

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, MARCH 8, 2022, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash
Commissioner Anita Grove
Commissioner Despina George
Commissioner Adriane Elliott
Commissioner Donna Duncan

Travis Wade, City Manager
Deborah Guillotte, City Clerk
Dan Hartman, Attorney

CALL TO ORDER

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

AGENDA ADOPTION

Commissioner Adriane Elliott made a motion to approve the Agenda with the aforementioned amendments adding: 1) Item 7 – City Manager – Approval for the Waste Water Treatment Consent Fine and payment; and 2) Item 8 – Grant Manager Coordinator – to apply for the FBIP – FWC Grant Application. Commissioner Anita Grove seconded and the motion carried 5-0.

PUBLIC COMMENT

Public comments consisted of the following: 1) Sylvester Williams Park retention pond issue and notification to the citizens – there is a summary in the Agenda packet online; 2) Flood Insurance rate increase – Community Rating System – staff will research.

UNFINISHED BUSINESS

1. RESILIENCE/INFRASTRUCTURE WORKSHOP

Commissioner Grove stated she had requested a Rescue Money workshop. Workshop date to be determined.

NEW BUSINESS

1. VOLUNTEER WEEK PROCLAMATION

Mayor Ash read Volunteer Week Proclamation in its entirety.

Commissioner Grove made a motion to accept the Volunteer Week Proclamation. Commissioner Despina George seconded and the motion carried 5-0.

MAYOR AND COMMISSIONER COMMENTS

Mayor and Commissioner Report – See Attachment “A”

Commissioner Comments consisted of the following: 1) Happy Women’s History month; 2) Prayer vigil for Ukraine at Riverfront Park on February 15th; 3) CRA – Thanks to Attorney Dan Hartman and Commissioner George for all they have done in this ongoing issue - CRA is null and void, until further action is taken and that all financial aspects should be turned over to our CPA or City Auditor for their opinion before moving forward; 4) City burn ban; 5) public restrooms – public works is cleaning each morning until resolved; 6) Riverfront Park - floating dock issue and possible replacement.

CITY MANAGER

City Manager Report – See Attachment “B”

1) Mr. Wade reviewed the WWTP Consent order issues and fine of \$10,500, and requested authorization to make this payment. Mayor Ash asked that Mr. Wade confirm that the Waste Water Treatment Plant team is adhering to, and following up on the Consent Order requests, reports and monitoring as requested by DEP, and the City is moving in the right direction. Mr. Wade stated yes they are adhering to these requests, and reviewed.

Commissioner Donna Duncan made a motion to allow Mr. Wade to remit the fine payment to DEP in the amount of \$10,500. Commissioner Elliott seconded and the motion carried 5-0.

1) **Meeting Room Furniture** – Travis Wade requested authorization to purchase the Commission meeting room furniture from Executive Office Supply in the amount of approximately \$19,000.

Commissioner George made a motion to table this item and requests that Mr. Wade prepare a cost estimate for the work at the old Library, pending complete cost of project from now forward. Commissioner Grove seconded and the motion carried 5-0.

GRANTS COORDINATOR COMMUNICATIONS

Bree Robinson – See Attachment “C”

1) **FWC – FBIP Grant Application Authorization** - Mr. Wade requested a motion in favor of applying funding to replace the seawall at Battery Park Marina.

Commissioner Elliott made a motion to approve the application for the FBIP Program for seawall improvements. Commissioner Duncan seconded and the motion carried 5-0.

FINANCE DEPARTMENT

Commissioner George stated that these balances are not reliable, due to the quick books accounting system and the adjusting journal entries were beginning and end of the prior fiscal year have not been posted, and also the cash balance will be out a significant amount.

ATTORNEY COMMUNICATIONS

Attorney's Report – See Attachment "E"

1) Lafayette Park Lighting Agreement - Mayor Ash thanked Marie Marshall and her family for all they have done for the City.

Commissioner George made a motion to approve the Lafayette Park Lighting Donation Agreement between the Apalachicola Historic Foundation, Inc. and the City of Apalachicola, and authorized execution by the City Manager and Mayor Ash. Commissioner Grove seconded and the motion carried 5-0.

2) Solid Waste RFP – Attorney Josh Pasqualone gave an update.

