

**REGULAR MEETING
CITY COMMISSION
CITY OF APALACHICOLA, FLORIDA
TUESDAY, MAY 5, 2020 – 3:00 PM
FRANKLIN COUNTY ANNEX BLDG.
34 FORBES STREET
APALACHICOLA, FLORIDA 32320**

**Open Voice# 1-888-585-9008
Conference Room# 364-022-831**

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, December 3, 2019 Regular Meeting, April 7, 2020 Regular Meeting, April 21, 2020 Special Meeting and April 28, 2020 Special Meeting Minutes.
 - B. Public Works –Purchase New Work Vehicle
 - **Suggested Motion:** To Request Approval to Purchase a 2020 Chevrolet Silverado 1500 in the amount of \$24,889.70 from State Contract.
 - C. City Commission Rules of Procedure - Committee Policy Revision
 - **Suggested Motion:** To approve the proposed term length for serving on any standing City Committee, to be a minimum of four (4) years unless otherwise specified, and that no Appointee shall serve more than two (2) consecutive terms on any standing committee
- IV. Mayor's and Commissioners Reports and Communications
- V. City Manager Communications
 - Duke Energy Tree Trimming
 - Financial Report
 - Grants Report
 - Continuation of H2 Solutions Services
- VI. Attorney Kristy Branch Banks Communication
- VII. Public Hearings
 - A. Public Hearing – Ordinance 2020-03 – Apalachicola Fill and Stormwater Ordinance 2020-03 – Public Hearing and Second Reading
 - B. Public Hearing – Ordinance 2020-04 – Re-codification of City of Apalachicola Code of Ordinances – Public Hearing and Second Reading

VIII. 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.

IV. Unfinished Business

- A. Apalachicola Fill and Stormwater Ordinance 2020-03 – Second Reading
 - **Suggested Motion:** To Adopt Apalachicola Fill and Stormwater Ordinance 2020-03.
- B. Re-codification of the City of Apalachicola Code of Ordinances – Second Reading
 - **Suggested Motion:** To Adopt Ordinance 2020-04 Re-codification of the City of Apalachicola Code of Ordinances.
- C. Forensic Examination Report
 - **Suggested Motion:** Presentation of Forensic Audit and discussion of whether to expand the forensic examination into other areas.
- D. COVID 19 Options
 - **Suggested Motion:** Discussion of options to open up our economy.
 - Outside Dining

X. New Business

- A. Proposal to Prepare Plans and Specs to Bid Repair Work and Manage the Project for City Docks and Piers
 - **Suggested Motion:** To Approve Task Orders with Dewberry Engineering to Prepare Bid Documents and Manage Projects
- B. Resolution 2020-09 City Inventory
 - **Suggested Motion:** To Adopt Resolution 2020-09 City Inventory List.
- C. Consideration of Proposed Employment Agreement – Kendall Travis Wade
 - **Suggested Motion:** To approve, with or without further modification, proposed Employment Agreement containing terms tentatively negotiated between interim City Manager, City Attorney, and the City Commission's candidate designated in the first position as potential new City Manager.
- D. Apalachicola History, Culture and Arts Grant Request
 - **Suggested Motion:** To request Approval to Apply and Submit the Grant Application for \$250,000 for Restoration of the HCA Building, with a Cash Match of \$5,000 or less.

XI. 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 stated that it is clear policy that the Board of Adjustment has to have a unanimous decision to grant a variance. A decision was made by three of the members; one of the members did not approve. Why at that time did it not go through another process? Why, if they were reaching their decision, and they had one dissenting member, and it didn't qualify for a variance because they didn't go by procedure, was there ever an attempt to go back to the BOA and make a unanimous decision? How do we get around the

fact that no evidence of a hardship was presented when this was the basics of what we are talking about? If there was no hardship, how did you grant the variance if your rules clearly state that, and if your rules clearly state that you have to have a unanimous decision, why didn't we address that at the BOA level a year ago. Attorney Floyd stated that no members of the BOA was present at the current meeting.

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, December 3, 2019 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 a motion to approve the agenda.

Commissioner Ash made a motion to approve the agenda as revised. Commissioner George seconded and the motion carried 5-0.

MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS

- A. Mayor Begos and Commission had discussions on the Asset Management Plan with Florida Water Rural Association, the Stewardship Bill, the City Manager Position title conflict between the personnel policies and City Charter, the AWAAD & Associates Accounting Agreement and our current CPA, Moran & Associates, Community Redevelopment Agency meeting January 21st, the current City Manager's Contract, the Allen, Norton and Blue retainer agreement, the audit and audit committee, the water use audit, the recognitions of Mike Freeman and Russell Cumbie, the online web services and Waste Pro Agreement.

CITY MANAGER COMMUNICATIONS

- Census 2020 Complete Count Committee – Mr. Nalley gave an update, reminding how important this is for our community.
- DEP Revolving Loan Repayment Plan Update - Mr. Nalley gave a brief update on the loan payments over the past year, stating as of December 1st the City has paid \$171,333, with a remaining estimated balance of \$583,000. The payments should be completed in four and a half years, instead of the projected seven years. DEP would like for us to consider selling off property in order to pay in one lump sum.

ATTORNEY KRISTY BRANCH BANKS COMMUNICATION

- Attorney Banks gave brief updates on DEP's recommendation to sell city property to liquidate the default debt, the evaluation of the city manager contract and requesting permission to contact Mr. Larkin, the attorney with employment law experience, and the Moore and Jackson litigation.

Commissioner Grove made a motion to authorize Attorney Banks to enter into negotiations of the Moore and Jackson litigation and have Mayor Begos represent the City in the negotiations. Commissioner Elliott seconded and the motion carried 5-0.

PRESENTATIONS

- A. Presentation of Service Award – Former Commissioner John Mitchell Bartley – Mark Sittig, Membership Services Manager, Florida League of Cities, presented Former Commissioner John Mitchell Bartley with the John Land

Years of Service Award, for 20 years of service.

- B. Resolution 2019-26 Thanking the Apalachicola Volunteer Fire Department for Improving the ISO Rating and Protecting the City - Commissioner Grove read and presented Resolution 2019-26, thanking the Apalachicola Volunteer Fire Department for improving the ISO rating and for protecting the city. Fire Chief George Watkins thanked the Commission and gave a brief update on the current ISO rating standards.

Commissioner Grove made a motion to approve Resolution 2019-28 thanking the Apalachicola Volunteer Fire Department for improving the ISO rating and protecting the City. Commissioner Elliot seconded and the motion carried 5-0.

PUBLIC HEARING

A. ORDINANCE 2019-02 - DUKE ENERGY ELECTRIC FRANCHISE AGREEMENT – PUBLIC HEARING AND SECOND READING

Mayor Begos read Ordinance 2019-02 by title as follows:

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF APALACHICOLA, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Begos opened the floor for public comment.

Pete Whitesell expressed concerns of herbicides being sprayed on the West side to kill off vegetation and the chemical run-off going into the Apalachicola Bay, and also Duke Energy cutting down trees to put in new power poles.

John Alber stated that other cities charge utilities a percentage of gross revenues to use public rights of way, also application fees in addition to any franchise fees. Mr. Nalley stated that some of these concerns have already been resolved with Duke Energy, such as tree trimming notices that go through the Tree Committee, spraying was not discussed.

Discussion ensued about the chemicals used, the dangers of Roundup, and spraying next to the bay.

Mayor Begos closed the public hearing.

PUBLIC COMMENT

Mayor Begos opened the floor for public comment.

- Augusta West, Apalachicola Main Street expressed her concerns with Resolution 2019-27.
- Elinor Mount-Simmons from HCOLA expressed concerns of stop signs and where they will be installed.
- Pete Whitesell expressed his concerns of the forensic audit.

CONSENT AGENDA

A) Commissioner Elliott requested that an error in the October 8, 2019 minutes, Page 6, New Business –Item H, be stricken, stating that the sentence states the opposite of what she actually said. Commissioner Elliott made a motion to

amend the minutes, striking the phrase that Commissioner Elliott mentioned. Commissioner George seconded and the motion carried 5-0.

Mr. Nalley requested that Consent Agenda Item “A” the October 17, 2019 Special Meeting and the November 5 2019, Regular Meeting Minutes Adoption be removed.

B) CareerSource Gulf Coast Lease Agreement - Community Center - Commissioner George expressed her concerns with the agreement and requested that Attorney Banks review the Lease Agreement and make the adequate changes.

Commissioner George made a motion that we table the Lease Agreement with CareerSource, pending the review of the lease by the City Attorney. Commissioner Elliott seconded followed by discussion. Mayor Begos suggested modifying the motion to direct the city attorney to review the lease and if she approves the lease, then the mayor would be allowed to sign it. Discussion ensued.

Commissioner George made a motion to table the CareerSource Lease pending review by the City Attorney and that it be presented at the January meeting. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS

A. ORDINANCE 2019-02 - DUKE ENERGY ELECTRIC FRANCHISE AGREEMENT – PUBLIC HEARING AND SECOND READING

Mayor Begos read Ordinance 2019-02 by title as follows:

AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF APALACHICOLA, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Ash made a motion to adopt Ordinance 2019-02 granting Duke Energy of Florida an Electric Franchise with the City of Apalachicola. There was no second made. Mayor Begos passed the chair to Commissioner Ash.

Mayor Begos made a motion to adopt Ordinance 2019-02 granting Duke Energy of Florida an Electric Franchise with the City of Apalachicola. Discussion ensued. Attorney Banks stated she has reviewed the Duke Energy Franchise Agreement. Commissioner Elliott seconded and the motion carried 5-0.

