

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD  
TUESDAY, JULY 12, 2022, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

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

Travis Wade  
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 Anita Grove made a motion to adopt the agenda. Commissioner Despina George seconded, and the motion carried 4-0.

**PUBLIC COMMENT**

Public comments consisted of the following: 1) meeting time; 2) Prado - ditch maintenance and overflow and new development site holding pond and run-off; 3) short term rental zoning issues – city Attorney will research.

**EVERGREEN SALARY STUDY PRESENTATION OF FINDINGS**

Rob Williamson, Project Manager, Evergreen Solutions, LLC reviewed the city presentation on the following: study goals, project phases, employee meetings; current system finds; market results; recommendations and results. Mayor Ash requests that the Finance Director calculate these numbers to be discussed at next month's meeting.

**UNFINISHED BUSINESS**

**1. Lobbyist – Area of Critical State Concern**

Mayor Ash after research, recommends the proposal by The Southern Group be approved as the City's Lobbyist for the Area of Critical State Concern at a cost of \$5000 per month.

Commissioner George suggests that the city put this out for bid. Mayor Ash will request that they do a presentation at the August meeting.

Commissioner Grove made a motion to table this item until the August meeting. Commissioner George seconded and the motion carried 4-0.

**New Business**

**1. Revolving Loan Fund for Mount Zion**

Commissioner Grove gave a review that Mount Zion Church was awarded a grant to have roof repair and is requesting the Commission approve a Revolving Loan Application in the amount of \$4000 to cover loan interest charges, to secure this project.

Commissioner Grove made a motion to approve this funding request in the amount of \$4000 based on the Revolving Loan Committee's approval. Commissioner George seconded and the motion carried 4-0.

**NEW BUSINESS**

**2. North Florida African Corridor/HCA**

Myrtis Wynn requests the approval for the North Florida African Corridor Project to operate and manage the HCA building as a museum until the African American Museum is constructed and completed. Willie Tolliver reviewed some of the African American History of Apalachicola.

The overall census of the Commission was agreeable to this agreement, and requests staff will move forward with its completion.

**NEW BUSINESS**

**3. New Policies Approval**

Manager Wade requested that the below policies that have been approved by Department of Economic Opportunity for the CDBG grant applications, be approved by the Commission. Bree Robinson stated that these policies are CDBG-DR specific, and only effect the sphere of the grants that have been awarded to the City and need approved by the Commission to move forward.

- **Anti-Fraud Waste and Abuse Policy**
- **Financial Management Procedures Policy**
- **Quality Control Quality Assurance Procedures Policy**

Commissioner Grove made a motion to approve the above policies. Commissioner George seconded and the motion carried 4-0.

**MAYOR AND COMMISSIONER COMMENTS**

Commission comments consisted of the following: 1) the African American Kenzie Collection is at FSU, PC and closes out on July 28th; 2) Apalachicola Bay Systems Initiative update; 3) Franklin County will be having a housing summit meeting on July 19<sup>th</sup> at 5pm at the Courthouse; 4) Waste One pickup going great; 5) the County will host an ethics class in August – date to be determined; 6) strategic planning session with Keith Bowers; 7) yard debris pickup dates – in the Waste One Agreement; and 8) elections and ordinance workshop.

**CITY MANAGER COMMUNICATIONS**

Travis Wade – See Attachment “A”

Manager Wade stated that the Lafayette Park Pier construction has started, and the lighting change over to LED will begin on July 25<sup>th</sup>.

Paid Holidays discussion need to be placed on August Agenda.

American Rescue Plan Act money discussion and a request this item be placed on the budget agenda.

**GRANTS COORDINATOR COMMUNICATIONS**

Bree Robinson – See Attachment “B”

**FINANCE DIRECTOR COMMUNICATIONS**

Mark Gerspacher – See Attachment “C”

**Approve Budget Calendar** – Finance Director, Mark Gerspacher requested approval of the Budget Calendar.

Commissioner George made a motion to approve the budget calendar. Commissioner Grove seconded and the motion carried 4-0.

