

**REGULAR MEETING
CITY COMMISSION
CITY OF APALACHICOLA, FLORIDA
TUESDAY, APRIL 2, 2019 - 6:00 PM
APALACHICOLA COMMUNITY CENTER
#1 BAY AVENUE
APALACHICOLA, FLORIDA**

AGENDA

You are welcome to speak or comment on any matter under consideration by the Apalachicola Board of City Commissioners when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the five minute time limit.

- I. Call to Order
 - Invocation (Please rise and remain standing)
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Mayor's and Commissioners Reports and Communications
 - Resolution 2019-03 – Proclaiming April 7th-13th, 2019 As National Volunteer Week
 - Resolution 2019-04 – Honoring Dorothy “Lee” Harris Mathes on Her Retirement
- IV. City Manager Communications
 - Commission Retreat
 - Legislative Update
- V. Attorney Pat Floyd Communications
- VI. Public Hearing – Ordinance No. 2019-01 Historic and Cultural Preservation – Public Hearing and Second Reading
- VII. Public Comment

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

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

- VIII. Consent Agenda
 - A. Meeting Minutes Adoption
 - **Suggested Motion:** Adopt the March 5, 2019 Regular Meeting Minutes.
 - B. Planning & Zoning Minutes Confirmation
 - **Suggested Motion:** Confirm the February 2019 Planning and Zoning Minutes
 - C. Release of Flowage Easement – Box R Wildlife Management Area
 - **Suggested Motion:** To Approve the Release of Easement Document and Authorize the Mayor to Execute the Release.

IX. Unfinished Business

- A. Ordinance 2019-01 – Historic and Cultural Preservation – Public Hearing and Second Reading
- **Suggested Motion:** To Adopt Ordinance 2019-01 City of Apalachicola Historic and Cultural Preservation Ordinance.
- B. Ordinance 2019-03 – Mobile Food Truck Regulations
- **Suggested Motion:** To Approve the First Reading of Ordinance 2019-03 Mobile Food Truck Regulations and Proceed with the Adoption Process.
- C. Ordinance 2019-04 Amending Article 17 – Elections of the City of Apalachicola Charter
- **Suggested Motion:** To Approve the First Reading of Ordinance 2019-04 Amending Article 17 – Elections to the City of Apalachicola Charter and Proceed with the Adoption Process.

X. New Business

- A. CDBG Engineering Agreement – Baskerville-Donovan, Inc.
- **Suggested Motion:** To Award the Contract for CDBG Grant Engineering Services to Baskerville-Donovan, Inc. in the amount of \$39,400 and Authorize the City Manager to Execute the Agreement..
- B. Request for Sale of City Owned Property – Johnnie Lee Byrd
- **Suggested Motion:** None at this time pending further discussion by the City Commission.
- C. Permitting Software Agreement - Intact
- **Suggested Motion:** To Approve the Agreement Proposal from Intact for a Three Year Term in the Amount of \$8,160 and Authorize the City Manager to Execute the Agreement.
- D. Planning and Zoning Board Member Appointment
- **Suggested Motion:** To Appoint _____ to the Planning and Zoning Board to serve a four year term, which ends on December 31, 2023.
- E. USDA Grant Applications – Special Meeting Request and Resolution 2019-04
- **Suggested Motion:**
 1. To Schedule a Special Meeting on April __, 2019 at ____p.m. to Discuss the Drinking Water System Improvements Project and the USDA Funding Application Process.
 2. Adopt Resolution 2019-04 Authorizing the Application, Submittal, and Administration of the USDA Rural Business Development Grant for Sidewalk, Parking, and Lighting Improvements on Water Street, Avenue G, and Commerce Street.
- F. Request to Suspend Policy 20 – Vacation Leave, Section 12 – Separation, of the Personnel Policies and Procedures Manual – Lee Mathes
- **Suggested Motion:**
 1. To suspend Policy 20 – Section 12 of the Personnel Policies and Procedures Manual in order to pay Ms. Mathes for 43.63 days of vacation leave.
 2. To authorize the City Clerk to make full payment of \$9,898.77 to Ms. Mathes for 43.63 days of vacation leave.

G. Appeal Request – Chris Moore, 51 8th Street

- **Suggested Motion:** To Schedule a Special Meeting on April ____, 2019 at ____ p.m. to consider the Appeal for Mrs. Moore located at 51 8th Street.

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.

**CITY OF APALACHICOLA
RESOLUTION 2019-03**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA,
FLORIDA, PROCLAIMING APRIL 7TH-13TH, 2019 AS NATIONAL VOLUNTEER WEEK
IN THE CITY OF APALACHICOLA**

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and,

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and,

WHEREAS, during the week of April 7th – 13th, 2019 all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and,

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and,

WHEREAS, our country's volunteer force of 63 million is a great treasure and vital to our future as a caring and productive nation; and,

WHEREAS, in 2018 there was a reported 63 million volunteers who averaged 32.1 volunteer hours per person, per year, which is equivalent to 7.9 billion hours of service and \$195 billion dollars, saving on average, \$24.69 an hour for the organization they volunteer for; and,

WHEREAS, there is no greater evidence of this than in October of 2018 following landfall in our area of Hurricane Michael and witnessing the many men and women of this community who gave of themselves by volunteering to help their neighbors.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Apalachicola, that the week of April 7th – 13th, 2019 be proclaimed as National

Volunteer Week in The City of Apalachicola and that the City Commission thanks all of the many volunteers who serve our community; and

BE IT FURTHER RESOLVED, that the City Commission urges all our fellow citizens to volunteer in Apalachicola and Franklin County and to recognize and thank those who do serve by tirelessly sharing their time and talent with those in need.

ADOPTED, this 2nd day of April, 2019 by the City Commission of the City of Apalachicola.

CITY OF APALACHICOLA

Van W. Johnson, Sr., Mayor

ATTEST:

Deborah Guillotte, City Clerk

**CITY OF APALACHICOLA
RESOLUTION 2019-05**

A RESOLUTION OF THE APALACHICOLA BOARD OF CITY COMMISSIONERS RECOGNIZING THE RETIREMENT OF DOROTHY LEE HARRIS-MATHES AND COMMENDING HER FOR THIRTY-ONE YEARS OF OUTSTANDING PUBLIC SERVICE TO BOTH THE PEOPLE OF APALACHICOLA AND THE NORTHWEST DISTRICT OF FLORIDA.

WHEREAS, Dorothy Lee Harris-Mathes begin her thirty-one-year tenure in municipal government working for the City of Apalachicola in an entry-level position and advanced through the ranks to City Clerk, and City Administrator; and

WHEREAS, as City Clerk, Dorothy Lee Harris-Mathes obtained certifications held by few from the Florida Association of City Clerks and the International Institute of Municipal Clerks, as a Certified Municipal Clerk (2007), as a Master Municipal Clerk (2011) and received the Florida Association of City Clerks President Award (2011); and

WHEREAS, as City Clerk, Dorothy Lee Harris-Mathes distinctively served from 2007-2012, as the District Director over the Florida Association of City Clerks Northwest District, which included the counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington; and

WHEREAS, the sheer number of years that Dorothy Lee Harris-Mathes have spent unselfishly serving the needs of other speaks volumes about her character and who she is as an individual; and

WHEREAS, Dorothy Lee Harris-Mathes leaving marks the end of an esteemed era with the City of Apalachicola, her presence, smile and dedication to public service will be sorely missed by all as we come to appreciate the numerous roles she played when we try to fill the void that she will leave.

NOW THEREFORE BE IT RESOLVED, that the Apalachicola Board of City Commissioners, on behalf of a grateful community do hereby honor and thank Dorothy Lee Harris-Mathes for thirty-one years of peerless public service to the City of Apalachicola and extend to her our sincere best wishes for success in all her future endeavors.

ADOPTED by the Apalachicola Board of City Commissioners in regular session this 2nd day of April 2019.

**FOR THE APALACHICOLA BOARD OF
CITY COMMISSIONERS**

VAN W. JOHNSON, SR., MAYOR

ATTEST:

DEBORAH GUILLOTTE, CITY CLERK



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

April 2, 2019

Mayor
Van W. Johnson, Sr.

TO: Mayor and City Commission

Commissioners
Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

FR: Ron Nalley, City Manager *RN*

RE: City Manager Communications – April City Commission Meeting

During your meeting on April 2nd, I will be giving a brief update on several matters.
Below is a summary of those topics:

City Manager
Ron Nalley

1) Commission Retreat – Thank you for your attendance and hard work at the Commission Retreat on March 23rd. A draft of the Goals and Objectives established during the Retreat will be presented at your May meeting.

City Administrator
Lee H. Mathes, MMC

2) Legislative Update – Augusta West will be giving a brief legislative update at your meeting.

City Clerk
Deborah Guillotte, CMC

If you questions or have other topics that you would like for me to update you on, please do not hesitate to contact me.

City Attorney
J. Patrick Floyd

**CITY OF APALACHICOLA
ADMINISTRATION DEPARTMENT
MARCH 2019**

- **Attended Commission Retreat**
- **Updated meeting calendar on website**
- **Complete all quarterly Payroll Reports**
- **Completed February accounting**
- **Completed budget expense report through 2/28/2019**
- **Posted March revenues and expenses**
- **Assisted staff with tree applications, utility bill issues, and payroll processing**
- **Staff assisted with Cemetery, utility bills, garbage, permitting issues, city property rentals and other miscellaneous duties**
- **Completed tasks as assigned by the City Manager**
- **Update and Worked on Upcoming Election Package**

39 work orders issued and completed

98 direct deposit Payroll Checks

Approximately 65 accounts payable checks processed

1997 payments processed

2,063 bills processed

3 public records request processed

**City of Apalachicola
Police Department**

<u>March 1-27</u>	<u>Totals</u>
Traffic Stops/ Warnings/ citations	33
Arrests/ Warrant Requests	6
Traffic Accidents	3
Burglary/Theft calls	7
Assist Citizens/ Complaints/Investigations	402
Trespass Warnings/agreements	11
Business alarm calls/building checks/welfare checks	517
assist county call/other agencies	56
Domestic cases involving violence/disturbance calls	18
Drugs	0
Total calls from dispatch	623

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

City of Apalachicola Monthly Summery Report

March 2019

Apalachicola Margaret Key Library

Statistics:

- 26 new cards issued
- 2 seasonal renewals
- 81 new items added to collection
- 422 items checked out
- 613 computer and Wi-Fi uses
- 41 hands-on individual direct services assistance
- 3 adult / YA programs with 89 in attendance
- 12 children's programs with 369 in attendance

Of note:

- The library board continues to work on the strategic plan. A second work session is scheduled for March 30.
- Grant funded literacy backpacks for children with disabilities are being developed and will be on the shelf next month. programs supporting this activity are also in the works.
- Summer reading plans are shaping up. We hope to build on the successes of last year's program. Once again we will be working with Project Impact and other partners to capture as many young readers as possible.
- Literacy based learning packs geared toward children with disabilities are almost finished. This is a grant funded project that promotes family literacy. In addition, two tactile units -- one freestanding and one wall mounted -- that promote motor skill development have been purchased and installed.
- The Memory Lab dedication is planned for Monday, April 29, 7:30 p.m. There will be ribbon cutting and speechifying and demonstrations. Your official invite will be in the mail soon!

Water and Wastewater Department.

Monthly Report March 28, 2019

Water Plant

- . We Treated 10,870,000 gal of Drinking water .
- . We added a Auto Flusher and Relocated a Auto Flusher
- . Replaced a Check Valve on #1 Hypo pump

Wastewater Plant

- . We Treated 7,480,000 gal of wastewater.
- . 3-6,7,8 moving Sludge from south Geo Tube to Holding Bend.
- . 3-11 Installed New Geo Tube In South drying beds
- . 3-19 Replaced V-belts and Changed Oil In Disc Filter air compressor.
- . 3-21 Working on Preventive Maintenance of the East spray fields.
- . 3-26 Cleaning the Inf. Headworks.

Distribution and Collections

- . Made 1 Water Tap and 1 Sewer Tap.
- . Repaired 4 Water main leaks all of them small.
- . Did Line Sets on Hwy 98 from 12 St. to the Wastewater Plant for FDOT.
- . Changed Oil In 2 Vac. Pumps
- . Repaired Manhole Lid In Commerce St. next to the Court House.
- . Got the Water back on at the MILL POND docks .

City of Apalachicola public works monthly report

March 2019

We Worked on storm ditch on ellis vanvleet.

We replaced window unit at project impact.

We replaced ceiling tile at community center.

We moved desk in two offices at city hall.

Repaired locks on public restroom.

We had 2 funerals, open and close.

Serviced one vehicle.

We collected 150 bags of trash down town and parks.

We set commission room up for commissioner retreat.


We completed 28 work orders.

We helped move items for librarian.

We removed tree from laffeete park, and repaired brick pavers.

We graded mill pond road.

We cleaned and dug out several small ditches throughout the city.

Sign  date 3-26-19

Planning Report –March 2019

Cynthia Clark

PERMITS ISSUED: 41 as of March 27.

GENERAL TASK LIST - General Tasks

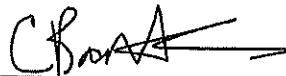
1. City Commission – March 5.
2. P&Z Comp Plan Workshop – March 11
3. Pre-application consultation: Weems Hospital, George Coons, Michael Shuler
4. Online Permit software proposal review
5. Workforce Housing Stakeholders Mtg – March 6

Request for April 2 board action:

1. Permit Software Purchase
2. Second Reading – Historic and Cultural Preservation Ordinance

City Building Department Monthly Report /March 2019

1. For this month, I have processed and issued 41 permits.
2. We have had 5 new business licenses issued this month.
3. For Variances, we have had no variance requests.
4. There has been 1 appeal request this month.

A handwritten signature in black ink, appearing to be 'C. B. A.', written over a horizontal line.

Signature/Date

City of Apalachicola CRA Monthly Summary Report: March 2019

Submitted by Executive Director Augusta R. West

State Legislative Action Plan

I continually monitor the components of the City's 2019 Legislative Agenda. Appropriation requests for drinking water, wastewater, and hurricane-related projects are currently in play for partial funding. In addition, we remain hopeful that the Apalachicola Environmental Stewardship Bill (HB 921/SB1256) will result in some funding for drinking water, wastewater, and stormwater infrastructure and land acquisition. This bill is modelled after Rep. Raschein's successful Florida Keys Environmental Stewardship Act which resulted in significant funding for their similar Area of Critical State Concern issues. I coordinate with Lobbyist Patrick Bell multiple times every week, serving as legislative liaison. I researched and developed talking points and a fact sheet for communications with legislators. Patrick's work is critical in advancing our multi-pronged agenda on a daily basis at the Capitol. Session ends on May 3, 2019. We are already looking ahead to the 2020 session and will begin strategic discussions with legislators on our issues this summer.

USDA Grant/Loan Funding Application for GAC Water Filtration System

DEP has mandated that the City install a Granulated Active Charcoal filtration system to correct the Total Trihalomethane (TTHM) compliance issue in our drinking water. The City's application for a grant/loan funding package for this project is currently under review by the Marianna USDA Rural Development Office. USDA requires the City to hold a public meeting to give the citizenry an opportunity to become acquainted with the proposed Water System Improvements and to comment. The meeting will be held on Tuesday, April 16 at 6:00 p.m. The proof of public meeting will complete the file for final review by the state USDA office for determination of funding.

USDA Rural Business Development Grant

This project is for new pervious parking, lighting, and sidewalks Water Street and Avenue G as well as sidewalk repair on Commerce Street. The application package is currently under review by the Marianna USDA Rural Development Office. Upon file review it was noted that the 2018 resolution authorizing the submittal needs to be updated, and this is on the agenda for the April 2 meeting. The State USDA office will make final determination of funding this summer. This program is a 100% grant with no match required by the City.

Electric Car Charging Stations

The expected timeline for completion of this project is approximately 60 days. Three stations will be installed at the following downtown sites: Avenue F in front of the old Ford lot, on Avenue D near the Hayes House, and on Commerce Street alongside the Visitors Center. This is a pilot project by Duke Energy, and installation is at no charge to the City. Project completion will position Apalachicola as the only site with public electric car charging stations between Panama City and Tallahassee. This will attract visitors who are part of the growing electric car market to shop and dine in Apalachicola while their vehicles are charging. I will continue to coordinate with NovaCharge, Duke Energy's installation contractor, until completion.

Kayak Launch

This project has been on hold in order to focus on legislative matters.

Signage Project

This project has been on hold in order to focus on legislative matters.

Professional Development

I attended the Florida Redevelopment Association Academy's Budgeting, Funding & Reporting course on March 15 in Orlando and passed the exam. I will take additional Florida Redevelopment Association Academy courses as time and budget allow. I also attended the Florida League of Cities Ethics Training on March 28.

Visit by Department of Economic Opportunity and Other State Agencies

I am coordinating with Barbara Powell of DEO for a site visit by their staff and staff from other state agencies to discuss the City's challenges and opportunities for state resources to address them. Scheduling was discussed on March 21.

CRA Plan Update

The plan update process is underway. I am working to incorporate board member's suggestions to date into a new format that highlights more specific strategies, objectives, and tasks. The draft will be reviewed at the next Plan Update Workshop, to be scheduled. I recommend that the plan update timeline coincide with the approval of the next fiscal year's budget and that recommendations from DEO's visit, the outcome of the legislative session, opportunities for public input, and possible technical assistance guide its direction.

Miscellaneous

I attended a meeting in Tallahassee on March 21 with staff from the Department of Economic Opportunity and the Bureau of Historic Preservation to discuss grants and technical assistance opportunities.

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND REVENUES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
411001	AD VALOREM TAX - 9.6043	1,344,400.00		1,344,400.00	56,208.31	1,087,784.64	81%	256,615.36
412001	1/2 CENT SALES TAX	170,000.00		170,000.00	11,741.34	61,658.33	36%	108,341.67
412002	MOBILE HOME LICENSE TAX	100.00		100.00	-	125.00	125%	(25.00)
412003	ALCOHOLIC BEVERAGE TAX	8,000.00		8,000.00	457.28	3,157.59	39%	4,842.41
413100	UTILITY FRAANCHISE	130,000.00		130,000.00	14,124.71	62,640.13	48%	67,359.87
413200	LOCAL COMMUNICATIONS TAX	62,000.00		62,000.00	4,134.98	21,864.53	35%	40,135.47
414100	UTILITY TAX	200,000.00		200,000.00	8,323.25	42,186.71	21%	157,813.29
421001	OCCUPATIONAL LICENSE TAX	30,000.00		30,000.00	3,320.50	13,072.20	44%	16,927.80
422006	GOLF CART PERMITS	10,000.00		10,000.00	450.00	3,950.00	40%	6,050.00
422004	SPECIAL EXCEPTION/VARIANCE FEE	6,000.00		6,000.00			0%	6,000.00
415120	STATE REVENUE SHARING	93,000.00		93,000.00	7,887.42	39,457.12	42%	53,562.88
4302	FINES & FORECLOSURES	2,000.00		2,000.00	84.10	362.82	18%	1,637.18
4303	CEMETERY LOTS & OPENINGS	15,000.00		15,000.00	816.00	5,016.00	33%	9,984.00
44012	FACILITY/PROPERTY RENT	37,000.00		37,000.00	2,381.51	13,762.15	37%	23,237.85
422001	BUILDING PERMIT FEES	40,000.00		40,000.00	1,578.80	8,986.57	22%	31,013.43
422007	TREE APPLICATION FEES	3,300.00		3,300.00	300.00	2,050.00	62%	1,250.00
4305	STORMWATER FEES	30,000.00		30,000.00	1,326.54	6,430.11	21%	23,569.89
440163	DOT - TRAFFIC LIGHT REIMB	4,500.00		4,500.00			0%	4,500.00
440183	SANITATION FEES	550,000.00		550,000.00	6,666.52	145,602.42	26%	404,397.58
4555	COMMUNITY GARDEN	3,000.00		3,000.00	0.80	304.74	10%	2,695.26
44018	FARMERS MARKET	3,000.00		3,000.00	680.91	1,911.91	64%	1,088.09
4401	MISCELLANEOUS REVENUES	2,000.00		2,000.00	138.89	531.50	27%	1,468.50
4505	GRANT - GIS MAPPING PHASE II	50,000.00		50,000.00			0%	50,000.00
45081	GRANT - FAMU BUSINESS SUPPORT	147,700.00		147,700.00			0%	147,700.00
4537	GRANT - TECHNICAL ASSISTANCE	40,000.00		40,000.00			0%	40,000.00
45364	GRANT - FWC PARK RESTROOMS	462,400.00		462,400.00			0%	462,400.00
44019	GRANT - STORMWATER RETROFIT	398,500.00		398,500.00			0%	398,500.00
4546	GRANT - DOT BEAUTIFICATION	200,000.00		200,000.00			0%	200,000.00
4102	PROJECT IMPACT	370,900.00		370,900.00			0%	370,900.00
11025	LOCAL OPTON GAS TAX	62,000.00		62,000.00	32,501.59	94,515.09	45%	33,858.84
4301	COUNTY FIRE PROTECTION - MSBU	40,000.00		40,000.00	1.20	17,270.22	43%	22,729.78
4304	APALACHICOLA OYSTER LICENSE	40,000.00		40,000.00	0.27	1.46	0%	39,998.54
4557	HISTORY, CULTURE, ARTS MUSEUM	40,000.00		40,000.00	5,813.64	23,736.78	59%	16,263.22
45023	TRANSFER FROM CRA	10,000.00		10,000.00			0%	10,000.00
4553	LIBRARY PROGRAMS	1,000.00		1,000.00	2,141.00	4,572.00	457%	(3,572.00)
4401	INSURANCE - HURRICANE MICHAEL		436,752.07	436,752.07		436,752.07	100%	-
44016	DUKE ENERGY DONATION		10,000.00	10,000.00		10,000.00	100%	-
	TOTAL GENERAL FUND REVENUES	4,605,800.00	446,752.07	5,052,552.07	174,642.95	2,166,770.91	43%	2,885,781.16

