

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, JULY 6, 2021, 6:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

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

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

CALL TO ORDER

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

AGENDA ADOPTION

Mayor Ash requested to amend the Agenda by removing the second reading of the Fence Ordinance 2021-02, to be held the following month, and to add the adoption of Resolution 2021-09 for the Statewide Mutual Aid Agreement.

Commissioner Despina George made a motion to adopt the Agenda with the discussed amendments. Commissioner Anita Grove seconded and the motion carried 5-0.

PRESENTATION

- 1. Proclamation – In Honor of Mayor Kevin Begos – City of Apalachicola** – Attorney Dan Hartman read and presented the Proclamation in Honor of Mayor Kevin Begos, to his Sister, Cassandra Begos.
- 2. Proclamation – In Honor of Mayor Kevin Begos – Representative Jason Shoaf** – Attorney Hartman read and presented the Proclamation from Representative Jason Shoaf in Honor of Mayor Kevin Begos, to his Sister, Cassandra Begos.
- 3. Plaque Presentation – In Honor of Mayor Kevin Begos – City of Apalachicola** – Attorney Hartman presented the Plaque, in Honor of Mayor Kevin Begos, to his Sister Cassandra Begos.

UNFINISHED BUSINESS – ORD# 2021-02 – FENCE - SECOND READING

No Action Taken - Tabled for the August meeting.

UNFINISHED BUSINESS – ORD# 2021-03 – BATTERY PARK MARINA -FIRST READING

Attorney Hartman reviewed comments recently received, which include: penalty/fines section – whether to put in the Ordinance, or add to the fiscal year Budget Fee Schedule that can be updated every budget year; live aboard; transient docking; and review and revise slip rental contract. Attorney Hartman will contact Mr. Leo Bebeau about the Budget Fee Schedule on the fees and fines, and also asked if the Commission would like to add any of these changes to please notify him.

Commissioner Grove made a motion to table Battery Park Marina Ordinance 2021-03 first reading for the August meeting. Commissioner George seconded and the motion carried 5-0.

NEW BUSINESS

1. P&Z – SIGN ORDINANCE WORKSHOP REQUEST

Attorney Hartman stated that Planning & Zoning requested a joint workshop to update the sign ordinance with the City Commission on the size and lighting of signs.

Commissioner Grove made a motion that P&Z schedule a workshop to address the sign ordinance issues. Commissioner George seconded and the motion carried 5-0.

NEW BUSINESS

2. HEIGHT RESTRICTIONS – BOBBY MILLER

Mr. Bobby Miller requests that the City adopt an ordinance requiring a height limit change exceeding 35 feet, by a 75% approval from the voters. Attorney Hartman reviewed a few options including: the current 2017 Ordinance, a referendum on the ballot; and putting to a vote by a 75% citizen vote, each time someone wants to exceed the height limit of 35 feet. Attorney Hartman will review and bring a written summary of his findings to the August meeting.

NEW BUSINESS

3. CITY SQUARES UPDATE – DIANE BREWER

Mrs. Diane Brewer gave a brief update on the Project to Restore the City Squares, and also the City Squares that have been adopted by citizens.

NEW BUSINESS

4. ADOPT – STATEWIDE MUTUAL AID AGREEMENT – Resolution 2021-09

Mr. Travis Wade stated this Statewide Mutual Aid Agreement allows the City to seek mutual aid through emergency management.

Attorney Hartman read Resolution 2021-09 in its entirety.

Commissioner Grove made a motion to adopt the SMAA and Resolution 2021-09. Commissioner George seconded and the motion carried 5-0.

PUBLIC COMMENT

Public comments consisted of: Battery Park – people disposing of fish/animal carcasses where kayaks are being launched; signs for pictures at Battery Park and for boat slips; building height ordinance; the communities first moving education summer arts, sports and fitness program for 10 to 19 year olds; softball girls won all-star and are going to the world series; downtown dumpster issues – Mr. Wade stated issue is being dealt with at this time; Denton Cove stormwater; canal; sediment fencing; fill being brought onto the property and retention pond issues - Attorney Hartman and Mr. Wade will send Denton Cove a letter in reference to these issues.

MAYOR AND COMMISSIONER COMMENTS

Commissioner comments consisted of: Garbage/Trash RFP – Mr. Wade stated we are working with a consultant for a quote to prepare the RFP; Denton Cove issues, and the City's procedures for monitoring and inspecting the project during construction – Mr. Wade will look into these issues; 2019-20 audit still in process, and the exit interview will follow when complete.