CONSENT AGENDA

A. Meeting Minutes Adoption – December 21, 2022 Vision Session; January 4, 2022 Regular Meeting; February 10, 2022 Regular Meeting, and February 23, 2022 – 5pm Special Meeting Minutes.

B. Planning and Zoning Minutes – February 2022

Commissioner Elliott made a motion to approve the Consent Order. Commissioner George seconded and the motion carried 5-0.

DEPARTMENT REPORTS

ADJOURNMENT

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

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

Commissioner Despina George

Topics for Commissioner Comments for March 8, 2022 regular meeting

1.- Need to revise Resolution 2018-12 re city's audit committee:

There is a need to revamp the composition and duties of the audit committee, as well as a need for a clear understanding of the role of the city commission with respect to the city's annual audit. I'm seeking input and consensus from the city commission, and I request to be tasked to develop a proposal and revised draft resolution for presentation at the April regular meeting.

Issues:

- a) Consider limiting the role of the audit committee to the statutory requirement to provide assistance to the city commission for selection of an audit firm to perform the city's annual audit.
- b) Consider changing the number of commissioners to serve on the audit committee
- c) Consider formalizing the city commission's role in communications with the auditor prior to issuance of the annual audit report.

Link to Florida Auditor General Guidelines:

[Microsoft Word - Auditor Selection Guidelines Final 2 .doc \(flauditor.gov\)](#)

Attachment: Resolution 2018-12

2.- Apalachee Regional Planning Counsel (ARPC) updates:

At last month's regular meeting, Mayor Ash requested that I report to the commission updates from the ARPC board meetings, as I currently serve as our representative on the board.

Link to board packages and minutes from previous meetings:

[BOARD PACKAGES | arpc](#)

Attachments: ARPC Board Notes from January, 2022.

3.- Community Redevelopment Agency (CRA) calculations:

I've prepared calculations and other documentation to assist the commission in determining the steps to be taken because of the expiration of the term of the CRA. They are in the package for discussion only.

Attachments: Schedule of repayments to taxing authorities, proforma sample budget amendment, verification of CRA trust fund balances, and schedule of annual TIF revenues deposited to the CRA trust fund.

March 2022 City Manager Updates

Finance Clerk Sara Gregory: Ms. Gregory has taken another job in the healthcare field and has provided the City with 30 days notice. Her last day with the City of Apalachicola will be March 16, 2022. Ms. Gregory has been an asset to the City and has stepped up to help in issues involving the Finance Department, Water Department, Wastewater Treatment Plant, as well as others. Code Enforcement Officer Angela Creamer, who has finance experience in previous positions, is currently being trained to move into Ms. Gregory's position upon her departure.

Old Library (6th Street): Work continues at the old Library to prepare it to serve as the Commission's meeting room. New doors have been installed, the A/C has been serviced, a wall has been added, new electrical has been installed, and flooring has been ordered.

Former AHS Library space: As the number of City staff has grown, we have outgrown the space in the front office of City Hall. Therefore, space in the former AHS library has been renovated for office space, a workspace for projects and grants, as well as a conference room. The walls were painted, electrical has been repaired, air conditioning was added and carpet is being ordered.

Legislative Appropriations: The Mayor and I met with Senator Ausley and Representative Shoaf regarding the City's Legislative Appropriations requests. The City filed two requests, including a \$600,000 request for I&I studies of the wastewater and stormwater systems, and \$1.1 million to fund the engineering and design of the City's wastewater treatment plant. The engineering request does not look like it will be approved. The request for I&I studies is still a possibility, but could be funded at less than the requested amount.

Duke Energy Economic Development: I met with representatives from Duke Energy's Economic Development staff, The Great Northwest, Opportunity Florida, and staff from Franklin County to discuss economic development opportunities at property owned by the City and County near the airport. Duke Energy has assigned economic development staff to assist the City and County in determining the feasibility of using the City's 95 acre parcel, and adjacent property owned by Franklin County for economic development. Based on factors including, proximity to the airport, rail lines, the Gulf of Mexico, Highway 98, and the City's reuse water facility, and others, the contractor will determine the marketability of that property to industrial interests.

Water Department Warning Letter: The Florida Department of Environmental Protection issued a Warning Letter to the City of Apalachicola on December 21, 2021, regarding issue with the Potable Drinking Water System. With the assistance of Dewberry Engineering, the City responded to the Warning Letter on February 7, 2022. A copy of the response to the warning letter is appended to this update.

