

REGULAR MEETING
APALACHICOLA CITY COMMISSION
TUESDAY, MAY 3, 2022 – 4:00PM
BATTERY PARK COMMUNITY CENTER
1 BAY AVE., APALACHICOLA, FLORIDA 32320

Agenda

You are welcome to comment on any matter under consideration by the Apalachicola City Commission 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 three minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

I. Call to Order

- Invocation
- Pledge of Allegiance

II. Agenda Adoption

III. Public Comment

IV. Unfinished Business

1. Resolution 2022-02 -Private Building Inspection Discount

V. New Business

1. Apalachicola Bay Restoration – Dr. Sandra Brooke
2. Apalachicola Main Street July 3rd Fireworks Event
3. 107 Ave B Encroachment Agreement – Dykes, James Property
4. Schedule second workshop for Noise Ordinance
5. Request to expend ARPA funds for spray field tractor and implement

VI. Mayor and Commissioner Comments – Reports Attached

VII. City Manager Communications – Report Attached

VIII. Finance Director Communications – Report Attached

IX. Grants Coordinator Communications – Report Attached

X. Attorney Communications – Report Attached

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TUESDAY, MAY 3, 2022 – 4:00PM
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Agenda Cont'd

XI. Consent Agenda

- A. Meeting Minutes Adoption** – April 5, 2022 Special Meeting – 3pm; and April 5, 2022 Regular Meeting Minutes
- B. Planning & Zoning Minutes – April 11, 2022**

XII. Department Reports

XIII. 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

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 3, 2022**

SUBJECT: Resolution 2022-02 – Private Building Inspector Discount Rates

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number: 1
Department: Administration
Presenter: Dan Hartman

BRIEF SUMMARY: Codifying a private provider discount associated with building permit application fees where the applicant utilizes a private provider for inspections as defined in Section 553.791, Florida Statute.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approval

FUNDING SOURCE:

ATTACHMENTS: Resolution 2022-02

STAFF'S COMMENTS AND RECOMMENDATIONS: Approval

RESOLUTION: 2022-02

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APALACHICOLA
CODIFYING A PRIVATE PROVIDER DISCOUNT ASSOCIATED WITH BUILDING
PERMIT APPLICATION FEES WHERE THE APPLICANT UTILIZES A PRIVATE
PROVIDER FOR INSPECTIONS AS DEFINED IN SECTION 553.791, FLORIDA
STATUTES; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.**

FINDINGS:

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS, the City of Apalachicola has established its own Building Department for the purpose of coordinating the processing of building permits, provision of plan review and inspection services associated with development in the City of Apalachicola; and

WHEREAS the City recognizes that certain building permit applicants elect to utilize the services of a private provider as defined by section 553.791, F.S. to perform inspection services as an alternative to the City Building Official. Historically such building permit applicants have received a 10% discount on their Building permit fee.

THEREFORE, be it resolved by the City Commission, City of Apalachicola, Florida that:

Section 1. The City finds that written codification of the current City Building Department policy regarding building permit holders election to use of private providers for inspection services

is necessary to deal with the increase in construction activity within the City.

Section 2. The City hereby codifies the existing policy that building permit applicants utilizing a private provider for inspections will receive a **10%** discount on the Building Permit Fee.

Section 3. Effective Date. This Resolution shall take effect upon its adoption by the City Commission and signature by the Mayor.

So done this 3rd day of May, 2022.

By: Brenda Ash, Mayor

ATTEST:

By: Deborah Guillotte, City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 3, 2022**

SUBJECT: Apalachicola Bay Systems Initiative

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 1
Department: N/A
Contact: Commissioner Grove
Presenter: Dr. Sandra Boone

BRIEF SUMMARY: Dr. Boone would like to give a brief update on the Apalachicola Bay oyster restoration/recovery efforts.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None

FUNDING SOURCE: N/A

ATTACHMENTS: None

STAFF'S COMMENTS AND RECOMMENDATIONS: None

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 3, 2022**

SUBJECT: Apalachicola Main Street's Independence Eve Fireworks Celebration

AGENDA INFORMATION:

Agenda Location: New Business

Item Number: 2

Presenter: Augusta West, Executive Director of Apalachicola Main Street, Inc.

BRIEF SUMMARY: Apalachicola Main Street's annual Independence Eve Fireworks Celebration is scheduled for July 3, 2022 from 6:00 – 10:00 PM at Riverfront Park. The organization is presenting to inform the Commission about this year's event and to seek approval for alcohol sales on city right-of-way during the event, pursuant to city requirements.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the event plan regarding alcohol sales on city right-of-way during Apalachicola Main Street's Independence Eve Fireworks Celebration on July 3, 2022 (to be held on July 5, 2022 in case of severe weather).

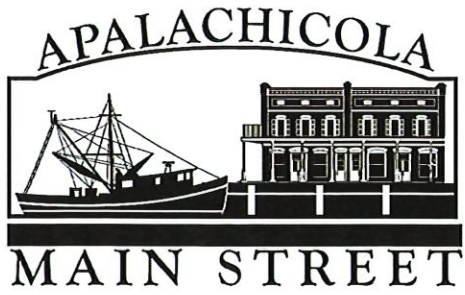
FUNDING SOURCE:

Apalachicola Main Street, Inc., a 501 (c)(3) nonprofit, raises 100% of the event costs through sponsorships and donations from area businesses and individuals.

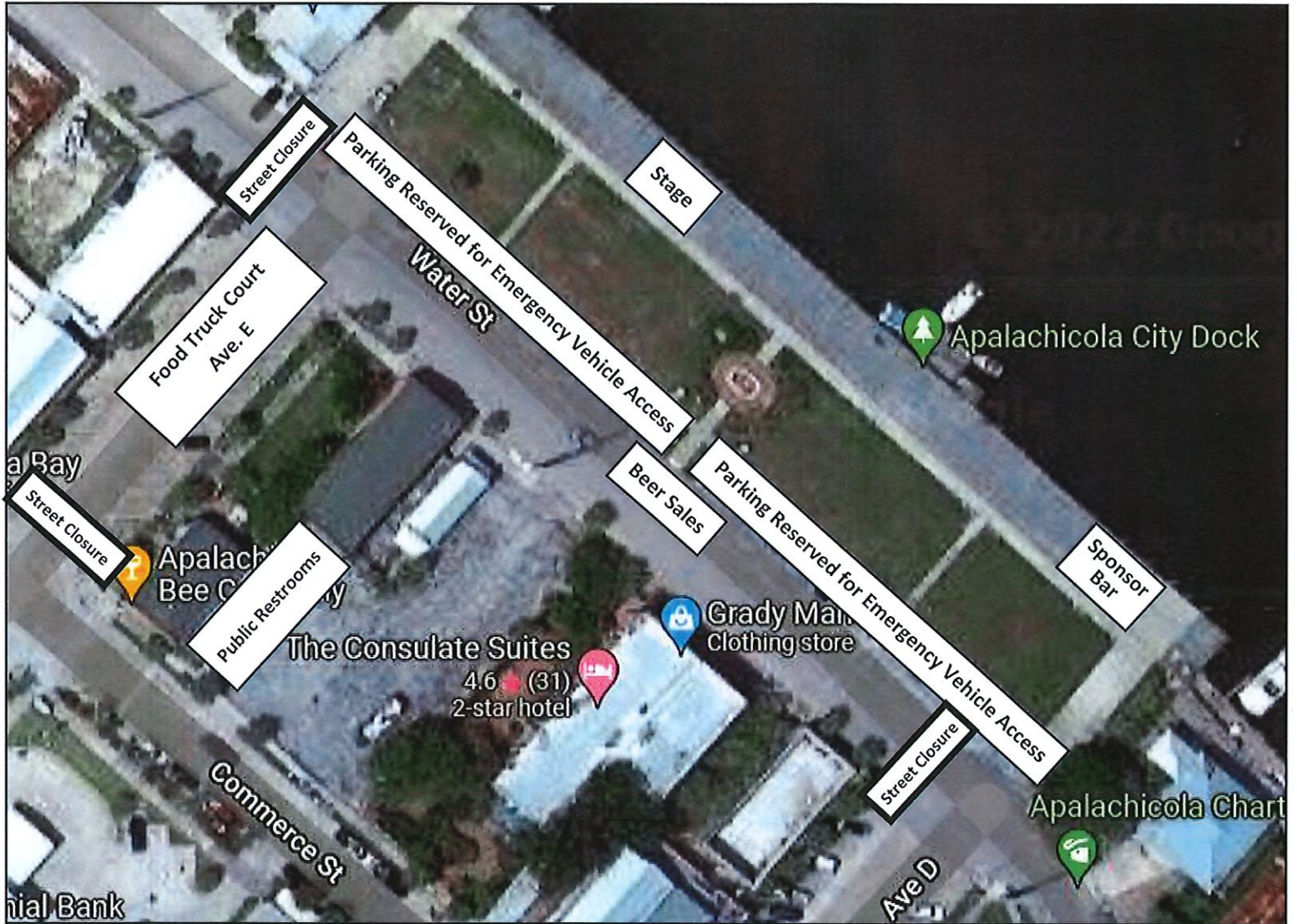
ATTACHMENTS:

