

**REGULAR MEETING
CITY COMMISSION
CITY OF APALACHICOLA, FLORIDA
TUESDAY, FEBRUARY 5, 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
- IV. City Manager Communications
 - 2019-2020 Budget Calendar
 - Commission Retreat
 - Ethics Training Opportunity
 - 16th Annual African-American History Festival
- V. Attorney Pat Floyd Communications
- VI. Presentations
 - A. Proposed Change to Municipal Elections Schedule – Heather Riley, Franklin County Supervisor of Elections
 - B. Apalachicola Environmental Stewardship Bill – Ron Nalley, City Manager
- 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 January 8, 2019 Public Hearing and Regular Meeting and January 11, 2019 Special Meeting Minutes.
 - B. Planning & Zoning Minutes Confirmation
 - **Suggested Motion:** Confirm the December 2018 Planning and Zoning Minutes

IX. Unfinished Business

- A. Ordinance No. 2018-07 – Tree Ordinance
 - **Suggested Motion:** To Adopt Ordinance 2018-07 City of Apalachicola Tree Ordinance.
- B. Duke Energy Electric Franchise Agreement
 - **Suggested Motion:** None at this time pending further direction from the City Commission.
- C. Discussion Concerning the Smith/Nall Case – 39 7th St.
 - **Suggested Motion:** None at this time pending further discussion by the City Commission.

X. New Business

- A. Resolution 2019-02 Adopting a Policy of Prohibiting the Use of Excessive Force
 - **Suggested Motion:** To Approve Resolution 2019-02 Adopting a Policy of Prohibiting the Use of Excessive Force
- B. Proposed FDOT Sidewalk Project Along Highway 98
 - **Suggested Motion:** To Support Franklin County's Application to FDOT for the Construction of a Sidewalk along Highway 98 and Once Completed Agree to Maintain the Portion of Sidewalk Located Within the City Limits.
- C. Discussion of Mobile Food Vendor Regulations
 - **Suggested Motion:** None at this time pending further discussion by the City Commission.
- D. Discussion Concerning Rules of Procedures for the City Commission
 - **Suggested Motion:** None at this time pending further discussion by the City Commission.
- E. Proposed Rezoning of Van Johnson Complex
 - **Suggested Motion:** Authorize staff to contact the State Planning Agency for support and request staff and Planning and Zoning to begin drafting rezoning language to support a new zoning category for Block 137 and begin the required property owner and interested party notification.
- F. Recommendation of Auditing Services – Audit Committee
 - **Suggested Motion:** To Accept the Audit Committee Recommendation and Authorize the City Manager to Negotiate a Contract with Moran & Smith, CPA LLP for Audit Services and if Reasonable, to Authorize the Mayor to Execute the Auditing Services Contract with Moran & Smith, CPA LLP.

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

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

February 5, 2019

Mayor
Van W. Johnson, Sr.

TO: Mayor and City Commission

FR: Ron Nalley, City Manager *rn*

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

RE: City Manager Communications – February City Commission Meeting

During your meeting on February 5th, I will be giving a brief update on several matters. Below is a summary of those topics:

City Manager
Ron Nalley

1) 2019-2020 Budget Calendar – The 2019-2020 Budget Calendar is attached for your use. In March, staff will begin preparing the Capital Improvement Plan in preparation for Commission review in May and adoption in July. In July, staff will begin preparing the Annual Budget for the initial presentation to the Commission in August and final adoption in September. Workshops can be scheduled by the Commission throughout the calendar period in order to receive regular updates, receive public input and to provide any further direction to staff.

City Administrator
Lee H. Mathes, MMC

2) Commission Retreat – As we move towards budget season, I would like to propose that the Commission set a time and date for a one-day retreat to discuss existing projects and to allow the development of immediate, intermediate and long-range goals for the next fiscal year. These goals are then used by staff to develop a realistic working budget for the City and to accomplish the annual priorities of the Commission.

City Clerk
Deborah Guillotte, CMC

3) Ethics Training Opportunity – In 2014, the Florida legislature mandated four hours of ethics training for all municipal officers every calendar year. 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. Please let the City Clerk know if you can attend so that we can get everyone registered.

City Attorney
J. Patrick Floyd

4) 16th Annual African-American History Festival – The African-American History Festival will be held February 15th through February 17th. The City will be assisting the members of H'COLA in preparing for the festival by allowing the use of Franklin Square, blocking roads for the festival and assisting along the parade route.

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 OF APALACHICOLA

2019 – 2020 CIP AND BUDGET PREPARATION CALENDAR

March 15, 2019	Capital Improvement Program (CIP) instructions distributed to Departments.
April 2	CIP Public Presentation.
April 15	Departments submit CIP requests to City Manager. CIP revenue projections posted to worksheets.
April 26	City Manager reviews adjusted CIP requests, compares with projected revenue and makes final adjustments.
May 1 – May 31	Actual revenues and expenditures of preceding year posted to budget worksheets.
May 7	Proposed CIP submitted to City Commission and filed with the City Clerk for public inspection. City Commission calls for Public Hearing on proposed CIP.
May 8 – June 4	CIP review by City Commission with special meetings as needed.
June 3 – June 7	Actual revenues and expenditures for current year through May 31 posted to budget worksheets. Finance Officer estimates personnel and insurance costs for entry into departmental budget requests. Finance Officer completes preliminary revenue estimates.
June 4	Public Hearing on the proposed CIP.
June 14	Budget instructions given to Departments.
July 1	Finance Officer receives Certification of Taxable Value from Property Appraiser.
July 2	City Commission Tentatively Adopts Millage Rate. City Commission adopts CIP.
July 12	Departments submit requests and objectives to City Manager. Finance Officer prepares final revenue estimates.
July 15 – July 19	Budget discussions with department heads and administration. Departmental requests adjusted based on City Manager review.

2019 – 2020 CIP AND BUDGET PREPARATION CALENDAR

Page 2

July 22 – July 26	City Manager reviews adjusted expenditure requests, compares with projected revenue and makes final adjustments.
July 26	Certification of Taxable Value Returned to Property Appraiser with Proposed Millage Rate, Roll-Back Rate and Schedule for Budget Hearing
July 29 – August 2	City Manager completes the balancing of budget and prepares Budget Message.
August 6	Proposed budget submitted to City Commission and filed with the City Clerk for public inspection. City Commission calls for Public Hearing on proposed budget. Publish public notice of the submission of the budget to the City Commission.
August 6 – September 10	Budget review by City Commission with special meetings as needed.
August 23	Property Appraiser mails notices of proposed property taxes to property owners.
August 29	Publish public notice of budget hearing.
September 10	Public Budget Hearing of the proposed budget.
September 10 – September 24	Additional time available for special meetings, as needed, by the City Commission to continue deliberation.
September 12	Budget Advertisement submitted to newspaper.
September 19	Advertisement for Final Budget Public Hearing
September 24	City Commission holds final Public Hearing and adopts final budget.
September 27	Resolution adopting Millage Rate sent to Property Appraiser, Tax Collector and Department of Revenue
October 18	Trim Package submitted to Department of Revenue with Certification of Compliance Finance Officer prints, collates, binds and distributes budget books to City Commission.



Northwest Florida League of Cities

Free Ethics Training Opportunities

In 2014, the Florida legislature mandated four hours of ethics training for all municipal constitutional officers every calendar year (January 1 - December 31). The Northwest Florida League of Cities is offering multiple ethics training opportunities across our region in 2019. These trainings are free to attend as a benefit of your municipality's Northwest Florida League of Cities membership.

Please Note:

To receive your certificate for ethics training events hosted by the Northwest Florida League of Cities, your municipality's Northwest Florida League of Cities dues must be paid for 2019.

To verify that your municipality's dues have been paid, please contact
Jenny Anderson: jlanderson@fsu.edu

March 21 - Fort Walton Beach
8:00 a.m. - 12:00 p.m. (CDT)

Fort Walton Beach Recreation Center
132 Jet Drive
Fort Walton Beach, FL 32548

Register Now!

March 25 - Tallahassee (FLC)
1:00 p.m. - 5:00 p.m. (EDT)

Sittig Hall
301 South Bronough Street
Tallahassee, FL 32301

To register for this event,
please contact:
Shwanda Barnette
sbarnett@flicities.com

March 28 - Apalachicola
8:00 a.m. - 12:00 p.m. (CDT)

Apalachicola Community Center
1 Bay Avenue
Apalachicola, FL 32320

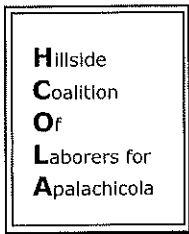
Register Now!

April 2 - Marianna
8:00 a.m. - 12:00 p.m. (CDT)

Rivertown Community Church
4534 Lafayette Street
Marianna, FL 32446

Register Now!

May 2 - DeFuniak Springs
8:00 a.m. - 12:00 p.m. (CDT)



Post Office Box 764
Apalachicola, FL 32329
hcola.fl@gmail.com
www.hcola.org

Executive Board

President:
Elinor Mount-Simmons
Vice-President:
Fonda Davis, Sr.
Secretary/Publicist:
Tami Ray-Hutchinson
Treasurer:
Brenda Ash
At-Large:
Soudra Davis
Van Johnson
William Key

January 23, 2019

To: Apalachicola Board of Commissioners
Re: African-American History Festival 2019

The members of H'COLA are in the midst of planning our 16th Annual African-American History Festival, always scheduled for the third weekend in February, and we seek permission from this Board for usage of the Franklin Square area for this event. This year's dates are Friday, February 15, through Sunday, February 17, 2019.

Our festival features a multitude of activity and events for the entire family. Locals and out-of-town vendors attend and participate in the festivities, displaying and/or presenting a variety of offerings, such as public service materials, educational information arts and crafts, musical entertainments, motivational speakers, cultural awareness and other family-style activities throughout the course of the three-day festival. And of course, there will be food of all types to delight all palates.

The base of the festival will be the Franklin Square area of the Hill community and we are submitting the following request:

- Use of Franklin Square for February 15-17th. This includes the park, tennis courts and basketball courts.
- Blocking the following roads for the entire festival:
 - Avenue L from 6th Street to 7th Street
- Blocking the following roads for the parade on the Saturday from 12 noon until 1:00pm
 - 14th Street, directly in front of the City Center
 - MLK Avenue south to 6th Street
 - 6th Street west to Avenue M

Thank you for your consideration of our request. If there is need for additional information, contact persons are:

- Elinor Mount-Simmons @ 850.323.0544
- Fonda Davis, Sr. @ 850.370.6437
- Tami Ray-Hutchinson @ 850.653.7515
- Brenda Ash @ 850.323.0590

H'COLA

**CITY OF APALACHICOLA
DIRECTOR OF ADMINISTRATIVE SERVICES
JANUARY 2019 REPORT**

- Working with staff with FEMA related issues
- Completed December accounting
- Completed budget expense report through 12/31/2018
- Polishing procedures for general ledger reconciliations
- Reviewed Audit RFQ Proposals and attended Audit Committee Meeting
- Updated meeting calendar on website
- Reviewed January minutes and prepared information for agenda packet
- Completed and submitted quarterly TTHM DEP reports
- Assisted staff with utility bill issues, tree applications, and payroll processing
- Attended delegation meeting with Senator Montford at County Annex
- Completed tasks as assigned by the City Manager

71 work orders issued and completed

32 payroll checks processed – direct deposit has been initiated

Approximately 85 accounts payable checks processed

2,070 utility bills generated

2,024 payments processed

5 public records requests processed

**City of Apalachicola
Police Department
January 1 - 28**

Totals

Traffic Stops/ Warnings/ citations	70
Arrests/ Warrant Requests	3
Traffic Accidents	3
Burglary/Theft calls	9
Assist Citizens/ Complaints/investigations	250
Trespass Warnings/agreements	5
Business alarm calls/building checks/welfare checks	621
Assist county call/other agencies	37
Domestic cases involving violence/disturbance calls	9
Drugs	1
Total calls from dispatch	689

City of Apalachicola public works monthly report

January 2019

We took Christmas tree and lights down.

We have had a lot of rain, we have been opening as many ditches as possible to stop local flooding of residents..

We had 3 funerals, open and close

We are replacing 280 ft of culvert pipe ave f and 17.th st.

We have collected 167 bags of trash down town and parks.

Serviced 2 vehicles.

We have had 2 fema meetings.

We have meet with fema inspectors several days to assess damages of city properties.

We are removing trees and debri out of major storm ditches.

Meet with fwc at harbor house for ac repair.

Working on handy cap ramp at harbor house, repairing it for rental to fwc.

We have completed 22 work orders.

We have cleaned storm drains in troubled areas to get storm water flowing

We have finished most of the cleaning of ditches and parks.

Robert Osburn date 1-29-19

Code Enforcement Monthly Report

January 2019

1. Number of tree removal applications for this month is 9 on private property with fee and 0 on city property with no fee.
2. Assisted on building permits applications. Field work checked 3 construction sites for permits.
3. Addressed 16 complaints that were called into the office, 5 was about trees, 2 was no permit, and 2 was trash, 7 was from city departments.
4. Marked off grave lots in cemeteries as work orders required.
5. Completed 8 work orders as assigned.
6. Checked the payment drop box at old city hall twice a day the first week of the month. Then I check it once a day for the remaining weeks.
7. Checked payment drop boxes at Battery Park Boat Basin every Monday.
9. Assisting all Departments, City Hall, Public Works, Water & Sewer, and Waste Water Plant, as needed.

Wilbur L. Bellew: _____

Date: _____

W L Bellew

1-29-19

City of Apalachicola Monthly Summery Report

January 2019

Apalachicola Margaret Key Library

Statistics:

- 20 new cards issued
- 17 seasonal renewals
- 520 new items added to collection
- 485 items checked out
- 662 computer and Wi-Fi uses
- 43 hands-on individual direct services assistance
- 2 adult / YA programs with 12 in attendance
- 9 children's programs with 97 in attendance

Of note:

- The library is returning to regular order. We have two persons assigned to us from Disaster Employment Assistance to assist patrons with FEMA and other disaster related paperwork. This has allowed us to return to our pre-hurricane 7-day schedule with weekend and evening hours.
- The four year old library copier, always a workhorse, certainly got a workout the last few months. The decision was made to replace the copier in December with an upgraded model for a less expensive lease package.
- The Memory Lab Project and library refresh is starting to gain traction. New estimated date for dedication is the end of March.
- Mark your calendars! Susan Buzzett Clementsen Author Talk with Jonathan Putnam is planned for Thursday, February 28, 5:30 p.m. at the library. Putnam is a Lincoln scholar who write thrillers based on the life of Lincoln as a young man and his real life sidekick Joshua Speed.

Planning Report –January 2019
Cynthia Clark

PERMITS ISSUED: 23.

GENERAL TASK LIST - General Tasks

1. City Commission – Jan. 8
2. Research Fill Ordinance
3. P&Z Fill and Stormwater Workshop
3. Pre-application consultation: Jason White Construction – fill requirements, Michael Shuler
5. Food cart research
6. Website Updates – budget, document uploads (Stewardship Bill, Historic Regs)
7. Research rezoning for Van Johnson Complex
8. Online Permit software research
9. FEMA non-residential research
10. Coastal Resiliency Grant application completed
10. P&Z meeting – Jan. 14
11. Affordable Housing Followup – Triumph application

TRIUMPH-RELATED

1. Attended Triumph Gulf Coast mtg in PSJ – Jan. 14

Request for February board action:

1. Rezoning discussion for Van Johnson complex.

City of Apalachicola CRA Monthly Summary Report

January 2019

State Legislative Action Plan

I have continued to implement the City Commission's adopted 2019 State Legislative Action plan in consultation with lobbyist Patrick Bell, the City Manager, and the Mayor. Momentum for the Apalachicola Environmental Stewardship Bill is built on previous strategy sessions with Department of Economic Opportunity staff and State Representative Holly Raschein. The proposed Apalachicola Environmental Stewardship Act seeks funding for infrastructure and land acquisition and is modelled after Rep. Raschein's successful Florida Keys Environmental Stewardship Act which resulted in millions of dollars in state funding for their similar Area of Critical State Concern issues. Another goal of the bill is to amend statutes to allow for implementation of a Tourist Impact Tax via local referendum with governance and all revenues kept within the municipality. Our request to bill drafting was submitted. A summary of the bill has been uploaded to the City's website. The concept was publicly presented to Senator Montford by the Mayor at the Legislative Delegation meeting on January 30 with strong community support in attendance. Local funding initiative requests will be submitted in early February. Session begins on March 5 and ends on May 3, 2019.

USDA Grant/Loan Funding Application for GAC Water Filtration System

I met with USDA representatives on January 31 to get the application process back on track now that they are back in the office following weeks of furlough during the government shutdown. The City qualifies for grant funding of up to 75% if the USDA is fully funded as part of the grant/loan package to fund the water filtration system. This project is required by DEP to address the Trihalomethane issue.

USDA Rural Business Development Grant

This project was also discussed with USDA representatives on January 30. The goal of this project is to install pervious parking, lighting, and sidewalks in the Bowery District along Water Street and Avenue G. The Preliminary Engineering Report is in progress by Dewberry Consulting, with the remainder of the application package almost complete. I continue to coordinate with engineer Josh Stephens. The completed application will be submitted by March 1.

Electric Car Charging Stations

Engineers will make site visits on February 1 to determine the feasibility of specific proposed locations. The goal is to have a total of 3 sites.

Training

I attended the Rural Economic Development Academy on January 16, 2019 in Tallahassee, with a 90% scholarship provided by Opportunity Florida. This course is designed to provide an in-depth understanding of key issues associated with successful local and regional economic development. It was sponsored by the Florida Institute of Government, Opportunity Florida, and the North Florida Economic Development Partnership. Additional training recommended by Carol Westmoreland through the Florida Redevelopment Association Academy is planned for March 2019 in Orlando.

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS

FOR PERIOD ENDED DECEMBER 31, 2018

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	714,754.63	912,973.61	68%	431,426.39
412001	1/2 CENT SALES TAX	170,000.00		170,000.00	9,746.47	36,295.62	21%	133,704.38
412002	MOBILE HOME LICENSE TAX	100.00		100.00	16.75	125.00	125%	(25.00)
412003	ALCOHOLIC BEVERAGE TAX	8,000.00		8,000.00		2,700.31	34%	5,299.69
413100	UTILITY FRANCHISE	130,000.00		130,000.00	8,222.10	37,285.15	29%	92,714.85
413200	LOCAL COMMUNICATIONS TAX	62,000.00		62,000.00	5,108.43	14,807.16	24%	47,192.84
414100	UTILITY TAX	200,000.00		200,000.00	8,068.14	25,568.45	13%	174,431.55
421001	OCCUPATIONAL LICENSE TAX	30,000.00		30,000.00	1,572.15	8,215.03	27%	21,784.97
422006	GOLF CART PERMITS	10,000.00		10,000.00	500.00	2,500.00	25%	7,500.00
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	23,662.27	25%	69,337.73
4302	FINES & FORFEITURES	2,000.00		2,000.00	152.72	195.65	10%	1,804.35
4303	CEMETERY LOTS & OPENINGS	15,000.00		15,000.00	2,100.00	3,600.00	24%	11,400.00
44012	FACILITY/PROPERTY RENT	37,000.00		37,000.00	2,552.84	7,259.49	20%	29,740.51
422001	BUILDING PERMIT FEES	40,000.00		40,000.00	1,309.01	3,354.26	8%	36,645.74
422007	TREE APPLICATION FEES	3,300.00		3,300.00	500.00	1,050.00	32%	2,250.00
44025	STORMWATER FEES	30,000.00		30,000.00	1,182.35	5,010.46	17%	24,989.54
440163	DOT - TRAFFIC LIGHT REIMB	4,500.00		4,500.00			0	4,500.00
440183	SANITATION FEES	550,000.00		550,000.00	43,080.57	89,253.11	16%	460,746.89
4555	COMMUNITY GARDEN	3,000.00		3,000.00	0.89	303.05	10%	2,696.95
44018	FARMERS MARKET	3,000.00		3,000.00	490.97	1,073.85	36%	1,926.15
4401	MISCELLANEOUS REVENUES	2,000.00		2,000.00	265.65	332.33	17%	1,667.67
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
44025	GRANT - STORMWATER RETROFIT	398,500.00		398,500.00	1,581.08	11,904.42	3%	386,595.58
4546	GRANT - DOT BEAUTIFICATION	200,000.00		200,000.00	10,003.58	62,011.30	17%	200,000.00
4102	PROJECT IMPACT	370,900.00		370,900.00	4,331.24	15,940.22	26%	308,888.70
415140	LOCAL OPTION GAS TAX	62,000.00		62,000.00	1.03	7,016.55	18%	46,059.78
4301	COUNTY FIRE PROTECTION - MSBU	40,000.00		40,000.00			0	40,000.00
4304	APALACHICOLA OYSTER LICENSE	40,000.00		40,000.00	2,795.95	9,169.00	23%	30,831.00
4557	HISTORY, CULTURE, ARTS MUSEUM	40,000.00		40,000.00			0	40,000.00
45023	TRANSFER FROM CRA	10,000.00		10,000.00			0	10,000.00
4501	LIBRARY PROGRAMS	1,000.00		1,000.00			0	1,000.00
4401	INSURANCE - HURRICANE MICHAEL		436,752.07	436,752.07	-	436,752.07		-
44016	DUKE ENERGY DONATION		10,000.00	10,000.00	-	10,000.00		-
	TOTAL GENERAL FUND REVENUES	4,605,800.00	446,752.07	5,052,552.07	836,223.97	1,728,358.96	34%	3,324,193.71

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	5,542.40	21%	21,257.60
513210	SOCIAL SECURITY	2,100.00		2,100.00	159.53	405.36	19%	1,694.64
513220	RETIREMENT	2,100.00		2,100.00	133.82	400.63	1900%	1,699.37
513230	GROUP INSURANCE	16,100.00		16,100.00	1,690.31	2,368.49	15%	13,731.51
513310	LEGAL SERVICES	20,000.00		20,000.00	-	6,472.00	32%	13,528.00
513400	TRAVEL & TRAINING	1,000.00		1,000.00			0	1,000.00
513520	SUPPLIES	1,000.00		1,000.00	1,377.50	1,377.50	138%	(377.50)
513540	DUES & FEES	2,000.00		2,000.00	500.00	1,655.93	83%	344.07
513320	AUDITING	38,000.00		38,000.00	850.26	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	114.38	237.75	8%	2,762.25
513345	IT SERVICES	1,200.00		1,200.00	225.00	1,200.00	100%	-
513346	LOBBYIST	30,000.00		30,000.00	6,000.00	11,000.00	37%	19,000.00
513450	PUBLIC OFFICIALS LIABILITY INS.	2,000.00		2,000.00	2,000.00	2,000.00	100%	-
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		25,170.52	25,170.52	-	26,170.52	100%	-
	TOTAL EXPENSES	304,000.00	25,170.52	330,170.52	14,987.60	64,398.00	20%	265,772.52

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	15,805.88	48,538.68	16%	150,261.32
510210	SOCIAL SECURITY	15,300.00		15,300.00	1,172.23	3,527.21	15%	11,772.79
510220	RETIREMENT	38,700.00		38,700.00	2,566.47	6,745.16	11%	31,954.84
510230	GROUP INSURANCE	39,100.00		39,100.00	2,857.09	9,282.59	16%	29,817.41
510810	LEGAL SERVICES	30,000.00		30,000.00	600.00	1,296.00	2%	28,704.00
5103101	PLANNING CONTRACT SERVICES	5,000.00		5,000.00	-	5,000.00	100%	-
510410	COMMUNICATIONS	10,300.00		10,300.00	476.85	1,975.02	15%	8,324.98
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	637.95	2,124.48	19%	5,875.52
510521	EQUIPMENT	3,000.00		3,000.00			0	3,000.00
510540	DUES & FEES	2,000.00		2,000.00		35.00	2%	1,965.00
510440	COPIER/POSTAGE RENTAL	4,200.00		4,200.00	459.70	1,222.18	18%	2,977.82
510450	WC INSURANCE	5,000.00		5,000.00	5,000.00	5,000.00	0	-
510480	ADVERTISING	3,000.00		3,000.00	352.32	594.32	8%	2,405.68
510552	IT SERVICES	1,800.00		1,800.00	750.00	1,725.00	54%	75.00
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	30,678.49	87,065.64	21%	321,634.36

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018

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	17,565.60	29,726.40	42%	40,573.60
511210	SOCIAL SECURITY	5,400.00		5,400.00	1,324.78	2,255.09	42%	3,144.91
511220	RETIREMENT	5,900.00		5,900.00	585.95	1,590.43	27%	4,309.57
511230	GROUP INSURANCE	18,100.00		18,100.00	1,334.90	3,999.30	22%	14,100.70
510130	BUILDING INSPECTOR CONTRACT SERVICES	30,000.00		30,000.00		8,839.80	29%	21,160.20
511310	LEGAL SERVICES	30,000.00		30,000.00		2,104.00	7%	27,896.00
5113101	PLANNING CONTRACT SERVICES	38,400.00		38,400.00	3,616.66	5,849.98	15%	32,550.02
511520	SUPPLIES	4,000.00		4,000.00			0	4,000.00
511521	GAS	1,500.00		1,500.00	201.73	328.74	22%	1,171.26
511240	WC INSURANCE	2,000.00		2,000.00	1,315.33	1,315.33	66%	684.67
511480	ADVERTISING	3,000.00		3,000.00			0	3,000.00
511410	COMMUNICATIONS	2,700.00		2,700.00	165.06	334.68	12%	2,365.32
511522	EQUIPMENT	1,500.00		1,500.00			0	1,500.00
511461	IT SERVICES	900.00		900.00			0	900.00
511460	VEHICLE REPAIRS & MAINTENANCE	2,000.00		2,000.00	135.00	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	26,245.01	56,478.75	18%	249,221.25

