall contain elevations for existing and proposed grades at property corners and the street centerline and must detail how drainage will be affected. The plan shall show the location of existing structures or features of the site.

The plan shall show the location of existing structures or features of the site. The plan shall indicate drainage swales including design high points; intermediate grade points; and the location, height, and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at the discharge ends of the swale's drainage pattern. The building permit shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development run-off conditions.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, when applicable, an "As Built" Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

3. Prohibited fill:

All types of solid waste, sludges, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.

Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.

E. Landscaping

Routine maintenance of the landscaped area, plantings, or sod involving less than 1,000 square feet in area provided shall not be considered fill, provided the quantity and location meets the fill ordinance standards.. Landscaping development proposed for more than 1000 square feet requires a landscape plan to identify vegetation plantings.

Section 6. Penalties: Any person who fills or grades property without first securing a permit approval shall be subject to the penalties of this code and may be required to restore the site to the satisfaction of the City Building Official. In addition, all activity on the property shall cease until a permit has been issued and there shall be no other approval until such time as the filling and grading permit has been approved.

Section 7. Inclusion in the Code of Ordinances. It is hereby directed that the provisions of this ordinance be included in the Code of Ordinances of the City of Apalachicola, Florida. To that end, any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 8. Severability. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, then such determination shall not render the remaining provisions of the ordinance invalid.

Section 9. Effective Date. This Ordinance shall be filed with the Secretary of State and the Department of Economic Opportunity within ten days of adoption and shall take effect on

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, when applicable, an "As Built" Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

3. Prohibited fill:

All types of solid waste, sludges, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.

Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.

E. Landscaping

Routine maintenance of the landscaped area, plantings, or sod involving less than 1,000 square feet in area provided shall not be considered fill, provided the quantity and location meets the fill ordinance standards. Landscaping development proposed for more than 1000 square feet requires a landscape plan to identify vegetation plantings.

Section 6. Penalties: Any person who fills or grades property without first securing a permit approval shall be subject to the penalties of this code and may be required to restore the site to the satisfaction of the City Building Official. In addition, all activity on the property shall cease until a permit has been issued and there shall be no other approval until such time as the filling and grading permit has been approved.

Section 7. Inclusion in the Code of Ordinances. It is hereby directed that the provisions of this ordinance be included in the Code of Ordinances of the City of Apalachicola, Florida. To that end, any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 8. Severability. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, then such determination shall not render the remaining provisions of the ordinance invalid.

Section 9. Effective Date. This Ordinance shall be filed with the Secretary of State and the Department of Economic Opportunity within ten days of adoption and shall take effect on adoption of final agency action in accordance with Chapter Rule 73 C, Florida Administrative Code.

PASSED AND ADOPTED in open Regular Session this ____ _ day of _____, 2020

Voting Aye:
Voting Nay:

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA

Kevin Begos, Mayor

ATTEST:

Deborah Guillotte, City Clerk

Approved as to Form:

Kristy Banks, City Attorney

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: City Manager Job Applicants

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: City Council
Contact: Mayor Kevin Begos
Presenter: Mayor Kevin Begos

BRIEF SUMMARY: Employment Law Attorney Rob Larkin has provided some guidance for the hiring process.

The COVID 19 pandemic could be limiting the number of job applicants. The Commission should consider options if there are only a few applicants by May 1, 2020.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To recommend that each Commission Member interview current applicants by phone.

FUNDING SOURCE: N/A

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS:

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 7, 2020**

SUBJECT: Manhole Replacement and Refurbishment

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Water and Sewer
Contact: Chris Holley – Interim City Manager
Presenter: Alan Hart/Baskerville Donovan

BRIEF SUMMARY: The City has a CDBG Grant Funding to replace and refurbish twelve manholes at a cost of \$582,869.24.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To Award a Contract to North Florida Construction for \$582,869.24 to complete the work subject to DEO Approval.

