

MINUTES OF THE REGULAR MEETING FOR THE APALACHICOLA CITY COMMISSION TUESDAY,
AUGUST 2, 2022, 4:00 PM APALACHICOLA COMMUNITY CENTER.

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

Janelle C. Paul, Deputy Clerk
Dan Hartman, Attorney
Travis Wade, City Manager

CALL TO ORDER

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

AGENDA ADOPTION

Commissioner Anita Grove made a motion to adopt agenda with amendments to the New Business section, adding Item 4 - Workforce Housing and City Manager section – adding Professional Services to Leslie Street. Commissioner Adriane Elliott seconded, and the motion carried 5-0.

PUBLIC COMMENT

Public comments consisted of the following: 1) Grace Periods of Encroachments; 2) Cleanup of alley ways; 3) Keep America beautiful; 4) Fill dirt fines/fees; 5) Palmer Townhome Plat Approval, the swells flowing into the Bay Colony Property and the possibility that D. R. Horton will be the contractor; 6) Space at the Van Johnson Complex - Attorney Hartman and Manager Wade will contact Mr. Haynes to resolve; 7) Agreement issue, which Attorney Hartman will contact Mr. Tolliver to resolve; 8) Air B & B on 18th Street; 9) Fee Schedule.

PRESENTATION

THE SOUTHERN GROUP – LOBBYIST – AREA OF CRITICAL STATE CONCERN

A presentation was given by The Southern Group and discussion with the Commission was held.

Commissioner Grove made a motion to hire Southern Group to help us with legislative needs. Commissioner Elliott seconded with discussion. Motion carried 4-1. Opposed: Commissioner Despina George.

UNFINISHED BUSINESS
1. HOLIDAY SCHEDULE

Commissioner Grove made a motion to remove Good Friday from the Holiday Schedule to be replaced by Juneteenth Holiday. Commissioner George seconded the motion with discussion. Motion died 0-5.

Commissioner Grove made a motion to remove Christmas Eve from the Holiday Schedule to be replaced by Juneteenth Holiday. Motion died for lack of second.

NEW BUSINESS
1. PALMER POINT TOWNHOMES PRELIMINARY PLAT APPROVAL

Attorney Hartman recommended approval of the preliminary plat.

Commissioner Donna Duncan made motion to approve preliminary plat. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS
2. BENCH DONATION – RIVERFRONT PARK – DONNA INGLE

Commissioner Grove made a motion to approve the purchase of a bench and plaque by Lynn Wilder. Commissioner George seconded and motion carried 5-0.

NEW BUSINESS
3. CHESNUT CEMETERY MAINTENANCE – CATY GREENE

After discussion, Mayor Ash asked to move this item to the Budget workshop on August 16th with the other ARPA request. Attorney Hartman will meet with staff and report back at next meeting.

NEW BUSINESS
4. WORKFORCE HOUSING

Commissioner Grove made a motion to appoint Commissioner Donna Duncan and Commissioner Adriane Elliott as City representatives to the County Housing Task Force. Commissioner Elliott seconded and the motion carried 5-0.

MAYOR AND COMMISSIONER COMMENTS

Commission comments consisted of the following: 1) Library Renovations; 2) Battery Park Kiosk – Commissioner Grove will volunteer to take the lead here; 3) Building Height; 4) Stormwater Maintenance; 5) Mayor Ash thanked Manager Travis Wade for reaching out to Fonda Davis with the County to pick up debris; 6) Commissioner George suggested that Committee’s report to City Commission quarterly, and she volunteered to meet with committee chairman to facilitate; 7) Update on water system; 8) Shade for the Splashpad was purchased and will be installed.

CITY MANAGER COMMUNICATIONS

Travis Wade

Congratulations to William Cox for passing his WWTP Operator “B” license test.

The work on the drinking water system has shown improvement in our TTHM results. June and July totals have dropped to our lowest results ever. We are happy to report that the city is complying.

Leslie Street project discussion.

Commissioner Grove made motion to approve \$16,467.50 for engineering expenditures to be reimbursed by the County for the purpose of repairs to Leslie Street. Commissioner Elliott seconded and motion carried 5-0.

GRANTS COORDINATOR COMMUNICATIONS

Bree Robinson - See Attachment “A”

FINANCE DIRECTOR COMMUNICATIONS

Mark Gerspacher – See Attachment “B”

ATTORNEY COMMUNICATIONS

Dan Hartman – See Attachment “C”

Attorney Hartman led discussion on encroachments. Mayor Ash said we need to move forward and create policy for staff to have the tools to succeed. Mayor Ash asked Attorney Hartman to meet with staff and draft a policy for next meeting.