Event area diagram with logistical notes.

STAFF'S COMMENTS AND RECOMMENDATIONS:



Apalachicola Main Street's Independence Eve Fireworks Celebration July 3, 2022 from 6:00 - 10:00 PM Event Location Diagram



Event Logistics Notes

- Security and Traffic Control coordinated with City of Apalachicola Police Dept. and Franklin County Sheriff's Dept.
- Public restroom cleaning/trash removal will once again be provided throughout the event by a private cleaning crew hired by Apalachicola Main Street.
- Event trash management will be provided with additional garbage cans and an off-site dumpster.
- The annual post-fireworks Main Street volunteer cleanup will be held at 8 AM on July 4th for park and vicinity litter collection and disposal.
- In case of severe weather, the event will be rescheduled to July 5th.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
May 3, 2022**

SUBJECT: Encroachment Agreement – 107 Avenue B – Dykes, James Property

AGENDA INFORMATION:

**Agenda Location: New Business
Item Number: 3
Department: Planning
Contact: Tammy Owens
Presenter: Dan Hartman/Travis Wade**

BRIEF SUMMARY:

Jessica Dykes and Michael James requests an encroachment agreement with the City of Apalachicola due to a pending sale of their property at 107 Ave. B. The property consists of a site built home, porch and car port. The main home is estimated to have been constructed prior to any records maintained by the property appraiser’s office. (early 1900s). The structure encroaches on City property as shown in the attached survey.

Based on title records the current owners (including relatives) acquired the property in 2004 at which time the encroachment would have existed. The current owners did not create or increase the encroachment.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Motion to approve encroachment agreement and authorize the Mayor to sign.

FUNDING SOURCE: N/A

ATTACHMENTS: (see attached)

STAFF’S COMMENTS AND RECOMMENDATIONS:

Approve

City of Apalachicola Encroachment/Variance Agreement

WHEREAS a request has been made to the City of Apalachicola by the owner(s) of the Property set forth in the survey attached as Exhibit "A", Property being more specifically described as the Beginning at the Northeast corner of Lot 10, Block "35" of the City of Apalachicola, a subdivision as per map or plat in common use on file at the Clerk of the Circuit Office in Franklin County, Florida, said point also lying on the Northwesterly right-of-way boundary of Avenue "B". From said POINT OF BEGINNING and leaving said right-of-way boundary run North 40 degrees 00 minutes 11 seconds West 120.04 feet, thence run South 49 degrees 56 minutes 25 seconds West 50.76 feet, thence run South 40 degrees 00 minutes 11 seconds East 120.04 feet lying on the Northwesterly right-of-way boundary of Avenue "B", thence run North 49 degrees 56 minutes 17 seconds East along said right-of-way boundary 50.76 feet to the POINT OF BEGINNING.

The above described being a portion of Lot 9 and Lot 10, Block "35" of the City of Apalachicola, Florida now in common use, for the City to authorize any and all existing encroachments into setbacks and onto the City Right-of-Way (ROW) of that alley running on the Eastern Boundary of the Property as shown in attached Exhibit "A".

WHEREAS, said applicant(s) by their signature below hereby certify that they have provided all data and information regarding said Property to the City and that the City has determined that it finds no objection or reason to deny the request; and

WHEREAS, said applicant(s) by their signature below hereby agree and bind the applicant(s) and all owners, successors and assigns of the subject property to the obligations, conditions and responsibilities set forth in this document and that such obligations and conditions shall constitute covenants that run with said land or property; and

WHEREAS, the applicant(s) hereby certify that their signatures set forth below as applicant(s) constitutes the total owners of the property and all persons who are required to bind the property to these conditions; and

WHEREAS, the applicant(s) and their successors and assigns by their signature below hereby agree to indemnify, hold harmless and defend the City of Apalachicola from and against all personal injury and property damage, claims, demands, suits or judgments which may be made against it by reason of said encroachment into existing setbacks and ROW or any characteristics thereof; and

WHEREAS, the applicant(s) by their signature below agree and bind said applicant(s) and their successors and assigns that this allowance of encroachments is subject to the rights of the City with respect to maintenance of any utilities that may underlie the said encroachments: and

WHEREAS, the applicant(s), by their signature below hereby bind said applicant(s) and their successors and assigns to the agreement that the encroachment shall and may only be repaired and maintained under certain conditions, specifically that once the structure to which the encroachment is connected is destroyed by 50% or more as determined by the Building Inspector/Official this encroachment/variance agreement shall cease and the encroachment shall be removed; and

WHEREAS, the City Commission of the City of Apalachicola, based on the above certifications and agreements, has agreed to allow the existing encroachments conditioned upon the requirements set herein on the part of the applicant(s).

NOW, THEREFORE, conditioned and based on the agreements and requirements set forth herein, the City of Apalachicola has approved the existing encroachments illustrated in Exhibit "A" to extend onto City of Apalachicola property subject to said conditions.

IN WITNESS WHEREOF, the undersigned parties have hereby caused this Agreement to be duly executed on the day and year first written.

**CITY OF APALACHICOLA
FRANKLIN COUNTY, FL**

ATTEST

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

By the signature(s) below, I/we hereby certify that I/we are the sole owners of the property on which the encroaching structure is principally located as set forth in the attached survey (Exhibit A) and that I/we by the signatures below agree, warrant and certify to the matters set forth above in this agreement and hereby bind our successors and assigns of the subject property to these conditions as covenants running with the land.

Witness:

By: _____
Name: Michael A. James

Witness:

By: _____
Name: Jessica H. Dykes

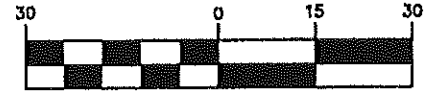
STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 2022, by _____, who are personally known to me or who produced _____ as identification.