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	24,739.72	83,566.75	28%	220,133.25
52011201	OVERTIME SALARY	36,000.00		36,000.00	5,622.68	14,823.14	41%	21,176.86
5201210	SOCIAL SECURITY	26,100.00		26,100.00	2,210.00	7,248.74	28%	18,851.26
5201220	RETIREMENT	77,800.00		77,800.00	10,678.77	21,749.12	28%	56,050.88
5201230	GROUP INSURANCE	69,600.00		69,600.00	4,293.25	9,459.83	14%	60,140.17
5201240	WC INSURANCE	15,000.00		15,000.00		15,000.00	100%	-
5201410	COMMUNICATIONS	16,000.00		16,000.00	443.38	2,121.17	13%	13,878.83
5201460	VEHICLE REPAIRS & MAINTENANCE	7,500.00		7,500.00	957.23	3,661.14	49%	3,838.86
5201463	TIRES	1,500.00		1,500.00	56.00	489.64	33%	1,010.36
52015201	UNIFORMS	2,500.00		2,500.00	59.98	59.98	2%	2,440.02
5201520	SUPPLIES	9,000.00		9,000.00	206.03	334.40	4%	8,665.60
5201521	GAS	20,000.00		20,000.00	1,351.38	5,222.96	26%	14,777.04
5201700	VEHICLE PAYMENT	27,000.00		27,000.00			0	27,000.00
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	149.44	299.53	30%	700.47
5201462	IT SERVICES	1,500.00		1,500.00			0	1,500.00
	TOTAL EXPENSES	622,700.00		622,700.00	50,767.86	164,036.40	26%	458,663.60

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	-	2,800.00	16%	14,700.00
5202410	COMMUNICATIONS	1,000.00		1,000.00	45.11	135.35	14%	864.65
5202460	VEHICLE REPAIRS & MAINTENANCE	10,000.00		10,000.00	750.45	750.45	8%	9,249.55
5202492	SUPPLIES	4,000.00		4,000.00	80.90	198.95	5%	3,801.05
52024921	FIRST RESPONDER EXPENSE	3,000.00		3,000.00			0	3,000.00
5202521	GAS	4,000.00		4,000.00	112.00	532.86	13%	3,467.14
5202240	AD&D/WC INSURANCE	5,000.00		5,000.00	-	206.75	4%	4,793.25
5202521	EQUIPMENT	4,000.00		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			0	49,100.00
5202460	HOSE & PUMP TESTING	4,000.00		4,000.00	1,050.00	1,050.00	26%	2,950.00
11024	MSBU EXPENSES - RESTRICTED	30,000.00		30,000.00	2,300.00	6,900.00	23%	23,100.00
	TOTAL EXPENSES	133,900.00		133,900.00	8,538.46	16,574.36	12%	117,325.64

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	19,454.40	61,372.96	25%	179,527.04
5301201	OVERTIME SALARY	10,000.00		10,000.00			0	10,000.00
530210	SOCIAL SECURITY	19,300.00		19,300.00	1,421.91	4,495.98	23%	14,804.02
530220	RETIREMENT	19,800.00		19,800.00	1,842.35	4,854.57	25%	14,945.43
530230	GROUP INSURANCE	62,600.00		62,600.00	4,623.34	13,870.02	22%	48,729.98
530240	WC INSURANCE	29,000.00		29,000.00	6,600.00	10,930.49	38%	18,069.51
530410	COMMUNICATIONS	6,500.00		6,500.00	153.41	713.53	11%	5,786.47
530460	VEHICLE & EQUIPMENT MAINTENANCE	15,000.00		15,000.00	1,249.14	1,431.97	10%	13,568.03
530463	TIRES	3,000.00		3,000.00	100.00	445.95	15%	2,554.05
530520	SUPPLIES	15,000.00		15,000.00	148.31	607.72	4%	14,392.28
5305201	UNIFORMS	1,000.00		1,000.00			0	1,000.00
530521	GAS	24,000.00		24,000.00	1,467.78	4,854.02	20%	19,145.98
530522	EQUIPMENT	4,000.00		4,000.00			0	4,000.00
541462	TREE MAINTENANCE	4,000.00		4,000.00			0	4,000.00
530701	VEHICLE PAYMENT - Van	8,000.00		8,000.00			0	8,000.00
530461	IT SERVICES	300.00		300.00			0	300.00
530300	SANITATION SERVICES	435,000.00		435,000.00	70,817.16	106,225.74	24%	328,774.26
530462	STORMWATER IMPROVEMENT	30,000.00		30,000.00			0	30,000.00
510509	GRANT - NWFWM D STORMWATER RETROFIT	398,500.00		398,500.00	1,831.08	12,154.32	3%	386,345.68
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	17,300.00		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	109,708.88	245,663.96	15%	1,342,216.04

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	3,268.80	10,623.60	25%	31,876.40
571130	LIBRARY CLERKS	17,000.00		17,000.00	455.00	2,175.00	13%	14,825.00
571210	SOCIAL SECURITY	3,300.00		3,300.00	246.52	802.07	24%	2,497.93
571220	RETIREMENT	3,600.00		3,600.00	337.50	877.54	24%	2,722.46
571230	GROUP INSURANCE	12,700.00		12,700.00	933.59	2,800.77	22%	9,899.23
571410	COMMUNICATIONS	2,500.00		2,500.00	155.83	468.22	19%	2,031.78
571462	CLEANING SERVICES	2,600.00		2,600.00			0	2,600.00
571520	SUPPLIES	1,000.00		1,000.00			0	1,000.00
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	5,397.24	17,747.20	19%	77,652.80

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	446.79	1,071.09	31%	2,428.91
572463	MAINTENANCE	6,500.00		6,500.00	314.00	1,337.79	21%	5,162.21
572459	PROPERTY/LIABILITY INSURANCE	5,000.00		5,000.00	5,000.00	5,000.00	100%	-
510526	FWC BATTERY PARK RESTROOM GRANT	462,400.00		462,400.00			0	462,400.00
	TOTAL PARKS DEPARTMENT EXPENSES	477,400.00		477,400.00	5,760.79	7,408.88	2%	469,991.12
RECREATION/COMMUNITY PROGRAMS EXPENDITURES								
572343	RECREATION PROGRAM	-		-				
572344	PROJECT IMPACT PROGRAM	383,900.00		383,900.00	28,672.06	78,587.20	20%	305,312.80
572491	DIXIE YOUTH DONATION	2,000.00		2,000.00			0	2,000.00
510529	COMMUNITY GARDEN	3,000.00		3,000.00		791.00	0	3,000.00
510492	FARMERS MARKET	3,000.00		3,000.00			26%	2,209.00
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	2,284.52	9,058.19	23%	30,941.81
	TOTAL RECREATION DEPARTMENT EXPENSES	433,900.00		433,900.00	30,956.58	88,436.39	20%	345,463.61

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	591.63	2,001.01	29%	4,998.99
5724303	Holy Family	6,500.00		6,500.00	543.03	1,475.98	23%	5,024.02
5724305	6th Street Rec	1,500.00		1,500.00	111.26	406.14	27%	1,093.86
5724304	Johnson Complex	30,000.00		30,000.00	1,661.57	6,380.72	21%	23,619.28
5724302	Field House & Field	1,800.00		1,800.00	111.41	514.75	29%	1,285.25
5724307	Public Restrooms	1,000.00		1,000.00	61.20	226.05	23%	773.95
510430	City Hall	6,000.00		6,000.00	110.45	850.66	14%	5,149.34
571430	Library	4,800.00		4,800.00	303.61	977.50	20%	3,822.50
5202430	Fire Station	3,200.00		3,200.00	512.01	1,808.44	57%	1,391.56
5201430	Police Station	3,200.00		3,200.00			0	3,200.00
530430	Public Works	6,500.00		6,500.00	424.34	1,253.10	19%	5,246.90
530431	Street Lights	62,000.00		62,000.00	5,166.67	15,500.01	25%	46,499.99
572461	REPAIRS & MAINTENANCE	30,000.00		30,000.00	1,074.70	1,472.78	5%	28,527.22
572464	JANITORIAL SERVICE	13,200.00		13,200.00	840.00	2,360.00	18%	10,840.00
	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	Raney 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%	-
5202240	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	442.20	1,235.02	26%	3,464.98
572465	IT SERVICES	1,500.00		1,500.00			0	1,500.00
	TOTAL EXPENSES	236,200.00		236,200.00	11,954.08	78,662.16	33%	157,537.84

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	69,828.88	205,934.43	28%	538,065.57
443601	WATER TAPS	15,000.00		15,000.00	2,700.00	4,100.00	27%	10,900.00
11044	SEWER UTILITY BILL REVENUE	682,000.00		682,000.00	60,987.33	180,286.13	26%	501,713.87
443605	SEWER USER FEE REVENUE	500,000.00		500,000.00	49,747.09	123,868.85	25%	376,131.15
443602	SEWER TAPS	20,000.00		20,000.00	3,700.00	3,700.00	19%	16,300.00
443003	MISCELLANEOUS REVENUE	500.00		500.00	8.51	31.15	6%	468.85
443001	INTEREST ON INVESTMENT	500.00		500.00			0	500.00
	TOTAL WATER & SEWER REVENUE	1,962,000.00		1,962,000.00	186,971.81	517,920.56	26%	1,444,079.44
	SCIPIO CREEK MOORING BASIN							
11047	MOORING BASIN INCOME	37,000.00		37,000.00	2,209.69	5,427.77	15%	31,572.23
412006	REPAIR YARD	2,000.00		2,000.00			0	2,000.00
412001	MISCELLANEOUS	100.00		100.00	0.45	1.21	1%	98.79
	TOTAL SCIPIO CREEK MOORING BASIN	39,100.00		39,100.00	2,210.14	5,428.98	14%	33,671.02
	BATTERY PARK BOAT BASIN							
11048	MOORING BASIN INCOME	55,000.00		55,000.00	3,145.14	10,351.36	19%	44,648.64
422002	LAUNCH FEE INCOME	9,000.00		9,000.00	589.75	1,225.50	14%	7,774.50
420001	MISCELLANEOUS	100.00		100.00	12.05	23.51	24%	76.49
	TOTAL BATTERY PARK BOAT BASIN	64,100.00		64,100.00	3,746.94	11,600.37	18%	52,499.63
	TOTAL ENTERPRISE FUND REVENUES	2,065,200.00		2,065,200.00	192,928.89	534,949.91	26%	1,530,250.09

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	22,288.04	74,909.75	39%	117,090.25
5401201	OVERTIME SALARY	15,000.00		15,000.00	1,715.71	2,888.35	19%	12,111.65
540201	SOCIAL SECURITY	14,700.00		14,700.00	1,725.56	5,815.44	40%	8,884.56
540220	RETIREMENT	15,900.00		15,900.00	2,511.52	6,824.26	43%	9,075.74
540230	GROUP INSURANCE	46,900.00		46,900.00	4,155.29	14,296.17	30%	32,603.83
540450	LIABILITY/PROPERTY/WC INSURANCE	18,800.00		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	8.94	237.53	10%	2,262.47
540480	DUES & FEES	600.00		600.00			0	600.00
540520	SUPPLIES	60,000.00		60,000.00	1,197.01	5,801.24	10%	54,198.76
540524	UNIFORMS	1,500.00		1,500.00			0	1,500.00
540430	UTILITIES	45,000.00		45,000.00	4,361.48	11,641.02	26%	33,358.98
540521	GAS	9,000.00		9,000.00	537.62	4,198.82	47%	4,801.18
540460	REPAIRS & MAINTENANCE	30,000.00		30,000.00	382.22	479.70	2%	29,520.30
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	80.00	485.00	6%	7,015.00
540466	IT SERVICES	1,500.00		1,500.00			0	1,500.00
540465	IT/ITM EXPENSE	10,000.00		10,000.00	4,040.00	4,387.50	44%	5,612.50
540456	BOND PAYMENT - 2003 BOND SERIES	142,500.00		142,500.00	13,000.00	39,000.00	27%	109,500.00
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			0	4,300.00
540701	MINI EXCAVATOR	5,600.00		5,600.00		5,600.00	100%	-
540600	CAPITAL OUTLAY	54,100.00		54,100.00			0	54,100.00
	TOTAL EXPENSES	759,000.00		759,000.00	74,803.39	229,849.09	30%	529,150.91

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 ENTERPRISE - SEWER DEPARTMENT EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
550120	SALARIES	158,500.00		158,500.00	3,897.50	12,959.52	8%	145,640.48
5501201	OVERTIME SALARY	15,000.00		15,000.00	682.08	1,607.76	1.1%	13,392.24
550210	SOCIAL SECURITY	12,200.00		12,200.00	239.69	876.42	7%	11,323.58
550220	RETIREMENT	16,100.00		16,100.00	854.43	2,148.95	13%	13,951.05
550230	GROUP INSURANCE	34,400.00		34,400.00	933.59	2,800.77	8%	31,599.23
550450	LIABILITY/PROPERTY/WC INSURANCE	30,000.00		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	359.40	1,296.24	19%	5,703.76
550480	DUES & FEES	1,000.00		1,000.00			0	1,000.00
550520	SUPPLIES	70,000.00		70,000.00	3,060.58	12,662.85	18%	57,337.15
550524	UNIFORMS	1,500.00		1,500.00			0	1,500.00
550430	UTILITIES	120,000.00		120,000.00	11,689.80	31,789.69	26%	88,210.31
550521	GAS	10,000.00		10,000.00	537.61	4,198.83	42%	5,801.17
550460	REPAIRS & MAINTENANCE	65,000.00		65,000.00	718.21	5,391.50	8%	59,608.40
550461	TESTING	22,000.00		22,000.00		3,159.00	14%	18,841.00
550522	EQUIPMENT	5,000.00		5,000.00			0	5,000.00
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	13,500.00	27%	36,500.00
110271	DEP PAYMENT	435,000.00		435,000.00	36,250.00	108,750.00	25%	326,250.00
11026	DEP RESERVE PAYMENT	89,100.00		89,100.00	7,425.00	14,675.00	16%	74,425.00
550701	VEHICLE PAYMENT	4,300.00		4,300.00		4,800.00	0	4,300.00
550701	MINI EXCAVATOR	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	101,747.99	250,616.63	21%	952,383.37

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 ENTERPRISE - SCPIO CREEK & BATTERY PARK EXPENDITURES

GL#	TITLE	ADOPTED BUDGET	AMENDMENTS	AMENDED BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET	REMAINING BALANCE
	SCPIO CREEK							
510430	UTILITIES	5,000.00		5,000.00	161.75	797.89	16%	4,202.11
510410	COMMUNICATIONS	4,900.00		4,900.00	40.66	122.00	2%	4,778.00
510450	LIABILITY/PROPERTY INSURANCE	18,000.00		18,000.00			0	18,000.00
510460	REPAIRS & MAINTENANCE	900.00		900.00	400.00	915.00	102%	(15.00)
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	200.00	520.00	8%	5,780.00
	TOTAL SCPIO CREEK EXPENSES	39,100.00		39,100.00	802.41	2,462.04	6%	36,637.96
	BATTERY PARK							
520430	UTILITIES	7,000.00		7,000.00	362.14	1,311.17	19%	5,688.83
520450	LIABILITY/PROPERTY INSURANCE	15,000.00		15,000.00	15,000.00	15,000.00	100%	-
520460	REPAIRS & MAINTENANCE	5,000.00		5,000.00			0	5,000.00
520520	SUPPLIES	2,000.00		2,000.00		95.04	5%	1,904.96
520471	SUBMERGED LAND LEASE	2,000.00		2,000.00		657.00	33%	1,343.00
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	15,362.14	17,063.21	27%	47,036.79

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	41,973.67	41,973.67	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	41,973.67	41,973.67	13%	272,026.33
	EXPENSES							
514120	SALARIES	38,000.00		38,000.00	3,166.67	9,500.01	25%	28,499.99
514210	SOCIAL SECURITY	2,900.00		2,900.00	239.03	717.09	25%	2,182.91
514220	RETIREMENT	3,100.00		3,100.00	261.57	784.71	25%	2,315.29
514230	GROUP INSURANCE	7,000.00		7,000.00	532.36	1,597.08	23%	5,402.92
514310	PROFESSIONAL SERVICES	2,000.00		2,000.00	500.00	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			0	2,000.00
514320	SIGN REPLACEMENT PROGRAM	10,000.00	(10,000.00)	-			0	-
514321	MICRO PROJECTS		15,000.00	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	4,699.63	13,768.89	4%	300,231.11

CITY OF APALACHICOLA LINE ITEM FINANCIAL STATEMENTS
 FOR PERIOD ENDED DECEMBER 31, 2018
 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	1,123.87	15,066.70	64%	8,533.30
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	1,123.87	15,066.70	42%	21,133.30
	EXPENSES							
510462	RENTAL FEE - SEMINOLE	1,200.00		1,200.00	100.00	200.00	17%	1,000.00
510600	CAPITAL OUTLAY	35,000.00		35,000.00				35,000.00
	TOTAL REVOLVING LOAN FUND EXPENSES	36,200.00		36,200.00	100.00	200.00	1%	35,000.00

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Proposed Change to Municipal Elections Schedule

AGENDA INFORMATION:

Agenda Location: Presentations
Item Number: A
Department: Administration
Contact: Heather C. Riley, Franklin County Supervisor of Elections
Presenter: Heather C. Riley, Franklin County Supervisor of Elections

BRIEF SUMMARY: Franklin County Supervisor of Elections Heather C. Riley will present 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. A change to the City Charter will be required if the Commission chooses to move forward with the proposal. It is estimated that this change will save the City five to six thousand dollars a year and increase voter turnout. The proposal also requests eliminating the run-off requirement in the City Charter and relying on the recount guidelines found in the Florida Statutes.

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

FUNDING SOURCE: Election Expense – Governing Body

ATTACHMENTS: Memo from Heather C. Riley and City of Carrabelle Ordinance 2019-01

STAFF'S COMMENTS AND RECOMMENDATIONS: None

Franklin County Supervisor of Elections
Heather C. Riley
47 Ave F
Apalachicola, FL 32320

Proposal for moving Municipal Elections to even numbered years:

I would like to propose the same opportunity to the City of Apalachicola that the City of Carrabelle is currently looking at.

Moving the City of Apalachicola, Municipal Elections to the first Tuesday in November in even numbered years to coincide with the State of Florida General Elections with the City Clerk (who is the Elections Official for all Municipal Elections) to conduct qualifying and submitting of names to the Elections office for placement on the General Election ballot. All advertising, canvassing, poll worker training and election audit would be included with the county elections.

Florida Statute 100.365 (2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

For better insight I have sent over a copy of the what the City of Carrabelle is proposing to their board and the procedures they are following. The board would have to amend their charter changing the date for the elections and also extend the terms of the sitting commissioners by one year to provide for an orderly transition.

Currently city elections cost the city between 5-6 thousand dollars with a normal voter turnout of around 44% and that cost could rise if a run-off election is needed.

The move to the General Election cycle would eliminate the cost of elections for the city and could increase voter turnout by 30% or more.

I believe a move to even numbered years would be a benefit to the city as it would eliminate cost, increase voter turnout by having candidates appear on the General Election ballot.

If this isn't an option that seems feasible or doable to the City of Apalachicola, I would like to ask you to please consider amending your charter where the two-week run-off election is required. The State of Florida did away with run-off elections many years ago and instead holds a Primary (to elect party representatives, which does not apply for city elections) and General Election.

The two-week time frame currently in the charter is just not enough time for the coding of ballots for absentee's or Early Vote which disenfranchises over half of the electors that vote in city elections. To be in line with the Florida Election code I would suggest eliminating the run-off; instead relying on the recount guidelines in F.S. 102.141 (7) which states if a candidate is defeated or eliminated by one-half of a percent or less of the votes cast for an office then a recount will be ordered.

As always our office is happy to assist in the election process for the voters of the City of Apalachicola.

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF CARRABELLE, FLORIDA PROVIDING FOR THE AMENDMENT OF SECTION 30-2 OF ARTICLE I OF THE CHARTER OF THE CITY CARRABELLE, FLORIDA, CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSIONERS FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN-NUMBERED YEAR; PROVIDING FOR EXTENSION OF THE TERMS OF SITTING COMMISSIONERS IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Carrabelle could realize savings by conducting its elections in November on even numbered years in order to coincide with the County, State and National elect dates; and

WHEREAS, moving the City election date to coincide with County, State and National election dates is anticipated to increase voter participation; and

WHEREAS, Section 30-2(b), Article I of the City Charter states that the biannual election of offices for the City shall be held on the first Tuesday after the first Monday in September of odd-numbered years; and

WHEREAS, the City Commission deems it appropriate to change the month of the elections from September of odd-numbered years to November of even-numbered years in order to coincide with other Local, State and National elections; and

WHEREAS, pursuant to Section 100.3605 and 166.021(4), Florida Statutes the governing body of a municipality may by ordinance change the dates for election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CARRABELLE, FLORIDA:

Section 1. Adoption of Representations:

The foregoing Whereas clauses are hereby ratified and confirmed as being true, and the same are hereby made part of this Ordinance.

Section 2. Approval:

The City Commission hereby amends Section 30-2 of the City Charter as follows:

Sec. 30-2 Primaries; election dates

- (a) There shall be no primary elections.
- (b) The biannual election of offices for the city shall be held on the first Tuesday after the first Monday in ~~September~~ November of each ~~odd-numbered~~ even-numbered year.

~~NOTE: REVIEW WITH STAFF AND INSERT ANY OTHER SECTION OF CHARTER REFERENCING SEPTEMBER OR ODD-NUMBERED YEAR:~~

Section 3. Extension of Terms of Office for Current Mayor and Commissioners:

The terms of office for the sitting Mayor and Commissioners are hereby extended through 2020 and 2022 as necessary to provide for an orderly transition to the election dates set forth herein.

Section 4. Conflict:

All ordinances of Code provisions in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption by the City of Carrabelle, Florida.

PASSED FIRST READING ON: _____

PASSED SECOND READING ON: _____

CITY OF CARRABELLE

BY: _____
Brenda La Paz, Mayor

ATTEST:

Keisha Messer
CITY CLERK

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Apalachicola Environmental Stewardship Bill

AGENDA INFORMATION:

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

BRIEF SUMMARY: The Apalachicola Environmental Stewardship Bill is a 2019 legislative initiative by the City of Apalachicola to establish funding sources that address the City's most pressing needs: infrastructure improvements to our wastewater, drinking water, and stormwater systems; water quality protection; and workforce housing. The Bill builds on the Legislature's intent to support our unique needs and asks for comparable funding to Monroe County, the other populated area in Florida that shares the Area of Critical State Concern designation. The Bill requests \$17 million to repair and upgrade our wastewater and stormwater infrastructure; \$1.6 million to install a water filtration system; \$4 million per year over ten years for land acquisition and capital improvements to facilitate public access; and updates to State statutes to facilitate a 1% bed tax levied on visitors for infrastructure and/or workforce housing projects.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time.

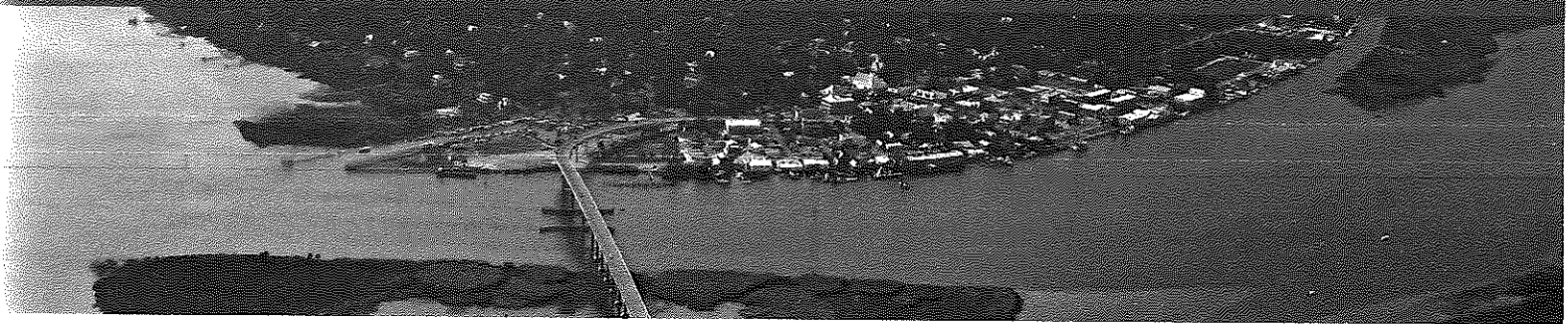
FUNDING SOURCE: None

ATTACHMENTS: A short PowerPoint presentation will be given at the meeting summarizing the Bill.

STAFF'S COMMENTS AND RECOMMENDATIONS: The passage of the Apalachicola Environmental Stewardship Bill is important to the well-being of our City. The City has taken positive steps to improve its financial position, resolve the debt default status, and implement improvements to our internal control system. Monroe County, Florida has successfully leveraged this State designation for years, and the City of Apalachicola could benefit in the same manner. This Bill is part of our proactive approach to meet Apalachicola's most critical needs.

THE APALACHICOLA ENVIRONMENTAL STEWARDSHIP BILL

A LEGACY INITIATIVE TO SUPPORT INFRASTRUCTURE, WATER QUALITY, & WORKFORCE HOUSING



The Apalachicola Environmental Stewardship Bill is a 2019 legislative initiative by the City of Apalachicola to establish funding sources that address our most pressing needs: infrastructure improvements to our wastewater, drinking water, and stormwater systems; water quality protection; and workforce housing.

