

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, SEPTEMBER 7, 2021, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash
Commissioner Anita Grove
Commissioner Despina George
Commissioner Adriane Elliott
Interim Commissioner Tammie Ray-Hutchinson

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

CALL TO ORDER

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

AGENDA ADOPTION

Interim Commissioner Tammie Ray-Hutchinson made a motion to adopt the Agenda with the correction to remove Item III, Unfinished Business. Commissioner Anita Grove seconded. Commissioner Despina George requested discussion.

Interim Commissioner Ray-Hutchinson amended her amendment to adopt the Agenda removing Item III, Unfinished Business, and to bring forward Item 10-C under the Consent Order and place it under New Business. Commissioner Grove seconded and the motion carried 5-0.

UNFINISHED BUSINESS

1. FIRST READING OF BATTERY PARK ORDINANCE 2021-03

This item will be placed on the October Agenda, but anyone that would like to discuss this can speak under public comment.

NEW BUSINESS

1. **Chris Holley's Contract** - Manager Travis Wade stated that Chris Holley was kept on as a Contract Consultant working with the City on Grants and has been very helpful. Manager Wade recommends that the City continue his contract services and that his fee be increased to \$2000 per month.

Commissioner George made a motion to approve the renewal of the contract H2 Solutions, LLC, (Chris Holley) with the amendment of increasing the monthly fee to \$2,000. Commissioner Grove seconded and the motion carried 5-0.

PUBLIC COMMENT

Ron Bloodworth spoke for the fishermen on the following issues: 1) disapproval of guide charter captains paying a yearly fee; 2) boat slips not being used should not be empty, they should be rented out; and 3) the number of slips being owned by the same people. Attorney Dan Hartman suggested that any input from the fisherman should be given to Manager Wade and/or Commission Elliott. Manager Wade asked Mr. Bloodworth to contact him and he will meet with them at the Community Center on these issues.

MAYOR AND COMMISSIONER COMMENTS

Mayor's Report – See Attachment "A"

1) October meeting-Swearing In

Interim Commissioner Ray-Hutchinson made a motion to move the October Regular Meeting time to 5:45pm. Commissioner Grove seconded and the motion carried 5-0.

2) Visioning Session – Mayor Ash will get back with the Commission with a later date.

3) Legislative Appropriations – Mayor Ash reminded the Commission that Legislative Appropriations suggestions are due to Manger Wade by September 15th. A Workshop will be held on Tuesday, October 19th at 4:00pm.

Mayor Ash announced that there is a complaint section on the website for anyone needing to contact us with an issue.

Commissioner's Report – See Attachment "B"

Interim Commissioner Ray-Hutchinson thanked the Commission for allowing her to serve on the vacant seat of City Commission until the position was filled.

CITY MANAGER COMMUNICATIONS

City Manager's Report Attachment "C"

Trolley - In a response to a questions by Mayor Ash, Manager Wade stated that the trolley is still in Panama City and the issue of the title is still in the works of being resolved.

HCA Committee Vacancy – Commissioner Grove made a motion that Merrill Livingston fill the vacant position for the HCA Committee. Commissioner Adriane Elliott seconded and the motion carried 5-0.

ATTORNEY COMMUNICATIONS

Addendum to Contract for Solid Waste Services with Waste Pro– See Attachment “D”

Attorney Hartman stated the recommendation from Kessler Consulting is for a nine (9) month extension of the current contract and a rate increase of 5% over the extended term. In a response to a question by Finance Director Bebeau, residential dollar amounts were discussed on the amounts the water bills would be increased. Commissioner Grove stated her concern of the time frame, and that this would put us into 2022 before getting a new Solid Waste Contract.

Commissioner George made a motion to approve the 3rd amendment of the Contract for Solid Waste Services. Motion failed for lack of second. Attorney Hartman stated the current Contract will expire September 30, 2021, and that Waste Pro does have different percentage increases based on the length of the extension and that these increases are due to the shorter time limits.

Commissioner Elliott made a motion to approve the 3rd amendment of the Contract for Solid Waste Services. Commissioner George seconded and the motion carried 5-0.

FINANCE DIRECTOR COMMUNICATIONS
--

Finance Director’s Report Attachment “E”

2. **Fire Hydrants** - Commissioner Grove made a motion to award the installation of fire hydrants to North Florida Construction in the amount of \$74,000. Commissioner George seconded and the motion carried 5-0.

4. **Community Center** - Commissioner George made a motion to authorize the Contract with Lewis Roofing to replace the Community Center roof in the amount of \$78,201. Commissioner Elliott seconded and the motion carried 5-0.

6. **New DEP Grant Application – EQ Tank and SBR Tank Wastewater Treatment Plant**

Commissioner Grove made a motion to authorize staff to make application for the DEP Grant for maintenance. Interim Commissioner Ray-Hutchinson seconded and the motion carried 5-0.