Commissioner Ash passed the chair back to Mayor Begos.

UNFINISHED BUSINESS

B. RESOLUTION 2019-25- REQUESTING FRANKLIN COUNTY HONOR THE INTENT OF THE INTER-LOCAL AGREEMENT WITH THE CITY OF APALACHICOLA FOR SMALL COUNTY SURTAX AND REQUEST ADDITIONAL INFORMATION

Mayor Begos gave a brief review of the Weem’s Hospital issue, stating he is getting different feedback from the Hospital Board and County Commissioners. Commissioner’s expressed concern with the wording “healthcare facility” stating it should be worded “Hospital” and to specify that a new public hospital facility remain in the City of Apalachicola. Mayor Begos suggested that the wording read “and insist that a new public hospital facility remain in the City of Apalachicola. Discussion ensued.

Commissioner Ash made a motion to amend this resolution in the next to the last paragraph to read, “and insist that a new public hospital facility remain in the City of Apalachicola.” Commissioner George seconded and the motion carried 5-0.

UNFINISHED BUSINESS
C. SALE OF CITY OWNED PROPERTY DISCUSSION

Mr. Nalley gave a brief update of the November meeting, stating that the Commission had expressed interest in moving forward with the possible sale of the City Hall building and the old Fire Station, and requested that Attorney Banks research the matter and bring back a proposal for Commissions review and consideration. Attorney Banks reviewed the information about the sale of the City properties, and asked for feedback and guidance. Discussion ensued.

Commissioner Ash made a motion to seek broker opinion of the old Fire Station, the City Hall building, and all other city owned parcels identified in 2018. Commissioner Elliott seconded and the motion carried 5-0.

UNFINISHED BUSINESS
D. RESOLUTION 2019-27 RESCINDING THE ECONOMIC DEVELOPMENT PARTNERSHIP WITH APALACHICOLA MAIN STREET

Attorney Branch reviewed and read parts of the 2011 Resolution, and suggested that the City adopt a new resolution in order to clarify or change the terms discussed by this Commission. Discussion ensued.

Commissioner Grove made a motion to table the Main Street Resolution 2019-27, and do more research. Commissioner Ash seconded and the motion carried 5-0.

UNFINISHED BUSINESS
E. APALACHICOLA COMMUNITY REDEVELOPMENT ASSOCIATION DISCUSSION

Mayor Begos gave a brief review stating that the County is assuming they are giving the City \$48,000 this year. The CRA still exists at this time, but the Plan would need to be amended. Mr. Nalley stated that there are three scenarios, fully funded to 95%, 70%, and 50%. The City needs to provide some level of debt payment to the CRA, as well as the allocation levels. Mayor Begos stated that the City can try to reduce the TIF, but we should move forward. Discussion ensued.

Commissioner George made a motion to reduce the TIF percentage for the 2019-20 fiscal year to 75%, and that the City pay \$10,000 toward the prior debt to the CRA, and enter into a new Inter-local Agreement with the County to revise TIF percentage. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
A. ORDINANCE 2019-10 DESIGNATING THE OFFICIAL SEAL OF THE CITY – FIRST READING

Mayor Begos read by title.

AN ORDINANCE BY THE CITY COMMISSION OF APALACHICOLA DESIGNATING THE OFFICIAL SEAL OF APALACHICOLA, PROVIDING FOR PENALTIES FOR UNAUTHORIZED USE, STANDARDS FOR PUBLIC USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

Commissioner Grove made a motion to approve the first reading of Ordinance 2019-10 and to proceed with the adoption process. Commissioner George seconded and the motion carried 5-0.

NEW BUSINESS
B. PROFESSIONAL SERVICES – FORENSIC AUDIT

Mayor Begos stated no one submitted a RFP for the forensic audit before the submission deadline. Discussion ensued.

Commissioner Ash made a motion to re-submit the RFP and have returned to City Hall by the 16th of December. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
C. ENCROACHMENT AGREEMENT FOR LINDLEY 71 MARKET STREET

Commissioner Elliott made a motion to approve the agreement with Lindley Development, LLC. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS
D. SCIPIO CREEK MAINTENANCE MANAGEMENT AGREEMENT

Mayor Begos stated that the City Attorney will bring forth an agreement at a later date. No action is presently taken.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLACITY COMMISSION
HELD TUESDAY, APRIL 7, 2020, 6:00 PM AT THE APALACHICOLA COMMUNITY
CENTER.

PRESENT: Mayor Kevin Begos
Commissioner Brenda Ash
Commissioner Anita Grove
Commissioner Adrian Elliott
Commissioner Despina George

Chris Holley, Interim City Manager
Deborah Guillotte, City Clerk
Kristy Branch-Banks, Attorney

CALL OF ORDER

Mayor Begos called the meeting to order and Commissioner Ash gave the invocation. Council Members lead the pledge of allegiance.

APPROVE THE AGENDA

Mayor Begos requested that the Commission add the Florida Boating Improvement Program Grant Application to the Consent Agenda.

Commissioner Grove made a motion to approve the Consent Agenda, adding the Florida Boating Improvement Program Grant Application. Commissioner Elliott seconded and the motion carried 5-0.

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

Commissioner George requested a correction to the minutes of October 7, 2019, Page Two, stating (if the rules clearly state that you have to have a unanimous decision, why didn't we impress that a year ago?) Staff will listen to audio for clarification and confirmation and make correction. Commissioner George also requested a correction to the January 7, 2020 minutes under Unfinished Business – Item E, by Commissioner George stating she would like to make sure the Mill Pond Grant and credit cards are included, is incorrect, she actually said to be sure the BP settlement transactions were included. Commissioner George also stated on Page four of the January 7, 2020 minutes, under New Business – Item A, USDA Application it stated that Augusta West requested a meeting with Mayor Begos and Mr. Nalley, stating March 1st is the official deadline for applying for the USDA Grant. Commissioner George stated what Ms. West requested was permission for Apalachicola Main Street to file a grant on behalf of the City, rather than requesting a meeting.

Commissioner Ash amends the motion, to include the corrections as identified by Commissioner George.

Commissioner Ash made a motion to strike the original motion to approve the minutes. Commissioner Grove seconded and the motion carried 5-0.

Commissioner Ash made a motion to approve the January 7, 2019 regular meeting minutes, with the corrections as identified by Commissioner George and the March 17, 2020 special meeting minutes. Commissioner Grove seconded and the motion carried 5-0. Mayor Begos stated that the October 7, 2019 special meeting minutes will be on the May meeting.

MAYOR AND COMMISSIONERS REPORT AND COMMUNICATIONS

A) Pandemic Update – Mayor Begos talked about the severity of the COVID19 situation, stating we are all just waiting to see what happens in the next couple weeks.

B) Commissioners discussed the Street Signs replacements, FEMA projects, removal of backstop at the Hendels Ball Field, citizens participation at meetings, the Capital Improvement Plan, the Contract Services with EPCI, the City meetings possibly being held at the Franklin County Annex Building.

CITY MANAGER COMMUNICATIONS

A. City Manager Selection Process – Mr. Holley gave an update on the City Manager Selection Process. Mr. Holley also requested a plan of action from the Commission on proceeding with the selection and the hiring process, to be completed by the end of April. Discussion of the Commission ensued.

Mr. Holley will receive the top three candidates in writing by next Wednesday, April 15th from each Commissioner. Mr. Holley further suggests that the City Commission have a Special Meeting on Tuesday, April 28th at 3:00 PM and have phone interviews with the top three candidates for the final hiring process.

B. Finance Update – Report, Job Description, Engagement Letter for Interim Financial Services - Mr. Holley introduced Adrian Welle with Roberson and Associates, stating that the financial report completed by Mr. Welle is through February 2020. Mayor Begos requested that Mr. Welle research where the City's short falls are in water and sewer revenues, and also what is in reserve on the City's private insurance payments and the FEMA insurance payments in terms of dollars. Mr. Holley also gave an update on the Finance Director Job Description, and the Engagement letter for Interim Financial Services.

Commissioner George made a motion to approve the contract with Roberson and Associates, for accounting services and that we begin the recruitment process for a Finance Officer. Commissioner Ash seconded and the motion carried 5-0.

C. Grants Update – Langton Associates, Inc. Proposal – Mr. Holley gave a brief update on numerous ongoing grant projects. Mr. Holley stated that the Langton Associates Proposal at \$16,000 is for them to prepare four Grant Projects: (Generators - one for City Hall and one for

the Police Station, Storm Water - Drainage Improvements along Water Street and the Vacuum Pump System for Wastewater Projects in the Downtown area).

Commissioner Grove made a motion to approve the Langton Associates, Inc. Proposal. Commissioner George seconded and the motion carried 5-0.

ATTORNEY KRISTY BRANCH-BANKS COMMUNICATIONS

Attorney Banks gave an update on the USDA - Police Vehicle Grant Application, the virtual public meeting requirements, the Municode Project, the Mike Thrasher Contract Agreement for the “Boat Lift/Waives”, and the Public Water System Improvements Agreement with Inovia Engineering Services.

PUBLIC COMMENT

No Public comments.

UNFINISHED BUSINESS

A. APALACHICOLA FILL AND STORMWATER ORDINANCE 2020-03 – FIRST READING

A) Apalachicola Fill and Stormwater Ordinance 2020-03 – First Reading – Attorney Banks reviewed the Apalachicola Fill and Stormwater Ordinance 2020-03 Proposal. Commissioner Ash expressed concerns of citizen comments. Attorney Banks stated several ways that citizens can give public comments. Commissioner Elliott expressed concerns of citizens having to get engineered plans for landscaping. Attorney Banks referred to Page 13 Special Flood Hazard, Page 14 Special Flood Hazard, and Page 15 Landscaping, reviewing same.