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - GOVERNING BODY EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
513120	SALARIES	26,800.00		26,800.00	1,936.80	9,416.00	35%	17,384.00
513210	SOCIAL SECURITY	2,100.00		2,100.00	129.53	664.42	32%	1,435.58
513220	RETIREMENT	2,100.00		2,100.00	133.82	668.27	32%	1,431.73
513230	GROUP INSURANCE	16,100.00		16,100.00	339.06	3,046.67	19%	13,053.33
513310	LEGAL SERVICES	20,000.00		20,000.00	7,292.00	19,736.00	99%	264.00
513400	TRAVEL & TRAINING	1,000.00		1,000.00	-	-	0%	1,000.00
513520	SUPPLIES	1,000.00		1,000.00	-	1,377.50	138%	(377.50)
513540	DUES & FEES	2,000.00		2,000.00	-	971.00	49%	1,029.00
513320	AUDITING	38,000.00		38,000.00	-	4,047.61	11%	33,952.39
513344	ELECTION EXPENSE	7,000.00		7,000.00	-	-	0%	7,000.00
513410	COMMUNICATIONS	3,000.00		3,000.00	107.14	590.41	20%	2,409.59
513345	IT SERVICES	1,200.00		1,200.00	-	1,200.00	100%	-
513346	LOBBYIST	30,000.00		30,000.00	3,000.00	14,000.00	47%	16,000.00
513450	PUBLIC OFFICIALS LIABILITY INS.	2,000.00		2,000.00	-	2,764.00	138%	(764.00)
513541	GRANT - FAMU BUSINESS SUPPORT	147,700.00		147,700.00	-	-	0%	147,700.00
510515	LINE OF CREDIT PAYMENT	4,000.00		4,000.00	-	1,519.81	38%	2,480.19
510513	FEMA - HURRICANE MICHAEL		26,570.52	26,570.52	-	26,570.52	100%	-
	TOTAL EXPENSES	304,000.00	26,570.52	330,570.52	12,938.35	86,572.21	26%	243,998.31

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - ADMINISTRATION DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
510120	SALARIES	198,800.00		198,800.00	15,321.40	74,782.68	38%	124,017.32
510210	SOCIAL SECURITY	15,300.00		15,300.00	1,135.38	5,470.60	36%	9,829.40
510220	RETIREMENT	38,700.00		38,700.00	1,551.54	10,468.91	27%	28,231.09
510230	GROUP INSURANCE	39,100.00		39,100.00	2,971.39	15,685.63	40%	23,414.37
510310	LEGAL SERVICES	30,000.00		30,000.00	2,024.00	6,272.00	21%	23,728.00
5103101	PLANNING CONTRACT SERVICES	5,000.00		5,000.00	-	5,000.00	100%	-
510410	COMMUNICATIONS	10,300.00		10,300.00	289.89	2,741.01	27%	7,558.99
510400	TRAVEL/TRAINING	3,000.00		3,000.00			0%	3,000.00
5105202	GAS	1,500.00		1,500.00			0%	1,500.00
510520	SUPPLIES	8,000.00		8,000.00	78.99	2,547.45	32%	5,452.55
510521	EQUIPMENT	3,000.00		3,000.00			0%	3,000.00
510540	DUES & FEES	2,000.00		2,000.00	-	719.93	36%	1,280.07
510440	COPIER/POSTAGE RENTAL	4,200.00		4,200.00	241.85	1,790.81	43%	2,409.19
510450	WC INSURANCE	5,000.00		5,000.00	-	5,000.00	100%	-
510480	ADVERTISING	3,000.00		3,000.00	-	594.32	20%	2,405.68
510552	IT SERVICES	1,800.00		1,800.00	-	1,800.00	100%	-
510547	OYSTER LICENSING	2,500.00		2,500.00			0%	2,500.00
11023	TRANSFER TO ABOL ACCT	37,500.00		37,500.00			0%	37,500.00
	TOTAL EXPENSES	408,700.00		408,700.00	23,614.44	132,873.34	33%	275,826.66

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - ZONING/CODE ENFORCEMENT DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
511120	SALARIES	70,300.00		70,300.00	5,404.80	27,024.00	38%	43,276.00
511210	SOCIAL SECURITY	5,400.00		5,400.00	394.56	2,015.26	37%	3,384.74
511220	RETIREMENT	5,900.00		5,900.00	334.83	2,394.02	41%	3,505.98
511230	GROUP INSURANCE	18,100.00		18,100.00	1,334.90	6,686.20	37%	11,413.80
510130	BUILDING INSPECTOR CONTRACT SERVICES	30,000.00		30,000.00	-	11,123.66	37%	18,876.34
511310	LEGAL SERVICES	30,000.00		30,000.00	224.00	3,660.00	12%	26,340.00
5113101	PLANNING CONTRACT SERVICES	38,400.00		38,400.00	3,616.66	13,083.30	34%	25,316.70
511520	SUPPLIES	4,000.00		4,000.00	1,501.37	2,041.45	51%	1,958.55
511521	GAS	1,500.00		1,500.00	150.02	632.76	42%	867.24
511240	WC INSURANCE	2,000.00		2,000.00	-	1,315.33	65%	684.67
511480	ADVERTISING	3,000.00		3,000.00	-	194.60	6%	2,805.40
511410	COMMUNICATIONS	2,700.00		2,700.00	107.84	776.90	29%	1,923.10
511522	EQUIPMENT	1,500.00		1,500.00	-	-	0%	1,500.00
511461	IT SERVICES	900.00		900.00	-	900.00	100%	-
511460	VEHICLE REPAIRS & MAINTENANCE	2,000.00		2,000.00	-	135.00	7%	1,865.00
510551	GIS MAPPING PROJECT PHASE II	50,000.00		50,000.00	-	-	0%	50,000.00
510512	GRANT - TECHNICAL ASSISTANCE	40,000.00		40,000.00	-	-	0%	40,000.00
	TOTAL EXPENSES	305,700.00		305,700.00	13,068.98	71,982.48	24%	233,717.52

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - POLICE DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
5201120	SALARIES	303,700.00		303,700.00	24,500.48	125,805.15	41%	177,894.85
52011201	OVERTIME SALARY	36,000.00		36,000.00	2,688.64	20,440.15	57%	15,559.85
5201210	SOCIAL SECURITY	26,100.00		26,100.00	1,761.56	9,148.74	35%	16,951.26
5201220	RETIREMENT	77,800.00		77,800.00	4,389.89	33,041.34	42%	44,758.66
5201230	GROUP INSURANCE	69,600.00		69,600.00	4,986.58	25,112.90	36%	44,487.10
5201240	WC INSURANCE	15,000.00		15,000.00		19,293.25	129%	(4,293.25)
5201410	COMMUNICATIONS	16,000.00		16,000.00	1,087.93	3,651.92	23%	12,348.08
5201460	VEHICLE REPAIRS & MAINTENANCE	7,500.00		7,500.00	76.00	4,063.10	54%	3,436.90
5201468	TIRES	1,500.00		1,500.00	10.00	499.64	33%	1,000.36
52015201	UNIFORMS	2,500.00		2,500.00		59.98	2%	2,440.02
5201520	SUPPLIES	9,000.00		9,000.00	502.72	1,112.36	12%	7,887.64
5201521	GAS	20,000.00		20,000.00	1,276.43	7,803.09	39%	12,196.91
5201700	VEHICLE PAYMENT	27,000.00		27,000.00	18,557.16	18,557.16	69%	8,442.84
5201522	EQUIPMENT	6,000.00		6,000.00			0%	6,000.00
5201401	TRAINING	1,000.00		1,000.00			0%	1,000.00
5201702	STATION PAYMENT	1,500.00		1,500.00			0%	1,500.00
5201440	COPIER/POSTAGE RENTAL	1,000.00		1,000.00	43.94	398.33	40%	601.67
5201462	IT SERVICES	1,500.00		1,500.00	975.00	975.00	65%	525.00
	TOTAL EXPENSES	622,700.00		622,700.00	60,856.33	269,952.11	43%	352,737.89

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - FIRE DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
5202130	VOLUNTEER COMPENSATION	17,500.00		17,500.00	2,900.00	5,700.00	33%	11,800.00
5202410	COMMUNICATIONS	1,000.00		1,000.00	-	180.46	18%	819.54
5202460	VEHICLE REPAIRS & MAINTENANCE	10,000.00		10,000.00	-	750.45	8%	9,249.55
5202492	SUPPLIES	4,000.00		4,000.00	-	198.95	5%	3,801.05
5202492	FIRST RESPONDER EXPENSE	3,000.00		3,000.00	920.36	920.36	31%	2,079.64
5202521	GAS	4,000.00		4,000.00	86.87	669.58	17%	3,330.42
5202240	AD&D/M/C INSURANCE	5,000.00		5,000.00	-	206.75	4%	4,793.25
5202521	EQUIPMENT	4,000.00		4,000.00	-	4,000.00	100%	-
5202400	TRAINING	2,000.00		2,000.00	-	-	0%	2,000.00
5202461	IT SERVICES	300.00		300.00	-	-	0%	300.00
5202601	FIRE TRUCK/EQUIPMENT PAYMENT	49,100.00		49,100.00	-	1,050.00	0%	49,100.00
5202460	HOSE & PUMP TESTING	4,000.00		4,000.00	-	2,950.00	26%	2,950.00
11024	MSBU EXPENSES - RESTRICTED	30,000.00		30,000.00	2,300.00	11,500.00	38%	18,500.00
	TOTAL EXPENSES	133,900.00		133,900.00	6,207.23	25,176.55	19%	108,723.45

CITY OF ADALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - PUBLIC WORKS DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
530120	SALARIES	240,900.00		240,900.00	15,916.80	89,880.16	37%	151,019.84
5301201	OVERTIME SALARY	10,000.00		10,000.00			0%	10,000.00
530210	SOCIAL SECURITY	19,300.00		19,300.00	1,194.54	6,625.55	34%	12,674.45
530220	RETIREMENT	19,800.00		19,800.00	932.22	7,318.36	37%	12,481.64
530230	GROUP INSURANCE	62,600.00		62,600.00	3,796.88	22,290.24	36%	40,309.76
530240	WC INSURANCE	29,000.00		29,000.00	415.45	10,930.49	38%	18,069.51
530410	COMMUNICATIONS	6,500.00		6,500.00	-	1,320.75	20%	5,179.25
530460	VEHICLE & EQUIPMENT MAINTENANCE	15,000.00		15,000.00	-	2,506.97	17%	12,493.03
530463	TIRES	3,000.00		3,000.00	408.47	445.95	15%	2,554.05
530520	SUPPLIES	15,000.00		15,000.00		1,927.34	13%	13,072.66
5305201	UNIFORMS	1,000.00		1,000.00	990.67	7,108.79	30%	1,000.00
530521	GAS	24,000.00		24,000.00			0%	16,891.21
530522	EQUIPMENT	4,000.00		4,000.00	3,900.00	3,900.00	98%	100.00
541462	TREE MAINTENANCE	4,000.00		4,000.00	-	7,910.21	99%	89.79
530701	VEHICLE PAYMENT - Van	8,000.00		8,000.00			0%	300.00
530461	IT SERVICES	300.00		300.00			0%	300.00
530300	SANITATION SERVICES	435,000.00		435,000.00	34,985.25	140,757.59	32%	294,242.41
530462	STORMWATER IMPROVEMENT	30,000.00		30,000.00		6,347.17	21%	23,652.83
510509	GRANT - NWFWMD STORMWATER RETROFIT	398,500.00		398,500.00	5,481.08	26,454.32	7%	372,045.68
510516	GRANT - DOT BEAUTIFICATION	200,000.00		200,000.00			0%	200,000.00
541464	ROAD, SIDEWALK, STORMWATER REPAIRS - LOGT	12,000.00		12,000.00			0%	12,000.00
541464	ZERO TURN MOWER - LOGT	7,000.00		7,000.00			0%	7,000.00
541464	BUSH HOG PAYMENT - LOGT	17,900.00		17,300.00		17,285.38	100%	14.62
541464	VEHICLE PAYMENT - 2 TRUCKS - LOGT	16,200.00		16,200.00			0%	16,200.00
541464	MINI EXCAVATOR PAYMENT - LOGT	5,600.00		5,600.00		6,441.31	115%	(841.31)
541464	UNIDENTIFIED PROJECTS - LOGT	3,900.00		3,900.00			0%	3,900.00
	TOTAL EXPENSES	1,587,900.00		1,587,900.00	68,021.36	359,450.58	23%	1,228,449.42

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - LIBRARY DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
571120	SALARY	42,500.00		42,500.00	4,068.80	17,768.30	42%	24,731.70
571130	LIBRARY CLERKS	17,000.00		17,000.00		2,255.00	13%	14,745.00
571210	SOCIAL SECURITY	3,300.00		3,300.00	307.72	1,342.43	41%	1,957.57
571220	RETIREMENT	3,600.00		3,600.00	254.07	1,401.61	39%	2,198.39
571230	GROUP INSURANCE	12,700.00		12,700.00	933.59	4,667.95	37%	8,032.05
571410	COMMUNICATIONS	2,500.00		2,500.00		627.20	25%	1,872.80
571462	CLEANING SERVICES	2,600.00		2,600.00			0%	2,600.00
571520	SUPPLIES	1,000.00		1,000.00	78.99	349.04	35%	650.96
571431	AUTOMATION	1,000.00		1,000.00			0%	1,000.00
571660	BOOKS	6,000.00		6,000.00			0%	6,000.00
571450	WC INSURANCE	1,000.00		1,000.00			0%	1,000.00
571461	IT SERVICES	1,200.00		1,200.00			0%	1,200.00
571343	LIBRARY PROGRAMS	1,000.00		1,000.00			0%	1,000.00
	TOTAL EXPENSES	95,400.00		95,400.00	5,643.17	28,411.53	30%	66,988.47

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - PARKS DEPARTMENT & RECREATION/COMMUNITY PROGRAMS EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
PARKS DEPARTMENT EXPENDITURES								
572430	UTILITIES	3,500.00		3,500.00	241.22	1,553.45	44%	1,946.55
572463	MAINTENANCE	6,500.00		6,500.00	799.00	2,350.79	36%	4,149.21
572459	PROPERTY/LIABILITY INSURANCE	5,000.00		5,000.00		5,000.00	100%	-
510526	PWC BATTERY PARK RESTROOM GRANT	462,400.00		462,400.00			0%	462,400.00
	TOTAL PARKS DEPARTMENT EXPENSES	477,400.00		477,400.00	1,040.22	8,904.24	2%	468,495.76
RECREATION/COMMUNITY PROGRAMS EXPENDITURES								
572344	PROJECT IMPACT PROGRAM	383,900.00		383,900.00	26,565.53	125,255.06	33%	258,644.94
572491	DIXIE YOUTH DONATION	2,000.00		2,000.00			0%	2,000.00
510529	COMMUNITY GARDEN	3,000.00		3,000.00			0%	3,000.00
510492	FARMERS MARKET	3,000.00		3,000.00	-	1,041.00	35%	1,959.00
512320	SENIOR PROGRAM	2,000.00		2,000.00			0%	2,000.00
510530	HISTORY, CULTURE, ARTS MUSEUM - RESTRICTED	40,000.00		40,000.00	8,851.10	21,849.82	55%	18,150.18
	TOTAL RECREATION DEPARTMENT EXPENSES	433,900.00		433,900.00	35,416.63	148,145.88	34%	285,754.12

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 GENERAL FUND - FACILITIES EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
	UTILITIES:							
5724301	Community Center	7,000.00		7,000.00	732.69	3,253.01	46%	3,746.99
5724303	Holy Family	6,500.00		6,500.00	579.69	2,556.73	39%	3,943.27
5724305	6th Street Rec	1,500.00		1,500.00		488.38	33%	1,011.62
5724304	Johnson Complex	30,000.00		30,000.00	2,010.52	9,955.31	33%	20,044.69
5724302	Field House & Field	1,800.00		1,800.00	101.78	733.83	41%	1,066.17
5724307	Public Restrooms	1,000.00		1,000.00	65.55	349.54	35%	650.46
510430	City Hall	6,000.00		6,000.00	-	908.14	15%	5,091.86
571430	Library	4,800.00		4,800.00	285.53	1,543.62	32%	3,256.38
5202430	Fire Station	3,200.00		3,200.00	508.56	2,889.63	90%	310.37
5201430	Police Station	3,200.00		3,200.00			0%	3,200.00
530430	Public Works	6,500.00		6,500.00	453.84	2,085.51	32%	4,414.49
530431	Street Lights	62,000.00		62,000.00		20,666.68	33%	41,333.32
572461	REPAIRS & MAINTENANCE	30,000.00		30,000.00	2,306.05	4,479.96	15%	25,520.04
572464	JANITORIAL SERVICE	13,200.00		13,200.00	720.00	3,080.00	23%	10,120.00
	LIABILITY/PROPERTY INS:							
572450	Community Center	6,000.00		6,000.00		6,000.00	100%	-
572451	Holy Family	11,500.00		11,500.00		11,500.00	100%	-
572452	6th Street Rec	2,000.00		2,000.00		2,000.00	100%	-
572453	Johnson Complex	3,000.00		3,000.00		3,000.00	100%	-
572454	Gym	3,000.00		3,000.00		3,000.00	100%	-
572455	Field House & Field	1,400.00		1,400.00		1,400.00	100%	-
572456	Public Restrooms	2,500.00		2,500.00		2,500.00	100%	-
572457	Ranney House	3,600.00		3,600.00		3,600.00	100%	-
572458	HCA	3,600.00		3,600.00		3,600.00	100%	-
510450	City Hall	3,600.00		3,600.00		3,600.00	100%	-
571450	Library	2,000.00		2,000.00		2,000.00	100%	-
5202440	Fire/Police Station	4,500.00		4,500.00			0%	4,500.00
530240	Public Works	6,600.00		6,600.00			0%	6,600.00
5724101	COMMUNICATIONS	4,700.00		4,700.00		1,673.20	36%	3,026.80
572465	IT SERVICES	1,500.00		1,500.00			0%	1,500.00
	TOTAL EXPENSES	236,200.00		236,200.00	7,764.21	96,863.54	41%	139,336.46

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 ENTERPRISE FUND REVENUES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
	WATER & SEWER FUND							
11044	WATER UTILITY BILL REVENUE	744,000.00		744,000.00	60,989.61	343,851.69	46%	400,148.31
443601	WATER TAPS	15,000.00		15,000.00	-	6,950.00	46%	8,050.00
11044	SEWER UTILITY BILL REVENUE	682,000.00		682,000.00	56,374.88	307,881.95	45%	374,118.05
443605	SEWER USER FEE REVENUE	500,000.00		500,000.00	41,666.67	208,333.35	42%	291,666.65
443602	SEWER TAPS	20,000.00		20,000.00	-	7,400.00	37%	12,500.00
443003	MISCELLANEOUS REVENUE	500.00		500.00	11.19	54.76	11%	445.24
443001	INTEREST ON INVESTMENT	500.00		500.00			0%	500.00
	TOTAL WATER & SEWER REVENUE	1,962,000.00		1,962,000.00	159,042.35	874,471.75	45%	1,087,528.25
	SCIPIO CREEK MOORING BASIN							
11047	MOORING BASIN INCOME	37,000.00		37,000.00	5,229.27	17,975.72	49%	19,024.28
412006	REPAIR YARD	2,000.00		2,000.00			0%	2,000.00
412001	MISCELLANEOUS	100.00		100.00	0.82	2.71	3%	97.29
	TOTAL SCIPIO CREEK MOORING BASIN	39,100.00		39,100.00	5,230.09	17,978.43	46%	21,121.57
	BATTERY PARK BOAT BASIN							
11048	MOORING BASIN INCOME	55,000.00		55,000.00	3,399.95	21,532.78	39%	33,467.22
422002	LAUNCH FEE INCOME	9,000.00		9,000.00	95.00	1,139.75	13%	7,860.25
420001	MISCELLANEOUS	100.00		100.00	14.22	53.82	54%	46.18
	TOTAL BATTERY PARK BOAT BASIN	64,100.00		64,100.00	3,509.17	22,726.35	35%	41,373.65
	TOTAL ENTERPRISE FUND REVENUES	2,065,200.00		2,065,200.00	167,781.61	915,176.53	44%	1,150,023.47