Wastewater Treatment Plant Warning Letter: The Florida Department of Environmental Protection issued a February 9, 2022 Warning Letter to the City citing issues at the Wastewater Treatment Plant from a compliance evaluation inspection conducted on December 15, 2021. A telephone conference was conducted with FDEP, Dewberry Engineers, and City staff on February 24, 2022, which served as the City's initial response to the warning letter, but an official response is being drafted with the assistance of Dewberry Engineers and the WWTP's Lead Operator William Cox. The WWTP warning letter is appended to this update.

Grant Development and Implementation Coordinator – Bree Robinson

City Commission Meeting – Tuesday, March 8, 2022

1. Florida Department of Transportation – SCOP Grant Application – Leslie Street
City Commission passed Resolution 2022-01 on 2/23/22 for the City of Apalachicola to apply for funding for Leslie Street. The City is requesting \$610,169.30 to remedy the underground issues, resurfacing the entire street length, and for new road signs based off of engineer's suggestions and recommendations. There are no dates available currently for awards, etc.

2. National Fish and Wildlife Foundation – Emergency Coastal Resilience Fund 2021 – City of Apalachicola Regional Park and Stormwater Facility Phase 1

Full application submitted on 2/16/2022 requesting \$712,314.58 for feasibility study and design for 3 locations: Sylvester Williams Park, the Botanical Gardens, and a large unused parcel of land that the City owns near the airport.

Please see attached application questionnaire for full updates. It addresses:

- What grant did the City of Apalachicola apply for and what?
- Proposed Site Locations:
- What is a Stormwater Park?
- What do Stormwater Parks look like?
- What is a feasibility study?
- What will happen if the application is awarded? Is there going to be construction?
- Opportunities for Citizen Input?
- Who to reach out to with questions, concerns, or ideas?

If approved this will be posted on the website and then altered for public notice if grant is awarded.

3. Florida Department of State African-American Cultural and Historical Grant – Apalachicola Museum of African-American Culture and History

Application Denied.

Submitted on 11/30/21. The ranked list of applications was sent out on 2/28/22 and Apalachicola's application ended up ranking 66/152, with the last accepted application being number 53 and about \$7 million away from being funded. (This program had \$80 million in requests for \$30 million in funding!)

Staff suggestion is to break this project into two phases for future applications.
Phase 1: Planning & Design

Phase 2: Construction

4. HMGP – Backup Generator for Vacuum Station (108 Avenue F)

Grant application was submitted for \$170,000 for a new backup generator. (Current in use is too small for need.) Had to apply for a portable generator instead of stationary, as they will not fund for a stationary one in a flood zone. **Still in review – Two RFIs (requests for information) were received and answered.**

5. Leslie Street***WAITING FOR UPDATE ON APPEAL***

Reached out to FEMA 2/1/22 – Project still in review; no timeline. Seeking out other grant opportunities from FDOT.

6. National Park Service Grants for Repair and Restoration of the Montgomery Cotton Warehouse (Old City Hall) and the Harrison-Raney Cotton Warehouse (HCA)

The City has signed a contract with the historic architect (4M Design – Mark Tarmey) and he has begun measuring, photographing and assessing the two buildings in terms of documenting existing condition and recommended required repair that will be completed in accordance with historic standards. The City has successfully met the first progress report deadline and procurement deadlines set out in the grant agreement. RFP's for electrical, construction, roof, and flood mit RFP's still in progress – coordinating with 4M Design.

Old City Hall - Architect has completed and submitted structural analysis and hopes to complete the full analysis with drawings and structural recommendations soon.

HCA – Architect is finishing measurements and will have assessment complete by next month.

7. Grants Update -

- a. FDOT City Landscaping Bids Received –**Work began 2/3/22 and final walkthrough is afternoon of 3/2/2022.**
- b. CDBG-DR Infrastructure – Avenues Stormwater Repair Project is moving forward. City had 30 days to submit documents (policies and procedures, etc.) to DEO. (end of Feb.). Engineer Procurement and design will need to be secured and created along with environmental review and clearance, then we

are scheduled to bid out and begin construction in October/November.

Engineer to be procured once DEO approved solicitation documentation.