Commissioner Grove made a motion to approve the first reading of Apalachicola Fill and Stormwater Ordinance 2020-03 and to proceed with the adoption process. Commissioner Ash seconded and the motion carried 5-0.

NEW BUSINESS

A. City Manager Job Applications – Mayor Begos stated this item was discussed earlier.

B. Manhole Replacement and Refurbishment

Commissioner Ash made a motion to award the Contract to North Florida Construction in the amount of \$582,869.24 to complete the Manhole Replacement and Refurbishment work subject to DEO Approval. Commissioner Elliott seconded and the motion carried 5-0.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 8:10 PM. Commissioner George seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

MINUTES OF THE SPECIAL MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, APRIL 21, 2020, 3:00 PM VIA ZOOM AUDIO.

PRESENT: Mayor Kevin Begos
Commissioner Brenda Ash
Commissioner Anita Grove
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 3:00 PM via Zoom Audio.

NEW BUSINESS

A. DISCUSSION OF FUTURE COVID-19 RESPONSES AND OPTIONS

Discussion of future COVID-19 responses and options by Mayor Begos and Commission, Sarah Hines, Florida Department of Health, and David Walker, George E. Weems Memorial Hospital. After discussion, Commissioner are all in agreement of creating an ADHOP task force team consisting of City and County representatives, business owners and Chamber of Commerce representatives and work toward a plan of the future re-opening of the City and its businesses.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 3:30 PM. Commissioner Grove seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

MINUTES OF THE SPECIAL MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, APRIL 28, 2020, 3:00 PM AT THE FRANKLIN COUNTY ANNEX BUILDING.

PRESENT: Mayor Kevin Begos
Commissioner Brenda Ash
Commissioner Anita Grove
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 3:00 PM.

NEW BUSINESS

A. INTERVIEWS (3)- CITY MANAGER POSITION - 45 MINUTES INTERVALS

Interviews held in person with each candidate as follows: 1)Elmon Lee Garner, and 2)Kendall Travis Wade. Interview held by skype with 3)Harold J. Emrich. Marvin J. Joss withdrew from the City Manager Position on Monday.

Commissioner Ash made a motion to accept the ranking status of Kendall Travis Wade as the first choice candidate and authorize Mr. Holley and Attorney Banks to negotiate the Contract. Commissioner Elliott seconded and the motion carried 5-0.

ADJOURNMENT

With no further business, Commissioner Elliott made a motion to adjourn the meeting at 6:10 PM. Commissioner George seconded and the motion carried 5-0.

Kevin Begos, Mayor

Deborah Guillotte, City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Public Works – Purchase of New Work Vehicle

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B
Department: Public Works
Contact: Robert Osburn - Foreman
Presenter: Robert Osburn - Foreman

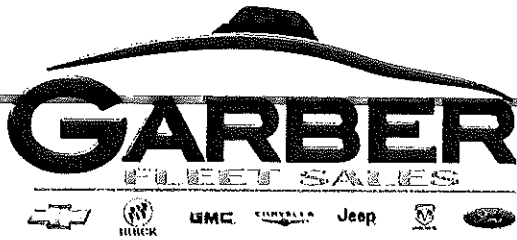
BRIEF SUMMARY: A new work truck is in the 2019-20 budget for public works and has not been purchased.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Request Approval to Purchase a 2020 Chevrolet Silverado 1500 in the amount of \$24,889.70 from State Contract.

FUNDING SOURCE: Capital Outlay Item# 1530600

ATTACHMENTS: Garber Chevrolet Fleet Sales Proposal

STAFF'S COMMENTS AND RECOMMENDATIONS:



City of Apalachicola

UBSPSC Code	25101507
Line #	23
Unit Description	CC0943

Prepared for: City of Apalachicola Prepared by: Ryan Davis

4/2/2020
 City of Apalachicola
 Attn: Robert Osburn
robertosburn@cityofapalachicola.com
 850-323-0653

Garber Chevrolet Buick GMC
 Ryan Davis
 (904) 264-2442 ext.2350 FAX: (904) 284-0054
 3340 Hwy 17 Green Cove Springs, FL 32043
rdavis@garberautomall.com cell # 904 476 2155



Prices are published by the State of Florida Department of Management Services
https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements
 Purchasing contract number is 25100000-19-1, expiring November 16, 2020 for Motor Vehicles. If you have

				Base Price
CC0943	2020 Chevrolet Silverado 1500 2WD Crew Cab 147" Work Truck			\$22,866.00
Codes	Optional Equipment	Unit Price	OEM Discount	Net Price
1WT	Work Truck Preferred Equipment Group	Included		\$0.00
L82	Engine, 5.3L EcoTec3 V8 with Active Fuel Management	1395	(\$27.90)	\$1,367.10
MYC	Transmission, 6-speed automatic	Included		\$0.00
GAZ	Summit White	Included		\$0.00
H2G	Jet Black, Vinyl seat trim	Included		\$0.00
Z82	Trailerling Package	395	(\$7.90)	\$387.10
JL1	Trailer brake controller, integrated	275	(\$5.50)	\$269.50
VK3	License plate kit, front	Included		\$0.00
T&D	Temporary Tag and Delivery	Included		\$0.00
TOTAL PURCHASE AMOUNT PER VEHICLE				\$ 24,889.70

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: City Commission - Rules of Procedure – Standing Committee Term Length

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: C
Department: City Commission
Contact: Adriane Elliott, Commissioner
Presenter: Adriane Elliott, Commissioner

BRIEF SUMMARY: To revise the term length for serving on any Standing Committee to a minimum of four (4) years unless otherwise specified, and that no Appointee shall serve more than two (2) consecutive terms on any standing committee.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the proposed term length for serving on any Standing Committee to a minimum of four (4) years unless otherwise specified, and that no Appointee shall serve more than two (2) consecutive terms on any standing committee.

FUNDING SOURCE:

ATTACHMENTS: Guidelines for Citizen Advisory Boards and Committees - Item (4)

STAFF'S COMMENTS AND RECOMMENDATIONS:

particular appointee because of his/her special expertise or knowledge; or for such other circumstances as the City Commission deems warranted.

- (i) Appointees' personal and business affairs conducted within the City of Apalachicola must be in substantial compliance with all City regulatory and taxing authorities' rules and regulations. Appointees deemed to be in chronic violation of any City rules, regulations, or policies may be disallowed from membership on citizen advisory boards or committees by a majority vote of the City Commission.
- (j) Citizen advisory boards and committees created by or in response to federal or state statutory requirements shall conduct business consistent with these guidelines unless otherwise provided for by such federal or state statutory requirements.
- (k) Citizen advisory boards and committees are required to adhere to the "Guidelines for Citizen Advisory Boards and Committees" as approved by the City Commission. These guidelines are incorporated below.

GUIDELINES FOR CITIZEN ADVISORY BOARDS AND COMMITTEES

- (1) Committees are to be designated as standing or special (ad hoc).
- (2) A sunset date will be specified for special committees when appropriate.
- (3) Transition between Members: By-laws, enacting Ordinances, guiding document, etc. will include language, which provides for members (whose terms have expired) to continue serving until the appropriate appointments are made.
- (4) Term length for serving on any standing committee will be a minimum of four (4) years unless otherwise specified (e.g. State Statute may require term lengths of less than four (4) years, board/committee enacting Ordinance provisions). No appointee shall serve more than two (2) consecutive terms on any standing committee.
- (5) Attendance:
 - (a) Reports/notices of absences are made to the board or committee Chair (or Staff liaison if the Chair is unavailable).
 - (b) The board or committee liaison will provide written notice of attendance violations to the City Commission Presiding Officer. The City Commission will be responsible for removing members who do not meet the attendance requirement.
 - (c) Absence from four (4) consecutive regular meetings of the advisory board or committee shall operate to vacate the seat of a member, unless such absence is excused by the City Commission by Resolution setting forth the fact of such excuse duly entered into the minutes.
- (6) Election of Officers: All board and committee officers (i.e. Chair, Vice Chair, etc.) shall be elected by the membership of the citizen advisory board or committee, unless otherwise specified.

City of Apalachicola
 Financial Report FY 2019/2020
 Quarter Ended March 31, 2020
 Unaudited – Intended for Management Purposes Only

GENERAL FUND AT-A-GLANCE

Category	Budget	YTD Actual	% To Date
Revenues	\$4,675,400	\$2,348,226.36	50.23%
Expenditures	\$4,675,400	\$1,421,655.97	30.41%
Revenues Over Expenditures	\$-	\$926,570.39	

GENERAL FUND REVENUES

General Fund Revenues for the month ended March FY 20 were \$2,348,226.36.

GENERAL FUND EXPENDITURES

General Fund expenditures for the month ended March FY 20 were \$1,421,655.97. The breakdown of expenses for FY 20 is: \$579,036.18 for personnel costs, \$639,076.80 in operating costs, and \$18,430.82 in capital.