Mr. Gerspacher gave an update on the Banyan software, stating this program will be in effect by October 2022.

**ATTORNEY COMMUNICATIONS**

Dan Hartman – See Attachment “D”

Attorney Hartman requests the direction of the Commission, of possibly amending the definition of impervious surface coverage in the current Ordinance, and changing decks to pervious, depending on how it is built. The Commission will research the existing Ordinance before deciding.

**CONSENT AGENDA**

- A. Meeting Minutes Adoption** – May 31, 2022, Workshop, June 7, 2022, Regular Meeting, June 21, 2022, Special Meeting and June 29, 2022, Special Meeting Minutes
- B. P&Z Minutes** – June 13, 2022

Commissioner Grove made a motion to approve the consent agenda. Commissioner George seconded and the motion carried 4-0.

**DEPARTMENT REPORTS**

<b>ADJOURNMENT</b>
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Commissioner George made a motion to adjourn the meeting. Commissioner Grove seconded and the motion carried 4-0.

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Brenda Ash, Mayor

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Deborah Guillotte, City Clerk

July 2022 City Manager Updates

**Website:** I met with Tana Kendrick of 2K Web Group and was informed that they are working for finalize content and create department pages that will include links to necessary documents as well as a link to pay water bills online. I will need to find someone to review the information that was migrated from the old site to the new one and identify outdated or incorrect information that can be deleted.

**Lafayette Park Pier Pavilion:** Hydra Engineering began the repairs on the pavilion Friday July 8. They are also scheduled to repair some areas of the pier that were not properly repaired by Hydra's subcontractor during the most recent project to repair Hurricane Michael damage.

**Lady Louise Shrimp Boat:** Chief Varnes and myself have been working with FWC to have two derelict sunken vessels removed from the Mill Pond. FWC advised me that they will be removing the Lady Louise in the next few weeks, as well as the sunken vessel in the slip beside it.

**Paid Holiday List:** Per a request from Commissioner Grove, attached is the list of paid City holidays.

**ARPA List:** I was asked to provide the list of ARPA priorities that I created after a recent regular meeting. That list is attached to this list of updates.

# Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, July 12<sup>th</sup>, 2022

**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. – Waiting for updates.

**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. 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. – **Not Funded.**

**7. 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!

**8. 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.

**9. 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. **NOT FUNDED.**

**10. 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. **NOT FUNDED.**

**11. 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.

**12. Leslie Street - FEMA**

**\*WAITING FOR UPDATE ON APPEAL\***

Project still in review; no timeline. Seeking out other grant opportunities.

**13. 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** – Assessment reports were approved by the commission along with scope updates. RFP's for contract work being drafted and will be issued soon.

**HCA** – Assessment reports were approved by the commission along with scope updates. RFP's for contract work being drafted and will be issued soon.

**14. 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.
  - i. There has been 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.
- 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. 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/Ready for Approval
    - 2. Financial Management Policies – Drafted/Ready for Approval
    - 3. Quality Assurance and Quality Control Policies – Drafted/Ready for Approval
- c. **CDBG-DR Hometown Revitalization** –Riverfront Revitalization and Hill Community Revitalization projects: City in environmental exemption process on administrative and engineering services. Engineering for CDBG projects to be covered under engineering continuing services agreements. Same policies as above are needed for this!
  - 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 match – still in contact with DEO weekly waiting for status updates. Waiting for HMGP agreement.
- e. **HMGP Market Street Vacuum Station** Documents received and executed!! 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 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 – have been told that project will be completed before October!
  - vi. **Hurricane Sally** – Almost all Sally projects are completed and finalized. Uploading receipts to finish these.
- 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. **WORK COMPLETED!** Filing for reimbursement of funds.
- h. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail.** FUNDED! Docs for agreement in progress.

**15. 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.

**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.

**16. 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.

**17. 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 July 11, 2022 at 3:00pm. After that time, information is subject to change. If you have any questions, please send them to [brobins@cityofapalachicola.com](mailto:brobins@cityofapalachicola.com).