- i. City is missing 3 internal policies that were requested, (DEO is giving us more time on these as long as we are progressing):
 1. Fraud Waste and Abuse Policies
 2. Financial Management Policies
 3. Quality Assurance and Quality Control PoliciesCity staff is working on creating policies for review.
- c. CDBG-DR Hometown Revitalization – Submitted Scope of Works for both the Riverfront and Hill Projects. 2/3/2022 DEO let us know that both agreements are currently going through their internal routing process and they will update us when they have an update. – 3/2/22 Riverfront Revitalization and Hill Community Revitalization projects: Grant agreements being formulated at DEO, City to begin environmental exemption process on administrative and engineering services. Engineer to be procured once DEO approves solicitation documentation.
- d. HMGP Emergency Generators – Awaiting CDBG-DR Award for Matching Funds. Received and signed and Release of Funds forms for CDBG-DR match – in contact with DEO weekly waiting for status updates and notice to proceed.
- e. HMGP Market Street Vacuum Station Documents received and executed. Awaiting CDBG-DR Award for Matching Funds. Received and signed and Release of Funds forms for CDBG-DR match – in contact with DEO weekly waiting for status updates and notice to proceed.
- f. Michael FEMA Projects Updates
 - i. Dewberry working on documentation for Scopes on Bodiford Park and the Mill Pond Mooring Basin. Permits filed for within deadline to US Corps of Engineers – additional RFIs for Bodiford received. Answers sent in.
 - ii. Scipio – Designs from Dewberry coming soon.
 - iii. Alleyway Repairs – Alleyway: 3, 7, 9, 8, 10, 11, 6, 2, 5, 12, 4 Crushed Shells to be replaced. Speaking to public works on timeline – working with Travis on this.
 - iv. Old City Hall and HCA Contents loss from Michael – Ordering replacement items from loss. (Funding already received – just needs to be ordered and receipts turned in.) Some items have been ordered through the month – being careful not to go over \$\$ limits. Will finish up ordering items in March.
 - v. Lafayette Park – Will change scope of this project once the lighting donation project is complete. Waiting on updates from Dan.
 - vi. Hurricane Sally – waiver of match application documents submitted and sent in.
- g. DEP – WWTP Tank Cleaning – US Submergent mobilized and began work 12/1/21. First round completed on 12/9. Had leftover grant funds after service, so they are coming back in September to complete another round of sand and grit removal and grant will close out in October 2022.

8. *DEP Grant Applications – WWTP & Vulnerability Study*

Grant #2 is an application for the WWTP totaling \$14 million - the City of Apalachicola was approved for the full \$14 million for new equipment and relocation. DEP contacted us and let us know we had 2 duplicated grant efforts both submitted to them. Both are for the WWTP – and combined could cover the entire WWTP Project costs, headworks and all. We are waiting to hear from DEP about combining efforts before we de-obligate the DEO funding of \$4million for the Headworks. ~~*RFP for Engineering Services for the WWTP will be submitted to the paper the week of 2/7 and will be published the week of 2/14.*~~

- ◆—DEP requested to review RFP documents before solicitation. Waiting for updates and have been inquiring weekly on status.
- Currently engineers are revising opinion of cost to submit to DEP for final review concerning eligibility of scope to be fully funded under DEP with 2 different funding sources (Resilient Florida and Water Restoration Assistance)

Grant #1 Vulnerability Study

Second round application submitted on 2/14/2022. Waiting for updates.

9. *Battery Park – 10 Foot Hole Seawall –*

Documents to go out for bid are ready, but estimates for this project came in around \$280k. As an out of pocket expense, this is higher than anticipated and higher than budgeted for. **FWC FBIP (Florida Boating Improvement Program) grant applications are due 4/4, City is planning on applying for this initiative to potentially cover the cost difference.**

10. *USDA Water Street Permeable Parking Sidewalk and Lighting –*

The one bid received was highly over budget - cost of materials has risen above our awarded amount for this project. USDA recommended a change of scope to include the sidewalk, but to omit the permeable pavers in the parking area. Dewberry is updating plans for USDA approval to reject all bids and re-bid out the project or to negotiate with the bid we received. (We previously bid this project out 2 separate times and received only one bid.) **Waiting on updated plans from Dewberry and USDA approval.**

11. *Coronavirus State and Local Fiscal Recovery Funds (SLFRF) – American Rescue Plan*

The City formerly made application to the SLFRF program and received an award of \$1,179,010.00. The City has received half of this allocated amount and will receive the second half after spending the first deposit. City staff believes that the former finance director earmarked this money for engineering expenses for the new WWTP design. If

the engineering is indeed going to be covered by the dual grants from DEP as noted above, then this money is left on the table for the City. (Pending waiting for DEP full scope approval.)