The Apalachicola Bay Area Protection Act passed in 1986 established Franklin County as an Area of Critical State Concern. This is a State designation in recognition of the significant environmental sensitivity and natural resources of the area and the State's interest in protecting them. The legislative intent included protecting the water quality of the Apalachicola Bay to ensure a healthy environment and a thriving economy. In 1994, the State removed the Area of Critical State Concern designation from the remainder of Franklin County. Today, the City of Apalachicola is one of only two populated areas in Florida that remain designated as an Area of Critical State Concern. Monroe County, the other area that shares this designation, has received \$28.3 million over the last three years to support the same type initiatives. The Apalachicola Environmental Stewardship Bill builds on the Legislature's intent to support our unique needs and asks for comparable funding. The Bill specifically requests the following:

- **Nearshore water quality protection through wastewater and stormwater infrastructure improvements.** The City's aging infrastructure is failing and unable to support future development. The Bill requests \$17 million to repair and upgrade our systems to safeguard our unique environment.
- **Drinking water improvements.** The Bill requests \$1.6 million to install a filtration system mandated by the State to bring the levels of Trihalomethanes into compliance with Federal standards.
- **Water quality protection through land acquisition.** The Bill requests \$4 million per year over the next ten years for land acquisition and capital improvements to facilitate public access.
- **Updates to Tourist Impact Tax statutes.** The Apalachicola Environmental Stewardship Act will update the State statutes to match Apalachicola's unique situation as the only part of the County that remains an Area of Critical State Concern. Proposed statute amendments would require approval of a city-wide rather than county-wide referendum, allow the City to retain 100% of these funds, and support the naming of a local municipal decision-making body. It is important to note that the Tourist Impact Tax can be levied only within Areas of Critical State Concern. If approved through a city-wide referendum, this **1% bed tax levied on visitors would generate an estimated \$130,000 annually for infrastructure and/or workforce housing projects within the Apalachicola Area of Critical State Concern.**
- **The passage of the Apalachicola Environmental Stewardship Bill is critical to the future of our City. Your support is appreciated.**

FOR MORE INFORMATION, VISIT WWW.CITYOFAPALACHICOLA.COM

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, JANUARY 8, 2019, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

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

Ron Nalley, City Manager
Lee Mathes, Director of Administrative Services
Janelle Paul, Deputy Clerk
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.

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

MAYOR'S/COMMISSIONER'S COMMUNICATIONS

- Commissioner Grove stated Cindy Clark is asking for authorization to apply for a grant that is specifically geared towards infrastructure of storm water management. Application is due by January 31, 2019. Commissioner Ash made a motion to authorize City Planner Cindy Clark to apply for the stormwater management grant. Commissioner Elliott seconded the motion, and the motion carried 4-0.
- Commissioner Grove requested the City write a letter of support to the Florida Panhandle Maritime National Heritage Area. This program would be administered by the National Park Service. Commissioner Grove stated a public meeting is set for February 8th to discuss the program. Mayor Johnson directed Mr. Nalley to write a letter of support.

- Commissioner Grove announced that Apalachicola may be the hosting site for the next Northwest Florida League of Cities meeting. Commissioner Grove stated she will inform the Commission after receiving further details.
- Filing Amicus Brief in the Federal Lawsuit Against Corp Of Engineers

Mayor Johnson explained that an amicus brief is not a lawsuit or legal challenge, but is a document prepared by an attorney and filed in court cases by non-litigants with an interest in the case. It provides an opportunity for parties outside of the case to explain how they are affected by the current situation and potential outcome. It is requested that the City of Apalachicola file an Amicus Brief in the federal lawsuit between Earthjustice (representing the National Wildlife Federation, the Florida Wildlife Federation, and the Apalachicola Riverkeeper) and the U.S. Army Corps of Engineers. Commissioner Ash asks what the legal fees would be to file the Amicus Brief. Attorney Floyd stated the only costs for this would be the cost for appearing and submitting the Amicus Brief.

Discussion held amongst Commission and Attorney Floyd.

Commissioner Grove made a motion to authorize Attorney Floyd to proceed with filing an Amicus Brief in the Federal lawsuit against the U. S. Army Corp of Engineers. Commissioner Ash seconded and the motion carried 4-0.

CITY MANAGER COMMUNICATIONS

- **2016-2017 Annual Audit Report** – The 2016-2017 Annual Audit Report was submitted to the State on December 31, 2018. Copies of the Audit were distributed to the Commission at this meeting. The Auditor issued a “Disclaimer Opinion”. Mr. Nalley explained that this is not an opinion, instead, it means that auditors chose not to render one due to the unavailability of financial data. Mr. Nalley also believes that the 2017-2018 audit will be better news for the City and will show proper internal controls are being put into place. Staff has been working hard this month making sure that all contracts and invoices have supporting documentation in preparation for the upcoming audit.
- **Monthly Finance Report** – In an effort to provide better detail to the Commission and public on the financial condition of the City, staff has developed a monthly line item financial report.

- **Recovery Scoping Meeting with FEMA** – The City of Apalachicola Recovery Scoping Meeting with FEMA is scheduled for January 10th. The meeting is a detailed and in-depth working session between the City and FEMA staff to discuss the impacts Hurricane Michael and develop the strategy for Public Assistance grant development. The Recovery Scoping Meeting also starts the 60 day regulatory timeframe during which the City must identify and report all damage.
- **City-Wide Stormwater and Sewer Issues** – Due to the extreme rain events, the City has been experiencing several problems with our stormwater and sewer systems. Due to the volume and intensity of the rain, the ground is completely saturated and we have experienced backups in several areas around the City. Crews are working hard to resolve these, but please understand that some of these matters will require longer term solutions.
- **Special Meeting** – Mr. Nalley reminded the Commission that the Special Meeting with Chris Langston will be January 11th from 3:00pm – 5:00pm.
- **Personnel Organizational** – Mr. Nalley explained that the Public Works department has been split into two sections with Robert Graham, Superintendent over the Water and Sewer Department and Greg Harris over the Street Department. There are now two team leaders: Rhett Butler and T J Lemieux. Changes were made due to two employees who left for better job opportunities. One position in the water and sewer department was left unfilled, and one of the street employees was moved to the water and sewer department. This will save around \$50,000 plus benefits in the general fund and \$50,000 plus benefits in the water and sewer fund. It is hoped that additional personnel cuts will not have to be made in these departments.
- **Technical Assistance Grant** – The City has been awarded a \$40,000 Technical Assistance Grant. Part of this grant allows the City to purchase Building Permit and Inspection Software.

Commissioner Grove made a motion to authorize the advertisement for Building Permit and Inspection Software RFP that will be purchased through the Technical Assistance Grant. Commissioner Ash seconded and the motion carried 4-0.

- Mr. Nalley reminded the public that there are openings on City Boards and Committees. Interested individuals may pick up an application at City Hall.

In response to a question from Attorney Floyd, Mr. Nalley explained the purpose of the upcoming FEMA meeting and stated that this is the first meeting with FEMA and City Staff to outline all damage and to get further direction on the process for Public Assistance. FEMA will be meeting with Staff on January 10th at 9:00 AM. The Commission is not required to attend.

In response to a question from Commissioner Grove, Mr. Nalley stated that the Legislative Agenda has been finalized and both the CRA and City Commission had approved the Legislative Agenda. It has now been submitted to Lobbyist Patrick Bell.

ATTORNEY COMMUNICATIONS

- Attorney Floyd updated Commission on Denton Cove litigation stating that he and Mayor Johnson have been served subpoenas to provide depositions.
- Attorney Floyd stated that in the Henry Rochelle case involving the shed, the shed has been moved. Once measurements have been confirmed, the case can be dismissed.

PUBLIC HEARING

A. ORDINANCE NO. 2018-07 – TREE ORDINANCE

Attorney Floyd read Ordinance 2018-07 by title as follows:
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APLACHICOLA, FLORIDA ADOPTING ORDINANCE 2018-07 TO REPLACE ORDINANCE 2011-01 IN ITS ENTIRETY; PROVIDING FOR INCLUSION OF ITS REGULATIONS IN THE LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Gene Smith encouraged the passing of the revised ordinance. Mr. Smith requested a history of tree ordinance violations.

Robin Vroegop addressed her concerns regarding patriarch trees specifically if a patriarch tree dies or becomes diseased, and whether there is a fee to the homeowner for removal of these trees. Dennis Winterringer stated the Ordinance doesn't have specific language addressing that issue.

Mayor Johnson asks if that can be incorporated into final language of Ordinance. Mr. Nalley stated that the matter can be addressed later in the meeting under the agenda item.

PUBLIC HEARING

B. Ordinance No. 2018-08 – Duke Energy Electric Franchise Agreement

Attorney Floyd stated Duke Energy has some suggested changes they want to make, and requests delay of the public hearing and second reading of the Franchise Ordinance.

PUBLIC COMMENT

Mayor Johnson opened the floor for public comment.

- Jamie Liang – Ms. Liang addressed her concern about the growing number of dogs roaming the streets and asked the Commission to enforce the existing leash law. Commissioner Grove advised to take pictures of the dogs and continue to call the dog catcher each time there is an incident. Ms. Liang responded that she has called the dog catcher numerous times with no avail.
- Matthew and Amy Hersey stated a dog broke into their house and delivered a puppy on the living room rug. Animal Control had picked up the dog several times, but then delivered the dog back to the owner. Amy Hersey stated she emailed Mr. Nalley and Commissioners about the problem and that Mr. Nalley had emailed her a copy of the Ordinance. Mayor Johnson reminded everyone that Franklin County handles the dog catcher duties for the City and if they feel the job isn't being performed, then they need to approach the County Commission. Chief Varnes stated that if anyone does not receive a timely response from the dog catcher, to please call him and he will help with the issue.
- Donna Ingle inquired about the location of the downtown storm-water system drains. Commissioner Grove said that there are different outfalls and that some drain into the bay after going through baffle boxes. Ms. Ingle then asked what the policy is on sheds in right of ways. Commissioner Grove recommended she talk with Mr. Nalley about the problem.
- Rich Hall addressed the Commission regarding the situation concerning 39-7th Street. Commissioner Grove requested that this be addressed at the next meeting. Commissioner Grove made a motion to add Rich Hall to the agenda for the next meeting. Commissioner Elliott seconded and motion carried 3-1 with Mayor Johnson opposing.

- Robin Vroegop thanked staff for the new monthly financial report format.

Ms. Vroegop then asked if the City could recoup the attorney's fees necessary to file the Amicus Brief. Attorney Floyd stated the City would most likely not be able to recoup legal fees incurred.

Ms. Vroegop then asked about the financial status of the Apalachee Fund. Val Webb stated there is currently \$100 in the account and Mayor Johnson stated he will donate another \$100 this month.

- Leslie Coon stated that she wanted to bring to the Commission's attention that other cities pay less on attorney's fees than Apalachicola.

CONSENT AGENDA

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

- Meeting Minutes Adoption – Adopt the December 4, 2018 Public Hearing and Regular Meeting and December 18, 2018 Public Hearing and Special meeting Minutes
- Planning & Zoning Minutes Confirmation – Confirm the November 2018 Planning and Zoning Minutes

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

UNFINISHED BUSINESS

A. ORDINANCE NO. 2018-07 – TREE ORDINANCE

Ordinance No. 2018-07 – Tree Ordinance – Second Reading

Mayor Johnson requested that the language discussed during the public hearing be incorporated into the final draft.

Item tabled at this time.

UNFINISHED BUSINESS

B. ORDINANCE NO. 2018-08 – DUKE ENERGY ELECTRIC FRANCHISE

Based on the City Attorney's earlier comments, the Commission chose to table this matter until their next meeting.

NEW BUSINESS

A. RESOLUTION 2019-01 AMENDING POLICY NO. 9 OF THE PERSONNEL POLICY AND PROCEDURES

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

A RESOLUTION AMENDING THE EXISTING PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE CITY OF APALACHICOLA

Mr. Nalley stated the Personnel Policies and Procedures Manual for the City was adopted in 1979 and last updated in 2003 and 2004. Hurricane Michael underscored the need to update Policy Number 9 of the Personnel Manual to reflect changes in Federal and State personnel laws and best personnel practices. Proposed changes have been recommended in the hours of work, work schedule, pay period, overtime provisions, and on-call and call-back provisions of the policy manual.

Commissioner Ash made a motion to adopt Resolution 2019-01 to Amend Policy 9 of the City of Apalachicola Personnel and Procedures Manual. Commissioner Elliott seconded and motion carried 4-0.

NEW BUSINESS

**B. JOINT WORKSHOP WITH PLANNING & ZONING BOARD
ORDINANCE 2019-01 HISTORIC REGULATIONS**

Historic Regulations, found in Ordinance 91-7, are included as part of the Land Development Code Regulations. Updates are needed to the Historic Regulations, as well as, the need to insert the Historic Guidelines into Ordinance form. In accordance with Policy No. 002, Comprehensive Plan and land Development Code Amendment procedure, the Planning and Zoning Board held two public workshops on the proposed Ordinance on October 8th and November 19th. The Planning and Zoning Board is now submitting their draft revisions and is requesting a joint workshop with

the City Commission. Included with the proposed Ordinance is also a request for a policy change to permit procedures, which increases the completed permit application from ten to thirty calendar days prior to the Planning and Zoning meeting for their consideration. This change will apply to residential and commercial new construction and will allow sufficient time for staff review prior to consideration by the Planning and Zoning Board.

1. Commissioner Grove made a motion to set a Joint Workshop with the Planning and Zoning Board on February 5, 2019 at 5:00 p.m. for the Presentation and Discussion of Revised Historic Regulation. Commissioner Elliott seconded and motion carried 4-0.

2. Commissioner Grove made a motion to change the permitting policy to increase the completed permit application deadline from ten (10) days to thirty (30) calendar days prior to the Planning and Zoning Board meeting. Commissioner Elliott seconded and motion carried 4-0.

NEW BUSINESS

**C. REQUEST FOR CHANGE TO F.S. 379.361(5)
APALACHICOLA OYSTER HARVESTING LICENSE PROGRAM**

In September 2017, Department of Agricultural Consumer Services approached the City about providing administrative services for the issuance of the Apalachicola Bay Oyster Harvesting License (ABOHL). At the October 3, 2017 meeting, the City Commission voted to accept the responsibility and agreed to a change for the Florida Statute to allow the City to begin collection of the ABOHL. To date, the City has only collected license fees in July of 2018. During that time, the State allowed the City to

use their software, computer, and printer to issue the licenses. Due to the lack of personnel and resources, staff is recommending that the City work with its legislative delegation to transfer the responsibility of the ABOHL back to the State.

Commissioner Ash made a motion to notify the State of Florida that the City is Requesting a Change to Statute 379.361(5) removing the City of Apalachicola as Administrator of the Apalachicola Bay Oyster Harvesting License Due to a Lack of Resources to Properly Administer the Program. Commissioner Grove seconded and motion carried 4-0.

Commissioner Ash made a motion to Request that City Lobbyist Patrick Bell Assist the City with the Statute Change Request. Commissioner Grove seconded and motion carried 4-0.

NEW BUSINESS

D. USE OF CITY-LEASE PROPERTY – CHILDREN’S LEARNING CENTER

The City Commission approved the use of Wing A of the Johnson Complex for the creation of a children’s learning center to house Head Start, Early Head Start, Bring Me a Book Franklin and a future low cost licensed day care. Head Start and Early Head Start require separate playgrounds at 75 sq. ft. per child, a fenced walkway to the playgrounds and a separate parking area for dropping off and picking up children. Some of the area needed for the playground and parking is on land that is leased by the City from the Franklin County School District. This request is to comply with paragraph 5e of the lease dated May 1, 2009 between the School Board and the City covering the property adjacent to the Johnson Complex. This paragraph requires prior written consent for any non-permanent alterations to the property. The playground equipment, fencing and parking/driveways are considered non-permanent alterations.

Commissioner Elliott made a motion to authorize the City Manager and City Attorney to Develop and Execute an Agreement with Early Learning Task Force for the Use of a Portion of City-Leased Property for Certain Non-Permanent Improvement of the Children’s Learning Center. Commissioner Grove seconded and motion carried 4-0.

NEW BUSINESS

E. HARBOR MASTER HOUSE LEASE AGREEMENT

Due to damage to their building suffered during Hurricane Michael, the City was approached by the Florida Fish and Wildlife Conservation Commission about the possibility of leasing the Harbor House through February 2023. The State of Florida has prepared a standard lease agreement for consideration by the City. The Lease is proposed to begin on February 1, 2019 at a monthly rent of \$1,660.04. The rent amount will increase 3% each year through 2023. The lessee will be responsible for pest control services and replacement of bulbs in light fixtures. Because the City feels that the A/C unit needs repair or replacement, the Lessee has agreed to incur the expense to access and repair or replace the unit and that the cost of this will be offset by deducting the monthly rent due from the costs incurred until the offset is fully satisfied. The City will then be responsible for any future preventative maintenance and repair of the unit. Approval of this Lease Agreement will assist the City in

securing an occupant for a significantly underutilized city-owned building and provide on average an additional \$20,000 in annual revenue.

Commissioner Ash made a motion to approve the Lease Agreement for the Harbor Master Building with the State of Florida Fish and Wildlife Conservation Commission and Authorize the City Manager to Execute the Agreement, pending Attorney Floyd's review of the contract by Friday, January 11, 2019. Commissioner Elliott seconded and motion carried 4-0.

ADJOURNMENT

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

Van W. Johnson, Sr., Mayor

Janelle C. Paul, Deputy Clerk

MINUTES OF THE SPECIAL MEETING OF THE CITY OF APALACHICOLA CITY COMMISSION HELD FRIDAY,
JANUARY 11, 2019, 3:00 P.M. AT THE APALACHICOLA COMMUNITY CENTER

PRESENT: Mayor Van W. Johnson, Sr.
Commissioner Jimmy Elliott
Commissioner Mitchell Bartley
Commissioner Anita Grove

Ron Nalley, City Manager
Lee Mathes, Director of Administrative Services
Deborah Guillotte, City Clerk
Timmy Davis, Sergeant
Pat Floyd, City Attorney

ABSENT: Mayor Pro Tem Brenda Ash

CALL TO ORDER

Mayor Van Johnson called the meeting to order at 3:00 pm and Attorney Pat Floyd gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Jimmy Elliott made a motion to approve the Agenda. Commissioner Mitchell Bartley seconded and the motion carried 4-0.

BATTERY PARK AND MINING LEASE AGREEMENT PRESENTATION/DISCUSSION

Joe Shields with Restorative Submerged Lands Consulting introduced his partner Chris Langston, of Coastal Environmental Materials. Mr. Shields gave a short presentation. The proposal includes 3 parts: 1) Using Battery Park for a staging site for loading material for habitat restoration both inshore and offshore, 2) Artificial Reef Creation and 3) A State Land Lease for mining fossilized shell. Mr. Shield stated this will require minimum effort from the City of Apalachicola but will have a major monetary and environmental benefit for the City.

First, Mr. Shields requested to the use Battery Park for the staging site for loading material for habitat restoration both inshore and offshore and to provide Coastline Environmental Materials, ingress and egress for barge loading during these activities. The City of Apalachicola will be indemnified, and the City of Apalachicola will receive \$5,000 per month in rental fees for the use of this property during the months of operation. Coastline Environmental Materials will provide a safe working environment for their employees and equipment.

Second, the creation of an artificial reef of approximately 850 acres located approximately 8 miles, SSE of Government Cut (Sikes Cut). The site has been approved by FWC and approximately 30,000 tons of lime stone rift raft will be deposited onto the site.

Mr. Shields's stated that a TRIUMPH application will be submitted on the artificial reef creation aspect of the project, and is requesting a letter of support from the Commission to submit along with the application. Upon approval of this application by Gulf Triumph, the City would serve as the administrator of the funds received from Gulf Triumph for this project. The City would allocate funds for this project to Coastline Environmental as they create this artificial reef project in different phases and the City of Apalachicola would receive administrative fees in the amount of 3% of the gross project cost.

Third, Mr. Shield's requested a lease in Tate Hell's Swamp for mining fossilized shell for cultch deposition activities. The City of Apalachicola will be asked to approach the State of Florida and propose a land lease for the purposes of mining activities. The City of Apalachicola will negotiate royalties with the State and agree to sublease the site to Chris Langston of Coastline Environmental Materials. The City of Apalachicola will receive donated volumes of fossilized shell on an annual basis from Coastline Environmental Materials, which could be used for small scale cultch projects in Apalachicola. Mr. Shield's stated that the State of Florida has put the City of Apalachicola in charge of the administering of the oyster harvesting license and that Coastline Environment Materials is proposing a partnership with the City to take control of future oyster reef development and productivity at a local level. Mr. Shield's then reviewed the example of different materials used for growing oysters.

In response to a question asked by Mayor Johnson in reference to the State and the oyster harvesting license, Mr. Nalley stated the City has not made the official request to the State at this time, and stated he will still work toward that goal unless the board directs otherwise.

Attorney Floyd stated that originally there was an offer by the State to sell the oyster harvesting license, but the City of Apalachicola never said that we would do anything in the way of managing the restoration of the Apalachicola Bay. Commissioner Grove also clarified that the City of Apalachicola is not doing restoration to the Apalachicola Bay.

Mr. Langston stated he understands this and that his partners and himself are willing to put forth the effort to assist with this effort.

Commissioner Grove asked if Mr. Shields had a plan to do oyster restoration, and Mr. Shield stated yes they did, through the Gulf Triumph application for the artificial reef project.

Citizens expressed their concerns with the fossilized shell being distributed into the Apalachicola Bay; the appearance of the Battery Park staging area for loading material and equipment; the length of the lease; zoning; the wear and tear of the roads from the big trucks carrying the loading material; and the route of the trucks going to and from the staging area. Citizens asked that the Mill Pond area also be considered as a staging site.

In response to a question asked by Commissioner Grove, Coastal Environmental Materials would request an area of 200 x 200 feet. Chris Langston stated that his company would request an agreement of \$5,000 per month and the length of lease would be indefinitely.

In response to a question by Commissioner Grove, Greyson Shepard expressed concern of how much area will be consumed and suggested that it be marked with yellow paint or with flags to give an idea of the area proposed to be utilized.

Mr. Shields stated they will use temporary fencing during the project, and that it will come up and down as needed for when the area is being utilized.

Due to citizen concerns, Mr. Langston requested to withdraw his proposal for Battery Park, however, Commissioner Elliott asked that Mr. Langston not do this, but allow the City Commission and staff an opportunity to research this project further.

Attorney Floyd asked Mr. Langston if any of his projects directly provided shelling and planting restoration for the oyster operation of the Apalachicola Bay and if so, do they have a contract for this at this time. Mr. Langston responded no.

Attorney Floyd stated that Mr. Langston has no authority to plan or put out material at this time that provides direct restoration of the Apalachicola Bay, even though that has been a substantial subject discussed today. Mr. Langston stated this is correct, but it has to start somewhere.

Attorney Floyd recommended getting further details and documents to be reviewed by himself, City Commission, Staff, the Planning & Zoning Board, and the Recreation Committee.

Mr. Langston stated that in total, he is offering approximately \$150,000 to the City of Apalachicola if they support this effort.

Mayor Johnson stated there have been some important facts brought forward during the meeting and that other processes and steps would have to be gone through before any decision is made and asked what the Board would like to do.

Commissioner Elliott recommended leasing the Battery Park property to Coastal Environmental Materials on a twelve month trial for this project.

Commissioner Grove stated she doesn't have enough materials and information to vote tonight.

Commissioner Elliott recommended leasing the Battery Park property to Coastal Environmental Material on a twelve month trial for this project contingent on getting more materials and detailed information.

Mayor Johnson recommended making a motion to direct staff to verify if this proposed project is beneficial to the City of Apalachicola and if so, then bring it forward to Planning & Zoning Board and the Recreation Committee for their input. If the recommendation to the City is positive, then it would move forward for the Commission to say yes or no.

Commissioner Grove asked for clarification if this is only for the Battery Park property lease.

Commissioner Jimmy Elliott made a motion for the City of Apalachicola to write a letter of support to be submitted for the TRIUMPH Artificial Reef Application. Commissioner Anita Grove seconded and the motion carried 4-0.

Commissioner Elliott made a motion to direct staff to verify if this proposal from Coastal Environmental Materials to lease the Battery Park property is beneficial to the City of Apalachicola and if so, it will then go before Planning and Zoning, the Recreation Committee, and then back to the City Commission. Commissioner Anita Grove seconded and the motion carried 4-0.

ADJOURNMENT

With no further business, Commissioner Jimmy Elliott made a motion to adjourn the meeting at 5:30 p.m. Commissioner Anita Grove seconded and motion carried 4-0.

Van W. Johnson, Sr., Mayor

Deborah Guillotte, City Clerk

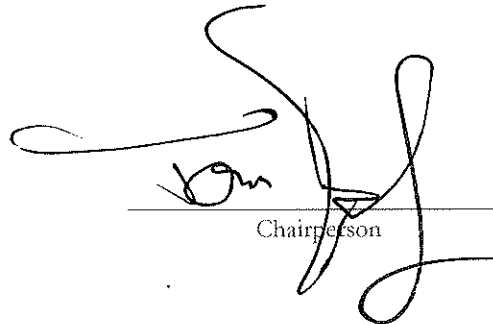
CITY OF APALACHICOLA
PLANNING & ZONING BOARD
REGULAR MEETING
MONDAY, DECEMBER 10th, 2018
Community Center/City Hall – 1 Bay Avenue
AGENDA MINUTES

Present: Chairperson, Tom Hardy, Uta Hardy, Jim Bachrach, Geoff Hewell, City Planner, Cindy Clark, Permitting and Development Coordinator, Cortni Bankston.

Regular Meeting – 6p.m.

- 1) Approval of November 19th, 2018 Regular Meeting Minutes. Motion to Approve: Jim Bachrach, 2nd: Geoff Hewell. Motion Carried.
- 2) Review, Discussion and Decision for Fence Permit @ 317 Earl King Street, Block 207, Lot(s) 14 through 16, For – Elinor Mount-Simmons, Contractor – Owner/Self. Motion to Approve: Geoff Hewell, 2nd: Jim Bachrach. Motion Carried.
- 3) Review, Discussion and Decision for Relocation of the Taranto House (**Historic District**) (C-1) @ Corner of 4th and B, Block 11, Lot(s) 1 & 2, For – Gibson Inn, LLC, Contractor – TBD Comments: Uta wanted to ensure there was in face sufficient room to move the structure safely to the new location. Motion to approve: Jim Bachrach, 2nd: Geoff Hewell. Motion Carried.
- 4) Review, Discussion and Decision for the New Construction of Hotel, Pool, & Spa (**Historic District**) (C-1) @ 53 Avenue C, Block 10, Lot(s) 1 & 2, For – Gibson Inn, LLC, Contractor – TBD Motion to Table until revisions on fence height requirements are considered for Commercial fencing: Jim Bachrach, 2nd: Geoff Hewell. Motion Carried.
- 5) Review and Discussion of Rezoning City Hall Parcel to O/R (Office Residential) Board members vote to workshop item.
- 6) Item was not placed on Agenda for review but was discussed and determined that item will need to be placed on next month's agenda to be voted upon.