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 ENTERPRISE - WATER DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
540120	SALARIES	192,000.00		192,000.00	20,532.48	110,147.87	57%	81,852.13
5401201	OVERTIME SALARY	15,000.00		15,000.00	795.53	5,904.37	39%	9,095.63
540201	SOCIAL SECURITY	14,700.00		14,700.00	1,418.82	8,035.17	55%	6,664.83
540220	RETIREMENT	15,900.00		15,900.00	1,422.11	10,229.08	64%	5,670.92
540230	GROUP INSURANCE	46,900.00		46,900.00	4,217.02	22,668.48	48%	24,231.52
540450	LIABILITY/PROPERTY/WC INSURANCE	18,800.00		18,800.00		18,800.00	100%	-
540310	ATTORNEY FEES - WATER LITIGATION	25,000.00		25,000.00			0%	25,000.00
540410	COMMUNICATIONS	2,500.00		2,500.00	278.33	552.59	22%	1,947.41
540480	DUES & FEES	600.00		600.00			0%	600.00
540520	SUPPLIES	60,000.00		60,000.00	4,036.40	12,308.15	21%	47,691.85
540524	UNIFORMS	1,500.00		1,500.00			0%	1,500.00
540430	UTILITIES	45,000.00		45,000.00	3,728.02	19,149.04	43%	25,850.96
540521	GAS	9,000.00		9,000.00	477.71	5,191.50	58%	3,808.50
540460	REPAIRS & MAINTENANCE	30,000.00		30,000.00	-	171.86	1%	29,828.14
540462	FIRE HYDRANT MAINT & REPAIRS	10,000.00		10,000.00			0%	10,000.00
540463	ELEVATED TANK MAINTENANCE	7,500.00		7,500.00			0%	7,500.00
540400	TRAVEL/TRAINING	2,000.00		2,000.00			0%	2,000.00
540522	EQUIPMENT	5,000.00		5,000.00		2,450.00	49%	2,550.00
540461	TESTING	7,500.00		7,500.00	180.00	1,423.00	19%	6,077.00
540466	IT SERVICES	1,500.00		1,500.00			0%	1,500.00
540465	ITIM EXPENSE	10,000.00		10,000.00		5,885.00	59%	4,115.00
540456	BOND PAYMENT - 2003 BOND SERIES	142,500.00		142,500.00	13,000.00	65,000.00	46%	77,500.00
540464	RADIO READ METER LOAN PAYMENT	32,100.00		32,100.00		32,034.31	100%	65.69
540701	VEHICLE	4,300.00		4,300.00		4,239.77	99%	60.23
540701	MINI EXCAVATOR	5,600.00		5,600.00		5,600.00	100%	-
540600	CAPITAL OUTLAY	54,100.00		54,100.00		29,198.00	54%	24,902.00
	TOTAL EXPENSES	759,000.00		759,000.00	50,086.42	358,988.19	47%	400,011.81

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 ENTERPRISE - SEWER DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
550120	SALARIES	158,600.00		158,600.00	3,995.20	19,877.92	13%	138,722.08
5501201	OVERTIME SALARY	15,000.00		15,000.00	322.56	2,367.99	16%	12,632.01
550210	SOCIAL SECURITY	12,200.00		12,200.00	241.96	1,218.23	10%	10,981.77
550220	RETIREMENT	16,100.00		16,100.00	451.14	3,242.62	20%	12,857.38
550230	GROUP INSURANCE	34,400.00		34,400.00	933.59	4,667.95	14%	29,732.05
550450	LIABILITY/PROPERTY/WC INSURANCE	30,000.00		30,000.00	-	30,000.00	100%	-
550450	FLOOD INSURANCE	6,000.00		6,000.00			0%	6,000.00
550450	POLLUTION INSURANCE	2,500.00		2,500.00			0%	2,500.00
550410	COMMUNICATIONS	7,000.00		7,000.00	278.32	1,925.03	28%	5,074.97
550480	DUES & FEES	1,000.00		1,000.00			0%	1,000.00
550520	SUPPLIES	70,000.00		70,000.00	9,510.02	31,019.03	44%	38,980.97
550524	UNIFORMS	1,500.00		1,500.00			0%	1,500.00
550430	UTILITIES	120,000.00		120,000.00	10,444.66	53,632.29	45%	66,367.71
550521	GAS	10,000.00		10,000.00	477.72	5,191.52	52%	4,808.48
550460	REPAIRS & MAINTENANCE	65,000.00		65,000.00	10,162.57	15,554.17	24%	49,445.83
550461	TESTING	22,000.00		22,000.00	1,204.00	8,125.00	37%	13,875.00
550522	EQUIPMENT	5,000.00		5,000.00	1,529.03	1,529.03	31%	3,470.97
550400	TRAVEL/TRAINING	1,000.00		1,000.00			0%	1,000.00
550466	IT SERVICES	1,500.00		1,500.00			0%	1,500.00
550456	BOND PAYMENT	50,000.00		50,000.00	5,100.00	20,400.00	41%	29,600.00
110271	DEP PAYMENT	435,000.00		435,000.00	36,250.00	145,000.00	33%	290,000.00
11026	DEP RESERVE PAYMENT	89,100.00		89,100.00	7,425.00	29,700.00	33%	59,400.00
550701	VEHICLE PAYMENT	4,300.00		4,300.00		4,239.00	99%	61.00
550701	MINI EXCAVATOR	4,800.00		4,800.00		4,800.00	100%	-
550600	CAPITAL OUTLAY	41,000.00		41,000.00			0%	41,000.00
	TOTAL EXPENSES	1,203,000.00		1,203,000.00	88,325.77	382,489.78	32%	820,510.22

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 ENTERPRISE - SCIPIO CREEK & BATTERY PARK EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
SCIPIO CREEK								
510430	UTILITIES	5,000.00		5,000.00	158.19	1,125.45	23%	3,874.55
510410	COMMUNICATIONS	4,900.00		4,900.00	-	162.66	3%	4,737.34
510450	LIABILITY/PROPERTY INSURANCE	18,000.00		18,000.00	3,195.08	3,195.08	18%	14,804.92
510460	REPAIRS & MAINTENANCE	900.00		900.00	75.00	1,041.04	116%	(141.04)
510520	SUPPLIES	1,000.00		1,000.00	-	107.15	11%	892.85
510472	SUBMERGED LAND LEASE	3,000.00		3,000.00			0%	3,000.00
510462	JANITORIAL SERVICES	6,300.00		6,300.00	160.00	680.00	11%	5,620.00
	TOTAL SCIPIO CREEK EXPENSES	39,100.00		39,100.00	3,588.27	6,311.38	16%	32,788.62
BATTERY PARK								
520430	UTILITIES	7,000.00		7,000.00	362.92	2,020.11	29%	4,979.89
520450	LIABILITY/PROPERTY INSURANCE	15,000.00		15,000.00		15,000.00	100%	-
520460	REPAIRS & MAINTENANCE	5,000.00		5,000.00	880.00	880.00	18%	4,120.00
520520	SUPPLIES	2,000.00		2,000.00		95.04	5%	1,904.96
520471	SUBMERGED LAND LEASE	2,000.00		2,000.00	-	1,907.70	95%	92.30
520463	IT SERVICES	600.00		600.00			0%	600.00
520600	CAPITAL OUTLAY	32,500.00		32,500.00			0%	32,500.00
	TOTAL BATTERY PARK	64,100.00		64,100.00	1,242.92	19,902.85	31%	44,197.15

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 SPECIAL REVENUE FUND - APALACHICOLA COMMUNITY REDEVELOPMENT AGENCY

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
	REVENUES							
45042	CRA TAX INCREMENT	36,000.00	9,000.00	45,000.00		41,973.57	93%	3,026.33
45043	DONATIONS	2,000.00		2,000.00			0%	2,000.00
45044	SPECIAL EVENTS	5,000.00		5,000.00			0%	5,000.00
45045	MAIN STREET CONTRIBUTION	25,000.00		25,000.00			0%	25,000.00
45046	GRANT - USDA RURAL BUSINESS DEVELOPMENT	225,000.00		225,000.00			0%	225,000.00
11035	CASH BALANCE BROUGHT FORWARD	10,000.00	2,000.00	12,000.00			0%	12,000.00
	TOTAL CRA REVENUE	303,000.00	11,000.00	314,000.00		41,973.57	13%	272,026.33
	EXPENSES							
514120	SALARIES	38,000.00		38,000.00	3,166.67	15,833.35	42%	22,166.65
514210	SOCIAL SECURITY	2,900.00		2,900.00	239.03	1,195.15	41%	1,704.85
514220	RETIREMENT	3,100.00		3,100.00	261.57	1,307.85	42%	1,792.15
514230	GROUP INSURANCE	7,000.00		7,000.00	532.36	2,661.80	38%	4,338.20
514310	PROFESSIONAL SERVICES	2,000.00		2,000.00		500.00	25%	1,500.00
514520	OPERATING EXPENSES	3,000.00		3,000.00		670.00	22%	2,330.00
514400	TRAVEL & TRAINING	2,000.00		2,000.00		65.00	3%	1,935.00
514320	SIGN REPLACEMENT PROGRAM	10,000.00	(10,000.00)	-				-
514321	MICRO PROJECTS			15,000.00			0%	15,000.00
11021	TRANSFER TO GENERAL FUND	10,000.00	6,000.00	16,000.00			0%	16,000.00
514351	GRANT - USDA RURAL BUSINESS DEVELOPMENT	225,000.00		225,000.00			0%	225,000.00
	TOTAL CRA EXPENSES	303,000.00	11,000.00	314,000.00	4,199.63	22,233.15	7%	291,766.85

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 SPECIAL REVENUE FUND - REVOLVING LOAN PROGRAM

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
	REVENUES							
41	PROGRAM INCOME	23,600.00		23,600.00	2,119.77	20,063.60	85%	3,536.40
11021	CASH BALANCE BROUGHT FORWARD	12,600.00		12,600.00			0%	12,600.00
	TOTAL REVOLVING LOAN FUND	36,200.00		36,200.00	2,119.77	20,063.60	55%	16,136.40
	EXPENSES							
510462	RENTAL FEE - SEMINOLE	1,200.00		1,200.00	100.00	400.00	33%	800.00
510600	CAPITAL OUTLAY	35,000.00		35,000.00	100.00	400.00	0%	35,000.00
	TOTAL REVOLVING LOAN FUND EXPENSES	36,200.00		36,200.00	100.00	400.00	1%	35,800.00

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED FEBRUARY 28, 2019
 REVENUES & EXPENDITURES SUMMARY

TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
GENERAL FUND REVENUES	4,605,800.00	446,752.07	5,052,552.07	174,642.95	2,166,770.91		
GENERAL FUND DEPARTMENTS:							
GOVERNING BODY	304,000.00	26,570.52	330,570.52	12,938.35	86,572.21		
ADMINISTRATION	408,700.00		408,700.00	23,614.44	132,873.34		
ZONING/CODE ENFORCEMENT	305,700.00		305,700.00	13,068.98	71,982.48		
POLICE	622,700.00		622,700.00	60,856.33	269,962.11		
FIRE	133,900.00		133,900.00	6,207.23	25,176.55		
PUBLIC WORKS	1,587,900.00		1,587,900.00	68,021.36	359,450.58		
LIBRARY	95,400.00		95,400.00	5,643.17	28,411.53		
PARKS	477,400.00		477,400.00	1,040.22	8,904.24		
RECREATION/COMMUNITY PROGRAMS	433,900.00		433,900.00	35,416.63	148,145.88		
FACILITIES	236,200.00		236,200.00	7,764.21	96,863.54		
TOTAL ALL DEPARTMENT EXPENDITURES			GENERAL FUND YTD REVENUES - YTD EXPENSES	234,570.92	1,228,342.46		
					938,428.45		
WATER & SEWER FUND REVENUE	1,962,000.00		1,962,000.00	159,042.35	874,471.75		
WATER EXPENSES	759,000.00		759,000.00	50,086.42	358,988.19		
SEWER EXPENSES	1,203,000.00		1,203,000.00	88,325.77	382,489.78		
WATER & SEWER YTD REVENUES - YTD EXPENSES					132,993.78		
SCIPIO CREEK REVENUES	39,100.00		39,100.00	5,230.09	17,978.43		
SCIPIO CREEK EXPENSES	39,100.00		39,100.00	3,588.27	6,311.38		
SCIPIO CREEK YTD REVENUES - YTD EXPENSES					11,667.05		
BATTERY PARK REVENUES	64,100.00		64,100.00	3,509.17	22,726.35		
BATTERY PARK EXPENSES	64,100.00		64,100.00	1,242.92	19,902.85		
BATTERY PARK YTD REVENUES - YTD EXPENSES					2,823.50		
CRA REVENUES	303,000.00	11,000.00	314,000.00	-	41,973.67		
CRA EXPENSES	303,000.00	11,000.00	314,000.00	4,199.63	22,233.15		
CRA YTD REVENUES - YTD EXPENSES					19,740.52		
REVOLVING LOAN REVENUES	36,200.00		36,200.00	2,119.77	20,063.60		
REVOLVING LOAN EXPENSES	36,200.00		36,200.00	100.00	400.00		
REVOLVING LOAN YTD REVENUES - YTD EXPENSES					19,663.60		

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: Ordinance 2019-01 Historic and Cultural Preservation – Public Hearing and Second Reading

AGENDA INFORMATION:

Agenda Location: Public Hearing and Unfinished Business
Item Number: A
Department: Administration
Contact: Cindy Clark, City Planner
Presenter: Cindy Clark, City Planner

BRIEF SUMMARY: In 2006, the City Commission adopted Historic Guidelines to help guide development and ensure compatibility in the City's Historic District. Over the years, adherence to the guidelines has proved problematic because the guidelines do not have regulatory standing. In 2018, a group comprised of Planning Board members, volunteer historic preservation enthusiasts, staff and State Planning officials gathered to take on the task of turning the historic guidelines into enforceable regulations. As part of the effort, the group drafted significant changes to Chapter VII (historic preservation) and Chapter II (definitions) with the intent of protecting historic assets, defining requirements for obtaining a Certificate of Appropriateness and providing for protective maintenance of historic structures. In accordance with Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, the ensuing document was presented to the Planning & Zoning Board in at least three public workshops and has been submitted for review in a joint workshop with the City Commission on February 5, 2019. The proposed Ordinance contains revisions made in response to comments received during those meetings and the revised Ordinance was presented to the City Commission for a first reading in March. A public hearing and second reading for final adoption is scheduled for the April 2, 2019 Commission meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Adopt Ordinance 2019-01 City of Apalachicola Historic and Cultural Preservation Ordinance.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Proposed Ordinance 2019-01

STAFF'S COMMENTS AND RECOMMENDATIONS: None at this time.

**City of Apalachicola, Florida
Historic and Cultural Preservation
Ordinance Number 2019-01**

An Ordinance Repealing Chapter VI in its Entirety and Creating the Purpose and Intent of Protecting Historic Assets, Requirements for Obtaining a Certificate of Appropriateness within the Historic District; Providing for Protective Maintenance of Historic Structures, Providing Required Material Descriptions; Amending Chapter II, Definitions; Amending Chapter VII, part C, 2b and Providing for Severance.

WHEREAS, the protection, preservation, restoration, and enhancement of historic assets is a public purpose essential to public health, safety, and welfare and enhances property values and preserves the City's status as a desirable tourist destination and provides cultural enrichment and civic pride to the City's residents; and,

WHEREAS, the City has adopted a Historic Element within the Apalachicola Comprehensive Plan which has committed to the adoption of regulations to direct and guide the maintenance and improvement of the Historic District; and,

WHEREAS, the preservation of historic assets is necessary to maintain the City's eligibility to receive grants and other forms of aid from state and federal programs that are conditioned on protection of historic assets; and,

WHEREAS, there are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections of state and local governments, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in expenditures by tourists visiting historic sites.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE AMENDMENTS:

Chapter VI. HISTORIC AND CULTURAL PRESERVATION

A. GENERAL PROVISIONS

1. Purpose and Intent

- a) The purpose of this Chapter is to protect, preserve, restore, and enhance the City's historic assets, including the original plat of the City as laid out in 1836, historic sites, structures, areas and objects located in the City, and to ensure that future

development is consistent in scale, height, mass, type and location with the City's historic legacy. The City's Historic plat, sites, structures, areas, and objects are irreplaceable assets of the City. Their protection, preservation, restoration, and enhancement are a public purpose essential to public health, safety, and welfare. Preservation efforts will make available to future generations knowledge of the City's history and accomplishments and enhance property values.

- b) The intent of this Chapter is to implement the City's Comprehensive Plan, and the policy of the State of Florida, as expressed in the State's Constitution and statutes, to protect and preserve the State's scenic beauty, and historic assets. It is also the purpose and intent of this Chapter that it be consistent with policies and programs of the United States Department of the Interior, Standards for the Treatment of Historic Properties, to preserve historic assets and to maintain the City's eligibility to receive grants and other forms of aid from state and federal programs that are conditioned on protection of historic assets.

2. Interpretation of this Chapter

- a) The terms used in this Chapter are defined in Chapter II, Definitions.
- b) The provisions of this Chapter shall be construed in harmony with the regulations for Zoning Districts provided for in Chapter IV. However, in all Zoning Districts lying within the Historic District, the regulations for both the Zoning District and the Historic District shall apply; and in any case of ambiguity the more restrictive standard shall control.

3. Architectural Review Board

As provided in Chapter III, it shall be the duty of the Planning and Zoning Board, sitting as the Architectural Review Board, to implement the provisions of this Chapter.

B. HISTORIC PROTECTION, PRESERVATION, RESTORATION, AND ENHANCEMENT

1. Historic District

A Historic District is established for the City of Apalachicola. As provided in Chapter II, Definitions, the boundaries of the Historic District are established on Map A of the Historic Element of the Apalachicola Comprehensive Plan as the Historic District. Any change in the boundaries of the Historic District shall be adopted pursuant to the general provisions and procedures governing changes to the Apalachicola Comprehensive Plan. Within the Historic District there are Contributing and Non-Contributing Structures. -For the purpose of interpreting Chapter VI, designation as a Contributing or Non-Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District, for

inclusion of the Historic District on the National Register of Historic Places. The 1980 Map B designation of as a Conforming Structure shall mean a Contributing Structure and designation as a Non-Conforming Structure shall mean a Non-contributing Structure.

2. Relationship to Zoning Districts

- a) The regulations provided in this Chapter shall apply to any portion of any Zoning District located within the boundaries of the Historic District, in addition to the regulations for that Zoning District. In any case of ambiguity, the more restrictive standard shall control. It is not the intent of this Chapter to regulate lot coverage, height, setback, or density as those elements are regulated in Chapter IV.
- b) The City shall use the Florida Master Site File listings (FMSFL) for determining whether a structure is contributing or noncontributing and may additionally use the FMSFL to determine historic site plan orientation, and other applicable site plan information.

3. Protection and Enhancement of the Historic Plat

- a) Development that would alter the Historic Plat shall not be permitted.
- b) The City's Historic Squares are identified as Washington Square, Gorrie Square (originally City Square), Chapman Square (Originally Marshall Square), Franklin Square, Madison Square and City Square (originally White Square.)
 - 1) The intent of the City is to preserve the Historic City Squares as public open space. The squares are designated on the City Land Use Map adopted as part of the Apalachicola Comprehensive Plan as Public Facilities, a land use classification broadly defined as open space and passive recreation.
 - 2) With the exception of the Washington Square parcel or State-owned property within the Squares, only public infrastructure projects shall be allowed on Historic Square parcels. Renovation of existing structures will be designed to minimize the footprint of existing structures and maximize open space in accordance with the intent to preserve the Historic Square parcels as public space.
 - 3) New development on any lot abutting the Historic Square parcels must be compatible with the existing structures, squares, streetscapes and places to which it would visually relate. New construction on a lot abutting a square shall have a porch and an entrance on the elevation facing the Square, in addition to any other entrances or porches on the structure.

4. Certificate of Appropriateness

- a) A Certificate of Appropriateness shall be required before any permit is issued for any of the following within the Historic District:
 - 1) Demolition of a Contributing Structure;
 - 2) Moving a Contributing Structure;
 - 3) A material change in the exterior appearance of an existing structure by addition, reconstruction, or alteration;
 - 4) New construction of a principal or accessory structure;
 - 5) A material change in an existing wall or fence, or construction of a new wall or fence.

- b) An application for a Certificate of Appropriateness shall be made in the City Office on forms provided by the City as part of the building permit application process. The Certificate of Appropriateness review shall occur at the same time as site plan approval review. An application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required for the Architectural Review Board to evaluate the application for compliance with the regulations of this Chapter. All applications for commercial structures must be filed in electronic format. A complete application for any proposed development ~~must~~ be filed no later than 30 days prior to any meeting of the Board at which such application is to be heard. The Staff of the City evaluating the application, or the Board, may require additional information necessary to determine whether the application complies with the provisions of this Chapter. The request for additional information shall extend the 30 day deadline until the application is complete.

- c) The Building Department shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, to the Architectural Review Board for review. Personal attendance of the applicant or his agent is required at the hearing for consideration of the application. If the Board approves the application, a Certificate of Appropriateness shall be issued. If the Board denies an application, the Board shall state the reasons for denial in writing and a Certificate of Appropriateness shall not be issued.