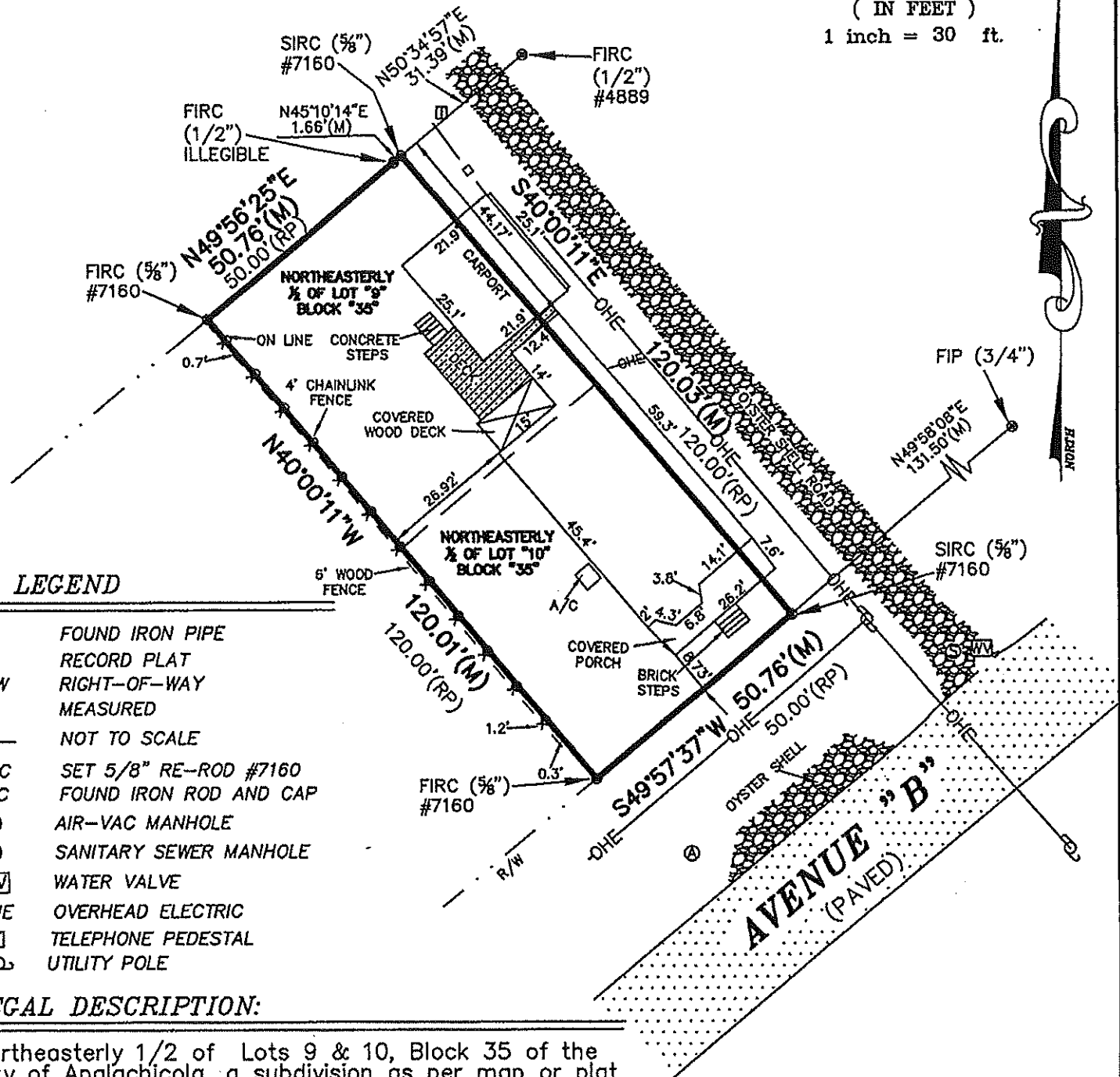
NOTARY PUBLIC

PLAT OF BOUNDARY SURVEY CERTIFIED TO:
 MARK A. MCVEY & CAROL H. CAVALLARO,
 MANAUSA, SHAW & MINACCI, P.A.,
 INVESTORS TITLE INSURANCE COMPANY

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.



LEGEND

FIP	FOUND IRON PIPE
RP	RECORD PLAT
R/W	RIGHT-OF-WAY
M	MEASURED
	NOT TO SCALE
SIRC	SET 5/8" RE-ROD #7160
FIRC	FOUND IRON ROD AND CAP
(A)	AIR-VAC MANHOLE
(S)	SANITARY SEWER MANHOLE
(WV)	WATER VALVE
OHE	OVERHEAD ELECTRIC
(T)	TELEPHONE PEDESTAL
(U)	UTILITY POLE

LEGAL DESCRIPTION:

Northeasterly 1/2 of Lots 9 & 10, Block 35 of the City of Apalachicola, a subdivision as per map or plat in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES

1. SURVEY SOURCE: Record plat, previous survey performed by this firm (Job No. 04-732, dated 6/27/13) and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeasterly boundary of subject parcel being South 40 degrees 00 minutes 11 seconds East as per previous survey mentioned above.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: May 3, 2022**

SUBJECT: ARPA funds – Purchase Spray Field Tractor

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5
Department: Wastewater
Contact: Travis Wade
Presenter: Travis Wade

BRIEF SUMMARY: The sprayfields are located in an area of planted pines. The City's bush hog is too wide to mow between the pine rows. This leaves dense brush between the pine rows, which creates a fire hazard. After a recent warning letter from the Florida Department of Environmental Protection, I expect that an inspection of the sprayfield is imminent. The tractor that was selected will have multiple uses with separate implements that will benefit the wastewater treatment plant. However, the immediate need is related specifically to the sprayfields. The City has received three quotes from vendors with the best being \$130,891 for the tractor with the appropriate cutting/mulching implement.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to Approve

FUNDING SOURCE: ARPA

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval

City Manager Updates – APRIL 2022

EPA Drinking Water Notice of Non-Compliance Response: After the EPA inspection in February, the EPA staff sent the City a Notice of Non-Compliance, which cited primarily the same issues as the FDEP's warning letter that the City responded to last month. The Response to the EPA's Notice was drafted and sent to them on April 18, 2022, by Environmental Attorney Craig Varn.

City Planner: Bree has been formally transferred to the position of Planner. However, she will continue to assist with grants writing and administration. She will work with Finance Director Gerspacher to share much of the grants administration with him in the near future as he gets settled into the Finance Director position.

Code Enforcement Officer: Glen Jenkins is the new Code Enforcement Officer. He started Monday, April 25, and most recently served as a law enforcement officer and worked with code enforcement at the Monroe North Carolina Police Department, from which he retired.

Commerce Street Restrooms: An RFP was published in the Apalachicola Times and was posted on the City's website for janitorial services for the restrooms located at Commerce Street, the Mill Pond, Battery Park Community Center, and City Hall.

Solid Waste: An Invitation to Bid (ITB) was published in the Apalachicola Times and was posted in on the City's website for Solid Waste services.

Parking Lot Striping: The City, along with Franklin County Commissioner Smokey Parrish, have split the cost (\$13,700) of repainting the following parking spaces and crosswalks:

- Avenue D from Market Street to Water Street
- Avenue E from Market Street to Water Street
- Avenue F from Market Street to Water Street
- Riverfront Park
- The public parking lot on the corner of Market Street and Avenue I

Additionally, the City repainted the parking spaces at City Hall at a cost of \$1,300.