Motion to Adjourn: Jim Bachrach, 2nd: Geoff Hewell. Motion Carried.



Chairperson

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Ordinance 2018-07 – Tree Ordinance

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: A
Department: Administration
Contact: Dennis Winterringer, Chairperson, Tree Committee
Presenter: Dennis Winterringer, Chairperson, Tree Committee

BRIEF SUMMARY: In 2011, the City Commission adopted the Tree Ordinance (Ordinance 2011-01). In 2015, the Tree Committee proposed revisions to the Ordinance, but the Commission chose not to adopt those revisions. Afterward the Committee disbanded and in 2017 the Commission appointed new members. Taking into consideration the 2015 proposed revisions, the Commissioners' concerns in not adopting the 2015 Ordinance, and the City's seven years of experience in implementing the Ordinance, the Committee proposed a new Tree Ordinance that would take the place of the 2011 Ordinance. In accordance with Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, the Committee held two public workshops on the proposed Ordinance prior to Planning and Zoning Board meetings on July 9 and August 13, 2018 and met in a joint workshop with the City Commission on November 6, 2018. The proposed Tree Ordinance contains revisions made in response to comments received during those meetings, the December Commission meeting and January 8th Public Hearing.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Adopt Ordinance 2018-07 City of Apalachicola Tree Ordinance.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Revised Proposed Ordinance 2018-07

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

**CITY OF APALACHICOLA, FLORIDA
ORDINANCE 2018-07 "TREE ORDINANCE"**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING ORDINANCE 2018-07 TO REPLACE ORDINANCE 2011-01 IN ITS ENTIRETY; PROVIDING FOR INCLUSION OF ITS REGULATIONS IN THE LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live; and

WHEREAS, trees are valuable natural resources that produce oxygen and clean the air, through their shade reduce summer temperatures and conserve electricity used for air conditioning, and reduce water runoff that would otherwise enter the City of Apalachicola's storm water system and discharge to Apalachicola Bay, an area of critical State concern; and

WHEREAS, tree preservation enhances the value and marketability of property and thereby promotes the stability of residential neighborhoods, making them more livable and desirable; and

WHEREAS, Chapter 163, Florida Statutes, empowers and requires the City to establish land-use codes and provide for its administration, enforcement and amendments; and

WHEREAS, the Tree Committee has recommended to the City Commission a proposed amendment to the Land Development Code of the City of Apalachicola, Florida by revising sections of the existing Code and adding a section to the zoning regulations for tree protection and preservation within the City; and

WHEREAS, the Tree Committee of the City of Apalachicola has in accordance with the City's Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, held two public workshops prior to Planning and Zoning Board meetings on July 9 and August 13, 2018, to receive comments and on November 6, 2018, held a joint workshop with the City Commission; and

WHEREAS, the City Commission of the City of Apalachicola, Florida finds it necessary for the purpose of promoting, protecting and preserving the general historic and pristine nature of the City of Apalachicola to amend and omit certain sections of Ordinance 2011-01 ("Tree Ordinance") and adopt Ordinance 2018-07 ("Tree Ordinance") to replace Ordinance 2011-01 in its entirety; and

WHEREAS, the City Commission, after due public notice and advertising of the proposed amendment of the Land Development Code of the City of Apalachicola, Florida by amending the regulations for tree protection and preservation within the City, as recommended by the Tree Committee, accept and enact such proposed amendment as set forth herein.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE PROVISIONS REGARDING THE REGULATIONS OF THE LAND DEVELOPMENT CODE FOR THE CITY OF APALACHICOLA:

SECTION I. LAND DEVELOPMENT CODE REGULATIONS

Attached are the regulations that are being incorporated into the Land Development Code.

SECTION II. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION III. REPEAL AND REPLACEMENT OF EXISTING ORDINANCE

Ordinance 2011-01 is hereby repealed and replaced by Ordinance 2018-07.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective upon affirmative vote of the majority of the City Commission and when signed by the Mayor and attested by the City Clerk.

This Ordinance was first read in open session on the 4th day of December, 2018. This Ordinance was read for the second time on the 8th day of January, 2019. This Ordinance was read and fully adopted in open session on the 5th day of February, 2019.

The final adoption and motion was made by Commissioner _____, and seconded by Commissioner _____.

Voting Aye: _____

Voting Nay: _____

FOR THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:

Van W. Johnson, Sr., Mayor

ATTEST:

Deborah Guillotte, City Clerk

PROPOSED LAND DEVELOPMENT CODE REVISIONS CONCERNING TREE PROTECTION

The following would replace in its entirety Land Development Code revisions adopted in Ordinance 2011-01. The following are proposed changes to the Code as it existed prior to the adoption of Ordinance 2011-01.

II. LANGUAGE AND DEFINITIONS

Remove the definition of "caliper."

~~**Caliper**—caliper shall be the diameter at breast height (DBH) of the trunk of all trees four (4) feet above ground.~~

Revise the definition of "tree."

Tree- A woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of fifteen (15) feet.

Add the definitions of "diameter at breast height," "patriarch tree," "relocate," and "substantial alteration."

Diameter at Breast Height - The diameter of a tree trunk as measured four and a half (4 ½) feet above ground level.

Drip Line - The limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than ten (10) feet from the trunk, whichever is greater.

Patriarch Tree – A protected native tree (section XII.A) whose trunk is thirty five (35) or more inches in diameter at breast height.

Relocate - As used in the Chapter XII tree protection regulations and elsewhere in this Code, the digging up of a protected tree by a property owner from a place on the owner's property and the planting of the same tree in another place on the same property or in a public place.

Substantial Alteration - The heavy cutting of top branches (topping), cutting of major lower limbs (elevating), or significant trimming of a tree that alters the natural symmetry of the tree. The term does not include customarily accepted practices used by certified arborists for pruning shade trees.

In the Chapter VII Site Plan Review Regulations, revise section B, Applicability, to read as follows; remove section E, Time Limit on Approval; and recodify section F as E, Site Plan Requirements, and add paragraph 2.a.13.

B. APPLICABILITY

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

* * *

~~E. TIME LIMIT ON APPROVAL~~

~~Following approval of the site plan, the applicant shall have one (1) year, unless otherwise specified in the appropriate zoning district regulations, to commence construction on the site. Any site where substantial construction has not begun within one (1) year shall cause the site plan to be reevaluated by the appropriate bodies and any newly adopted standards will be considered.~~

E. SITE PLAN REQUIREMENTS

* * *

2. Site plans shall contain maps and documents indicating:

a. General Information.

* * *

13. Tree protection.

A map of sufficient scale to clearly show the locations of lot boundaries; footprints of existing and proposed structures and improvements; species and size (inches diameter breast height) of existing protected trees; protected and which of these trees that are proposed to be removed, relocated, or substantially altered; ~~and fences or other protective barriers that will be erected around protected trees at the tree drip lines.~~

A plan for protecting trees from ~~equipment, material, debris, fill, gasoline, oil, paint, chemicals~~ or other harmful materials.

A discussion of proposed grade changes and how the changes would affect protected trees.

Add new Chapter XII.

XII. TREE PROTECTION

A. PROTECTED NATIVE TREES

The native trees predominately foresting the City of Apalachicola are:

bald and pond cypress (Taxodium distichum and Taxodium ascendens),
eastern and southern redcedar (Juniperus virginiana and Juniperus solidicola),
live oak (Quercus virginiana),
longleaf pine (Pinus palustris),
pecan (Carya illinoensis),
sabal (cabbage) palm (Sabal palmetto),
slash pine (Pinus elliottii),
southern magnolia (Magnolia grandiflora),
sycamore (Platanus occidentalis), and
water oak (Quercus nigra).

Individual trees of these species having diameters of four (4) or more inches at breast height are protected (hereinafter referred to as "protected trees"). Other native trees and all nonnative trees are not protected.

B. PRESERVATION OF PATRIARCH TREES

No patriarch tree on privately- or City-owned property shall be removed or substantially altered by a private landowner or a department of the City unless:

1. Under a declared emergency (section C.31.c) or in the case of an imminent hazard (section C.42), the Code Enforcement Officer, City Manager, or a designee in their absence finds for a specific tree that immediate action is required to eliminate a condition endangering public safety or property.

2. In a non-emergency or non-imminent hazard situation:

a. On private property, the Planning and Zoning Board approves the issuance of a tree permit to a private landowner to remove or substantially alter a tree on a lot because not doing so would make the lot undevelopable for any principal structure (section D.1.c).

b. On private or City property, the City Manager documents in writing his or her reasons for allowing removal or substantial alteration (sections D.1.c and D.2.c).

C. EXEMPTIONS ACTIVITIES EXEMPTED FROM REQUIREMENTS TO OBTAIN OR REQUIRING A TREE PERMIT

The following circumstances do not require a tree permit is not required for the following exempt activities.

~~1~~a. Unprotected trees.--The removal, relocation, or substantial alteration of:

~~a~~--Native trees not listed in section A;

~~b.~~ Native trees listed in section A that are less than 4 inches in diameter at breast height;

~~e.~~ Cultivated varieties of once native trees developed by selective breeding and sold by plant nurseries; and

~~d.~~ Nonnative trees, including invasive species.

~~2b.~~ Pruning.--Pruning of unprotected trees, and light pruning of protected trees that does not substantially alter the protected trees.

~~3c.~~ Emergency.--The removal or substantial alteration of any significantly-damaged, protected, non-patriarch tree during or following a natural or man-made disaster (e.g., hurricane, tornado, high wind, flood, or forest fire) when the City Commission or Manager declares a state of emergency and determines that permitting requirements will hamper private or public work to restore safety and order to the City. Permission is required to remove or substantially alter a patriarch tree (section B.1).

~~4. Imminent hazard.~~ The removal or substantial alteration of any protected, non-patriarch tree when the Code Enforcement Officer, City Manager, or a designee in their absence finds that immediate action is required due to a condition endangering public safety or property.

~~5. Diseased or pest-infested trees.~~ The removal of a diseased or pest-infested tree when the Code Enforcement Officer, City Manager, or a designee in their absence finds that doing so will prevent the spread of the disease or pests to healthy trees.

~~6d.~~ Highway and electric utility rights of way.--The removal or trimming of protected trees by:

~~a.~~ The Florida Department of Transportation along roads under its jurisdiction to maintain safe lines of sight at road intersections and alleys and horizontal clearance areas along roadways where errant vehicles leaving the roadway might travel.

~~b.~~ The electric utility along power lines necessary for the maintenance of accepted public safety standards and system reliability.

2. A tree permit is required for the following activities.

Any removal or substantial alteration of a protected tree not exempted in section C.1. Some specific situations requiring a permit include:

Imminent hazard.--The removal or substantial alteration of a protected tree when an applicant proposes that immediate action is required due to a condition endangering public safety or property.

Diseased or pest-infested tree.--The removal or substantial alteration of a diseased or pest-infested, protected tree when an applicant proposes that doing so will prevent the spread of the disease or pests to healthy trees.

Storm-damaged tree.--The removal or substantial alteration of a protected tree damaged by a storm for which the City Commission or Manager did not declare a state of emergency.

Tree in decline.--The removal or substantial alteration of a protected tree that has lost vigor and displays pale green or yellow leaf color, small leaves, poor growth, leaf drop, or dieback of twigs and branches.

D. PERMITS FOR REMOVAL, RELOCATION, OR SUBSTANTIAL ALTERATION OF PROTECTED TREES

Any person wishing to remove or substantially alter a protected tree shall make application to the Code Enforcement Officer on a tree application form provided by the Officer.

A tree permit shall be issued to remove or substantially alter a protected tree only if such action is in compliance with these Chapter XII requirements and the section VII.E site plan requirements.

Substantial alteration of a protected tree shall be allowed only under a declared emergency (sections B.1 and C.31.c), when a permit is obtained in the case of an imminent hazard (sections B.1 and C.42), or when a permit is obtained in a non-emergency or non-imminent hazard situation to eliminate limbs that encroach on an adjacent structure.

1. Private property.

a. If the proposed tree removal or substantial alteration is in conjunction with proposed development the Planning and Zoning Board reviews (e.g., a newly-proposed structure, the expansion of an existing structure where the footprint increases in size, the construction of a driveway or walkway, or other such development that disturbs the land surface), the Board shall implement these tree protection requirements at the time it reviews and decides to approve, conditionally approve, or disapprove the site plan.

b. If the proposed tree removal or substantial alteration is not in conjunction with proposed development that the Planning and Zoning Board reviews (e.g., tree removal due to tree roots affecting the structural integrity of a building foundation), the Code Enforcement Officer, City Manager, or a designee shall implement these tree protection requirements at the time he or she reviews and

decides to approve, conditionally approve, or disapprove the proposal. Only the City Manager shall make decisions on patriarch trees (paragraph c).

c. If the proposal is the removal or substantial alteration of a patriarch tree, the Code Enforcement Officer shall provide a copy of the tree application to the Tree Committee appointed by the City Commission. The Committee shall review the tree permit application and make a recommendation to the decision maker (the Planning and Zoning Board (paragraph a) or the City Manager (paragraph b)).

When the Board is the decision maker, approval or conditional approval to remove or substantially alter a patriarch tree on a privately-owned lot shall only be made when no principal structure could be legally built on the lot taking into consideration the location of the tree and such requirements as setbacks and minimum required size for single-family dwellings. Through the variance process the Board of Adjustment may consider reducing setbacks or minimum dwelling size if doing so would spare the tree.

When the City Manager is the decision maker, the Manager's reasons for allowing removal or substantial alteration of a patriarch tree shall be documented in writing.

2. City property.

a. A person wanting to remove or substantially alter a protected tree on City property adjacent to private property owned by the person (e.g., to create an entryway to a proposed driveway on private property) shall apply for a tree permit. Cost of the permit and tree removal or substantial alteration shall be borne by the applicant.

b. A City department wanting to remove or substantially alter a protected tree on City property shall make a request to the Code Enforcement Officer. To document the request, the Code Enforcement Officer shall prepare a tree application for the proposed action. Removal or substantial alteration of the tree shall not occur unless the Code Enforcement Officer, City Manager, or one of their designees approves the removal or substantial alteration.

c. If the proposal is the removal or substantial alteration of a patriarch tree, the Code Enforcement Officer shall provide a copy of the tree application to the City Manager and Tree Committee appointed by the City Commission. The Committee shall review the tree permit application and make a recommendation. The City Manager shall make a decision on the proposal and document in writing the reasons for allowing any removal or substantial alteration.

As a condition of approval, decision makers may require that certain protected trees or native trees listed in section A that are less than four (4) inches in diameter at breast height be relocated from the area of proposed development to an undeveloped location.

Under a tree permit, thinning of healthy protected trees may be justified if selective removal of trees improves the development of remaining trees and allows them to grow faster and in a fuller, characteristic form.

To ensure that a tree permit is not prematurely issued for a proposed development that is never approved, the tree permit and building permit will be issued simultaneously.

E. PROTECTION OF TREES DURING BUILDING OPERATIONS

~~Before development, redevelopment, or improvement the developer or builder is required to erect and maintain suitable protective barriers at the drip line of the tree. No construction or disturbance shall occur within this radius. Prohibited activities in this radius include operation of equipment; Within the drip line radius of a protected tree, the following activities shall not occur during development, redevelopment, or improvement: deposition of debris and fill; storage of gasoline, oil, paint, chemicals, and other toxic materials harmful to trees; and attachment of wire to trees. Wood, metal, or other substantial material shall be utilized in the construction of protective barriers. This protection shall remain until such time as the development, redevelopment, or improvement is completed.~~

Driveways and sidewalks of impervious concrete and asphalt may not be constructed within the drip line of protected trees.

F. UTILITY EASEMENT TRIMMING

Electric utility companies and their contractors that perform vegetation maintenance and tree pruning or trimming within electric utility right-of-way corridors shall do so in accordance with the following requirements. As defined in State law (F.S. 163.3209), "vegetation maintenance and tree pruning or trimming" means "the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way."

1. All tree management will be limited to what is necessary for the proper maintenance of existing and new utility facilities in order to provide safe and reliable utility service.
2. Prior to vegetation maintenance and tree pruning or trimming, the utility shall provide the City Manager with a minimum of five (5) business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage.
3. The electric utility shall meet with the City Manager, or the Manager's designee (e.g., Code Enforcement Officer), to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. The plan shall identify any patriarch trees that are proposed for trimming and the amount of trimming proposed.

4. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to American National Standards Institute (ANSI) A300 (Part I)—2008 (R2014) pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements.

5. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or contractors licensed to do business in the City of Apalachicola and trained to conduct vegetation maintenance and tree trimming or pruning consistent with these requirements or by Certified Arborists certified by the certification program of the International Society of Arboriculture. Trimming of patriarch trees may only be performed by Certified Arborists.

G. REFORESTATION FUND

Fees collected for the lawful removal or relocation of protected trees shall be placed in a Reforestation Fund maintained by the City of Apalachicola. (Fees for the administrative processing of tree permit applications (e.g., \$50 per application) and fines from for the unlawful removal, relocation, or substantial alteration of protected trees (section H) shall not be placed in the Reforestation Fund maintained by the City of Apalachicola. These funds will.) Reforestation Fund fees shall be spent to establish, maintain, and promote a reforestation program on City property, primarily in parks, squares, and along highway and street corridors and in City parks. These fees are in addition to the per permit fee charged by the City for the administrative processing of a tree permit application, which are not deposited in the Reforestation Fund.

Following are the tree permit Reforestation Fund fees that will shall be collected for removal of protected trees.

Diameter at breast height of protected tree removed (inches)	Fee for each tree (\$)
4 to 16	25
Greater than 16 to less than 35	35
35 and larger (patriarch tree)	1,000

For a tree permit applicant not proposing to remove a patriarch tree, the maximum total Reforestation Fund fee collected for each lot covered by the application shall not exceed two hundred and fifty dollars (\$250).

For a tree permit applicant proposing to remove a patriarch tree, the maximum total Reforestation Fund fee collected for each lot covered by the application shall not exceed two hundred and fifty dollars (\$250) for the non-patriarch trees plus an additional one thousand dollars (\$1,000) for each patriarch tree.

H. PENALTIES FOR VIOLATIONS

Any person that removes or substantially alters a protected tree before a tree permit is obtained shall be charged a doubled permit application processing fee (e.g., \$100) for an after-the-fact permit.

If an after-the-fact tree permit is not issued because the tree removal or substantial alteration is not in accordance with these tree protection regulations, a fine in the amount specified in section III.D.1 of this Code shall be imposed. Each tree that is illegally removed or substantially altered is a separate offense.

Any person that illegally removes or substantially alters a patriarch tree shall be fined up to \$25,000.

Commercial tree care contractors or general contractors are required to be licensed by the City in order for them to conduct business within the City. Two or more violations of any provision of these tree protection requirements by any commercial tree care contractor or general contractor may result in revocation of such person's license to do business within the City.

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019

SUBJECT: Duke Energy Electric Franchise Agreement

AGENDA INFORMATION:

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

BRIEF SUMMARY: The Electric Franchise Ordinance with Duke Energy was approved on January 13, 1989 for a thirty year period and expires January 2019. Recently, Duke Energy contacted the City to discuss the renewal of the franchise for an additional term. At the December Commission meeting, the City Attorney distributed a revised draft for consideration. Due to a disagreement over a couple of provisions in the revised Agreement, the Commission postponed any action at the January Commission meeting. The attached revision to the Agreement contains provisions proposed by Duke Energy for consideration by the Commission.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this Time Pending Further Direction from the City Commission.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Revised Draft Ordinance 2019-02

STAFF'S COMMENTS AND RECOMMENDATIONS: The City Attorney and the Attorney with Duke Energy have been discussing further revisions to the Franchise Agreement. Representatives from Duke Energy have stated that they are not agreeable to certain sections of the existing Agreement language. Pending further direction from the City Commission, a public hearing and adoption of the Ordinance will be placed on the March Commission agenda for reconsideration.

ORDINANCE # 2019-02

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

BE IT ORDAINED BY THE CITY COMMISSION OF APALACHICOLA, FLORIDA:

SECTION 1 - Findings

The City deems it necessary, desirable and in the interest of its citizens to establish by ordinance a rights of way utilization franchise (sometimes referred to herein as the "Franchise") granting the Company permission to occupy the Rights of Way in the City of Apalachicola, Florida, for the purpose of providing electric services.

SECTION 2 - Short Title

This ordinance shall be known and may be cited as the "Duke Energy Rights of Way Utilization Franchise."

SECTION 3 - Definitions

For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive.

(A) "Adversely Affected" – For the Company, a loss of one percent (1%) of Base Revenues within the corporate City limits due to Retail Wheeling. For the City, a loss of one percent (1%) of franchise fees due to Retail Wheeling.

(B) "Base Revenues" – All Company's revenues from the retail sale of electricity, net of customer credits, to residential, commercial and industrial customers and City sponsored street lighting all within the corporate limits of the City.

(C) "Company" or "Grantee" – Duke Energy Florida, LLC d/b/a Duke Energy, its successors and permitted assigns. This Agreement shall not be assigned without the prior written consent of the City, which shall not be unreasonably withheld; provided, however, Company may assign this Agreement without the consent of the City if such assignment is to an entity that purchases all or substantially all of the assets of Company, an entity affiliated with Company or any assignment pursuant to a merger or re-organization of Company or any affiliate of Company.

(D) "City" or "Grantor" – The City of Apalachicola, Florida.

(E) "Electric Energy Provider" – Every legal entity or association of any kind (including their lessees, trustees or receivers), including any unit of state, federal or local government (including City herein), which owns, maintains, or operates an electric generation, transmission, or distribution system or facilities, or which otherwise provides, arranges for, or supplies electricity or electric energy to the public, or which supplies electricity to itself utilizing Company's distribution or other facilities. Without limitation or the foregoing, "Electric Energy Provider" shall also include every Electric Utility, electric power marketer or electric power aggregator. It shall also include every entity providing such services as metering, customer billing, payment collection and processing, and customer information and data processing.

(F) "Electric Utility" -- Shall have the meaning set out in Section 366.02(2), *Florida Statutes* (2010), and shall also include every electric "Public Utility" as defined in Section 366.02(1), *Florida Statutes* (2010). "Electric Utility" shall further include every investor owned, municipally or governmentally owned, or cooperatively owned electric utility (including their lessees, trustees or receivers), which owns, maintains, or operates an electric generation, transmission, or distribution system in any State or County.

(G) "Electric Utility System" – An electric power system installed and operated in the Franchise Area in accordance with the provisions of the Florida Public Service Commission establishing technical standards, service areas, tariffs and operating standards, which shall include but not be limited to electric light, heat, power and energy facilities, and a generation, transmission, and distribution system, with such extensions thereof and additions hereto as shall hereafter be made.

(H) "Franchise Area" – That area for which Company provides electric utility service within the corporate City limits of the City.

(I) "Facilities" – The meaning as set forth in Section 4.

(J) "Person" – Any person, firm, partnership, association, corporation, company or organization of any kind.

(K) "Public Service Commission" – The Florida Public Service Commission.

(L) "Rights of Way" – All of the public streets, alleys, highways, waterways, bridges, sidewalks and parks, and any other public ways or places owned by the City, as they now exist or may be hereafter constructed, opened, laid out or extended within the present limits of the City, or in such territory as may hereafter be added to, consolidated or annexed to the City.

(M) "Retail Wheeling" – A customer/supplier arrangement whereby an Electric Energy Provider utilizes transmission and/or distribution facilities of Company to make energy sales directly to an end use customer located within the Franchise Area.

SECTION 4 - Grant of Authority

(A) This grant of authority is limited to the provision by Company to have, maintain, or place its Facilities within the Rights of Way for its electric utility services. Accordingly, the

City hereby grants to the Company, its successors and assigns the non-exclusive right, authority, and franchise to lay, erect, construct, maintain, repair and operate its Facilities in, under, upon, over and across the present and future Rights of Way, as they now exist or may be hereafter constructed, opened, laid out or extended within the present limits of the City, including but not limited to conduits, cables, poles, wires, supports and such other structures or appurtenances as may be reasonably necessary for the construction, maintenance and operation of an electric generation, transmission and distribution system, including information, telecommunication, and video transmission used solely for the provision of electric service (collectively the "Facilities"), provided that all portions of the same shall conform to accepted industry standards, including but not limited, to the National Electrical Safety Code. Nothing in this Ordinance shall require Grantee to remove, de-energize, or cease using any poles, wires, or other things or Facilities identified hereinabove that were in place under previous ordinances or permits prior to the Effective Date of this Ordinance, regardless of whether such poles, wires or other Facilities are located outside "Rights of Way" as defined herein. Nor shall anything in this Ordinance prohibit Company from performing upgrades, replacements, maintenance or servicing of such poles, wires, or other Facilities after the Effective Date of this Ordinance. Rather, all such preexisting poles, wires, or other Facilities shall be authorized under this Ordinance. Because this Franchise is intended to grant Company the non-exclusive, but unrestricted right to place its Facilities within the Rights of Way, the City expressly acknowledges and agrees that Company shall not be required to pull or pay for permits to place its Facilities or perform any work maintenance activities on or related to its Facilities within the Rights of Way. Subject to the foregoing, Company shall use reasonable efforts to provide electronic notice to the {INSERT APPLICABLE DEPARTMENT/JOB TITLE} when Company intends to perform underground boring work within the Rights of Way.

Comment [JAA1]: Duke can agree to provide notice for this type of work.