There were original stipulations on how to spend this money with there being 4 categories noted:

1. Public health & economic impacts
2. Premium pay
3. Revenue loss
4. Investments in water, sewer, or broadband infrastructure

There is a FINAL RULE going into effect on April 1st and the City has been advised to not spend any of this money until after 4/1/2022 – the FINAL RULE offers more uses for this funding and could potentially fund several city projects.

Dates:

- » First Report due April 30, 2022
- » Funds must be obligated by December 31, 2024
- » All expenditures must be complete by December 31, 2026

Please see extra info below:

American Rescue Plan Info:

- Final Rule takes place starting on April 1, 2022, until then, the Interim Rule remains in effect. (4 categories)
- Electing the "standard allowance" to spend on government services
 - Government Services generally include any service traditionally provided by government unless Treasury has stated otherwise. Here are some examples:
 - Construction of schools and hospitals
 - Road building and maintenance and other infrastructure
 - Health Services
 - General Government administration, staff, and admin facilities
 - Environmental remediation
 - Provision of police, fire, and other public safety services, including purchase of vehicles
 - **However, these funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (uses of funds that undermine COVID-19 mitigation practices in line with CDC guidance and recommendations)**
 - All projects MUST follow 2CFR procurement
 - No construction of the following:
 - New correctional facilities as a response to an increase in rate of crime

- New congregate facilities to decrease the spread of COVID 19 in the facility
- Convention centers, stadiums or other large capital projects intended for general economic development or to aid impacted industries
- Funds cannot be used for payments for debt services or replenishing rainy day funds.
- Reporting – first report will be due on April 30, 2022

All information included in this report is accurate as of March 2, 2022 at 12:00pm. After that time, information is subject to change.

NFWF – Emergency Coastal Resilience Fund 2021:

City of Apalachicola Regional Park and Stormwater Facility Phase 1 Feasibility Study

Application Questionnaire for City of Apalachicola Citizens

What grant did the City of Apalachicola apply for and for what?

- The City of Apalachicola applied for a National Fish and Wildlife Foundation grant – the Emergency Coastal Resilience Fund 2021 program on February 16th, 2022. The City applied with the project: City of Apalachicola Regional Park and Stormwater Facility Phase 1 Feasibility Study in the amount of \$712,314.58. We are hoping to hear awards by May 2022.
- This application is to fund a feasibility study, environmental assessment, and engineering to utilize City of Apalachicola owned property to potentially create a regional stormwater facility and walking park in the future. (This application is not for construction.) The new park would serve as a regional stormwater facility that will provide flood protection and treatment of urban runoff pollutants along with providing a walking park and recreational hub for the surrounding community.
- We are hoping to evaluate 3 sections of City owned land:
 - **Sylvester Williams Park** - The Sylvester Williams Park will ultimately demonstrate the enormous benefits of the low-impact development planning process by creating a dual-purposed area. The higher elevation at this location would allow for a large volume of stormwater to be treated and stored here. In addition, integrating the stormwater facility within the park will increase environmental sustainability. The park currently covers approximately 8 acres. Based upon current information, the location of the park could serve as a stormwater facility that would receive stormwater runoff from approximately 20% of the City.
 - **Botanical Gardens** - The Botanical Gardens, is a low-lying area that could potentially be a smaller stormwater park. Although smaller in area, the Botanical Gardens would still support a wet pond facility and would utilize walking trails to allow the community to preserve the beauty of the park while utilizing the walking trails as a health benefit.
 - **90 Acre City-owned parcel** - The large unused parcel of land owned by the city, nearby to the airport, could be used to create a stormwater park that could potentially serve as a future area for economic development or affordable housing. By developing a large stormwater park on this property, the City could set the tone for future smart development of the surrounding areas. By integrating wetland features in the stormwater facility and rehabilitating some of the degraded wetlands that exist on the parcel, the City could develop a site that is both environmentally and aesthetically pleasing.
- Proposed site locations for feasibility study:



What is a Stormwater Park?