7. Lafayette Park Lighting - Commissioner George made a motion to authorize Finance Director Bebeau the authority to give the groups involved with the light fixtures at Lafayette Park a deadline of Friday September 17, 2021, to agree on a plan or the City will proceed under the original plan. Commissioner Elliott seconded and the motion carried 5-0.

CONSENT AGENDA

A. Meeting Minutes Adoption – August 3, 2021 Special Meeting and August 3, 2021 Regular Meeting Minutes.

D. Approve Expenditure to Purchase Dump Trailer (\$12,474.50)

E. Accept the Proposal by 2kweb Group for Website

Commissioner George made a motion to approve the Consent Agenda with Items “B” and “C” being removed. Commissioner Elliott seconded and the motion carried 5-0.

DEPARTMENT REPORTS

ADJOURNMENT

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

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

Mayor's Report

It's that time of the year. What time is it? It's **VOTEing Time!!!** Voting will be held **September 7th** at the National Guard Armory. Don't allow the single race to keep you home - **GO VOTE and take someone with you.**

Huge SHOUT OUT to Finance Director Leo Bebeau and the grant team that pulled together the massive undertaking of the CDBG-DR grant-\$5.2M award and all the other grants that are in the pike.

We were fortunate to have survived Tropical Storm Fred with very minimal disruptions. Our sister states, not so fortunate as Hurricane Ida wreaked havoc and devastation. I implore you to make donations to any of the reputable disaster relief agencies and continue to pray.

GET VACCINATED and MASK UP!! As the mask debate continues, please be respectful and considerate by displaying the following fundamental actions and attitudes: **We are to love our neighbor as we love ourselves. We are to treat others the way that we want to be treated.** Life. Liberty. Pursuit of happiness. We are all entitled and have rights. To the medical frontline personnel: Your courage and sacrifice are to be commended. Thank you! Thank you for caring for our community. To the grieving families: My condolences. May God grant you peace and comfort like only He can.

- **October meeting-Swearing In:** The swearing ceremony will be held at the October 5th meeting. The three (3) seats are Mayor, Commissioner Seat 3 and Commissioner Seat 4. I'm requesting that meeting time change from 6:00 pm to 5:45 pm. **(ACTION)**
- **Visioning Session:** As discussed in the August meeting, Keith Bowers has been contacted and is available to facilitate the 2nd visioning session during the last week of October (presentation can be found in the August packet). **(DISCUSSION-Date/Time selection)**
- **Representative Jason Shoaf-Legislative Appropriations:** Commissioners should submit ideas to Manager Wade for prioritizing and further discussion. Submit those on or before September 15th. A workshop will be held in October as submission deadline is in November. Also, please submit your ideas for the **TRIUMPH** grant. **(REQUEST & Discussion for Date/Time of workshop)**
 - Allotted 7 slots for his entire district
 - In the process of scheduling a community meeting- September 15th
- **State of Emergency – Fred:** Executed State of Emergency Proclamation, as did the State and FCBOCC. **(INFORMATION)**
- **Staff Communication Protocol:** In order to make sure that residents requests are handled timely, please use the following communication **protocol:**
 - **Requests/Work orders:** Submit all work orders to City Staff-Administration office only.
 - **Complaints/Concerns:** Submit all complaint and concerns to the City Staff-Administration office in writing. One of the Clerk's assistants will make sure

- those are forwarded to the appropriate department. The assistant(s) will provide a response to the resident.
- **City Manager:** City Manager will respond in a timely manner but be advised it may not be the same day as his duties/responsibilities are vast. Please be patient and respectful.
 - **Response Time:** Allow 24-48 hours for non-emergency requests.
 - **Commissioners:** Feel free to continue to email/call your elected officials for advice and assistance.
- **Headstart:** Manager Wade and I met with Tim Center to discuss and to resolve the miscommunication issue that stems around the use of the building and the ongoing construction project. (UPDATE)
 - 6th Street Building: A 6-month extension between the COA and Headstart will be executed.
 - Classrooms: In order to move forward, Headstart needs 4 rooms. The four exterior rooms are acceptable.
 - Bathrooms: There is a section on the backside of the existing bathrooms that will suffice for the construction of the children's bathroom. Adults will have access to the existing bathrooms.
 - Lease Agreement: Manager Wade and Director Tim Center will negotiate the lease, the lease amount based on space, and acceptable improvements.
 - Plans: The plans for improvements will be agreed upon by Manager Wade and Director Center.
 - Commissioners should be briefed on the process prior to permitting.
 - Permits will be issued
 - Construction will begin
 - Bring Me a Book: M. Watts, Director Center, Manager Wade, and Mayor Ash will meet later to discuss Bring Me a Book relocation, if necessary.
 - **City Partners:** Met with Josh Baxley of Dewberry and Chris Gouras of Gouras & Associates, and an impromptu meeting with TRIUMPH member Matt Terry.