Description	Fiscal Year 2020 Budget	2020 Actual	% of Budget
Revenue			
Property Taxes	\$1,407,800	\$1,132,800.39	80.47%
Other Taxes	\$565,100	\$316,012.00	55.92%
Licenses & Permits	\$120,000	\$53,466.36	44.56%
Intergovernmental Revenue	\$1,316,500	\$123,971.80	9.42%
Charges for Services	\$636,000	\$312,549.76	49.14%
Fines & Forfeitures	\$2,000	\$365.88	18.29%
Miscellaneous Revenue	\$113,000	\$131,581.34	116.44%
Project Impact	\$515,000	\$262,013.60	50.88%
Revenue Total	\$4,675,400	\$2,348,226.36	50.23%
Expense			
Personnel Services	\$1,377,500	\$579,036.18	42.04%
Operating Expenditures	\$1,392,400	\$639,076.80	45.90%
Capital Outlay Expenditures	\$1,205,000	\$18,430.82	1.53%
Debt Service	\$155,500	\$32,237.47	20.73%
Transfers	\$30,000	\$0	0.00%
Project Impact	\$515,000	\$152,874.70	29.68%
Expense Total	\$4,675,400	\$1,421,655.97	30.41%

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

Cash Account	
Revolving Loan	\$182,415
History Cultural and Arts	\$38,600
USDA Police/Fire Sinking	\$16,222
Farmers Market	\$17,535
Community Garden	\$11,966
Water Quality Project	\$13
Library Trust	\$34,135
Library Money Market	\$1,022
Library Cash	\$8,457
Firing Range	\$110
Redevelopment Trust	\$86,182
Fire Department Escrow	\$5,270
Apalachicola Bay Oyster License	\$35,578
Police/Fire Station Reserve	\$31,414
General Fund	\$1,469,295

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.

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	\$1,166,519.90	50.72%
Expenditures	\$2,300,100	\$749,272.78	32.58%
Revenues Over Expenditures	\$-	\$417,247.12	

ENTERPRISE FUND REVENUES

Enterprise Fund Revenues for the month ended March FY 20 were \$1,166,519.90.

ENTERPRISE FUND EXPENDITURES

Enterprise Fund expenditures for the month ended March FY 20 were \$749,272.78. The breakdown of expenses for FY 20 is: \$200,694.37 for personnel costs, \$322,776.84 in operating costs, and \$18,923.81 in capital.

Description	Fiscal Year 2020 Budget	2020 Actual	% of Budget
Revenue			
Water/Sewer Revenue	\$1,565,000	\$786,318.16	50.24%
Water/Sewer Fund (Taps, Late Charges, etc)	\$631,000	\$320,328.67	50.77%
Scipio Creek	\$40,000	\$26,286.42	65.72%
Battery Park Boat Basin	\$64,100	\$33,586.65	52.40%
Revenue Total	\$2,300,100	\$1,166,519.90	50.72%
Expense			
Personal Services	\$479,800	\$200,694.37	41.83%
Operating Expenditures	\$624,500	\$322,776.84	51.69%
Capital Outlay Expenditures	\$308,900	\$18,923.81	6.13%
Debt Service	\$886,900	\$206,877.76	23.33%
Transfers	\$0	\$69,807.23	
Expense Total	\$2,300,100	\$749,272.78	32.58%

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

Name of Grant	Funding Source	Total Award	Effective Date	End Date	City Contact Person
Coastal Resilience	DEP	\$52,500	8/21/2019	6/30/2020	C Cindy Clark
Historic GIS mapping - Phase II	FL Dept. of State	\$50,000	7/1/2019	6/30/2020	C Cindy Clark
Achieving Resilience Through Hazard Mitigation	NOAA Office for Co	\$60,000	8/1/2019	7/1/2020	Cindy Clark
Rural Water Asset Plan	DEP			Complete	
USDA Manhole Rehab	CDBG	\$582,869		Awarded	
Water/Wastewater Leak Study	DEP	\$100,000			
Hazard Mitigation - Vacuum Pump	DEM			Submitted	
DEO Asset Plan	DEO		6/1/20 deadline		Julie Dennis
Water Quality Filter	USDA		1 starts next week, 1 pending		
CDBG - D.R.	DEO	\$753 mil	Submitted - seclct grant consultant		
Water Loss Study	DEP		Rural Water		
Hazard Mitigation - Water Street Drainage	DEM		Submitted		
Water Street Sidewalk & Parking Improvement	USDA		Pending		
Drainage Basin Analysis	DEO		Complete		Cindy Clark
Hazard Mitigation - Generators	DEM		Submitted		

FEMIA

Water Management District/Water Quality - Ave E - FL Dept. of State
Water Street

75993	APP CERT EPM - City Wide (Oct 10 thru Nov 24)	Obligated	\$77,041.04	\$77,041.04	\$0.00	\$0.00
76039	CAT B Emergency Protective Measures Oct 7-9 and Nov 25 and beyond	Obligated	\$14,853.81	\$13,368.43	\$742.69	\$742.69
76300	Utilities broken pipes throughout city	Obligated	\$17,931.61	\$13,448.71	\$2,241.45	\$2,241.45
76291	Road signs damaged throughout the city	Obligated	\$97,217.75	\$72,913.32	\$12,152.21	\$12,152.22
76571	Handels Field- Riverfront -Splashpad	Obligated	\$49,990.31	\$37,485.24	\$6,247.53	\$6,247.54
81078	Alley Way roads - Court house sidewalk and manhole	Obligated	\$23,784.62	\$17,838.47	\$2,973.07	\$2,973.08
81077	Popham Historic Building	Pending CRC Project Development [Costing - waiting on FEMA]	\$0.00	\$0.00	\$0.00	\$0.00
79390	3 Parks with equipment and Andiers Pier Dock	Pending CRC Project Development [Costing - waiting on FEMA]	\$9,168.70	\$6,876.53	\$1,146.08	\$1,146.09
76083	Apalachicola, City Of - Center for History, Culture, and Art 1838	Pending EHP Review [Environmental review - waiting on state preservation]	\$19,231.28	\$14,423.46	\$2,403.91	\$2,403.91
75987	Apalachicola, City Of (City Hall)	Pending EHP Review [Environmental review - waiting on state preservation]	\$54,800.70	\$41,100.53	\$6,850.08	\$6,850.09
76103	Scipio park with Rec building Lafayette & Bodiford parks	Pending EHP Review [Waiting on FEMA Appendix B form]	\$692,019.62	\$519,014.72	\$86,502.45	\$86,502.45
76093	Battery Park	Pending Formulation Completion [Sent back to drawing board for re-costing - they were only offering us \$9800 for it all]	\$0.00	\$0.00	\$0.00	\$0.00
80572	Apalachicola Utilities	Pending PDMG Scope & Cost Routing [FEMA is waiting on me]	\$7,600.00	\$5,625.00	\$937.50	\$937.50
TOTAL			1,090,269.93	\$817,702.45	\$136,283.74	\$136,283.74

EMA DR4399 - Hurricane Michael - City of Apalachicola - as of April 7, 2020

CITY OF APALACHICOLA
CODE ENFORCEMENT & PERMITTING DEPARTMENT
MARCH - APRIL 2020

- Updated meeting calendar on website
- Assisted staff with tree applications and posting of utility bills (when short staffed or through lunch if needed)
- Issued 42 Permits and 3 Business Licenses since March 1st.
- I've had 2 Code Enforcement issues that have been addressed with an initial phone call to property owners and 1 that I'm in continuous contact with trying to get resolved.
- Daily tasks include answering numerous phone calls in regards to permitting, business licenses and zoning questions as well as processing permits & business licenses when required.
- Worked on Mar. & Apr. P&Z agenda/minutes.
- I had 3 records requests
- Did 3rd quarter permit fee report for Melissa

CITY OF APALACHICOLA
ADMINISTRATION DEPARTMENT
APRIL 2020

- Updated meeting calendar on website
- Complete all quarterly Payroll Reports.
- Posting and Learning New Payroll Quick Books Program
- Posted March revenues and expenses
- Assisted staff with tree applications, utility bill issues
- 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
- Completed tasks as assigned by the City Manager
- Public Records Request 1

66 work orders issued and 53 work orders completed
1969 payments processed
1979 bills processed
175 cuts-off – (not issued due to corona virus per Mayor)
Approximately 120 accounts payable checks processed

Deborah Guillotte

From: Lizzette Dearing [lizzette@gtcom.net]
Sent: Friday, May 01, 2020 9:48 AM
To: deborahguillotte@cityofapalachicola.com; Chief Varnes
Subject: corrected APD april Numbers

The month of April has brought us an unfamiliar way of day to day duties. The office is closed but for calls and appointments only and our normal duties have definitely been altered. The number of Traffic Stops have increased due to not only stopping and checking out of state tags for quarantine purposes, but also, we stepped up checking golf carts in the community to make sure they were all legal with up to date City permits. Patrol of and checks of businesses have also increased due to several stores being closed and/or partially open. Over all our numbers are up in the right places, and down in the places we want to see. Despite the quarantine, officers were able to be out in our community assisting those that are helping others. Lt. Lewis assisted by escorting Project Impacts motorcade to drive by the homes of the children that are unable to attend Project Impact at this time. Sgt. Richards assisted in a food drive put on by Tabernacle of Faith International Ministries. Most likely, due to stay at home orders, our gun range membership is still at 41 members.

April 2020	Totals
Traffic Stops/ Warnings/ citations	63
Arrests/ Warrant Requests	3
Traffic Accidents	3
Burglary/Theft calls	8
Assist Citizens/ Complaints/investigations	328
Trespass Warnings/agreements	6
Business alarm calls/building checks/welfare checks	531
assist county call/other agencies	23

Domestic cases involving
violence/disturbance calls

3

Total calls from dispatch

968

City of Apalachicola public works monthly report

April 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.

Serviced 1 vehicles

Serviced and replaced brakes on water/sewer vehicle.