5. Development Standards

- a) A Contributing Structure, or any related appurtenance, including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the architectural character of the building, structure, or appurtenance; and shall be compatible with buildings, structures, squares, streetscapes, and places to which it is or would be visually related. Additional minimum aesthetic and safety standards as identified in Ordinance 2016-01 are also applicable.

- b) A Contributing Structure shall be maintained to meet the requirements of the Florida Building Code.
- c) A new Non-contributing structure built in the Historic District or a Non-contributing structure that's moved within or from outside the District to inside the District shall be generally of such form, type, proportion, mass, scale, configuration, building material, texture and location on a lot as will be compatible with other structures in the Historic District, and particularly with Contributing Structures and squares, streetscapes, and places to which it is visually related.
- d) A Contributing Structure shall-not be demolished unless its condition is irrevocably compromised by deterioration. A demolition permit shall be required to demolish any Contributing Structure in accordance with the demolition permit provisions of the City's Land Development Code
- e) A Contributing Structure shall not be relocated to another site unless the Board determines that the relocation is the only reasonable alternative to demolition. When an applicant seeks a Certificate of Appropriateness to relocate a Contributing Structure, evidence must be presented to the Board that the structure can be moved without damage to its structural integrity and without loss of its historic physical characteristics, and that the structure would be compatible with structures, squares, streetscapes and places to which it is visually related at the proposed site.
- f) The following regulations apply to exterior finishes:
 - 1) Wood lapped siding, novelty siding, and board and batten siding and shingles are permitted on structures in the Historic District, with dimensions and trim boards that are visually compatible with structures, squares, streetscapes, and places to which they are visually related.
 - 2) Non-wood lapped siding, board and batten, and shingles, such as fiber cement board (Hardy Board and similar products) are permitted on structures in the Historic District, with dimensions of trim boards that are compatible with structures, squares, streetscapes, and places to which they are visually related.
 - 3) Replacement siding on a Contributing Structure must approximate the original siding in style and dimension of trim boards. Wood or fiber cement materials are permitted for replacement siding. Vinyl or aluminum siding is not allowed unless it replaces existing vinyl or aluminum.
 - 4) Masonry materials, such as brick, stone, stucco, and concrete masonry units are permitted on structures in the Historic District.

- 5) Repairs or replacements to masonry materials, such as brick, stone, stucco and concrete masonry units must be similar in material, dimension, and texture to the historic material on a Contributing Structure. Masonry repointing must be compatible with respect to the historic material and texture.
 - 6) Masonry materials and joints, dimensions, and texture for alteration of a Non-Contributing-structure or new construction, must be similar to and compatible with structures, squares, streetscapes and places to which the structure is visually related.
- g) The following regulations apply to windows, doors, shutters, and awnings:
- 1) Window glass shall be clear and transparent. Laminated impact-resistant glass, wind-resistant films and acrylic sheets are permitted, if the appearance of windows on the exterior is not affected. Doors may include clear glass, cut glass or stained glass, as appropriate to the style of the structure.
 - 2) Replacement windows, doors, transoms and sidelights on a Contributing Structure shall be made to fit the original openings without the use of blocking or infill. Such replacement windows, doors, transoms and sidelights shall have sills, mullions, sashes, surrounds and other features that are similar and compatible with the historic materials and dimensions of the structure. The addition of a new window or door opening in a Contributing Structure is permitted if the new window or door contributes to the historic style of the structure, based on the style, scale, location and proportion of the new window or door.
 - 3) Alteration of windows and doors on a Non-Contributing Structure and windows and doors on new construction shall be compatible with buildings, structures, squares, streetscapes, and places to which they are visually related.
 - 4) Shutters on a Contributing Structure that were historically present must be retained and repaired or replaced with shutters that are similar in style, dimension, and method of attachment.
 - 5) Removable hurricane shutters, with tracks matching the primary structure, are permitted on a Contributing or Non-Contributing Structure and new construction. Roll down and accordion hurricane shutters, which are compatible with the immediate vicinity of the structure and with the Historic District, are permitted on a case-by-case basis.
 - 6) Awnings on a Contributing or Non-Contributing Structure or new construction must be compatible with the building type and style of the structure. Illuminated awnings and colored or clear awnings of acrylic materials are prohibited.

h) The following regulations apply to roof materials and roof alterations:

- 1) Roof materials for a Contributing or Non-Contributing Structure and new construction shall be metal, unless there is historical evidence of other materials, such as asphalt/fiberglass shingles, wood shakes, or other materials, in which case, the Board may approve the use of other materials at the request of the applicant. The Board may approve other roofing materials for new construction at the request of the applicant.
- 2) The roofs on a Contributing Structure must maintain the historic roof form and pitch. Other roof features, such as chimneys, widow walks and scuttles shall not be removed. New dormers are permitted if the dormer is compatible with the style, form and proportion of the Contributing Structure, as based on similar structures in the Historic District.
- 3) New roof-mounted solar collectors, scuttles and skylights in a Contributing or Non-Contributing Structure and new construction shall be flat mounted on the roof.
- 4) Roof decks are prohibited, except for structures with flat or low-slope roofs. Rooftop decks on flat-topped downtown buildings shouldn't be visible from below.

i) The following regulations apply to porches and storefronts:

- 1) Porches on residential structures are a defining characteristic of the Historic District and all residential structures, whether Contributing, Non-Contributing or new construction must retain, restore, rehabilitate, reconstruct during rehabilitation, or include a new porch, either as a front porch, a side porch, or both.
- 2) Porches on a Contributing Structure shall not be demolished and shall be restored or rehabilitated when the structure is renovated to be compatible with the original porch. If a porch has been previously demolished, a new porch is required when the structure is renovated and shall be compatible with the historic type and style of the Contributing Structure.
- 3) Porch enclosures are permitted with transparent screening to be minimally visible from the adjacent street or avenue. New full or partial enclosures are not permitted on a Contributing Structure, but may be allowed on a Non Contributing Structure and new construction if it would be compatible with similar structures in the Historic District.
- 4) The historic storefront on a Contributing Structure shall be preserved, restored or reconstructed, including the style, dimension and materials of windows,

doors, transoms, awnings and other features that contribute to the historic style of the structure. Blinking or chasing lighting is prohibited; fluorescent lighting must be concealed from view, and neon lighting is permitted only if replacing historic features in the building. See Chapter V for additional sign regulation standards.

j) The following regulation applies to exterior decorative details:

- 1) Exterior architectural details on a Contributing Structure, including porches, entries, roof gable ends, and friezes, windows and doors, must be preserved or replaced in kind.

k) The following regulations apply to an Accessory Structure:

- 1) Accessory structures such as garages, carports, boat sheds, guesthouses, pools, storage sheds, pool cabanas, studios and similar structures shall be compatible with the principal structure on the lot in materials, style, height, scale and massing, and shall only be permitted in the rear or side yard.
- 2) Accessory structures shall not exceed the height of the principal structure.

l) The following regulations apply to site improvements:

- 1) Decks, swimming pools, hot tubs, exterior HVAC units, antennas and satellite dishes and other such equipment shall be located only in rear and side yards.
- 2) Parking shall be encouraged to be located in the rear or side yards.
- 3) Fences are permitted in accordance with the regulations of the City's Land Development Code.
- 4) Temporary ramps necessary to meet ADA building codes are permitted, but must be removed when no longer necessary. Permanent ramps are not permitted except for structures requiring public access in which case the ramp must be compatible in material, detail and scale with the structure.
- 5) Archeological resources found on site or during excavations shall be reported to the City of Apalachicola, prior to disturbing such resources, for the purposes of assessment of value and recovery.

Chapter 2 of the Apalachicola Land Development Regulations

Chapter 2 - Definitions to include:

Contributing Structure means a site, structure or object in the Historic District which adds to the historical/architectural qualities, historic associations or archaeological values for which a the Historic District is significant and is on the Florida Master Site File of Historic Places as a Contributing or Altered Structure. For the purpose of interpreting Chapter VI, designation as a Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District. Contributing Structures are considered historic structures.

Exterior Architectural Features includes, but is not limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style, and material of roofs, windows, doors, siding, masonry, porches, storefronts, and other architectural features.

Florida Master Site File: a listing of the Contributing Structures within the Historic District that have been recorded with the National Register of Historic Places.

Irrevocably Compromised: A structure that is unfit for habitation as determined by the Building Official and the cost to bring the structure to a standard of fit for habitation exceeds 80 percent of the value of the structure, excluding the value of the land, as determined by an architect, engineer, or credentialed historic preservationist.

Non-Contributing Structure: a site, structure or object in the Historic District which does not meet the criteria for a Contributing Structure. For the purpose of interpreting Chapter VI, designation as a Non-Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District.

Plat -Historic: the original plat of the city made in 1836 including city squares, streets, and alleys. The original document establishing the 1836 plat is shown on a document dated 1837 contained in the Archives of the University of Florida Smathers Library. The 1837 map shall be considered an accurate representation of the Historic Plat and used as such whenever necessary.

Restoration: the process of accurately recovering the form and details of a property and its setting as it appeared during the historic period that qualifies the structure as a Contributing Structure by means of removal of later work or by replacement of missing earlier work.

Repeal Chapter VII, part C 2b and replace with: For a proposed site plan to appear on the agenda for an upcoming Planning and Zoning Board meeting, the plan must be complete and be submitted at least 30 days before the meeting.

City staff evaluating the application may request additional information necessary to determine whether the application completely addresses this Code's requirements. An application shall not be placed on the Board's meeting agenda until a complete application is received at least 30 days prior to the meeting.

Conflict. All Ordinances or Code provisions in conflict herewith are hereby repealed.

Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Effective Date. This Ordinance shall be filed with the Secretary of State within ten days of adoption and shall take effect upon final agency action of the Department of Economic Opportunity.

PASSED AND ADOPTED in Regular Session this ____ day of _____ 2019.

CITY OF APALACHICOLA

BY: _____
Van W. Johnson, Sr., Mayor

ATTEST:

Deborah Guillotte
City Clerk

APPROVED AS TO FORM:

J. Patrick Floyd
City Attorney

**MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, MARCH 5, 2019,
6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.**

PRESENT: Mayor Van W. Johnson, Sr.
Commissioner Jimmy Elliott
Mayor Pro Tem Brenda Ash
Commissioner Anita Grove

Ron Nalley, City Manager
Lee Mathes, Director of Administrative Services
Bobby Varnes, Chief of Police
Pat Floyd, City Attorney

ABSENT: Commissioner Mitchell Bartley

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 PM and Attorney Floyd gave the invocation. Council members led the pledge of allegiance.

AGENDA ADOPTION

Mayor Johnson called for motion to approve agenda. Ron Nalley requested that New Business Item E be removed from the agenda due to item is under further review.

Commissioner Brenda Ash made a motion to approve the agenda as presented. Commissioner Anita Grove seconded and the motion carried 4-0.

MAYOR'S AND COMMISSIONERS REPORTS AND COMMUNICATIONS

CITY MANAGER COMMUNICATIONS

- **Commission Retreat** – The Commission Retreat is scheduled for March 23, 2019 beginning at 9:00 a.m at the Community Center. A draft agenda is attached to this Agenda packet..
- **Ethics Training** – The Northwest Florida League of Cities is offering an ethics training opportunity in Apalachicola on March 28th from 8 a.m. until 12 p.m. at the Community Center.
- **Triumph Grant Update** – Cindy Clark gave a brief update on the Housing and Infrastructure Initiative proposed for funding through Triumph. The project is composed of three basic components: 1) leverage city-owned property and tax incentives for workforce housing; 2) expand infrastructure to support an area targeted for workforce housing; and 3) provide trades-related education and career options through apprenticeships. A meeting of Housing stakeholders to discuss the project will be held on March 6th at 10 a.m. in the Community Building.

Cindy Clark also gave a brief update of the Triumph Gulf Coast Board of Directors action, in which guidelines were developed to release monies specifically earmarked for Hurricane Michael Major Disaster Area Recovery Program, including language that all Triumph applications, including those already submitted, must have County endorsements. Current applications include Scipio Creek Project, Solar Project, and Pre-Application that has been approved to move forward as the Affordable Housing Initiative. Ms. Clark stated the City Manager will be

following up on the individual Scipio Creek Project with Triumph this month. The City received preliminary repair estimates of \$2.5 million for the Popham Building and only received \$200,000 in insurance proceeds. FEMA has declared the Popham building ineligible for public assistance because it was not in use at the time of the storm, but the City has appealed this decision based on the fact that a plan for restoration was in place at the time of the storm. The Solar application is currently in staff review and will need to be supported by a letter from Franklin County to be able to move forward.

- **Legislative Update** – Augusta West gave a brief update on the Apalachicola Environmental Stewardship Bill, stating that the ½ cent bed tax provision was removed and that this will be revisited next year. This Bill will likely undergo more changes during the course of the session. Ms. West also reported that the City has filed three Local Funding Initiative Requests for the Water Filter Project, Waste Water Infrastructure Improvements and funding to alleviate our debt default amount.

Mayor Johnson thanked Ms. West for all her hard work of research over the past few years.

- **Finance Report** - Mr. Nalley stated that a summary sheet was added to the finance report including total revenues, total expenditures and the balance in each fund.

ATTORNEY PAT FLOYD COMMUNICATIONS

- Attorney Floyd gave update on the Georgia/Florida case.
- Attorney Floyd gave update on the Duke Energy Franchise Agreement and the concern over the term of the Agreement, the rate being paid by Duke Energy for the use of the City right-of-ways and some other additional areas that have to be revisited. Attorney Floyd will get in touch with Duke Energy to finalize this Agreement and bring back to the City Commission for further review.
- Attorney Floyd presented a draft Mobile Food Vendor Truck Ordinance, stating that it was revised with additional suggestions from interested citizens. Additional items that require further consideration by the City Commission are: 1) whether permanent placement is allowable, 2) do they have to comply with the Land Development Regulations for food and drink establishments, and 3) if it is a temporary use, will separate restrictions for parking and lot space be required.

PRESENTATIONS

A. Presentation of Service Award – Commissioner James Elliott – Mr. Mark Sittig, Membership Manager with the Florida League of Cities presented Commissioner James Elliott with a Resolution honoring him for 35 years of elected service and a John Land Years of Service Award plaque.

PUBLIC COMMENT

Mayor Johnson opened the floor for public comment.

- Chris Moore informed the City Commission that she filed an Appeal for an official hearing of the Floodplain Administrators decision regarding her property.
- Rich Hall gave update on his floodplain violation and distributed timeline pictures of damage at 39 7th Street with all the recent rain events. In response to a question from Commissioner Grove, Attorney Floyd reminded the City

Commission the City is in litigation and should not be discussing this case and stated that a court date should be set in June or July of this year. In a response to a question from Mayor Johnson, Attorney Floyd stated that the City will get a trial date and in the meantime, the City will move forward with discovery and have this completed so that the City can go ahead with trial. In response to a question from Donna Ingall, Mr. Nalley stated we are at this time addressing the Fill and Stormwater Regulations Ordinance and to set a joint meeting with Planning and Zoning tonight.

- Kevin Martina inquired about the status of the Scipio Creek Ice House and when the City will be moving forward with this project. Mr. Nalley stated we are scheduled to meet with Triumph staff this month and will give an update of the Scipio Creek and Popham Building Grant Project. In a response to a question from Commissioner Elliott, Mr. Nalley gave update on the power and water issues at Scipio Creek, and that staff was working on those issues at this time.
- Jamie Liane offered suggestions on some items in the Rules and Procedures relating to Special Meeting and Workshop Announcements to citizens.
- George Floyd stated his concerns with the stability of the Popham Building and introduced architects who stated the urgency of stabilizing the building. In a response to a comment made by George Floyd, Commissioner Grove stated the City does not have money up front to stabilize the Popham Building since the grant applied for at this time has not officially been awarded to the City. Bill McCartney then gave a quick review to date of the Triumph Grant of Scipio Creek and Popham Building Application. Mr. Floyd stated his concern about communication efforts for the project. In a response to a question by Mayor Johnson, Mr. McCartney stated that initially the project called for a construction manager. Travis Millender stated his concerns of not having adequate electric and water at Scipio Creek. In a response to a question by Commissioner Elliott, Mr. Nalley stated we will look into this matter further.
- James Frost thanked the City Commission for the quick response of the Mobile Food Vendor Ordinance and stated his concerns with the proposed Ordinance, especially the word "Permanent".
- Despina George expressed her concern with the parcels the City of Apalachicola has allotted for the Triumph Pre Application Affordable Housing Initiative, and stated she thought these parcels were on the City's Property Sale List.

CONSENT AGENDA

Mayor Johnson presented the Consent Agenda and asked if any items should be removed before a motion.

- Meeting Minutes Adoption - Adopt the November 5, 2018 Joint Workshop with Tree Committee, February 5, 2019 Joint Workshop with Planning and Zoning, and February 5, 2019 Regular Meeting Minutes.
- Planning & Zoning Minutes Confirmation - Confirm the January 2019 Planning and Zoning Minutes.
- Approval of Copier Lease - Office Business Systems

Commissioner Brenda Ash made a motion to approve the Consent Agenda. Commissioner Anita Grove seconded and the motion carried 4-0.

UNFINISHED BUSINESS

A. ORDINANCE 2019-03 MOBILE FOOD VENDOR REGULATIONS

AN ORDINANCE OF THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA REGULATING THE OPERATION OF MOBILE FOOD VENDORS WITHIN THE CITY OF APALACHICOLA, FLORIDA, REQUIRING A PERMIT, REQUIRING COMPLIANCE WITH FLORIDA STATUTES AND REGULATIONS REGARDING THE SALE, PREPARATION, STORAGE AND DISPLAYING OF FOOD IN

COMMERCIAL OPERATIONS, PROVIDING OPERATION REQUIREMENTS AND CONDITIONS, PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATION AND PROVIDING AN EFFECTIVE DATE.

Mr. Nalley stated currently, no provisions in the Zoning Ordinance supports or provides development standards for mobile food vendors or itinerate merchants. Historically, the City has informally allowed, on a temporary basis, mobile food vendors in conjunction with events and festivals and a provision in the Business License Ordinance allows for this. Recently, the City has received requests from businesses interested in either locating a Mobile Food Truck on their property or operating a Mobile Food Truck within the City. At their February meeting, the Commission asked the City Attorney to develop an Ordinance which was presented tonight.

Commissioner Grove recommended limiting the number of mobile vendor licenses and that they have to be on private property and create more of a use permit instead of a land use.

Following discussion, Mr. Nalley and Mrs. Clark were asked by the Commission to review and make further recommendations as quickly as possible.

UNFINISHED BUSINESS

B. RULES OF PROCEDURE FOR THE CITY COMMISSION

Mr. Nalley reported that at their February meeting, the City Commission held discussion on creating their own Rules of Procedure and requested that the City Manager prepare a draft Rules of Procedure document for the Commissioner's review and consideration. A draft Rules of Procedure for Procedure was presented so the City can move forward with review and adoption. Mayor Johnson stated the Legislature is also taking up this matter, and that he would request the City move to create and adopt the Rules and Procedures even if it doesn't pass in the Legislature. Mayor Johnson reviewed briefly House Bill 265 and Senate Bill 518.

Mr. Nalley stated we have patterned the Rules of Procedure for the City Commission closely to what we do already, but if there were anything else the City Commission would like to add to please contact him.

NEW BUSINESS

A. ORDINANCE 2019-01 HISTORIC AND CULTURAL PRESERVATION – FIRST READING

Attorney Floyd read Ordinance 2019-01 by title as follows:

AN ORDINANCE REPEALING CHAPTER VI IN ITS ENTIRETY AND CREATING THE PURPOSE AND INTENT OF PROTECTING HISTORIC ASSETS, REQUIREMENTS FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS WITHIN THE HISTORIC DISTRICT; PROVIDING FOR PROTECTIVE MAINTENANCE OF HISTORIC STRUCTURES, PROVIDING REQUIRED MATERIAL DESCRIPTIONS; AMENDING CHAPTER II, DEFINITIONS; AMENDING CHAPTER VII, PART C, 2B AND PROVIDING FOR SEVERANCE.

Commissioner Anita Grove made a motion to approve First Reading of Ordinance 2019-01 Historic and Cultural Preservation and proceed with the adoption process. Commissioner Brenda Ash seconded and motion carried 4-0.

NEW BUSINESS

B. ORDINANCE 2019-04 AMENDING ARTICLE 17 – ELECTIONS OF THE CITY OF APALACHICOLA CHARTER

Mayor Johnson stated at the February Commission meeting, Franklin County Supervisor of Elections Heather C. Riley

presented information to the City Commission regarding a proposal to move Apalachicola’s municipal elections to the first Tuesday in November in even-numbered years to coincide with the State of Florida General Elections. Following the

presentation, the City Commission requested that the City Manager work with Supervisor Riley to present options for making such a change to the Commission. Mayor Johnson encouraged the City Commission to make this Election Change for the good of the City of Apalachicola.

In response to a question from Commissioner Ash, Attorney Floyd stated there are some amendments that may require a referendum to be made to the Charter, and that some parts may be changed by approval of the City Commission. Attorney Floyd and Mr. Nalley will do further research and report back to the Commission.

Rebecca Jetton then reviewed the Municode process and the importance of notifying them of changes to the City’s Ordinances.