Commission Grove Report for August 2021

Met with Manager Wade and Finance Director BeBeau multiple times via phone and in person throughout August. Topics included:

Met with Traci Buzbee and Finance Director Bebeau to update the city's Local Mitigation Strategy (LMS). The list LMS contains needed infrastructure repairs that would mitigate future storm damage. The list is used by FEMA/FL Division of Emergency Management the prioritize funding for mitigation projects. It must be on the list to be funded. The city has not updated the list since 2019. Covid-19 postponed many of the meetings in 2020. Ms. Buzbee, Mr. BeBeau and I with the Franklin County LMS team on August 25th and added new items to the list and took off the generators and stormwater projects that have recently been funded. This is an ongoing process.

Throughout the summer I have had numerous calls and emails about the stormwater issues on Ave L and 17th Street, Denton Cove. I discussed the situation multiple times with Manager Wade and our engineer/planner Gina. Manager Wade purposed bringing in our Code Enforcement Officer to help monitor the situation and alert Gina if policies are not followed.

Discussed with Manager Wade the resolution of the Buy-Rite parking lot and the relocation of the dumpsters on Commerce Street.

Working with Attorney Hartman to discover the status of the resolution of the McChesney 76 Avenue G fill issue. Sent Mr. Hartman multiple emails from 2019 for his files.

City Manager Updates – September 7, 2021

Consent Orders: I had a call with FDEP who asked for a copy of the structural integrity report. The report recommends some expensive repairs that I would rather not undertake if we are going to demolish the headworks when we build a new Wastewater Treatment Plant. I engaged Dewberry to assist in responding to FDEP's concerns, and after a site visit to the WWTP a Dewberry Engineer drafted a letter that I sent to FDEP stating that it is their opinion that a new plant will prevent the need for the suggested repairs. I am still awaiting a response to this letter

Forbes Street: Jason White Construction has stated that they will begin the project during the week of September 13 through 17.

Trolley: There has been no progress on the trolley debacle.

Florida League of Cities Annual Conference: I attended the FLC Annual Conference from August 11 through August 14. I spent a lot of my time networking with other City Officials and learning about how they conduct business in their Cities. I attended an Ethics training class (coincidentally the instructor had previously been a witness in one of my Ethics Investigations), I also attended a course titled "Navigating the Council-Manager Relationship," among other courses. I felt like the time was well spent and I came away from the trip with new contacts that I have already reached out to for assistance and knowledge that has begun to help me already as well.

Denton Cove: I met with Gena Johnson, our contract Planner, who agreed to provide Code Enforcement Officer Joe Richey with instructions on how to perform regular inspections of the Denton Cove project site, including the storm water retention pond. Mr. Richey has been eager to assist in this matter and Gena has visited the site with him. In addition to regular inspections, he will perform inspections after events such as heavy rains and storms.

ATTORNEY REPORT

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

1. Addendum to Contract for Solid Waste Services

At the Commission meeting in August 2021 the Commission directed my office to prepare for their review a written addendum to the current contract with WastePro which reflected the extension terms negotiated and discussed at the meeting. A copy of this 3rd addendum is contained in the Agenda package. The addendum provides for a nine (9) month extension of the Current contract and a rate increase of 5% over that extended term. The current Contract expires on September 30, 2021.

The City's Solid Waste consultant (Kessler Consulting) advised that additional time was required to properly prepare, issue and evaluate bid documents and bid responses/proposals for Solid Waste services. A number of options were provided by WastePro related to length of extension and corresponding rate increase for the extension period. A shorter extension corresponding with a greater increase in rates. Through negotiation and consultation with consultants and staff it was agreed that a nine (9) month extension would provide the time necessary to ensure continuity of service at a reasonable rate.

This third Addendum will not be effective until approved by the City Commission and signed by both parties.

Finance Director – Leo Bebeau

City Commission Meeting – August 3, 2021 – 4:00pm

1. *Comprehensive Plan Amendment*

The City has to complete the amendment to the comprehensive plan concerning the Vulnerability Analyses that were started in 2017-2018. This amendment did not proceed due to the administration changes and then, the food truck ordinance issues. This needs to be a high priority beginning in October. Additionally, there are new SLIP (Sea Level Impact Projection) analysis requirements effective 7/1/2021 that will be required on many of our projects moving forward.

2. *Fire Hydrants*

Board Action - Request to Award Installation of Fire Hydrants to North Florida Construction. \$74,000.00.

The City requested and obtained approval from the DEP to replace 30 fire hydrants in satisfaction of fines in the amount of \$63,400.00. Agreement requires hydrants be installed by 11/15/2021. In-kind projects require a project to be 150% or more than the fine to be satisfied or \$95,100.00.