We collected 152 bags of trash from down town and public parks.

We have cut our routine main roads parks and cemeteries.

We have had 2 funerals open and close

We completed 8 work orders.

I meet with dewberry engineering concerning the construction on docks and piers.

Greg and I meet with city lawyer on 7th st. concerning storm water runoff in alley.

We cut back on 14th st. ave h around stop sign for safety reasons.

Removed limb from behind 195 ave e.

Contacted gun heat and air to repair air condition at holy family.

Signed. Robert osburn

Water and Wastewater Department

.

.

Water Plant

- . We treated 11,120,000 gal of drinking water
- . Did hydrant flushing and chlorine residual tracking on most of the distribution system
- . 4/18/20 Started the peroxide test

.

.

Wastewater Plant

- . We treated 7,560,000 gal of wastewater
- . Cleaned the screens and probes on the in-line PH , Chlorine meters
- . Changed the oil and greased the back wash pump for Disc filter

.

.

Distribution and Collections

- . We did one water tap and sewer tap
- . Completed 32 work orders from City Hall
- . Repaired 4 small water leaks
- . Worked on Preventative maintenance for the Vac. System collections while doing training on the system
- .Handled 16 after hours call outs

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Apalachicola Fill and Stormwater Ordinance 2020-03 – Public Hearing and Second Reading

AGENDA INFORMATION:

Agenda Location: Public Hearing and Unfinished Business
Item Number: A
Department: Administration
Contact: Kristy Banks, City Attorney
Presenter: Kristy Banks, City Attorney

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 Adopt Apalachicola Fill and Stormwater Ordinance 2020-03.

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.

CITY OF APALACHICOLA

Ordinance 2020-03

AN ORDINANCE AMENDING AND MODIFYING ORDINANCE 91-7 LAND DEVELOPMENT CODE; MODIFYING CHAPTER II DEFINITIONS; REPEALING AND REPLACING CHAPTER VII SITE PLAN REVIEW REGULATIONS; REPEALING, REPLACING, AND ADDING TO CHAPTER VIII STORMWATER MANAGEMENT PLANS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Apalachicola Fill and Stormwater Ordinance

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; and

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; and

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; and

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

Whereas, after public workshops and obtaining citizen input, the Apalachicola Planning and Zoning Board and Apalachicola City Commission deem it necessary to revise the above referenced sections of the Land Development Code as referenced herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE REVISIONS RELATING THE THE ABOVE REFERENCED SECTIONS OF THE LAND DEVELOPMENT CODE:

SECTION 1: LAND DEVELOPMENT CODE, SECTION II, LANGUAGE AND DEFINITIONS
ADDITIONS AND REVISIONS

This ordinance amends or replaces definitions within Section II, Language and 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.

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.

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.

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.

SECTION 2: LAND DEVELOPMENT CODE, SECTION VII, SITE PLAN REVIEW REGULATIONS

This ordinance repeals and replaces Chapter VII, Site Plan Review Regulations, as follows:

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.
 - a. 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 Building Department shall inform the applicant of any information require 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.

- a. Based upon the infomrationcontained in the site plan application, the Planning and Zoning Board 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 within the City Commission.

5. Construction.

- a. Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site regularions. Deviation from the approved site plan shall require the submission of an application for a revised site plan.

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.

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 .
 - 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

- 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.
 - 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
- f. 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.

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

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.

SECTION 3: LAND DEVELOPMENT CODE, SECTION VIII, STORMWATER MANAGEMENT PLANS

This ordinance repeals and replaces Chapter VIII, Stormwater Management Plans, as follows:

A. City Requirements

1. Certain types of residential and commercial development 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 the City Standards may be found online at cityofapalachicola.com/building.Dept.cfm.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Direct connection between building gutters and downspouts and onsite stormwater systems into the City's stormwater conveyances is not allowe.
3. Stormwater Best management practices (BMP's)
 - a. Stormwater impacts shall be minimized by using site-suitable BMP's that maximize infiltration of stormwater and prevent or minimize offsite discharge. 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.

- b. 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.
- c. Best Management Practice methods may be in required open spaces.
- d. 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.
- c. 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.
- d. No new untreated point sources of discharge will be permitted.

5. 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, of the storm water system.

6. 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.

B. 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).

Fill involving more than 10 cubic yards: Fill or lot grading involving more than the deposition of 10 cubic yards of fill shall require 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 runoff 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.

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.

C. 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.

D. 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 4: 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 5: 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 6: 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.

SECTION 7: REPEAL AND REPLACE

All ordinance or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

READ AND ADOPTED in Regular Session this 5th day of May, 2020

VOTING YAE: _____

VOTING NAY: _____

FOR THE CITY COMMISSION OF THE CITY OF APALACHICOLA FLORIDA

Kevin Begos, Mayor _____

Chris Holley, City Manager _____

APPROVED AS TO FORM: Kristy Branch Banks, Attorney _____

ATTEST, Deborah Guillotte, City Clerk _____

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Ordinance 2020-04 - Re-codification of City of Apalachicola Code of Ordinances – Public Hearing and Second Reading

AGENDA INFORMATION:

Agenda Location: Public Hearing and Unfinished Business
Item Number: B
Department: Administration
Contact: Kristy Banks, City Attorney
Presenter: Kristy Banks, City Attorney

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 Adopt Ordinance 2020-04 Re-codification of the City of Apalachicola Code of Ordinances.

FUNDING SOURCE: NA

ATTACHMENTS: Ordinance 2020-03 – Re-codification of the City of Apalachicola Code of Ordinances.

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.

ORDINANCE NO. 2020-04

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COMMISSION:

Section 1. The Code entitled "Code of Ordinances, City of Apalachicola, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 115, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 2, 2018, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a of not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be, by the city, abated as provided by law, and

each day that such condition continues shall be regarded as a new and separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 2, 2018, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately upon final adoption.

This Ordinance was read and adopted on _____, 2019. Motion to adopt ordinance made by Commissioner _____, second by Commissioner _____.

Voting Aye:

Voting Nay:

FOR THE CITY COMMISSION OF
THE CITY OF APALACHICOLA

Kevin Begos, Mayor

ATTEST:

Deborah Guillotte, City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Forensic Examination Report

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C
Department: Administration
Contact: Ralph Roberson
Presenter: Ralph Roberson

BRIEF SUMMARY:

Roberson & Associates will present findings from their forensic examination of selected City transactions.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Presentation of the Forensic Audit and discussion of whether to expand the forensic examination into other areas.

FUNDING SOURCE:

ATTACHMENTS: Forensic Report

STAFF'S COMMENTS AND RECOMMENDATIONS:

Vance CPA, LLC

Certified Public Accountant

219-B Avenue E

Apalachicola, FL 32320

Tel. (706) 278-1221 • Fax (866) 406-7422

April 30, 2020

Mayor Kevin Begos
City of Apalachicola
Apalachicola, Florida 32320

We respectfully submit the following summary of the findings regarding our examination of documents review of various records related to the areas specified in the RFP. In addition to our findings we also offer our recommendations.

Credit Cards

We examined each credit card statement for the twelve different cards in existence from October 2014 to September 2017. For every charge on each statement we reviewed any available documentation.

We found 1,106 instances where the expenditure was not supported by adequate documentation. In most cases there was no documentation for those purchases.

We found 309 meal purchases with either inadequate or no documentation as to purpose or who was present at the meal.

We found 99 instances where sales tax was paid on purchases.

We found 25 instances of fuel purchases with no evidence the fuel was used in city vehicles.

The issuance and use of credit cards was not properly controlled. We found no agreements or policy regarding the issuance or use of credit cards, the consequence of not providing adequate documentation for purchase or purchases for personal expenditures. In addition it is impossible to properly attribute an expenditure to the correct fund or expense account without proper documentation.

The City should adopt policies not only for credit card issuance and use, but a policy regarding disbursements without proper documentation and paying needless sales taxes. Prior to any credit card issuance, any employee assigned a credit card should agree to repay the City for any purchases not properly documented

Any meal purchases should include all documentation required to substantiate the legal purpose and the individuals for which a meal was furnished. IRS rules may require certain reimbursed employee expenses to be included as taxable income. A procedure should be implemented to assure compliance with these requirements.

Travel and meal allowance policies should be such to insure any meals charged to credit cards are not included in any reimbursements.

Any credit card charge for vehicle fuel should be evidenced by a receipt showing place of purchase, gallons purchased, price per gallon and total sale price. The City vehicle identification number and mileage should be written upon the receipt along with the name of the purchaser.

Insurance Policies

We found inadequate records of city vehicles and related insurance coverages to provide any analysis of vehicles having proper coverage, whether coverage on vehicles no longer in use was properly cancelled, or other detailed findings.

We did find no policies existed during this period for the maintenance of schedule of capital assets or documentation/review of insurance coverages.

The City should adopt a policy and procedure wherein any time a vehicle is added or removed from service a designated official update the insurance coverage. Documentation of such additions and removals should be maintained and all procedures should be reviewed by management personnel on a routine basis.

The City should also adopt a policy whereby all property over a fixed threshold is recorded and maintain to insure safeguarding of City assets. The accounting system should include a procedure to identify such assets and include the asset in the fixed asset listing. All city moveable capital assets should be assigned to one particular individual to insure responsibility for the asset is clearly fixed.

The City should have an annual inventory of all capital assets.

State Revolving Loan Fund

No documentation could be produced regarding the state revolving loan project or the related escrow account. We were told by the City Manager and city personnel the documentation was present in City Hall prior to our engagement but was now missing.