NEW BUSINESS

C. PROPOSED T-MOBILE SITE LEASE AGREEMENT

In February, a representative of T-Mobile approached the City about leasing a portion of the water tower on Coach Wagoner Boulevard and Avenue L for the location, installation and operation of an antenna facility. T-Mobile has provided the City a standard lease agreement for the Commission’s consideration. The Agreement contains an Option Period of one year with three one year renewals to allow T-Mobile an opportunity to determine if the site is suitable for the proposed use and to obtain all governmental approvals. Once T-Mobile decides to exercise its options, the Agreement sets terms and a rental payment of \$1,800 per month for the first 5 years, which will increase upon each successive renewal term. If the full term is realized, the lease would extend for 39 years. The property is located in the R-2 Zoning District and allows the antenna through a Special Exception as a “Public Facility or Structure”.

Mr. Nalley stated that should the Commission decide to move forward with consideration of the lease of the water tank property, the Agreement will need further review by staff and a complete review by the City Attorney. This information is being presented to the Commission with the idea that if they are interested in pursuing this Agreement, a revised Agreement, if needed, can be brought back to the Commission for approval at a later meeting.

Mayor Johnson commented that the City of Apalachicola has had similar type agreements in the past.

In response to a question from Commissioner Ash, Mr. Nalley stated that he will talk with T-Mobile on the proposed option term versus lease term price difference and how this was determined. Attorney Floyd also asked that we get from T-Mobile lease amounts paid by other cities.

Mr. Nalley will contact T-Mobile to further discuss Agreement options.

NEW BUSINESS

D. CDBG GRANT AGREEMENT 19DB-ON-02-29-02-N18

In August 2018, the City submitted an application to the Florida Department of Economic Opportunity (DEO) for a \$650,000 Florida Small Cities Community Development Block Grant (CDBG). The grant was awarded effective December 10, 2018, but the City has just received the subgrant agreement with DEO. The City must execute the agreement and return it to DEO for their signature. In addition, the City will need to contract with a consultant grant administrator for the CDBG project. Following the development of a request for proposals and advertisement, Roumelis Planning and Development Services, Inc. (RPDS) was the only response. The proposed fee of \$51,500 is \$500 less than the CDBG grant administration budget. RPDS has prepared the attached contract for the Commission’s review and approval. Because the City was not certain of funding, the CDBG project was not included in the adopted budget and a budget amendment is needed prior to approving the attached

agreements. A local contribution of \$25,000 is needed for the project, which the City Commission approved as part of the grant application.

In a response to a question by Mayor Johnson, Mr. Nalley stated this is the Manhole Repair Project.

Commissioner Anita Grove made a motion To Dispense of the Two-Reading Requirement for Ordinances as Allowed for in the City Charter so that the Budget Amendment may be Allowed to Pass Upon First Reading by Unanimous Vote. Commissioner Brenda Ash seconded and motion carried 4-0.

Commissioner Brenda Ash made a motion to Approve Budget Amendment 2 Amending the Sewer Fund to Reflect Award of the Community Development Block Grant Project. Commissioner Jimmy Elliott seconded and motion carried 4-0.

Commissioner Jimmy Elliott made a motion to Approve the CDBG Subgrant Agreement 19DB-ON-02-29-02-N18 and Authorize the Mayor to Execute the Agreement. Commissioner Anita Grove seconded and the motion carried 4-0.

Commissioner Anita Grove made a motion to Award the Contract for CDBG Grant Administration Services to Roumelis Planning and Development Services, Inc. in the Amount of \$51,500 and Authorize the City Manager to Execute The Agreement. Commissioner Jimmy Elliott seconded and the motion carried 4-0.

NEW BUSINESS

E. JOINT WORKSHOP WITH PLANNING AND ZONING BOARD – FILL AND STORMWATER REGULATIONS

Cindy Clark reported that the issue of fill, flooding and stormwater control has been an ongoing challenge for the City in recent months. Current regulations do not provide adequate guidance for the regulation of fill on lots for the purposes of flood prevention. With the help of State planning and floodplain management officials, staff has drafted proposed regulations relating to the deposition of fill materials for new development and redevelopment. The proposed regulations provide certainty for applicants wishing to modify the elevation of property and provides consistency with the City's adopted floodplain regulations. In accordance with Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, the proposed document was presented to Planning & Zoning Board in two public workshops (January 14, 2019 and February 11, 2019). The Planning and Zoning Board voted at their their February 11 meeting to transmit draft changes forward for a City Commission/Planning & Zoning Board joint workshop.

Commissioner Jimmy Elliott made a motion to set a Joint Workshop with the Planning and Zoning Board on May 7, 2019, at 5:00 p.m. to Review Proposed Changes to the Land Development Code Relating to Fill and Stormwater. Commissioner Anita Grove seconded and motion carried 4-0.

NEW BUSINESS

F. REQUEST CONSIDERATION OF C-1 ZONING USE CHANGE

There exists an area along south 4th Street (Block 11) that is split zoning between commercial and residential districts. One half of the block is designated C-1 Commercial and the other half is R-1 Residential separated by an alley. The C-1 side of the block contains an existing professional office and a residential structure. The half block in question is an anomaly in that it is not part of the downtown commercial district although it is considered C-1 and is bordered by transient rental activity (Gibson Inn) which does provide transient lodging on the first floor. The City has received a request from a property owner to consider allowing transient rentals on the first floor of the existing structure consistent with the neighboring transient rental property (Gibson Inn). Current regulations allow transient lodging in existing residential structures in the C-1 district along 4th street. The parcel in question is not located in the flood zone and is part of a transitional area currently providing commercial office space.

Staff stated that the request has merit and recommends forwarding the matter to the Planning and Zoning Board to consider revisions to the C-1 Regulations that would allow first-floor transient lodging in existing structures in C-1 transition zones (split residential/commercial blocks) provided such parcels are not located within flood zones and provided the zone is not located within the City's core walking district.

Commissioner Anita Grove made a motion to send the Request For Consideration of C-1 Zoning Use Change to the Planning and Zoning Board for further review and recommendation. Commissioner Jimmy Elliott seconded and motion carried 4-0.

ADJOURNMENT

With no further business, Commissioner Jimmy Elliott made a motion to adjourn the meeting at 8:00 pm. Commissioner Brenda Ash seconded and motion carried 4-0.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 11TH, 2019
Community Center/City Hall – 1 Bay Avenue
AGENDA MINUTES

Workshop – 5:00 P.M

Workshop attendance:

Chairperson - Tom Daly, Lynn Wilson-Sporhrer, Jim Bachrach, Uta Hardy, City Planner - Cindy Clark, Rebecca Jetton, Dennis Winterringer, Permitting & Development Coordinator – Cortai Bankston

Fill and Stormwater – Discussion Held, Motion to amend Agenda to add workshop item: Jim Bachrach, 2nd; Lynn Wilson-Sporhrer. Motion Carried.


Regular Meeting – 6:00 P.M.

Attendance:

Chairperson - Tom Daly, Lynn Wilson-Sporhrer, Jim Bachrach, Uta Hardy, City Planner - Cindy Clark, Rebecca Jetton, Dennis Winterringer, Permitting & Development Coordinator – Cortni Bankston

- 1) Approval of January 14th, 2019 Regular Meeting Minutes. Motion to approve: Jim Bachrach, 2nd; Geoff Hewell. Motion Carried
- 2) Workshop item, Fill and Stormwater – Motion to move item to joint workshop: Jim Bachrach, 2nd; Lynn Wilson-Sporhrer. Motion Carried.
- 3) Review, Discussion and Decision for 6' Tall Wood Privacy Fence (Historic District)(R-1) @ 123 Avenue L, Block 162, Lot(s) 10, For – Kirk & Freddi Fisher, Contractor – Construct Group SE. Motion to Approve: Geoff Hewell, 2nd: Lynn Wilson-Sporhrer. Motion Carried.
- 4) Review, Discussion and Decision for removal of existing 12x20 shed and installation of new 12x20 Shed (Historic District)(R-1) @ 142 12th Street, Block 81, Lot(s) 1, For – Lloyd & Tronda Davis, Contractor – Tool Time Buildings. Motion to Approve: Geoff Hewell, 2nd: Lynn Wilson-Sporhrer. Motion Carried.
- 5) Review, Discussion and Decision for installation of 4' Aluminum Fence (R-1) @ 221 Avenue D, (Neels Addition) Block 4, Lot(s) East ½ Lots 13 & 14, For – Michael Smith, Contractor – Island Fence. Motion to Approve: Geoff Hewell, 2nd: Jim Bachrach. Motion Carried

Motion to adjourn: Jim Bachrach, 2nd: Uta Hardy. Motion Carried.


Chairperson

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019

SUBJECT: Release of Flowage Easement – Box R Wildlife Management Area

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: D
Department: Administration
Contact: Ron Nalley, City Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: The Florida Bureau of Real Estate Services is working with the Department of Environmental Protection on post-closing issues within the Box R Wildlife Management Area. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida has acquired the property and would like the City of Apalachicola to release the flowage easement. In September of 2014, the City ceased all domestic wastewater effluent discharge to wetlands that drain to Huckleberry Creek and no longer requires the easement.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve the Release of Easement Document and Authorize the Mayor to Execute the Release.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Release of Easement and Location Map

STAFF'S COMMENTS AND RECOMMENDATIONS: City staff contacted the Florida Department of Environmental Protection and confirmed that the City no longer requires the attached easement and due to the change in our discharge permit this year, will not need the easement at any time in the future.

This Release of Easement was prepared by:
Acey Stinson
Bureau of Real Estate Services
Division of State Lands
Department of Environmental Protection, MS 130
3900 Commonwealth Boulevard,
Tallahassee, Florida 32399-3000

RELEASE OF EASEMENT

The undersigned grantee, on the _____ day of _____, 20____, does hereby quitclaim, release and surrender unto grantor all right, title and interest in and to the lands under Flowage Easement, recorded August 9, 1983, in Deed Book 201, Page 292, of the Public Records of Franklin County, Florida, and as further described in Exhibit "A," attached hereto and incorporated herein.

WHEREAS, the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, Grantor, has acquired the property described in Exhibit "A" for any and all purposes, and desires to have said Flowage Easement remised, released and forever relinquished insofar as it affects or appertains to the property described in said Exhibit "A."

The undersigned grantor, at its own expense, shall record this fully executed Release of Easement in its entirety in the public records of the county within which the easement site is located within fourteen days after receipt, and shall provide to the Grantee within ten days following the recordation a copy of the recorded release of easement in its entirety which contains the O.R. Book and Pages at which this Release of Easement is recorded.

WITNESSES:

FRANKLIN COUNTY, FLORIDA
By its Mayor, City of Apalachicola

(SEAL)

Original Signature

BY: _____
Van W. Johnson Sr., Mayor

Typed/Printed Name of Witness

ATTEST:

Original Signature

BY: _____
Clerk of Court

Typed/Printed Name of Witness

Print or Type Name

GRANTEE

STATE OF FLORIDA
COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Van W. Johnson Sr., as Mayor, for and on behalf of the City of Apalachicola, Franklin County, Florida. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida

Printed, Typed or Stamped Name

Commission/Serial No. _____
My Commission Expires: _____

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

(SEAL)

BY: _____
Cheryl C. McCall, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the
Board of Trustees of the Internal Improvement Trust Fund of the
State of Florida

GRANTOR

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Cheryl C. McCall, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

DEP Attorney

Date

Notary Public, State of Florida

Printed, Typed or Stamped Name

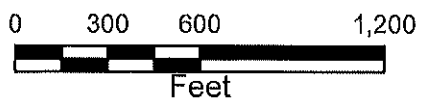
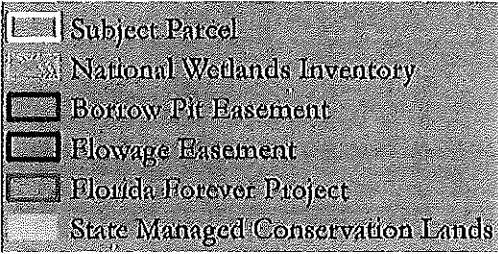
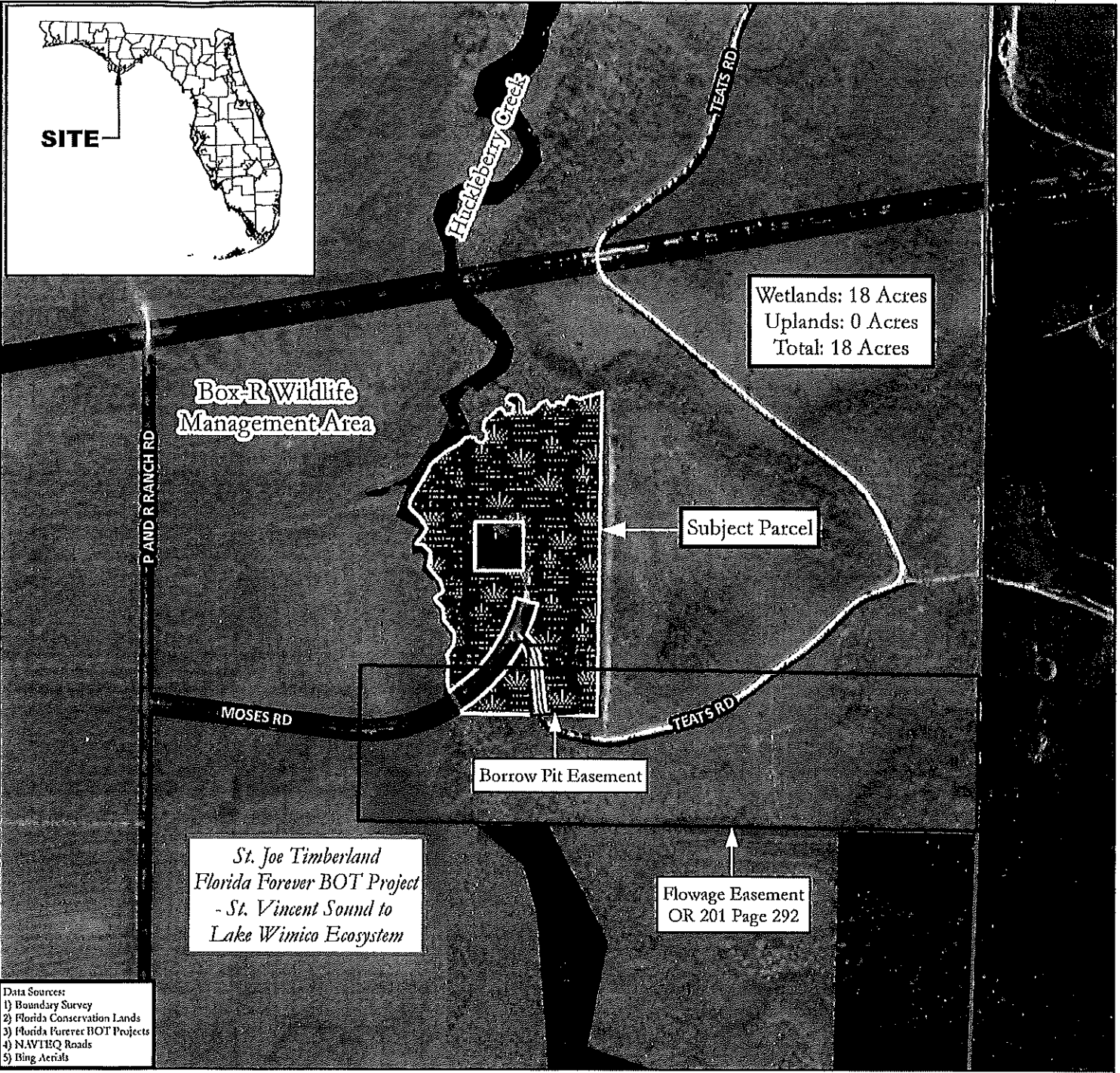
My Commission Expires:

Commission/Serial No.

EXHIBIT "A"

The South ½ of the South ½ of the Southeast ¼ of Section 31, Township 8 South, Range 8 West, Franklin County, Florida.

City of Apalachicola Flowage Easement
Franklin County



Box-R Wildlife Management Area
 Owner: Barbara Young
 Franklin County, Florida

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019

SUBJECT: Ordinance 2019-03 - Mobile Food Truck Regulations

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: B
Department: Governing Body
Contact: Ron Nalley, City Manager and Pat Floyd, City Attorney
Presenter: Ron Nalley, City Manager and Pat Floyd, City Attorney

BRIEF SUMMARY: Currently, no provision in the Zoning Ordinance supports or provides development standards for mobile food vendors or itinerate merchants. Historically, the City has informally allowed, on a temporary basis, mobile food vendors in conjunction with events and festivals and a provision in the Business License Ordinance allows for this. Recently, the City has received requests from businesses interested in either locating a Mobile Food Truck on their property or operating a Mobile Food Truck within the City. At their February meeting, the Commission asked the City Attorney to develop an Ordinance regulating Mobile Food Vendors for their consideration. At the March meeting, the Commission provided additional direction for staff to develop a revised Ordinance which will be presented at the April meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve the First Reading of Ordinance 2019-03 Mobile Food Truck Regulations and Proceed with the Adoption Process.

FUNDING SOURCE: None

ATTACHMENTS: Ordinance 2019-03 – Mobile Food Trucks

STAFF'S COMMENTS AND RECOMMENDATIONS: At the March meeting, staff was concerned that the proposed Ordinance would create many unanticipated consequences for the mobile food vendors and may prove difficult for the City to administer. At that time, the proposed Ordinance appeared to assign a principal use designation to the food trucks which would require them to meet commercial development standards including lot coverage, storm water and parking normally associated with allowable principal uses. Additionally, staff was concerned that allowing permanent food vendor placement may create a conflict with historic regulations that govern the compatibility of development in the City's historic district. Staff therefore recommended tabling the Ordinance until such time that additional review could be conducted and revisions made that better identify compatible use standards. Based on public comment at the meeting, comments from the Commissioners, and a further review of other municipal mobile food truck regulations, the revised Ordinance would allow permitted food trucks on qualifying properties temporarily (three times per week), without having to meet principal use commercial development standards.

City of Apalachicola, Florida
Ordinance 2019-03 “Mobile Food Trucks”

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE OF ORDINANCES BY CREATING CHAPTER XI, MOBILE FOOD TRUCKS; PROVIDING REGULATIONS FOR MOBILE FOOD TRUCKS OPERATING WITHIN THE CITY; REQUIRING MOBILE FOOD TRUCK VENDOR PERMITS FOR OPERATION OF MOBILE FOOD TRUCKS; ESTABLISHING A ZONE FOR OPERATION OF MOBILE FOOD TRUCK BUSINESSES; ESTABLISHING PROHIBITIONS; ESTABLISHING OPERATING REQUIREMENTS; ESTABLISHING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER II OF THE LAND DEVELOPMENT CODE TO CREATE DEFINITIONS FOR MOBILE FOOD TRUCKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the mobile food truck industry has expanded and provide the service of convenient and diverse food choices; and

WHEREAS, the people have a right to and should be ensured that food purchased from mobile food trucks is safe for consumption; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck businesses while protecting public health, safety, and welfare, minimizing visual impacts to the public realm, and mitigating fiscal impacts to site-built restaurants and businesses; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Apalachicola that minimum regulatory standards of conduct be enacted to permit Mobile Food Trucks to operate within the City of Apalachicola.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE PROVISIONS FOR THE CITY OF APALACHICOLA:

SECTION 1. Chapter XI, “Mobile Food Trucks,” of the Code of Ordinances is hereby created as follows:

CHAPTER XI - MOBILE FOOD TRUCKS

Section 1. Definitions.

- (a) *Commissary* means an approved facility that provides support services for specific required functions of a mobile food truck business. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by Florida Department of Agriculture and Consumer Services in which food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. When not required at the mobile food truck operation, commissaries may provide a three compartment sink for washing, rinsing, and sanitation of equipment in addition to hand wash and restroom facilities. A private residence may not be used as a commissary.
- (b) *Mobile Food Truck* means a vehicle which is used to vend food and beverage products and is classified as one of the following:

1. *Class I – Mobile Kitchens.* These vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for Class II Mobile Food Trucks.
2. *Class II – Canteen Trucks.* These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted.

(c) *Mobile Food Vendor* means a person who prepares, dispenses or otherwise sells food from a mobile food truck.

Section 2. Mobile Food Truck Vendor Permit Requirements.

- (a) Any person engaged in the selling, preparation or dispensing of food from a mobile food truck must purchase an annual mobile food truck vendor permit in accordance with this Chapter.
- (b) An applicant for a Class I Mobile Food Truck Vendor Permit shall make their mobile food truck available for inspection by the City of Apalachicola Volunteer Fire Department at a location determined by the City. The City of Apalachicola Volunteer Fire Department shall ensure compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances and codes. Subsequently, every Class I Mobile Food Truck must undergo an inspection by the City of Apalachicola Volunteer Fire Department annually.
- (c) All mobile food truck vendors must display the mobile food truck vendor permit issued by the City in a prominent and visible manner.

Section 3. Permit Application and Administrative Rules and Regulations.