- Stormwater parks enhance communities by treating stormwater and providing recreational opportunities. Well-designed green stormwater infrastructure practices blend seamlessly into the existing landscape and provide an aesthetically pleasing experience for both citizens and visitors. Essentially, a stormwater park is a space specifically engineered to draw, treat, and hold the City's stormwater in a retention pond or designated area to relieve flooding and pooling of stormwater within City limits.
- Currently, the City of Apalachicola experiences flooding in certain areas of the city and would like to see more options to treat stormwater runoff before the stormwater discharges into the Bay. The City would like to design these regional stormwater facilities to integrate into the surrounding areas and to give greater benefit to the communities that these facilities will serve. By using low-impact designs and designing facilities that are being implemented within park settings, the communities located around these parks will be able to utilize the facilities for recreational benefits.
- The proposed sites could provide the entire city with the following impacts:
 - Community Health and Fitness impacts
 - Greater Water Quality
 - Impacts to the Fishing and Oyster Industries through Stormwater Quality
 - Greater Community Social Interaction
 - Preservation of Environmental Features
 - Possible Economic Development
- (Good resource for more information: [gupc-resource-guide.pdf \(nrpa.org\)](#))

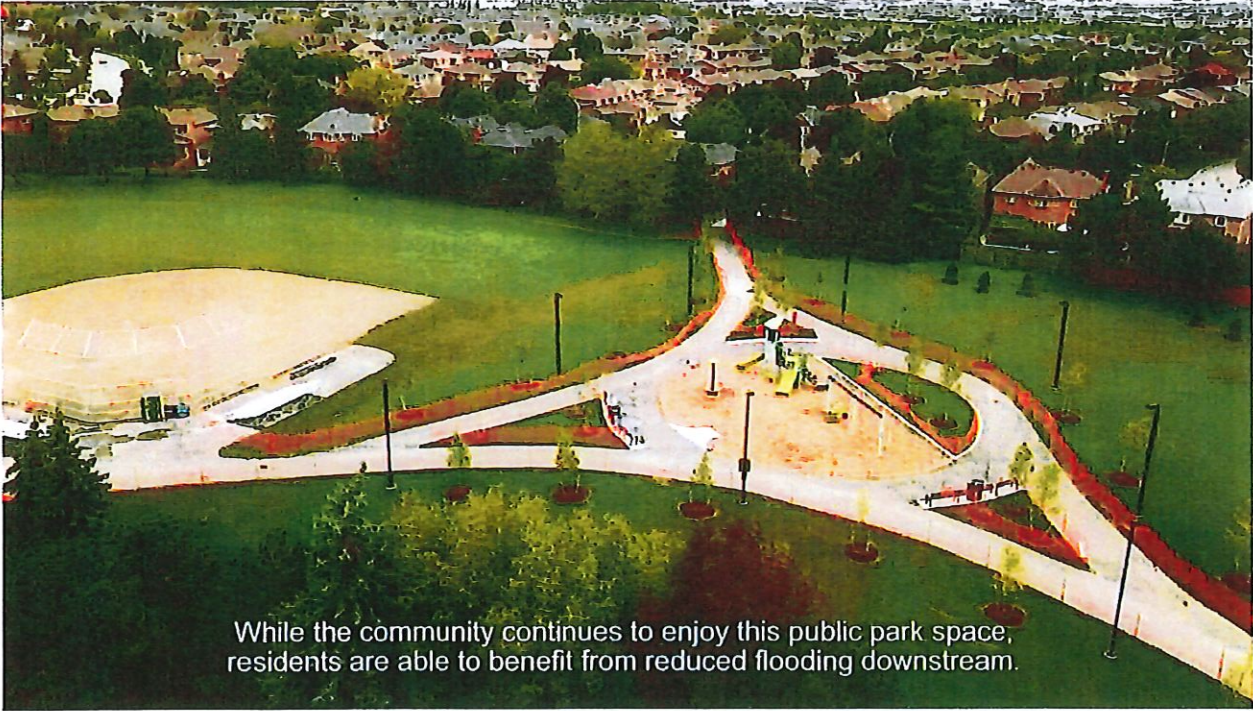
What do Stormwater Parks look like?



(Cascades Park – Tallahassee, FL)



(Draa Field Stormwater Park – Titusville FL)



(Eastgate Park Stormwater Management Facility – Mississauga, Ontario)



(Corktown Common Park – Toronto, Ontario)

What is a feasibility study?