Triumph Gulf Coast: Mayor Ash and myself attended the April 26, 2022 Triumph Gulf Coast meeting in Crawfordville. We were both recognized by Chairman Gaetz during the meeting and were able to meet with the Chairman and several of the Board Members after the meeting. They were each encouraging the City to submit an application in the near future.

Gouras and Associates: The City's grants consultant, Gouras and Associates, has hired a new employee. Mrs. Felicity Edwards will be in our area on a regular basis and will be working on the City's upcoming CDBG grant projects.

State Archivists: Library Director Lucy Carter arranged a meeting with Florida Department of State Archivists that was attended last week by myself, Bree Robinson, Lucy Carter, and Sheneidra Cummings. The information that was shared with help the City reduce some of the clutter in the City Hall complex by allowing us to dispose of old records that have reached their retention period. Significant records that are beyond their retention period will continue to be stored as usual.

Finance Director – Mark Gerspacher

City Commission Meeting –May 3, 2022 – 4:00pm

1. Summary of Activity

My first day with the City of Apalachicola was April 11, 2022. During the last three weeks, I have been familiarizing myself with the finances and financial history of the city. I have met with Adrian Welle to get an update on the last few months. I also met with Chris Moran, our external auditor, to get an update on the audit that was completed for FY 2020 as well as the audit that is ongoing of FY2021. We have come up with a plan to move forward by simplifying the chart of accounts to more closely mirror the budget. Unfortunately, I don't have confidence in supplying a budget to actuals report to the Commission at this time but will have one for the June meeting. If any of the commissioners have questions or would like to review specific expenditures or receipts with me, I invite them to come see me at any time and I will provide whatever information you need.

2. Battery Park Payment Kiosk

The payment kiosk for battery park that was approved to be purchased during the April 5th Commission meeting was ordered this week. The amount of the order is \$14,803 and the money is coming from surplus funds. The order has been placed in the manufacturing queue and I will provide further updates as they are available.

3. ARPA Funds

The first report for the \$1,179,010 that the city received from the American Recue Plan was submitted on April 30. We elected to take the Standard Allowance for lost revenue which provides the most flexibility with the funds.

Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, May 3rd, 2022

1. CPTA Community Planning Technical Assistance Grant Program – DEO

Application submitted 4/1/22 for updates to our local comprehensive plan as well as complete Phase 2 of the Apalachicola Areas of Critical State Concern Work Plan. If granted, grantee shall analyze the City of Apalachicola's current local comprehensive plan and present required and recommended update to the City Commission considering resiliency. These ideas will be vetted through community engagement and based on feedback received from the community and City Commission, final amendments to the local comprehensive plan will be prepared for public hearing and subsequent transmission to DEO. The City will also undertake Phase 2 of the Areas of Critical State Concern Work Plan by updating the infrastructure project list and conducting project scoping and economic analysis for priority projects in preparation for the funding available through the Bipartisan Infrastructure Act as well as other state and federal grant opportunities.

2. Dunn Community Project Request – Leslie Street Repair and Resurfacing Project

On 4/18/22 City of Apalachicola completed a Dunn Community Project Request Form complete with letter of support from Franklin County, Apalachicola Bay Chamber of Commerce, and the Franklin County Tourist for the Leslie Street project in the amount of \$610,169.30. Dunn's office is limited to 15 submissions total across the 2nd district. They will update us if we are chosen to be put forward to Congress.

3. Florida Fish and Wildlife Conservation Commission – Florida Boating Improvement Program – Bay Avenue Seawall Construction

Full application submitted to FWC on 4/1/22 requesting \$257,267 with a \$28,000 (budgeted) City contribution to complete the Bay Avenue Seawall project. The Bay Avenue Seawall has large cracks and structural damage. The City of Apalachicola previously worked with Dewberry Engineers to create engineered construction plans for the project (2017) – with these plans in hand we applied for the construction phase of the Bay Avenue Seawall project. Waiting for updates.

4. Firehouse Subs Public Safety Foundation – Hurst Rescue Tools "Jaws of Life"

An application requesting \$34,065.00 for Jaws of Life rescue tools for the Apalachicola Volunteer Fire Department was submitted online 4/7/22. These tools were a request from the VPD and will aid them in their efforts. If funded – the grant program will handle ordering, etc. No match required. Waiting for updates.

5. Department of Historical Resources African American Cultural and Historical Grants – Apalachicola African-American History Museum

While our application was denied due to funding, the board has come back and said there may be \$30 million in additional projects granted, which would include ours according to the ranking list. Recommended for funding – Governor has until July to approve the budget which could include us. (Application was for \$1,000,000 with a \$250,000 match from the City.) Waiting for updates.

- City match of \$250k was originally to come out of surplus from year prior, if available.

6. 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. Application was submitted electronically on 3/4/22. The City requested \$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. Waiting for updates.

7. 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. Still in review.

8. 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. Multiple RFIs (requests for information) were received and answered. Still waiting for updates.

9. Leslie Street - FEMA

WAITING FOR UPDATE ON APPEAL

Reached out to FEMA 4/5/22 – Project still in review; no timeline. Seeking out other grant opportunities.

10. *National Park Service Hurricane Michael Repair/Mitigation - Grants for Repair and Restoration of the Montgomery Cotton Warehouse (Old City Hall) and the Harrison-Raney Cotton Warehouse (HCA)*

Old City Hall - The City has received structural assessment report and as-built drawings from 4M Architect. Structural engineer has identified previously undiscovered structural deficiencies in the building that need to be addressed before mitigation work is completed. Staff is working on petition to DHR to modify scope to accommodate the work necessary to resolve deficiencies. Architect/engineer are working on schematic design options/cost for repair. Based on the unforeseen costs associated with structural steel reinforcements proposed for City Hall, architect has recommended applying for grants to cover any anticipated shortfall. A cost estimate is forthcoming.

HCA – he City has received structural assessment report and as-built drawings from 4M Architect. Based on report, architect is working on schematic design for work as identified in scope.

Special Meeting to be scheduled in May for Tarmey presentation of options for Old City Hall.

11. *Grants Update -*

- a. **FDOT City Landscaping** – City was reimbursed for \$193k landscaping costs after FDOT inspection and reimbursement package sent in. Landscaping has been completed – landscapers have entered their maintenance period. (3 months.) City will pick up maintenance after the 3-month period, following recommended maintenance plan from landscapers.
- b. **CDBG-DR Infrastructure** – Avenues Stormwater Repair Project is moving forward. 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 approves solicitation documentation – this has

been sent for DEO review. Will need to bid this out after policies updated and enacted.