CITY MANAGER COMMUNICATIONS

1. Consent Orders Update – Waste Water Consent Order: 1) Repair and installation of an automatic bar screen – almost complete; 2) Installation of hydrogen sulfide neutralizing system for the three lift stations – directly connecting to the plant; 3) Perform structural and coating integrity inspection of the headworks by an experienced and registered structural engineer – complete and reports issued; 4) Rehabilitate and repair chipped and cracked coating and linings on treatment and storage facilities – complete. Drinking Water Consent Order: TTHMs are within the required amounts for the first time in a very long time. All tasks will be complete by July 31, 2021. A recent call with the Northwest District Director indicated that FDEP is pleased with the City's continued progress with meeting the requirements of both consent orders.

2. Repairs Update - Hydrants, Courthouse Streets, Stormwater Drains -

Hydrants: The RFP for the replacement of 30 fire hydrants, which is being used as an in-kind project to offset the FDEP penalty was due Friday, July 2, 2021. The project will be scheduled as soon as a contractor is selected. Courthouse Streets: Forbes Street has been scheduled to be repaired when the contractor can have a certain piece of equipment delivered. The equipment is being used by the contractor on two jobs, so it is being coordinated to avoid two delivery charges. Leslie Street: This project is still in the grant application phase. We are waiting to hear back on the application. Stormwater Drains: This is in the grant application phase and awaiting a response.

3. **THM Update** - City Contractor Michael Wahlquist, working with Rhett Butler and Will Cox, has brought the City's THM amounts into compliance with FDEP for the first time in a long time. Each testing site on the City's water system tested within the appropriate limits during the most recent THM tests. FDEP requires that THMs stay below 80 mg/1, and all sites were in the range of 45.39 to 62.66 mg/1.

4. **Leo FRS** – Mr. Wade requested that Mr. Bebeau be changed to the Senior Management rate for retirement, and this will require advertisement for two publications, and also review the monetary changes to the budget.

Commissioner George made a motion to begin the public hearing process for approval of reclassifying the Finance Director, Leo Bebeau, under the Senior Management category of the Florida Retirement System. Commissioner Adriane Elliott seconded and the motion carried 5-0.

5. **Website RFP – Reject all Bids** – The City received one bid of \$25,866, which was extremely high, and requests to have a motion to reject any and all previous bids and re-bid.

Commissioner Elliott made a motion to reject the bid received from the previous website development RFP and re-bid for the Website RFP. Commissioner George seconded and the motion carried 5-0.

ATTORNEY DAN HARTMAN COMMUNICATIONS

1. **Run-Off Election** – Attorney Hartman was asked to research different ideas of handling run-offs, for upcoming elections. Mayor Ash suggests we table this item.

Commissioner Elliott made a motion to table the run-off election process. Commissioner George seconded and the motion carried 5-0.

FINANCE DIRECTOR LEO BEBEAU COMMUNICATIONS

1. **Budget Calendar** – Mr. Bebeau reviewed the proposed budget calendar and stated there will be a budget workshop July 21, 2021, at 3:00 pm, and the budget hearings on September 8 and September 22, 2021, at 5:00 pm. Commissioner Grove would like the workshop on July 21st, to be at 4:00 pm. Mayor Ash asked everyone to check and see if there is a conflict and let Mr. Wade and Mr. Bebeau know the time for the workshop on July 21st.

2. **Continuing Services Contracts – Engineering** - See attached exhibit "A".

Commissioner George made a motion to authorize Mr. Bebeau to work with Attorney Hartman to develop and execute Continuing Engineering Services Contracts with each of the firms that

submitted documentation required for certification as a CFR-200 compliant firm. Commissioner Grove seconded and the motion carried 5-0.

3. CRA Funding – See attached exhibit “A”

Commissioner Grove made a motion to authorize Mr. Bebeau to correct funding errors in the amount of \$34,883 for prior years for the CRA funding. Commissioner George seconded with discussion.

Commissioner Grove amended the motion to direct Mr. Bebeau to submit a budget amendment to correct the \$34,883 deficit for the CRA funding. Commissioner George seconded and the motion carried 5-0.

Mayor Ash asked that the Inter-local agreement for the CRA with the Franklin County BOCC be tabled and discussed at the July 21st workshop.

4. Grants Update – See attached exhibit “A”

a) **Leslie Street** - Commissioner Elliott made a motion to approve Mr. Bebeau to work with Attorney Hartman on an appeal to FEMA for the Leslie Street Project. Commissioner Grove seconded and the motion carried 5-0.

Mr. Wade will work with staff to get all maintenance records for Leslie Street.

Commissioner Grove made a motion to have Gouras and Associates begin and submit the CDBG-DR Infrastructure Grant Application for the Leslie Street project that is due September 17, 2021. Commissioner George seconded and the motion carried 5-0.