(B) Annexation or Contraction. City and Company agree that the Franchise Area is subject to expansion or reduction by annexation and contraction of municipal boundaries. If City approves any Franchise Area expansion or reduction by annexation or contraction, City shall provide written notice to Company's Annexation Coordinator, at the address provided below, within sixty (60) days of such approval and this Franchise shall automatically extend to include any such annexed areas.

Additionally, within sixty (60) days of any such annexation or contraction, City shall provide to Company an updated list containing the new or removed street names, known street name aliases, street addresses, and zip codes associated with each street name. All notices of annexation or contraction and address listings shall be addressed to the Annexation Coordinator as follows with the address subject to change:

Duke Energy
Tax Team DT02-V
9700 David Taylor Drive
Charlotte NC 28262
Or by email to: TaxTeam@duke-energy.com

Company must revise its payments due to any expansion or reduction by annexation within a reasonable time after Company has received such notice and updated list from City, but no later than sixty (60) days after receipt of notice and the list. City understands and

affirmatively acknowledges that the Company will exclusively rely upon the City to provide timely and accurate information to the Company regarding any such annexations or contractions, and that failure to do so will impair, inhibit, and/or preclude the Company's ability to revise any payments due to the City that are impacted by such annexations or contractions. Further, City acknowledges that if such information is not timely furnished to Company as required herein, any related obligation to collect payments shall be suspended during the period of delay.

(C) Non-Exclusive Use. The Company's right to use and occupy Rights of Way for the purposes herein set forth shall be non-exclusive as to entities not engaged in the provision of electric energy and service, and the City reserves the right to grant to others the right to utilize the Rights of Way, to any person at any time during the period of this Franchise so long as such grant does not create an unsafe condition or unreasonably conflict with the rights granted to Company herein.

SECTION 5 - Notice of Acceptance and Term of Franchise

This ordinance shall become effective upon being legally passed and adopted ("Effective Date") by the City Commission; and it is further agreed that Grantee shall accept this Franchise as of the date of the passage and adoption by the City Commission and shall signify its acceptance in writing within thirty (30) days after the City Commission's approval of this ordinance by filing its written acceptance with the City Clerk. If Grantee fails to accept this franchise within thirty (30) days of its date of passage and adoption, then this Ordinance shall be null and void, and of no force and effect of any kind. Commencing on the Effective Date, the term of the Franchise granted herein shall be for a period of ten (10) years.

Comment [JAA2]: 10 years is the shortest term Duke will agree to

SECTION 6 - Payment to City

(A) Effective the first day of the second month beginning after the Effective Date of this ordinance, City shall be entitled to receive from Company a monthly franchise amount that will equal six percent (6%) of Company's Base Revenues (the "Franchise Fee") for the preceding month, which amount shall be the total compensation due City for any and all rights, authority and privileges granted by this Franchise, including compensation for any required permits, parking fees, or any other fee or cost related to the rights granted hereunder. Any franchise amounts that will be paid to the City will be collected by the Company from Company's customers in the Franchise Area and passed through to the City in the manner described herein. The City expressly acknowledges that no additional or other amounts shall be due or remitted by Company for the exercise of its rights granted hereunder.

Payment shall be made to City for each month no later than the twentieth (20th) day of the following month. The monthly payment shall be made by wire transfer. Any monthly payment or any portion thereof made twenty (20) days after the due date without good cause shall be subject to interest at the rate of ten percent (10%) per annum.

(B) Only disputed amounts shall be allowed to be withheld by Company, and any such amount shall not accrue any interest during the pendency of any such dispute.

(C) The City acknowledges that all classifications and categories of retail customers of Company shall be subject to the payment of the Franchise Fee due hereunder.

SECTION 7 - Favored Nations

(A) In the event Grantee shall hereafter accept an electric utility franchise ordinance from any municipality providing for the payment of a franchise fee in excess of that provided for in Section 6 above, Grantee shall notify Grantor, and Grantor reserves the right to amend this Franchise to increase the franchise fee payable under this ordinance to no more than the greater franchise fee that Grantee has agreed to pay to such other municipality. Grantee's obligation to pay such greater franchise fee to Grantor shall apply prospectively beginning with the next monthly franchise fee payment following Grantor's timely notice of its exercise of its amendment right to which Grantee may collect such increased fee from its customers. Grantee's failure to notify Grantor of such additional payments does not limit Grantor's right to amend to require such additional franchise fees.

(B) It is the intent and agreement of Grantor and Grantee that Grantee shall not be required to pay Grantor a franchise fee under Section 6 of a percentage greater than that paid to Grantor by any other Electric Utility or Electric Energy Provider utilizing Grantor's Rights of Way on such Electric Utility's or Electric Energy Provider's revenues attributable to services that are the same or substantially the same as those performed by Grantee. It is further the intent and agreement of Grantor and Grantee that Grantee should not be placed at a competitive disadvantage by the payments required by Section 6 of this Ordinance in the event other Electric Utilities or Electric Energy Providers provide services in competition with Grantee without utilizing Grantor's Rights of Way.

(C) If Grantor imposes a lesser fee, or no fee, or is unable to impose a fee on another Electric Utility or Electric Energy Provider providing or seeking to provide services in competition with Grantee to customers within Grantor's municipal boundaries, whether utilizing Grantor's Rights of Way or not utilizing Grantor's Rights of Way, Grantee's fee under Section 6 for such services shall be automatically reduced to the lesser fee charged the other Electric Utility or Electric Energy Provider (or to zero (0), if no fee is charged such other Electric Utility or Electric Energy Provider). In all events, City shall not grant more favorable treatment to other Electric Energy Providers than is granted to Company under this ordinance, it being the intent of the parties that no future provider of electric service, be it generation, transmission or distribution service, to customers within the corporate limits of City shall be given a competitive advantage over Company.

SECTION 8 - Grantor Rights

The right is hereby reserved to the City to adopt such regulations as it shall find necessary in the exercise of its police power, provided that such regulations, by ordinance or otherwise, shall be reasonable, and shall not be in conflict with the laws of the State of Florida or the lawful regulations of any state agency possessing the power to regulate the activities of the Company, or conflict with or otherwise interfere with the benefits conferred on the Company hereunder. In the event of a conflict between this Franchise Agreement and any other ordinance or regulation adopted by the City relating to Company's rights to perform work in and/or occupancy of the Rights of Way as permitted hereunder, the rights under this Franchise Agreement shall govern and control.

SECTION 9 - Work In Rights of Way

The Company is hereby granted the right, authority and privilege to perform all necessary work and excavations in said Rights of Way of the City related to its Facilities and necessary or incidental to carrying out such rights and obligations as permitted hereunder. The Company shall have the right to fasten and to stretch and lay along the lines of said poles, conduits, pipes and cables necessary for transmitting and conveying the electric current to be used in the Company's business, together with all the rights and privileges necessary or convenient for the full use including the right to trim, cut and keep clear all trees and limbs near or along Company's Facilities that may in any way endanger the proper operation of same. Moreover, the Company shall have the right to construct, erect, operate and maintain within the City an electric system consisting of its Facilities for carrying on the Company's business; provided that, in accomplishing these purposes, the streets of said City shall not be unnecessarily obstructed for an unreasonable amount of time and work in connection therewith shall be done and carried on in conformity with such reasonable rules, standards, regulations and local ordinances with reference thereto as may be adopted by the City for the protection of the public and which are not in conflict with or otherwise interfere with the benefits conferred on the Company hereunder.

SECTION 10 - Indemnification

(A) The acceptance of this Franchise by Company shall be deemed an agreement on the part of Company to indemnify City and hold it harmless against any and all direct damages, claims, expenses, reasonable attorneys' fees (including appellate fees) and costs that City may incur to the extent arising out of or resulting from the negligence or willful misconduct of Company, its contractors and agents in the construction, repair, operation, or maintenance of its electric utility Facilities hereunder. In no event shall Company be liable to City for any consequential, incidental, punitive, exemplary, multiple, or indirect damages, lost profits or other business interruption damages, by statute, in tort (including negligence or strict liability), in contract, or under any indemnity provision or otherwise. Subject to any and all applicable laws, the indemnification obligations set forth in this Section 10 shall survive the expiration of this Agreement.

(B) Company shall maintain throughout the term of this Franchise sufficient financial resources to provide self-insurance insuring City and Company with regard to all damages set forth in Section 10 (A) in the minimum amounts of:

- (i) \$1,000,000 for bodily injury or death to a person;
\$3,000,000 for bodily injury or death resulting from any one accident.
- (ii) \$50,000 for property damage resulting from any one accident.
- (iii) \$1,000,000 for all other types of liability.

(C) City acknowledges that Company provides its own liability insurance (self-insured).

SECTION 11 - Records and Reports

(A) Company Rules and Regulations. The following documents shall be available to City upon City's reasonable request: copies of rules, regulations, and procedures adopted by Company that relate to Company's use of City's Rights of Way.

(B) Accounting. Company shall use the system of accounts and the form of books, accounts, records, and memoranda prescribed by the Florida Public Service Commission or such other applicable governing agency having jurisdiction over Company as determined by Company.

(C) Reports. Company will submit monthly a statement of its estimated Base Revenues for the period on which such payment is based. The acceptance of any statement or payment shall not prevent the City from asserting that the amount paid is not the amount due, or from recovering any deficit by any lawful proceeding, including interest to be applied at the rate set forth in Section 6 (A).

(D) Availability of Records and Reports. Company shall supply information that City or its representatives may from time to time reasonably request relative to the calculation of franchise fees. Such records shall, on written request of City, be open for examination and audit by City and City's representatives at Company's headquarters in St. Petersburg, Florida, during ordinary business hours and such records shall be retained by Company for a period of three (3) years.

(E) Audit. City may require, upon prior written notice and during Company's normal business hours, an audit of Company's books related to this Agreement not more than once every five (5) years and then only for the preceding three (3) years. Company will reimburse City's audit costs if the audit identifies errors in Company's franchise Base Revenues of five percent (5%) or more for the period audited. If an underpayment of franchise fees has occurred due to the Company's error, interest will be calculated at the rate of ten percent (10%) per annum. Both the underpayment and interest shall be paid within ninety (90) days from completion of the audit.

(F) Customer Report. In addition to City's obligations in Section 4 (B), within ninety (90) days of the Effective Date of this Agreement, City shall provide to Company a report in a format acceptable to Company setting forth a listing of all addresses within the corporate limits of the City and annually thereafter a report identifying any changes to the address listing provided the previous year.

SECTION 12 - Retail Wheeling

In the event the appropriate governmental authorities authorize Retail Wheeling, then either party, if Adversely Affected thereby, may reopen this ordinance upon thirty (30) days written notice to the other for the sole purpose of addressing the Franchise Fee payments between The Company and the City. If the parties are unable to agree within ninety (90) days of reopening, either party may declare an impasse and may file an action in the Circuit Court in ~~Alachua~~ Franklin County, Florida for declaratory relief as to the proper Franchise Fee in light of Retail Wheeling.

SECTION 13 - Severability

Should any section or provision of this Franchise ordinance or any portion thereof, the deletion of which would not adversely affect the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid. In the event of any such partial invalidity, City and Company shall meet and negotiate in good faith to obtain a replacement provision that is in compliance with the judicial authority's decision.

SECTION 14 - Governing Law and Venue

(A) This Franchise ordinance shall be construed and interpreted according to the laws of the State of Florida.

(B) In the event that any legal proceeding is brought to enforce the terms of this Franchise, the same shall be brought in ~~enter~~ Franklin County, Florida, or, if a federal claim, in the U.S. District Court in and for the ~~Middle-Northern~~ District of Florida, Ocala Division.

SECTION 15 - Merger

This Franchise agreement is the full, complete and entire understanding and agreements of the parties as to its subject matter, and the written terms supersede all prior contemporaneous representations, discussions, negotiations, understanding and agreements relating to the subject matter of this agreement. The parties shall not be bound or liable for any statement, prior negotiations, correspondence, representation, promise, draft agreements, inducements, or other understanding of any kind or nature not set forth or provided herein.

SECTION 16 - Notices

Except in exigent circumstances, all notices by either City or Company to the other shall be made by depositing such notice in the United States Mail, Certified Mail return receipt requested or by recognized commercial delivery, e.g. FedEx, UPS or DHL or facsimile. Any notice served by certified mail return receipt shall be deemed delivered five (5) days after the date of such deposit in the United States mail unless otherwise provided. Any notice given by facsimile is deemed received by next Business Day. "Business Day" for purposes of this section shall mean Monday through Friday, with Saturday, Sunday and City and Company observed holidays excepted. All notices shall be addressed as follows:

To City:

City Clerk
1 Avenue E
Apalachicola, FL 32320
Phone: (850) 653-9319
Facsimile: (850) 653-2205

To Company:

Gov't and Community Relations
Duke Energy
P.O. Box 14042
St. Petersburg, FL 33733-4042
Phone: (727) 820-5474
Facsimile: (727) 820-5715

SECTION 17 - Non-Waiver Provision

The failure of either party to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have

been made by either party unless said waiver or relinquishment is in writing and signed by the parties.

SECTION 18 - Repealer and Superseding Provision

This ordinance shall supersede, as to the rights, privileges and obligations between City and Company, all ordinances and parts of ordinances in conflict with the terms of this ordinance. Ordinance No. 88-10 and any amendments thereto, are hereby deemed null and void and/or repealed upon the effective date of this ordinance and none of the provisions of such repealed Ordinance No. 88-10 and any amendments thereto shall have any further force and effect.

SECTION 19 - Dispute Resolution

The parties to this Franchise agree that it is in each of their respective best interests to avoid costly litigation as a means of resolving disputes which may arise hereunder. Accordingly, the parties agree that prior to pursuing their available legal remedies they will meet in an attempt to resolve any differences. If such informal effort is unsuccessful, then the Parties may exercise any of their available legal remedies.

SECTION 20 - CHANGES IN PROVISIONS, AMENDMENTS.

Changes in the terms and conditions of this Agreement shall only be made by written agreement between the City and Company.

FIRST READING:

December 4, 2018

SECOND READING, ADOPTION, AND PUBLIC HEARING:

March 5, 2019

ATTEST:

Deborah Guillotte, City Clerk

Van Johnson Sr., Mayor

Approved as to form and legality
for the use and reliance of the
City of Apalachicola, Florida, only.

J. Patrick Floyd, City Attorney

Catherine Stempien, State President
Duke Energy Florida, LLC d/b/a Duke Energy

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Discussion Concerning the Smith/Nalley Case – 39 7th Street

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C
Department: Administration
Contact: Ron Nalley, City Manager
Presenter: Ron Nalley, City Manager

BRIEF SUMMARY: At their January meeting, the Commission requested that discussion with the City Attorney regarding the Smith/Nalley Case at 39 7th Street be added to February Agenda.

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

FUNDING SOURCE: Professional and Legal – Governing Body

ATTACHMENTS: Summary of the facts from Mr. Hall and a chronological listing of actions/facts from the City Attorney are available upon request.

STAFF'S COMMENTS AND RECOMMENDATIONS: None

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019

SUBJECT: Resolution 2019-02 Adopting a Policy of Prohibiting the Use of Excessive Force

AGENDA INFORMATION:

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

BRIEF SUMMARY: As a condition of receiving Community Development Block Grant funds, the City must adopt policies which comply with the requirements of 42 United States Code 5304(a)(1)(1) and Section 104 of the Housing and Community Development Act of 1974. One of these requirements is the adoption of a Policy that protects individuals engaging in nonviolent civil rights demonstrations. The City must adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction. The attached Resolution meets these requirements.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Approve Resolution 2019-02 Adopting a Policy of Prohibiting the Use of Excessive Force

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Resolution 2019-02 Adopting a Policy of Prohibiting the Use of Excessive Force

STAFF'S COMMENTS AND RECOMMENDATIONS: None

RESOLUTION # 2019-02

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA, ADOPTING A POLICY OF PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE CITY AGAINST ANY INDIVIDUALS ENGAGED IN LEGALLY PERMITTED NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS AND ALSO ENFORCING APPLICABLE STATE AND LOCAL LAWS AGAINST PHYSICALLY BARRING ENTRANCE TO OR EXITS FROM A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Apalachicola desires to balance the free-speech rights of citizens to publicly demonstrate support for or opposition to various issues with the City government's responsibility to maintain peace and public safety, and

WHEREAS, as a condition of receiving Community Development Block Grant funds, the City must adopt policies which comply with the requirements of 42 United States Code 5304(a)(1)(1) and Section 104 of the Housing and Community Development Act of 1974,

IT IS THEREFORE RESOLVED by the Apalachicola City Commission that:

1. The City of Apalachicola hereby adopts a policy to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in legally permitted nonviolent civil rights demonstrations; and

2. The City of Apalachicola will enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction; and

3. The City of Apalachicola will not allow the entrance to or exit from any City facility to be barred by any civil rights demonstration; and

4. If any portion of this Resolution is found to be invalid, the remainder shall continue to be in full force and effect.

READ, APPROVED, ADOPTED AND EFFECTIVE, this the 5th day of February, 2019.

ATTEST:

Deborah Guillotte, City Clerk

Van W. Johnson, Sr., Mayor

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Proposed FDOT Sidewalk Project Along Highway 98

AGENDA INFORMATION:

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

BRIEF SUMMARY: Franklin County is proposing to apply to the Florida Department of Transportation for funding under the Transportation Alternatives Set-Aside to build a sidewalk along the north side of Highway 98 from Prado Street westward to the Ace Hardware Store. The length of the project is 0.72 miles and because 88% of the project is located in the City of Apalachicola, Franklin County is requesting the City's support for this project. While normally requiring a local match, the match is waived because both the city and county are part of the designated Rural Area of Opportunity. Once construction is completed, the City of Apalachicola will have to agree to maintain the portion of the sidewalk located within the city limits.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Support Franklin County's Application to FDOT for the Construction of a Sidewalk along Highway 98 and Once Completed Agree to Maintain the Portion of Sidewalk Located Within the City Limits.

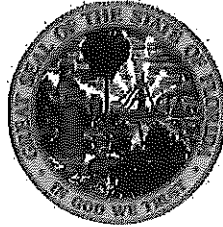
FUNDING SOURCE: Maintenance and Repair to Streets – Public Works Department

ATTACHMENTS: Letter from County Planner Mark Curenton Dated January 23, 2018; Aerial Map Showing Sidewalk Route; and Description of Project.

STAFF'S COMMENTS AND RECOMMENDATIONS: The proposed sidewalk project completes a much needed pedestrian link from the Prado Street commercial area to the IGA commercial area. Once completed, all of Highway 98 within the City limits from our downtown westward will be served by sidewalks. While the maintenance costs of a new sidewalk will be minimal, the Commission will need to set aside additional funds for future maintenance and repairs to these sidewalks.

FRANKLIN COUNTY

REPLY TO:
BOARD OF COUNTY COMMISSIONERS
33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320
(850) 653-8861, EXT. 100
(850) 653-4795 FAX



REPLY TO:
PLANNING & BUILDING DEPARTMENT
34 FORBES STREET, SUITE 1
APALACHICOLA, FL 32320
(850) 653-9783
(850) 653-9799 FAX

January 23, 2018

Mr. Ron Nalley
City Manager
City of Apalachicola
1 Avenue E
Apalachicola, Florida 32320

RE: Sidewalk Project along Highway 98
FDOT Transportation Alternatives Set-Aside Proposal

Dear Mr. Nalley,

Franklin County is proposing to apply to the Florida Department of Transportation for funding under the Transportation Alternatives Set-Aside to build a sidewalk along the north side of Highway 98/Avenue E from where the current sidewalk ends at Prado Street westward to the driveway of the Ace Hardware store. The entire length of the proposed sidewalk is 0.72 miles. Since 88% of the length of the proposed sidewalk is located in the City of Apalachicola, Franklin County is requesting the city's support for this project.

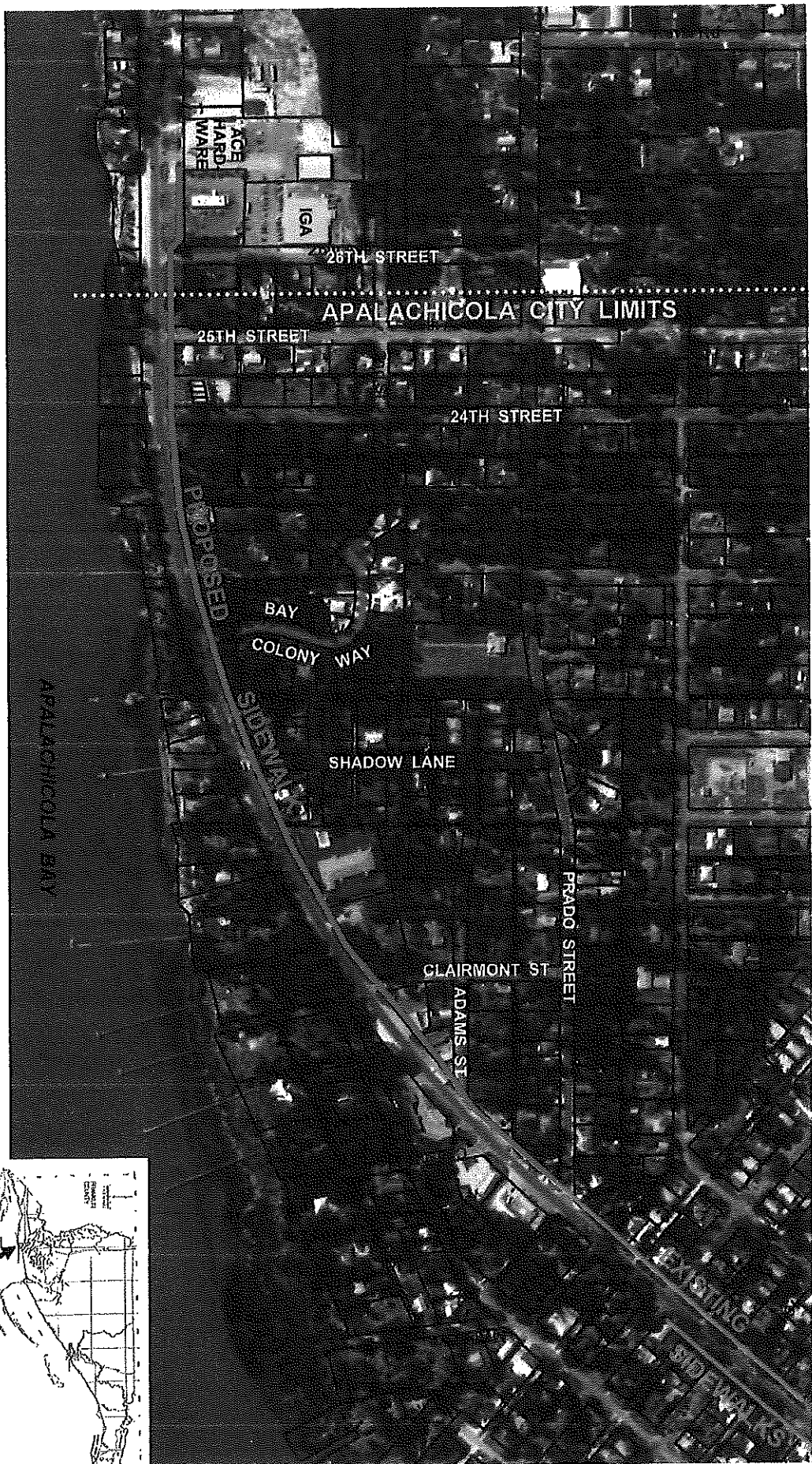
These projects usually require a 20% local match, but because both the city and the county are part of a designated Rural Area of Opportunity this local match is waived. What the City of Apalachicola will have to do is agree to maintain that portion of the sidewalk located within the city limits. Franklin County will maintain the portion of the sidewalk located outside the city limits.

I have attached a detailed description of the project and a map showing the route of the sidewalk. If you have any questions about this matter please feel free to contact me at 850-653-9783 x-160 or markc@franklincountyflorida.com.

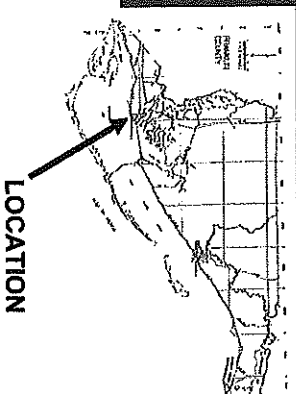
Sincerely,

A handwritten signature in cursive script that reads "Mark C. Curenton".

Mark C. Curenton
County Planner



2019 TRANSPORTATION ALTERNATIVES
APALACHICOLA SIDEWALK
FRANKLIN COUNTY AND THE CITY OF APALACHICOLA



PROPOSED APALACHICOLA SIDEWALK 2019 TRANSPORTATION ALTERNATIVES

The proposed sidewalk to be constructed under the Transportation Alternatives program will be along the northwest and north side of Avenue E/Highway 98 and will run from Prado Street to the driveway of the Ace Hardware store, approximately 0.73 miles. Of this length approximately 0.64 miles, or 88% of the length, is located within the City of Apalachicola. The portion of the sidewalk located outside the city limits in Franklin County amounts to 0.08 miles or 12% of the length.

This will be a 4' wide concrete sidewalk, just like the existing sidewalk along Avenue E. The existing sidewalk has a crosswalk across Prado Street and a short 13' section of sidewalk on the south side of Prado Street. The new sidewalk will begin at this sidewalk and run west to the driveway of the Ace Hardware store. Businesses that will benefit from this new sidewalk include the Best Western Motel, the IGA Grocery and Ace Hardware. There is a Burger King restaurant that was damaged by Hurricane Michael and is still closed, but will probably reopen in the future.

Also along the route of the sidewalk are at least 6 storm drainage inlets and three drainage ditches flowing from the north that flow beneath Highway 98. There are seven streets that will have to be crossed along with approximately 7 driveways, both residential and commercial. There are three large paved commercial parking areas that extend to the edge of the pavement on Highway 98 that will have to be crossed, as well as roadside ditches in the right-of-way along a considerable section of the proposed sidewalk.