- i. City is missing 3 internal policies that were requested, (DEO is giving us more time on these if we are progressing):
 1. Fraud Waste and Abuse Policies - Drafted
 2. Financial Management Policies – In Progress
 3. Quality Assurance and Quality Control Policies - DraftedProcurement Policy also needs updating – Dan has DEO comments and is working on this currently. Procurement Policy must be complete before anything moves forward.
- c. **CDBG-DR Hometown Revitalization** –Riverfront Revitalization and Hill Community Revitalization projects: City to begin environmental exemption process on administrative and engineering services. Engineer to be procured once DEO approves solicitation documentation. Will need to be bid out per new procurement policy, once complete.
 - i. Grant agreement for Riverfront project executed! 4/13/2022
 - ii. Grant agreement for Hill projects in pre-execution.
- d. **HMGP Emergency Generators** – *Awaiting CDBG-DR Award for Matching Funds*. Received and signed Release of Funds forms for CDBG-DR match – still 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 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. **Bodiford** - Permits filed for within deadline to US Corps of Engineers –BODIFORD PLANS DRAFT COMPLETE! Waiting for full from Dewberry to prepare bid documents.
 - ii. **Scipio** – Designs from Dewberry draft complete – waiting for full.
 - iii. **Alleyway Repairs** – Alleyway: 3, 7, 9, 8, 10, 11, 6, 2, 5, 12, 4 Crushed Shells to be replaced. Extensions requested for all FEMA projects – in final review, but have been advised they will be granted.
 - iv. **Old City Hall and HCA Contents loss** – Ordering replacement items from loss. (Funding already received – just needs to be ordered and receipts turned in.) Partially ordered – postponing ordering of remaining items until accounts are in financial order. (finance department is having accounts in Quickbooks ironed out.)
 - v. **Lafayette Park** – TDC funds going towards pavilion at end of boardwalk. Awaiting donated electrical services project to be complete.

- vi. **Hurricane Sally** – Waiver of match application documents submitted and sent in. Insurance payouts uploaded to portal for review. Waiting for updates.
- 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. On track.
- h. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail**. Grant was recommended for funding. Waiting to receive final confirmation pending Governor’s approval of Budget. We are 9th on 2023 Grant Ranking list – pending Governor’s approval.

12. DEP Applications – Resilient Florida + Water Restoration Assistance - WWTP & Vulnerability Study

WWTP-

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. DEP has agreed, with some preliminary efforts to ensure the scope and pricing are as they should be.

- DEP requested to review RFP documents before solicitation. Waiting for updates and have been inquiring weekly on status. – Have sent our procurement policy and engineering solicitation documents for consideration upon request. – Not procured properly per our procurement policy – waiting for updated policy to then bid out engineering services and begin the design process.
- DEP requested several documents to send out agreements – documents supplied.

Vulnerability Study-

Grant #1 Vulnerability Study

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

Cindy Update: List of approved projects was supposed to be released last month. Any day now ... The person I spoke with at DEP was guardedly optimistic and said that they had recommended funding 80 new or updated Vulnerability Assessments and if our project was a Vulnerability Assessment we had a pretty good shot at being funded. We should know any day now. Still waiting for updates.

13. USDA Water Street Permeable Parking Sidewalk and Lighting –

3/31/22 - Updated plans from Dewberry received and USDA has approved. City Attorney advises we formally reject all bids and re-bid this project out with the altered scope and plans.

4/28/22 – Project was advertised again to re-bid – received 2 bids on 4/22! Dewberry is reviewing to make recommendation of award to City.

14. 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 has elected to receive “standard allowance” for government services.

Dates:

- » First Report due April 30, 2022 – Met.
- » 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:

- 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. **Report submitted on time.**

All information included in this report is accurate as of April 28, 2022 at 12:00pm. After that time, information is subject to change.

ATTORNEY REPORT

TO: City Commission, City of Apalachicola
FROM: Daniel W. Hartman, Esq.
DATE: May 2022
SUBJ: City Attorney Report for Commission Meeting

1. **Litigation – Hall/Smith/Nall – 7th Street (Case No.: 2018 CA 233)**

Both pending cases have been consolidated into 2018 CA 233, the original City case. They are set for trial on September 14, 2022. We have filed our Answer and Affirmative defenses and remain in discussions with both parties on potential settlement.

2. **Code Enforcement Board**

Article II, Division 2, Sec. 28-122 of the Land Development Code provides for the creation of a Code Enforcement Board and hearing officer process. In short, it involves appointment of a seven (7) member Code Enforcement Board (to adjudicate contested matters) and a hearing officer (to handle uncontested matters). Decisions by the Code Enforcement Board could be appealed to the City Commission (de novo) and ultimately on to Circuit Court. It would allow staff to manage the growing case load of Code Enforcement matters in a more cost efficient manner than the current process of going to County Court. I would like to obtain input from the Commission if you are amenable to appointment of a Code Enforcement Board to have the option of handling cases in this manner.

3. **CRA**

The finance director is finalizing his review of reimbursement amounts to the County and City. This process should be concluded shortly and the funds coming back to the City will be part of the upcoming Budget Amendment process.

MINUTES OF THE SPECIAL MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, APRIL 5, 2022, 3:00 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

CALL TO ORDER

Mayor Brenda Ash called the meeting to order.

AGENDA ADOPTION

Commissioner Anita Grove made a motion to approve the Agenda. Commissioner Despina George seconded and the motion carried 4-0.

**DEO 2022 GRANT CYCLE – DISCUSS AND DIRECT CITY MANAGER TO APPLY FOR
SPECIFIC ITEMS**

City Manager Travis Wade stated that the Community Planning Technical Assistance (CPTA) Grant Program provides counties, municipalities, regional planning councils the opportunity to create innovative plans and development strategies to promote a diverse economy, vibrant rural and suburban areas, and meet statutory requirements for planning, while also protecting environmentally sensitive areas. Understanding that many Florida communities have been impacted by hurricanes, CPTA grants may also be used to assist with disaster recovery, resiliency and economic development planning, therefore, the City is allowed one application for up to \$75,000.

Julie Dennis with Ovid Solutions gave a brief background and history of the City's 2020 Work Plan that was related to the area of critical state concern, which addresses statutory requirements and sets the City up so they could pursue legislative funding sources through

the Apalachicola Stewardship Act. Ms. Dennis reviewed Ovid Solution’s current proposal of the DEO Community Planning Technical Assistance Grant. **See Attachment “A”**. Cindy Clark of Bay Media stated she had written the initial Comp Plan, subsequent year-based amendments and Land Development Regulations, and was there to answer any Commission questions. Ms. Clark stated she had talked with Manager Wade about some required amendments that need updating at this time in the Comp Plan.

Commission and public discussion held.

Commissioner Grove made a motion to apply for the DEO Technical Assistance Grant, incorporating both the Area of State Critical Concern needs, as well as updating the Comprehensive Plan, including the work plan and documents in preparation for the 2023 legislative session, up to \$75,000. Commissioner George seconded and the motion carried 5-0.

ADJOURNMENT

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

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

DEO Community Planning Technical Assistance Grant

Background on Grant Opportunity

Funding Agency: Florida Department of Economic Opportunity

Eligible Applicants: Local governments (municipalities and county) along with Regional Planning Councils.

Max Grant Award: \$75,000.00; Cost-Reimbursement Grant

Project Completion Date: May 31, 2023

Required for Proposal: Letter of Request signed by Chief Elected Official or City Manager; Scope of Work with Budget

Due Date: April 11

Potential Proposal

- Introduce a two-year project to conduct a visioning for Downtown Apalachicola and the Historic District that will result in a plan that identifies projects along with conceptual drawings of these projects in Year 1. Complete the required updates to the local comprehensive plan in Year 2.
- Funding will only be awarded for Year 1 and is not guaranteed for Year 2. The City will need to submit a second proposal for Year 2, but it will put the City in a more competitive position to have completed Year 1 successfully.