Mayor Ash asked that items (b) through (j), not requiring action be reviewed by the commission and if they have any further questions, to contact Mr. Bebeau.

5. Holy Family – Grant application rejected. See attached exhibit “A”

Commissioner Elliott made a motion to table the water proofing of the Holy Family building to the August meeting. Commissioner George seconded and the motion carried 5-0.

6. Community Center – See attached exhibit “A”

7. DEP Grant Application – See attached exhibit “A”

Commissioner Grove made a motion to authorize Mr. Bebeau to submit the DEP Grant for the Wastewater project in the amount of approximately \$13,200,000. Commissioner George seconded and the motion carried 5-0.

8. Project Impact Grant Application/Nadine Kahn FRS – See attached exhibit “A”

Commissioner Grove made a motion to authorize Mr. Bebeau to submit the 2021-22 Project Impact grant. Commissioner George seconded and the motion carried 5-0.

Commissioner George made a motion to add to the list and begin the public hearing process for approval of reclassifying the Project Impact Director Nadine Kahn under the Senior Management category of the Florida Retirement System. Commissioner Elliott seconded and the motion carried 5-0.

9. Fire Hydrants – See attached exhibit “A”

Commission Elliott made a motion to reject any and all bids on the City of Apalachicola Fire Hydrants and Extensions RFP 2021-07, and re-bid. Commissioner George seconded and the motion carried 5-0.

10. Lafayette Park Lighting – See attached exhibit “A”

Commissioner Elliott made a motion for the Commission to authorize Mr. Bebeau to work with City Attorney Hartman to prepare an agreement to secure the offer of alternative funding for Lafayette Park. Commissioner George seconded and the motion carried 5-0.

CONSENT AGENDA

A. Meeting Minutes Adoption – May 4, 2021 Special Meeting; June 6, 2021 Regular Meeting; and June 24, 2021 Special Meeting Minutes.

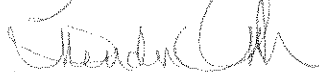
B. Planning & Zoning – June 14, 2021

Commissioner George made a motion to adopt the minutes included in the consent agenda. Commissioner Elliott seconded and the motion carried 5-0.

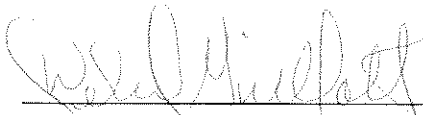
DEPARTMENT REPORTS

ADJOURNMENT

Commissioner Elliott made a motion to adjourn. Commissioner Tammie Ray Hutchinson seconded and the motion carried 5-0.



Brenda Ash, Mayor



Deborah Guillotte, City Clerk

Finance Director – Leo Bebeau for City Commission Meeting – July 6, 2021 – 6:00pm

1. **Budget Calendar** provided. Are there any Questions or Changes Requested?
2. **Continuing Engineering Services**

In March, City Commission approved staff to proceed with RFQ for Continuing Engineering Services from engineering firms. Firms submitting RFQs were also required to submit all documentation required for certification as a CFR-200 compliant firm. These certifications will enable the City of Apalachicola to engage a firm for services while with the knowledge that certain engineering fees can be reimbursed to the city under various grants. The CFR-200 compliance is required by HUD. Six firms responded with varying specialties from drinking water/wastewater, civil engineering, structural engineering, site development, planning, landscape architecture, flood plain analysis, community redevelopment, piers and docks, restorations, new building construction, stormwater, grant development and funding, roadways and sidewalks, ADA compliance, geospatial services, construction management, engineering code development, engineering studies, cost estimation and inspection services. This will enable the city to draw upon a large pool of information, knowledge and experience on the varied projects which the City will be undertaking in the next several years. After review, all firms have met the requirements of the RFQ. **Finance Director requests Board Action for Finance Director - to work with City Attorney Dan to develop and execute Continuing Engineering Services Contracts with each of the firms.**

Dewberry Engineering Services – Port St. Joe, Florida
CDG – Dothan, Alabama
Urban Catalyst Consultants – Tallahassee, Florida
SCE Southeastern Consulting Engineering, Inc. – Port St. Joe, Florida
Kimley-Horn and Associates, Inc. – Tallahassee, Florida
Keith and Associates, Inc. dba KEITH