We did discuss the project and the escrow fund established and restricted by the State of Florida to assist with the debt service of the loan with the accounting staff present during the 2014 to 2017 time period. In addition we reviewed the financial information relative to the escrow funds and the transfers from the utility fund to the general fund.

Each year the City was allowed by the State of Florida to use a portion of the fund each year to assist with debt service for the state revolving fund loan.

Each year the City budgeted a transfer from the Utility Fund to the General Fund a transfer reimbursing the City for a portion of expenses paid by the general fund for utility fund expenses. According to accounting staff present at that time these transfers were not related to the escrow account.

	Utility Transfer to General
2012	62,565
2013	63,000
2014	110,000
2015	133,500
2016	120,000
2017	6,689
2018	77,053

Scipio Creek Improvement Grant Project

We reviewed the documentation present at City Hall regarding both the Scipio Creek Boat Basin Improvements project and the Scipio Creek Haul Out Improvements project. We found a large number of documents related to the projects missing. The documents we did find were related only to the 2014 year projects.

We examined the draw requests and the related payments when available. The requests we did examine were approved by the engineers and the grant manager as well as appropriate city personnel.

We found no draw requests or approvals for any expenditures related to the Scipio Creek Haul Out project. The only documents relating to the cost of the project was a copy of the checks used to disburse funds to the contractors.

We were tasked with reviewing the cost overrun for the project but we were unable to locate any documentation regarding the reason for the cost overrun from the original contract. The additional cost was financed with funds from the State Revolving Loan Fund escrow account as approved by the City Commission.

BP Resolution Settlement Projects

BP Resolution - Settlement Projects

Per Settlement Agreement	\$	1,000,000.00	7/7/2015
Attorney Fees (netted from settlement)	\$	264,342.51	
Cash Receipt - Colson Hicks Eidson	\$	735,657.49	8/31/2015
Cash Receipt - Colson Hicks Eidson		959.03	1/6/2016
Amount Available - Received	\$	736,616.52	

<u>Project Name</u>	<u>Budget</u>	<u>Expenses</u>	<u>Variance</u>
Water Treatment Plant Filter (TTHM)	\$ 270,000.00	\$ 234,009.63	\$ 35,990.37
Ellis Vanvleet Sewer Manhole Restoration	150,000.00	262,140.00	(112,140.00)
Ordinance Codification	20,000.00	11,171.30	8,828.70
Police Department Firing Range	25,000.00	15,987.33	9,012.67
Housing Match (Restoration Millworker Houses)	100,000.00	10,000.00	90,000.00
Main Street	50,000.00	43,750.00	6,250.00
Battery Park Playground	50,000.00	53,539.72	(3,539.72)
Maintenance Projects	75,000.00	78,223.02	(3,223.02)
Total	\$ 740,000.00	\$ 708,821.00	\$ 31,179.00

Note> Updated as of May 8, 2018 for all projects, except TTHM updated as of September 26, 2019.

Prevalent Underlying Issues

As part of the project we reviewed the 2012 – 2018 financial statements of the City.

The City budget has had consistent material negative variances, typically with expenditures and debt service grossly under budgeted. The lack of control of credit cards and related expenditures is an example of the City not establishing adequate control over spending. It is also an example, as is the budgeting, that top management (Mayor and Commission) did not set the expectation that fiscal responsibility was an important function of the City Government.

The failure of the City to maintain the debt service coverage required by bond indentures is another example of poor financial oversight. The findings of the City's deteriorating financial condition noted in the 2016 – 2018 financials indicate City management did not control of the City finances, at least through 2018.

It is not surprising documentation for the areas mentioned above was missing. The culture of the City regarding financial accountability was one of neglect. In today's business world most governments and businesses maintain electronic records rather than paper archives. The City fails to properly secure and maintain important records. With a minimal cost of equipment and staff time any citizen could carry ten years of the City's accounting records in one hand.

In reviewing the current makeup of the City staff a glaring lack of accounting expertise is evident. The clerical staff has no guidance in accounting and financial matters. The City lacks expertise in this area at the management level. In order to correct the financial issues the City must have current and correct financial reporting for day to day activities and for the strategic planning to solve the serious financial problem the City now finds itself.

Our recommendation is the City hire an experienced certified public accountant with significant governmental experience in a permanent position as finance manager. We also recommend the City implement the policies and procedures required in order to maintain proper and timely accounting records and reporting as well to comply with existing Florida law.

At each meeting the City Commission should receive, at a minimum, a budget to actual comparison for the current month and year to date. Any negative budget variance should be addressed and the budget amended throughout the year. All debt service payments, capital expenditures, loan borrowings, and fund transfers should be approved with the budget adjusted before being made.

No City money should ever be expended without proper authorization and documentation.

Very truly yours,

Vance CPA LLC

Vance CPA LLC

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: COVID 19 Options

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: D
Department: City Commission
Contact: Kevin Begos, Mayor
Presenter: Kevin Begos, Mayor

BRIEF SUMMARY:

The Governor and White House have issued re-opening guidelines. The City must decide whether to continue existing lodging and boat ramp restrictions, and consider new possible responses to help businesses recover and protect public health.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Discussion of options to open up our economy and possible vote.

- Outside Dining

FUNDING SOURCE:

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS:

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020

SUBJECT: Proposal to prepare plans and specs to bid repair work and manage the project for City Docks and Piers.

AGENDA INFORMATION:

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

BRIEF SUMMARY: Hurricane Michael damaged most of the City's Docks and Piers, therefore, repair work is necessary and timely with FEMA funding and insurance pending.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve Task Orders with Dewberry Engineering to Prepare Bid Documents and Manage Projects.

FUNDING SOURCE: FEMA/Insurance

ATTACHMENTS: Proposals

STAFF'S COMMENTS AND RECOMMENDATIONS:



Dewberry Engineers Inc. | 850.227.7200
 324 Marina Drive | 850.227.7215 fax
 Port Saint Joe, FL 32466 | www.dewberry.com

April 30, 2020

Mr. Kevin Begos, Mayor
 City of Apalachicola
 192 Coach Wagoner Blvd.
 Apalachicola, FL 32320

RE: Battery Park – Anders Pier
 Hurricane Michael Damages
 Professional Services Proposal

Dear Mr. Begos,

Dewberry Engineers Inc. (DEI) is pleased to provide this proposal for professional services. It is our understanding the City intends to repair the damages from Hurricane Michael to the Anders pier at Battery Park. The 6' wide section is approximately 120 linear feet and the 8' wide section is approximately 230 linear feet. The pier consists of timber piles, joists, timber decking, and composite decking. It appears a majority of the timber piles and cross braces are still intact and do not need to be replaced. DEI proposes to perform the following services for this project.

- | | |
|---|-------------------------------------|
| <p>A. DESIGN</p> <ol style="list-style-type: none"> 1. Conduct site visit to determine the extents of damage to the existing pilings, joists, decking, handrails, etc. 2. Prepare a demolition plan 3. Develop structural details to repair the 6' wide, 8' wide' and 3' wide finger pier sections to pre storm conditions 4. Prepare construction plans, details, sections, and specifications necessary for bidding 5. Submit 100% plans and specifications to the City for approval 6. Assist the City in advertising the construction project by distributing the Contract Documents to interested bidders, maintain a list of plan holders, and issue Addendums if necessary <p>B. CONSTRUCTION ENGINEERING/INSPECTION</p> <ol style="list-style-type: none"> 1. Review bids and make recommendation of award 2. Attend pre construction meeting 3. Attend progress meetings as necessary at the project site with the project team including the Contractor, City, and DEI staff 4. Provide periodic onsite construction observation services (approx. 36 hours) from Notice to Proceed to Final Completion 5. Provide site visit reports including photographs documenting DEI's observations 6. Review and approve or take other appropriate action in respect to Shop Drawings, Samples, and other data which the Contractor is required to submit for conformance with the information given in the Contract Documents 7. Review and approve Contractor's monthly pay requests 8. Conduct a site visit and generate a punch list to determine if the Work is substantially complete and conduct a final site visit to determine if the completed Work of the Contractor is generally in accordance with the Contract Documents and the final punch list | <p>\$6,050.00</p> <p>\$4,295.00</p> |
|---|-------------------------------------|

TOTAL PROPOSED FEE: \$10,345.00

We appreciate the opportunity to provide engineering services for City of Apalachicola. If this proposal is acceptable, please sign the space provided below. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

Accepted By: _____

Clay Smallwood, P.E.
 Project Manager

Date: _____

K:\219.000 City of Apalachicola\Proposal\043020 Battery Park - Anders Pier.docx



Dewberry Engineers Inc. | 850.227.7200
 324 Marina Drive | 850.227.7215 fax
 Port Saint Joe, FL 32456 | www.dewberry.com

April 30, 2020

Mr. Kevin Begos, Mayor
 City of Apalachicola
 192 Coach Wagoner Blvd.
 Apalachicola, FL 32320

RE: Battery Park – V Pier
 Hurricane Michael Damages
 Professional Services Proposal

Dear Mr. Begos,

Dewberry Engineers Inc. (DEI) is pleased to provide this proposal for professional services. It is our understanding the City intends to repair the damages from Hurricane Michael to the V shaped pier at Battery Park. The overall pier length is approximately 850 linear feet and consists of timber piles, joists, decking, and handrails need to be replaced. FEMA estimated 55% of this pier is damaged but this needs to be confirmed. DEI proposes to perform the following services for this project.