The existing right-of-way width along this section of Highway 98 in the City of Apalachicola is 100'. West of 26th Street the right-of-way expands to 200' in width.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Discussion of Mobile Food Vendor Regulations

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Administration
Contact: Ron Nalley, City Manager and Cindy Clark, City Planner
Presenter: Ron Nalley, City Manager and Cindy Clark, City Planner

BRIEF SUMMARY: Currently, no provision in the Zoning Ordinance supports or provides development standards for mobile food vendors or itinerate merchants. Because the zoning code does not specifically provide for the use, these uses are not currently allowed. 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. This initial discussion with the Commission is to determine if sufficient support exists to send this matter to the Planning and Zoning Board for the development of a specific Ordinance regulating Mobile Food Vendors.

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

FUNDING SOURCE: None

ATTACHMENTS: None

STAFF'S COMMENTS AND RECOMMENDATIONS: As mentioned, no provision in the Zoning Ordinance supports allowing mobile food vendors in the City, unless used in conjunction with events and festivals. Should the Commission wish to move forward with this request, staff supports the development of specific regulations for mobile food vendors. Most all cities at one time or another will wrestle with this issue. Normally, opposition comes from downtown restaurants who perceive food trucks as direct competition to their brick-and-mortar stores. Often, this issue is decided by whether or not your existing downtown commercial base accepts mobile food trucks and sees them as an asset or feels that they are a threat to their existing businesses. If sufficient support from the Commission exists, staff recommends that the Planning and Zoning Board be asked to develop a draft Ordinance that contemplates proper locations, truck operations, permit requirements, insurance requirements, prohibitions of certain operations, parking requirements and other general regulations that address health and safety concerns.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Discussion Concerning Rules of Procedure for the City Commission

AGENDA INFORMATION:

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

BRIEF SUMMARY: Following a discussion of parliamentary procedure, public comment periods and rules of procedure at a Community Redevelopment Agency Board meeting, Commissioner Grove requested that the City Commission have an opportunity to discuss this same matter at their February meeting.

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

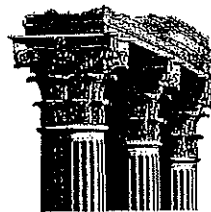
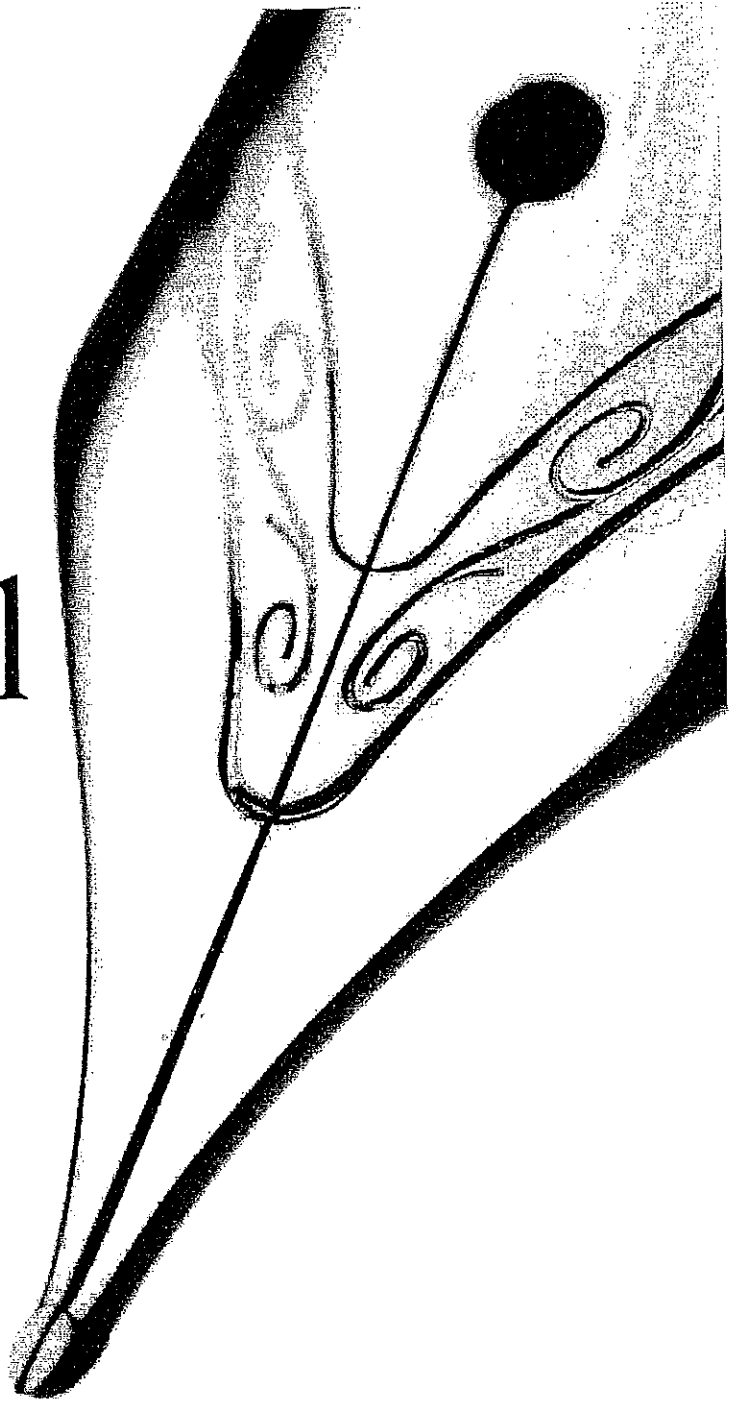
FUNDING SOURCE: None

ATTACHMENTS: Florida Municipal Officials' Manual Excerpt and Sample Rules of Procedure for the City of Green Cove Springs Florida

STAFF'S COMMENTS AND RECOMMENDATIONS: The City of Apalachicola Charter states that, "the Commission shall determine its own rules and order of business and shall keep a journal of its proceedings." The Florida Municipal Officials' Manual states, "The primary principle of procedure is to facilitate the transaction of business and promote cooperation and harmony. Such procedure should not be used to entangle and confound the uninformed but rather to expedite business, avoid confusion and unfair advantage, and protect the rights of members."

In my experience, a well written "Rules of Procedure" Manual for the City will address many of the concerns/matters discussed during the CRA meeting. I have attached a copy of one such example from the City of Green Cove Springs in Florida. There are of course other examples from around the State, some with much more detail. Cities in Florida have a lot of discretion in determining how to conduct their business and each Board must therefore fashion rules of procedure that will meet its own particular needs. Staff is willing to assist in the development of such a manual for the Commission's input and review if you would like for us to do so.

The Florida Municipal Officials' Manual



the John Scott Dailey

FLORIDA
INSTITUTE OF
GOVERNMENT

A publication of the Florida League of Cities with the assistance of the John Scott Dailey Florida Institute of Government.

5. Parliamentary Procedures

Many guides are available which can be used as procedural guidelines for council meetings. One of the most common of these is *Robert's Rules of Order*. Some larger public bodies, such as the U.S. Congress, have written and adopted their own rules of procedure. It is recommended that every legislative body adopt procedures for itself, as this gives standing to the public meeting process, and gives the council a starting place when the subject of reform is raised. There is no statutory requirement that municipal councils draft their own procedures, use *Robert's* or another procedural manual, or adopt official procedures at all. For more on this subject, see the following section of this manual, "Parliamentary Procedure."

6. Requirement to Vote

Except when abstaining from voting, each member of a municipal board, commission, or agency who is present at a meeting must vote on each decision, ruling, or other official act, and a vote shall be recorded for each member present.

For requirements to abstain from voting in certain situations, see Chapter 3, Section 3-3 of this manual, "The Code of Ethics."

REFERENCES

Florida Statutes: Chapters 112 and 286

Robert's Rules of Order

**RULES OF PROCEDURE
FOR THE CITY COUNCIL
OF THE
CITY OF GREEN COVE SPRINGS
EFFECTIVE MARCH 6, 2018**



City Charter Section 2.10(C) allows the City Council to adopt procedural guidelines for City Council meetings to the extent they do not conflict with local or state law. The current edition of Robert's Rules of Order was adopted under Resolution No. R-34-80 to provide further guidelines for the conduct of efficient and orderly meetings. The following Rules of Procedure will provide more detailed guidelines.

RULES OF CIVILITY

The City of Green Cove Springs encourages citizen participation in the democratic process and recognizes and protects the right of freedom of speech afforded to all. As the City council conducts the business of the City, rules of civility shall apply. City Council members, City officials, and members of the public are to respectfully communicate according to the City Council's Rules of Procedure. Persons shall speak only when recognized by the Presiding Officer and, at that time, refrain from engaging in personal attacks or derogatory or offensive language. Comments from citizens being made at a time other than during the period titled "Mayor to call on members of the audience wishing to address the Council on matters not on the Agenda" should be focused on the issue at hand. Outbursts will not be tolerated and those who do not conduct themselves in a respectful and lawful manner shall be subject to removal as outlines in the City Council's Rules of Procedure. It shall be the responsibility of each individual to demonstrate civility.

PREFACE

The City of Green Cove Springs conducts municipal government, performs municipal functions, and renders municipal services and exercises any power for municipal purposes according to the City Charter, except as otherwise provided for by law. Any conflict or need for clarification arising out of the following Rules of Procedure shall be resolved, where applicable, by provisions of the City Charter which shall prevail, except as otherwise provided for by law. Any Amendments to the City Charter which may require revisions to the Rules of Procedure shall be administratively prepared by the City Clerk and adopted by the City Council.

These Rules of Procedure are adopted by the City Council to guide the City Council through its primary operations and functions. They are designed to provide the structure needed to conduct City business while also maintaining the flexibility needed to efficiently and effectively carry out the public business as circumstances may dictate.

The Government in the Sunshine Act, also known as the Sunshine Law, provides a right of access to governmental proceedings of public boards or commissions at both the state and local levels. The law is equally applicable to elected and appointed boards, and applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before

that board for action. Members-elect to such boards or commissions are also subject to the Sunshine Law, even though they have not yet taken office. There are three basic requirements of s. 286.011, F.S.: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meetings must be taken and promptly recorded.

RULE 1 MEETINGS

All City Council meetings shall be held in the Council Chambers in City Hall, 321 Walnut Street, Green Cove Springs, Florida, unless advertised otherwise, and shall be open to the public. In case of emergency, the Mayor may designate an appropriate meeting place for a meeting open to the public. Robert's Rules of Order, as revised, so long as they do not conflict with Ordinances, Statutes, these Rules, or the City of Green Cove Springs Charter, shall be used as a guide in conducting City Council meetings.

RULE 2 REGULAR MEETINGS

As noted in City Charter Section 2.10 (a), the City Council shall hold regular meetings on the first and third Tuesdays of each month commencing at 7:00 p.m. From time to time, regular meetings may be adjusted by Resolution of the City Council to accommodate a holiday schedule, except that: (a) When a regular meeting day shall fall on a Legal Holiday, the regular meeting shall be held on the following day at the same time and place, (b) In July, there shall be only one regular meeting to be held on the third Tuesday of the month commencing at 7:00 p.m., (c) In November, there shall be only one regular meeting to be held on the first Tuesday of the month commencing at 7:00 p.m., and (d) In December, there shall be only one regular meeting to be held on the first Tuesday of the month commencing at 7:00 p.m. Meetings shall also be rescheduled to accommodate Elections as scheduled by the Clay County Supervisor of Elections. The news media shall be notified and appropriate notice shall be posted at City Hall and on the City's website.

RULE 3 SPECIAL MEETINGS

The Mayor, or in the Mayor's absence, the Vice-Mayor, or two (2) or more Council members, may call or schedule a Special Meeting of the City Council. Whenever possible, such meeting should be called on the first or third Tuesday, except holidays or eves of holidays. A minimum of six (6) hours' notice shall be given to all City Council members for all Special City Council Meetings. Notice of the call of such Special Meetings shall be by majority agreement of the City Council, or in writing, signed by the party or parties making the call, and shall be served on every member, either by notifying the member in person, by telephone, electronic media, or by leaving a copy of said notice at the member's legal residence. The news media, the City Attorney, the City Clerk, the City Manager, and affected Department Heads shall also be notified. The notice shall state the business to be transacted at such meeting and no other business than that so specified shall be transacted. Only matters on the agenda or matters of an emergency nature may be acted upon by the council. Justification of emergency action shall be spread upon the minutes of the meeting. Notice shall be posted at City Hall.

RULE 4 **EMERGENCY MEETINGS**

The Mayor, or in the Mayor's absence, the Vice-Mayor, two (2) or more Council members, or the City Manager, may call an Emergency Meeting of the City Council upon not less than six (6) hours' notice to every City Council member. Emergency Meetings may be scheduled days or evenings in addition to the 1st and 3rd Tuesday of the month. Notice of the call of such Emergency Meetings shall be in writing, signed by the party or parties making the call, and shall be served on every member, either by notifying the member in person, by telephone, electronic media, or by leaving a copy of said notice at the member's legal residence. The news media, the City Attorney, the City Clerk, the City Manager, and affected Department Heads shall also be notified. The notice shall state the business to be transacted at such meeting and no other business than that so specified shall be transacted. Notice shall be posted at City Hall. If there is no longer a need for an Emergency Meeting, the entity that called the meeting is authorized to cancel such meeting.

RULE 5 **WORKSHOPS**

A workshop may be called orally or in writing by the Mayor, any two (2) or more City Council members, or the City Manager. The City Council can initiate workshops, also known as Special Meetings, that are public meetings to improve communication, to gain information, or to create a stronger working relationship among the elected officials of the general city government. Public attendance is encouraged. Notice shall be posted at City Hall.

RULE 6 **QUORUM AND ATTENDANCE**

- (a) A Quorum of the City Council for the transaction of any business shall consist of three (3) members, but a lesser number may adjourn from time to time until a quorum is present. Once a quorum has been established, a majority of the City Council present at the meeting shall be required to carry a motion, unless, by Statute, Ordinance, or other regulation, an extraordinary majority (4/5ths) of the City Council is required for approval. In the absence of a quorum, the City Council may compel the attendance of members absent without cause by a fine of \$25.00 for each meeting not attended. As stated in City Charter Section 2.10, "All voting, except on procedural motions, shall be by roll call and the ayes and nays recorded in the minute book."

- (b) City Council members may participate in and vote at all regular, special, or emergency meetings of the City Council by use of electronic media in those instances where the member is temporarily deployed, reassigned, activated, or transferred by any branch of the United States Military or the Florida National Guard for a period of longer than thirty (30) days. In addition, this policy shall cover any other situation resulting in the absence of the member due to illness, medical related issues of a non-incapacitation nature, or extraordinary circumstances related to their job or family emergencies causing them to be physically unable to attend a meeting. In all instances, participation by electronic media will only be allowed if a quorum is physically present at the site where the meeting is actually being held.

- (c) In addition to the City Council members, City officials whose regular attendance shall be required at meetings of the City Council are the: City Attorney, City Clerk, City Manager, or their designees, and City Department Directors as charged by the City Manager. The Chief of Police, or his representative, shall be present to provide security and assistance in maintaining order.

RULE 7 **NEW COUNCIL MEMBERS**

The term of City Council members elected to office shall commence on the 3rd Tuesday in May following the general election. A swearing-in ceremony for the new City Council members will be coordinated by the City Clerk. The City Clerk will provide orientation materials.

RULE 8 **ELECTION OF MAYOR AND VICE-MAYOR**

- (a) The election of Mayor and Vice-Mayor pursuant to Sec. 2.05 of the Charter shall occur at the second regular meeting in May.
- (b) In case of the absence or temporary disability of the Mayor, the Vice-Mayor serves as the Presiding Officer during the absence. In case of the absence or temporary disability of the Mayor and Vice-Mayor, an Acting Chair, elected from members of the City Council, serves during the continuance of the absences or disabilities.

RULE 8 **PRESIDING OFFICER**

- (a) The Mayor, or in the Mayor's absence the Vice-Mayor, shall preside over all meetings of the Council. In the absence of the Mayor and Vice-Mayor, at the hour fixed for any meeting, the City Manager shall call the City Council to order, whereupon a temporary Chair shall be elected by the members present. Upon arrival of the Mayor and Vice-Mayor, the temporary Chair shall relinquish the chair upon conclusion of the business immediately before the Council.
- (b) The Presiding Officer shall be responsible for enforcing the Rules of Procedure and conducting meetings in a manner which preserves order and decorum, prevents attacks on personalities or the impugning of members' motives, and confine debate or comments to the question under discussion. The Mayor shall endeavor to conduct meetings in a fashion that draws balance between the informality and congeniality possible in a small community while also maintaining the decorum and formality necessary to conduct business in an orderly fashion.

- (c) The Presiding Officer shall take the Chair at the hour fixed for the meeting and call the members to order. The Presiding Officer shall state every question given before the Council and direct the City Clerk to call roll. The City Clerk shall call roll in a random order as selected by the City Clerk. The City Clerk will record the vote on all matters in which the recording of ayes and nays is required by law or with respect to which any member requests such recording. The Presiding Officer or City Clerk will announce the decision of the City Council on all subjects and the Presiding Officer will decide on questions of order. Any member may appeal from the decision of the Presiding Officer, in which event a majority vote of the members present shall govern and conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.
- (d) The Presiding Officer shall remain objective, consistent with Robert's Rules of Order. According to Robert's "Rule Against Chair's Participation in Debate," the Presiding Officer has, as an individual, the same rights in debate as any other member; but the impartiality required of the Chair in an assembly precludes exercising these rights while presiding. On certain occasions, the Presiding Officer may believe that a crucial factor relating to such a question has been overlooked and that his/her obligation as a member to call attention to the point outweighs his/her duty to preside at that time. If the Presiding Officer wishes to place a motion, the gavel must be relinquished.

Based upon these Rules of Procedure, the gavel will be relinquished in the following order:

1. Vice-Mayor;
2. Other City Council members based on seniority of tenure;
3. City Clerk/City Manager.

The "Rule Against Chair's Participation in Debate" further states that the Presiding Officer who relinquished the chair shall not return to it until the pending main question has been disposed of, since he/she has shown himself/herself, to be partisan as far as that particular matter is concerned. Unless a Presiding Officer is extremely sparing in leaving the chair to take part in debate, he/she may destroy members' confidence in the impartiality of his/her approach to the task of presiding.

Once a motion has been made and second received, the Presiding Officer shall hear comments from the other City Council members. Following comments from the other City Council members, the Presiding Officer shall be permitted to provide his/her input on the motion.

- (e) Declare the meeting adjourned or at any time in the event of an emergency affecting the safety of those present.

RULE 9 **CITY CLERK**

- (a) The City Clerk, or his/her Deputy Clerk, serves as parliamentarian, and advises the Presiding Officer as to correct rules of procedure or questions of specific rule application. The City Clerk calls to the attention of the Presiding Officer any error in the proceedings that may affect the substantive rights of any City Council member, or may otherwise do harm.
- (b) It shall be the duty of the City Clerk of the City Council, in addition to other duties prescribed by law, to keep and preserve correct minutes of the proceedings of the City Council. The minutes shall be a public record. Proposed substantive additions or corrections to proposed minutes, other than spelling and grammatical corrections, shall be furnished in writing to the City Clerk not less than twelve (12) hours prior to the meeting at which approval action is scheduled. The record of every meeting when approved and entered in the minutes shall be signed by the Presiding Officer at such meeting and attested by the City Clerk. The City Clerk shall prepare an Agenda for each regular meeting of the City Council in the order of business and furnish a copy thereof to each member, the City Attorney, and the City Manager at least seventy-two (72) hours in advance of said meeting. All official meetings of the Council shall be recorded on an automatic recording device by tape, record, or other device and permanently preserved in the official records of the City or until their destruction as specifically authorized by the State or City Council.
- (c) Requests for copies of public records regarding a meeting of the City Council shall be made through the Office of the City Clerk. The cost shall be in accordance with State law.

RULE 10 **RULES OF DEBATE**

- (a) The Presiding Officer may move, second, and debate subject only to such limitation of debate as are enforced by these standing rules on all members and shall not be deprived of any of the rights and privileges as a member.
- (b) When a member desires to speak in debate on a subject open to debate, the member must address the Presiding Officer. When recognized by the Presiding Officer, the member may speak only on matters germane to the business or questions under debate.
- (c) A member, once recognized, shall not be interrupted while speaking unless the member is called to order for transgressing any rule of the City Council or failing to maintain proper decorum. If a member is called to order while speaking, the member shall cease speaking until the questions of order is determined by the Presiding Officer.

- (d) After the decision on any question, it shall be in order only for a member voting on the prevailing side to move for reconsideration at the same meeting, but such motion may be seconded by the member. If a motion to reconsider is lost, it shall not be renewed again at the same meeting. A motion to reconsider may be laid on the table or postponed indefinitely, and the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.

RULE 11 CONDUCT AND RESPONSIBILITY OF MEMBER

- (a) Any member who is unable to attend a City Council or Committee Meeting due to sickness or for a duly authorized reason shall notify the City Clerk, who shall notify the Presiding Officer before the meeting.
- (b) No member present at any meeting of the City Council shall leave the meeting without permission from the Presiding Officer.
- (c) While the City Council is in session, the members shall preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the City Council, or disturb any member while speaking, or refuse to obey the Rules of Procedure of the City Council or the Presiding Officer.
- (d) No member shall speak on any question, discuss any matter, interrupt another, or make a motion without first addressing the Presiding Officer and obtaining recognition.
- (e) No member shall be allowed to vote on any motion or measure, or gain the privilege of the floor, unless the member is at his or her designated seat.
- (f) Every member, in speaking on any matter, shall be confined to the question, shall not use unbecoming or abusive language, and shall avoid personalities.
- (g) No member shall be permitted to explain his or her vote during roll call, but may do so for a period of not more than one (1) minute prior to the result of the roll call being announced.
- (h) Every member who is present when a question is put, unless excluded by a conflict of interest, shall vote in the affirmative or negative.
- (i) Every member shall observe the Code of Ethics as set forth in the laws of the State of Florida and as required by the Charter or Ordinances of the City. Disclosure to the City Council of a private interest, as required by the State law on ethics, shall be accomplished in the form as prescribed by the Commission of Ethics, State of Florida.
- (j) No member shall direct the City Manager to forward to another political subdivision or government agency communications on matters under consideration by the City Council or its committees except where there is clear understanding of approval by the City Council or in response to routine matters in consonance with the previous actions of the City

Council. Nothing precludes a member from initiating correspondence on City stationary over their own signature indicating the City Council seat they currently hold. Nothing in this Rule is to be construed to limit or restrict the Mayor acting in his or her official capacity from coordinating with the City Manager in answering or responding to correspondence or communications relative to the business of the City.

- (k) Ex parte Communications – Oral or written communications (sometimes referred to as lobbying or information gathering) between a Council Member and others, including staff, where there is a substantive discussion regarding a quasi-judicial decision by the City Council. The exchanges must be disclosed by the City Council member so the public may respond to such comments before a vote is taken.

RULE 12 CONFLICT OF INTEREST

No City Council member shall vote in his/her official capacity on a matter which would inure to his/her special private gain or loss, or which the City Council member knows would inure to the special gain or loss of any principal by whom he/she is retained, of the parent organization or subsidiary of a corporate principal by which he/she is retained, or a relative or of a business associate. The City Council member in conflict shall announce such conflict before any discussion commences. He/she may participate in the discussion but may not vote. Within 15 days of following that City Council meeting, he/she shall file with the City Clerk a Form 8B which describes the nature of his/her interest in the matter. The Form 8B shall be received by the City Clerk and incorporated into the minutes of the meeting.

RULE 13 ORDINANCES

An enacted Ordinance is a legislative act that prescribes general, uniform, and permanent rules of conduct relating to the corporate affairs of the City. City Council action shall be taken by Ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. All Ordinances shall be introduced in writing, and scheduled for public hearing after advertisement.

- (a) Any non-emergency Ordinances, with the exception of zoning Ordinances, shall be initiated by either a member of the City Council, the City Attorney, or the City Manager. Each Ordinance shall be introduced in writing and shall embrace one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. No Ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, or subsection or paragraph of a section or subsection. Rezoning Ordinances shall be scheduled on the City Council Agenda following the required public hearing(s) before the Planning and Zoning Board and, once scheduled, the same procedure as outlined shall be followed unless State law provides otherwise.

- (b) Any Ordinance or Resolution prepared for consideration by the City Council shall be reviewed by the City Attorney prior to introduction to the City Council. Upon request by the Presiding Officer or any member, the City Attorney shall render an opinion to the City Council concerning the legality of any Ordinance or Resolution pending before it. Every Ordinance and Resolution which amends prior Ordinances or Resolutions shall indicate words being deleted by strike-throughs, and shall include underlining of words being added to existing provisions.
- (c) In acting upon Ordinances, the Ordinance shall be introduced on first reading as to form only. The City Clerk shall then cause the Ordinance to be published in a newspaper of general circulation in the City, at least ten (10) days before the second reading, a notice of proposed enactment pursuant to and in compliance with Chapter 166, Florida Statutes. Prior to adoption, on second and final reading, a public hearing shall be held to enable citizens to comment on the proposed Ordinance. On second and final reading, an affirmative vote of the majority of the members present shall be necessary for the passage or adoption of the Ordinance.
- (d) The Council may, by two-thirds (2/3) vote of its membership, declare an Ordinance to be an emergency measure and pass such Ordinance without regard to any reading as required by the City Charter. Every emergency Ordinance, except emergency appropriations, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the Ordinance under regular procedures, or if the emergency still exists, in the manner specified in the City Charter. An emergency Ordinance may also be repealed by adoption of a repealing Ordinance in the same manner specified in the Charter for adoption of emergency Ordinances.
- (e) Whenever any Ordinance or Resolution has been introduced for the consideration of the City Council, and the measure failed to be adopted or passed, such measure, unless substantially changed, shall not be introduced again until the lapse of at least three (3) months from the date of the City Council meeting at which it failed adoption or passage.
- (f) If a Motion to pass an Ordinance fails, the Ordinance shall be considered lost.
- (g) Upon final passage, every Ordinance and Resolution shall be signed by the Presiding Officer of the Council, attested by the City Clerk and approved as to form by the City Attorney.