Year 1 Proposal (22-23): Downtown and Historic District Revitalization Plan (\$75,000)

- Create a stakeholder's group to guide the effort that includes representation from local government, potentially state government, community organizations, business leaders, etc.
- Conduct creative community engagement and public outreach on improvements.
- Identify projects to make improvements downtown and in the historic district along with funding sources to implement these projects.
- Prepare conceptual drawings to provide an idea of what these projects will look like once implemented.
- Prepare cost estimates for the projects to prepare for grant application development and match each project with an appropriate funding strategy.
- Identify updates needed to the local comprehensive plan to implement these projects.
- Compile all information into a comprehensive Revitalization Plan that will position the City for many different funding opportunities including: state grants, the Bipartisan Infrastructure Package and Triumph Gulf Coast.

Year 2 Proposal (23-24): Local Comprehensive Plan Update (\$75,000)

- Prepare Evaluation and Appraisal Report (EAR) that details all updates that are needed to the comprehensive plan to address statutory requirements along with changes needed to address community needs and outputs of the visioning exercise in Year 1.
- Prepare draft amendments to the comprehensive plan.
- Coordinate with DEO on the EAR-based amendment process including their required reviews of reports and draft amendments.
- Conduct public hearings.
- Present draft amendments to the local government for adoption.

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD
TUESDAY, APRIL 5, 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 adopt the Agenda. Commissioner Despina George seconded and the motion carried 5-0.

PUBLIC COMMENT

Public comments consisted of the following: 1) downtown public bathroom cleanliness – Mayor Ash suggests staff check bathrooms every two hours and have cleaned seven days a week .

Commissioner Grove made a motion for the Chamber to clean the downtown public bathrooms until the end of the fiscal year, the City publish an RFP, and that the Chamber of Commerce President, Finance Director, and City Manager discuss the financial aspects. Commissioner George seconded and the motion carried 5-0.

2) floating dock sale and replacement; 3) live music issue on city sidewalks and the legal actions; 4) noise ordinance – sound and enforcement – special event permit for music; 5) noise ordinance - proposed sound level changes.

UNFINISHED BUSINESS
1. TRIUMPH APPLICATION WITHDRAWAL

Commissioner Anita Grove made a motion to withdraw the current TRIUMPH Grant application for the Popham building and Scipio Creek Ice Machine. Commissioner Donna Duncan seconded and the motion carried 4-1. Opposed: Commissioner George

NEW BUSINESS
1. FINANCE DIRECTOR APPROVAL

Commissioner Elliott made a motion to hire Mark Gerspacher for the City Finance Director position. Commissioner George seconded with discussion and the motion carried 5-0.

NEW BUSINESS
2. RESOLUTION – BUILDING INSPECTOR RATES

Attorney Dan Hartman ready Resolution 2022-01 in its entirety.

A RESOLUTION OF THE CITY COMMISSIONER OF THE CITY OF APALACHICOLA ESTABLISHING A FEE AND FINE SCHEDULE ASSOCIATED WITH THE PROCESSING OF BUILDING PERMIT APPLICATIONS BY CITY PERSONNEL; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Grove made a motion to adopt Resolution 2022-01 – Building Inspector Rates Fee Schedule. Commissioner George seconded with discussion.

Commissioner Grove rescinded her motion. Commissioner George rescinded her second. Attorney Hartman and staff will do further research.

NEW BUSINESS
3. ENCROACHMENT AGREEMENT

Attorney Hartman reviewed Kristen Smith’s encroachment issue at 397 24th Avenue.

Commissioner Elliott made a motion to table the request to grant an encroachment at the property at 397 24th Avenue, Apalachicola, FL 32320. Commissioner Grove seconded and the motion carried 5-0.

NEW BUSINESS

4. APPROVE STAFF TO APPLY FOR GRANTS IN CERTAIN CATEGORIES WITH NO MATCH

Mayor Ash stated that there will be many grant opportunities the City may apply for in the future, and stated that staff cannot timely submit these grant applications if a meeting is required prior to each submission deadline, and recommends the below motion.

Commissioner Grove made a motion to approve that staff be allowed to review and apply for grants under the following conditions: 1) there is not a regular scheduled meeting prior to the submission deadline; 2) there is not a required monetary match, and 3) a detailed summary of the grant will be provided to each commissioner prior to submission.

Commissioner Duncan seconded with discussion and the motion carried 4-1. Opposed Commissioner George

NEW BUSINESS

5. SPECIAL CATEGORIES GRANT FOR OLD CITY HALL

Commissioner Grove made a motion to approve the two applications for the Special Categories Grant up to \$500,000 for the structural work for Old City Hall, and a Small Matching Category Grant up to \$50,000 to fund a updated survey of Apalachicola’s historic structures to update the State’s Master Site File of Historic Resources. Commissioner Elliott seconded with discussion and the motion carried 4-1. Opposed: Commissioner George

NEW BUSINESS

6. BATTERY PARK PAYMENT KIOSK (VEN TEK) APPROVAL

Commissioner Elliott made a motion to approve the purchase of the Battery Park Payment Kiosk in the amount of \$14,803.00, with a continued annual fee of \$1,140.00.

Commissioner Duncan seconded and the motion carried 5-0.

NEW BUSINESS

8. NOISE ORDINANCE

Commissioner Elliott requested feedback from the Commission so that that the Noise Ordinance can be presented for first reading at the May 3rd Regular Meeting. Mayor Ash recommends that the Commission send their recommendations to Mr. Wade and Attorney

Hartman to be included in the draft Ordinance, and reviewed by the Commission, and scheduled for the upcoming workshop.

NEW BUSINESS
**SET WORKSHOP DATE TO DISCUSS: a) Downtown Tourism District &
b) American Rescue Plan Act**

Commissioner Duncan made a motion to schedule a workshop on Monday, April 25th at 4pm for the American Rescue Plan Act, and Noise Ordinance. Commissioner Elliott seconded and the motion carried 5-0.

MAYOR AND COMMISSIONER COMMENTS

Commission comments consisted of the following: 1) floating dock disposal and possibility of selling this item; 2) public bathroom issue; 3) Chamber Of Commerce – Tourist Development Council is trying to get monies for the repair of the Gazebo at the end of Lafayette Park Pier; 4) HCA Committee – getting new members; 5) CRA monies for current year TIFT of \$68,305 – refund to the County – Attorney Hartman recommends checking with auditor on these issues; 6) City Manager review coming up in May; 7) Recreation Committee - issues of duties asked to be performed by them and not the City.

CITY MANAGER COMMUNICATIONS

Travis Wade - See Attachment "A"

GRANTS COORDINATOR COMMUNICATIONS

Bree Robinson - See Attachment "B"

ATTORNEY COMMUNICATIONS

Dan Hartman - See Attachment "C"

1. Height Referendum - The Commission suggestion, is to strengthen the existing Ordinance 2017-04 to require a supermajority defined as (3+1) vote on any amendment that would increase the maximum building height.

3. Mayor Ash asked that Attorney Hartman get with the Finance Director on the litigation of Hall, Butler, and Cameron, and schedule an executive session.

CONSENT AGENDA

A. Meeting Minutes Adoption – January 11, 2022 Workshop/Special Meeting; January 26, 2022 Workshop; February 23, 2022 Workshop – 4pm, and March 8, 2022 Regular Meeting and March 22, 2022 Special Meeting Minutes.

B. Planning and Zoning Minutes – February 2022

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

DEPARTMENT REPORTS

ADJOURNMENT

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

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

City Manager Updates – March 2022

Drinking Water Warning Letter Response: The Response to the Warning Letter was drafted and sent to the Florida Department of Environmental Protection on March 31, 2022 by Dewberry Engineering.