## Finance Director – Mark Gerspacher

### City Commission Meeting –July 12, 2022 – 4:00pm

**1. *Budget Calendar for 2022-2023***

See attached.

**2. *CRA Funds Returned***

The CRA funds that were approved by the commission to be sent back to Franklin County were returned.

**3. *Continuing Services RFQ***

The RFQ for continuing services engineering will go out this week.

## **CITY OF APALACHICOLA 2022 – 2023 BUDGET CALENDAR**

July 1 – July 15	Actual revenues and expenditures of preceding year posted to budget worksheets
July 1	Finance Officer receives Certification of Taxable Value from Property Appraiser. - \$196,070,937 – Increase 5.85%
July 15	Budget instructions given to Departments.
July 8 – July 15	Actual revenues and expenditures for current year through May 31 posted to budget worksheets.
	Finance Officer estimates personnel and insurance costs for entry into departmental budget requests.
	Finance Officer completes preliminary revenue estimates.
July 25	Departments submit requests and objectives to Finance Director.
July 26	Budget Work Shop – 4:00pm Community Center
July 26	Proposed CIP submitted to City Commission and filed with the City Clerk for public inspection.
July 28	Finance Officer prepares final revenue estimates.
August 2	Finance Director presents Proposed Millage Rate, Roll-Back Rate and Schedule for Budget Hearing (at CC regular Meeting)
August 2	City Commission Tentatively Adopts Millage Rate. Certification of Taxable Value Returned to Property Appraiser with Proposed Millage Rate, Roll-Back Rate and Schedule for Budget Hearing
August 4 – September 8	Budget review by City Commission with special meetings as needed.

**CITY OF APALACHICOLA  
2022 – 2023 BUDGET CALENDAR**

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- August 24 Property Appraiser mails notices of proposed property taxes to property owners.
- August 25 Publish public notice of budget hearing.
- September 7 Public Budget Hearing - 5:01pm Community Center  
Amends Tentative Budget  
Re-calculates the proposed millage rate  
Publicly announce the percentage which the proposed millage exceeds the rolled-back rate  
Adopts a tentative millage and budget
- September 8 Budget Advertisement submitted to newspaper.
- September 15 Advertisement for Final Budget Public Hearing
- September 21 Final Budget Public Hearing – 5:01pm Community Center  
Commission Resolution Adopting Millage Rate  
Adopts final budget.
- September 23 Resolution adopting Millage Rate sent to Property Appraiser, Tax Collector and Department of Revenue
- October 15 Trim Package submitted to Department of Revenue with Certification of Compliance
- Finance Director distributes budget books to City Commission.



# **ATTORNEY REPORT**

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

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**1. City of Apalachicola v. Smith, Nall et al. 2018 CA 233**

All parties have filed Motions for Summary Judgment and respective responses. The hearing on Summary Judgment Motions will be on July 26, 2022. A mediation will be held on August 3, 2022 and trial is scheduled for September 14, 2022.

**2. P&Z – Definition of Impervious Surface Coverage – Decks**

At the June P&Z Meeting the issue of wooden decks being considered impervious for purposes of lot coverage calculations was discussed. Historically the Definition of Impervious Surface Coverage found in Art. I, Sec. 101-8 of the LDC was interpreted to include as impervious wooden decks. The surface area of such decks were included with roofs, concrete/asphalt driveways/walkways etc. when calculating the total permissible impervious surface coverage on a particular parcel. This has been the policy of the City based on the current definition up to this point.

The issue raised at P&Z was that wooden (or equivalent) decks over pervious surfaces constructed such that water drains between the boards do not act as impervious surfaces. As a result the P&Z Board indicated a preference to change the current policy of treating certain decks as impervious. If the City was inclined to change the current interpretation/policy regarding decks to allow them to be treated in whole or part as pervious an amendment to the Ordinance Ord. No. 2018-02 would be required. I have spoken with the City Planner and we believe along with PZ that an amendment to the definition makes sense.