- | | |
|--|---------------------------|
| <p>A. DESIGN</p> <ol style="list-style-type: none"> 1. Conduct site visit to determine the extents of damage to the existing pilings, joists, decking, handrails, etc. 2. Prepare a demolition plan 3. Develop structural details to repair the pier to pre storm conditions 4. Prepare construction plans, details, sections, and specifications necessary for bidding 5. Submit 100% plans and specifications to the City for approval 6. Assist the City in advertising the construction project by distributing the Contract Documents to interested bidders, maintain a list of plan holders, and issue Addendums if necessary | <p>\$11,450.00</p> |
| <p>B. CONSTRUCTION ENGINEERING/INSPECTION</p> <ol style="list-style-type: none"> 1. Review bids and make recommendation of award 2. Attend pre construction meeting 3. Attend progress meetings as necessary at the project site with the project team including the Contractor, City, and DEI staff 4. Provide periodic onsite construction observation services (approx. 36 hours) from Notice to Proceed to Final Completion 5. Provide site visit reports including photographs documenting DEI's observations 6. Review and approve or take other appropriate action in respect to Shop Drawings, Samples, and other data which the Contractor is required to submit for conformance with the information given in the Contract Documents 7. Review and approve Contractor's monthly pay requests 8. Conduct a site visit and generate a punch list to determine if the Work is substantially complete and conduct a final site visit to determine if the completed Work of the Contractor is generally in accordance with the Contract Documents and the final punch list | <p>\$4,295.00</p> |

TOTAL PROPOSED FEE: \$15,745.00

We appreciate the opportunity to provide engineering services for City of Apalachicola. If this proposal is acceptable, please sign the space provided below. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

Clay Smallwood, P.E.
 Project Manager

Accepted By: _____

Date: _____



Dewberry Engineers Inc. | 850.227.7200
 324 Marina Drive | 850.227.7215 fax
 Port Saint Joe, FL 32456 | www.dewberry.com

April 30, 2020

Mr. Kevin Begos, Mayor
 City of Apalachicola
 192 Coach Wagoner Blvd.
 Apalachicola, FL 32320

RE: Lafayette Park Pier
 Hurricane Michael Damages
 Professional Services Proposal

Dear Mr. Begos,

Dewberry Engineers Inc. (DEI) is pleased to provide this proposal for professional services. It is our understanding the City intends to repair the damages from Hurricane Michael to the Lafayette Park Pier. Approximately 420 linear feet of timber joists, decking, and handrails need to be replaced. The concrete piles and caps appear to be structurally sufficient and do not need to be replaced. DEI proposes to perform the following services for this project.

- | | |
|---|-------------------------------------|
| <p>A. DESIGN</p> <ol style="list-style-type: none"> 1. Develop structural details to match the style of decking and handrails on the undamaged portion of the pier 2. Prepare construction plans, details, sections, and specifications necessary for bidding 3. Submit 100% plans and specifications to the City for approval 4. Assist the City in advertising the construction project by distributing the Contract Documents to interested bidders, maintain a list of plan holders, and issue Addendums if necessary <p>B. CONSTRUCTION ENGINEERING/INSPECTION</p> <ol style="list-style-type: none"> 1. Review bids and make recommendation of award 2. Attend pre construction meeting 3. Attend progress meetings as necessary at the project site with the project team including the Contractor, City, and DEI staff 4. Provide periodic onsite construction observation services (approx. 52 hours) from Notice to Proceed to Final Completion 5. Provide site visit reports including photographs documenting DEI's observations 6. Review and approve or take other appropriate action in respect to Shop Drawings, Samples, and other data which the Contractor is required to submit for conformance with the information given in the Contract Documents 7. Review and approve Contractor's monthly pay requests 8. Conduct a site visit and generate a punch list to determine if the Work is substantially complete and conduct a final site visit to determine if the completed Work of the Contractor is generally in accordance with the Contract Documents and the final punch list | <p>\$6,050.00</p> <p>\$5,815.00</p> |
|---|-------------------------------------|

TOTAL PROPOSED FEE: \$11,865.00

We appreciate the opportunity to provide engineering services for City of Apalachicola. If this proposal is acceptable, please sign the space provided below. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

Clay Smallwood, P.E.
 Project Manager

Accepted By: _____

Date: _____

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Resolution 2020-09 to Begin City Inventory System

AGENDA INFORMATION

Agenda Location: New Business
Item Number: B
Department: City Commission
Contact: Kevin Begos, Mayor
Presenter: Kevin Begos, Mayor

BRIEF SUMMARY:

For several years auditors have warned that the City of Apalachicola does not have an accurate inventory of equipment. This Resolution directs all City Departments to immediately begin implementing an Inventory system, starting with FY 2019/20 new equipment purchases, and then adding prior year purchases of all items that cost more than \$50.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Pass the Resolution creating an Inventory System

FUNDING SOURCE:

ATTACHMENTS: Resolution 2020-09 Inventory List

STAFF'S COMMENTS AND RECOMMENDATIONS:

CITY OF APALACHICOLA RESOLUTION 2020-08

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, REGARDING THE CREATION OF A CITY INVENTORY SYSTEM.

WHEREAS, any well-run business or City needs an accurate inventory of vehicles, computers, and other tangible items to manage operations and finances, and;

WHEREAS, for several years auditors have warned the City of Apalachicola that it does not have an accurate inventory of equipment, and;

WHEREAS, the City of Apalachicola has still failed to start an inventory of new purchases;

NOW THEREFORE, BE IT RESOLVED by the City of Apalachicola, that:

1. All City Departments shall immediately begin implementing an Inventory system, starting with FY 2019/20 new equipment purchases, and then adding prior year purchases of all items that cost more than \$50.

INTRODUCED and adopted this 5th day of May, 2020.

FOR THE CITY COMMISSION OF THE CITY
OF APALACHICOLA, FLORIDA

Kevin Begos, Mayor

ATTEST:

Deborah Guillotte, Secretary

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Contractual Agreement for City Manager

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: City Commission
Contact: Chris Holley, Interim City Manager & Kristy Banks, City Attorney
Presenter: Chris Holley, Interim City Manager & Kristy Banks, City Attorney

BRIEF SUMMARY: Review and finalize proposed terms for Employment Agreement between the City of Apalachicola and candidate for City Manager, Kendall Travis Wade.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve, with or without further modification, proposed Employment Agreement containing terms tentatively negotiated between Interim City Manager, City Attorney, and the City Commission's candidate designated in first position as potential new City Manager.

FUNDING SOURCE: General Budget.

STAFF'S COMMENTS AND RECOMMENDATIONS: Interim City Manager and City Attorney recommend approval of the proposed Agreement.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 5, 2020**

SUBJECT: Apalachicola for History, Culture and Art (HCA) Grant Request

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Administration
Contact: Chris Holley, City Manager
Presenter: Chris Holley, City Manager

BRIEF SUMMARY: The Apalachicola Center for HCA requests permission to apply for the Department of State Division of Historical Resources Special Category Grant in the amount of \$250,000. This grant is for the restoration of the HCA building which includes roofing, painting, windows, doors, elevator installation and flood mitigation. Merrill Livingston, HCA Director will be administering this grant. The cash match requested is \$5,000 or less.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To request approval to apply and submit the grant application for \$250,000 for restoration of the HCA building, with a cash match of \$5,000 or less.

FUNDING SOURCE: Dept. of State Division of Historical Resources

ATTACHMENTS: HCA Grant Application

STAFF'S COMMENTS AND RECOMMENDATIONS:

City of Apalachicola

Project Title:

A. Organization Information Page 1 of 9

Applicant Information

- a. **Organization Name:** City of Apalachicola
- b. **FEID:** 59-6000264
- c. **Phone number:** 850.653.8436
- d. **Principal Address:** 1 Avenue E Apalachicola, 32320
- e. **Mailing Address:** 1 Avenue E Apalachicola, 32320
- f. **Website:** <https://www.cityofapalachicola.com/>
- g. **Organization Type:** Municipal Government
- h. **Organization Category:** Government: Other
- i. **County:** Franklin
- j. **DUNS number:** 02-4717639
- k. **Fiscal Year End Date:**

Designated Project Contact *

First Name

Last Name

Phone

Email

Authorized Official *

First Name

Last Name

Phone

Email

Applicant Grant Experience and History

Has the applicant received previous grant assistance within the past five years from any source? *

 Yes

 No

If yes, for each grant specify the year of the grant award, grant number, grant project name, the granting entity, the grant award amount, and its current status. Make sure to include any grants awarded by the Division or other State grants.

#	Grant Project Name	Granting Entity	Grant Program	Grant Request Amount	Date of Current Application Status
---	--------------------	-----------------	---------------	----------------------	------------------------------------

Has the applicant applied for additional grant assistance from other State or Federal funding sources, including from other divisions of the Department of State, for the same Scope of Work activities within the same fiscal year?

 Yes

 No

If yes, for each application specify the grant project name, the granting entity, the grant program, the grant request amount, date of application, and its current status.

#	Previous Grant Year	Previous Grant Number.	Previous Grant Project Name	Previous Granting Entity	Previous Open/Closed Grant Amount
---	---------------------	------------------------	-----------------------------	--------------------------	-----------------------------------

Proposed Project Team *

Name Project Role Title Email Phone/Ext.

Applicant staffing and hours *

Select the option that best describes your organization.

- Organization is open at least 40 hours per week and has at least one paid staff member in a management position
- Organization has some paid staff but they are not full-time
- Organization is open part-time and has volunteer staff

B. Project Information Page 2 of 9

Project Type *

Select the project type for which grant funds are requested. If you are unsure of which type to select, please refer to the definition beneath each project type.