Wastewater Treatment Plant Warning Letter: The Response to the WWTP Warning Letter was drafted and sent to the Florida Department of Environmental Protection on March 31, 2022 by Dewberry Engineering.

Department of Economic Opportunity: I met with DEO Secretary Dane Eagle and five staff members on March 10. I was told that Governor DeSantis encouraged their Department to give the City of Apalachicola all the help we need. I have been in contact with several of the DEO staff since the meeting.

Franklin County School Career Day: Myself, Bree Robinson, and APD Sgt. Chase Richards attended Career Day at the FCS on March 25. The event was well attended and our booth received several student visitors.

Apalachee Regional Planning Council: I was invited to a meeting with Director Chris Rietow Friday afternoon to discuss what the ARPC can offer to the City.

City Job Openings: We have begun posting our jobs online on indeed.com and have received many more applicants than previously.

Grant Development and Implementation Coordinator – Bree Robinson

City Commission Meeting – Tuesday, April 5th, 2022

1. Florida Fish and Wildlife Conservation Commission – Florida Boating Improvement Program – Bay Avenue Seawall Construction

Full application submitted to FWC on 4/1/22 requesting \$257,267 with a \$28,000 (budgeted) City contribution to complete the Bay Avenue Seawall project. The Bay Avenue Seawall has large cracks and structural damage. The City of Apalachicola previously worked with Dewberry Engineers to create engineered construction plans for the project (2017) – with these plans in hand we applied for the construction phase of the Bay Avenue Seawall project.

2. Firehouse Subs Public Safety Foundation – Hurst Rescue Tools “Jaws of Life”

An application requesting \$34,065.00 for Jaws of Life rescue tools for the Apalachicola Volunteer Fire Department will be submitted online 4/7/22. These tools were a request from the VPD and will aid them in their efforts. If funded – the grant program will handle ordering, etc. No match required.

3. Department of Historical Resources African American Cultural and Historical Grants – Apalachicola African-American History Museum

While our application was denied due to funding, the board has come back and said there may be \$30 million in additional projects granted, which would include ours according to the ranking list. Recommended for funding – Governor has until July to approve the budget which could include us. (Application was for \$1,000,000 with a \$250,000 match from the City.)

4. 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. Application was submitted electronically on 3/4/22. The City requested \$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.

5. 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. Still in review.

6. 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. Still waiting for updates.

7. Leslie Street - FEMA

WAITING FOR UPDATE ON APPEAL

Reached out to FEMA 3/4/22 – Project still in review; no timeline. Seeking out other grant opportunities.

8. National Park Service Hurricane Michael Repair/Mitigation - Grants for Repair and Restoration of the Montgomery Cotton Warehouse (Old City Hall) and the Harrison-Raney Cotton Warehouse (HCA)

Old City Hall - The City has received structural assessment report and as-built drawings from 4M Architect. Structural engineer has identified previously undiscovered structural deficiencies in the building that need to be addressed before mitigation work is completed. Staff is working on petition to DHR to modify scope to accommodate the work necessary to resolve deficiencies. Architect/engineer are working on schematic design options/cost for repair. Based on the unforeseen costs associated with structural steel reinforcements proposed for City Hall, architect has recommended applying for DHR Special Category grant to cover any anticipated shortfall. A cost estimate is forthcoming.

HCA – he City has received structural assessment report and as-built drawings from 4M Architect. Based on report, architect is working on schematic design for work as identified in scope.

9. Grants Update -

- a. **FDOT City Landscaping** – Landscaping has been completed – landscapers have entered into their maintenance period. (3 months) Landscapers paid after FDOT inspection and approval – in reimbursement process.
- b. **CDBG-DR Infrastructure** – Avenues Stormwater Repair Project is moving forward. 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 approves solicitation documentation – this has been sent for DEO review. 3/22/22
 - 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. Drafts of a Fraud Policy has been created – waiting for Dan and Travis to review before approval. Potential for SM during month of April to go over these policies. Procurement Policy also needs updating – Dan has DEO comments and it working on this currently.
- c. **CDBG-DR Hometown Revitalization** –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.
 - i. Grant agreement for Riverfront project received, to be signed 4/4/2022.
 - ii. Engineering procurement docs have been sent for DEO review in accordance with our own procurement policy.
- d. **HMGP Emergency Generators** – *Awaiting CDBG-DR Award for Matching Funds.* Received and signed Release of Funds forms for CDBG-DR match – still 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 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. **Bodiford** - Permits filed for within deadline to US Corps of Engineers –BODIFORD PLANS DRAFT COMPLETE! Waiting for full from Dewberry. Scipio plans to come within 2 weeks.
- ii. **Scipio** – Designs from Dewberry coming within next 2 weeks.
- iii. **Alleyway Repairs** – Alleyway: 3, 7, 9, 8, 10, 11, 6, 2, 5, 12, 4 Crushed Shells to be replaced. Extensions requested for all FEMA projects – in final review, but have been advised they will be granted.
- iv. **Old City Hall and HCA Contents loss** – Ordering replacement items from loss. (Funding already received – just needs to be ordered and receipts turned in.) Partially ordered – postponing ordering of remaining items until accounts are in financial order. (finance department is having accounts in Quickbooks ironed out.)
- v. **Lafayette Park** – Will change scope of this project once the lighting donation project is *complete*. Potential to change scope to include pavilion at end of boardwalk once scope change is official – will be up to FEMA.
- vi. **Hurricane Sally** – Waiver of match application documents submitted and sent in. Waiting for updates.
- 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.
- h. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail**. Grant was recommended for funding. Waiting to receive final confirmation pending Governor’s approval of Budget. We are 9th on 2023 Grant Ranking list – pending Governor’s approval.

10. DEP Applications – Resilient Florida + Water Restoration Assistance - WWTP & Vulnerability Study

WWTP-

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. DEP has agreed, with some preliminary efforts to ensure the scope and pricing are as they should be.

- DEP requested to review RFP documents before solicitation. Waiting for updates and have been inquiring weekly on status. – Have sent our procurement policy and engineering solicitation documents for consideration upon request.

- Engineers have sent their revised opinion on costs to DEP using the 2 different funding sources. 3/31/22 DEP came back with a couple of questions to settle on the final and specifics – Dewberry is reviewing and responding.

Vulnerability Study-

Grant #1 Vulnerability Study

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

Cindy Update: List of approved projects was supposed to be released last month.

Any day now ... The person I spoke with at DEP was guardedly optimistic and said that they had recommended funding 80 new or updated Vulnerability Assessments and if our project was a Vulnerability Assessment we had a pretty good shot at being funded. We should know any day now.

11. 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.)

3/31/22 - Updated plans from Dewberry received and USDA has approved. City Attorney advises we formally reject all bids and re-bid this project out with the altered scope and plans. New RFP will be out by end of second week in April.

12. 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

WAITING FOR COMMISSION SM or WORKSHOP TO DEVELOP PRIORITIES LIST

Potentials:

- Scipio Creek Electrical
- Leslie Street (if not funded by FDOT SCOP)
- Battery Park Seawall (if not funded by FWC FBIP)

All information included in this report is accurate as of March 31, 2022 at 12:00pm. After that time, information is subject to change.