3. **CRA Funding**

Errors have been made in the funding calculations for the CRA from the City of Apalachicola due to the failure of previous staff to complete the directives of the City Commission. Commissioner Despina George will participate in the presentation of the discrepancies and the actions need to correct the errors. City underfunded CRA by \$15,327 for Fiscal 2019-2020 and \$14,844 for fiscal 2020-2021. Final numbers are being confirmed by Commissioner George. **Finance Director requests Board Action to have Finance Director correct funding errors for prior years.** Due to excess funding required, the Finance Director recommends reduction of funding for Fiscal 2021-2022 from the current unintended 95% less 5% to a revised funding amount of 55% less 5% to offset excess funding for the two prior years. **The Finance Director requests Board Action to authorize City Staff to enter negotiations for a new inter-local agreement for the CRA with the Franklin County BOCC.**

4. Grants Update

- a. Leslie Street has been determined to be ineligible for funding from FEMA for Hurricane Sally. HMGP has determined that Leslie Street will not be funded as it is not Hurricane Mitigation. Appeal to FEMA may be made within 60 days, by August 30, 2021. Appeal should include all maintenance records for Leslie Street for as many years as possible, up to 10 years. **Board Action to approve Finance Director to work with City Attorney Dan Hartman on appeal.** Next opportunity will be to submit a CDBG-DR Infrastructure Grant Application for this on September 17, 2021. **Finance Director requests Board Action to have all maintenance records for Leslie Street provided to him. Finance Director requests Board Action to have Gouras and Associates begin grant application and submit a CDBG-DR Infrastructure Grant Application for this project on September 17, 2021.**
- b. CDBG-DR Infrastructure – Avenues Stormwater Grant on Track. Commission Action needs to request Staff to develop RFP from Engineering Firms for this \$3.6 million project.
- c. CDBG-DR Hometown Revitalization – Riverfront and The Hill - Site visit went good.
 - i. Questions about new asphalt in Riverwalk Park when we are requesting funding for impervious pavers for other city parking areas.
 - ii. Demolition of Old Firehouse cannot proceed until project award even though the City has insurance proceeds to complete. The City cannot start any project which is part of the Application. The demolition is a part of the part of the parking lot project and cannot proceed until the project is awarded.
- d. HMGP Emergency Generators – Cost Benefit Analysis approved after corrections were made to the number of Apalachicola citizens the project would serve.
- e. HMGP Market Street Vacuum Station – City Attorney has completed title search concerning discrepancies in property ownership. Property believed to be owned by the city at 172 Market Street is not. Adjacent lot to the north is owned by the city. Franklin County Property Appraiser has corrected property ownership records. Survey has been ordered from Thurman-Rodenberry. Survey of the property and the alley between Market Street and 4th Street was to be completed by Friday, June 25. It has not been completed. Staff assigned this task has not followed up. Property certification will be made to HMGP administration along with determination about the demolition of the old Market Street pumping station contingent upon receipt of survey.
- f. HMGP Stormwater - This project is being trimmed to include back flow valves on the river, with amended application to include 7 additional backflow valves on the bay. All other projects in the original and amended applications for pipe lining, pervious parking and Leslie Street have been determined to be repairs or new improvements and do not meet the standards of mitigation.
- g. HCA and Cotton Warehouse - The Hurricane Michael NPS Subgrants panel reviewed and scored eligible subgrant applications on February 10th and 11th, 2021. The website states "The Hurricane Michael NPS Subgrants Recommended Ranking list below will be reviewed by the Secretary of State." No further information is available.

- h. Avenue G project is nearing completion. Inclement weather has caused delays beyond an expected 6/30/2021 completion date. Determination cannot be made from documents gathered as re: the \$28,000 expenditure by the city required to meet the requirements for Avenue G to remain a two way street. Additionally, it has been discovered that there is a 38 page Stormwater System Maintenance Plan that was developed in 2017, in conjunction with the approximately \$4,000,000 of grants which the city has received from Florida Water Management Division since 2015. While some of this maintenance may have been required out of necessity, none of the scheduled maintenance has been completed. As the projects are being completed, the City will be required to provide a Report of Activities under the Stormwater System Maintenance Plan by January 31, 2022. Reports are required for two additional subsequent years. Forms are being generated to provide notice to Public Works of the work required and reported to be provided to the Finance Department so that the report may be compiled.
- i. CDBG Manhole Grant - Final paperwork has been submitted for the closeout of the CDBG Manhole Grant Project. Final payment to Roumelis Consulting will be made upon approval by the DEO and receipt of final funding.
- j. Michael FEMA Projects – Finance Director must file a quarterly report that indicated little or no progress on many funded claims.
 - i. Lafayette Park and Pier is getting close. Inclement weather has caused delays beyond an expected 6/30/2021 completion date. See Lafayette Park Lighting Below.
 - ii. Other projects need discussion.