RULE 14 RESOLUTIONS

Generally, an enacted Resolution is an internal legislative act that is a formal statement of policy concerning matters of special or temporary character. City Council action shall be taken by Resolution when required by law, and in those instances where an expression of policy more formal than a motion is desired. All Resolutions shall be reduced to writing. A Resolution may be put to its final passage on the same day on which it is introduced.

RULE 15 MOTIONS

An enacted Motion is a form of action taken by the City Council to direct that a specific action be taken on behalf of the City. A Motion, once approved and entered into the record, is the equivalent of a Resolution in those instances where a Resolution is not required by law. All motions shall be made and seconded before debate.

- (a) A motion is to be worded in a concise, unambiguous, and complete form.
- (b) No speech is to be made in reference to a motion when it is introduced. There will be no debate until a motion has been seconded and, if requested by a City Council member, the question stated by the Presiding Officer or the City Clerk.
- (c) When the question has been stated, it is before the City Council and mover is entitled to the floor.
- (d) The order of procedure of motions shall be in accordance with Robert's Rules of Order.

RULE 16 RECONSIDERATION

A motion to reconsider shall be allowed at any time during a meeting, except when a motion on some other subject is pending. No motion to reconsider shall be made more than once on any subject at the same meeting. A motion to reconsider may be made:

- (a) At the same meeting during which an action was taken, provided that the motion to reconsider is made by a City Council member of the prevailing side of the original motion.
- (b) At a subsequent meeting by any Commissioner.

Upon passage of a motion to reconsider, no substantive action on the matter may be taken at that meeting so that the public and media may be on notice of the matter to be reconsidered. The subject matter shall be scheduled at the next regular City Council meeting for any action the City Council deems advisable.

RULE 17 RESCINDING ACTION PREVIOUSLY TAKEN

City Council action may be rescinded by a four-fifths (4/5) vote. The motion may be made by any City Council member after a motion to reconsider has been adopted by a majority vote.

RULE 18 PRIVILEGE OF THE FLOOR

By permission of the Presiding Officer, the privilege of the floor shall be extended to a citizen or citizens to address the Council on any matter pending before it or which needs the attention of the City Council. At public hearings required by law or fixed by the City Council, the Presiding Officer shall extend the floor to a reasonable number of proponents or opponents of the subject

matter of the public hearing, and those filing written requests to be heard with the City Clerk shall be heard prior to other persons who appear at the hearing. Each person addressing the City Council shall proceed to the place assigned for speaking, give his or her name and address in an audible tone of voice for the record and limit his or her address to three (3) minutes, unless a lesser time is fixed for all speakers by the Presiding Officer or further time is granted by the City Council. The person may speak only to matters germane to City business or to questions under discussion. All remarks shall be addressed to the City Council as a body and not to any member thereof. All questions of members shall be directed through the Presiding Officer.

RULE 19 PARLIAMENTARY AUTHORITY

Robert's Rules of Order, so far as they are applicable or are not in conflict with these standing rules, the Ordinances, or the Charter of the City, shall govern the proceedings of the City Council.

RULE 20 SUSPENSION OF STANDING RULES

Any standing rule contained herein may be temporarily suspended for special reasons by a vote of four-fifths (4/5) of all City Council members unless such suspension would conflict with provisions of the Ordinances or the Charter of the City.

RULE 21 EFFECTS OF RULES

No Ordinance, Resolution or action duly passed, adopted or taken by the City Council shall be held to be invalid because of failure of the City Council to comply with or abide by any one or more of the provisions of these standing rules if such Ordinance, Resolution or action would otherwise be valid under the Charter or Ordinances of the City or laws of this State but for such provisions of these standing rules alleged to have been violated or ignored.

RULE 22 INFORMAL CONSIDERATION OF MATTERS

When, in the judgment of the Presiding Officer, it becomes necessary to give detailed consideration to a matter under conditions of freedom, approximating those of a Committee, the Presiding Officer may entertain a motion for the City Council to consider the matter informally. When such a motion is made and properly seconded, the effect is to suspend the standing rule limiting the number of times a member can speak and inquire into matters of fact on the main questions and any amendments, except that the member may not inquire a second time into questions of fact until other members have had an opportunity to do so.

While considering a question informally, the Council may, by four-fifths (4/5) vote, limit the number or length of speeches, or in any other way limit or close discussion.

Proceedings of the City Council under informal consideration are recorded in the minutes of the meeting just as they would be if the considerations were under formal standing rules. Informal consideration ceases automatically as soon as the main question is disposed of. Informal consideration of a matter may also be ended before the main question is disposed of by a majority vote of the City Council on a motion "that the regular standing Rules of Procedure be enforced."

Under the informal standing rules, members may obtain the floor after being recognized by the Presiding Officer.

RULE 23 PREPARATION OF AGENDAS

The City Manager and City Clerk are responsible for the preparation of the Agenda. The Mayor, or any City Council members may place an item on the Agenda. The City Attorney, City Clerk, and City Manager may also place an item on the Agenda.

As general practice, all supporting documentation must be provided to the City Manager for review or the item(s) may not be included on the Agenda.

- (a) The agenda will be in four (4) parts: Awards & Recognitions, Public Hearings, Consent, and Business.
- (b) Deadline for items to be placed on the Agenda is no later than 12:00 noon on the Tuesday before the next meeting.
- (c) Content of items on the Consent Agenda shall be limited to routine items that do not need discussion, such as the Minutes, Resolutions, payment requests, and reports from committees, etc. (refer to Resolution No. R-15-86). During the reading of the Consent Agenda, any member may pull an item for separate discussion.
- (c) The City Manager or any member may, in the event of an emergency, place items on the Agenda after the above deadline.
- (d) Council members are encouraged to present their reports as Agenda items in order to provide the public and other Council members prior notification of the report's subject matter.
- (e) Agendas and all necessary background materials will be delivered to the members no later than 5:00 p.m. on the Thursday before the next meeting via notification by electronic mail. In the event an item must be placed on the Agenda after it has gone to the City Council, a Supplemental Agenda will be issued no less than 24 hours prior to all meetings.
- (f) A request from a citizen to be placed on the Agenda shall be received in writing on a form provided by the City Clerk no later than the close of business on the Monday of the week preceding the next regular City Council meeting and include information and/or back-up documentation on the subject they want to discuss. If a citizen does not present an

appropriate topic or information in writing, the citizen will not be placed on the Agenda but will be told that he or she can speak at the beginning of the City Council meeting or have their Agenda item rescheduled to a future meeting.

- (g) Citizens who wish to address the City Council on an item on the agenda or an item not on the agenda shall complete a Speaker Card and give it to the City Clerk before the meeting starts. All persons, other than members of the City Council or Staff, addressing the City Council shall step up to the microphone and state his or her name and address prior to making his or her statements. The Mayor shall have the authority to waive such requirement in the event of apparent physical disability of the speaker.
- (h) The Agenda, as well as lengthy reports that are part of the Agenda documentation, shall be available for review online on the City's website, or in the Office of the City Clerk.

RULE 24 AGENDAS – ORDER OF BUSINESS

The business of all regular meetings of the City Council shall be transacted as follows; provided, however, that the Presiding Officer may, by simple majority voice vote or consensus of the City Council, re-arrange items on the Agenda to more expeditiously conduct the business before the City Council:

- (a) Invocation & Pledge of Allegiance to the Flag

The City Council may maintain a clergy or layperson rotational roster, which may be used to rotate among the local clergy or laypersons the presentation of the invocation at the regular or special meetings. The Presiding Officer shall lead the Pledge or delegate to another party.

- (b) Roll Call

- (c) Mayor to call on members of the audience wishing to address the Council on matters not on the Agenda

The City Council recognizes the importance of protecting the rights of its citizens and taxpayers to express their opinions on the operation of City government and encourages citizen participation in the local government process. The City Council also recognizes the necessity for conducting orderly and efficient meetings in order to complete City business in a timely and proper manner.

The purpose of the public comment portion of the meeting is to receive citizen input pertaining to matters over which the City Council has jurisdiction or control. This period of time is for comments and not for questions directed to the City Council or Staff for immediate answer. Questions directed to the City Council may be referred to Staff to be answered within a reasonable period of time following the date of the meeting. The City Council shall not take final action at the same meeting on items addressed under this

section. Final action can only be taken if the City Council waives its Rules of Procedures. The City Council can direct Staff to place any item requiring final action on an upcoming City Council Meeting or Workshop. The exceptions are items of an emergency nature so declared.

No citizen shall speak until duly recognized by the Presiding Officer, and he/she shall immediately cease speaking and relinquish the podium when requested by the Presiding Officer. After being recognized, the citizen shall:

- (a) Step up to the podium and give his/her name and address;
- (b) State the topic or position (for/against) of the item under discussion; and
- (c) Address all remarks and questions to the City Council as a body, and not a member thereof, except through the Presiding Officer.

Three (3) minutes shall be allotted to each citizen who wishes to speak at this time, unless more time is granted by the Presiding Officer or City Council. A citizen cannot yield time to another citizen.

NOTE: Citizens are encouraged to call the appropriate City department during regular business hours. If you have contacted the department and for some reason results were not satisfactory, please call the director of the department or the City Manager's office.

Employees of the City may address the City Council on matters of public concern. Employee comments that address an active grievance/arbitration, employee appeal matter (all of which are extensively covered in the Personnel Policies and Procedures Manual) or a personnel dispute will not be entertained as part of citizen comments. Employees will be advised of the appropriate forum and process for presenting or discussing such matters. (Jim, please review again.)

(d) Awards and Recognitions

Items under this section include Special Award Presentations such as a Key to the City, Proclamations, scheduled citizen or group presentations, and recognitions.

Proclamations, Letters of Honor, and Keys to the City, shall be requested and processed through the Office of the City and shall be submitted on a form provided by the City Clerk. Refer to the "Ceremonial Guidelines for Proclamations, Letters of Honor, and Keys to the City" for further guidance.

(e) Public Hearings

Public hearings shall be scheduled on the 1st and 3rd Tuesday of the month unless otherwise determined by the City Council or State Statute. The procedures followed for public hearings are generally as follows:

- (1) The City Manager, or his/her designee, should describe the Agenda item to be considered and provide the Staff recommendation. The Presiding Officer should then inquire as to whether any City Council members have questions for the administration. After the City Council's questions are answered, the Presiding Officer opens the public hearing and requests comments from the public. Generally, the petitioner or proponent for the issues in the Public Hearing are invited to address the City Council first.
- (2) Following public comment (if any), the Presiding Officer closes the Public Hearing and inquires if any City Council member wishes to put forth a motion. Following the motion and its second, discussion occurs among the City Council. A roll call vote is then taken by the City Clerk.

(f) Consent Agenda

The Presiding Officer shall inquire if any City Council member wishes to withdraw any items from the Consent Agenda. If any item is withdrawn by any member of the City Council, the Presiding Officer addresses those item(s) individually following the vote on the motion to approve the other Consent Agenda items.

(g) Council Business

Items in this section are reports or requests presented by the City Attorney, City Clerk, City Council member, City Manager, or Staff for City Council consideration.

(h) City Manager and City Attorney Reports and/or Correspondence

During this section, the City Manager and City Attorney will have the opportunity to make comments, provide updates, or discuss any items of concern.

(i) City Council Reports and/or Correspondence

During this section, each City Council member will have the opportunity to make comments or discuss any items of concern.

(j) Adjournment

No meeting shall be permitted to continue beyond 11:00 p.m. without the approval of a majority of the City Council. A new time limit must be established before taking a City Council vote to extend the meeting. In the event that a meeting has not been closed or continued by City Council vote prior to 11:00 p.m., the items not acted on are to be continued to 8:30 a.m. on the following day, unless state law requires hearing at a different time or unless the City Council, by majority vote of members present, determines otherwise.

RULE 25 **BOARDS, COMMITTEES, AND MEETINGS**

The City Council may form ad hoc or special committees from time to time. Citizen advisory boards and committees may be created and dissolved by Resolution, Ordinance, or other act adopted by the City Council. All members shall serve at the pleasure of the City Council.

The mission of advisory boards and committees shall be to examine various policy issues referred by the City Council, staff, or as determined in the work plan. Committees shall provide guidance to the City Council in the development of policy recommendations. Committees shall not attempt to manage the administrative operations of the City; the committee will not be involved in directing staff.

- (a) The City Manager/City Clerk's office shall furnish the Chair of each advisory board or committee copies of all Resolutions or Ordinances that pertain to that committee. Such information shall be delivered to the committee Chair within one (1) week after adoption by the City Council, or as soon thereafter as possible.
- (b) Appointment to citizen advisory boards/committees shall be by roll call vote during a regular City Council meeting. Candidates for appointment to the Planning and Zoning Board shall be nominated by the member whose term is concurrent with the board seat then being filled. Priority must be given to applicants from the City of Green Cove Springs.
- (c) All citizen advisory boards/committees or other bodies shall meet in the City Council Chambers or other public buildings within the City after required public notice is given. Generally, committee meetings should be scheduled on the 2nd or 4th Tuesdays or Thursdays. The news media shall be notified and appropriate notice shall be posted at City Hall. All meetings shall comply with state law regarding public meetings.
- (d) Committee Chairs and Committee Vice-Chairs shall be elected by the membership and both shall serve for a term of one (1) year or for a different term as the City Council may decide. Committee members shall be approved by the City Council. Committee meetings may be called by the Chair, Vice-Chair, Mayor, or the City Manager when sufficient business or timing is appropriate. Such meetings shall have an Agenda published to each Committee member when possible at least seventy-two (72) hours in advance. If the Committee Chair is unwilling or unable to call committee meetings, the Vice-Chair may call the meeting.
- (e) All citizen advisory boards/committees or other bodies shall provide the minutes taken at each meeting to the City Clerk. All communications to the City Council from such boards, committees, or other bodies shall be received by the City Council's Presiding Officer with a copy to the City Clerk.
- (f) All Chairpersons of citizen advisory boards/committees or other bodies may provide updates to the City Council at its regularly scheduled meetings. All requests for presentations shall be submitted to the Office of the City Manager or City Clerk.

- (g) City employees shall not be precluded from serving on citizen advisory or other committees so long as membership requirements are met.
- (h) The City Council may make exceptions to the above general policy on a case-by-case basis when necessary to: preserve the stability of the board or committee; retain a particular appointee because of his/her special expertise or knowledge; or for such other circumstances as the City Council deems warranted.
- (i) Appointees' personal and business affairs conducted within the City of Green Cove Springs must be in substantial compliance with all City regulatory and taxing authorities' rules and regulations. Appointees deemed to be in chronic violation of any City rules, regulations, or policies may be disallowed from membership on citizen advisory boards or committees by a majority vote of the City Council.
- (j) Citizen advisory boards and committees created by or in response to federal or state statutory requirements shall conduct business consistent with these guidelines unless otherwise provided for by such federal or state statutory requirements.
- (k) Citizen advisory boards and committees are required to adhere to the "Guidelines for Citizen Advisory Boards and Committees" as approved by the City Council. These guidelines are incorporated below.

GUIDELINES FOR CITIZEN ADVISORY BOARDS AND COMMITTEES

- (1) Committees are to be designated as standing or special (ad hoc).
- (2) A sunset date will be specified for special committees when appropriate.
- (3) Transition between Members:
By-laws, enacting Ordinances, guiding document, etc. will include language, which provides for members (whose terms have expired) to continue serving until the appropriate appointments are made.
- (4) Term length for serving on any standing committee will be a minimum of two (2) years unless otherwise specified (e.g. State Statute may require term lengths of less than two (2) years, board/committee enacting Ordinance provisions).
- (5) Attendance:
 - a. Reports/notices of absences are made to the board or committee Chair (or Staff liaison if the Chair is unavailable).
 - b. The board of committee liaison will provide written notice of attendance violations to the City Council Presiding Officer. The City Council will be responsible for removing members who do not meet the attendance requirement.
 - c. Absence from four (4) consecutive regular meetings of the advisory board or committee shall operate to vacate the seat of a member, unless such absence is excused by the City Council by Resolution setting forth the fact of such excuse duly entered into the minutes.

- (6) Election of Officers: All board and committee officers (i.e. Chair, Vice Chair, etc.) shall be elected by the membership of the citizen advisory board or committee, unless otherwise specified.
- (7) Meeting Frequency:
 - a. At a minimum, all boards and committees shall meet once per year.
 - b. The names of those boards and committees that do not meet this minimum requirement shall be submitted to the City Clerk's Office.
 - c. Recommendations to dissolve committees or other recommended action will be submitted to the City Council for consideration.
 - d. Any advisory board or committee whose officers are elected/appointed as prescribed in federal/state statute shall be exempted from Guideline No. 6.
- (8) Parliamentary Procedure: As appropriate, Robert's Rules of Order may be used as a guide in conducting board and committee meetings.

RULE 26 **SUSPENSION AND CONSTRUCTION OF RULES**

No permanent change in the standing rules shall be made without notice specifying the purpose and wording of the change given at a previous regular meeting of the Council and the adoption of the permanent change by a vote of four-fifths (4/5) of all members. The Rules of Procedure are for the efficient and orderly conduct of City Council business only. No violation of such rules shall invalidate any action of the City Council when approved by a majority vote required by law.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Proposed Rezoning of Van Johnson Complex

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E
Department: Administration
Contact: Ron Nalley, City Manager and Cindy Clark, City Planner
Presenter: Ron Nalley, City Manager and Cindy Clark, City Planner

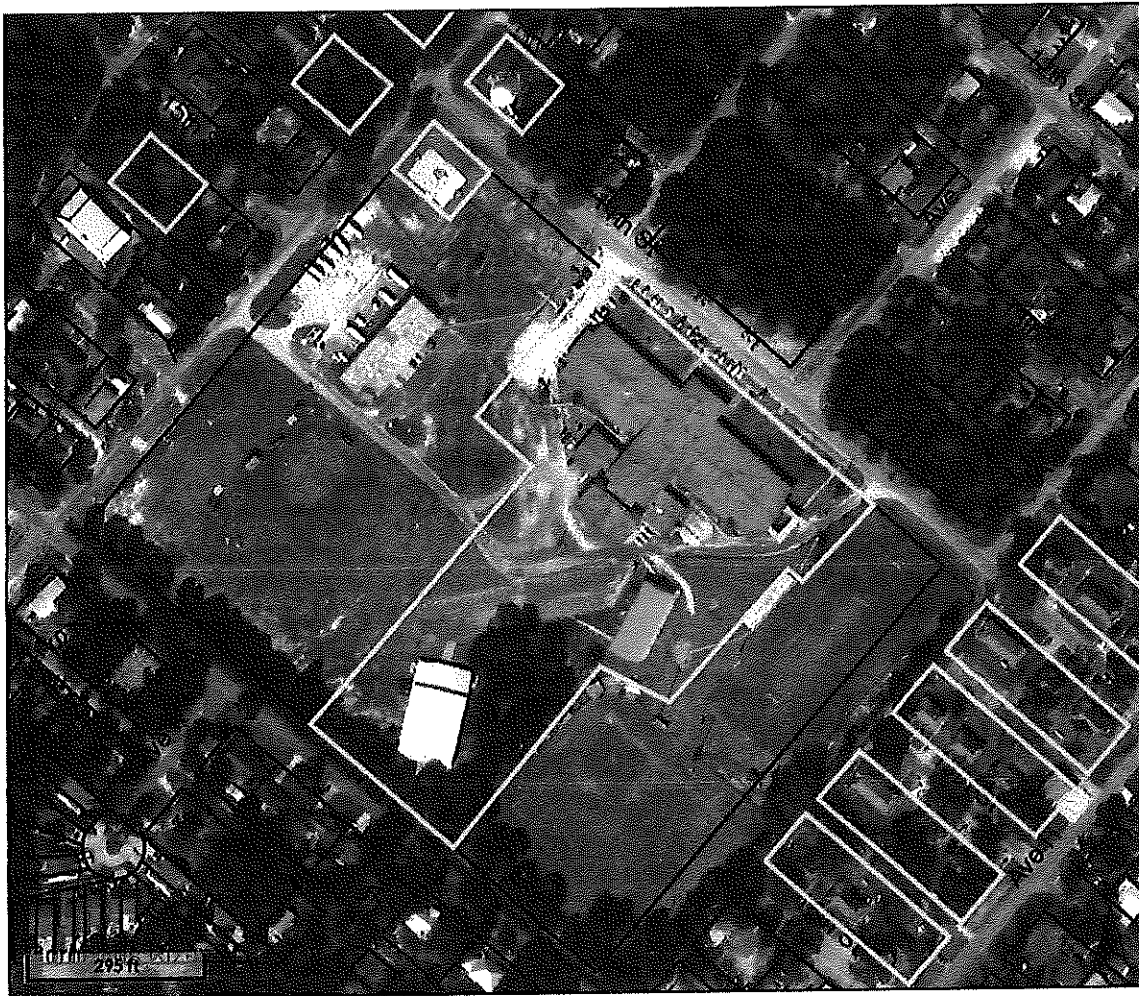
BRIEF SUMMARY: The Van Johnson City Hall Complex is currently located in the R-2 Zoning District. The Land Use Classification for this parcel is Public Facilities as is the case for many of the City-owned parcels throughout the City. The Van Johnson complex is currently being used for City administration business with a mixture of non-profit, social service offices and the gym. A new proposed use involving a dance studio brought the inconsistency in zoning and land use to light. Current R-2 zoning regulations for this district do not provide for commercial activity in the district so technically, the current non-public commercial uses are not compatible with the code. There are three options available to the City to remedy the situation: (1) require the existing businesses to move; (2) change both the land use and zoning of the property to a land use/zone classification that is compatible with existing classification; or (3) create a new mixed use public facilities zoning classification that is consistent with the public facilities land use but which supports office and studio-type businesses. It is proposed that a new mixed use public facilities category be created and this parcel rezoned to accommodate the current use.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Authorize staff to contact the State Planning Agency for support and request staff and Planning and Zoning to begin drafting rezoning language to support a new zoning category for Block 137 and begin the required property owner and interested party notification.

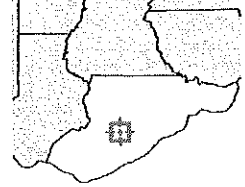
FUNDING SOURCE: None

ATTACHMENTS: Aerial Map and Future Land Use Map of Property




STAFF'S COMMENTS AND RECOMMENDATIONS: Upon review, staff has found that there are several city-owned parcels which carry a public facilities land use classification because of the public ownership but which carry a zoning category of the surrounding zoning district. Technically, all such inconsistencies need to be remedied – this parcel being the first. It is proposed that a new mixed use public facilities category be created and this parcel rezoned to accommodate the current use. Staff's recommendation is to contact the State Planning Agency for support and authorize staff and Planning and Zoning to begin drafting rezoning language to support a new zoning category for Block 137 and begin the required property owner and interested party notification.



Overview



Legend

-  Parcels
-  Roads
-  City Labels

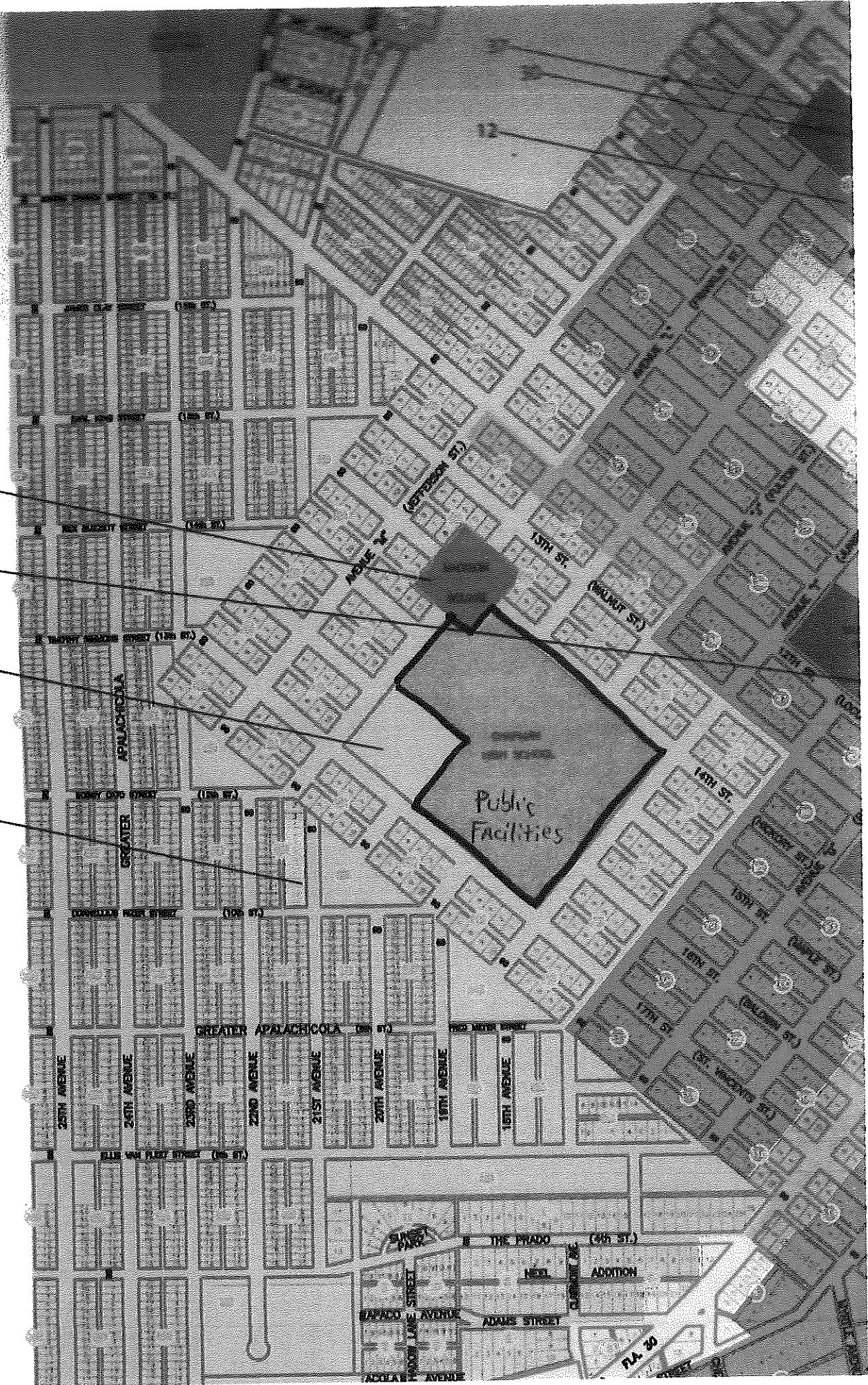
Parcel ID	01-09S-08W-8330-0000-00B0	Alternate ID	08W09S018330000000B0	Owner Address	APALACHICOLA CITY OF
Sec/Twp/Rng	1-9S-8W	Class	MUNICIPAL		1 BAY AVE
Property Address		Acreage	n/a		APALACHICOLA, FL 32320
District	3				
Brief Tax Description	WHARF LOT B				
	(Note: Not to be used on legal documents)				

Date created: 1/31/2019
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**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: February 5, 2019**

SUBJECT: Recommendation for Auditing Services – Audit Committee

AGENDA INFORMATION:

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

BRIEF SUMMARY: At their December meeting, the Audit Committee authorized the advertisement of a Request for Qualifications for Audit Services. Three proposals were received by the submittal deadline of January 18th, 2019. The Audit Committee evaluated each of three proposals and ranked their responses to the request for proposal. The Audit Committee recommends the following order of preference for the auditing firms:

1. Moran & Smith CPA LLP
2. Roberson & Associates, P.A. and Vance CPA, LLC
3. James Moore & Co., P.L.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Accept the Audit Committee Recommendation and Authorize the City Manager to Negotiate a Contract with Moran & Smith, CPA LLP for Audit Services and if Reasonable, to Authorize the Mayor to Execute the Auditing Services Contract with Moran & Smith, CPA LLP.

