

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD  
TUESDAY, MAY 3, 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 Despina George made a motion to adopt the Agenda. Commissioner Anita Grove seconded and the motion carried 5-0.

**PUBLIC COMMENT**

Public comments consisted of the following: 1) Historic Apalachicola Home and Garden Tours, Friday – 6:00 pm - music and reception and Saturday, May 7<sup>th</sup>, the tours of historical homes; 2) busking permits for sidewalk pop-up music; 3) FAMU programs update.

**UNFINISHED BUSINESS**  
**1. RESOLUTION 2022-02 -PRIVATE BUILDING INSPECTION DISCOUNT**

Attorney Dan Hartman read Resolution 2022-02 in its entirety.

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.

Commissioner Adriane Elliott made a motion to adopt Resolution 2022-02. Commissioner George seconded with discussion. Motion carried 5-0.

**NEW BUSINESS**

**1. APALACHICOLA BAY RESTORATION – DR. SANDRA BROOKE**

Dr. Sandra Brooke gave a brief update on how to revive the oysters in the Apalachicola Bay and the goals to attain this project.

**NEW BUSINESS**

**2. APALACHICOLA MAIN STREET JULY 3RD FIREWORKS EVENT**

Representative from Main Street was not present, but the Commission discussed the July 3<sup>rd</sup> celebration event, which include alcohol sales on City right-of-way.

Commissioner Donna Duncan made a motion to approve the event of the July 3<sup>rd</sup> fireworks, but table the approval for alcohol consumption on city r-o-w. Commissioner Elliott seconded and the motion carried 4-1. Opposed: Commissioner George

**NEW BUSINESS**

**3. 107 AVE B ENCROACHMENT AGREEMENT – DYKES, JAMES PROPERTY**

Attorney Hartman gave a brief update of the 107 Avenue B encroachment into the alley, the encroachment has been in existence for approximately 100 years and requests approval.

Commissioner Grove made a motion to approve the 107 Avenue B encroachment agreement. Commissioner Elliott seconded and the motion carried 5-0.

**NEW BUSINESS**

**4. SCHEDULE SECOND WORKSHOP FOR NOISE ORDINANCE**

The workshop was scheduled for Tuesday, May 31<sup>st</sup> at 4pm. Attorney Hartman asked that Commissioners send all their comments to him ASAP, so that it can be added into the re-draft noise ordinance, that will be sent out on May 26th.

**NEW BUSINESS**

**5. REQUEST TO EXPEND ARPA FUNDS FOR SPRAY FIELD  
TRACTOR AND IMPLEMENT**

City Manager Travis Wade requested that the Commission approve the purchase of a spray field tractor in the amount of \$130,891 through the ARPA funds.

Commissioner Elliott made a motion to approve the purchase of a spray field tractor from ARPA funding in the amount of \$130,891. Commissioner Grove seconded the motion carried 5-0.

**MAYOR AND COMMISSIONER COMMENTS**

Commission comments consisted of the following: 1) City Manager evaluation and evaluation form – discussion held on the process of how the Commission and City Manager’s evaluation will be held; 2) upcoming meetings with Rep. Shoaf and DEP; 3) city website; 4) Hwy 98 landscape and mowing; 5) spreadsheet of grant projects ongoing; 6) Franklin County Community Historical Preservation meeting May 4<sup>th</sup>, 6pm at Sea Quarters Marina in Carrabelle; 7) thanks to staff for all they do; 8) public bathrooms – Janitorial RFP and position; 9) HCA – form a new committee; 10) TDC funds and Lafayette Park pavilion; 11) progression of capital improvement projects list for June meeting; 12) Old Library - cost estimate and scope of work needed to upgrade; 13) Holy Family projects.

**CITY MANAGER COMMUNICATIONS**

Travis Wade – See Attachment “A”

Manager Wade introduced Glen Jenkins as the new Code Enforcement Officer.

Manager Wade gave an update on the Harbor Master House, stating we received quotes on the mold remediation, ranging from \$30,000 to \$8,000, depending on the styles.

**FINANCE DIRECTOR COMMUNICATIONS**

Mark Gerspacher – See Attachment “B”

**GRANTS COORDINATOR COMMUNICATIONS**

Bree Robinson – See Attachment “C”

**ATTORNEY COMMUNICATIONS**

Dan Hartman – See Attachment “D”

Attorney Dan Hartman requested input on the Commission’s opinion of appointing a Code Enforcement Committee, stating that the LDC calls for a seven member committee.

Attorney Hartman stated that number can be changed, depending on the Commission’s decision. After discussion the Commission decided to continue to use staff and police department for code violation issues.

In a response to a question by Commissioner Duncan, Attorney Hartman stated that the Commission would go through the steps to start a new CRA Committee, when they are ready to move forward.

**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**

Commissioner George made a motion to approve the Consent Agenda removing April 5, 2022, Special Meeting Minutes. Commissioner Grove seconded and the motion carried 5-0.

Commissioner George made a motion to approve the April 5, 2022, Special Meeting Minutes, adding to Manager Wade stated as a “notation”, in his written presentation. Commissioner Grove seconded and the motion carried 3-2. Opposed: Mayor Ash, Commissioner Duncan

**DEPARTMENT REPORTS**

**ADJOURNMENT**

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

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Brenda Ash, Mayor

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Deborah Guillotte, City Clerk

## 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 2<sup>nd</sup> 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 9<sup>th</sup> 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

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1. **Litigation – Hall/Smith/Nall – 7<sup>th</sup> 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.