Applications for mobile food truck vendor permits must include the following information:

- (a) The name, address, telephone number, and email address of the applicant.
- (b) Address of proposed location to store the mobile food truck when not in use.
- (c) A description or menu of the type of food and/or beverages to be sold.
- (d) Color photograph of the mobile food truck depicting its current condition.
- (e) A copy of all permits and business licenses required by the State of Florida, Franklin County and the City of Apalachicola.
- (f) A notarized commissary agreement confirming the mobile food truck vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of mobile food truck vendor permit.
- (g) Address of proposed operation site(s), including the property address, property owner's name and telephone number, and the name of the principal business located on the property.

- (h) A notarized statement by each property owner indicating that the applicant has permission to operate on the site. The affidavit must also indicate that the property owner acknowledges the following requirements:
1. The property owner shall comply with all ordinances regarding solid waste disposal and must provide the mobile food truck vendor access to solid waste collection on the subject property.
 2. The property owner shall require that the mobile food truck vendor meets all applicable Federal, State and Local statutes, regulations, laws, Ordinances, Rules and Codes; including but not limited to permitting requirements regarding the specific business.
 3. The property owner shall acknowledge that they understand the regulations regarding mobile food truck vendors and operation of mobile food trucks and will be held responsible, along with the mobile food truck vendor for any code violations.
- (i) A site plan for each proposed operation site, drawn to scale, depicting the following information:
1. Total square footage of the property.
 2. Location and square footage of the existing principal and accessory use(s).
 3. Proposed location for the mobile food truck.
 4. Location of ingress/egress to the site.
 5. Table demonstrating the minimum setbacks in compliance with the underlying zoning district.
- (j) Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food truck vending. Such insurance shall name the City of Apalachicola as an additional insured party and shall be in at least the amount of \$500,000 for occurrence for injury and \$200,000 per person. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this Section, the permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all the requirements of this Section is obtained and a new certificate of insurance is provided to the City.
- (k) Application fee as outlined in the City of Apalachicola adopted fee schedule.

Section 4. Permitted Zoning Districts for Operation of a Mobile Food Truck.

Unless authorized or exempted by this Ordinance, mobile food trucks may only be permitted to operate within the following zoning districts.

- (a) C-1 – General Commercial
- (b) C-2 – Neighborhood Commercial
- (c) C-3 – Highway Commercial
- (d) C-4 – Riverfront Commercial
- (e) RF – Riverfront

Section 5. Prohibitions.

Mobile food truck vendors are prohibited from the following:

- (a) Selling or distributing alcoholic beverages.
- (b) Operating in a City park or City parking lots, public rights-of-way, municipal cemetery or residentially zoned neighborhoods.
- (c) Operating outside of the permitted zoning districts listed in Section 4 or in any location except in compliance with the requirements of this Chapter.
- (d) Operating on unimproved surfaces, vacant lots and abandoned business locations.
- (e) Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches standup counters, shade canopies, umbrellas, and tents.
- (f) Creating amplified sounds in violation of the noise limitation requirements of the City of Apalachicola.
- (g) Installing signage other than what is painted on or flatly affixed to the surface of the mobile food truck.
- (h) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.
- (i) Parking a mobile food truck: 1) Within twenty (20) feet of a crosswalk; 2) Within fifteen (15) feet of any fire hydrant or storm drainage structure; 3) In an area that impedes the ingress or egress of other businesses, building entrances or driveways; 4) In an area that functions as an emergency entrance or exit.

Section 6. Food Truck General Regulations.

- (a) Mobile food truck vendors shall remove all waste and trash at the end of each day.
- (b) Mobile food truck vendors are liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that relate to its operation.
- (c) Under no circumstances shall grease be released into the City's sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto sidewalks, streets or other public spaces.
- (d) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all mobile food trucks. Each mobile food truck vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food truck. This log shall be open to inspection by City Code Enforcement Officers.
- (e) Mobile food truck vendors must not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional Regulation or otherwise fails to meet sanitation and safety requirements.

- (f) All food service equipment utilized by the mobile food truck vendor shall be maintained in good repair and a clean condition.
- (g) A mobile food truck vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrer shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.
- (h) All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended. No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

Section 7. Operating Requirements.

- (a) Mobile food trucks shall be permitted to operate between 6:00 a.m. and 11:00 p.m. each day of the week, including set up and takedown.
- (b) A mobile food truck may operate at a single location up to a maximum of three (3) days per week.
- (c) Mobile food trucks shall not exceed ten (10) feet in width, including any side extensions of awnings, twenty-four (24) feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (d) Mobile food trucks must be self-contained when operating (including all utilities: power, water, cooking fuel sources), except for the required trash and/or recycling receptacles, which must be attached to the mobile food truck, and shall not impeded free movement of automobiles or pedestrians. The mobile food truck vendor shall keep all areas within five (5) feet of the mobile food truck clean of grease, trash, paper, cups or cans associated with the vending operation.
- (e) No more than one mobile food truck shall operate on any property at any one time.
- (f) Mobile food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that employees have access to a flushable permanent restroom within one hundred fifty (150) feet of the vending location during the hours of operation.
- (g) Mobile food trucks shall be operated only by the mobile food truck vendor permittee or by an authorized employee of such permittee.

Section 8. Refrigeration and Heating Equipment.

- (a) All mobile food trucks shall have adequate mechanical refrigeration equipment that is capable of maintaining food or drink at a temperature of forty (40) degrees Fahrenheit or less, if any food or drink is required to be kept cold.
- (b) All mobile food trucks shall have adequate mechanical heating equipment that is capable of maintaining food or drink at a temperature of one hundred forty (140) degrees Fahrenheit or more, if

any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of one hundred sixty-five (165) degrees Fahrenheit or more, if any food or drink is required to be heated.

- (c) All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

Section 9. Food Service Provided to Persons Engaged in Construction

Class II Mobile Food Trucks that are being used to provide food and drink to persons engaged in construction in the City of Apalachicola are exempt from the provisions of Section 4 above, provided such vehicles are only parked for a maximum of thirty (30) minutes.

Section 10. Permanent Food Trucks.

If a food truck, trailer, or other such installation wishes to permanently remain on a property, it shall do so as an "Eating and Drinking Establishment" or "Restaurant" use, only permitted in those zoning districts where such uses are allowed. All requirements (i.e. parking, building restrictions, setbacks, storm-water, signage, floodplain management) of the Land Development Code and Florida Building Code construction requirements shall apply.

Section 11. Special Events.

The City of Apalachicola may authorize food trucks in the public right-of-way, park, parking lots, or residentially zoned neighborhoods as part of a special event. Food trucks must be ancillary to the special event. The City may also authorize mobile food vendors at special events for schools, religious institutions and nonprofit organizations.

Section 12. Penalty.

- (a) A Code Enforcement Officer or a Law Enforcement Officer may issue a civil citation for a violation of this Chapter pursuant to the procedures and amounts listed in Chapter 3 of the City's Code of Ordinances. Each violation shall constitute a separate instance for which a separate penalty may be imposed. Furthermore, this Ordinance may be enforced by the City of Apalachicola as a civil infraction under Apalachicola Ordinance No. 2017-02 as additional and supplemental means of enforcing this Ordinance. Upon a mobile food truck vendor's second offense within a twelve month period, the mobile food truck vendor permit may be revoked.
- (b) For the purposes of this Section, "offense" shall mean a finding of violation by the Court or payment of the non-contested civil penalty in Section 3 of the City's Code of Ordinances. An offense shall be deemed to have occurred on the date the violation occurred. An offense occurring twelve (12) months after the last offense shall be treated as a first offense for purposes of incurring new fines and penalties.
- (c) If, at any time, the Florida Department of Business and Professional Regulation revokes or suspends the mobile food truck vendor's license, the City's mobile food truck vendor permit shall be deemed to have been simultaneously revoked or suspended.

SECTION 2. Severability.

If any portion of this Ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or

unenforceable shall be severed here from, and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION 3. Conflicts.

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

SECTION 4. Codification.

It is the intent of the City Commission of the City of Apalachicola that the provisions of this Ordinance shall become and made a part of the City of Apalachicola Code.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon adoption by the City of Apalachicola, Florida. This Ordinance was first read in open session on the ___ day of _____, 2019. This Ordinance was read for the second time and full adopted in open session after Public Hearing on the ___ day of _____, 2019. The final adoption and motion were made by Commissioner _____, and seconded by Commissioner _____.

Voting Aye: _____

Voting Nay: _____

**FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA**

BY: _____
Van W. Johnson, Sr., Mayor

ATTEST:

Deborah Guillotte
City Clerk

APPROVED AS TO FORM:

J. Patrick Floyd
City Attorney

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: Ordinance 2019-04 Amending Article 17 – Elections of the City of Apalachicola Charter

AGENDA INFORMATION:

Agenda Location: Unfinished
Item Number: C
Department: Administration
Contact: Heather C. Riley, Franklin County Supervisor of Elections
Ron Nalley, City Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: At the February Commission meeting, Franklin County Supervisor of Elections Heather C. Riley presented information to the City Commission regarding a proposal to move Apalachicola’s municipal elections to the first Tuesday in November in even-numbered years to coincide with the State of Florida General Elections. The proposal is similar to a proposal approved recently by the City of Carrabelle. It is estimated that this change will save the City five to six thousand dollars a year and increase voter turnout. Following the presentation, the City Commission requested that the City Manager work with Supervisor Riley to present options for making such a change to the Commission. At the March meeting, the City Attorney and City Manager reported that additional legal work was needed to determine if the other suggested changes updating Article 17 can be made by Ordinance or if they would require being made through a Referendum. Following that research, it was determined that a Referendum would be needed to make all the changes to the Charter suggested in the proposed Ordinance. A revised Ordinance is being drafted and will be presented to the Commission at the April meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve the First Reading of Ordinance 2019-04 Amending Article 17 – Elections of the City of Apalachicola Charter and Proceed with the Adoption Process.

FUNDING SOURCE: Election Expense – Governing Body

ATTACHMENTS: Ordinance 2019-04 along with Attachment A (To be distributed at the meeting.)

STAFF’S COMMENTS AND RECOMMENDATIONS: Clearly the Florida Statutes allow adoption of Ordinances to change municipal election dates, qualifying periods for candidates and for the adjustment of terms of office necessitated by such date changes in a City Charter. If the Commission decides to move forward, the City Attorney and I are recommending that these areas be changed now by Ordinance and that the remainder of the updates to Article 17 to conform to the Florida Election Code be made by Referendum at a later date.

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019

SUBJECT: CDBG Engineering Agreement – Baskerville-Donovan, Inc.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Administration
Contact: Deborah Belcher, CDBG Program Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: The City was awarded a \$650,000 Community Development Block Grant (CDBG) by the Florida Department of Economic Opportunity. As part of the grant agreement, the City needs to contract with a consultant engineer for the CDBG project. Following the development of a request for proposals for grant engineering services and subsequent advertisement, Baskerville-Donovan, Inc. (BDI) was the only proposer. Staff has reviewed the proposal, and proceeded to the fee negotiation stage in order to expedite the process with the sole responder. BDI will perform the bidding, contract administration (engineering portion) and inspections for a proposed fee of \$39,400. The fee is \$530 less than the total project engineering budget. BDI has prepared the attached contract for the Commission's review and approval.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Award the Contract for CDBG Grant Engineering Services to Baskerville-Donovan, Inc. in the amount of \$39,400 and Authorize the City Manager to Execute the Agreement.

FUNDING SOURCE: Sewer Fund – CDBG Manhole Replacement Project

ATTACHMENTS: Engineering Services Agreement and Engineering Fee Proposal

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff has reviewed the proposed agreement with BDI and is comfortable with BDI performing all required CDBG engineering services for a proposed fee of \$39,400.

**Engineering Agreement
City of Apalachicola
FFY 2017 CDBG Project Engineering Services**

GOALS AND OBJECTIVES

The intent of this project is to provide professional services to the City of Apalachicola for bidding services, contract administration and construction observation for the Federal Fiscal Year 2017 CDBG Project, the replacement of 5 Sanitary Sewer Manholes and the rehabilitation of 20 Sanitary Sewer Manholes. The project for which services are to be provided is to be consistent with the City's Florida Small Cities Community Development Block Grant (CDBG) **19DB-ON-02-29-02-N18**. The project shall include:

- A. The replacement of five (5) sanitary sewer manholes along 24th Avenue and 25th Avenue.
- B. The in-place rehabilitation of up to 20 sanitary sewer manholes within the City of Apalachicola.

WORK SCOPE ELEMENTS:

Task 1: Bidding Services

Bidding services shall include document assistance for the City of Apalachicola, attendance of a pre-bid meeting, address requests for information from bidder as they relate to the engineering design including preparation of addendum, attend the bid opening and evaluate and certify bids with a recommendation of award. See Appendix A for additional details.

Task 2: Contract Administration

Contract Administration shall include review of submittals and shop drawings, cooperate with the City on Field Change Directives, prepare change orders, interpret contract documents, attend monthly progress meetings and review and approve project closeout documentation including issuance of notice of substantial completion and final completion, and closeout of permits. See Appendix A for additional details.

Task 3: Construction Observation

The construction period is expected to be 150 days for the FFY 2017 CDBG Project, the replacement of 5 Sanitary Sewer Manholes and the rehabilitation of 20 Sanitary Sewer Manholes. BDI will provide a minimum of four hours per day, on an average of 2.0 days week of on-site observation during this time period.

COMPENSATION:

The CITY and ENGINEER agree that the post design lump sum engineering fee for the CDBG project shall be \$29,400 (to include project inspection/observation services) plus \$10,000 for bidding services and construction contract administration for a total of \$39,400.00. The fee shall be invoiced on a percent complete basis through the life of the contract. This is the engineering fee for the FFY 2017 CDBG Project, the replacement of 5 Sanitary Sewer Manholes and the rehabilitation of 20 Sanitary Sewer Manholes. The City and Engineer may negotiate an increase in the project inspection/observation fee for future needs. However, any additional engineering fees paid for with CDBG funds are limited to \$0.00 (none) for construction contract administration services and additional inspection/observation services that are paid for with CDBG funds shall be based on the 2007 Rural Utility Service fee curve for inspection services.

APPENDIXES:

The Appendix A – CDBG Supplemental Terms and Conditions section to this Agreement are incorporated as if set out fully. In the event of any inconsistencies or conflict between the language of this Agreement and the appendixes, the language in the appendixes shall control, but only to the extent of the conflict consistency.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) indicated below:

CITY OF APALACHICOLA

BASKERVILLE-DONOVAN, INC.

Ron Nalley, City Manager
City of Apalachicola

Richard W. Delp, CSI, CDT
Senior Project Manager

DATE: _____

DATE: _____

APPENDIX A
CDBG SUPPLEMENTAL TERMS AND CONDITIONS

=====

1. Termination (Cause and Convenience)

- A. This contract may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given:
- (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate; and
 - (2) an opportunity for consultation with the terminating party prior to termination.
- B. This contract may be terminated in whole or in part in writing by the local government for its convenience, provided that the other party is afforded the same notice and consultation opportunity specified in 1(a) above.
- C. If termination for default is effected by the local government, an equitable adjustment in the price for this contract shall be made, but
- (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and
 - (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the local government because of the contractor's default.

If termination for convenience is effected by the local government, the equitable adjustment shall include a reasonable profit for services or other work performed for which profit has not already been included in an invoice.

For any termination, the equitable adjustment shall provide for payment to the contractor for services rendered and expenses incurred prior to receipt of the notice of intent to terminate, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments (e.g., suppliers, subcontractors) which had become firm prior to receipt of the notice of intent to terminate.

- D. Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise) and (2) deliver or otherwise make available to the local government all data, drawings, reports specifications, summaries and other such information, as may have been accumulated by the contractor in performing this contract, whether completed or in process.
- E. Upon termination, the local government may take over the work and may award another party a contract to complete the work described in this contract.
- F. If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the

termination shall be deemed to have been for the convenience of the local government. In such event, adjustment of the contract price shall be made as provided in paragraph (c) above.

2. Access to Records

ENGINEER, and all subconsultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to representatives of the local government, the Florida Department of Economic Opportunity, the U.S. Department of Housing and Urban Development, the Comptroller General of the United States, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida, the Florida Office of Program Policy Analysis and Government Accountability, or representative of the Federal Government and any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcriptions. "Reasonable" shall ordinarily mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday.

3. Retention of Records

ENGINEER shall retain sufficient records to show its compliance with the terms of this Agreement, and the compliance of all sub-recipients, contractors, subcontractors, and consultants paid from funds under this Agreement, for a period of six (6) years from the date DEO issues the final closeout (as defined in rule 73C- 23.0031(18), F.A.C.) for this award.

4. PUBLIC RECORDS

CITY and ENGINEER shall keep records and accounts which shall be available at all reasonable times for examination and audit by the CITY and shall be kept in a manner consistent with Florida State Record Retention Laws.

IF ENGINEER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ENGINEER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF THE CITY CLERK, City Hall, 192 Coach Wagoner Boulevard, Apalachicola, FL 32320, (850) 653-8715, deborahguillotte@cityofapalachicola.com.

RPDS must comply with the public records laws, Chapter 119, F.S.; specifically ENGINEER shall:

- a. Keep and maintain public records required by the CITY to perform the service.
- b. Upon request from the CITY's custodian of public records, provide CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119 Florida Statutes or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if ENGINEER does not transfer the records to CITY.
- d. Upon completion of the contract, transfer, at no cost, to CITY all public records in

possession of ENGINEER or keep and maintain public records required by CITY to perform the service. If ENGINEER transfers all public records to CITY upon completion of the contract, ENGINEER shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If ENGINEER keeps and maintains public records upon completion of the contract, ENGINEER shall meet all applicable requirements for retaining the public records. All records stored electronically must be provided to CITY, upon the request from CITY's custodian of public records, in a format that is compatible with the information technology systems of CITY.

5. Anti-Lobbying, No Contingent Fee

ENGINEER certifies, by its signature to this Agreement, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the ENGINEER, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the ENGINEER shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. The ENGINEER shall require that this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements).

6. Remedies

Unless otherwise provided in this contract, all claims, counter-claims, disputes and other matters in question between the local government and the contractor, arising out of or relating to this contract, or the breach of it, will be decided by arbitration, if the parties mutually agree, or in a Florida court of competent jurisdiction.

7. Conflict of Interest of Officers or Employees of the Local Jurisdiction, Members of the Local Governing Body, or Other Public Officials

No officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this contract, during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the contractor shall cause to be incorporated in all subcontracts the language set forth in this paragraph prohibiting conflict of interest.

8. E-Verify

Contractors and subcontractors (including consultants) performing work funded by CDBG subgrants are required to enroll in the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees that they hire during the term of their contracts under Executive Order 11-116, signed by the Governor of Florida on May 27, 2011.

CITY OF APALACHICOLA
 FY 2017 CDBG PROJECT
 LUMP SUM ENGINEERING FEE PROPOSAL

	Classification	Hours	Hourly Rate	Total Estimated Cost	
				By A&E	By City
CONTRACT					
ADMINISTRATION					
	Office Administrator	11.43	\$56.00	\$640.09	
	Sr. Eng./Project Manager	60.00	\$141.40	\$8,484.00	
	Sub Total			\$9,124.09	
	Profit			\$875.91	
	SUB-TOTAL THIS SECTION			\$10,000.00	
PROJECT					
OBSERVATION					
	Office Administrator	61.64	\$56.00	\$3,451.82	
	Project Representative	160.00	\$79.80	\$12,768.00	
	Sr. Eng./Project Manager	75.00	\$141.40	\$10,605.00	
	Sub-Total			\$26,824.82	
	Profit			\$2,575.18	
	SUB-TOTAL THIS SECTION			\$29,400.00	
	TOTAL FEE PROPOSAL			\$39,400.00	

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: Request for Sale of City Owned Property – Johnnie Lee Byrd

AGENDA INFORMATION:

Agenda Location: New
Item Number: B
Department: Administration
Contact: Ron Nalley, City Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: Mr. Johnnie Lee Byrd has offered to purchase a small piece of property owned by the City near the corner of Avenue I and Sixth Street for \$2,500. The property is referred to as BL 64 NE 15ft x 60ft of SW (Parcel ID 01-09S-08W-8330-0064-0051). The surrounding property is owned by Mr. Byrd and according to the County tax record, is unbuildable under separate ownership.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time pending further discussion by the City Commission.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Request from Mr. Byrd dated March 11, 2019; Aerial Map of Property; Parcel Summary Sheet; and Florida Attorney General Advisory Legal Opinion regarding Disposition of Surplus Property.

STAFF'S COMMENTS AND RECOMMENDATIONS: The City Attorney may have additional information to provide regarding this matter. I understand that the possible sale of this property has been discussed off and on over the last year and that additional legal work may be needed. Mr. Byrd has requested that this matter be placed on the agenda for the Commission's consideration. If the Commission chooses to move forward, they will need to declare that the property is surplus and no longer needed by the City and choose a manner in which to dispose of the property.

3-11-19

to the City of Apalachicola Fl.