- A feasibility study is an assessment of the practicality of a proposed plan or method, basically taking every factor into account and seeing if a project is possible, practical, and suitable for the area. Various site conditions can have an impact on determining the most appropriate green stormwater infrastructure practices available, or how a specific practice must be adapted to meet the physical constraints of the site. These include climate, soil conditions, space availability, and the location of sewer, stormwater, water, and other utilities.
- Each site will be evaluated from an environmental standpoint. All natural features will be delineated. Wetlands and uplands will be mapped for each site. Hydrological studies will be performed. Geotechnical services will be utilized to determine seasonal high water tables. Finally, topographic information will be utilized to determine what areas of the City could drain to each site.

What will happen if the application is awarded? Is there going to be construction?

- If awarded, there will be no construction funded from this application – this application is strictly for the studies and design work. If Phase 1 is funded and the feasibility studies are successful and show potential, the city commission will then make the call to apply for Phase 2: Construction, pending input from citizens on site selection and design. If awarded, there will be opportunity for citizen input during the study and design process during Phase 1.
- If this project is not awarded, then it will be tabled for more discussion and potential future grant opportunities.

Opportunities for Citizen Input?

- If awarded, the City will then schedule and hold Stakeholder Workshops to help evaluate the feasibility of each site, determine design features for the site and provide the City residents with an opportunity to give input to

the overall designs for the project. The ideas that come out of the workshops will be implemented during the design phase of the project.

- Current Design Ideas Include:
 - Lit Walking Track
 - Pavilions and Picnic Tables
 - Court (Pickleball, etc.)
 - Fountains within the Retaining Pond
 - ADA Compliant Playground Equipment
 - Bike Racks
 - Amphitheatre
- Citizen input will be a large factor in evaluating the feasibility of this project and choosing a final site for the Phase 2: Construction application.

Who can I reach out to with questions, concerns, or ideas?

- If you have a technical question about stormwater parks and what they can offer, you can direct your questions to City Manager Travis Wade (twade@cityofapalachicola.com) or to Bree Robinson (brobinson@cityofapalachicola.com).
- If you have general questions, concerns, or ideas you can reach out to your commissioners:
 - Mayor Brenda Ash – bash@cityofapalachicola.com
 - Anita Grove – agrove@cityofapalachicola.com
 - Despina George – dgeorge@cityofapalachicola.com
 - Donna Duncan – dduncan@cityofapalachicola.com
 - Adriane Elliott – aelliott@cityofapalachicola.com

ATTORNEY REPORT

TO: City Commission, City of Apalachicola

FROM: Daniel W. Hartman, Esq.

DATE: March 2022

SUBJ: City Attorney Report for Commission Meeting

1. Code Enforcement Matters

a. *Smith/Hall SW Floodplain matter*

At the most recent Case Management Conference the Court set these matters for a one day trial on August 10, 2022. Efforts to settle both cases are ongoing.

2. CRA

Research has been conducted per the direction from the City Commission at the February 2022 meeting. The threshold question is whether or not the Commission can extend the term of the CRA consistent with the provisions of Section 163.3755, F.S. On this question I have consulted with a number of professionals experienced with the law and practices associated with Florida CRA's and researched available legal resources.

Based on my research to date I have concluded that there does not exist legal authority to extend the term of the CRA in light of the plain language of applicable Florida law. The result is that the City should conclude the financial affairs of the CRA consistent with State law in consultation with the City auditor. The City has the option of setting up a new CRA consistent with Ch. 163, F.S.

3. Lafayette Park Lighting Agreement

Attached for review is the Lafayette Park Lighting Agreement. Material revisions are as discussed at the previous meeting. Specifically, providing for payment by the Historic

Apalachicola Foundation, Inc. (Foundation) of all labor and material costs. The Foundation reserves to itself the option of terminating the agreement in the event the labor and/or material costs exceed expectations. Also the Foundation will directly contract and pay for materials and labor required for installation. **Action is required to approve the agreement and authorize the Mayor or Manager to sign the Agreement on behalf of the City.**

4. Solid Waste ITN

Available for review and comment is the Draft Solid Waste ITN. The ITN has also been provided to the City's solid waste consultant for review and revision. Once finalized it will be advertised and put out for response.