 Development Projects

Development activities geared at preservation of properties open to the public, including: restoration, rehabilitation, reconstruction, and site-specific planning required for these activities Exception: Activities on religious properties are limited to building exterior envelope, excluding accessibility upgrades, and structural elements of the building.

 Archaeological Research Projects

Archaeological research projects including: research and field investigations tied to large area surveys or excavation, analysis and publication of findings.

 Museum Exhibit Projects

Museum exhibit projects for Florida history museums, including: research of exhibit content, exhibit design, fabrication, and installation.

 Acquisition Projects

Acquisition of a single historic property or archaeological site, or group of such, in which all the resources have the same owner. For archaeological sites, an exception to the single owner provision may be made if the archaeological site extends on land that is contiguous, but owned by different property owners.

Project Title and Location Information

The title should reflect the name of the property, site, area, museum, or exhibit, and the goals of the proposed project. The title should be consistent with previous applications/awards. (For example, Smith House Rehabilitation, South Mill Archaeological Excavation, etc.)

Project Title - 250 characters maximum *

Name of Property (if applicable)

Street Address (primary location where the proposed project will be carried out) - 250 characters maximum

City (location of the proposed project) - 250 characters maximum *

Primary County (location of the proposed project) Not Selected

C. Historical Significance Page 3 of 9

Historical Designation

Indicate the type of historical designation currently held by the historic resource(s) that are the subject of the project, if any. For properties or sites that have been listed in the National Register or are contributing properties or sites within a National Register District, provide the date that the property, site or district was listed. Should you have questions regarding the National Register status of a property or site, contact the Division's National Register Staff at 1.800.847.7278 or 850.245.6300.

Type of Historical Designation *

Historical Designation details

Property Name Date Designated

Historical Significance

Explain the historic significance of the property, site, or resource(s) that is the subject of the proposed project - (Maximum characters 1500.)

For Historic Structures and Archaeological Sites, enter the Florida Master Site File (FMSF) Number (ex. 8ES1234). For Multiple site forms, just separate with a semicolon (;). If no FMSF form exists, applicants may be required to complete one as part of the requirements in a grant award agreement.

For Historic Property, Indicate Year of the Original Construction (enter Year only)

For Historic Property, Date(s) and Description of Major Alterations - (Maximum characters 300.)

Indicate Current Use of Historic Property and Proposed Use - (Maximum characters 300)

For Archaeological Sites, provide the Cultural Affiliation of the Site and Dates of Use or Occupation - (Maximum characters 300.)

D. Project Specifics Page 4 of 9

Scope of Work - (Maximum characters 5000) *

In the space provided below, briefly describe the scope of work for the project for which funding is requested. List the work items that will be completed during the grant period using the funds requested and the required match.

Tentative Project Timeline (remember this is a 24 month grant period) *

Please specify the start and end month and year below; indicate all major elements of the project for which funding assistance is requested, the anticipated time required to complete each element, and the planned sequence of these activities. Grants, if awarded, will begin July 1 of the year funds are appropriated. **Projects should be completed within 24 months.**

Work Item Starting Date Ending Date

Does the proposed project entail a partnership with any other local entity?

Yes

No

If yes, describe their participation to date and anticipated further participation in this project.

Demonstrated Need - (Maximum characters 1500.)

Discuss the demonstrated need for the proposed project or activity, as it relates to the preservation of the history of Florida and/or its historical and archaeological resources, including any immediate threats to the historical property/ies, historic resources or materials, archaeological sites or historical information that is the subject of the proposed project. Documentation material, such as newspaper articles, are to be uploaded in the Support Materials section of this application.

E. Budget and Match Page 5 of 9

Rural Economic Development Initiative (REDI) Reduction of Match Requirements

Applicants with projects located in counties or communities that have been designated as a rural community in accordance with Section 267.0617, Florida Statutes, may request a may request a reduction of match to 25% of the requested amount. (State agencies, state colleges, and state universities are not eligible for a REDI match reduction, regardless of project location.)

Are you requesting a reduction?

Are you requesting a reduction?

Is my project in a REDI Community?

Yes

No

Are you a state agency, state college, or state university?

Yes

No

Project Budget and Match

Grant Funds Requested

Total Match Amount

Total Project Budget

Additional Budget Information/Clarification - (Maximum characters 2500.)

Use this space to provide additional detail or information about the proposal budget as needed. For example, where the relationship between items in the budget and the objectives of the proposed project may not be obvious, provide clarification regarding the necessity for or contribution of those work items to the successful completion of the project.

Completed Project Activities.

Activity Description Date Completed Cost Value

Operating Forecast - (Maximum characters 500.)

Describe source(s) of funding for necessary maintenance, program support, and/or additional expenses warranted to sustain the proposed project after the grant period.

F. Property Information Page 6 of 9

Property Ownership.

Enter name of the Property Owner and choose the appropriate owner type. If applicant is not the owner of the property, the applicant must secure Property Owner concurrence. The applicant shall provide a letter from the Property Owner that documents that the applicant has the permission of the Property Owner of record to conduct the proposed project on the owner's property and that the Property Owner is in concurrence with this application for grant funding. This letter shall be uploaded in the Support Materials section of this application. If the property for which grant funding is requested is leased by the Applicant Organization, the lease agreement must be dated, signed and submitted at the time of the application submission, with the required Owner Concurrence Letter attachment to the application.

Does your organization own the property?

Yes

No

Property Owner

Type of Ownership

Non-Profit Organization

Private Individual or For-Profit Entity

Note: Properties owned by private individuals or for-profit entities are not eligible for grant funding with the exception of Acquisition projects and site-specific Archaeological Research projects being undertaken by an eligible applicant organization. For Acquisition projects in which the current owner is a private individual or a for-profit entity, the owner must provide a signed commitment to donate or sell the property to the applicant. Donation or sale must occur during the grant period.

Governmental Agency

G. Protection and Impact Page 7 of 9

Local Protection

Indicate the level(s) of local protection currently afforded the project historic property or site and upload a copy of the local protection documents in the Support Materials section of this application.

Local Protection Level(s). *

Annual Visitation

What is the estimated or anticipated Annual Visitation for the project property or site?

0

What is the basis of these estimates? - (Maximum characters 200.)

Anticipated Economic Impact - (Maximum characters 1500.)

Explain the direct economic impact this project will have on the surrounding community. Include any information regarding number of jobs it will provide, if known.

Benefit to Minorities and the Disabled - (Maximum characters 1500.)

Describe any direct benefit the project will have on minority groups and/or the disabled. Include any alterations to the site that will make the site more accessible to the public. If project includes media content, describe accessibility methods to be used (e.g. voice over, closed captioning, etc.)

Educational Benefits and Public Awareness - (Maximum characters 1500.)

Explain how the proposed project will educate the public on issues related to historic preservation, Florida history and/or heritage preservation.

H. Support Materials Page 8 of 9

Non-Profit Status

Substitute W-9 Form

(available at DFS website <https://flvendor.myfloridacfo.com>)

Documentation of Confirmed Match

Consult the program Guidelines for suitable documentation evidencing match (Flheritage.com/grants)

Letters of Support

Photographs

Photographs are used to further inform Panelists and should relate to the proposed project, depicting the associated property, site, resources, or collection in its current state. Historical images are also welcome.

Representative Image

Upload a single representative image of the property or project to be used in the application review meeting that conveys the theme or purpose of the proposed project. For projects directed at historic properties or sites, this should be a recent image of the front of the building or site.

Architectural Drawings (for Development Projects only, if available)

Appraisal(s) and Purchase Documents (for Acquisition Projects only)

If your appraisal values the property at more than \$500,000, submit a second appraisal with the first, together with all required purchase documents, as one file.

Archaeological Supporting Documents (for Archaeological Research Projects only)

Curricula vitae for principal investigator and other key personnel.

Exhibit Supporting Documents (for Museum Exhibit Projects only)

Include curricula vitae for all key project research and exhibit development personnel, if known. If objects are to be loaned from other institutions/individuals or the exhibit is designed to travel, include letters of confirmation/commitment.

Documentation of Demonstrated Need

Local Protection

Provide copies of any documents that provide local protection of the project site as identified in question G.1.1.

Owner Concurrence Letter

Provide a letter that documents that the applicant has the permission of the owner of record (if the Property Owner is not the applicant) to conduct the proposed project on the owner's property and that the owner is in concurrence with this application for grant funding. If the property for which grant funding is requested is leased by the Applicant Organization, the lease agreement must be dated, signed and submitted at the time of the application submission, with the required Owner Concurrence Letter. Note that, for other than Acquisition or site-specific Archaeological Research projects being undertaken by an eligible applicant, the owner must be a Non-profit Organization or agency of government.

Optional Materials

Applicants may attach materials not specifically requested by the Division that support the application. Examples may include copies of National Register nominations, conditions assessments, newspaper articles or other documents that reflect the historical significance of the resource, highlight its historic characteristics, its public use and so on.

I. Review and Submit Page 9 of 9

Review and Submit *

I hereby certify that I am authorized to submit this application on behalf of City of Apalachicola and that all information indicated is true and accurate. I acknowledge that my electronic signature below shall have the same legal effect as my written signature. I am aware that making a false statement or representation to the Department of State constitutes a third degree felony as provided for in s. 817.155, F.S., punishable as provided for by ss. 775.082, 775.083, and 775.084.

Guidelines Certification *

I hereby certify that I have read and understand the guidelines and all application requirements for this grant program as outlined under section , Florida Statutes 267.0617 and 1A-39.001, Florida Administrative Code.

Signature (Enter first and last name) *