5. *Holy Family*

FEMA has deemed all claims for Holy Family from Hurricane Sally are INELIGIBLE. The primary reason for this determination is that under a Hurricane Michael FEMA for \$18,515.00 which was funded, the Finance Director has been unable to find any evidence of any expenditures except for \$2,000 for flashing repair. The funding was for \$3,000 for roof and gutter repair and \$15,515 for interior repair. The failure to repair the roof and then the failure to repair the interior of the building, show Hurricane Sally site damage pictures and assessments to be almost identical to the Hurricane Michael site damage pictures and assessments. FEMA has requested and the City has been unable to provide maintenance records on the building. The Agenda package includes proposal and documentation from TREMCO, the State of Florida approved contractor. The City has a continued failure to maintain a building which FCT and other grant funders have invested almost \$2,000,000. **Board Action to authorize funding for the Water Proofing of the Building in the amount of \$177,200.** These funds will include the \$18,000 of FEMA funds and \$159,000 from the \$75,000 reserve established in the 20/21 budget, the estimated \$85,000 from estimated \$126,941 additional unbudgeted collections resulting from reduced revenue budgets for ad valorem @ 6/30 -\$30,040 and sales tax collections @ 6/30 - \$23,279 and estimated sales tax collections \$126,941 for receipts from the State of Florida of \$126,941.

CRA has already identified roof as a project.

All information included in this report is accurate as of July 5, 2021 1:15pm. After that time, information is subject to change.

6. Community Center

The City has approximately \$22,190 from FEMA for repair of the roof. I am verifying that we may obtain additional funding from FEMA based on the actual expense required to make the specified repairs. I have requested updated pricing from Lewis Walker Roofing, only firm to submit a bid on the RFP in April, 2021, and from TREMCO, the State of Florida approved contractor. The City is still waiting information on the insurance claim that was submitted for the damages. The FEMA claim was reduced by \$30,000 due to the calculated amount that the City's insurance carrier might have paid.

7. DEP Grant Application

The Finance Director will be preparing and requests a Board Action authorizing the City to submit grant application with the DEP for the Wastewater Project which was submitted in the CDBG-DR Infrastructure Grant Application on November 30, 2020 - Wastewater. A copy of that grant application was provided to the city by the DEO. The City had been unable to access any information on the computer of former Mayor Begos.

8. Project Impact

Nadine Kahn, Director Project Impact, has completed and Leo Bebeau, City of Apalachicola Finance Director, has reviewed the 2021-2022 Application to the Florida Department of Education. Grant Application includes administration fee for the City. **Finance Director requests a Board Action to authorize submission of application.** Additionally, Finance Director is making request under the Florida Retirement System (FRS) that Nadine Kahn be considered for Senior Management Service Class per Florida Statute 121.055. Under (1)(b)1,c. "Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who: (I) Heads an organizational unit; or (II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility." Nadine Kahn meets these requirements. Funding for this change in Florida Retirement System status will be included in the grant budget and requires no funding from the City of Apalachicola. **Finance Director requests a Board Action to authorize change of status for Nadine Kahn in the FRS and publish required advertising to affect this change.**

9. Fire Hydrant Bid Rejection

The City received two bids on Friday July 2, 2021 from contractors to install 30 new City supplied fire hydrants. The bid prices range from 233% to 366% higher than the estimate which was provide by another contractor. **Finance Director requests Board Action for the City Commission to reject any and all bids on the City of Apalachicola Fire Hydrants and Extensions RFP 2021-07.** The City will update and clarify RFP and advertise for new bids.

10. Lafayette Park Lighting

The City of Apalachicola has been awarded funds for the repairs to Lafayette Park for damages due to Hurricane Michael.

Budget includes funds to sandblast, prime and paint light posts, convert lights to LED, clean light globes, sandblast, prime and paint finials, replace 5 damaged globes and replace worn "In Memory Of" plaques. Budget provided for \$8,000 for the conversion of the light posts to LED. Once the project was under way, Dave and Michaelin Watts presented an option to modify the lighting to more environmentally friendly lighting. I asked them to provide the information stating that the budget was \$8000 for the complete conversion and installation of the lighting upgrade to LED. After being assured that the manufacturer had this option available to ship immediately, I requested pricing. Pricing received for the environmentally friendly option is \$49,219.24. Delivery will not be until mid to late September. I informed the Watts that this was no option at all. The Watts along with Marie Marks-Marshall are willing to commit for alternate funding from outside the City to pay the increased expense. **Finance Director requests BOARD ACTION to accept the offer of alternative funding and agrees that it is acceptable for there to be possible no lighting in Lafayette until October, 2021.**

All information included in this report is accurate as of July 5, 2021 1:15pm. After that time, information is subject to change.