Re Johnnie Lee Byrd agree to give
City of Apalachicola Fl. \$2,500 to transfer
the title for BL 64 SW 15ft x 60ft of Lot 5
back to the Franklin County which is
located between BL 64 SW 35ft x 60 Lot 5
and BL 64 NE $\frac{1}{2}$ of Lot 5. which own by
Johnnie Lee Byrd.

thank you



Overview



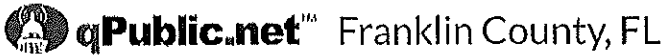
Legend

- Parcels
- Roads
- City Labels

Parcel ID	01-09S-08W-8330-0064-0051	Alternate ID	08W09S01833000640051	Owner Address	CITY OF APALACHICOLA
Sec/Twp/Rng	1-9S-8W	Class	COUNTY		1 BAY AVENUE
Property Address		Acreage	n/a		APALACHICOLA, FL 32320
District	3				
Brief Tax Description	BL 64 NE 15FTX60FT OF SW (Note: Not to be used on legal documents)				

Date created: 3/27/2019
 Last Data Uploaded: 3/27/2019 7:08:45 AM

Developed by  **Schneider**
 GEOSPATIAL



Parcel Summary

Parcel ID 01-09S-08W-8330-0064-0051
 Location Address 32320
 Brief Tax Description* BL 64 NE 15FTX60FT OF SW 1/2 LOT 5 1028/18
*The Description above is not to be used on legal documents.
 Property Use Code COUNTY (008600)
 Sec/Twp/Rng 1-9S-8W
 Tax District Apalachicola (District 3)
 Millage Rate 21.853
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 City Of Apalachicola
 1 Bay Avenue
 Apalachicola, FL 32320

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
999999	UNBUILDABLE	1.00	UT	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	12/10/2010	\$100	QC	1028	18	Unqualified (U)	Vacant	FRANKLIN COUNTY	CITY OF APALACHICOLA

Valuation

	2018 Preliminary Certified	2018 Certified	2017 Certified	2016 Certified	2015 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$2,500	\$2,500	\$7,500	\$5,250	\$5,250
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$2,500	\$2,500	\$7,500	\$5,250	\$5,250
Assessed Value	\$2,500	\$2,500	\$5,775	\$5,250	\$5,250
Exempt Value	\$2,500	\$2,500	\$5,775	\$5,250	\$5,250
Taxable Value	\$0	\$0	\$0	\$0	\$0
Maximum Save Our Homes Portability	\$0	\$0	\$1,725	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

Last Data Upload: 3/27/2019, 7:08:45 AM

Version 2.2.7



Florida Attorney General Advisory Legal Opinion

Number: AGO 96-16

Date: February 29, 1996

Subject: Municipalities--disposition of surplus property

Mr. Kevin K. Dixon
Crystal River City Attorney
Post Office Box 250
Inverness, Florida 34451-0250

RE: MUNICIPALITIES--REAL PROPERTY--BIDS--procedures for disposition of surplus municipal property. ss. 166.042 and 125.35, Fla. Stat.

Dear Mr. Dixon:

You ask substantially the following question:

Do the provisions of section 125.35, Florida Statutes, govern the disposition of surplus municipal property and, if not, what procedures exist?

In sum:

The provisions of section 125.35, Florida Statutes, apply to the disposition of county property, not municipal property. In the absence of a charter provision or ordinance prescribing the procedures to be used in disposing of surplus municipal real property, the manner of disposing of such property is left to the discretion of the municipality's governing body, provided such body acts in the best interests of the municipality.

According to your letter, the City of Crystal River is exploring its options for disposing of surplus municipal property. In the absence of a provision in Chapter 166, Florida Statutes, establishing a procedure for the disposition of such property, a question has been raised as to whether the municipality is subject to the provisions of section 125.35, Florida Statutes.

Section 125.35, Florida Statutes, authorizes the board of county commissioners to sell and convey any real or personal property belonging to the county, whenever the board of county commissioners determines that it is in the best interest of the county, to the highest and best bidder for the particular use the board determines to be the highest and the best. [1] Subsection (2) of the statute sets forth the notice requirements for such a sale. [2]

If, however, the value of a parcel of real property is \$5,000 or less and, due to its size, shape, location, and value, is of use only to one or more

adjacent property owners, the board of county commissioners may effect a private sale, after sending notice of its intentions to the adjacent property owners by certified mail. [3] The statute provides that if two or more such owners, within 10 working days of receiving notice, notify the board of their desire to purchase the property, the board is required to accept sealed bids from such property owners and may convey the property to the highest bidder or reject all offers. [4]

The plain language of the above statutory provision makes it clear that its terms apply exclusively to counties. [5] Nowhere in the statute is there any evidence that the requirements of section 125.35, Florida Statutes, are applicable to the municipalities of this state. While a municipality may utilize similar procedures, the specific requirements of section 125.35 are not binding on municipalities.

This office has previously recognized that in the absence of a city charter provision, ordinance or rule to the contrary, the governing body may, in its discretion, utilize whatever method or procedure it decides will be in the best interest of the municipality in disposing of surplus municipal real property. [6] Such a conclusion was based on the broad home powers granted to municipalities by Article VIII, section 2(b), Florida Constitution, and implemented by Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act.

Section 166.77, Florida Statutes 1971, formerly provided supplemental authority to municipalities to sell their real property not needed for municipal use "to the highest and best bidder after notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation in the municipality, calling for bids." This statute, however, was repealed by the Municipal Home Rule Powers Act in 1973. [7] Section 166.042(1), Florida Statutes, states that it is the legislative intent that the repeal of the above statute, along with the other enumerated statutes,

"shall not be interpreted to limit or restrict the powers of municipal officials, but shall be interpreted as a recognition of constitutional powers. It is, further, the legislative intent to recognize residual constitutional home rule powers in municipal government, and the Legislature finds that this can best be accomplished by the removal of legislative direction from the statutes. It is, further, the legislative intent that municipalities shall continue to exercise all powers heretofore conferred on municipalities by the chapters enumerated above, but shall hereafter exercise those powers at their own discretion, subject only to the terms and conditions which they choose to prescribe."

Thus, while the Legislature granted municipalities the authority to continue to exercise the powers formerly conferred by Chapter 167, Florida Statutes, it left to the municipalities' own discretion the determination of what terms, methods, and conditions to employ in disposing of surplus municipal real property. Accordingly, while municipalities may utilize the provisions of former section 167.35, Florida Statutes, they are not required to do so.

The courts of this state have generally recognized that in the absence of

a statute or charter provision requiring competitive bids, a municipality has no legal obligation to submit a contract to competitive bids or to award the contract to the lowest bidder.[8] In such cases, the public body is required only to act in good faith and in the best interests of the public, and it is within its discretion whether to let the contract by competitive bid or not.[9]

Accordingly, I am of the opinion that in the absence of a charter provision or ordinance specifying the procedure to be utilized in disposing of surplus municipal real property, the method of disposing of such property is left to the discretion of the municipality's governing body, which is required only to act in good faith and in the best interest of the municipality. While the municipality may utilize the procedures prescribed in section 125.35, Florida Statutes, or former section 167.35, Florida Statutes 1971, it is not required to do so.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgjw

[1] Section 125.35(1)(a), Fla. Stat. (1995).

[2] See s. 125.35(1)(b), Fla. Stat. (1995), providing:

"No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted."

[3] Section 125.35(2), Fla. Stat. (1995).

[4] *Id.*

[5] See *Holly v. Auld*, 450 So. 2d 217, 219 (Fla. 1984) (where a statute is clear and unambiguous as it is here, a court will not look behind the statute's plain language for legislative intent).

[6] Attorney General Opinion 82-76.

[7] Chapter 73-129, Laws of Florida.

[8] See *Brown v. City of St. Petersburg*, 153 So. 140 (Fla. 1933); and see, *Volume Services Division of Interstate United Corporation v. Canteen*

Corporation, 369 So. 2d 391 (Fla. 2d DCA 1979) (in absence of specific constitutional or statutory requirements, public agency has no obligation to establish a bidding procedure and may contract in any manner not arbitrary or capricious).

[9] See Ops. Att'y Gen. Fla. 80-49 (1980) and 77-140 (1977) (city not required to take competitive bids in purchase of commodities in absence of charter provision or ordinance). And see, *State ex rel. Roberts v. Knox*, 14 So. 2d 262 (Fla. 1943) (discretion conferred by law on an officer must be exercised according to established rules of law, and not in an arbitrary or capricious manner or for personal, selfish, or fraudulent motives or for any reason or reasons not supported by the discretion conferred); *Volume Services Division of Interstate United Corporation v. Canteen Corporation*, *supra*; *Mayes Printing Company v. Flowers*, 154 So. 2d 859 (Fla. 1st DCA 1963).

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019

SUBJECT: Permitting Software Agreement – Intact

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Planning and Zoning
Contact: Cindy Clark, City Planner
Presenter: Cindy Clark, City Planner

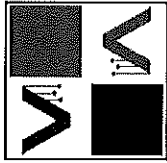
BRIEF SUMMARY: The City received \$10,000 from the Department of Economic Opportunity to purchase and install permitting software to enable staff to electronically process building permits and better track elevation certificates and inspections necessary as part of the building permit process. The City developed a request for proposals and conducted the necessary advertising for the software purchase and received one bid from Intact, a firm located in Tallahassee. Intact currently provides the same service to Franklin County. The proposal price was \$2,720 annually. The grant funds would enable the City to contract with Intact for a three year agreement with funds left over to purchase any computer or scanning equipment that the building department may need.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve the Agreement Proposal from Intact for a Three Year Term in the Amount of \$8,160 and Authorize the City Manager to Execute the Agreement.

FUNDING SOURCE: Department of Economic Opportunity Grant

ATTACHMENTS: Intact Agreement dated March 28, 2019

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff has reviewed the proposed agreement with Intact and is comfortable with Intact performing all required grant services for a proposed fee of \$8,160.



Intact Partners

Tallahassee, Florida
850.737.1549

Date: March 28, 2019

To: Cindy Clark, City of Apalachicola Florida

Re: **Intact Permitting System for Government**

Intact Partners, Inc. provides Azure Government and Education cloud solutions to help our clients be responsive, accountable, and agile, while providing security, privacy, and compliance. Through Azure, Intact helps government and education leaders, decision makers, and users solve a variety of productivity challenges faced in the public sector through Microsoft Azure cloud. Intact has more than thirty-five years of experience in IT consulting and developing solutions globally, in both the private and public sector, and has been building platform services and cloud applications since 1997.

Our offered system is the **Intact Permitting System for Government (Services)**. It is a standardized solution package Microsoft Cloud based service offered as-is. The service is a subscription-based service sold to a government entity (customer) on a 3-year contract service price lock with annual Purchase Order renewals. The customer is agreeing to purchase on a three-year basis and Intact is agreeing to hold pricing firm on all licenses and fees during the life of the contract. Intact pre-purchases services from Microsoft in a capacity planning model to ensure that all SLA agreements are in place.

The Intact Permitting System provides typical building permitting functionality such as: user select from multiple permit types; dropdown input fields; date/calendar input fields; contractor license numbers validated against state list; digital signature of applicant; users to upload plans and other documents; user alert to upload plans to the system; permit review to appropriate staff; sign off when review and payment complete; utility emailed C/O when approved; user request inspections by permit number; contractors can schedule/check inspections online; ability to export reports; ability to track costs, fees, and other key performance indicators; ability to link/store documents to a permit record; staff alerted to uploaded/inspect plans; inspectors see list of assigned inspections in their queue; inspector pass/fail job from the field on mobile device; and completed projects automatically emailed Certificate of Occupancy or Completion.

The Permitting System is Windows 10 (and compatible devices) with an iPad web interface. The service is a Microsoft Azure Cloud based service and requires an Office 365 License for login and security. The system is integrated with Microsoft 365 for Word, Excel, and PowerBI reporting.

The Services are licensed for use by the government entity (customer) for each application Service on an annual basis for the capacity use. The Services provides 10 gigabyte storage across the permitting applications included (Permitting and inspections). Training is included on-site for one (1) business day (8 hours) on a single calendar day on a mutually acceptable time.

To provide Apalachicola with the same Permitting application setup as Franklin County, pricing is calculated based on: 2 Permitting Module users; 1 Inspection Module user; and 1 Mobile Field Module user. The total subscription price for this setup is \$2,720.00 annually.

Gold
Microsoft Partner



**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: Planning and Zoning Board Member Appointment

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Administration
Contact: Deborah Guillotte, City Clerk
Presenter: Deborah Guillotte, City Clerk

BRIEF SUMMARY: The Planning and Zoning Board has one position vacancy. The City Commission will need to appoint one new member to fill the four year term, which will expire December 31, 2023.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To appoint _____ to the Planning and Zoning Board to serve a four year term, which ends on December 31, 2023.

FUNDING SOURCE: None.

ATTACHMENTS: List of Current Planning and Zoning Board Members and Candidate Questionnaires

STAFF'S COMMENTS AND RECOMMENDATIONS: The Planning and Zoning Board consists of seven regular members serving staggered, four-year terms.

PLANNING & ZONING BOARD

Tom Daly, Chair
215 9th Street
Apalachicola, FL 32320
Cell: 850-323-1433
thmsdaly@aol.com

Jim Bachrach
187 Avenue C
Apalachicola, FL 32320
Home: 850-653-8520
Cell: 850-899-8689
shadow1@fairpoint.net

Lynn Wilson-Spohrer
127 Avenue B
Apalachicola, FL 32320
Home: 850-653-4321
Cell: 305-588-5885
lynnwilson2@aol.com

Uta Hardy
67 Avenue G
Apalachicola, FL 32320
Work: 850-653-3464
Cell: 850-323-0888
uhardy21@gmail.com

Joe Taylor
98 9th Street
Apalachicola, FL 32320
Cell: 850-323-0176
palme2blue@yahoo.com

Geoffrey Hewell
P. O. Box 357
58 17th Street
Apalachicola, FL 32320
Home: 850-653-2651
Cell: 850-323-0758
g.hewell@mchsi.com

VACANT POSITION

PLANNING AND ZONING
(Vacant Position)

List of candidates to be considered for appointment to fill the the term of one vacant position with the term ending December 31, 2023.

Candidates not currently serving on the board to be considered for appointment:

1. Constance Peck
2. Joe Blan, III

Signature of Commissioner _____

BOARD/COMMITTEE CANDIDATE QUESTIONNAIRE

REQUESTED BOARD/COMMITTEE APPOINTMENT PLANNING & ZONING

APPLICATION DATE 2/6/19

DATE APPOINTED _____

NAME: CONSTANCE PECK

MAILING ADDRESS: 147 AVE B

PHYSICAL ADDRESS: _____

CELL#: 720 988 4180 HOME#: 850 370 1166

EMAIL: constance@constancepeck.com

PLACE OF EMPLOYMENT: SELF HIGHLAND DESIGN

WORK#: _____

1. HOW LONG HAVE YOU BEEN A RESIDENT OF THE CITY OF APALACHICOLA?

4 years

2. WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD/COMMITTEE?

Tom Daley - plus historic guideline familiar from Boulder CO

3. WHAT DO YOU FEEL YOU CAN CONTRIBUTE BY SERVING ON BOARD/COMMITTEE?

objective design viewpoint & reading of regulations

4. DO YOU HAVE ANY EXPERIENCE BY PREVIOUSLY SERVING ON ANY CITY, COUNTY, OR OTHER GOVERNMENTAL BOARDS? IF SO, WHICH BOARDS AND HOW LONG?

SECT AAHS

5. HAVE YOU ATTENDED ANY CITY MEETINGS? IF SO, WHICH ONES?

YES

6. WILL YOU BE ABLE TO CONTRIBUTE THE NECESSARY TIME TO PROPERLY RESEARCH ISSUES AND BE AVAILABLE TO ATTEND SCHEDULED MEETINGS?

1 meeting per month plus reading & reviewing ahead - yes

7. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S LAND DEVELOPMENT CODE?

NO BUT WILL

8. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S COMPREHENSIVE PLAN?

YES

9. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S HISTORIC GUIDELINES?

NO BUT WILL

10. DO YOU HAVE ANY EXPERIENCE IN CONSTRUCTION, PLANNING, LAND USE, OR ARCHITECTURE? IF SO, HOW LONG?

YES - 38 Years in Design & CONSTRUCTION - Historic Renovation to New Country Clubs / Offices

11. IF APPOINTED, YOU WILL BE REQUIRED BY LAW TO FOLLOW THE SUNSHINE LAW. HAVE YOU READ AND/OR FAMILIAR WITH THE SUNSHINE LAW?

Yes

Constance Peck

SIGNATURE

Constance Peck

PRINTED NAME

BOARD/COMMITTEE CANDIDATE QUESTIONNAIRE

REQUESTED BOARD/COMMITTEE APPOINTMENT Planning & Zoning

APPLICATION DATE 1/31/19

DATE APPOINTED _____

NAME: Joe Byron Blain III

MAILING ADDRESS: 153 16th street, Apalachicola, FL 32320

PHYSICAL ADDRESS: Same as above

CELL#: 850-323-0253 HOME#: 850-653-4312

EMAIL: Joe Byron Blain @ Gmail, Com

PLACE OF EMPLOYMENT: Self Employed

WORK#: 850-323-0253

1. HOW LONG HAVE YOU BEEN A RESIDENT OF THE CITY OF APALACHICOLA?

37 years

2. WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD/COMMITTEE?

To become an asset to my community and to get my foot in the door to pursue my political career within my community

3. WHAT DO YOU FEEL YOU CAN CONTRIBUTE BY SERVING ON BOARD/COMMITTEE?

I am at the age where I can contribute for many years. I have been very engaged in my community and bring fresh ideas to help the preservation and economic development of our community.

4. DO YOU HAVE ANY EXPERIENCE BY PREVIOUSLY SERVING ON ANY CITY, COUNTY, OR OTHER GOVERNMENTAL BOARDS? IF SO, WHICH BOARDS AND HOW LONG?

No, as stated above I am trying to get my foot in the door to pursue a local political career.

5. HAVE YOU ATTENDED ANY CITY MEETINGS? IF SO, WHICH ONES?

Yes, I have attended many city and county meetings over the past few years.

6. WILL YOU BE ABLE TO CONTRIBUTE THE NECESSARY TIME TO PROPERLY RESEARCH ISSUES AND BE AVAILABLE TO ATTEND SCHEDULED MEETINGS?

Yes, being self employed allows me to set my own
schedule making me readily available and open to
Research issues.

7. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S LAND DEVELOPMENT CODE?

Yes, I have read and become familiar with the city's LDC and
its analysis of (Residential, Commercial, Industrial, Agricultural, Recreational,
Concentration, Education, PSC, Other public facilities) within the code.

8. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S COMPREHENSIVE PLAN?

Yes, I have become familiar with the City's Comprehensive ^{Plan}
Just as stated above with the LDC

9. HAVE YOU READ AND/OR FAMILIAR WITH THE CITY'S HISTORIC GUIDELINES?

Yes I have become familiar with the city's Historic
Guidelines.

10. DO YOU HAVE ANY EXPERIENCE IN CONSTRUCTION, PLANNING, LAND USE, OR ARCHITECTURE? IF SO, HOW LONG?

6 years Environmental Engineering, 3 years construction
Currently taking classes for Home inspector license.

11. IF APPOINTED, YOU WILL BE REQUIRED BY LAW TO FOLLOW THE SUNSHINE LAW. HAVE YOU READ AND/OR FAMILIAR WITH THE SUNSHINE LAW?

Yes, It is a series of laws that guarantee that the
public has access to public records.

J. B. Blanton III
SIGNATURE

Joe Byron Blanton III
PRINTED NAME

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: USDA Grant Applications – Special Meeting Request and Resolution 2019-04

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E
Department: Community Redevelopment Agency
Contact: Augusta West, CRA Director
Presenter: Augusta West, CRA Director

BRIEF SUMMARY: There are currently two USDA funding applications that require action by the City Commission:

1. The USDA funding application for the drinking water filter project requires the City to hold a public meeting as one of the final steps in the process. The meeting is to give the citizenry an opportunity to become acquainted with the proposed Water System Improvements and to comment on any matters of concern. The meeting will include discussion of the application process and the City of Apalachicola action relative to approving, executing and submitting a formal application to USDA, Rural Development for funding.
2. Resolution 2018-03 authorizing the CRA Director to submit an application for USDA Rural Business Development grant funding for sidewalk, parking, and lighting improvements needs to be updated. Resolution 2019-04 is presented for consideration.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

1. To Schedule a Special Meeting on April ____, 2019 at _____ p.m. to Discuss the Drinking Water System Improvements Project and the USDA Funding Application Process.
2. Adopt Resolution 2019-04 Authorizing the Application, Submittal, and Administration of the USDA Rural Business Development Grant for Sidewalk, Parking, and Lighting Improvements on Water Street, Avenue G, and Commerce Street.

FUNDING SOURCE: USDA

ATTACHMENTS: Draft Public Meeting Notice for USDA Water System Improvement Project Funding Application and Resolution 2019-04

STAFF'S COMMENTS AND RECOMMENDATIONS: Both projects have been previously approved by the City Commission. The applications are currently under review by the Marianna USDA Rural Development Office. These action items will facilitate the completion of the files for final review by the State USDA office for final determination of funding.

The City of Apalachicola will conduct a Public Meeting on _____ (date) _____,
at _____ (time) _____ at the _____ (place) _____, Apalachicola,
Florida. The public meeting is to give the citizenry an opportunity to become acquainted with the
proposed development of Water System Improvements located _____ and to
comment on such economic and environmental impacts, service area, alternative to the project and
other matters of concern. The meeting will include discussion of the application process and the City of
Apalachicola action relative to approving, executing and submitting a formal application to USDA, Rural
Development for funding. Any questions may be directed to _____, City of
Apalachicola _____, (850) _____.