CONSENT AGENDA

A. Meeting Minutes Adoption - May 31, 2022, Special Meeting, July 12, 2022, Special Meeting and July 12, 2022, Regular Meeting Minutes.

B. P & Z Minutes - July 11, 2022

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

DEPARTMENT REPORTS

ADJOURNMENT

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

Brenda Ash, Mayor

Janelle C. Paul, Deputy Clerk

Finance Director – Mark Gerspacher

City Commission Meeting –August 2, 2022 – 4:00pm

1. *Budget Meetings for 2022-2023*

Travis Wade and I met with each department head the week of 7/11 – 7/22 to hear their needs for the coming years budget. The requests were summarized as part of the budget workshop on 7/26.

2. *Annual Revenue Reports for FCT Project Sites*

Revenue reports for our FCT Project Sites were submitted. The projects are the Apalachicola Riverwalk, the Apalachicola Holy Family School, Waste Treatment and Municipal Park and the Apalachicola Boat Works

3. *Continuing Services RFQ*

The RFQ for continuing services went out and we have received and answered several questions from potential vendors. Responses will be received and opened on Friday, August 5.

4. *FY2022-2023 Budget*

The first draft of the 2022 – 2023 budget will be distributed this week to commissioners to review before the next budget workshop

Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, August 2nd, 2022

Applications in Works:

- **DEO Rural Infrastructure Fund** – Max \$300k ask with no match. Working on pricing/scope for complete basin analysis of whole city + cameraing of lines + identifying problem lots to remedy stormwater issues. (Following up on partial Basin Analysis completed in 2019.) Looking into a phased approach for moving forward.

1. 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. **DENIED & REAPPLIED 7/7** in the amount of \$36,795.00, as cost of materials went up. - Waiting for updates, have been advised that most projects are funded by Firehouse Subs after 3 complete applications. Will keep submitting.

2. Water Treatment Plant Improvements - Rural Infrastructure Fund – DEO FY 21/22

FUNDED! Application submitted electronically on 5/26/22 to the RIF program through DEO for fiscal year 21/22. City applied for \$150,000 for engineering services that are going to be needed as we navigate the Potable Water Consent Order and will set us up to apply for more funding down the line. City was FUNDED for \$147k.

Funded:

- Evaluation of Existing Conditions
- Enhanced Sampling Plan, Hydraulic Modeling, and Treatability Studies
- Alternatives Analysis
- Facilities Plan Report

Continuing Services Agreements with Engineers are in the works and advertised. Will award project after this process.

3. Library Improvements – Signs/Little Libraries - Florida League of Mayors 2022 City Catalyst Grants

Application submitted electronically 6/2/22 on behalf of the Apalachicola Margaret Key Public library. Requested the max ask of \$2,500 to purchase two lockable display billboards and two “Free Little Library” setups. The lockable displays are to be placed on the façade of the library. These displays will be used to post public events, library programs, etc. The little library setups will be used for the library to join the Free Little

Library program, as the goal is to place these the greenspaces/parks around Apalachicola. – **FUNDED!**

4. City of Apalachicola Old City Hall Structural Repair – Special Categories DOS

Application submitted electronically 5/31/22 for structural repairs for the Old City Hall building. (Middlebrook Building) Amount requested was \$395,000 with an in-kind match of \$98,750 for a total project budget of \$493,750. The goal of this application is to secure funding to complete the Old City Hall Renovation and support the ongoing repairs funded through the NPS grant. The purpose is to stabilize the building, by proposing to install an interior rigid steel frame to provide the structural integrity of the building exterior masonry and support the historic second floor wood frame. – **Waiting for updates.**

5. 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. - **AWARDED!!!** Waiting for agreement.

6. 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.

- Attended a panel on 6/28 to go over any final questions with the FWC panelist. We are in the running to be funded, but there are several other large projects also in the running.

Past year awards seem to award one large project and then a number of smaller projects.
Waiting for updates!

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

FUNDED! Working on grant work plan and budgeting for agreement to be drafted. Awarded \$1million with a \$250k match from the City for a new construction museum next to Holy Family.

- Due to rising construction costs, the project scope has been changed from a 2-level, 2,500SQF footprint building to a 1-level 2,000SQF building with elevated ceilings. Priorities include:
 - High Security
 - Storage Room
 - Office Space
 - Breezeway to Holy Family
 - Greeting Station/Small Gift Shop Area
 - ADA Accessible Bathrooms
 - Controlled Lighting for Exhibits
 - Building with Room for Add-On at later date

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

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 – RFP's for contract work being drafted and will be issued soon.

HCA –RFP's for contract work being drafted and will be issued soon.