FUNDING SOURCE: Governing Body – Auditing Services

ATTACHMENTS: Auditing Services Proposal from Moran and Smith dated January 15, 2019

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff appreciates the thorough job by the Audit Committee in evaluation of the audit services proposals. While each firm that responded is more than qualified to perform the work, the Committee felt that Moran & Smith had the unique qualifications, commitment to professional performance and a proven record of working closely with their local government clients and recommends their firm for auditing services.

**AUDIT PROPOSAL
AND
COMMITMENT TO SERVE**

City of Apalachicola

January 15, 2019

**BY: Moran and Smith CPA LLP
CERTIFIED PUBLIC ACCOUNTANTS**

**10850 NW State Road 20, Bristol, Florida 32321, Phone (850) 643-1089
2260 Wednesday Street, Ste 400, Tallahassee, Florida (850) 879-0636**

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MORAN & SMITH LLP

Certified Public Accountants

Ron Nalley, City Manager
City of Apalachicola
192 Coach Wagoner Blvd. Apalachicola FL 32320

Thank you for the opportunity to submit our qualifications and experience to serve as independent auditors of the *City of Apalachicola*. The accompanying proposal will provide you detailed information regarding the scope of services to be provided, as well as a profile of the firm, the individuals who will serve you, our qualifications and experience, and representative clients, including specific references.

It is our understanding that we will provide the following services:

1. Financial audit as defined in Sec. 11.45(l)(b), Florida Statutes, of the basic financial statements of *City of Apalachicola and all component units* for the fiscal year ending September 30, 2018. We will commit to maintain staff required to conclude the audits within the time constraints indicated in the RFP.
2. The audit will be performed in accordance with generally accepted auditing standards, *Governmental Auditing Standards* and the Rules of the Auditor General of the State of Florida. We will also meet all provisions of the single audit act (OMB Uniform Guidance) and all applicable federal and state requirements
3. The audit for Fiscal Year 2018 will be completed no later than June 30, 2019.

We believe we are the best-qualified firm to perform the engagement for the following reasons:

- o We presently audit three municipalities, a county, a Local regional planning council and one airport authority, and have an excellent working knowledge of generally accepted accounting principles related to governmental entities. We understand all the unique reporting requirements of local governments, including the Rules of the Auditor General and all federal grant audit requirements. We will prepare and submit the Local Government Annual Financial Report (AFR) and the Local Highway Finance Report as we do for many of these governmental entities.
- o Both partners in our Firm have extensive experience in auditing local governments. Mr. Moran has basically only ever done local government audits for the past 30 years.

- We have strong information technology ability and will input the City 's general ledger balances into Thompson Reuters Engagement software and perform a virtually "paperless" audit.
- We have recent and continuous experience and have devoted a great deal of our continuing education to the governmental auditing and accounting field. Our firm meets the independence and education requirements of the *Government Auditing Standards* issued by the Comptroller General of the United States. Our firm is independent of *City of Apalachicola* as defined by *Government Auditing Standards*.
- We believe in continuing client contact throughout the year, not just during the audit. We encourage on-going client contact by not charging any fee for phonecalls, or meetings.
- We are members of the American and Florida Institutes of Certified Public Accountants and the AICPA Government Audit Quality Center.
- In the past 5 years we have been engaged to perform two city audits, one was over three years delinquent in meeting state required filing deadlines, and the other was two years late. Within the first two years of being engaged we got all delinquent audits completed and have filed all reports after that in a timely manner. We do not look for problems to delay issuing financial statements, we work hard and get things done in a timely manner. Then we maintain a close working relationship to make sure everything stays current going forward.
- We are a local firm with personnel committed to quality and professional performance, accustomed to providing a high level of client satisfaction. We believe that our firm is part of a team effort to assist the City in developing the best financial reporting system possible.
- We have a history of continuity of personnel assigned to the engagement. Our single office firm and low personnel turnover assures uninterrupted services from our partners and staff.
- We certify that we do not discriminate on the basis of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, familial status, age, or any other protected characteristic as established in the Equal Employment Opportunity law.
- This audit will be operated out of our Liberty County office in Bristol and all review processes will be done out of our Tallahassee office.

Moran and Smith, LLP has not colluded with any of the Proposers, and we have not defaulted on any previous contract, and are not in arrears on any previous or existing contract and are properly licensed.

Because of our unique qualifications and a philosophy based on complete dedication to client service, we feel confident that we can provide you with responsiveness and a range of experience that will best serve your needs.

We would consider it a privilege to serve as independent auditors for the *City of Apalachicola*.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH Moran CPA', written in a cursive style.

Christopher H Moran CPA
Moran & Smith LLP

Submission Requirements

Moran and Smith CPA LLP
CERTIFIED PUBLIC ACCOUNTANTS

2260 Wednesday Street, Suite 400, Tallahassee, Florida 32308

10850 NW State Road 20, Bristol, Florida 32321

(850) 879-0636, (850) 643-1089 Fax (813) 200-3578

Mr. Chris Moran, partner, is authorized to represent the firm. Mr. Moran is typically in our Bristol office during audit season at 10850 NW State Road 20, Bristol, Florida 32321, Phone (850) 643-1089. Mr. Moran is authorized to represent the firm on this specific engagement.
Email: cmoran@moransmithcpa.com

License to Practice in Florida

Our Firm and all key professional staff are properly licensed to practice in the state of Florida. In addition, our Firm and all assigned key personnel are in good standing with the Florida Board of Accountancy. We can provide a copy of actual License, if requested. Our firm is duly licensed under Chapter 473, F.S. and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

Engagement Team

The following supervisory people will work on the audit:

- Chris Moran C.P.A., engagement partner
- Randall Smith, C.P.A., review partner
- Helene Michaels, C.P.A., financial statement review
- Megan Munyon, senior accountant

All the above people have considerable experience on governmental audit engagements. All supervisory personnel assigned to the audit, except the senior accountant, are Certified Public Accountants and hopefully she will be certified in next few months. Ms. Michaels is a part time employee of the firm. The engagement partner and audit senior will be assigned to audit on a full-time basis.

The professional staff of our firm has been conducting governmental audits in Florida for the past thirty years. We are experienced auditors in a variety of industries and offer experience in auditing federal grants under the Single Audit Act and performing compliance audits of state grants. Our policy is to assign staff accountants to the same audit each year but rotate the areas they work on. We will notify the city prior to assigning new staff to the audit. We are not using any sub-contractors.

We are not a Disadvantaged Business Enterprise (DBE)

Description and History of Audit Firm

About

Partners Chris Moran and Randall Smith have worked together professionally for over 30 years. Since graduating from Florida State University in the early 1980's, both have been practicing accounting in the north Florida area.

Mr. Moran Started his career as a staff auditor with T. Michael Tucker CPA of Blountstown and worked for several years on numerous local government audits in the area.

Both Partners worked at the same large regional accounting firm, and worked together for numerous years. After experiences working at various firms and having both owned firms, it became clear they shared a view of what an ideal accounting practice would be. Moran & Smith, LLP was formed in 2012 with the belief that their combined experience and vision would provide them with a unique insight and ability to form a team of professionals that could serve clients in the best way possible. Moran & Smith, LLP was created to achieve this view of an ideal accounting firm.

We believe a personal and engaged relationship with our clients is extremely important for our team to provide the most effective services possible. We also believe that a staff with diverse professional backgrounds and expertise will provide the most insight and advantage to our clients. Combining close client-employee relationships with our professional team's wide range of accounting experience, allow Moran & Smith LLP to accommodate a large variety of clients extremely effectively. With the care and attention of a small office, but the combined experience and capability of a large firm, our team provides superior services to all clients.

Our firm has a wide range of clients providing both goods and services in the Panhandle Florida area. Our practice encompasses auditing, accounting, management advisory and tax services. A list of all governmental clients audited by us for the fiscal years is as follows:

- | | |
|---|----------------|
| o City of Quincy | 2012 – Current |
| o City of Bristol | 2015 – Current |
| o City of Midway | 2014 – Current |
| o Liberty County | 2009 – Current |
| o Apalachee Regional Planning Council | 2014 – Current |
| o Quincy Gadsden Airport Authority | 2015 – Current |
| o Florida HMO Consumer Assistance Program | 2006 – Current |

Mr. Moran was a government audit partner at a large regional firm, while there, he was the partner in charge of city and county audits all over the state of Florida,

Independence

Moran and Smith LLP is independent of the City of Apalachicola as defined by auditing standards contained in *Government Auditing Standards*.

Governmental Audit Quality Center

Moran and Smith LLP is a member of the AICPA's Governmental Audit Quality Center which is dedicated to establishing the highest standards of audit quality in the governmental accounting and audit sector.

External Quality Control Review

Our Firm understands the importance of developing a formal quality control program, and therefore have been participating in the peer review program of the American Institute of Certified Public Accountants since 2009. Member firms are required to adhere to quality control standards established by the AICPA Quality Control Standards Committee and to submit to peer reviews of the firm's accounting and audit practice. Peer reviews are intensive reviews of a firm's quality control system by an independent CPA firm. Our firm has had three peer reviews performed by the American Institute of Certified Public Accountants. Each peer review has included reviews of several of our local governmental entity. We received a "pass" opinion on each review, which represents the best opinion that a firm can receive.

On our most recent peer review performed in 2017, we received a peer review rating of "pass", which is the highest rating that a firm can receive under the revised peer review standards. We have never been subject to any litigation or disciplinary actions by a client, the State or any professional organization for substandard field work. A copy of our firm's most recent peer review report follows this page. These peer reviews included a review of at least two governmental engagements, and it should be noted that there were no findings as a result of this review. We have never withdrawn from an engagement prior to the agreed expiration date.

Federal or State Reviews

We have never undergone a Federal or State desk review, and we have never undergone a Federal or State field audit.

Other Services Provided

Our experience in governmental auditing has led to the development of efficient procedures that provide various client benefits. Our services provide our clients with a wide range of knowledge, confidence, and helpful management advice. We have performed internal control evaluations, processing of monthly financial statements, pension plan consulting and various grant review engagements.


Continuing Education

Our governmental audit staff complies with the continuing education requirements of the State of Florida, the Governmental Accountability Office (GAO), and *Governmental Auditing Standards* (Yellow Book). Our governmental audit staff always exceed this requirement in order to be in compliance with the requirements of the federal single audit act.

Audit Approach

Mr. Moran will plan a preliminary meeting with the City Manager and the Director of administrative services, to go over the overall audit process. We have numerous internal controls, accounting procedures, evaluations and processes that need to be documented. We will fill out all the forms and questionnaires ourselves based on interviews and inquiries of your staff. It is a learning process for both parties and is crucial for proper planning of the audit.

Once we have a trial balance, we will return to our office and spend the next few weeks entering everything into our paperless engagement software, draft up a typed copy of the financial statements, finish all planning forms, and complete all our lead schedules. This will all be done by Mr. Moran, Ms. Munyon and Ms. Michaels.



We would then schedule a site visit to City hall, it would be Mr. Moran and Ms. Munyon performing all in the office field work. We would attempt to get all items we need and get all fieldwork steps performed. We have worked together for the past three years and have a very professional approach to field work. With proper planning back in the office we can reduce the time we spend at City hall.

We would finalize all reports, hold exit interviews, issue draft financial reports. Once everything is finalized, we would take care of all actual report deliveries, electronic deliveries, and filing of all required reports, letters and checklists.

Staffing

Mr. Moran has worked continually on numerous governmental audits each year since 1987, when the first audit he worked on was Franklin County. Local governmental and not for profit auditing is primarily what he does. 32

Mr. Smith's main responsibility is as the tax partner in our firm. However, he has worked on governmental audits to some extent his whole career. Since the formation of our firm he has performed the role of reviewer, consultant and data review. He is a great asset to have back at the office to help us in the field.

Ms. Michaels has worked with Mr. Moran on and off as a full-time employee and part time employee since the early 1990's. She is currently working as a local government finance officer and works part time for us. She is invaluable in her knowledge of the actual financial statements, retirement footnotes, and typing and finalizing the report. She will perform significant functions on the audit.

Ms. Munyon has been with our firm over three years now. She is our main senior auditor now. We work closely together, and she basically only works on governmental audits. She has extensive experience as an auditor. Prior to joining our firm, she had experience as a chief financial officer of a corporation, so she understands the general ledger side of things as a preparer, and she is an expert at QuickBooks.

We have a small team but that insures that you have partner level accountants working on and reviewing your audit. We work well together, and the teamwork will be evident as we perform your engagement.

References

We have attached the two letters of recommendation as required. However, we urge you to contact any of our audit clients and have a discussion with them. We have provided a list of references.

References

City of Quincy
Jack L. McLean Jr.
City Manager
404 West Jefferson Street
Quincy Fl 32351
(850) 618-0020 Ext 1881

City of Bristol
Robin Hatcher
City Clerk
12444 NW Virginia G. Weaver Street
Bristol, Fl. 32321
(850) 643 - 2261

Apalachee Regional Planning Council
Chris Rietow
Executive Director
2507 Callaway Road, Suite 200
Tallahassee, Fl 32303
(850) 488-6211

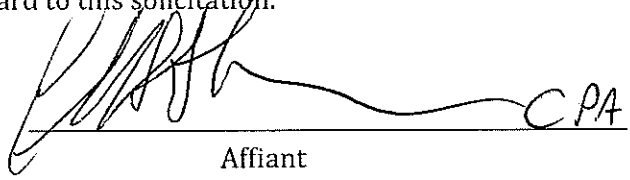
City of Midway
Leslie D. Steele
City Manager
50 M L King Blvd
Midway Fl 32343
(850) 574-2355

**ATTACHMENT A
NO LOBBYING AFFIDAVIT**

**STATE OF FLORIDA
COUNTY OF Liberty**

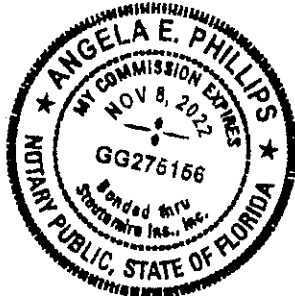
This 17th day of November 2018

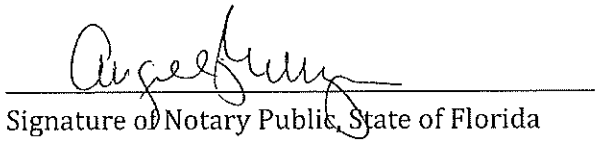
Being first duly sworn, deposes and says that he/she is the authorized representative of Moran & Smith LLP respondent to the attached Request for Qualifications issued by the City of Apalachicola for Auditing Services, and that the respondent and any of its agents agrees to abide by the City of Apalachicola no lobbying restrictions in regard to this solicitation.


CPA

Affiant

Sworn to (or affirmed) and subscribed before me this 17 day of January
2019
~~2018~~, by Christopher H. Moran.





Signature of Notary Public, State of Florida

Angela E Phillips

Print, Type or Stamp Commissioned Name

Personally Known OR Produced Identification _____

Type of Identification Produced _____

**ATTACHMENT B
ANTI-COLLUSION & NO GIFTS AFFIDAVIT**


**STATE OF FLORIDA
COUNTY OF Liberty**

Christopher H. Moran being first duly sworn, deposes and says that he/she

is the authorized representative of Moran & Smith LLP and certifies as true the following statements:

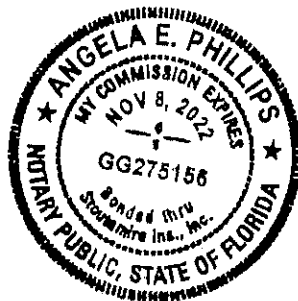
Anti-collusion statement: The respondent has not divulged to, discussed, or compared his/her/its submission with other respondents and has not colluded with any other respondent or parties to the solicitation whatsoever.

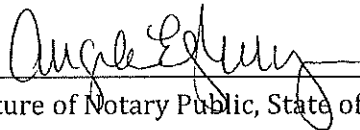
No gifts statement: The respondent understands that no rebates, gifts, gratuities or offers of employment are permitted with, prior to, or after the submission. Any such violation will result in rejection of the submission and removal from the procurement list(s).

 CPA

Affiant

Sworn to (or affirmed) and subscribed before me this 17 day of January,
2019, by Christopher H. Moran
~~2018~~




Signature of Notary Public, State of Florida

Angela E Phillips
Print, Type or Stamp Commissioned Name

Personally Known OR Produced Identification

Type of Identification Produced _____

**ATTACHMENT C
PUBLIC ENTITY CRIME AFFIDAVIT**

As provided in Florida Statute 287.133(2)(a), a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in F.S. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SWORN STATEMENT PURSUANT TO FLORIDA STATUTE 287.133 ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to City of Apalachicola, Florida

BY: Christopher H. Moran, Partner

For: Moran & Smith LLP

Whose business address is: 10850 NW State Road 20, Bristol Florida and 2260 Wednesday Street Tallahassee, Florida

Federal Employer Identification Number (FEIN) is: 45-2773421

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), F.S., means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), F.S., means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), F.S. means:
A. A predecessor or successor of a person convicted of a public entity crime; or

B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prime facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), F.S., means any natural person or any entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Indicate which statement applies)

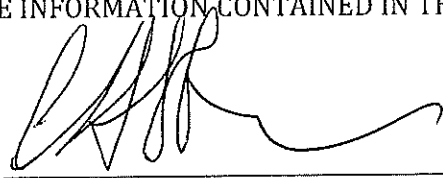
 X Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 NA The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 NA The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the Final Order).

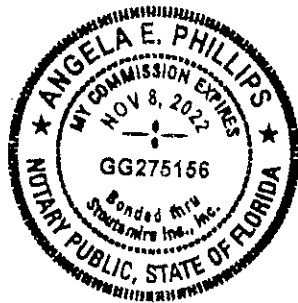
I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND


THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

 CPA

Signature

Sworn to (or affirmed) and subscribed before me this 17 day of January,
2019
2018, by Christopher H. Moran




Signature of Notary Public, State of Florida

Angela E Phillips
Print, Type or Stamp Commissioned Name

Personally Known OR Produced Identification

Type of Identification Produced _____

**ATTACHMENT D
CONFLICT OF INTEREST DISCLOSURE FORM**

For purposes of determining any possible conflict of interest, all respondents must disclose if any City of Apalachicola employee(s), elected official(s), or any of its agents is also an owner, corporate officer, director, employee, agent, etc., of their business.

Indicate either "yes" (a City employee, elected official or agent is associated with your business), or "no". If yes, give person(s) name(s) and position(s) with your business.

YES _____ NO X_____

NAME(S)

POSITION(S)

_____NA_____

_____NA_____

Firm Name: Moran & Smith LLP

 CPA

By (Printed): Christopher H Moran

Title: Partner

Address: 10850 NW State Road 20, Bristol Florida, 32321

Phone Number: (850) - 643-1089

**ATTACHMENT E
IMMIGRATION LAW CERTIFICATION**

The City of Apalachicola will not intentionally award City contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324 a(e) Section 274a(e) of the immigration and nationality and ("INA").

The City of Apalachicola may consider employment by any contractor of unauthorized aliens a violation of Section 274a(e) of the INA. Such violation by the recipient of the employment provisions contained in Section 274a(e) of INA shall be grounds for unilateral cancellation of the contract by the City of Apalachicola.

Respondent attests that it is fully compliant with all applicable immigration laws, specifically relating to the INA and subsequent amendments.

Moran & Smith, LLP
Company Name



Signature

Partner
Title

1/17/2019

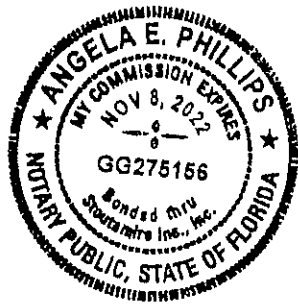
Date

State of Florida

County of Liberty

Sworn to (or affirmed) and subscribed before me this 19 day of January,

~~2018~~²⁰¹⁹, by Christopher H. Moran



Angela E. Phillips
Signature of Notary Public, State of Florida

Angela E. Phillips
Print, Type or Stamp Commissioned Name

Personally Known OR Produced Identification

Type of Identification Produced _____

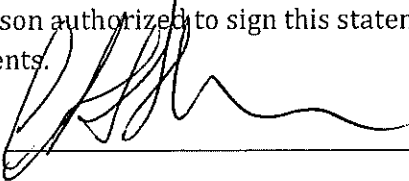
**ATTACHMENT F
DRUG-FREE WORKPLACE CERTIFICATION**

In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under quote a copy of the statement specified in subsection 1.
4. In the statement specified in subsection 1, notify the employees that, as a condition of working on the commodities or contractual services that are under quote, the employee will abide by the terms of the statement and will notify the employer of any conviction or plea of guilty or nolo contendere to any violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in, a drug abuse assistance or rehabilitation program if such is available in the employee's community, by an employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I certify that this firm complies fully with the above requirements.

Signature: _____



Date _____

1/17/19

Printed Name & Title: Christopher H. Moran CPA, Partner
Company: Moran & Smith LLP

Address: 10850 NW State Road 20, Bristol Florida 32321
2260 Wednesday Street, # 400 Tallahassee, Florida 32308
Phone Number: (850) 643 -1089 / (850) 879- 0636

404 West Jefferson Street



Quincy, Florida 32351

January 16, 2019

Mr. Lee Mathis
City of Apalachicola
192 Coach Wagoner Blvd
Apalachicola, FL 32320

Dear Mr. Mathis:

Moran & Smith has audited the City of Quincy for the past 5 years, fiscal years 2013 to 2017. Moran & Smith has been professional, accurate, and timely. We have been able to submit audit reports to the State of Florida ahead of the June 30 deadline. Moreover, the staff has benefitted from the years of governmental experience from Chris Moran. He has made suggestions that have strengthened our internal controls and dropped tasks that are burdensome with no positive impact. Mr. Moran did considerable work on improving the debt schedules and teaching the staff the importance of maintaining such schedules. Finally, the staff feels comfortable bouncing ideas off of Mr. Moran, which benefits us greatly.

Should you have any questions that I can answer, please feel free to call me at 850-618-1894.

Sincerely,

A handwritten signature in black ink that reads "Ted Beason". The signature is written in a cursive style with a large initial "T" and "B".

Ted Beason
Finance Director
City of Quincy



OFFICE OF THE
CLERK OF THE CIRCUIT COURT
SECOND JUDICIAL CIRCUIT • LIBERTY COUNTY

January 17, 2019

Ron Nalley, City Manager
City of Apalachicola
192 Coach Wagoner, Blvd
Apalachicola, FL 32320

Dear Mr. Nalley,

Moran & Smith has been our County audit firm since 2012, and Mr. Moran has overseen our County audit both with his old firm and on his own since the late 1980s. They have always been professional in all aspects of the audit. We work closely with them throughout the year, and this helps us avoid year-end audit problems. They have always met all filing deadlines and they have always submitted our audit reports ahead of the June 30 state filing deadline. Our staff have the type of relationship with the firm that we are comfortable asking for accounting advice all during the year. They have made numerous suggestions that have improved our internal controls, and we greatly value their extensive governmental experience. We highly recommend them.

If you have questions or need further assistance, please feel free to call me at 850-643-2215.

Kathleen Brown
Liberty County Clerk of Court
P.O. Box 399
10818 NW State Road 20
Bristol, FL 32321



Judson B. Baggett | 6815 Dairy Road
MBA, CPA, CVA, Partner | Zephyrhills, FL 33542
Marci Reutimann | (813) 788-2155
CPA, Partner | (813) 782-8606

Report on the Firm's System of Quality Control

To the Partners
Moran & Smith, LLP

January 5, 2017

and the Peer Review Committee of the Florida Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Moran & Smith, LLP, (the firm), in effect for the year ended August 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control, and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Moran & Smith, LLP, in effect for the year ended August 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Moran & Smith, LLP, has received a peer review rating of *pass*.


Baggett, Reutimann & Associates, CPAs, PA

(MORAN_REPORT17)