Original estimates for the project included estimates:

Jason White Construction –	Installation -	\$52,500.00
Lanier Municipal Supply –	Hydrants -	\$48,750.00
	Total	-\$101,250.00

After rejecting all bids from the first RFP as they all exceeded the budgeted more than 225%, a new solicitation was issued. In both solicitations Jason White Construction failed to respond to either RFQ.

On the new solicitation – North Florida Construction is the low bidder. Their price is \$21,500 or 40.1%.

New Project Price - \$122.750.00

3. Grants Update

- a. Leslie Street appeal has been filed with the FDEM. I believe the appeal successfully refutes every point which FEMA used to make the claim ineligible for funding from FEMA for Hurricane Sally. FDEM has until 10/30 to reply.
- b. CDBG-DR Infrastructure – Avenues Stormwater Grant on Track. Scope develop for RFP for Engineering Firms for this \$3.6 million project underway. Kick-Off Meeting Postponed twice.
- c. CDBG-DR Hometown Revitalization – Completed Kick-off Meeting for both projects. Documents should be forthcoming.
- d. HMGP Emergency Generators – Documents should be forthcoming.
- e. HMGP Market Street Vacuum Station – Documents should be forthcoming. Completed demolition of Market Street Pumping Station.
- f. HMGP Stormwater – Modifications vary too much from original scope No determination has been made concerning acceptance of modifications. Appeal will be filed.
- g. Cotton Warehouse has cleared Tribal documentation. Initial questions to modify scope have been answered. NPS responded that all references to certain modern finishes had to be removed, i.e. rubber baseboards. Contract documents should arrive soon. RFQ for a Historical Architect needs to be developed and published. HCA - Letters of notification to interested Native American tribes have not had response. The Tribes have 30 days to respond. Cindy Clark has confirmed there are no current outstanding issues with the City of Apalachicola projects. New roof leak has been found in the building which City staff is addressing.
- h. Avenue G project is nearing completion Report of Activities under the Stormwater System Maintenance Plan by January 31, 2022. Reports are required for two additional subsequent years. Forms are being generated to provide notice to Public Works of the work required and reported to be provided to the Finance Department so that the report may be compiled.
- i. Michael FEMA Projects – Finance Director must file a quarterly report that indicated little or no progress on many funded claims.
 - i. **Lafayette Park and Pier is getting close. FEMA has requested documentation on communication and certain approvals or permits from the Corps of Engineers. Finding documents are critical.**
 - ii. Dewberry working on documentation for Scopes on Bodiford Park and the Mill Pond Mooring Basin.
 - iii. Battery Park V Pier has sparked interest at FEMA even though there has been no determination form NFWS concerning the habitat of the endangered sawfish. Three pages of questions have been answered.
 - iv. Plans for completing the Lafayette Park Pier Pavilion are progressing.

4. Community Center

The City has approximately \$22,818 from FEMA, \$3,803 from the State of Florida and \$30,160 from insurance proceeds for replacement of the roof. Total project cost from low bidder is \$78,201. Shortfall - \$21,420. FEMA may elect to adjust budget and reimburse 75% of this difference upon project completion and documentation submission. **Board Action** – Commission to authorize contract with Lewis Roofing, low bidder after two solicitations, to replace Community Center Roof. FEMA has acknowledged that 75% of the \$21,420 shortfall may be reimbursed by FEMA, however, the reimbursement is not guaranteed.

5. DEP Grant Applications – September 1, 2021

Two applications were filed with the DEP in the latest cycle. Grant #1 focuses on the need to update the Vulnerability Analysis Report with requirements of the Florida Peril of Flood State. Additional Phases provide for expansion of pervious parking. Grant #2 is an application for the WWTP totaling \$14.5 million. This grant application also include the report requirements from Grant #1 in the event that the City receives the either of these grants.

6. New DEP Grant Application

New DEP Grant Application for Grant for Maintenance, Cleaning and Repair of the EQ Tank and SBR Tank at the Wastewater Treatment Plant. 100% funding of \$119,375.00. **Board Action** – Direct Staff to make application for this 100% Grant.

7. Lafayette Park Lighting

Marie Marshall has put this on hold the environmentally friendly fixtures that the Adopt-a-Park Lafayette committee selected as the fixtures are very modern. A new solution is being researched. City Manager and Finance Director have agreed to give them a deadline of Friday, 9/17/2021 to propose alternative or the City want to proceed with completion of the refurbishment project for which we have FEMA funds. This project will convert the fixtures to LED and replace the missing and damaged globes.

8. Disaster Recovery Refuse Removal

From publication by FEMA, City has received bids for Storm Refuse Removal and Monitoring. The scores for these bids will be compiled this week and board approval of new contract will be at the October 2 meeting.