11. Grants Update -

- a. **FDOT City Landscaping** – City was reimbursed for \$193k landscaping costs after FDOT inspection and reimbursement package sent in. Landscaping and maintenance have been “completed.”
 - i. There were issues with the grass drying out during the maintenance period, Gaskin to extend maintenance and re-plant as necessary per our contract and their warranty. Re-plant happening soon – Dan is in contact.
- 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. ALL policies needed have been completed!
- c. **CDBG-DR Hometown Revitalization** –Riverfront Revitalization and Hill Community Revitalization projects: City in environmental exemption process on administrative and engineering services. ALL policies needed have been completed! RFP’s for engineering work being drafted.
 - i. Grant agreement for Riverfront project executed! 4/13/2022
 - ii. Grant agreement for Hill projects executed! 5/3/22
- d. **HMGP Emergency Generators** – Received and signed Release of Funds forms for CDBG-DR DEO match – HMGP has funded the generators and agreement signed. HMGP admin is being procured currently! Advertised in The Democrat per MSA paper standards from DEO.
- e. **HMGP Market Street Vacuum Station** - Received and signed Release of Funds forms for CDBG-DR match – HMGP has funded the generators and agreement signed. HMGP admin is being procured currently! Advertised in The Democrat per MSA paper standards from DEO.
- f. **Michael FEMA Projects Updates**
 - i. **Bodiford** - BODIFORD PLANS COMPLETE! Waiting for scope verification with FEMA to bid out.
 - ii. **Scipio** – Designs from Dewberry draft complete – waiting for full. Waiting for scope verification from FEMA to bid out.
 - 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 – extension 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 back room flooring of City Hall complete to place items in.

- v. **Lafayette Park** – TDC funds going towards pavilion at end of boardwalk. Awaiting donated electrical services project to be complete – IN PROGRESS and looking great!
- vi. **Hurricane Sally** – Almost all Sally projects are completed and finalized. Uploading receipts to finish.
- g. **DEP – WWTP Tank Cleaning** –WORK COMPLETED! Filed for reimbursement of funds, \$116k, on 7/24/22.
- h. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail. FUNDED!** Docs for agreement in progress.

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.

- Scope of works for both efforts are in progress! Cost breakdown below:
- DEP requested several documents to send out agreements – documents supplied.
- Have been notified that Continuing Services Agreements can be use for both efforts if correct for CFR Compliance – Waiting for bids to close for Engineering. **(Due 8/5)**

COST: The Total Estimated Cost of this Project is \$18,927,391. The anticipated funding breakdown is for **FDEP** to fund approximately **\$5,551,875**, and **FDEP-SRF** to fund **\$13,375,516**.

Vulnerability Study-

Grant #1 Vulnerability Study – FUNDED! Documents requested for agreement to be drafted – in progress.

13. USDA Water Street Permeable Parking Sidewalk and Lighting –

City Commission made a motion, after an award recommendation, to award the project to CWR Contracting, Inc. They have met with Dewberry engineers on site to begin working soon! Final documents mailed to USDA office on 7/26/22 for closeout before construction can begin. **Awaiting USDA staff review.**

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:

- » Funds must be obligated by December 31, 2024
- » All expenditures must be complete by December 31, 2026

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.

All information included in this report is accurate as of July 26, 2022 at 3:00pm. After that time, information is subject to change. If you have any questions, please send them to brobinson@cityofapalachicola.com!

ATTORNEY REPORT

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

1. Noise Ordinance

Please review the Noise Ordinance as revised and provide any additional comments or revisions, we can finalize for first reading at the September 2022 City Commission meeting.

2. Procurement Policy - Supplement

Please review the Supplement to the CDBG Procurement Policy (2022) previously adopted by the City. The purpose of the Supplement is to address non-CDBG type procurements of goods and services. Also to clearly delineate the spending authorization of City Manager and incorporate the Statutory Category II CCNA threshold amount into the City's Procurement Policy.

3. Grace Period on ROW Encroachment Agreements (Fences and Auxiliary Structures)

During a discussion following the PZ meeting regarding the need to deal with Fence and Auxiliary building encroachments in City Alleys (ROWs) it was suggested that the City adopt a uniform policy on the same. The suggestion for consideration by the City was to formally announce a Policy to deal with such ROW encroachments in a uniform manner. Specifically to publicly announce a grace period for property owners in violation to come into compliance. The example discussed was a 2 or 3 year grace period during which persons in violation would either move their encroaching structure out of the ROW or apply for and receive an encroachment agreement from the City Commissions.

The benefits of this approach include a certain percentage of owners coming into compliance without the need for City intervention and it would mitigate against any allegations of selective enforcement.

4.