FUNDING SOURCE: CDBG DEO

ATTACHMENTS: 1) Tab Sheet

STAFF'S COMMENTS AND RECOMMENDATIONS:

ARTICLE 1 – BASIS OF BID

1.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s) (NOTE – SEE SECTION 00120 – BASIS OF BID OR SPECIFICATIONS FOR BASIS OF PAYMENT):

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
1A	MH-1 Remove Manhole	LS	1	\$ 19,878.00	\$ 19,878.00
1B	MH-1 Install New Manhole	LS	1	\$ 28,068.00	\$ 28,068.00
1C	MH-1 Reconnect 4-inch and 8-inch Gravity Pipes	LS	1	\$5,400.00	\$5,400.00
1D	MH-1 In-situ Manhole Lining With Multi-Layered Polymeric Lining System	VF	5	\$2,438.00	\$12,190.00
1E	MH-1 Form Manhole Bench	LS	1	\$1,800.00	\$1,800.00
1F	MH-1 Ring and Cover including 4-foot concrete collar	LS	1	\$1,740.00	\$1,740.00
1G	MH-1 Traffic Control	LS	1	\$2,400.00	\$2,400.00
1H	MH-1 Dewatering	Day	4	\$3,450.00	\$13,800.00
2A	MH-2 Remove Manhole	LS	1	\$19,878.00	\$19,878.00
2B	MH-2 Install New Manhole	LS	1	\$24,156.00	\$24,156.00
2C	MH-2 Reconnect 2-inch and 8-inch Gravity Pipes	LS	1	\$5,400.00	\$5,400.00
2D	MH-2 In-situ Manhole Lining With Multi-Layered Polymeric Lining System	VF	7	\$2,438.00	\$17,066.00
2E	MH-2 Form Manhole Bench	LS	1	\$1,800.00	\$1,800.00
2F	MH-2 Ring and Cover including 4-foot concrete collar	LS	1	\$1,740.00	\$1,740.00
2G	MH-2 Traffic Control	LS	1	\$2,400.00	\$2,400.00
2H	MH-2 Asphalt Roadway Repair of 20' x 20' Excavated Area	LS	1	\$6,840.00	\$6,840.00
2I	MH-2 Bypass Pumping (3 days Per Upstream Pipe	Day	6	\$600.00	\$3,600.00
2J	MH-2 Dewatering	Day	4	\$2,550.00	\$10,200.00
3A	MH-3 Remove Manhole	LS	1	\$14,220.00	\$14,220.00

3B	MH-3 Install New Manhole	LS	1	\$36,219.00	\$36,219.00
3C	MH-3 Reconnect 8-inch and 12-inch Gravity Pipe	LS	1	\$5,400.00	\$5,400.00
3D	MH-3 In-situ Manhole Lining With Multi-Layered Polymeric Lining System	VF	10	\$2,438.00	\$24,380.00
3E	MH-3 Form Manhole Bench	LS	1	\$1,800.00	\$1,800.00
3F	MH-3 Ring and Cover including 4-foot concrete collar	LS	1	\$1,740.00	\$1,740.00
3G	MH-3 Traffic Control	LS	1	\$2,400.00	\$2,400.00
3H	MH-3 Asphalt Roadway Repair of 20' x 20' Excavated Area	LS	1	\$6,840.00	\$6,840.00
3I	MH-3 Bypass Pumping (3 days Per Upstream Pipe)	Day	6	\$600.00	\$3,600.00
3J	MH-3 Dewatering (2d	Day	4	\$2,550.00	\$10,200.00
4A	MH-4 Remove Manhole	LS	1	\$16,620.00	\$16,620.00
4B	MH-4 Install New Manhole	LS	1	\$37,947.00	\$37,947.00
4C	MH-4 Reconnect 12-inch Gravity Pipes	EA	2	\$2,700.00	\$5,400.00
4D	MH-4 In-situ Manhole Lining With Multi-Layered Polymeric Lining System	VF	10	\$2,438.00	\$24,380.00
4E	MH-4 Form Manhole Bench	LS	1	\$1,800.00	\$1,800.00
4F	MH-4 Ring and Cover including 4-foot concrete collar	LS	1	\$1,740.00	\$1,740.00
4G	MH-4 Traffic Control	LS	1	\$2,400.00	\$2,400.00
4H	MH-4 Asphalt Roadway Repair of 20' x 20' Excavated Area	LS	1	\$6,840.00	\$6,840.00
4I	MH-4 Bypass Pumping (3 days Per Upstream Pipe)	Day	3	\$1,200.00	\$3,600.00
4J	MH-4 Dewatering	Day	4	\$2,550.00	\$10,200.00
5A	MH-5 Remove Manhole	LS	1	\$16,620.00	\$16,620.00
5B	MH-5 Install New Manhole	LS	1	\$36,219.00	\$36,219.00