ATTORNEY REPORT

TO: City Commission, City of Apalachicola
FROM: Daniel W. Hartman, Esq.
DATE: April 2022
SUBJ: City Attorney Report for Commission Meeting

1. Height Referendum

The options discussed at our last meeting were:

1. A ballot referendum establishing a 35 foot maximum height limit in the city charter;
2. A ballot referendum to increase the voting requirement for any ordinance affecting the maximum building height or to be 3+1 votes.
3. To strengthen the existing ordinance 2017-04 to require a supermajority defined as (3+1) vote on any amendment that would increase the maximum building height.

I have received input from various citizens and staff. At this point the consensus appears to be option three, to strengthen the current ordinance to require a super majority vote as to any ordinance amendment increasing building height.

2. Solid Waste ITN

Solid waste RFP should be ready for final approval and advertising next week. We received back comments from Kessler Consulting and we are integrating them into the invitation to negotiate. A draft will be circulated shortly for final comment.

3. **Litigation – Hall, Butler, Cameron**

The City has been sued in three related cases - two wrongful death and one personal injury cases. Case No.(s): 2014 CA 298 – Estate of Cameron; 2015 CA 15 - Estate of Hall and 2016 CA 246 - Butler. We are currently scheduled for a pre-trial conference on June 23, 2022 trial dates will be set for these cases if they are not resolved. We need to review our financial situation and approve an initial offer of contribution toward settlement by the City. This amount would be combined with the offer by the insurance carrier in an attempt to settle the cases. Any final settlement will be contingent upon and come before the Commission for final approval.

CITY OF ARLINGTON
PLANNING & ZONING BOARD
REGULAR MEETING
MONDAY, April 11th, 2022
Community Center/ City Hall -1 Bay Avenue
Agenda

Regular Meeting: 6:00 pm

1. Approval of March 14th, 2022 regular meeting minutes.

2. Review, Discussion and Decision for Pole Barn & Deck. **(R-3) @ 452 23rd Ave.** Block 215, Lots 4-7. For G. Harris-Owner; Contractor: Self

3. Review, Discussion and Decision for Concrete pad. **(R-2) @ 312 Earl King St.**
For A. Croom-Owner; Contractor: Self

4. Review, Discussion and Decision for Porch Addition. **(R-1) @ 143 13th St.** Block 81, Lot 10.
For M. Moffett-Owner; Contractor: tbd

5. Review, Discussion and Decision for a Swimming Pool. **(R-1) @ 55 15th St.** Block 96, Lots 7-9. For J. McMillan-Owner, Contractor: Forgotten Coast Pools

Other/New Business:

Schedule Sign Workshop for May 9th?

Outstanding/Unresolved Issues:

CITY OF APALACHICOLA
ADMINISTRATION DEPARTMENT
April 2022

- Updated meeting calendar on website
- Payroll
- Finance Clerk posted revenues and expenses
- Assist staff with tree applications, utility bill issues
- Staff assisted with Cemetery, utility bills, garbage, permitting issues, city property rentals and other miscellaneous duties
- Billing Clerk assists the City Manager, City Clerk and Finance Director as needed, works front office with water bill collections, cemetery lot sales, assists water and sewer department as needed
- Completed tasks as assigned by the City Manager/Commission
- Public Records Request
- Annual golf cart sticker renewals
- Business License Renewal Notices and processing by City staff

52 work orders issued and 43 work orders completed

2081 payments processed

2104 bills mailed

76 cut-off list

Approximately 210 checks processed by accounts payable

POLICE DEPT.
APRIL 2022

April has been a busy month for us. We started the month by participating along with other agencies in the Special Olympic Torch Run. Sgt. Ashley Webb and Chief Varnes participated in this. Then Sergeants Richards and Webb participated in Career day, representing the police department. Sergeants Richards and Webb also took part in Cops for Kids. Lt. Chet Turner assisted the Sheriff's dept this month in an traffic stop with two motorcycles traveling at speeds over 100!

April 2022 Totals

Traffic Stops/ Warnings/ citations	28	
Arrests/ Warrant Requests	4	
Traffic Accidents	3	
Burglary/Theft calls	2	
Assist Citizens/ Complaints/investigations		700
Trespass Warnings/agreements	9	
Business alarm calls/building checks/welfare checks		762
assist county call/other agencies	20	
Assist Animal control	1	
Domestic cases involving violence/disturbance calls		2
Drugs	0	
Total calls from dispatch	1503	

APALACHICOLA VOLUNTEER
FIRE/RESCUE
March 2022 - 17 Calls

Bi-Monthly Report

1. Accidents	<u>1</u>	8. Life Flights	<u>1</u>
2. Life Assist EMS	<u>12</u>	9. Search/Rescue	<u>0</u>
3. Bi-Mo. Meetings	<u>2</u>	10. Training	<u>0</u>
4. Brush Fires	<u>1</u>	11. Transformer Fires	<u> </u>
5. House Fires	<u>0</u>	12. Cars	<u> </u>
6. Vehicle	<u>0</u>	13. 1 st Responder Calls	<u>20</u>
7. Gas Leaks	<u> </u>	14. Vessels	<u>0</u>

FIREFIGHTER ATTENDANCE

1. George Watkins	<u>2</u>	11. Chris Love	<u>2</u>
2. Fonda Davis	<u>2</u>	12. Avery Scott	<u>3</u>
3. Ginger Creamer	<u>13</u>	13. Bruce Hoffman	<u>12</u>
4. Albert Floyd	<u>2</u>	14. Ashley Teat	<u>0</u>
5. Rhett Butler	<u>4</u>	15. Anthony Croom	<u>3</u>
6.	<u>0</u>	16. Scott Brackett	<u>2</u>
7. Palmer Philyaw	<u>0</u>	17. Skylar Newell	<u>4</u>
8. Troy Morrison	<u>3</u>	18. Shannon Segree	<u>2</u>
9. Troy Segree	<u>13</u>	19. Adam Joseph	<u>5</u>
10. Rick Hernandez	<u>0</u>	20. Craig Gibson	<u>7</u>

Additional Notes:

Recorded by: _____

Date: _____



CITY OF APALACHICOLA

152 Coach Wagoner Blvd. * Apalachicola, Florida 32320 * 850-653-9319 *

BUILDING DEPARTMENT

April 2022

- 4 Building Permits in Process
- 25 Building Permits Issued
- 20 Building Inspections
- 9 Certificates of Completion Issued
- 5 Stop Work Orders
- Daily Phone Inquiries & Emails Answered
- Several On-Site Meetings
- Daily Office Meetings
- Records Requests
- 4 Planning & Zoning Applications Processed
- April Planning & Zoning Meeting Agenda & Minutes
- Code Enforcement Officer Orientation
- City Planner Orientation

City of Apalachicola public works monthly report

April report 2022

The public works department, services all city vehicles and replaces all the tires on city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed.

- empty garbage cans down town and city parks three times weekly.
- cut our routine main roads parks and cemeteries.

- cleaned curves at city hall and down town for parking spaces to be repainted.
- cleaned curves at housing projects for there inspection
- moved shelves at city library.
- filled holes down town streets.
- completed 9 work orders.
- cleaned several drainage ditches of debris and trash.
- removed visitor parking signs from city hall new visitor parking painted in parking places.
- built manhole cover for 76 ave. h.
- painted cipio creek numbers for baot slips.
- cleaned ditches on cornelius rizer.
- cleaned several alleys per work order.
- spread asphalt at gun rang off of hwy 98.
- finished painting hall at city hall.
- cleaned public restrooms every day this past month.

Signed. Robert osburn