**CITY OF APALACHICOLA
RESOLUTION 2019-04**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA,
FLORIDA AUTHORIZING THE CITY OF APALACHICOLA COMMUNITY
REDEVELOPMENT AGENCY DIRECTOR TO APPLY FOR A USDA RURAL
BUSINESS DEVELOPMENT GRANT WHICH WILL PROVIDE FOR SIDEWALKS,
PARKING, AND LIGHTING ALONG WATER STREET AND AVENUE G AND
SIDEWALK REPAIR ON COMMERCE STREET**

WHEREAS, the City of Apalachicola Community Redevelopment Agency is applying to USDA Rural Business Development for financial assistance in the form of a Rural Business Enterprise Grant; and

WHEREAS, the City Commission of the City of Apalachicola has determined that additional sidewalks, parking, and lighting along Water Street and Avenue G and sidewalk repair on Commerce Street will benefit the City, its residents, visitors, businesses and encourage economic development; and

WHEREAS, the City Commission of the City of Apalachicola authorizes the City of Apalachicola Community Redevelopment Agency Director to act as Project Manager, Project Representative, supervise the application for and administration of the grant on behalf of the City of Apalachicola Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Apalachicola authorizes the City of Apalachicola Community Redevelopment Agency Chair or Director to execute the grant application, agreement, change orders and other documents related to the grant as signatories for the City of Apalachicola Community Redevelopment Agency.

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

1. Authorizes the City of Apalachicola Community Redevelopment Agency Director to apply for a USDA Rural Business Development grant which will provide for sidewalks, parking, and lighting along Water Street and Avenue G and sidewalk repair on Commerce Street.
2. Authorizes the City of Apalachicola Community Redevelopment Agency Director to act as Project Manager, Project Representative, supervise the application for and

administration of the grant on behalf of the City of Apalachicola Community Redevelopment Agency.

3. Authorizes the City of Apalachicola Community Redevelopment Agency Chair or Director to execute the grant application, agreement, change orders and other documents related to the grant as signatories for the City of Apalachicola Community Redevelopment Agency.
4. The City Commission of the City of Apalachicola finds that the project will not be transferring jobs/employment or producing goods/services where there is no demand.

ADOPTED, this 2nd day of April, 2019 by the City Commission of the City of Apalachicola.

**FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA**

Van W. Johnson, Sr., Mayor

ATTEST:

Deborah Guillotte, City Clerk

APALACHICOLA CITY COMMISSION

REQUEST FOR BOARD ACTION

Meeting Date: April 2, 2019

SUBJECT: Request to Suspend Policy 20 – Vacation Leave, Section 12 – Separation, of the Personnel Policies and Procedures Manual – Lee Mathes

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F
Department: Administration
Contact: Ron Nalley, City Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: The Personnel Policies and Procedures Manual for the City of Apalachicola prescribe the methods of payment for unused vacation and sick leave upon separation or retirement with the City. Ms. Lee Mathes is retiring from the City with 31 years of service and has requested suspension of Policy 20, Section 12 in regards to payment of unused vacation days. Ms. Mathes currently has accrued 43.63 vacation days and according to current policy is only allowed payment for 20 vacation days. Under the policy, Ms. Mathes would be paid \$4,537.60. Ms. Mathes is requesting full payment of 43.63 days or \$9,898.77.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

1. To suspend Policy 20 – Section 12 of the Personnel Policies and Procedures Manual in order to pay Ms. Mathes for 43.63 days of vacation leave.
2. To authorize the City Clerk to make full payment of \$9,898.77 to Ms. Mathes for 43.63 days of vacation leave.

FUNDING SOURCE: Salaries and Wages - Administration

ATTACHMENTS: Letter from Ms. Mathes dated March 26, 2019 and Policy 20, Section 12 of the Personnel Policies and Procedures Manual.

STAFF'S COMMENTS AND RECOMMENDATIONS: The Personnel Policies and Procedures Manual provides no method for suspending certain policies associated with personnel and leave times. Therefore, the Commission will need to make a decision on whether to honor the request by Ms. Mathes. I always caution the Board that anytime you suspend a policy, you open up the possibility of setting a future precedent. In this case, at least two other employees who are close to retirement may be eligible for the same type of request.

TO: Ron Nalley, City Manager

FROM: Lee Mathes, Director of Administrative Services

DATE: March 26, 2019

RE: Vacation & Sick Leave Final Payout

According to the City of Apalachicola Personnel Policy and Procedures, an employee who was employed prior to April 8, 2003 is entitled to receive payment of up to 90 sick days and 20 vacation days upon retirement. Because my employment date is March 1988, I fall into this category, but I do have a dilemma. Upon my retirement date of April 12, 2019, I will have 81.98 sick days and 43.63 vacation days which mean I will lose 23.63 vacation days. I am requesting the City Commission approve full payment of all 43.63 vacation days upon my retirement date.

I was appointed City Administrator in April 2016, and do to the many duties I had consumed, as well as remain as finance officer; vacation time was not an option. Because I am an exempt employee, I do not receive overtime pay, and I am leaving 800 comp hours that I have earned that I will not receive payment for. You work till the job gets done.

Your consideration to this request is greatly appreciated. It has been a pleasure working with you.

Lee Mathes

Policy 20 - Vacation LEAVE
Section 12 - Separation

Not more than fifteen (15) consecutive working days of accumulated vacation time may be taken at any one time unless approved by the employee's department head.

7. HOLIDAYS DURING VACATION LEAVE:

Should a holiday occur during an employee's vacation, that day shall be charged as a holiday.

8. PAYMENT FOR VACATION LEAVE:

Employees shall not be paid for vacation leave earned in lieu of taking a vacation. The only time employees may be paid for earned vacation leave is upon separation.

9. TRANSFERS:

Employees who are transferred from one department to another shall have their leave credits transferred with them.

10. EMPLOYEE CALLED BACK DURING VACATION:

When an employee is called back to work during his/her vacation leave, the employee shall carry over those days of vacation not used even though they might be in excess of the maximum accumulation allowed.

11. ADVANCE VACATION LEAVE CREDIT NOT PERMITTED:

Vacation leave shall not be granted in advance of being earned. If an employee has insufficient leave credit to cover a period of absence, a deduction for the time involved, (Leave without pay) shall be made on the current payroll.

12. SEPARATION:

Upon separation of employment, the employee shall be entitled to compensation for a maximum of twenty (20) days earned but unused vacation leave to his/her credit at the time of separation at the employee's current straight time hourly rate of pay. This does not apply to employees having less than six (6) months of service. The official separation date shall be the last day of active employment and shall not be extended due to payment for unused vacation time.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 2, 2019**

SUBJECT: Appeal Request – Chris Moore, 51 8th Street

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: G
Department: Planning and Zoning Department
Contact: Cortni Bankston, Permitting and Development Coordinator
Presenter: Pat Floyd, City Attorney

BRIEF SUMMARY: On March 5th, 2019, a formal request for an appeal was filed by Chris Moore in regards to the directive decision letter dated April 25, 2018. The decision letter was signed by Lee Mathes directing removal of 2.5 dump truck loads of fill on Mrs. Moore's property located at 51 8th Street. Section III. A (1) of the Land Development Code outlines the process for filing appeals.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Schedule a Special Meeting on April ____, 2019 at ____ p.m. to consider the appeal for Mrs. Moore located at 51 8th Street.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Portion of Request for Appeal Packet dated March 5, 2019 submitted by Chris Moore.

STAFF'S COMMENTS AND RECOMMENDATIONS: According to the Land Development Code, the appellant must file an official appeal to the City Commission when they feel aggrieved by any decision of the building inspector or in this case the floodplain manager. When choosing a date for the Special Meeting, please note that the Notice of Appeal must be advertised in paper of local record at least 2 weeks prior to the scheduled appeal hearing. A full copy of the appeal including the exhibits will be presented as a part of the Agenda Packet distributed prior to the Special Meeting.

**PETITION OF APPEAL FROM DECISION OF
APALACHICOLA CITY ADMINISTRATOR/FLOOD PLAIN ADMINISTRATOR
TO THE CITY COMMISSION**

APPLICANTS Christiana T. Moore and John K. Jackson formally request appeal of the letter directive decision dated April 25, 2018, signed by Lee Mathes as City Administrator directing them to remove 2.5 dump truck loads (18 yards per load) of fill from their property. Attached is a copy of the letter directive. **(April 25, 2018, Letter attached as Exhibit A).**

INTRODUCTION

Ms. Moore and her husband Mr. Jackson wanted to sod and plant around their new home. City staff issued a landscaping permit and Ms. Moore bought nearly \$8,000 in plants. As soon as Ms. Moore added backfill dirt to the holes created by the construction and lot clearing, a neighbor to the left complained and the City issued a stop-work order. The City told Ms. Moore she just needed to submit a set of engineered plans to the Flood Plain Manager and the Planning and Zoning Board. She hired Dan Garlick, who was recommended by staff, and submitted the plans. The Board voted to approve her permit. The City's Attorney J. Patrick Floyd decided that Ms. Moore also needed to comply with Land Development Code requirements for large subdivision projects and asked for plans that show stormwater peak discharge rates to establish volume and that pollutant loads would not increase after the landscaping project.

Ms. Moore wanted to sod and plant so she hired a professional engineer to prepare the requested reports. But Mr. Floyd said the reports were not enough and he asked for more information. Ms. Moore had the engineer revise the reports. Then Mr. Floyd wanted topographical plans, elevation surveys, photographs, invoices, and receipts.

No matter how much Ms. Moore provided, Mr. Floyd rejected her submissions and his legal justifications changed along the way. He created muddled and confusing compliance

RECEIVED
MAR 05, 2019
BY: *Debra Skelton*

requirements that became a moving target without ever identifying a clear legal justification for doing so. First he pointed to the Land Development Ordinance (#91-07) to justify his requirement for before-and-after attenuation calculations. Then he said Ms. Moore needed to submit an application under the Flood Plain Management Ordinance (#2013-02). Then he created a brand new Flood Plain permit application and imposed an indemnity obligation—which he never imposed on other neighbors.

When all that was done, he sued Ms. Moore and Mr. Jackson and completely abandoned the Land Development Ordinance, which was how he justified seeking attenuation calculations in the first place. He told the Court that Ms. Moore was not permitted under the Flood Plain Ordinance, and that she was in violation of a letter from city staff member Lee Mathes who directed Ms. Moore to remove 2.5 truckloads of dirt from her property based on her own mathematical judgment without reference to the city engineer's report.

The Court ordered Mr. Floyd to give Ms. Moore the opportunity to bring this matter to the City Commission for a full review.

Almost a year and a half has passed since the Planning and Zoning Board granted Ms. Moore' permit. Yet her yard sits ungraded and overtaken by weeds and volunteer plants. All Ms. Moore has asked for is to finish grading and to sod and plant flowers and trees. During the last year and a half—and after a major near Cat-5 hurricane and one of the wettest Decembers on record—there has not been a single complaint of flooding caused by Ms. Moore' yard.

It is unclear why Mr. Floyd has taken such an aggressive position with Ms. Moore when he turned a blind eye to her right side neighbor's landscaping project. That neighbor blatantly refused to comply with Mr. Floyd's Flood Plain Permit requirements and she completed her landscaping without further City involvement.

REQUEST FOR REVIEW

1. The property at issue is located at 51 8th Street, Apalachicola FL 32320.
2. This appeal is made in accordance with the Flood Plain Management Ordinance 2013-02, section 107.1 and 107.2, which states:

107.1 General. The Apalachicola City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Apalachicola City Commission shall hear and decide on request for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

107.2 Appeals. The Apalachicola City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Apalachicola City Commission may appeal such decision the Circuit Court, as provided by Florida Statutes.

FACTS AND HISTORY

1. Ms. Moore and Mr. Jackson completed the construction of their property in 2017 on a vacant lot located at 51 8th Street. The lot size is 60' x 100' (or 6000 square feet), and the house footprint is 1,972 square feet. Attached is a survey of the lot. **(Survey attached as Exhibit B).**

2. During and after construction, Ms. Moore' builder and landscaper removed trees, shrubs, bushes, undergrowth, debris, roots, and other materials from the lot, leaving behind holes, ditches, and swales not there before.

3. The last part of the construction project was to complete landscaping; Ms. Moore spent \$7,490.00 on trees and plants, and hired landscape professional Kelly Horne to design and complete the project. The lot was barren after the construction project and adding sod and plants

would not just enhance property values, but would also stabilize dirt and provide additional water control.

4. On October 4, 2017, Ms. Horne applied for a basic landscaping permit. Cortni Bankston for the City signed the permit in short order, noting "OK to Proceed." **(Initialed and notated permit, Exhibit C).**

5. When the permit was issued, Ms. Horne ordered trucks of dirt to backfill and level the lot holes.

6. After the dirt was delivered but before it could be leveled and graded, the City posted a stop work order on Ms. Moore' lot. **(Order dated Oct 6, 2017, Exhibit D).**

7. Cortni Bankston told Ms. Moore to get an engineered set of landscaping plans and the order would be removed. **See Oct 10, 2017, Email, Exhibit E).**

8. Ms. Moore hired Dan Garlick of Garlick Environmental Associates, Inc., to prepare the requested plans and make calculations showing that the layout of a swale berm landscape design would meet the requirements.

9. The City Planning & Zoning Board reviewed and discussed the Garlick plans at its regular meeting on November 13, 2017, and voted to issue Ms. Moore' permit to install soil and sod and a fence. **(Nov 13, 2017, Planning and Zoning Board meeting minutes, Exhibit F).** The next morning, the City's Code Enforcement Officer removed the stop work order. Pursuant to the permitted plan, gutters and rain barrels were installed at the property.

10. On November 22, 2017, Cortni Bankston emailed Ms. Moore to tell her both the stormwater management plan and fence permits were ready for pickup. **(Nov 22, 2017, Email from Bankston and Permits, Exhibit G).**

11. A week later, on November 29, 2017, Mr. Floyd sent a letter to Dan Garlick asking for more materials and that he “probably” would also need Ms. Moore to indemnify and hold the City harmless. **(Nov 29, 2017, letter from Floyd to Garlick, Exhibit H).**

12. Even though the submitted plans satisfied concerns, Mr. Floyd or the City’s engineer wanted more calculations and certifications. So Mr. Garlick submitted Engineer Mark Repasky’s report. **(Dec 4, 2017, email from Garlick with Repasky’s report, Exhibit I).**

13. But then Mr. Floyd asked for more. By email dated December 18, 2017, he now wanted a topographical survey, documents related to dirt delivery, and attenuation calculations. **(Dec 18, 2017, email from Floyd to Garlick, Exhibit J).** Mr. Floyd said these requirements were necessary because of a complaining neighbor, Mr. Louie Van Vleet.

14. Before Ms. Moore or Mr. Garlick could respond, sometime before December 26, 2017, the City reposted the October stop-work order on the property.

15. Following the reposted stop-work order, Code Enforcement Officer Wilbur Bellew issued a Notice of Violation dated January 2, 2018. The notice claimed Ms. Moore’s permit application “was not approved and withdrawn.” **(Jan 2, 2018, Notice of Violation, Exhibit K).**

16. Seeing no way to satisfy the continually changing and more onerous landscaping requirements made at the behest of a complaining neighbor and city attorney, Ms. Moore hired counsel hoping to reach a resolution, to no avail.

17. Still, Ms. Moore wanted to put down sod and plant her trees and flowers, so she asked her engineer to revise his report to satisfy Mr. Floyd’s latest requirements. **(Feb. 1, 2018, Revised Repasky report, Exhibit L).**

18. Within a day, Mr. Floyd rejected the revised report. **(Feb 2, 2018, Letter from Floyd, Exhibit M).**

19. At both the January 23, and February 6, 2019, commission meetings, Mr. Floyd shut down any discussion of Ms. Moore' permitting issues and prevented her from even talking with her elected representatives.

20. Then, even though Ms. Moore already had the permit the City required, Mr. Floyd created an entirely new Flood Plain Permit Application and told Ms. Moore to re-apply. The new application included an indemnity requirement. Mr. Floyd also again insisted he needed an engineer's attenuation calculations. **(Feb 20, 2018, Letter from Floyd, Exhibit N).**

21. Ms. Moore finally responded directly to Mr. Floyd, making it clear to him yet again she had never withdrawn her application for a permit (which had already been issued anyway) and asking him what ordinance or law required her to submit attenuation calculations. **(Feb 27, 2018, Letter from Moore to Floyd, Exhibit O).**

22. In March, 2018, the City requested additional topographical maps, promising this would resolve the issue.

23. On April 23, 2018, Mr. Floyd emailed Ms. Moore to tell her that the City's engineer Clay Smallwood was waiting for additional data from the surveyor to make accurate elevation comparisons. He told Ms. Moore, "[t]his has been requested and hopefully will be received today or tomorrow" and "forwarded to you upon receipt." **(April 2018, Emails to/from Floyd, Composite Exhibit P).**

24. Actually, Mr. Smallwood had already reviewed the surveys and reported to Mr. Floyd weeks earlier that "[t]here is not a great difference between the existing 8 and 7 contour locations on either survey." **(April 2018, Emails to/from Floyd, Composite Exhibit P).**

25. Maybe Mr. Floyd was dissatisfied with Mr. Smallwood's conclusion because he apparently invited Mr. Smallwood to reconsider his findings.

26. On April 24, 2018, Mr. Smallwood re-addressed the issue after reviewing the CAD file, and again told Mr. Floyd that the still ungraded and unleveled dirt did not significantly change the original elevation, and while some areas on the lot were slightly higher, others were actually lower. **(April 2018, Emails to/from Floyd, Composite Exhibit P)**. With proper grading and leveling (activities prevented by the stop-work orders), the lot would be level with neighboring lots.

27. Also in April 2018, Ms. Moore's right side neighbor began her own landscaping and construction projects. When the City told this neighbor to submit a Flood Plain Application, the neighbor refused and argued that she had already been granted her permit at the Board's November 2018 meeting. She completed her landscaping project with no violation issued or enforcement action. **(April 12, 2018, Letter from Rice, Exhibit Q)**.

28. On April 25, 2018, the City Administrator Ms. Lee Mathes directed Ms. Moore to remove 2.5 dump truck loads of dirt from her property. **(April 25, 2018, Letter attached as Exhibit A)**.

29. Ms. Moore emailed Lee Mathes for clarification and asked who made this directive and how they determined 2.5 loads needed removal. **(April 26, 2018, Email from Ms. Moore to Mathes, Exhibit R)**.

30. Ms. Mathes responded on May 15, 2018, that Ms. Moore could either remove 2.5 truckloads of "fill" or provide an engineered stormwater management plan under the Land Development Code, Ordinance #91-7 and the Flood Plain Management Ordinance. **(May 15,**

2018 Letter from Mathes to Ms. Moore, Exhibit S). Ms. Mathes is not an engineer, nor is she certified as a Flood Plain Manager or in any other field to qualify her to make these calculations.

31. When Mr. Floyd sued Ms. Moore and Mr. Jackson he did not mention, cite to, or in any way rely on the Land Development Code Ordinance #91-7; yet he continues to insist that backfill for the holes in her yard and sod and flowers require the same attenuation calculations applied to large land developments.

32. Since these permitting issues began in October 2017, the City of Apalachicola has experienced a near Cat-5 hurricane and record-breaking rainfall in December 2018. (**National Weather Service Rainfall Data, Exhibit T**). There has not been a single written complaint to the City of flooding caused by runoff from Ms. Moore' lot.

CONCLUSION

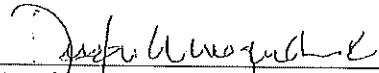
The City already considered, voted, and permitted Ms. Moore's permit. The last year and a half of ever-increasing requirements were based on a Land Development Code ordinance the City's attorney now agrees does not apply.

Even in its ungraded condition, Ms. Moore' lot does not cause her neighbors' lots to flood. The April 25, 2018, directive to remove 2.5 truckloads of dirt ignores that there was an issued permit, would not alleviate any flooding problem (because no problem exists), and would cause significant expense and damage to the property.

Ms. Christiana Moore and John Jackson therefore request:

- A. A hearing before the full Commission;
- B. Withdrawal of the
 - i. April 25, 2018 directive
 - ii. January 2, 2018 Notice of Violation, and
 - iii. October 6, 2017 Stop-Work Order
- C. Confirmation and/or Reinstatement of the November 2017 Permit
- D. Dismissal of the pending circuit court complaint.

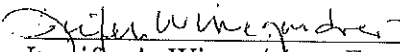
Dated this 5th day of March, 2019.



Jennifer A. Winegardner, Esq.
Florida Bar No 133930
Counsel for
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850-270-9064
email: jwinegardner@winegardnerlaw.com

CERTIFICATE OF SERVICE

A copy of the foregoing was delivered via regular U.S. Mail to J. Patrick Floyd, CHTD, at 20 Avenue D, Post Office Building, Apalachicola, FL 32320 on this 5th day of March, 2019.



Jennifer A. Winegardner, Esq.