5C	MH-5 Reconnect 8-inch and 12-inch Gravity Pipe	LS	1	\$5,400.00	\$5,400.00
5D	MH-5 In-situ Manhole Lining With Multi-Layered Polymeric Lining System	VF	11	\$2,663.00	\$29,293.00
5E	MH-5 Form Manhole Bench	LS	1	\$1,800.00	\$1,800.00
5F	MH-5 Ring and Cover including 4-foot concrete collar	LS	1	\$1,740.00	\$1,740.00
5G	MH-5 Traffic Control	LS	1	\$2,400.00	\$2,400.00
5H	MH-5 Asphalt Roadway Repair of 20' x 20' Excavated Area	LS	1	\$6,840.00	\$6,840.00
5I	MH-5 Bypass Pumping (3 days Per Upstream Pipe)	Day	6	\$600.00	\$3,600.00
5J	MH-5 Dewatering	Day	4	\$2,550.00	\$10,200.00
6	Manhole Rehabilitation In-situ Lining with Multi-Layered Polymeric Lining System.	VF	99	\$287.00	\$28,413.00
7	Repair Manhole Bench	EA	12	\$428.00	\$5,136.00
8	Bypass Pumping (2 days per Manhole)	Day	13	\$440.48	\$5,726.24
9	Traffic Control	EA	12	\$250.00	\$3,000.00
10	Clean Manhole	EA	12	\$1,200.00	\$14,400.00
11	Mobilization	LS	1	\$16,000.00	\$16,000.00
				TOTAL	\$582,869.24

TOTAL BASE BID WRITTEN OUT: _____Five hundred eighty two thousand eight hundred sixty nine dollars and twenty four cents_____)

Note: All items not specifically listed in the Bid Schedule but needed to perform the construction, shall be included within the unit prices given above.

UNMET NEEDS

ADD ALT. 1	¾" Water Meters (installed by Owner)	EA	29	0	\$
------------	--------------------------------------	----	----	---	----

ADD ALT. 2	1" Water Meters (installed by Owner)	EA	29	\$ _____	\$ _
ADD ALT. 3	3-inch Water Main	LF	420	\$ _____	\$ _
ADD ALT. 4	Water Services	EA	3	\$ _____	\$ _____
ADD ALT. 5	Replace Valves	EA	2	\$ _____	\$ _____
ADD ALT. 6	Install New American AVK High Pressure, 250 PSI, Nostalgic, Dry Barrel Hydrants or Approved Equal	EA	12	\$ _____	\$ _

B. Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 2 – TIME OF COMPLETION

2.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Section V of the Agreement on or before the dates or within the number of calendar days indicated in the Agreement.

2.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 3 – ATTACHMENTS TO THIS BID

3.01 The following documents are attached to and made a condition of this Bid:

- A. Advertisement for Bids
- B. Bidder Information
- C. Bid Proposal Form
- D. Required Bid security in the form of Bid Bond 5%
- E. Signed Sworn Statement on Public Entity Crimes
- F. CDBG Required Forms